



Conway Township Planning Commission
Monday, July 10, 2023 | 7:00pm

Conway Township Hall | 8015 N. Fowlerville Road, Fowlerville, Michigan 48836

1. **CALL TO ORDER / PLEDGE**
2. **ROLL CALL**
3. **CALL TO THE PUBLIC**
4. **APPROVAL OF PLANNING COMMISSION MEETING July 10, 2023 AGENDA**
5. **APPROVAL OF THE June 12, 2023 MEETING MINUTES**
6. **COMMUNICATIONS**
 - a. Zoning Administrator's Report
 - b. Livingston County Planning Commission Update/Report
7. **OLD BUSINESS**
 - a. Shipping Containers [Accessory/Principal Use]
 - b. Zoning Ordinance on Windmills Update
 - c. House Bills 4526, 4527, 4528 (Sand/Gravel) Update
 - d. 2022 Proposed Zoning Ordinances
 - i. LCPC #Z-07-22 | Event Barns – Special Land Use Districts
 - ii. LCPC #Z-08-22 | Event Barns – Special Land Use Regulations
 - iii. LCPC #Z-10-22 | Event Barns – Parking Space Requirements
 - iv. LCPC #Z-18-22 | Accessory Dwelling Units
8. **NEW BUSINESS**
9. **PLANNING COMMISSION MEMBER DISCUSSION**
10. **2nd CALL TO THE PUBLIC**
11. **ADJOURNMENT**

Any person may speak for up to 3 minutes during the public comment period.

Meeting will be Monday, August 14, 2023

CONWAY TOWNSHIP POLICY No. 7

PUBLIC COMMENT AND CONDUCT POLICY

Conway Township Board recognizes its obligation to obtain and the benefits to be received from public comments on matters pending before the Board. To provide an orderly and efficient manner to obtain public comment and to provide the public with an opportunity to participate in public meetings, the Conway Township Board hereby adopts the following policy for public comment and conduct at public meetings:

1. Public comment is restricted to only those times designated for public comment on the agenda, unless permitted otherwise by the chairperson or a majority of the Board. All persons addressing the Board shall comment only after being recognized by the chairperson conducting the meeting.
2. No individual speaker shall be permitted to speak more than 3 minutes regardless of topic and no time may be transferred or assigned by others to the speaker as to extend the 3-minute time limit. At the discretion of the chairperson, a speaker may be allowed to comment further than the three-minute limit. Alternatively, the chairperson may direct the speaker to submit further comment to the Board in writing at a later date.
3. When recognized by the chairperson to speak, the individual recognized shall approach and speak from the podium or location designated by the chairperson and shall not deviate from the location. When the speaker is advised by the chairperson to stop speaking when time has expired, the speaker shall cease speaking and be seated.
4. Prior to addressing the Board, each speaker shall first state for the record the speaker's name and address, the subject on which the speaker will speak, and state whether the speaker represents an organization or other person, and identify such organization or person. All remarks shall be addressed to the Board as a whole and not to any member thereof specifically or any other member of the public. Public comment is not intended to require Board members or Township staff to provide any answer to the speaker. Discussions between speakers and members of the audience will not be permitted.
5. Only one speaker will be acknowledged at a time. In the event that a group of persons supporting or opposing the same position desires to be heard, in the interest of time, a person shall be designated to express the group's concern. A maximum of three speakers may speak on the same subject unless otherwise allowed by a vote of the majority of members of the Board present. The Board may direct other persons to submit comments to the Board in writing in the same manner as designated above.
6. Public comments must be presented in a respectful manner and participants shall conduct themselves in an orderly and civil manner. Comments or language of a lewd, insulting, or provocative nature shall not be permitted. No person shall disrupt the Board and/or partake in behavior that becomes hostile, argumentative or threatens the public or an individual's safety, or is disruptive to the meeting. No person shall utilize any profane or obscene speech or gesture.
7. Violation of any provision of this policy shall be deemed a breach of the peace and such person will be asked to leave. If the person being asked to leave does not voluntarily leave or cease the behavior, the person may be ejected and law enforcement may be called to remove the person.
8. Any person shall have the right to tape record, videotape or broadcast the proceedings of the Township Board, but shall not utilize the electric outlets of the Township without prior permission of the Township Clerk. Any tape recording, video camera or other camera utilized by any such person, shall be kept at least ten feet from all members of the Board and shall not be placed behind them.

This policy may be adopted for use by other boards, commissions, and committees of the Township. This policy or a summary of it may be placed on the back of the meeting agenda or made available with the meeting agenda.

* * * * *

I, Cindy Dickerson, Conway Township Clerk, hereby certify that this administrative Conway Township Policy No. 7 was approved by a regular meeting of the Conway Township Board on June 17, 2014.

/s/  _____

Cindy Dickerson
Conway Township Clerk

CONWAY TOWNSHIP

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
TO DEFINE AND REGULATE CARGO CONTAINERS**

The Township of Conway ordains:

Section 1. Addition of Definitions to Article 2 of the Township Zoning Ordinance

The following definitions are added to Article 2 of the Township Zoning Ordinance, consistent with the existing ordering of definitions in that section:

Cargo Container. Any metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, or which appears substantially similar to such containers in appearance. Such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally, a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles of goods or commodities; generally capable of being mounted or moved on a rail car, or loaded on a ship.

Portable Storage Container. A portable or moveable, weather resistant receptacle designed and used for the storage or shipment of household goods, wares, valuables or merchandise (ie. PODS or MODS), and which is typically leased on a short-term basis for temporary storage purposes.

Section 2. Addition of New Section 6.18, entitled “Cargo Containers and Portable Storage Containers.”

New Section 6.18, currently designated as “Reserved,” entitled “Cargo Containers and Portable Storage Containers,” is added to the Township’s Zoning Ordinance and reads as follows:

Section 6.18 — Cargo Containers and Portable Storage Containers

A. Cargo Containers. Cargo Containers are permitted as an accessory use in all zoning districts subject to the requirements of this Section. The following regulations apply to all cargo container use:

1. Cargo Containers shall not be stacked above the height of a single container device.
2. Cargo Containers shall meet all required setbacks.
3. Cargo containers must be placed in the rear yard and screened so as to not be visible from the street and finished in a manner which minimizes its visibility from nearby buildings, drives, and roads.
4. No electricity or plumbing may be run or connected to a cargo container.

