

Conway Township Planning Commission Meeting Agenda

December 13, 2021

1. Call to order and pledge of allegiance
2. Roll Call and sign-in: (Londa Horton, George Pushies, Kelly Ralko, Chuck Skwirsk, Meghan Swain-Kuch, Keith Wasilenski, Dave Whitt, Todd Thomas, Abby Cooper)
3. Approve, December 13, 2021 Meeting Agenda
4. Approve minutes of November 8, 2021 Meeting
5. Communications
6. Call to Public
7. Public Hearing – Zoning Ordinance Amendments
 - Event Structures. Allow for special event/wedding structures and venues as a special land use with the addition of new Sections 13.10(W), 7.07(A)(22), 8.03(A)(13), 10.03(A)(11), and 11.03(A)(10).
 - Accessory Structures. Amend Sections 6.06 and Article 2 definition Structure regarding regulations applied to accessory structures and buildings.
 - Parking Space Requirements for Event Structures. Amend Section 15.04 to provide parking regulations for special event/wedding structures and venues.
 - Medical Marijuana Caregivers. Amend Section 6.25 to update outside agency references and to update consumption and delivery regulation to be consistent with current law.
 - Land Division. Amend Sections 7.05, 8.05, and 10.05 to remove reference to the 4/1.
 - Solar Energy Collectors. Amend Section 6.26(F)(14) to reduce set back from 1,000 ft. to 200 ft.
8. Old Business
 - a. Review Accessory Dwelling Unit Proposed Language from Carlisle Wortman Associates
 - b. Discussion on Large Event Zoning
 1. Discuss what Kelly and Meghan have been able to find from surrounding townships
 - c. Discussion on Large/Commercial Solar Farm
 1. Review Handy Township Wind Farm Ordinance Adopted in November
 2. Review Ranger Power Proposed Changes to Solar Ordinance
9. New Business
 - a. Discussion on Current Township Planner
 1. Expectations and Requirements of New Planner
 2. Review Livingston County Township Planners
 - b. Review Master Plan for pages to update/modify (text and pictures)
 - a. Set Calendar of deadlines
 - i. Mailers to residents/Website Posts/Add in Fowlerville News & Views for picture contest
 - ii. Other items
10. Zoning Administrator Report – Todd Thomas
11. Update from the Board – George Pushies
12. Last Call to Public
13. General Discussion
14. Adjournment

**CONWAY TOWNSHIP PLANNING COMMISSION BYLAWS OF
September 8, 2008**

Adopted, effective immediately, September 8, 2008

(Revised August 8, 2014)

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 by charter, who serves on the planning commission by virtue of holding another office, for the term of that other office.
 - C. 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:
 1. Conway Township Board member, usually the Clerk.
 - 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 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 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 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. A written report of the site inspection shall be presented to the Commission at a public meeting or hearing on the site. An oral 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. Not voting on the same issue twice.
 - a. 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:
 - b. 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.

- c. 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.
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.
 - 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.
 - a. Each member, upon appointment, shall sign a code of conduct.
7. Officers
 - 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 Commission's 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:
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 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. 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. Conclusions 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 standards. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
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.
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 Newly Revised, (10th Edition, Perseus Publishing, New York, 2000 ISBN 0-7382-037-6) 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.
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.
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). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, 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 would be proposed on the agenda as a Consent Item. Consensus business can be proposed for any item on the agenda, but shall never include any of the following. Review of plans and zoning ordinances, or any part or amendment thereto. Action on special use permits, planned unit developments, site plans, and similar administrative actions. Election of officers. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.

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:
 - 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 liaison 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.
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.
13. Placement of Items on the Agenda.
 - a. The Conway Township Clerk shall be the office of record for The Commission.
 - b. The Conway Township Clerk 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 Clerk 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.

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.

- 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

- a. 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.

15. 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.

16. 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 Trustee's. 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 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 Trustee's. 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.

17. 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 Trustee's for same.
18. 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 by a two-thirds (2/3) vote of the members present.

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 incompatible office, ex parte contact, not voting on the same issue twice by virtue of serving on two different bodies, 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.

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 _____

Climate change defined: changes in the normal levels of heat, cold, rain, and wind. Using fossil fuels like oil, natural gas or coal is dirty and disturbs the balance of greenhouse gases (mainly carbon dioxide, methane, nitrous oxide) in the earth's atmosphere. When we add more greenhouse gases to our atmosphere, we trap more heat and the planet gets warmer as a result. Carbon dioxide is the biggest cause of human-made climate change.

We now add over 35 billion tons of CO₂ to the atmosphere every year, mostly by burning carbon-rich fuel like coal and oil that had previously been trapped in the ground. Second, it lasts a long time in the atmosphere. The CO₂ we emit today will stay above us reflecting heat for hundreds of years. This means that, even if we stop all new CO₂ emissions tomorrow, it will take many lifetimes before the warming effect of our past emissions fades away.

Chandler, David. "Explained: Greenhouse Gases," *MIT News*, 30 January 2017, [Greenhouse Gases | MIT Climate Portal](#)

Climate change causes major disasters like floods, hurricanes, heatwaves, and wildfires. How do we combat these threats?

- Build structures that can withstand high winds and tremors
- Clear roads of debris to return public services and business activity
- Ban construction in most hazard-prone areas through zoning laws and building codes
- Communicate to our residents to educate them on climate change initiatives, programs, grants to finance upgrades to their homes. Get our representatives involved.
- Make fertilizer more sustainable by cutting down on its use through incentives to farmers. Use slow-release fertilizers, change when fertilizer is applied, use sensors to monitor fertilizer absorption.
- Promote no-till farming. Tilling breaks up the soil and controls weeds but negatively releases a lot of stored carbon. Promote the planting of perennial crops (fruit trees, alfalfa, grapes, perennial wheat, asparagus), which don't die off every year, have deep roots and store more carbon. After the main harvest promote the growing of cover crops like clover, beans, and peas to help soils take in carbon in the soil year-round.
- Protect our wetlands that is a natural storm buffer
- Promote reforestation. Trees release moisture that cools the earth and stores carbon.
- Cut down on the use of concrete which produces greenhouse gases – carbon dioxide. Use low-carbon concrete or use 'carbon capture' when making cement so that rather than pumping the captured carbon underground, mineralization chemically transforms the carbon and permanently stores it within the concrete.
- Allow for the building of solar farms near mines and manufacturing plants to lower greenhouse gas emissions when using chemicals to extract metals from minerals.
- Offer tax incentives for renewable energy

The Conway township Master Plan supports the use of renewable energy.

- Industrial goals: Update Zoning Ordinance to allow for renewable energy generation in designated areas of the community.
- Environmental goals: Develop an ordinance for renewable energy generation such as solar panels or wind farms.
- Municipal services goals: Permit alternative sources of energy that benefit township residents and do not negatively impact the township's unique character and natural resources.

The Master Plan is the township's vision for the future, laying the groundwork for growth and development.

Page 50 of the 2018 Conway Township Master Plan recognizes the effect climate change already has had on our township with regard to lessening crop yields and pest and disease outbreaks in the agricultural sector. It suggests that our mission now is to engage the community and make policy changes to our infrastructure, habitat protection, landscape design, and land use to increase resiliency.

The question is, how do we build resiliency to climate change? Some ways to mitigate the effects of climate change include:

- Identify hazard districts.
- Consider high climate risk areas such as those in lower elevation areas prone to flooding and limit development
- Incorporate climate data and scenarios into our current Master Plan. Evaluate their risk and vulnerability to climate hazards and implement adaptation, resilient actions.
 - Scenario: a period of abnormally cold weather lasting weeks
 - Scenario: a period of abnormally dry weather marked by little or no rain lasting long enough to cause water shortage for people and natural systems
 - Scenario: an episode of abnormally high rain or snow – an extreme may cause flooding
 - Scenario: a period of abnormally hot weather lasting days to weeks
 - Scenario: an invasion of non-native organisms into the ecosystem causes harm to human, animal, and plant health
 - Scenario: a sudden, rapid growth of algae in waterways which may be toxic or harmful to humans and ecosystems caused by heat
- Strategies to consider include developing a green infrastructure, natural infrastructure/habitat restoration, home elevation and relocation, property buyouts

Invest in renewable green energy as a strategy to mitigate the impact of climate change.

Rather than invest in fossil fuel energy sources of natural gas, coal, oil, invest in reducing our carbon footprint through the use of sustainable energy. Fossil fuels are dirty releasing harmful emissions into our air causing pollution. Renewal energy is clean and sustainable into the future.

Climate Change in Conway Township and Resiliency Efforts by the Planning Commission

Chart 1: Types of Renewable Energy

Renewal Energy	Available in Conway Township	Definition	Pros	Cons
Solar power	Yes	Energy sent by the sun.	It's free, clean, green energy for another 5 billion years.	The sun is only up during the day and not always present.
Wind power	Yes	Energy sent by the sun heating up different layers of air in the atmosphere in an uneven way.	It's free, clean, green energy for another 5 billion years.	The sun is only up during the day and wind not always present and it differs in speed.
Wood	Yes	It is a renewable source of power because trees grow back.	Produces oxygen and stores carbon dioxide.	It takes decades to grow back.
Hydropower	No	The power of water to produce electricity like using the tidal waves into clean energy.		Need to live near a large body of water.
Geothermal power	No	Heat produced by the earth's core.		There are only certain areas of the planet where this is available.

What can we do as a Planning Commission?

