

## **Conway Township Planning Commission Meeting Agenda**

**November 9, 2020**

Next meeting December 14, 2020 at 7:00pm

- 1) Call to order and pledge of allegiance
- 2) Roll Call and sign-in: (Londa Horton, Larry Parsons, George Pushies, Chuck Skwirsk, Mike Stock, Meghan Swain-Kuch, Todd Thomas, Keith Wasilenski, Chris Atkin, Abby Cooper)
- 3) Approve November 9, 2020 Meeting Agenda
- 4) Approve minutes of the October 12, 2020 meeting
- 5) Communications
- 6) Call to Public
- 7) Old Business
  - a. Discuss moving forward with Public Hearing regarding Zoning Ordinance revisions, items 1-5 per "PC Approved Proposed Zoning Ordinance Amendments (Phase II), dated November 2, 2020 (see attached list)
  - b. Reviewing zoning revisions list. Will use Abby's revised list as review reference.
    - i. Accessory Buildings draft – by Chris Atkins, See attachment. Reference document attached(Deerfield Township 19.11)
    - ii. Event Barns draft – Attorney follow-up regarding Access drives on private easement. See attached draft
    - iii. Continue discussion regarding Accessory Dwelling Units.
- 8) New Business
- 9) Zoning Administrator Report
- 10) Update from the Board
- 11) Update from Land Division Committee
- 12) Last call to Public
- 13) General Discussion
- 14) Adjournment

## Planning Commission Member Meeting Sign-in

Date: \_\_\_\_\_

Londa Horton	
Larry Parsons	
George Pushies	
Chuck Skwirsk	
Mike Stock	
Meghan Swain-Kuch	
Todd Thomas (Zoning Administrator)	
Keith Wasilenski	

# Conway Township Planning Commission Meeting Minutes

October 12, 2020, 2020

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

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	<ul style="list-style-type: none"><li>• Public: Two attendees.</li><li>• Township Board Members: Larry Parsons, Trustee, present</li><li>• Planning Commission Members present: George Pushies, Londa Horton, Mike Stock, Meghan Swain-Kuch, Chuck Skwirsk</li><li>• Planning Commission Members absent: Keith Wasilenski</li><li>• Zoning Administrator: Todd Thomas, present</li><li>• Livingston County Planning Commissioner: Dennis Bowdoin, present</li><li>• Township Attorney: Abby Cooper, not required</li><li>• Township Planner: Chris Adkins, not required</li></ul>	
<b>Call to Order and Pledge to Flag</b>	<p>Chairperson Mike Stock called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance. He called roll call. Keith Wasilenski absent.</p> <p>The next meeting is November 9, 2020 at 7pm.</p>	
<b>Minutes from last meeting</b>	<p>George Pushies moved to approve tonight's agenda. Add item B to the agenda per Mike Stock, attendance for Certified Planner and attorney. Second by Larry Parsons. All in the favor. Motion passed.</p> <p>Larry Parsons moved to approve the minutes of the September 14, 2020 meeting. Second by George Pushies. All in favor. Motion passed.</p>	
<b>Communications</b>	-0-	
<b>Call to the Public</b>		

# Conway Township Planning Commission Meeting Minutes

October 12, 2020, 2020

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

Agenda	Items Discussed	Actions to be Taken
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<b>Old Business</b>	<p>Chris Atkins, our Planner, sent two drafts, one for accessory buildings and one for event barns.</p> <ul style="list-style-type: none"><li>Chris took our ordinance and changed it for accessory buildings. George Pushies commented that it was convoluted and recommended Deerfield's ordinance is simple rather than this, i.e., one-minute it refers to accessory buildings and one-minute houses on a lot, or another structure. Do not write it all in the same paragraph. We have residential and commercial in our ordinance intermixed.</li><li>George Pushies recommended that Mike Stock send the Deerfield Accessory Ordinance to Chris Atkins for review. Use Deerfield as a guideline.</li></ul> <p>Chris Atkins revised our event barns draft. Have Abby Cooper review private easement for item G.</p> <p>Outdoor furnances - the Board has to make a decision on this. Abby Cooper wants a separate section in the Zoning for this issue.</p>	<p><b>Mike to advise Chris we would like something more simplified regarding accessory buildings.</b></p> <p><b>Mike to have Abby review private easement for item G event barns.</b></p>
<b>New Business</b>	<p>Have certified Planned and attorney present at our meetings in the future, recommended Mike Stock. It would be advantageous to have Chris here to hear discussions for rationale.</p> <p>Dennis Bowdoin commented that most townships have their Planner present when you are making revisions so a decision can be made. Then after a draft is written, it is provided to the attorney. At least have Chris here and after the draft, invite Abby to be present until we are ready to vote on it. Chris can be released to go home after his items are addressed on the agenda.</p> <p>Accessory Dwelling Units referenced in Deerfield Ordinance in Section 17.29.</p> <ul style="list-style-type: none"><li>Larry Parsons commented it sounds like aging parents can age in place, but it doesn't have to be family. Todd Thomas thinks what is being said is murky.</li><li>Shall we move this to old business? The intent is to provide for aging parents, i.e., the immediate family, due to financial hardship on the elderly. This may be a big investment and if the elderly go to another care facility and it's tied only to family members. In that case they are out their investment, commented Larry Parsons.</li><li>How would you enforce it?</li></ul>	