5. Cargo containers shall not be used to store hazardous materials, as defined by the Michigan Fire Prevention Code, 1941 PA 207, MCL 29.1 *et seq.*
6. Cargo containers shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
7. No cargo container shall be placed in a location which may cause hazardous conditions or constitute a threat to public safety.
8. No cargo container may be used as living quarters.
9. No structural modifications may be made to cargo containers.
10. No livestock or pets may be stored in cargo containers.

B. Cargo Containers for Permanent Storage. Cargo containers may be permanently placed on the property for storage purposes upon issuance of a land use permit from the Zoning Administrator. The following regulations shall also apply:

1. All applicable building regulations are followed.
2. A solid foundation (road base material/gravel or better) is required.
3. Cargo containers shall be painted in solid colors (colors which blend into the surrounding area).
4. Cargo containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
5. Any writing or graffiti that may be placed on the container is the responsibility of the property owner and shall be promptly removed.

C. Cargo Containers for Temporary Use. Property owners will be required to obtain a temporary land use permit (Section 6.09) from the Zoning Administrator for the temporary use of cargo containers. The following regulations shall also apply:

1. Cargo containers shall be removed from the property within 180 calendar days from the date of initial placement. Property owners are allowed one additional period of up to 180 days.
2. Cargo containers associated with an approved building construction project shall be permitted to remain on-site until the earlier occurrence of approval of the project's final building inspection or the expiration of the building permit.

D. Portable Storage Containers. Portable storage containers are permitted as an accessory use in all zoning districts and shall adhere to the following restrictions:

1. No portable storage container may be stacked on top of another or on top of any other object.
2. Portable storage containers shall not be used to store hazardous materials, as defined by the Michigan Fire Prevention Code, 1941 PA 207, MCL 29.1 *et seq.*
3. No electricity or plumbing may be run or connected to a portable storage container.
4. Portable storage containers used in a residential district or associated with a residential use must be placed on a driveway or paved area.

5. Portable storage containers used in a non-residential district or associated with a nonresidential use shall not occupy required off-street parking, loading or landscaping areas.
6. No portable storage container shall be placed in a location which may cause hazardous conditions or constitute a threat to public safety.
7. No portable storage container may be used for living quarters.
8. No livestock or pets may be stored in a portable storage container.
9. Portable storage containers may not be placed on a vacant lot, unless that lot is associated with an approved building construction project.
10. Time Limits.
 - a. Portable storage containers shall be removed from the property within 180 calendar days from the date of initial placement. Property owners are allowed one additional period of up to 180 days.
 - b. Portable storage containers associated with an approved building construction project shall be permitted to remain on-site until the earlier occurrence of approval of the project's final building inspection or the expiration of the building permit.

Section 3. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 4. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date.

This Ordinance takes effect seven days after publication as provided by law.



Conway Township Planning Commission Meeting Minutes
 Monday, June 12, 2023 | 7:00pm EST
 Conway Township Hall | 8015 N. Fowlerville Road, Fowlerville, MI 48836

Agenda	Items Discussed	Actions to be Taken
Attendees	PC Members Present: Jeff Klein, Meghan Swain-Kuch, Dave Whitt, George Pushies - Ex-Officio, Shawn Morrison, Lucas Curd, and Kayla Poissant Zoning Administrator – Gary Klein Livingston County Planning Commissioner: Dennis Bowdoin Township Attorney: Abby Cooper, JD, Michael D. Homier, JD	None
Call to Order/Pledge	Chair, M. Swain-Kuch called the Conway Township Planning Commission meeting to order at 7:00pm and led the Pledge of Allegiance.	None
Approval of Agenda	Motion to accept the meeting agenda as amended for June 12, 2023. Motion by D. Whitt. Support L. Curd. Motion Approved.	Motion Approved
Approval of April 28th, 2023 Minutes	Motion to accept meeting minutes from April 28th, 2023. Motion by J. Klein. Support by S. Morrison. Motion Approved.	Motion Approved
Approval of May 8th, 2023 Minutes	Motion to accept meeting minutes from May 8th, 2023. Motion by D. Whitt. Support by J. Klein. Motion Approved.	Motion Approved
1st Call to the Public	Steve Smith- Robb Rd.- He complimented L. Curd on last month's meeting. He stated that he would speak later in the Public Hearing regarding specifics on the proposed ordinance, but wanted to say a few general things now. He stated that they have been concerned about solar for many reasons, but that one reason included a couple of Conway residents speaking with a couple currently living near a solar farm. He stated that the couple has had numerous issues including drain pipes being crushed, propane tank bloating, sump pump continuously running, flooding, etc. The couple is still trying to fix the issues. He stated another man living near a facility stated that there were tons of garbage left from workers, trucks causing tons of dust, and many other issues. He asked	None

	commissioners to check to see if everything is covered in the ordinance to prevent these types of situations from happening.	
Communications	<p>a. Zoning Administrator Report: G. Klein stated that there was one wavier for windows last month, and six land use permits (two for decks, one for a driveway, and three for accessory buildings).</p> <p>b. Livingston County Planning Commission Report: D. Bowdoin stated that last month's meeting was pretty short, and everything is in the packet. M. Swain-Kuch stated that the LCPC was starting their monthly newsletter again, and included it in the packet as well as their minutes from the meeting.</p>	<p>None</p> <p>None</p>
Public Hearing on the proposed amendment 2023-02: Draft of the new Article 19, Solar Energy System District and Replacement of Existing Section 6.26 regarding Solar Energy Systems	<p>Motion to open the Public Hearing for the proposed amendment 2023-02: Draft of the new Article 19, Solar Energy System District and Replacement of Existing Section 6.26 regarding Solar Energy Systems. Motion by D. Whitt. Support by G. Pushies. Motion Approved.</p> <p>M. Swain-Kuch stated that the proposed ordinance was included in the packet, and that there was one thing to address which included setbacks. She asked M. Homier to respond to a public comment on how the Public Hearing works.</p> <p>M. Homier stated that it is where the public has three minutes to speak on their concerns, issues, or comments and then the PC could deliberate on the public's statements when working on the final draft of the proposed ordinance.</p> <p>Jim Dannemiller- Chase Lake Rd.- He was speaking on behalf of Sarah Porter who could not be in attendance. S. Porter sent an email to the PC which is what he read. Copied below is her email.</p> <p>1. Page 2, Section A #1 - Delineation of the Overlay District - All of Parcel No. 01-12-100-003. I believe this sentence is incorrect and should be: That portion of Parcel No. 01-12-100-003 located south of the Conway Cohoctah Union Drain as depicted on May A. The overlay only includes half of this parcel as it also goes north of the noted drain. The stated language would increase the overlay by another 40 acres.</p>	Motion Approved