- Reduce the price of solar – the soft costs account for 2/3rds of the total cost of installing a solar energy system. They include: permitting process, planning, and zoning considerations, financing, and installation labor. Streamline the processes, save staff time and money, reduce the time and cost of installation to quickly deploy renewable energy. Example: implement a three-day turnaround for permitting applications.
- Be adaptable in our Zoning Ordinances. This is an evolving technology.
- Convert the Conway Township Hall to solar powered energy.
- Develop Conway Township as a solar-friendly community by encouraging solar development and expanding local solar knowledge.
- Research benefits of joining SolSmart.org: “With over 400 designees nationwide, SolSmart helps local governments and regional organizations bring new business to their community, promote economic growth, and foster the creation of new jobs. As a program funded by the U.S. Department of Energy Solar Energy Technologies Office, our goal is to make it faster, easier, and more affordable to go solar. There national team of experts provides no-cost technical assistance to help communities become "open for solar business." In recognition of their achievements, communities receive designations of SolSmart Gold, Silver, and Bronze status.”

The time is ripe right now to implement green energy. DTE will be transforming SE Michigan’s century-old electric infrastructure into a 21st century smart grid at a cost of \$7 billion, a 5-year investment creating a more resilient and reliable electric grid. They will create new substations with high levels of automation and a tech-driven infrastructure. Conway Township can be part of this change effort.



8015 Fowlerville Road - PO Box 1157 - Fowlerville, Michigan 48836

P: 517-223-0358 F: 517-223-053

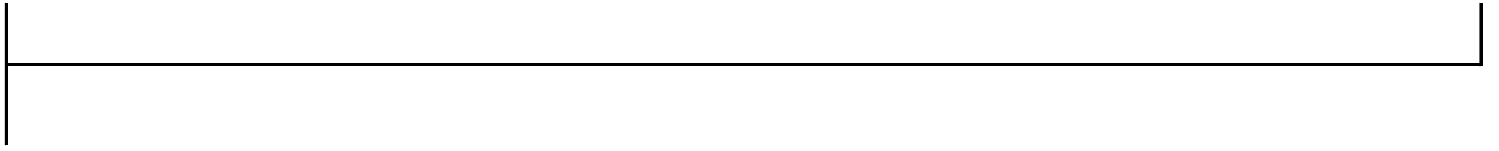
From: Todd Thomas - Conway Township Zoning Administrator

To: Conway Township Board of Trustees

Subject: Zoning Administrator Report

Period: **November** 2021

Name	Location	Permit#	ID #	Details
Parsons	11137 Spencer	037-021	01-300-028	Building mounted solar
Copeman	Sober	038-021	04-400-014	pole barn



Conway Township Planning Commission Meeting Minutes

November 8, 2021

Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Six attendees + Drew Vielbeig • Township Board Members: Anthony St. Charles • Planning Commission Members present: Londa Horton, Meghan Swain-Kuch, Kelly Ralko, Chuck Skwirsk, Keith Wasilenski, Dave Whitt and George Pushies (ex officio member) • Planning Commission Members absent – 0 • Zoning Administrator: Todd Thomas, absent • Livingston County Planning Commissioner: Dennis Bowdoin, present • Township Attorney: Abby Cooper, not in attendance • Township Planner, John Enos, not in attendance 	
Call to Order and Pledge to Flag	<p>President Keith Wasilenski called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance. He called roll call.</p> <p>The next meeting is December 13, 2021, at 7pm.</p>	
Minutes from last meeting	<p>Meghan Swain-Kuch moved to approve the November 8, 2021, meeting agenda. Second by Dave Whitt. All in the favor. Motion passed.</p> <p>Dave Whitt made a motion to accept the October 11, 2021 meeting minutes. Second by George Pushies. All in favor. Motion passed.</p>	
Communications	<ul style="list-style-type: none"> • “There is an Infrastructure bill now. Are we to lobby for those monies?” asked Meghan Swain-Kuch. Do we make a recommendation as a Commission? Is there someone available at the county to lobby for us? Send a letter to Doug Helzerman commented Dennis Bowdoin. 	Keith to draft a request for internet infrastructure monies for our area to Doug Helzerman
Call to the Public	-0-	

Conway Township Planning Commission Meeting Minutes

November 8, 2021

Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
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<p>New Business</p>	<ul style="list-style-type: none"> • A new Public Hearing must be held. It must be published in newspaper by Clerk. • Solar Farm ordinance – <i>Planning and Zoning for Solar Energy Systems</i> – MSU, sent to Commissioners by Dennis Bowdoin with sample ordinances. Keith Wasilenski handed out solar ordinances from Sheridan Township and Londa Horton handed out one from Cohoctah Township. <ul style="list-style-type: none"> • Londa Horton commented that screening has to be considered when the solar farm reverts back to previous use. If ag use then no trees for screening. • According to PA 116, it has to revert back to as it started, tillable. Use shrubs not trees or slats in a fence such as in losco, commented Dennis Bowdoin. • “What safety measures are undertaken,” asked Keith Wasilenski. • Drew Vielbeig, representing Ranger Power, gave a presentation on a project he is working on between Conway and Cohoctah Townships. <ol style="list-style-type: none"> 1. There is typically a mixture of shrubs and evergreen screening and you can waive screening where natural vegetation takes place. 2. Setbacks are substantial for safety 25-75 feet is typical. 3. Ranger Power has solar farms in Calhoun County and no concerns in their Shiawassee County project. 4. 40 yr. maximum life. 5. According to PA116 we must maintain farm drainage. We install pollinator cover crop for soil erosion, and it needs to be mowed. 6. Decommissioning is done with MDOT. 7. Londa Horton commented that we must develop a decommissioning plan to include: timeframe, who, bond or cash, must provide two cost estimates by qualified contractors. 8. Comment made that the bond or cash is typically held in the Conway Township. 9. Our standard should be 7 feet for fence, commented Drew Vielbig. 10. The project Drew is undertaking: Cohoctah and 	<p>Keith to notify Clerk to post Public Hearing in newspaper.</p>
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Conway Township Planning Commission Meeting Minutes

November 8, 2021

Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
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	<p>Conway Townships is in development process. They are proposing changing amendments. Development can take up to 5 years. 2000 total acres. Looking to connect in Cohoctah. Ranger Power is a utility scale company in the Midwest. He secures the interest from the property owners. They partner with a construction contract. Ranger is the developer. The Sheridan solar farm is in Calhoun and the M13 Assembly project is by Lennon. This is a DTE service area for Cohoctah and Conway. There is an investment tax credit. The landowner pays the taxes. Zoned Agriculture as a solar farm. They require a special use permit. The Development phase is 5 years the farmer still farms the land. The Construction phase takes one year and then the farmer is not paid. Solar panels run on N. to S. sun tracker mechanism. They are required by the FAA to submit to see if a project is a hazard to an airport. There is no glare. The substation along a roadside to connect high voltage power lines is less than 100 feet in height. Solar panels are landfill grade and can be recycled. They are nontoxic. There is some noise from inverters that have a fan. It's below 65 decibels. There is lighting only at the substation. Signage is required by NESC. Safety protocols involve the fire department which is required by the review application. There is no escape route for deer. Drew Vielbig submitted a letter to the Township Officials recommending some ZO amendments. "Where are the struggles?" asked Keith Wasilenski. Drew indicated with the permitting level – special use permit and final review plan. Most townships have a preliminary site plan review stage for a special use permit, and a final review plan.</p> <ul style="list-style-type: none"> • Master Plan review <ul style="list-style-type: none"> • June 2022 is the deadline for photos for the Master Plan. • Post the Master Plan as part of the agenda for the public to review. We must have a public hearing. • No special meetings in addition to the regular PC meetings will be devoted to this. • Renewal of PC terms for Meghan Swain-Kuch and Keith Wasilenski. Keith will notify Supervisor. Londa Horton indicated usually this is handled in December at the PC meeting itself. 	<p>Keith will notify Supervisor of renewal</p>
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Conway Township Planning Commission Meeting Minutes

November 8, 2021

Conway Township Hall – 8015 N. Fowlerville Rd., Fowlerville, MI

Agenda	Items Discussed	Actions to be Taken
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Zoning Administrator Report	-0-	
Update from the Board	George Pushies gave an update from the Township Board.	
Call to Public	Discussion regarding asphalt put down on Chase Lake Road and what was paid for.	
General Discussion	-0-	
Adjournment	George Pushies made a motion to adjourn. Second Chuck Skwirsk. All in favor. Motion passed. Adjourned at 9:24 pm.	

**EXAMPLE LANGUAGE
FOR ACCESSORY DWELLING UNITS (ADUs)
CONWAY TOWNSHIP, MI**

September 7, 2021

Section 6.27. Accessory Dwelling Unit

It is the intent of this section to allow for attached and detached Accessory Dwelling Units (ADUs) upon single family properties to allow homeowners to have a supplemental source of income with a long-term tenant as well as other nontangible benefits to older residents such as companionship or a live-in caretaker. It is recognized that ADUs provide an opportunity for affordable housing for young and old households as well as a way for family members to reside nearby with independence. It is further recognized that appropriate limitations are necessary to ensure compatible and harmonious use in Conway Township. Where contradictions with Article 2, definition(s) of dwelling, exist, the provisions hereunder shall apply, however the Michigan Residential Building Code shall remain applicable.