# Conway Township Planning Commission Meeting Minutes

October 12, 2020, 2020

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

Agenda	Items Discussed	Actions to be Taken
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<b>Zoning Administrator Report</b>	<ul style="list-style-type: none"><li>Todd Thomas gave the ZA report. He had Land Use permits for two home attached garages and one deck issued in September 2020. One of the homes will not be starting due to the lumber start increase.</li><li>He sent a letter to Asa Kreeger that the Planning Commission approved changes to the original site plan known as SPR-01-08 for property ID: 4701-34-200-006, located at 6995 N. Fowlerville Rd. He asked that Asa complete the approved changes in a timely manner.</li></ul>	
<b>Update from the Board</b>	Larry Parsons gave an update from the Township Board.	
<b>Update from Land Division Committee</b>	George Pushies commented that there were no updates from the Land Division Committee.	
<b>Call to Publis</b>	-0-	
<b>Adjournment</b>	Mike Stock made a motion to adjourn, second George Pushies. All in favor. Motion passed. Adjourned at 8:27pm.	

**PC APPROVED PROPOSED ZONING ORDINANCE AMENDMENTS (Phase II)**  
**November 9, 2020**

	<b>SUBJECT</b>	<b>ZO SECTION</b>	<b>STATUS</b>	<b>COMMENTS</b>
1.	Sign Standards--- amend per <i>Reed</i> , 135 S Ct 2218 (2015)	New Article 17	DONE	Draft approved by PC at 3/9/20 meeting
2.	Further work re: LCPC comment in Z-30-18	Articles 7-11	DONE	Draft approved by PC at 10/14/19 meeting
3.	Shared Drive	16.06(A) remove site plan review requirement; 16.06(F) must build before LUP for house- add shared driveways to this provision	DONE	Draft approved by PC at 12/9/19 meeting
4.	Keeping of Animals/RTFA	Section 6.22 (A), (B)	DONE	Draft approved by PC at 10/14/19 meeting
5.	Airport Approach	Revised Section 6.23	DONE	Approved subject to Abby checking with Dennis re 2006 airport approach amendment [Yes, DENNIS APPROVED]
<b>STILL PENDING</b>				
	Event Barns	Add new Section 13.10(W)	Attorney/Planner to discuss most recent draft by Planner from Oct 2020	
	Accessory Structures- consider a max % coverage allowance	Section 6.06	PC In discussion	
	Outdoor Furnaces	New Section 6.27	Waiting on feedback from Township Board	

### CONWAY TOWNSHIP POLICY No. 3

#### PROCEDURES FOR AMENDING THE ZONING ORDINANCE (TEXT AMENDMENT)

The Conway Township Board has adopted this administrative policy to formalize and clarify procedures that are to be followed when amending the text of the Conway Township Zoning Ordinance and to ensure compliance with the Michigan Zoning & Enabling Act (MZEA).