2. Page 2 Section A #2 - Parcel 01-12-200-002 is noted as south and 'west' of the Conway Cohoctah Union Drain. I believe this should read 'south and east' of the drain.

3. Page 5 #3 f - Roof or Building Mounted - Abandonment - In the Friday, April 28th meeting, Mr. Homier stated this section was a "tricky issue", stating "the courts say the passage of time is not enough and there has to be intent to abandon.". He said he would like to pair this with another event like a bankruptcy. I am just wondering if this section needs further edits based on his statements.

4. Page 6 i - Ground Mounted - Abandonment - This section should match the above section under Roof/Building Mounted. It currently does not list the abandonment period of six months and if the Roof Mounted is edited, both should match.

5. Page 11 #4 d - The set back of 150 feet is listed from the edge of any wetland, shoreline, or drain easement. On the west side of both parcels 01-11-200-002 and 01-11-400-002 according to a map from the Livingston County Drain Commission, the drain that runs north/south is a Private Open Drain. The Conway Cohoctah Union Drain runs along the north of the two top parcels all the way to Marsh Road and then jogs down and continues southwest. How does a Private Open Drain fit into the categories listed for the 150 setback in this section? Will the fencing be set back 150 feet from this drain or run right up to it?

6. Page 11 #6 - Screening - the language included in the 4/28/23 draft from the community stated in the last part of the sentence "to obscure, to the greatest extent possible, the Solar Energy System from all sides and open views surrounding the Participating Property". The current draft states "all sides and any open views from **Non-Participating Property**". The idea was to screen the entire project. I noticed the language change during the meeting with Laura from Foster Swift but I wanted to review it again while looking at the parcels. This overlay creates issues with screening because the Participating Property is portions of the same farmer's adjoining land. I would challenge the commissioners to individually draw how they think this overlay should be screened if an application were submitted. The farmer certainly will not want two rows of Norway Spruce planted through the middle of a field. What will the south side have for screening? If the west side is a Private Drain, is any screening required on that side which will be most viewed from everyone

traveling Marsh Road? The north side has the Conway Cohoctah Union Drain, is any screening required there? I feel it would be a good exercise to draw it out according to the current ordinance language as it stands and see everyone's interpretation of what the screening should look like. Does the ordinance reflect the interpretation of the PC and adequately address the public concerns?

7. Page 13 #11 - Underground Transmission - the last sentence states "except for power switchyards or the area within a substation". Should this be stricken because we prohibited substations?

8. Page 13 #15 - Inverters - The set backs are blank - I would just caution that all the sides closest to the road and Ms. Smith in the house across from the Van Gilder farm are adjoining participating properties. It seems we should create a large setback for the only two residents along the Marsh side of the overlay.

9. Page 16 #24 - Compliant Resolution - This section does not include an escrow account for complaint resolution. Many residents were interested in this due to our experience with the DTE Weather Station.

Kennedy Parker- Hayner Rd.- She reiterated Mr. Dannemiller's comments. She discussed Page 2 Section A #2 - Parcel 01-12-200-002 is noted as south and 'west' of the Conway Cohoctah Union Drain believing this should read 'south and east' of the drain, screening should say even non-participating properties, underground transmissions, inverter setbacks were not completed, and tree screening distance should be "not more than". She also stated that she hopes this will be successful, but that it has been a very disappointing experience. She said she is disgusted by way things have gone in this process.

Steve Smith- Robb Rd.- He stated that the ordinance seems to be really good, but he believes some touch-ups are needed. He said that Mr. Dannemiller and Mrs. Parker said most of it. He thanked the PC on their work last month. He would like to hear that Mr. Homier is happy with the ordinance regarding the legality and wording. He also stated that in regards to screening, it may be more beneficial to plant the tree screening along the road instead of the middle of the field. He recommended that inverters be at least 1000 ft from non-participating properties, and 500 ft from participating properties. He also mentioned about an

	<p>escrow account to have the funds to fix issues that arise from violations.</p> <p>Brandon Primeau- Saddle Drive- He said he is against putting solar panel where his food comes from. He said this doesn't make sense, none of it, and he is worried about this community for his kids. He believes the panels should go somewhere else, and it is cheaper to place on residential land. He also made a comment regarding the three-minute rule, saying that it comes and goes.</p> <p>Mike Beyer- Pierson Rd.- He had a few questions about how often the ordinance is going to be reviewed, and regarding the overlay district in general if it is the first one or only one.</p> <p>G. Pushies asked M. Homier to respond to those questions. M. Homier explained that zoning is a legislative matter, and things can be changed in the future. He stated that the ordinance could be removed, change it, move the overlay, or even make more than one district.</p> <p>Tom Parker- Hayner Rd.- He wanted to comment on the drains, and recommend changing the wording of "drain easement" to drains period to cover public, private, and open drains.</p> <p>Mike Brown- Sober Rd.- He reiterated what Mr. Parker stated. He is concerned with the language of drain easement, and it should cover public and private drains.</p> <p>Don Smith- Hidden Circle Dr.- He stated that he is concerned about the future and growing technology of solar panels. He is concerned about when the panels become outdated and what the operator/owner does with the panels.</p> <p>Motion to close the Public Hearing for the proposed amendment 2023-02: Draft of the new Article 19, Solar Energy System District and Replacement of Existing Section 6.26 regarding Solar Energy Systems. Motion by L. Curd. Support by G. Pushies. Motion Approved.</p>	<p>Motion Approved</p>
<p>Old Business</p>	<p>a. Zoning Ordinance Amendment No. 2023-02: Review draft of new Article 19, Solar Energy System District and replacement of existing Section 6.26 regarding Solar Energy Systems</p>	