A. The following regulations shall apply to all attached and detached accessory dwelling units:

1. The principal dwelling or the accessory dwelling unit must be declared the main residence of the owner of record.
2. An ADU may only be established on a lot with a single-family dwelling on it.
3. The accessory dwelling unit shall not be greater than forty (40) percent of the gross floor area of the principal structure or 1,000 square feet; whichever is less.
4. The number of off-street parking spaces for the accessory dwelling unit shall be not less than one (1) and shall not block the required parking for the main residence.
5. If garage floor area is converted for an ADU, replacement off-street parking shall be provided for the principal residence.
6. No more than two (2) bedrooms may be provided in the ADU.
7. The occupancy of the accessory dwelling unit shall be more than two (2) persons.
8. Accessory dwelling units and the principal structure must be connected to sewer if available.
 - a. If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory dwelling unit shall be subject to the approval of the Livingston County Health Department. The accessory dwelling unit shall comply with all applicable housing, building, fire, and health code requirements.
9. The principal residence and the accessory dwelling unit shall share the same vehicular access to the property.
10. All zoning district bulk and setback requirements shall apply to the site.
11. Accessory dwelling units shall be reviewed to ensure compliance to the following standards:

**EXAMPLE LANGUAGE
FOR ACCESSORY DWELLING UNITS (ADUs)
CONWAY TOWNSHIP, MI**

September 7, 2021

- a. Architectural design, style and appearance of the principal residential building must be maintained. In considering this factor the existing facade, roof pitch, building materials, colors, and windows of an attached or detached accessory dwelling unit shall be consistent with the principal structure.
 - b. The proposed development does not impair the existing views, block access to light and air, or infringe on the privacy of neighbors in a substantial fashion. In considering this factor, decision makers shall balance the importance of minimizing impacts on neighboring properties and the applicant's ability to develop the property.
 12. The proposed development is compatible with existing land uses in the area, would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.
 13. Private restrictions on the use of property shall remain enforceable and take precedence over these additional district regulations. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- B. The following regulations shall apply to all detached accessory dwelling units:**
1. Detached units shall require special land use approval under Article 3.
 2. Detached accessory dwelling must be located closer to the principal residence on the subject site than the principal residence on an adjacent property.
 3. Mobile homes, shipping containers and trailers on wheels shall not be considered a detached ADU for purposes of this section.
- C. The following regulations shall apply to all attached accessory dwelling units:**
1. Access to the interior of an attached accessory dwelling unit shall be limited to a common entrance foyer or exterior entrance to be located on the side or rear of the building.
- D. Application Procedure**
1. The applicant shall submit the following information for review:
 - a. A plat plan showing the location of the proposed accessory dwelling unit, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements on the lot, location of structures on adjacent lots, abutting streets, driveways, and parking areas.

**EXAMPLE LANGUAGE
FOR ACCESSORY DWELLING UNITS (ADUs)
CONWAY TOWNSHIP, MI**

September 7, 2021

- b. Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.
 - c. Interior floor plans showing the floor area of the proposed accessory dwelling unit and the primary dwelling.
 - d. Any additional information deemed necessary by the township for review.
2. The Planning Commission shall consider the following factors when a waiver of any of the standards and regulations from Section 6.27 is requested:
 - a. The topography and/or wooded nature of the subject property and how it reduces the visibility of or screens from view the detached ADU.
 - b. A unique design is proposed preventing or reducing the ability to comply with specific standards and regulations provided in Section 6.27.
 - c. Existing principal and accessory buildings on the subject property, or nearby properties, would support a waiver.
 3. Prior to granting approval, the approving body must determine that a proposed accessory dwelling unit meets the standards in Article 3 and Section 6.27.

E. Duration and Revocation

1. The approval of an accessory dwelling unit shall expire within one (1) year after the date of such approval unless a special land use permit has been issued and construction has commenced.
2. The permit and any other form of approval for an accessory dwelling unit issued shall be subject to revocation by Conway Township upon a finding by Conway Township or its lawfully authorized designee, that there is in fact noncompliance with the conditions and requirements contained in Article 3 or Section 6.27.



To: Conway Township c/o Todd Thomas, Zoning Administrator

From: Ranger Power c/o Drew Vielbig, Development Manager

Date: November 1, 2021

Subject: Review of Conway Township Solar Ordinance

Dear Conway Township Officials,

Thank you for taking the time to discuss the Township's solar ordinance with us recently. Per our conversation, we have reviewed the language and would like to put forth some amendments for your consideration that we believe may streamline the process and account for some timing considerations that are typical of solar projects. The proposed amendments are not aimed at reducing the amount of information received by the Township, but rather endeavors to order things in a way to accurately reflect the level of detail solar projects have at each stage of development and the timing of same. We believe these changes would also decrease the Township's administrative burden. And there are some general provisions relative to amendments and expirations that we believe can be reasonably modified to square well with the reality of a project like this.

We hope you will agree that the aim of these proposed revisions is simply to capture an efficient process that takes into account the peculiarities of a solar project and makes sense for the Township, but we are happy to discuss and work collaboratively with you if you feel any of the provisions pose a detriment to the Township. We look forward to working with you to achieve the best possible outcome and provide you with the information the Township needs to evaluate it. We understand projects like this are not typical and, to the extent possible, want to furnish you with information in a sequence that is helpful.

We provide you with this letter for preliminary review purposes and would look to perhaps discuss in more detail at your December meeting after the Planning Commission is introduced to the project and would have time to review.

Thank you for your consideration.

Regards,

A handwritten signature in black ink, appearing to read "D Vielbig", written in a cursive style.

Drew Vielbig



Summary of changes:

- Fencing language updated slightly to reflect typical installation

- Allow above ground transmission lines and above ground collection lines but only if there is a commercially reasonable reason that underground is not possible (sometimes there are ROW constraints or other environmental factors that would prohibit where above ground would be necessary)

- 200 foot setback from any adjacent non-participating residence and fifty (50) feet from property lines.

- Site Plan Review divided into two parts: Preliminary Site Plan Approval and Final Site Plan Approval. Intent here is to require a certain level of detail at the Preliminary Site Plan Approval and Special Land Use stage that would be relevant to a use determination by the Planning Commission and then a Final Site Plan submitted to the Zoning Administrator to approve the finer, more technical details.

- Fire Chief approval to be a part of Final SPR

- Waiver of scale measurements so that drawings are not enormous stacks of paper which are hard to transport, read, and store.

- Detail level at Preliminary SPR is outline of site boundaries with the understanding that within that footprint there may be rearrangement and modifications due to engineering or environment factors in the Final SPR. However, since the footprint will remain the same or be reduced, the level of impact does not change.

- Site Plan Adjustments allowed so long as there is a lesser impact or the zoning administrator finds that there is no material detrimental effect from the change. The intent is to allow internal site adjustments and not make them unnecessarily subject to going all the way back through Planning Commission which is an unnecessary administrative burden for both the applicant and the Township. While returning to Planning Commission makes sense for a typical development, it really isn't necessary to apply that to a solar farm where the footprint has already been approved and the mostly-uniform internal arrangement is not impacted.



Proposed language (language changes in color), and then addition of the two-tier site plan review:

Section 6.26 Solar Energy Collectors [A-E to remain the same]

F. Ground-Mounted Solar Energy Collector Requirements.

A ground-mounted solar energy collector system shall be permitted as a special land use, subject to the approval of the Planning Commission under Article 13 and Site Plan Review Article 14 except as modified herein whereby this Section shall control, and subject to the following requirements:

1. Special land use approval is required of all ground-mounted solar energy collectors except those which are accessory to a residence and do not exceed 1000 square feet in total area. For those ground-mounted solar energy collectors which are accessory to a residence and do not exceed 1000 square feet, administrative review as set forth in subsection (C) is required.
2. Commercial solar energy systems are permitted as a special land use in the Agricultural Residential, Industrial and Commercial Districts only.
3. Ground-mounted solar energy collectors shall be located only as follows:
 - a. They may be located in the rear yard and the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission in its approval of the special land use.
 - b. They may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use but, in any event, they shall not be located in the required front yard setback.
4. Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.



5. The total area of ground-mounted solar energy collectors shall not be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land. For any parcel of land two (2) acres or less, a ground-mounted solar energy collector shall not be deemed an accessory building or structure for purposes of Section 6.06(E).
6. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the special land use application and shall be subject to the Planning Commission's approval.
7. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the special land use application. The special land use, if granted, may be subject to the Zoning Administrator's inspection to determine compliance with the manufacturer's directions.
8. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.
9. Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with all applicable construction codes and electric codes. The special land use may include terms and conditions in addition to those stated in this subsection.
10. Ground mounted solar energy collectors must be fenced in with at least a seven (7) foot tall woven wire fence with either wooden or steel posts. The Planning Commission shall have the discretion to substitute a greenbelt screening or decorative fence on any ground mounted solar energy system that is not also a solar farm to screen from adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non- invasive plant species that provide a visual screen.

11. All power transmission lines shall be located aboveground. All power collection lines from the ground mounted solar energy collectors to any building or other structure should be located underground unless the applicant provides a commercially reasonable explanation why the collection lines must be located above ground.
12. In the event that a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of one year without a waiver from the Planning Commission), the system shall be removed by the applicant or the property owner and the site shall be stabilized and re-vegetated as necessary to minimize erosion. If the abandoned system is not removed or repaired, amongst other available remedies, the Township may pursue legal action against the applicant and property owner to have the system removed and assess its cost to the tax roll of the subject parcel. The applicant and property owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure. The Township may utilize the benefit of any financial security being held under this Section to offset its cost. As a condition of approval, the applicant and property owner shall give permission to the Township to enter the parcel of land for this purpose.
13. Additional provisions applicable to a Commercial Solar Energy System shall be as follows:
 - a. Minimum setbacks shall be two hundred (200) feet from any adjacent non-participating residences and fifty (50) feet from property lines. This requirement may be waived by the Planning Commission.
 - b. The applicant shall provide the Planning Commission within operations agreement, which sets forth the operations parameters, the name and contact information of the certified operator, inspection protocol,



emergency procedures and general safety documentation. It shall be a condition of approval that the Zoning Administrator shall be notified and provided copies of any changes.