#### A. Planning Commission Steps

1. **Initiation.** Text amendment is initiated by the Planning Commission, Township Board, or citizen.
2. **Third Party Reviews.** The Planning Commission may submit the proposed amendment for an informal review to the Livingston County Planning Commission. The Planning Commission shall provide to the Township Attorney for review.
3. **Schedule Public Hearing.** Schedule public hearing before the Planning Commission on proposed amendment during any regular meeting or special meeting.
4. **Notice.** Prepare notice of public hearing and meeting of Planning Commission on proposed amendment for publication, mailing, and posting. The Notice must:
  - a. Describe the nature of the proposed amendment. Publish proposed amendment in its entirety.
  - b. State the time and place the amendment will be considered.
  - c. State the time and place written comments will be received.
  - d. State the time and places the proposed text may be examined. A copy should be available at the Conway Township Hall.
  - e. Include name of Conway Township, address, telephone number.
5. **Publish Notice.** Publish notice of public hearing and meeting in newspaper of general circulation in Township at least 15 days before the date of public hearing and meeting.
6. **Mail Notice.** If any electric, gas, pipeline public utility company, telecommunication service provider within the Township, railroad operating within the Township, or manager of any airport within the Township has registered their name and address with the Township Clerk for purposes of receiving zoning public hearing notices, then mail notice of the public hearing and meeting by regular first class mail to any entity so registered at least 15 days before the date of the public hearing and meeting. Step may be skipped if no entities have registered.
7. **Public Hearing.** Planning Commission holds the public hearing on the proposed amendment. Planning Commission should acknowledge any written comments received, and attach a copy to the minutes. The minutes should reflect a summary of all public comments received. Planning Commission should vote by motion to recommend or not to recommend adoption of the amendment to the Township Board. The decision may be tentative or subject to further reviews.
8. **County Planning Review.** After the hearing, the Planning Commission shall submit the proposed amendment with its tentative recommendation to the Livingston County Planning Commission for review. The Livingston County Planning Commission has 30



days to review, and the review is waived if not received by the Township within this time. Efforts should be made to keep the Livingston County Planning Commission informed of the Township's anticipated review needs.

9. **Recommendation.** The Planning Commission should adopt by motion with a roll call vote recommendation to the Township Board to adopt or not to adopt the amendment and submit to the Township Board.
10. **Records.** The Secretary of the Planning Commission shall prepare and provide to the Township Clerk for inclusion in the Township records the following: proposed text amendment, Affidavits of publication and mailing of public hearing notice, and applicable minutes, letters, County reviews, and attorney reviews.

## **B. Township Board Steps**

1. **Public Hearing.** The Township Board may hold an additional public hearing on its own initiative, but is required to hold a public hearing upon the request of any property owner by certified mail to the Clerk. Notice for any public hearing shall be provided as set forth above for the Planning Commission public hearing.
2. **Consideration.** The Township Board shall consider the Planning Commission's recommendation and do one of the following:
  - a. Disapprove the proposed amendment.
  - b. Approve the proposed amendment and adopt the ordinance with or without permissible amendments.
  - c. Refer the text back to the Planning Commission for further consideration and comment within a time specified by the Township Board.
3. **Adoption.** Decision of the Township Board to adopt the ordinance amendment shall be done by motion approved by majority of the members elect of the Board on a roll call vote.
4. **Effective Date.** The amendment shall take effect 7 days after notice of adoption is first published or a later date specified by the Township Board.
5. **Publication.** Publish notice of ordinance adoption and complete ordinance or proper summary of ordinance in newspaper that is circulated within the Township within 15 days after ordinance adoption.
  - a. Each section shall be preceded by a "catch line."
  - b. Requirements for a proper summary:
    - i. It may be prepared by the person who drafted the ordinance, the Township Board, or attorney.
    - ii. Each section shall be preceded by a "catch line."
    - iii. Must be written in clear and non-technical language.
    - iv. Must contain the effective date.
    - v. Include location where full text of the ordinance may be reviewed and hours. The text should be made available at the Township Hall and with the County Clerk.
  - c. Have attorney review and approve property summary.
6. **Mailing.** Mail a copy of the notice of adoption to the manager of any airport within the Township which has registered to receive zoning notices.