	<p>M. Swain-Kuch stated that she believed all setbacks were set last month, but the inverters were blank in the draft. G. Pushies stated that all setbacks were set last month, except for the inverters. Mr. Homier made a recommendation of 150 ft inside of the overlay district boundary, and not from non-participating or participating. Mr. Homier also stated that the inverters also have to meet the sound requirements, and may need to move back even further based on the sound study evaluation. The PC agreed with this recommendation.</p> <p>K. Poissant asked about the drain easement wording, and whether that included public and private drains. M. Homier stated that he changed it to just “drain” to cover that issue.</p> <p>G. Pushies asked about screening, and recommending screening around to cover non-participating and participating properties. Mr. Homier stated that the ordinance does require screening on all sides.</p> <p>Mr. Homier also stated that based on Sarah Porter’s email, corrections were made in some of the wording of the proposed ordinance.</p> <p>Motion to recommend adoption of the proposed amended amendment 2023-02: Draft of the new Article 19, Solar Energy System District and Replacement of Existing Section 6.26 regarding Solar Energy Systems. Motion by M. Swain-Kuch. Support by G. Pushies. Motion Approved.</p> <p>b. Shipping Containers [Accessory/Principal Use]</p> <p>M. Swain-Kuch stated that the Marion Township proposed ordinance was sent out, and sent to A. Cooper for review. A. Cooper stated that she wanted to know in what districts would the containers be allowed. She also brought up the subject of temporary storage like “pods”. D. Whitt recommended that shipping containers could be used in agricultural and residential as long as the ordinance is followed. M. Swain-Kuch asked G. Pushies if he had a shipping container on his property, due to a possible conflict of interest. G. Pushies replied that he did not have a shipping container, but S. Morrison stated that he did have one on his property for storage. In regards to temporary storage or “pods”, it was discussed</p>	<p>Motion Approved</p> <p>None</p>
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	<p>and agreed upon to have a six-month allowance, but allow another six months after a review. Livingston County has an ordinance that if the container is over 200 sq. ft., it would require a permit. A. Cooper said that she would take this information, and come back with a recommendation at the next meeting.</p>	
New Business	<p>a. Zoning Ordinance on Windmills Update</p> <p>M. Swain-Kuch stated that she spoke with Mr. Homier about a recommendation on Windmills. He stated that they have a working draft, and that the PC will receive a copy of it in the next couple of weeks for review.</p>	None
	<p>b. Solid Waste Disposal Areas (Landfills)</p> <p>M. Swain-Kuch stated that she researched this issue, and made some calls. Mr. Homier stated that the State has overall sighting, but that Townships can have some input on it. Mr. Homier stated that his firm is looking into this issue, and can bring more information on this at a future meeting. D. Bowdoin stated that the FAA has a regulation stated that a landfill cannot be placed within a five-mile radius of an airport due to bird concerns.</p>	None
	<p>c. House Bills 4526, 4527, 4528 (Sand/Gravel)</p> <p>M. Swain-Kuch stated that there are bills going through the house. She stated that there are concerns about the State taking over local control on gravel and sand dig sites especially since there is a lack on resources at this time. She said she spoke with a local representative, and is planning to go to a hearing regarding this.</p>	None
	<p>d. Senate Bills 152 and 153 (Community Solar)</p> <p>M. Swain-Kuch stated that the bill allows a local community to tie-into solar energy, but that 30% of it must go towards low-income housing. She stated that she will keep the PC updated on further developments regarding this.</p>	None
Commission Discussion	<p>M. Swain-Kuch stated that K. Poissant will not be in attendance at the July PC meeting. K. Poissant stated that it can be recorded on the recording device, and would transcribe the minutes when she returns.</p>	None

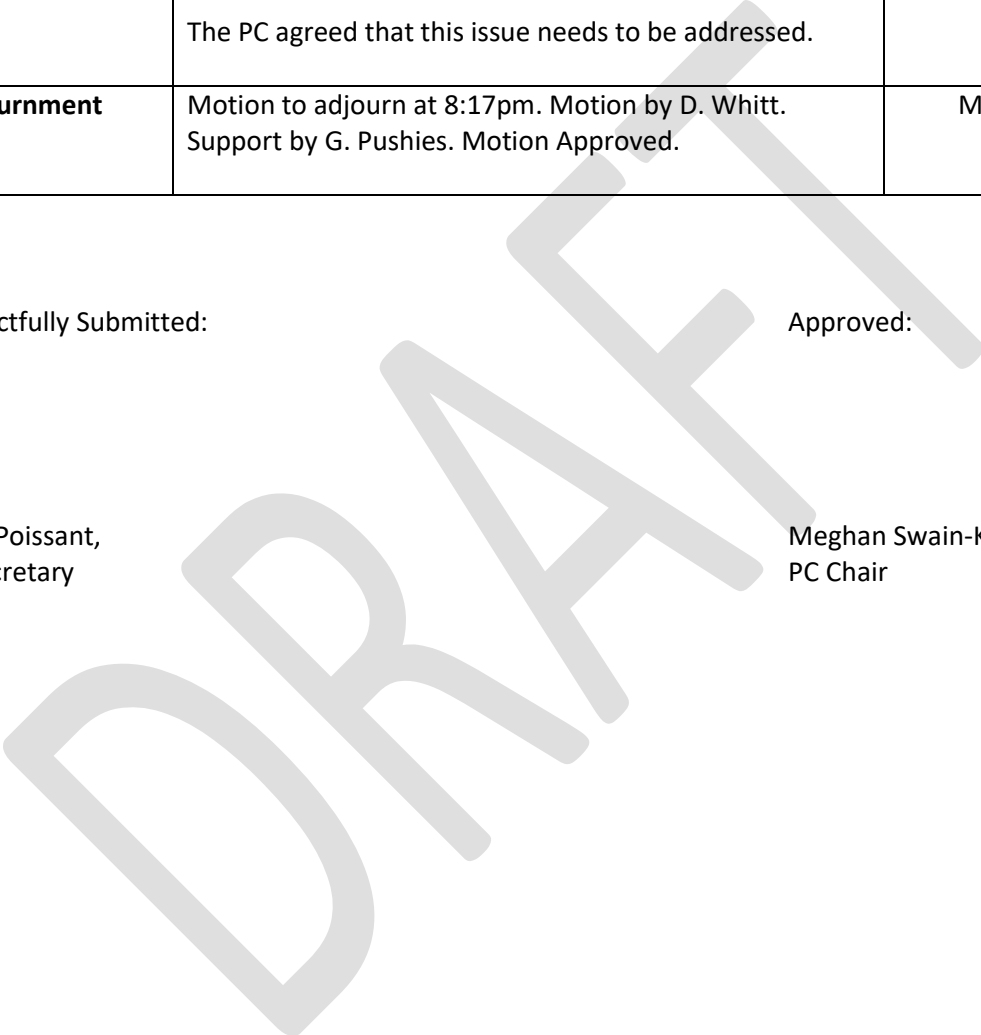
<p>Last Call to the Public</p>	<p>Steve Smith- Robb Rd.- He stated that we all should have had more patience and understanding with communication throughout the process, and he has come to like the PC members.</p> <p>Mike Brown- Sober Rd.- He asked about “pods” and the permit from the county. He also mentioned that depending on the language of the ordinance, someone could be ten of containers on their property.</p> <p>The PC agreed that this issue needs to be addressed.</p>	
<p>Adjournment</p>	<p>Motion to adjourn at 8:17pm. Motion by D. Whitt. Support by G. Pushies. Motion Approved.</p>	<p>Motion Approved</p>