- c. The site plan shall include property lines and physical features of the site, including roads; proposed changes to the landscape, grading vegetation clearing and planting, exterior lighting, screening vegetation and structures; distance between proposed solar collector and all property lines and existing on- site buildings and structures; and the height of all structures.
- d. The site plan shall include information on where and how the solar farm will connect to the power grid. No solar farm shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the applicant to install an interconnected customer- owned generator to the grid or the applicant otherwise has a means for the wholesale or retail sales of generated electricity.
- e. Financial security guaranteeing removal of the system must be posted at the time of receiving a construction permit for the system. The security shall be in the form of a cash bond, irrevocable bank letter of credit, or performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.

G. Solar Access Requirements. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which is located so as not to be shaded between the hours



of 10:00am and 3:00pm by a hypothetical twelve (12) foot obstruction located on the lot line.

H. Solar Access Exemptions. Structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or the effective date of this ordinance, whichever is later is exempt from subsection (G). above. Said subsection described in subsection (G) above controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

I. Preliminary Site Plan Requirements for Ground-Mounted Commercial Solar Energy System Exceeding Two (2) Acres. The following information is required at the time of Preliminary Site Plan and Special Land Use submittal unless waived or modified by the Zoning Administrator:

General Information.

1. The name, address and telephone number of the applicant and owner, if different.
2. Name, address and profession of person who prepared the site plan.
3. Date of plan preparation, north arrow, and scale of plan, which shall not be less than one (1) inch equals twenty feet (1" = 20') for property under three (3) acres, and not less than one inch equals five hundred feet (1" = 500') for sites five hundred (500) acres or more.
4. The name of the development and full legal description of parcel and dimensions of all lot and property lines, including building lines, showing the relationship to abutting properties, and in which district the subject property and abutting properties are located.
5. Area map showing the relationship of the parcel to the surrounding area within one-half mile.
6. The location and description of all existing structures within five hundred feet (500') of the property boundary lines.

Physical Information.



3. Vehicular and pedestrian circulation features within and adjacent to the development site shall be shown.
4. The location of all existing and proposed landscaping, greenbelts, separation berms, fences and walls shall be shown. In cases where protective screening is required, the initial and long term effect of the screening shall be identified. If there are no adjoining residential structures, this requirement ~~will~~ ~~may~~ be waived.
5. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply system.
6. The location and pavement width and right-of-way width of all abutting roads, streets or easements.
7. The location and size of all existing ~~and proposed~~ surface water drainage features. ~~The data shall include the percent coverage of impervious surfaces and the means to control storm water flow.~~
- ~~8. The location, finished floor and grade line elevations, size and height of all existing and proposed structures.~~

Environmental Information.

1. Map of existing topography shown at two (2') foot contour intervals ~~with existing surface drainage patterns indicated.~~
2. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service in "Soil Survey of Livingston County, Michigan."
3. Location of existing drainage courses, including lakes, ponds, rivers and streams and all elevations.
4. Location of existing wetlands. ~~A Michigan Department of Environmental Quality (MDEQ) permit shall be required for activities in a regulated wetland or an inland lake or stream. A copy of any correspondence with and application to the MDEQ shall be submitted with the site plan application. The Planning Commission shall not grant final site plan approval until all necessary permits have been obtained.~~
5. Location and type of natural vegetation on-site and plans to retain these natural features.

J. Final Site Plan Requirements for Ground-Mounted Commercial Solar Energy System Exceeding Two (2) Acres. The following information is required at the time of Final



Site Plan unless waived or modified by the Zoning Administrator:

General Information.

1. The name, address and telephone number of the applicant and owner, if different.
2. Name, address and profession of person who prepared the site plan.
3. Date of plan preparation, north arrow, and scale of plan, which shall not be less than one (1) inch equals twenty feet (1" = 20') for property under three (3) acres, and not less than one inch equals five hundred feet (1" = 500') for sites five hundred (500) acres or more.
4. The name of the development and full legal description of parcel and dimensions of all lot and property lines, including building lines, showing the relationship to abutting properties, and in which district the subject property and abutting properties are located.
5. Area map showing the relationship of the parcel to the surrounding area within one-half mile.
6. The location and description of all existing structures within five hundred feet (500') of the property boundary lines.
7. Project description, including but not limited, to the type of development, the total number of structures, units, square feet, gross and useable floor area, carports or garages, employees by shift, the total area involved, the percent of area being developed, the percent of area used for structures, the percent of area left undeveloped, the amount and type of recreational and open space and related information as pertinent or otherwise required by this ordinance.

Physical Information.

1. Proposed plans for site grading, surface drainage, water supply and sewage disposal.
2. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas, parking space, unloading areas, easements and open space recreation areas.



3. Vehicular and pedestrian circulation features within and adjacent to the development site shall be shown.
4. The location of all existing and proposed landscaping, greenbelts, separation berms, fences and walls shall be shown. In cases where protective screening is required, the initial and long term effect of the screening shall be identified. If there are no adjoining residential structures, this requirement may be waived.
5. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply system.
6. The location and pavement width and right-of-way width of all abutting roads, streets or easements.
7. The location and size of all existing and proposed surface water drainage features. The data shall include the percent coverage of impervious surfaces and the means to control storm water flow.
8. The location, finished floor and grade line elevations, size and height of all existing and proposed structures.

Environmental Information.

1. Map of existing topography shown at two (2') foot contour intervals with existing surface drainage patterns indicated.
2. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service in "Soil Survey of Livingston County, Michigan."
3. Location of existing drainage courses, including lakes, ponds, rivers and streams and all elevations.
4. Location of existing wetlands. A Michigan Department of Environment, Great Lakes, and Energy (EGLE) permit shall be required for activities in a regulated wetland or an inland lake or stream. A copy of any correspondence with and application to the EGLE shall be submitted with the site plan application. The Planning Commission shall not grant final site plan approval until all necessary permits have been obtained or such permits are made a condition of the approval to be obtained prior to construction.
5. Location and type of natural vegetation on-site and plans to retain these natural features.

Other Final Site Plan Process



1. Other applicable governmental approvals shall be submitted at time of Final Site Plan Review and final site plan approval shall only be granted once, the other governmental approvals have been obtained or are assured prior to construction by being made a condition of approval.
2. Final Site Plan Review shall be accomplished through an administrative review by the Zoning Administrator.
3. Modifications of the approved Preliminary Site Plan or Final Site Plan that result in: 1) a net decrease of impact (including, but not limited to, a reduction in total acreage, reduction in number of project Solar Project Facilities, reduction in height of equipment); or 2) a reduction of impact to Natural Features, or 3) no change to the footprint of the Preliminary Site Plan boundaries, or 4) is not substantially more impactful to surrounding properties as determined by the Zoning Administrator - shall not be classified as an “Amendment”, “Minor Change” or “Major Change” “subject to Section 13.07 nor 14.08 of the Zoning Ordinance. Rather, such Site Plan adjustment shall be accomplished by filing an updated site plan with the Zoning Administrator without need for further approval.
4. Site Plan Review expiration pursuant to 14.07 and Special Land Use expiration or voiding pursuant to 13.06.A. & B. shall be inapplicable and instead the following applies: The site plan approval and special land use approval shall remain valid for a period of one year from the date of approval with the ability to automatically extend that time for another one year period after which time the Planning Commission may extend such approvals upon good cause shown by the applicant. Upon start of construction the applicant shall achieve vested rights to carry out the project and no voiding or expiration shall be applicable unless there is an intent to abandon and actual abandonment of the use.

K Special Land Use for Ground-Mounted Commercial Solar Energy System Exceeding Two (2) Acres.

Article 13 shall apply except to the extent it is conflict or not in harmony with this Section 6.26.

Stockbridge Township Outdoor Gathering Ordinance
Ordinance NO 333

AN ORDINANCE TO LICENSE, REGULATE AND CONTROL, IN THE INTEREST OF PUBLIC HEALTH, SAFETY AND WELFARE, OUTDOOR GATHERINGS OF PERSONS IN EXCESS OF 1000 IN NUMBER, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE.

Section 1: Preamble

The Board of Stockbridge Township finds and declares that the interests of the public health, safety and welfare of the citizens of Stockbridge Township require the regulation, licensing and control of assemblies of large numbers of people in excess of those normally drawing on the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this Township.

Section 2: Definitions

"Outdoor gathering," referred to in this ordinance as an "assembly," or an "outdoor assembly", means any outdoor event, attended by more than 1000 persons during the course of the event, including a festival, concert, public show, display, entertainment, amusement or exhibition, or similar gatherings, and all staff and personnel serving the event, and regardless of whether the event is advertised as open to the public or organized as a private gathering. An outdoor gathering does not mean:

a. An event conducted or sponsored by a governmental unit or agency on publicly owned land or property; or

b. An event conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c) of the Internal Revenue Code of 1954, being 26 USC 601(c), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Public Act 281 of 1967, MCL206.201, on land [1] owned by the exempt entity, and [2] zoned under the terms of the Stockbridge Township Zoning Ordinance for permitted uses which include the event conducted or sponsored, or recognized as a legal prior non-conforming use for such event under said Ordinance; or

c. Any auction held by a licensed auctioneer held for the purpose of selling the land or property of a landowner or the landowner's tenant.

"Outdoor" means outside of any permanent building designed and currently permitted for an interior assembly of persons, under all applicable federal, state and local laws, statutes and ordinances, and does not include any temporary structures, trailers, mobile home, offices or buildings, tents, canopies, or similar shelters or structures.

"Person" means any natural person, partnership, corporation, association or organization.

"Sponsor" means any person, who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

"Attendant" means any person who obtains admission to an outdoor assembly, by the payment of money, by the rendering of services in lieu of the payment of money for admission, or who attends the outdoor assembly without payment or services rendered, and includes all staff

Stockbridge Township Outdoor Gathering Ordinance
Ordinance NO 333

and personnel serving the event who are present on the site or within reasonably proximity to the site.