7. **Filing:** The following shall be filed and recorded by the Township Clerk within 1 week after publication, unless an alternative time is noted:
  - a. An attested copy of the ordinance shall be filed with the County Clerk.
  - b. The Township Clerk shall maintain a separate book for zoning ordinance amendments and record therein the following:
    - i. A complete copy of the amendment with the Clerk's certification of the names of Board members and how they voted, date of publication and name of newspaper, date of filing of ordinance with the County Clerk, and date of mailing (if applicable).
    - ii. Minutes from all Planning Commission and Township Board meetings and public hearings.
    - iii. Affidavit of Publication from the newspaper (when it becomes available).
    - iv. Affidavit of Mailing, if applicable.
    - v. Records provided by the Planning Commission including Livingston County Planning Commission and any other third party reviews.
  - c. The Livingston County Planning Commission should also be provided a copy of the amendment, upon their request, and may be provided electronically
8. **Petition.** Within 7 days after publication of the notice of adoption, a registered elector residing in the Township may file with the Township Clerk a notice of intent to file a petition to bring all or part of the zoning amendment to a vote. If this occurs, then the Clerk should notify the Township attorney immediately for further direction and assessment of impact.
9. **Update Zoning Ordinance.** The Clerk shall incorporate the amendment into the Conway Township Zoning Ordinance, and note the date of amendment.
10. **Administrative Effect.** Township Board should address any policy or procedures affected by or necessary for administration and enforcement of the amendment. The Zoning Administrator should update any inventory of existing buildings which are nonconforming as a result of the amendment.

\* \* \* \* \*

I, Cindy Dickerson, Conway Township Clerk, hereby certify that this administrative Conway Township Policy No. 3 was approved by Resolution Roll Call vote by the Conway Township Board at a regular meeting held on July 20, 2010. Presented by Parsons, Supported by Rife.

DeMarais – Aye  
Parsons – Aye  
Rife – Aye  
West – Aye  
Dickerson - Aye

Resolution Number 2010-07-20-2

/s/ \_\_\_\_\_  
Cindy Dickerson  
Conway Township Clerk

**PROPOSED ZONING ORDINANCE AMENDMENTS  
FOR ACCESSORY BUILDINGS AND STRUCTURES  
CONWAY TOWNSHIP, MI**

September 10, 2020

**Section 6.06 Supplemental Regulations Pertaining to Accessory Buildings and Structures.**

~~Accessory Lot/parcels in the R-Residential and AR-Agricultural Residential zoning districts are allowed one (1) detached single family dwelling, as defined by ordinance, one (1) principal building, as defined by ordinance, and accessory buildings and structures, as defined by ordinance, except as otherwise permitted in this ordinance, shall be subject to the following regulations:~~

- A. Relation to Principal Building.** Accessory buildings, ~~and~~ structures ~~and uses~~ are permitted only in connection with, incidental to, and on the same lot/parcel with a detached single-family dwelling where the detached single family dwelling is the principal building, structure or and residential is the principal use-use which, as is permitted in the particular zoning district; ~~except a~~ An accessory building or structure may be permitted on a separate lot/parcel in conjunction with ~~activity of a permitted~~ a farm or agriculturally related use, as defined, under same ownership in the AR Agricultural Residential District. ~~On parcels of two (2) acres or less, the accessory gross floor area cannot exceed one hundred fifty percent (150%) of the total square footage of the gross floor area in the principal residence.~~
- B. Permit Required.** Any accessory building of two hundred (200) square feet or more shall require a building permit from the Livingston County Building Department.
- C. ~~Structurally Attached to Main Buildings~~ Attached Accessory Buildings.** Where the accessory building is attached to a ~~main principal~~ building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main building.
- D. Yard Locations.** Detached accessory buildings and structures shall be located in the rear yards outside of the minimum required yard area except:
1. Detached ~~P~~private residential garages may be allowed in the side yard, adjacent to the principal residential structure, but not forward of the front building.
  2. Detached parking garages or carports may be permitted in the non-required front yard of attached residential dwelling complexes provided that the Planning Commission approves the site plan, elevation drawings and construction material. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.
  3. Where the lot dimensions make rear yard locations impossible,

the Planning Commission may waive restrictions on front yard placement of detached accessory buildings and structures.