Respectfully Submitted:

Approved:

Kayla Poissant,
PC Secretary

Meghan Swain-Kuch,
PC Chair



PROPOSED ZONING ORDINANCE AMENDMENTS
 PENDING BEFORE CONWAY TOWNSHIP PLANNING COMMISSION
July 10, 2023

	SUBJECT	ZO SECTION	PUBLIC HEARING/ LCPC REVIEW	STATUS	COMMENTS
1.	Event Barns-Special Land Use Regulations	New Section 13.10(W)	Public Hearing on 12/13/21; LCPC # Z-08-22		PC kept amendments for further consideration after Jan 2022 LCPC recommendations
2.	Event Barns-Special Land Use by Districts	Spec Use 7.07 (A)(22), 8.03(A)(13), 10.03(A)(11), and 11.03(A)(10)	Public Hearing on 12/13/21; LCPC # Z-07-22		PC kept amendments for further consideration after Jan 2022 LCPC recommendations
3.	Event Barns-Parking Space Requirements	Amend Section 15.04	Public Hearing on 12/13/21; LCPC # Z-10-22		PC kept amendments for further consideration after Jan 2022 LCPC recommendations
4.	Accessory Dwelling Units	New Section 6.27	Public Hearing on 2/14/22; LCPC # Z-18-22	Planner to update w County comments-draft at June meeting to recommend approval to board	PC kept amendments for further consideration after LCPC March 2022
5.	Large/Small Venue Events				Considering regulations with Planner



Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: January 4, 2022

SUBJECT: Z-07-22 Amendments to Zoning Ordinance Article -
Article 7: AR Agricultural Residential District
Article 8: R Residential District
Article 10: C Commercial District
Article 11: I Industrial District

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission proposes to revise sections within its Article 7: AR Agricultural Residential District, Article 8: R Residential Districts, Article 10: C Commercial Districts and Article 11: I Industrial Districts of the Township Zoning Ordinance regarding Special Event/Wedding Structures and Venues.

According to the township's legal counsel, these amendments were issues that the PC had considered years ago and didn't move forward with at the time. It came back to the Planning Commission because the Zoning Administrator had been receiving calls asking if this use was permitted. The Township Planner provided some sample ordinance language and shared their experiences with this kind of use in other townships. The Planning Commission then decided to allow this use as a special land use at this time. These amendments directly correlate with the proposed amendments in County Planning Case Z-08-22, also under County review at this time.

A summary of the proposed amendments is contained in this review. Proposed additions to existing text are noted in red underline, deletions in ~~strikethrough~~, and staff comments are noted in **bold, italic underline**.

Department Information

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

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

Web Site
co.livingston.mi.us

ARTICLE 7. AR AGRICULTURAL RESIDENTIAL DISTRICT

Section 7.03 Special Uses

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

22. Special Event/Wedding Structures and Venues. (See Section 13.10).



Z-07-22 Conway Township
Amendments to Zoning Ordinance Article 7: AR Agricultural Residential District, Article 8: R Residential District, Article 10: C Commercial District, and Article 11: I Industrial District

ARTICLE 8. R RESIDENTIAL DISTRICT

Section 8.03 Special Uses

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

13. Special Event/Wedding Structures and Venues. (See Section 13.10).

ARTICLE 10. C COMMERCIAL DISTRICT

Section 10.03 Special Uses

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

11. Special Event/Wedding Structures and Venues. (See Section 13.10).

ARTICLE 11. I INDUSTRIAL DISTRICT

Section 11.03 Special Approval

- A. The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission pursuant to the standards of Article 13 Special Land Uses.

10. Special Event/Wedding Structures and Venues. (See Section 13.10).

Township Recommendation: Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its December 13, 2021. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: January 4, 2022

SUBJECT: Z-08-22 Amendments to Zoning Ordinance Article -
Article 13: *Special Land Uses*
Section 13.10(W): *Special Event/Wedding Structures and
Venues*

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission proposes to add a new section to Article 13: Special Land Uses of the Township Zoning Ordinance regarding Special Event/Wedding Structures and Venues.