"Licensee" means any person to whom a license is issued pursuant to this ordinance.

Section 3: License required

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in Stockbridge Township without a license for each such assembly.

Section 4: Application for License

Applicants for a license to conduct an outdoor assembly must submit a complete application to the Township clerk at least sixty (60) days prior to the date of the proposed assembly. Each application must be accompanied by a non-refundable fee of 100 Dollars, which may be changed from time to time by resolution of the Township Board, and must include at least the following information:

a. The applicant's name, age, residence and mailing address. Where the person making the application is a partnership, limited liability company, corporation or other corporate body, the application must state the names and addresses of all general partners, officers, directors, and managing members of such body. If the applicant is an unincorporated association, all members of the unincorporated association must sign the application. Where the applicant is a partnership, corporation, limited liability company, or other corporate body, the application must be signed by all general partners in the case of a partnership, all authorized officers on behalf of a corporation, all managers of a limited liability company, or other authorized officers for any other corporate body. Where applicable, a certified copy of the partnership agreement, the articles of incorporation, the articles of organization, or other charter, together with a certified copy of the resolution of the general partners, the corporate board of directors, managers, or governing board, authorizing the execution the application, shall accompany the application.

b. A statement of the kind, character, and type of proposed assembly or event.

c. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, the prospective licensee must submit a copy of a binding written agreement from the landowner authorizing the use of the site for the proposed assembly.

d. The date or dates and hours during which the proposed assembly is to be conducted.

e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted, along with a detailed explanation of the evidence of admission that will be used and of the sequential numbering or other method which will be used for accounting of admitees.

f. A map or maps, of the overall site of the proposed assembly.

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g. A detailed explanation, including drawings and diagrams where applicable, of the prospective Licensee's plans to provide for the following:

- i. Police and fire protection,
- ii. Food and water supply and facilities,
- iii. Health and sanitation facilities,
- iv. Medical facilities and services including emergency vehicles and equipment,
- v. Vehicle access and parking facilities,
- vi. Camping and trailer facilities,
- vii. Lighting facilities,
- viii. Communications facilities,
- ix. Noise control and abatement,
- x. Facilities for clean up and waste disposal,
- xi. Insurance and bonding arrangements.

Section 5: Review

On receipt by the Township Clerk, copies of the application shall be forwarded to the appropriate public officials as the Township Board may identify. Township officials shall review and investigate matters relevant to the application and report their findings and recommendations to the Board within twenty (20) days of receipt.

Section 6: Township Board approval; conditions; insurance

If a complete application has not been received by the Clerk at least thirty (30) days prior to the next regularly scheduled meeting of the Township Board, deliberations on the application shall not commence, until the next regularly scheduled of the Board or until a special meeting called for the purpose of deliberating of the said application. Within sixty (60) days after the complete application and all materials required by this Ordinance are filed with the Township, the Township Board shall:

- a. Issue a license,
- b. Issue a license subject to specified conditions, including those necessary to meet the standards of Section 9 of this Ordinance, or

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c. Deny a license.

The Township Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, notice must be mailed to the applicant by certified mail within five (5) days after the Board's decision. In the case of denial, the reasons for the denial must be stated in the notice.

Section 7: Denial

A license may be denied if:

- a. The applicant fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed by the license, or with any other applicable provision of state or local law; or,
- b. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section 8: License; posting on premises

A license must specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license, and any other conditions imposed by the Township. A license must be posted in a conspicuous place at all entrances to the premises or place of assembly. The licensee cannot transfer the license to any other person or to any other location.

Section 9: Minimum requirements

All licenses will, at a minimum, require the following:

- a. ***Security Personnel*** - The licensee is responsible for employing such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the Ingham County Sheriff or the Michigan State Police is satisfied that such necessary and sufficient security personnel are qualified and retained by the licensee for the duration of the assembly.
- b. ***Water Supply*** - The licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions, in accordance with Ingham County Environmental Health Department rules and regulations.
- c. ***Restroom Facilities*** - The licensee shall provide sufficient toilet facilities or portable toilets, hand washing stations, and drinking water facilities. The number and type of facilities required shall be determined, on the basis of the number of prospective attendants, and all

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required permits shall be obtained in accordance with the Ingham County Environmental Health Department rules and regulations.

d. ***Shower Facilities*** - Where the licensee allows attendants to remain on the premises between the hours of 2 a.m. and 6 a.m., the licensee shall provide shower facilities, on the basis of the number of prospective attendants, and obtain all necessary permits in accordance with the Ingham County Environmental Health Department rules and regulations.

e. ***Food Service and beverage service***. - If food service or beverage service is made available on the premises, it shall be delivered only through concessions operated in accordance with the temporary food establishment provisions of the Michigan Food Law of 2000, MCL 289:1 101, *et seq.*; applicable rules and regulations, including R 285.558, *et seq.*, Temporary Food Establishments; and any other applicable provision of state or local law, and in accordance with the rules and regulations of the Ingham County Environmental Health Department. No alcoholic beverages shall be provided or permitted on the site unless a permit is obtained from the Michigan Liquor Control Commission.

f. ***Medical Facilities*** - If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities, including cooling tents or facilities, on the premises of the assembly.

g. ***Liquid Waste Disposal*** - The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by the Ingham County Environmental Health Department, of the Public Health Code, Part 127; Water Supply and Sewer Systems, MCL 333.12701, *et seq.*; the Natural Resources and Environmental Protection Act, Part 117: Septage Waste Servicers, MCL 324.11701, *et seq.*; applicable rules and regulations, and any other applicable provision of state or local law. If liquid waste retention and disposal requires septage waste servicers, they shall be licensed in accordance with the Natural Resources and Environmental Protection Act, Part 13: Permits, MCL 324.1301, *et seq.*, applicable rules and regulations, and any other applicable provision of state or local law. The licensee shall provide the Township clerk with a true copy of an executed agreement with a licensed septage waste servicer for the proper, effective, and frequent removal of liquid wastes from the premises to prevent a nuisance or threat to the public health.

h. ***Solid Waste Disposal*** - The licensee shall provide for solid waste storage on, and removal from, the premises in accordance with the Natural Resources and Environmental Protection Act, Part 115: Solid Waste Disposal, MCL 324.11501, *et seq.*, applicable rules and regulations, and any other applicable provision of state or local law, including the rules and regulations of the Ingham County Environmental Health Department. Storage shall be in approved; covered; fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township clerk with a true copy of an executed agreement with a licensed refuse collector for the proper, effective, and frequent removal of solid waste from the premises to prevent a nuisance or threat to the public health. The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises.

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Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste

containing food water shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

i. **Public Bathing Beaches** - Public bathing beaches shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas, MCL 333.12501, *et seq.*, and the Natural Resources and Environmental Protection Act, Part 801, MCL 324.80198b, applicable rules and regulations, and any other applicable provision of state or local law.

j. **Public Swimming Pools** - Public swimming pools shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCLs 333.12521-MCL 333.12534, applicable rules and regulations, and any other applicable provision of state or local law.

k. **Access and Traffic Control** - The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Prior to the issuance of a license, the Ingham County Sheriff or the Michigan State Police must approve the licensee's plan for access and traffic control.

l. **Parking** - The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four (4) attendants, and located entirely off of all public rights of way. Licensee shall provide traffic controls necessary to direct traffic onto the premises parking areas so that the public rights of way remain free. No vehicles shall be parked upon the public rights of way.

m. **Camping and Trailer Parking** - A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12501, *et seq.*, and the Michigan Department of Community Health rules regarding sanitation and safety standards for campgrounds and public health.

n. **Lighting** - The licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township ordinance enforcement officer, under the standards of the Stockbridge Township Zoning Ordinance.

o. **Insurance** - Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than ONE MILLION and no/100 (\$1,000,000.00) DOLLARS, or such other figure as shall be established from time to time by resolution of the Township Board, and property damage insurance with a limit of not less than ONE MILLION and no/100 (\$1,000,000.00) DOLLARS, or such other amount determined from time to time by resolution of the Township Board, from a company or companies approved by the Commissioner of

Stockbridge Township Outdoor Gathering Ordinance Ordinance NO 333

Insurance of the State of Michigan, which insurance shall insure liability for death or injury to person or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified

amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the clerk of Stockbridge Township in writing at least 10 days before the expiration or cancellation of said insurance.

p. **Bonding** - Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in such amount determined by the Township Board and in a form to be approved by the Township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, its agents, officers, and employees and the Board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris/trash, or other waste resultant from the assembly.

q. **Fire Protection** - The licensee shall, at its own expense, take adequate steps as determined by the SAESA to ensure fire protection.

r. **Noise Control** - Noise Control must comply with the Stockbridge Township Noise Ordinance (Ord. #7 eff. August 6, 1984)

s. **Boundaries** – Boundary lines need to be clearly marked during the event.

t. **Miscellaneous** - Prior to issuance of a license, the Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township.

Section 10: Revocation, Reinstatement, and Corrections.

The township ordinance officer is authorized to revoke or suspend a license, in whole or in part, whenever the licensee, or the licensee's employee or agent fails neglects or refuses to fully comply with any and all provisions and requirements set forth herein, with the conditions of an issued license, or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference. The licensee, the licensee's employee or agent on is on-site shall be notified of such revocation or suspension in writing. Upon such revocation or suspension, all further activities and usage set forth in the notice of revocation, shall cease upon the site, other than for the purpose of correcting the violation. Upon correction the ordinance enforcement officer may reinstate the licensee upon such conditions that are necessary to achieve compliance with the issued license. The ordinance enforcement officer may also issue a stop work order to halt all construction activities and usage pending correction of the violation. Failure to terminate or suspend the use, activity or event for which the license was revoked or suspended, other than actions for the purpose of correcting the violation, is declared to be a nuisance *per se* and a violation of this Ordinance.