According to the township's legal counsel, these amendments were issues that the PC had considered years ago and didn't move forward with at the time. It came back to the Planning Commission because the Zoning Administrator had been receiving calls asking if this use was permitted. The Township Planner provided some sample ordinance language and shared their experiences with this kind of use in other townships. The Planning Commission then decided to allow this use as a special land use at this time. These amendments directly correlate with the proposed amendments in County Planning Case Z-07-22, also under County review at this time.

A summary of the proposed amendments is contained in this review. Proposed additions to existing text are noted in **red underline**, deletions in ~~strikethrough~~, and staff comments are noted in ***bold, italic underline***.

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ARTICLE 13. SPECIAL LAND USES

Section 13.10 Site Design Conditions

The special land use general review standards of Section 13.05 are the basis for all uses authorized by special land use approval. The following sections identify specific requirements which individual special land uses shall comply with, in addition to the general standards of the zoning district in which the special use is proposed, Section 13.05 and the site plan design requirements of Article 14.



W. Special Event/Wedding Structures and Venues.

1. Intent and Purpose.

This special land use is for the conversion of existing farm structures or construction of new structures of a farm, rustic or similar style, and the use of surrounding grounds for organized meeting and/or reception space as a gathering place for weddings, parties, and corporate events.

2. Site Requirements and Performance Standards.

All special event/wedding structures, venues, and surrounding grounds shall be subject to the following requirements and standards:

- a. All approved special land uses for special wedding structures, venues, and surrounding grounds are subject to an annual review by the Zoning Administrator for compliance purposes as stated in Section 13.06 (D.).

STAFF COMMENTS: The Township Ordinance regarding permit compliance (Section 13.06 (D.)), states the following:

D. Permit Compliance. In authorizing any special use permit, the Planning Commission may require a performance guarantee pursuant to Section 3.06 to insure compliance with the requirements, specifications and conditions imposed. All special use permits shall be subject to an annual review by the Zoning Administrator for compliance purposes. The Zoning Administrator shall report any non-compliance findings to the Planning Commission for further action.

-
- b. The minimum parcel size shall be twenty (20) acres.
 - c. A five hundred (500) foot open buffer shall be provided on all sides of the property not abutting a public roadway. Special event activities are not permitted within this buffer area. Where possible, agricultural crops shall remain or be grown in the buffer area, or suitable landscaping shall be installed, to maintain the rural/agricultural character of the site.
 - d. A landscape buffer meeting the requirements of Article 6 shall be installed along all property boundaries abutting a residentially zoned district or residential use. The Planning Commission may request additional landscaping to provide further screening/buffer from lights or noise.
 - e. Parcels shall have unobstructed frontage and provide direct ingress and egress to a solid surface public road.



- f. All ingress/egress shall be designed in such a manner to minimize traffic hazards associated with entering and exiting the public roadway and meet the requirements and standards of Article 16.
- g. Access drives on private easements are not permitted.
- h. Event parking area design shall meet the requirements and standards of Article 15.
- i. Parking is not permitted within the designated front yard, required buffer area, public private right of way, or within any other setback areas required by this Ordinance.
- j. Barrier-free parking spaces and pathway shall be a solid surface and meet ADA requirements.
- k. Lighting shall be the minimum necessary to provide for site safety and comply with ordinance standards. Lighting shall be directed away from all adjacent properties.
- l. Structures shall meet Fire Code standards and shall be inspected by the Fowlerville Area Fire Department and Livingston County Building Department prior to issuance of a Certificate of Occupancy.

STAFF COMMENTS: Staff would recommend that the Township also consult with law enforcement in order to make sure they are aware of this new type of land use within the township, as there are times when these types of uses, unfortunately, generate the need for law enforcement presence. In addition, the township should require written approval from the Fowlerville Area Fire Department and the Livingston County Building Department, correspondence of which remains as part of the permanent land use permit file with the Township Zoning Administration office prior to any final approval of a site plan and permit.

- m. Amplified music and dancing are permitted only within the event structure as part of the special use permit. Township noise ordinance shall be observed and complied with.

STAFF COMMENTS: Staff would recommend that the parcel owner and or the applicant/petitioner provide the Township with a professional noise level analysis of the lot/parcel in order for Township officials and the Planning Commission to better understand the negative effects generated by the proposed amplified noise generated from the site. Also, Staff would recommend that the township establish a set, general time allowed for music at these events, which takes into consideration the surrounding land use character (residential versus commercial) and retains good neighborly relations to the extent possible.

- n. No portable restroom facilities shall be permitted. A permanent restroom facility plan must be approved by the Livingston County Health Department.
- o. The sale and consumption of alcohol beverages on the premises are subject to all applicable local and state licensing requirements.



STAFF COMMENT: Here the question arises, who is the responsible party to secure the liquor permit, the owner of the property or the event applicant/petitioner? This permit should also be retained as part of the permanent land use permit file residing in the Zoning Administrator's office.

- p. Tents are permitted only for outdoor wedding ceremonies.
- q. Applicants for a special use permit under this subsection shall, in addition to any other special use and site plan application requirements, provide the following information at the time of application:
 - 1. Ownership of the property.
 - 2. A site plan for the entire parcel, including proposed ingress/egress, parking areas, and capacity and otherwise consistent with Article 14.
 - 3. Proposed hours/days of operation.

STAFF COMMENTS: Staff would highly recommend that the township pre-establish a set standard for hours of operation for this land use, especially due to the noise and traffic elements it typically generates. A good rule of thumb would be an operational time limit of 9 or 10 AM until 10 or 11 PM, with the site only operational during Daylight Savings Time (or Mid-March through early November), when leaves are still on the trees, in order to provide another level of noise suppression and to maximize the level of daylight available during that time period.

- 4. The size of the event facility and guest capacity, including a floor plan of the structure and other areas/structures to be utilized. Applicant must provide a copy of Certificate of Occupancy for any structures included in the event.
- 5. The anticipated number of events per year.

STAFF COMMENTS: Again, Staff would suggest that the township pre-establish a set number of events allowed by the site, either daily, weekly, monthly and yearly. Staff would also suggest that the owner of the site maintain a log of events that will serve as part of the basis for the annual permit review by the township.