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Section 11: Violations

It shall be unlawful for a licensee, his employee, or agent, to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- c. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- d. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- e. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other controlled substances as defined by state or federal law.
- g. Any of the above enumerated violations is a separate offense, is a nuisance *per se*, immediately enjoined in the circuit courts, and, is punishable by imprisonment in the county jail for not more than ninety-three (93) days, by a fine of not more than five hundred and no/100 (\$500.00) dollars, or by both such fine and imprisonment.

Section 12: Severability

If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this ordinance is declared to be severable.

Section 13: Effective Date

This ordinance shall take effect thirty (30) days after publication.

TOWNSHIP OF STOCKBRIDGE

Mary Wilson, Clerk Date

attested to by:

Stockbridge Township Outdoor Gathering Ordinance
Ordinance NO 333

Paul Risner, Supervisor Date

CERTIFICATION

STATE of MICHIGAN COUNTY of INGHAM

I, Mary Wilson, the duly elected, qualified and acting Clerk of the Township of Stockbridge, Ingham County, and State of Michigan do hereby certify as follows:

1. The foregoing is a true and complete copy of Ordinance number, adopted by the Stockbridge Township Board at a regular meeting on March 19, 2012.

2. The foregoing ordinance was moved for adoption by Lauckner, seconded by Wetherell, and adopted by the following vote: Yes: 4 No: 0;

3. The Township Board members voted as follows:

Yeas:

Wetherell, Risner, Lauckner & Wilson

Nays:

Zero

Absent: Sommer

4. That said ordinance and the record of publication was duly recorded in the Non-Zoning Ordinance Book of the Township of Stockbridge and is available for public use and inspection at the office of the Stockbridge Township Office.

5. The foregoing ordinance was published 3/24/2012, in The Sun Time, a newspaper of general circulation in the Township of Stockbridge.

Mary Wilson Stockbridge Township Clerk

Code of Ordinances



Garden City, Georgia - Code of Ordinances / Chapter 11 - CONCERTS AND SPECIAL EVENTS

Garden City, GA
Code of Ordinances

CODE OF ORDINANCES CITY OF GARDEN CITY, GEORGIA

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Chapter 11 - CONCERTS AND SPECIAL EVENTS



Sec. 11-1. - Definitions.



For purposes of this chapter, certain words shall have the meanings assigned below.

Concert. Any entertainment, activity, amusement, gathering or assembly of persons within the city, whether on private or public property and whether or not an admission fee is charged, where there will be presented as the primary source of entertainment live or recorded musical entertainment, and which the promoter thereof has reason to believe will attract 50 or more persons or which does in fact attract 50 or more persons. "Concert" as defined herein includes but is not limited to dances and dance exhibitions.

Promoter. Any natural person, association, partnership, firm, corporation, joint venture or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts, causes to be advertised, or otherwise brings about a concert or special event.

Special event. Any outdoor entertainment, activity, amusement, gathering or assembly of persons within the city, whether on private or public property and whether or not an admission fee is charged, and which the promoter thereof has reason to believe will attract 50 or more persons or which does in fact attract 50 or more persons. "Special event" as defined herein includes but is not limited to fairs, festivals, foot runs, bicycle runs, car shows, car exhibitions, motorcades, parades, and any and all other

Code of Ordinances outdoor entertainment, activity, amusement, gathering or assembly of persons that will affect the ordinary use of public streets, rights-of-way, sidewalks, or otherwise will be noncompliant with normal and usual traffic or noise regulations or controls.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-2. - Permit required.

- (a) It shall be unlawful for any promoter to initiate, organize, promote, permit, conduct, cause to be advertised, or otherwise bring about a concert or special event unless the promoter first obtains a permit pursuant to this chapter. The promoter obtaining or seeking to obtain a permit under this chapter is hereinafter referred to as "permittee" or "applicant." A separate permit shall be required for each concert and special event.
- (b) The requirement that a permit shall be obtained is in addition to any other permits or licenses required by the state, this Code, city council or any department, board, agency or commission of the city.
- (c) No such permit shall be transferable.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-3. - Application requirements.

The promoter of a concert or special event shall make written application for a permit to conduct and operate the concert or special event to the chief of police. The application shall be submitted ten business days or more prior to the date upon which the concert or special event is to be or may be held. Each application shall contain the following:

- (a) The name, age, residence, telephone number, and mailing address of the applicant. Where the applicant is a association, partnership, firm, corporation, joint venture or any other legal entity, this information shall be provided for the partners, officers and directors who will be the designee(s) for the association, partnership, firm, corporation, joint venture or other legal entity.
- (b) The name and mailing address of the owner of the premises, if other than the applicant.
- (c) The exact location of the premises on which the concert or special event is to be presented, including the location of any assemblage area, disbanding area, and parking area.
- (d) The date and hours during which the concert is to be presented, including the dates and hours of assemblage and disbanding.
- (e) An estimate of the minimum and the maximum number of persons expected to attend the concert or special event.
- (f) A description of all loudspeakers and sound equipment to be used and the estimated

Code of Ordinances intensity of the sound, in decibels, at the boundary of the property on which the concert or special event is to be presented.

- (g) Such other reasonably specific and objective information pertinent to the event as the chief of police finds is reasonably necessary and required in order to determine whether or not the permit should be granted.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-4. - Permit approval; denial; conditions for issuance.

- (a) Within five business days after an application is filed, the chief of police shall approve or deny the application. Failure by the chief of police to act within that period shall constitute approval of the application. In approving an application, the chief of police may set conditions prerequisite to the issuance of a permit and shall, as a minimum, require the following of all applicants:
 - (1) *Security personnel.* The applicant shall employ at his own expense such security personnel as are necessary and sufficient to provide for adequate security and protection of the maximum number of persons expected to attend the concert or special event and for the preservation of order and protection of property in and around the site of the concert or special event. The required number of security personnel as well as the organization providing security shall be determined by the Chief of Police whose decision shall be final.
 - (2) *Fire protection.* The applicant shall at his own expense take adequate steps as determined by the fire marshall to ensure fire protection.
- (b) Any other conditions imposed by the chief of police as a prerequisite to the issuance of a permit shall be reasonably calculated to protect the health, safety, welfare and property of persons attending the concert special event or of the citizenry in general. If such other conditions are imposed as a prerequisite to the issuance of a permit or where an application is denied, within three days of such action, notice thereof shall be mailed to the applicant by certified mail and, in the case of denial, the reasons therefore shall be stated in the notice.
- (c) The chief of police may, in his or her discretion, require proof that the applicant has insurance, with limits of coverage, as determined by the chief of police, adequate for the risks associated with the concert or special event and to support the applicant's indemnity obligations to the city.
- (d) A permit may be denied if:
 - (1) The applicant fails to comply with any requirements of this chapter, or with any conditions imposed pursuant hereto, or with any other applicable provision of state or local law, rule or regulation.
 - (2) The applicant has knowingly made a false, misleading or fraudulent statement in the

Code of Ordinances permit application or in any supporting document.



- (3) The applicant applying lacks authority to represent the entity for which application is made.
- (4) A permit has been granted to an earlier applicant for the same time and place.
- (5) The applicant or entity represented by the applicant has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature.
- (6) The applicant or entity represented by the applicant has on prior occasions damages city property in connection with events of a substantially similar nature and has not paid for the damages.
- (7) The plan of the concert or special event as proposed is likely to present a danger to the health or safety of participants in the concert or special event or other members of the public.
- (8) The plan of the concert or special event as proposed is likely to cause a disturbance of the peace, is likely to burden lawful commerce in the area at the time of the proposed concert or special event, or is likely to intrude upon the privacy or property or citizens in the area at the time of the proposed concert or special event.
- (9) The plan of the concert or special event as proposed is likely to require the diversion of so many public employees that allowing the event would unreasonably deny services to the remainder of the city.
- (10) The plan of the concert or special event as proposed is likely to require the diversion of so great a number of ambulances that allowing the event would unreasonably deny services to the remainder of the city
- (11) The plan of the concert or special event as proposed is likely to disrupt traffic within the city beyond practical solution.
- (12) The applicant refused to sign the permit indicating his or her willingness to abide by or comply with the provisions of this chapter and the conditions set forth in the permit.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-5. - General operating regulations.



The following operating regulations shall be enforced by the permittee:

- (a) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in such manner as to be plainly audible across property boundaries at a distance of 100 feet from the building, structure or premises on which it is located.
- (b) No concert or special event shall be presented between the hours of 11:00 p.m. and 9:00 a.m.

Code of Ordinances (c) Concerts or special events operating without a permit under this chapter based on a reasonable anticipation of less than 100 persons in attendance shall limit attendance to 99 persons and pi tickets, if utilized, shall not number more than 99.

(d) The burden of preserving order during the concert or special event is upon the permittee.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-6. - Revocation of permit.

All permits issued pursuant to this chapter are temporary and do not vest any permanent rights. Upon the occurrence of (a) any violation of one or more of the requirements of this chapter, (b) a violation of one or more of the terms and conditions of a permit issued hereunder, or (c) events which would have served as a basis for denying a permit under Code [Section 11-4\(d\)](#), the permit may be summarily revoked by the chief of police or his designee. The permit may be revoked at any time prior to the conclusion of the concert or special event. Upon revocation of the permit, the permittee shall immediately terminate the concert or special event and provide for the orderly and immediate dispersal of those in attendance.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-7. - Appeal of denial of application or conditions of approval for permit.

modified

- (a) Any applicant aggrieved by the actions of the chief of police in the denial of an application or the imposition of conditions of approval of an application for a permit under this chapter shall have the right to appeal to the city manager. The appeal shall be taken by filing with the clerk of council within ten days after notice of the police chief's decision regarding denial or conditions of approval, a written statement setting forth fully the grounds for appeal. The clerk of council shall forthwith notify the city manager, who shall schedule a meeting and shall give notice of such meeting to the applicant.
- (b) After the meeting, city manager may affirm or revoke the chief of police's decision with respect to denial of the permit and may affirm, modify or waive those conditions of approval which, in its opinion, are impractical or would result in severe hardship to the applicant; provided, however, that the provisions of Code Sections 11.4(a)(1) and (2), herein cannot be waived.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-8. - Exemptions.

- (a) The provisions of this chapter shall not apply to any concert or special event sponsored or co-sponsored by the United States, the state, county, or the city where such event is conducted on publicly owned land or property.

- (b) Private social gatherings, neighborhood block parties and neighborhood parades conducted on property at a private residence or primarily on subdivision streets within the neighborhood and will make only limited use of other city streets may be exempted from this chapter. However, no s event is exempted and no such event shall be held unless and until a permit application has been out and a subsequent exemption letter for such event has been obtained from the chief of police.
- (c) Religious services sponsored by any church, synagogue, mosque, or other religious institution located within the city are exempted from this chapter. No exemption letter is required to conduct religious services, regardless of whether the services would otherwise constitute a concert or special event.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-9. - Permit fee.

The chief of police may develop a permit fee schedule based upon the size of the concert or special event provided that the fee schedule is reasonably related to any actual costs likely to be imposed on the city by the concert or special event and provided that the fee is not established or exercised as a revenue raising tool.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-10. - Permit deposit.

The chief of police may develop a clean-up and security deposit schedule based upon the size of the concert or special event provided that the deposit schedule is reasonably related to any actual costs likely to be imposed on the city by the concert or special event. The chief of police may adjust the security deposit required of an applicant based upon past violations of permits or past violations of this chapter by the applicant or the entity represented by the applicant.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-11. - Deposit return.

The permittee shall clean and return all public property to its previous condition with 24 hours of the scheduled conclusion of the concert or special event. If the permittee fails to complete the clean-up within 24 hours of the scheduled conclusion of the concert or special event, the city may perform the clean-up. If the city performs the clean-up or otherwise incurs any costs related to the concert or special event, including but not limited to costs incurred by the need to deploy security or law enforcement beyond that provided by the permittee, the permit deposit shall be forfeited. Where applicable, deposits shall be returned within seven days after the scheduled conclusion of the concert or special event.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-12. - Inspections; right of entry.

The city manager, or his authorized agents or representatives, shall have the power to enter a concert or special event upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or of terms and conditions imposed pursuant thereto.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-13. - Indemnity.

As a condition of the issuance of the permit, each permit shall contain a condition that the permittee shall hold the city harmless and shall indemnify the city, its officials and employees from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the concert or special event, except for any claims arising solely out of the grossly negligent acts of the city, its officials and employees.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-14. - Limitation of liability.

This chapter shall not constitute a waiver of sovereign immunity, create rights in any third party, or impose upon the city or its officials or employees any liability or responsibility for any injury or damage to any person or property arising out of the concert or special event for which a permit has been issued. The city and its officials and employees shall not be deemed to have assumed any liability or responsibility for any reason of inspections performed, the issuance of any permit, or the approval of the use of any city right-of-way.

(Ord. No. 2014-3, § 1, 5-19-14)

Sec. 11-15. - Penalties.

Any person violating any of the provisions of this chapter or violating the terms and conditions of a permit granted pursuant to this chapter shall be guilty of an offense against the city, punishable upon conviction by the municipal court as set forth in [Section 1.13](#) of this Code.

(Ord. No. 2014-3, § 1, 5-19-14)

< Sec. 10-9. - Permitted hours for motion picture shows and other theatrical performances.

Chapter 12 - MOTION PICTURE, TELEVISION AND PHOTOGRAPHIC PRODUCTIONS >

- B. **Temporary Construction Structures.** Temporary buildings and/or structures used for storage of equipment and construction offices may be used only during construction of a permanent structure which has been issued a building permit. The temporary building and/or structure shall be removed from the site prior to issuance of a certificate of occupancy.
- C. **Temporary Shelters.** Temporary shelters shall only be allowed for storage. These structures are only permitted in the rear yard area on lots that do not abut a waterbody and are only allowed between the main structure and the road right-of-way on lots that do abut a waterbody in the CE, RAA, RA, WFR, and NR zoning districts. These structures shall be maintained at all times. These structures are also allowed when part of a Special Event, Temporary Use or Seasonal Sale permit.
- D. **Permits.** A temporary building or structure shall require issuance of a land use permit from the Zoning Administrator under Section 3.3 of the Zoning Ordinance. The permit shall be renewed annually if needed. Any temporary building or structures shall be placed so as to conform to all yard requirements of the zoning district in which it is located.

8.9.3. Performance Guarantee. The Township may require a deposit by the applicant with the Township Clerk in the form of a certified check, cash, or a surety bond in an amount sufficient to hold the Township free of all liabilities incident to the operation of a temporary building, to indemnify any adjoining land owner for any damages resulting from the operation of such activity and to ensure proper and complete clean-up and removal of all temporary buildings. The amount of such bond, cash, or check shall be estimated by the Zoning Administrator. The Township shall rebate to the applicant upon satisfactory removal of all temporary buildings. Such rebate shall be based upon the report and recommendation of the Zoning Administrator. The Zoning Administrator may refer the application to the Township Engineer for review of the proposed improvements and recommendations of performance guarantees.

Section 8.10. Special Events, Seasonal Sales and other Temporary Uses

8.10.1. Approval Requirements. The Township Zoning Administrator may grant a temporary land use permit renewable on an annual basis for a temporary use of land and structures for special events, seasonal sales (Fireworks Stands, Farmers Markets, Farm Stands in areas where they are not a permitted use, Christmas tree sales, and other sales or seasonal items) and other temporary uses under this section. The Zoning Administrator may request the advice of the Township Engineer and Planning Consultant when considering the proposed projects. The Zoning Administrator may determine that the proposed project requires review and approval by the Planning Commission. The following conditions apply to specific temporary uses:

- A. Carnival, Circus and Musical Concert or Other Transient Entertainment or Recreational Enterprise.
1. Maximum duration: 10 days.
 2. Operator or sponsor: Non-profit entity
 3. Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- B. Sidewalk or Tent Sale or Other Similar Outdoor Sale
1. Maximum duration: 7 days.
 2. Location: In commercial districts only.
 3. Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk. ADA compliance must still be met
 4. Parking Lot Coverage: Sufficient number of parking spaces shall remain to meet the existing zoning requirements for that district.

- C. Sporting or Outdoor Recreational Event and any overnight camping associated with these events.
 - 1. Maximum duration: 10 days.
- D. Search light or other apparatus used for the projection of a high intensity light beam.
 - 1. Maximum duration: 3 Days
 - 2. Light must not be directed towards other properties.

8.10.2. Permit Requirements. The Township Zoning Administrator shall make a determination that the location of any special event, seasonal sale or temporary uses will not adversely affect adjoining properties, nor adversely affect public health, safety, and the general welfare of the Township by using the following standards. The permit shall establish a reasonable date for removal of the temporary structure and/or use, and shall set forth other conditions of permission as deemed necessary by the Zoning Administrator.

- A. **Plot Plan.** A plot plan shall be submitted with all the information required under Section 4.9.3 along with a detailed description of the use or event. The description should include but not be limited to: description of use or event, dates and hours of operation, number of employees, projected number of people that will attend the use or event, any amplified noise uses how the site will be secured, the plan for proposed cleanup of the site, etc.
- B. **Standards.** In order to protect the adjacent property owners and citizens of the Township, the Zoning Administrator shall review all special events, seasonal sales and temporary uses to insure they meet the following standards:
 - 1. Adequate off-street parking and ingress and egress shall be provided.
 - 2. All uses shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
 - 3. The applicant shall specify the exact duration of the temporary use.
 - 4. Electrical and utility connections shall be approved by the Building Official.
 - 5. Adequate site and surrounding area clean up shall be done during and following the use. All Improvements shall be removed from the site at the conclusion of the project.
 - 6. Adequate restroom facilities shall be provided. A general guide for this requirement is one toilet for each 50 persons estimated to attend.
 - 7. Closure of commercial or similar activity shall be from midnight to 9:00 a.m.
 - 8. Any signage shall conform to the provisions of the District in which the use is located.
 - 9. There will be no gambling or use of alcohol or controlled substances contrary to law.
 - 10. There will be no generation of bright lights, loud noises, or strong odors at a level or intensity sufficient to create a nuisance to adjacent properties.

8.10.2. Performance Guarantee. The Township may require a deposit by the applicant with the Township Clerk in the form of a certified check, cash, or a surety bond in an amount sufficient to hold the Township free of all liabilities incident to the operation of a temporary use, to indemnify any adjoining land owner for any damages resulting from the operation of such activity and to ensure proper and complete clean-up after temporary use and removal of all temporary buildings. The amount of such bond, cash, or check shall be estimated by the Zoning Administrator. The Township shall rebate to the applicant upon satisfactory removal of all temporary uses. Such rebate shall be based upon the report and recommendation of the Zoning Administrator. The Zoning Administrator may refer the application to the Township Engineer for review of the proposed improvements and recommendations of performance guarantees.