- 6. The maximum number of attendees per event, which shall not exceed the capacity of all utilized structures.
- 7. Number of full- and part-time employees.
- 8. Provision of restroom facilities.
- 9. Location of refuse receptacles and method of disposal.
- 10. Proposed signage.



11. Use of music at the facility, including types of sound amplification.

STAFF COMMENTS: please refer to the comments regarding sound/amplified music provided above.

12. Identification of any temporary structures or tents to be used in association with events.

13. Evidence of insurance coverage.

14. Any other documentation required by the Zoning Administrator.

STAFF COMMENTS: Staff has consulted with well-respected Michigan Township's Association (MTA) planning and legal expert Catherine Kauffman regarding this topic in other planning capacities and situations in the past. Her advice is for the community to make sure it takes a good hard look at the level of desire the township has in allowing this type of land use and then start small in concept and build from there. She states that the Key is to start with a SMALL vision of what the intent of the event barn land use is, what the township envisions it is, and have a strict set of standards and requirements, which, if necessary, can be amended over time. Keep the Vision Small and Focused.

In addition, she states that another key is to remember that a violation of a Special Use permit is a violation of the entire Zoning Ordinance, and this can be enforced through preferably the municipal civil infraction process.

Other keys she feels are important:

- **Has the township identified the proper zoning districts? Why these districts?**
- **Has the township identified the proper minimum parcel size? Why this acreage?**
- **If possible, make it a requirement that the Event Structure be tied directly to the commercial-ag use/nature of the subject parcel. This is a VERY IMPORTANT consideration, in order to preserve the Goals and Objectives of the Master Plan – preservation of ag uses, open space, etc**
- **If possible, require that a certain percentage of the parcel be dedicated to commercial agricultural uses and remaining percentage MAY be utilized for Event Structure use.**
- **If possible require that the parcel include an owner-occupied residential dwelling. This is also a very IMPORTANT consideration, so that outsiders that do not want to live or associate with the rest of the community but only want to profit from the use are dissuaded from looking at this for purely financial gain. Purpose of the event structure use should be to aid in the continued preservation of farming and commercial-ag activities in the township by providing an outside “niche” commercial opportunity/activity to keep them financially viable.**



- **Other Important Issues to Consider:**
 - **Noise: Enforcement of the regulation is challenging, who enforces, how is it measured (Decibel reader). The Decimal reader must be calibrated. Allow or not allow amplified music. Require all doors to be closed during an event. Require a vestibule as part of the building envelope to diminish noise level/effects.**
 - **Traffic: How is it controlled – ingress and egress to and from parcel, who enforces, important to have Road Commission involved as well. Drinking and driving issue.**
 - **Frequency and Duration of “Events”: How is an “Event” defined. Can it be all day, half day, etc., What time of year (seasonal, etc.). Is a three-day event by same renter constitute one event or three events? 3-day weekends are important considerations. Five events per week is too many – we need to scale this number way back.**
 - **Setbacks: Ample enough to diminish effects of events on surrounding parcels.**
 - **Landscaping: How much, need for more than normal because of amplified music? Where located on site?**
 - **Lighting: How much, what type and how shielded (same as required for site plan and commercial special uses).**
 - **Parking: How much, allow for non-paved parking but how do you identify parking spaces, required handicap parking, signage, concrete wheel stops.**
 - **Sanitation: Require on-site permanent restrooms or simply allow port-a-johns and handwashing stations. How many required and where location on the site.**
 - **Handicap Accessibility: Must be accessible to all. Handicap parking. Signage.**
 - **Ingress and Egress within the building envelope: Must have exit signs, safe walking to and from parking area and event barn.**
 - **Fire suppression: Require sprinkled building due to commercial nature of use and number of occupants. Must consider everyone’s safety and Building Code requirements.**
- **Compare what is already allowed in the intended districts with what exact types of activities the township will allow as an event barn special use. How do they compare?**
- **Ask local building official: What type of building category does our ordinance describe? And what is required for C of O – requirements for compliance to Code.**



What about rehabbing a building previously used for strictly Ag purposes into an Event Barn.

- **It is necessary to have solid language regarding violation of the special use permit (Should be located in the Special Use Chapter so it covers all special uses). Use municipal civil infraction process, do not use criminal court process. Provide Notice of Violation, Time for Correction (within 30 days of notice), Require a Hearing for Permit Holder that is in violation.**
- **Need to require an Escrow Fee or Performance Guarantee: This is used to cover all reviews and required studies as part of the special Use and Site Plan review process.**
- **Require Sound Study? Do analysis of immediately surrounding uses to petitioner's lot and where they want to site the Event Barn (to try to answer questions regarding noise, traffic issues, etc.). Require \$1500-\$2000 bond in addition to the actual permit fee.**

Hopefully the township will find these suggestions beneficial to the process and will consider them prior to taking any final action on these amendments.

Township Recommendation: Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its December 13, 2021. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. Staff would encourage the township to take careful consideration of all the items of consideration as presented by staff prior to taking any final action on these amendments.



Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: January 4, 2022

SUBJECT: Z-10-22 Amendments to Zoning Ordinance Article -
*Article 15: Off-Street Parking and Loading-Unloading
Standards
Section 15.04: Parking Space Requirements*

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission proposes updates to Article 15: *Off-Street Parking and Loading-Unloading Standards*, Section 15.04: *Parking Space Requirements* of the Township Zoning Ordinance regarding parking space requirements for the newly created Special Event/Wedding Structures and Venues land use.

A summary of the proposed amendments IS contained in this review. Proposed additions to existing text are noted in **red underline**, deletions in ~~strikethrough~~, and staff comments are noted in ***bold, italic underline***.

Section 15.04 Parking Space Requirements

Off-street parking spaces shall be required in all districts based upon the following permitted and specially permitted uses:

Type of Use	Required Number of Spaces
Single Family Attached Dwellings	Three (3) spaces for each dwelling unit, plus one (1) space per five (5) units for guest parking
<u>Special Event/Wedding Structures and Venues</u>	<u>One (1) space per three (3) people, based on the occupancy load of the building</u>
Veterinary Hospital, Clinics, and Commercial Kennels	One (1) space for each three hundred (300) square feet of gross floor area, plus one (1) space per employee on the largest work shift

If a particular use is not specifically listed, the Planning Commission, in its discretion, may chose the closest similar use to the use not specifically listed and apply or deviate from the requirements to fit the new use.

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Z-10-22: Conway Township

Article 15: Off-Street Parking and Loading-Unloading Standards, Section 15.04: Parking Space Requirements

Page 2

STAFF COMMENTS: This amendment corresponds with the newly proposed Event and Wedding Structures Special Land Use amendments being reviewed concurrently BY County Planning (See County Zoning Cases Z-07-22 and Z-08-22).

County Planning Staff would suggest the township consult with the Livingston County Building Department to ensure this proposed standard meets with current Building Code compliance. County Planning Staff would also suggest adding requirements for barrier free accessible spaces and loading and unloading spaces.

Township Recommendation: Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its May 10, 2021. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: March 1, 2022

SUBJECT: Z-18-22 Amendments to Zoning Ordinance Article -

Article 6: *General and Supplemental Regulations*
Section 6.27: *Accessory Dwelling Units (ADUs)*

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission proposes a completely new set of regulations for the Township Zoning Ordinance, as Section 6.27, to allow detached accessory dwelling units in the AR and R districts.

Proposed additions to existing text are noted in red underline, deletions in ~~strike through~~, and staff comments are noted in **bold, italic underline**.

Section 6.27 Accessory Dwelling Unit

A. Purpose and Intent. It is the intent of this section to permit detached Accessory Dwelling Units (ADUs) upon single family properties with an existing primary dwelling in the AR and R Districts 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.

B. Regulations.

1. The principal dwelling or the ADU 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 in a building that is separate and detached from the principal dwelling.

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3. The ADU shall not be greater than forty (40) percent of the gross floor area of the principal dwelling structure or 1,000 square feet; whichever is less.
4. The number of off-street parking spaces for the ADU shall be not less than one (1) and shall not block the required parking for the primary dwelling.
5. If garage floor area is converted for an ADU, replacement off-street parking shall be provided for the primary dwelling.
6. No more than two (2) bedrooms may be provided in the ADU.
7. The occupancy of the ADU shall not be more than two (2) persons.
8. ADUs and the principal dwelling must be connected to sewer if available. If public water and sewer are not available, the use of private water and septic systems for the ADU shall be subject to the approval of the Livingston County Health Department. The ADU shall comply with all applicable housing, building, fire, and health code requirements.
9. The primary dwelling and the ADU shall share the same vehicular access to the property.
10. All zoning district bulk and setback requirements shall apply to the site.
11. Mobile homes, shipping containers and trailers on wheels shall not be considered or used as an ADU for purposes of the section.

C. Approval Procedure.

1. ADUs shall require a land use permit from the Zoning Administrator.
2. The applicant shall submit a plan with the following information for review to the Zoning Administrator.
 - a. The location of the proposed ADU, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements on the lot, water, sewer, and septic connections, location of structures on adjacent lots, abutting streets, driveways, and parking areas.
 - b. Any additional information required by the Ordinance or the Zoning Administrator.
3. The Planning Commission may waive one or more of the regulations of this Section upon consideration of the following factors:



- 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.

STAFF COMMENT:

Excerpt from American Planning Association PAS (Planning Advisory Service) Quicknotes 19 pertaining to ADUs:

The benefits to the home owner and the ADU occupant are many. For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner's grown son or daughter just starting out or to an elderly parent or two who might need a helping hand nearby. The unit could also be leased to unrelated individuals or newly established families, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner. Supplemental income could offset the high cost of a home mortgage, utilities, and real estate taxes. Finally, leasing an ADU to a young person or family can provide an elderly home owner with a sense of security and an opportunity to exchange needed work around the house and yard for a discount on rent.

ADUs are a particularly desirable option for many communities today considering the current economic climate, changes in household size, increasing numbers of aging baby boomers, and the shortage of affordable housing choices. They provide a low-impact way for a community to expand its range of housing choices.

Link to document:

<https://planning-org-uploaded-media.s3.amazonaws.com/document/PASQuickNotes19.pdf>

A couple of outstanding issues brought out from this document that the township may want to consider before final approval of the proposed regulations:

1. **Form of Ownership. Should the township's ordinance prohibit converting the ADU unit into a condominium?**
2. **Preexisting, nonconforming ADUs. How should the ordinance treat grandfathered ADUs? How do you treat illegal apartments that want to apply for an ADU permit?**



Additional helpful information is available through the American Planning Association (APA) regarding the regulation of ADUs if township officials would like to research the topic further. According to the APA:

In 2001 AARP retained APA's Research Department to write a guidance report for citizens interested in convincing local and state officials of the benefits of allowing ADUs and showing them how to do it. Entitled "Accessory Dwelling Units: Model State Act and Model Local Ordinance", the monograph provides alternative statute and ordinance language useful to implementing all forms of ADUs.

"The Model Local Ordinance" suggests recommendations for communities. Additionally, the intent of the ordinance describes the permitting process for eligibility and approval, and further outlines standards for ADU approval pertaining to lot size, occupancy, building standards, parking and traffic, public health, and how to deal with nonconforming ADUs. "The Model State Act" provides findings and policies encouraging the approval of ADUs and names local governments as the entities entitled to authorize Planning fundamentals for public officials and engaged citizens.

Link to document: <https://www.planning.org/knowledgebase/resource/9123024/>

Finally, for consistency and continuity purposes, County Planning Staff would recommend that new listings also be added to Sections 7.03(A) and 8.03(A) to list ADUs as allowed as special uses in the AR and R Districts, and include reference to this section, such as:

EXAMPLES:

Section 7.03 Special Uses

21. Commercial Solar Energy System (See Section 6.26).

22. Accessory Dwelling Units (see Section 6.27).

Section 8.03 Special Uses

12. Ground-Mounted Solar Energy Collector (See Section 6.26).

22. Accessory Dwelling Units (see Section 6.27).

Township Recommendation: Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its February 14, 2022. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. The township has done the right thing by proactively amending the zoning ordinance to allow for ADUs.