**TOWNSHIP OF MARION
LIVINGSTON COUNTY, MICHIGAN**

SPECIAL EVENT ORDINANCE NO. 2014-29

An ordinance to protect the public health, safety and general welfare of Marion Township residents by establishing regulations relating to the operation, control and management of special events, to provide for traffic, parking, security and nuisance abatement; to provide penalties for violation of said ordinance. The Marion Township Board of Trustees may, at any time, amend these rules and regulations, as needed, in the future.

The Township of Marion, County of Livingston and State of Michigan ordains:

SECTION I: Title

This ordinance shall be known and cited as the Marion Township Special Event Ordinance.

Section II: Definitions

“Farmers/flea Market” means a civic sponsored outdoor sale event comprised of multiple vendors displaying and selling predominately agricultural products.

“Operator” shall mean any person, firm partnership, corporation or other entity that operates or maintains a Special Event.

“Outdoor Seasonal Sales” means the outdoor temporary sale of seasonal goods not produced on the premises including, but not limited to, Christmas trees, fireworks, etc.

“Owner” means the current owner or other person, firm partnership, corporation or other entity having ownership or possessory right of the property in question.

“Person” means any person, firm, partnership, corporation or any other entity.

“Special Event: means any event, whether conducted on public or private property, that may generate or invite public attendance, participation or spectators for a particular and limited purpose and time, including but not limited to for profit parties, festivals, concerts, shows, exhibitions, mud-bogging, carnivals, circuses, fundraising walks or runs, fairs, or any similar events or activities.

“Special Event Permit” means a permit issued by the Zoning Administrator to conduct a Special Event.

“Zoning Administrator” means the official of Marion Township or authorized representative charged with the responsibility of administrating this Ordinance.

Section III: Special Event Permit Required

General Provisions

1. It is unlawful for any Owner or Operator to hold or conduct any special event in the Township unless the Zoning Administrator has first issued a Special Event Permit in compliance with this Ordinance.
2. The Special Event shall comply with all applicable zoning regulations for the district in which it is to be located, including requirements pertaining to lot size, height, setbacks and off-street parking. Deviations from the zoning regulations for the Special Event may be permitted when the Zoning Administrator determines that public health, safety and welfare will not be adversely affected and the spirit and intent of the applicable zoning regulations have been met.
3. The Township Board or Zoning Administrator may require the Owner and/or Operator to post a cash bond with the Township in an amount that will guarantee the restoration of any public property to a like condition as existed before the event. This may include, but is not limited to, costs associated with sign removal and litter/garbage disposal.
4. All tents, buildings or structures erected or used for a Special Event shall
 - a. not have a negative impact on surrounding properties related to visibility, accessibility, traffic flow, parking and other site related issues,
 - b. be installed, constructed, used occupied and maintained in compliance with the provisions of any applicable federal, state or local rules or regulations, and
 - c. be immediately removed at the conclusion of the Special Event or upon the conclusion of the Special Event Permit, whichever occurs sooner.
5. Owners and Operators shall comply with all conditions specified in the Special Event Permit and shall, for any Special Event as applicable, provide the following:
 - a. Environmental Health. An adequate and safe supply of potable water, restroom facilities, food and beverage storage, handling and servicing and sanitary method for disposing of solid waste that meets federal, state and local requirements, including the Livingston County Department of Public Health.
 - b. Lighting. If the Special Event is to occur after daylight hours, sufficient lighting shall be provided; however, such lighting shall not shine or reflect beyond the boundaries of the Special Event area.
 - c. Parking. A parking area sufficient to provide parking space for the maximum number of people allowed at any single time to attend the Special Event shall be provided.
 - d. Traffic. Traffic control measures shall be provided to ensure safe and efficient vehicular and pedestrian circulation including on-site movements and the flow of vehicular and pedestrian traffic onto public or private right-of-way.

Ingress/egress shall be approved/permitted by the Livingston County Road Commission.

- e. Emergency Services. Adequate security measures and fire systems shall be provided at the direction of the Livingston County Sheriff and/or the Howell Area Fire Authority Chief, including adequate facilities for communication with emergency service providers.
 - f. Buildings occupied by the public for assembly purposes shall meet the requirement of the State of Michigan Construction Code.
 - g. Signage. If signage for the Special Event is used, it shall comply with Article XV Signage of the Marion Township Zoning Ordinance.
 - h. Environment. All activities shall conform to the soil erosion and sedimentation requirements of the Livingston County Drain Commission and the Michigan Department of Environmental Quality requirements for wetlands, stream crossings and water quality protection.
6. In furtherance of the intent of this Ordinance, an owner or operator may apply for a third Special Event Permit after having conducted two (2) events if;
- a. All previous events that occurred during the calendar year by the owner or operator without any incidents and did not create problems,
 - b. There were no violations of a previously issued permit and,
 - c. Upon a finding by the Township Board that the application otherwise meets the requirements of this Ordinance.

Exemptions. The following Special Events shall be exempt from obtaining a Special Event Permit:

1. Township, County & State sponsored Special Events.
2. Funeral Processions.
3. Garage, Yard and Estate Sales.
4. Private gatherings such as weddings, graduation parties and similar events that are held on private property that is the residence of, or within the common area of a multi-family residential development of, an immediate family member; provided, however, that the event is not open to the general public and not for pecuniary gain or profit.

For the purposes of this exemption, immediate family is considered to be a person's parents, spouses, siblings, children, grandchildren and/or grandparents whether by birth or legal adoption.

5. Special Events conducted within a building designed and approved for assembly use, such as churches, halls and fraternal organizations, libraries, schools and recreational facilities.

Administrative Review and Authorization

Notwithstanding the authority granted to the Zoning Administrator pursuant to this Section, the Zoning Administrator may shall refer any new application for a new Special Event Permit to the Marion Township Board of Trustees for review and approval. Provided the Owner and Operator meet the requirements of this Ordinance, the Zoning Administrator shall have the authority to grant a Special Event Permit on behalf of the Township.

Township Board Review and Authorization

The Marion Township Board of Trustees shall have the exclusive authority to grant Special Event Permits for Special Event that require a special event liquor license issued by the State of Michigan. Prior to the issuance of a Permit, the Board may impose any other conditions reasonably calculated to protect the health, safety, welfare and property of attendants, citizens of the Township or of the general public.

Section IV: Application for Special Event Permit

Any Person desiring to obtain a Special Event Permit as required by this Ordinance shall file a Written application on a form provided by the Zoning Administrator, together with an application fee as provided by resolution of the Township Board, which shall include the following:

1. The name, residence, business address and phone number of the Owner of the property where the Special Event will be held together with the name, residence, business address and phone number of the Operator of the Special Event.
2. The name, residence, business address and phone number of each Person sponsoring the Special Event. If an organization is sponsoring the Special Event, the application shall contain the name, residence, business addresses of the President/Chairman or individual who is responsible for the Special Event.
3. Description of the Special Event and proposed location(s).
4. Date(s) of the Special Event, including starting and ending times and any additional time required for set-up and clean-up.
5. Scaled site plan showing layout of event, buildings, parking, ingress/egress along with any other information applicable to the event.
6. Copies of approval letters from the Livingston County Health Department, Building Department, Sheriff Department, Emergency Medical Services and Howell Area Fire Authority.
7. Copies of insurance policies naming the Township as additional insured for one million dollars and the insurance policy shall indicate that it is coverage for the event. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.

8. Certification that the applicant will indemnify the Township for and hold it harmless from and defend it against any and all claims, lawsuits or other liability arising from or as a result of the Special Event, including all costs and attorney fees. Furthermore, the applicant will agree to reimburse the Township for any costs for services provided by the Township or its designated agents to mitigate any health, safety and welfare issues caused by the Special Event, including emergency services, traffic and/or crowd control, removal of structures, litter and equipment and any associated attorney fees and court costs resulting from this mitigation. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.
9. Such other information the Zoning Administrator deems reasonably necessary in order to carry out his/her duties under this Ordinance.

Section V: Display of permit and identification

Any person engaged in a Special Event shall prominently display the Special Event Permit as required by this Ordinance. In addition, any Person engaged in the sale of food or food products regulated by federal, state or local law shall be required to display such food permit.

Section VI: Fees

An application fee shall be established by resolution of the Board of Trustees. Before final approval, any costs incurred by the Township shall be paid for by the applicant. Any Person directed by and acting on behalf of the Township shall be exempt from fee.

Section VII: Revocation or Suspension of Permit

All Special Event Permits issued pursuant to this Ordinance shall be temporary and no Person shall have any permanent rights to conduct or continue a Special Event. Special Event Permits may be suspended or revoked by the Zoning Administrator as follows:

- a. The Special Event Permit or any portion thereof was issued in error.
- b. The Special Event Permit application and/or information was incorrect, inaccurate or false in any manner.
- c. The terms or conditions of the Special Event Permit have not been met.
- d. The Special Event is dangerous to people or property, or any structure or obstruction is insecure or unsafe.
- e. Any violation of federal, state or local law in connection with or related to the Special Event.

If any Special Event Permit is suspended by the Zoning Administrator, the Person holding the Special Event Permit shall address the violation(s) to the satisfaction of the Zoning Administrator before continuing with the Special Event.

Section VIII: Appeals

All decisions of the Zoning Administrator with respect to the issuance, denial, revocation or suspension of any permit under this Ordinance shall be final. Notwithstanding, any Person aggrieved by a decision of the Zoning Administrator under this Ordinance may be appealed to the Board of Trustees within fifteen (15) days of the date the decision is issued by the Zoning Administrator.

Section IX: Severability

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction such finding shall in no way affect or invalidate the remainder of this Ordinance.

Section X: Effective Date

The Ordinance shall take effect following publication as permitted by law.

Published on

Tammy L. Beal, Township Clerk

Date:

Moved by:

Supported by:

Yeas:

Nays: None

Abstentions: None

Absent: None

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