- E. All impervious surface runoff (roof, drive and parking area(s)) shall be directed away from all adjacent lots/parcels. Method of diversion shall be subject to review and approval by the Zoning Administrator.
- F. **Number of Accessory Structures.** On AR Agricultural Residential and R Residential zoned lots/parcels of two (2) acres in area or less, only ~~one attached garage or accessory building or structure and one one detached accessory building and structure and building detached garage or accessory buildings and structures shall be permitted shall be permitted.~~ On AR Agricultural Residential and R Residential zoned lots of greater than two (2) acres, On AR Agricultural Residential and R Residential zoned lots of greater than two (2) acres, the number of accessory buildings and structures shall be regulated by the maximum coverage requirements of Section 6.06(I) unless accessory buildings and structures are for active agricultural conduct and are eligible for an agricultural waiver under 6.06(F) below.
- G. **Number of Agricultural Accessory Structures.** On AR Agricultural Residential zoned lots/parcels of twenty (20) acres or greater with active agricultural pursuits, the number of accessory buildings and structures shall be regulated by agricultural waiver. Such waiver may be obtained from the Conway Township Zoning Administrator. A waiver shall be obtained from said Administrator prior to building construction. All other applicable requirements of this ordinance shall apply to AR Agricultural Residential zoned lots/parcels. of twenty (20) acres or greater.
- H. **Height of Non-Farm Accessory Structures.** No accessory non-farm building or structure shall exceed the maximum heights permitted in the R Residential District (See Section 8.04), except for antennas as noted in Section 6.17.
- I. **Height of Farm Accessory Structures.** No accessory farm building or structure shall exceed the maximum heights permitted in AR Agricultural Residential District (See Section 7.04).
- J. **Maximum Coverage.** On all R Residential zoned lots/parcels and AR Agricultural Residential zoned lots/parcels of greater than two (2) acres, the combined square footage of all principal buildings and structures, and all accessory buildings, ~~and~~ structures ~~and uses,~~ excluding swimming pools, may occupy a maximum of twenty percent (20%) of the total yard area.
- K. **Required Setbacks for Detached, Accessory Residential Buildings and Structures (over 200 square feet total floor area).** Detached

accessory residential buildings and structures over two hundred (200) square feet of floor area shall be at least ten (10) feet from the principal building to which they are accessory, at least twenty-five (25) feet from any public street right-of-way line, at least fifteen (15) feet from any side or rear lot line, at least twenty-five (25) feet from any shoreline or drain easement, at least twenty-five (25) feet from the edge of any wetland, and at least forty (40) feet from any principal building on an adjacent property. In no instance shall any accessory building or structure be located within a dedicated easement or road right-of-way.

**L. Required Setbacks for Detached Accessory Residential Buildings and Structures (less than 200 square feet total floor area).** Detached accessory residential buildings and structures less than two hundred (200) square feet of floor area shall be at least ten (10) feet from the principal building to which they are accessory, at least ten (10) feet from any public street, right-of-way line, at least then (10) feet from any side or rear lot line, at least twenty-five (25) feet from any shoreline or drain easement, and at least twenty-five (25) feet from the edge of any wetland. In no instance shall an accessory building or structure be located within a dedicated easement or road right-of-way.

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

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

**O. Accessory Structures Constructed Prior to or Without a Principal Building.** Notwithstanding any provision to the contrary in Section 6.06(A), an accessory building and/or structure may be constructed prior to or without a principal building or detached single-family dwelling provided that a plot plan is submitted to the Zoning Administrator that demonstrates to the Zoning Administrator's satisfaction that such proposed accessory building or structure will not



inhibit the future construction of a principal building in compliance with the requirements of this Zoning Ordinance. No commitment to build any future principal building shall be required. If an approval is obtained for an accessory building or structure to be constructed prior to or without a principal building or detached single-family dwelling, the location of the accessory building or structure must allow for a future principal building to be located in front of the accessory building or structure, unless otherwise permitted by this ordinance, and shall meet the required setbacks.

- P. Occupancy of Accessory Structures or Basements.** Buildings erected after the effective date of this ordinance such as garages or accessory buildings shall not be used or occupied for dwelling purposes at any time.
- Q. Design Standards.** Accessory buildings in the R Residential district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

## **Section 6.07 Supplemental Regulations Pertaining to Yards**

### **A. Permitted Yard Encroachments.**

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

building and shall be subject to all yard and area dimensional requirements established for principal buildings.



injure human beings or domesticated animals. This definition includes, but is not limited to, such animal as quails, pheasants, peacocks, turkeys, deer, and non-poisonous snakes that will not exceed six (6) feet in length at maturity.

**Predatory:** An animal that is not typically domesticated nor found on farms, but typically exists in the wild and is typically found in zoos, circuses, wildlife sanctuaries, or nature preserves, and attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. This definition includes, but is not limited to such animals as lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, badgers, bears, bobcats, coyotes, crocodiles, alligators, chimpanzees, monkeys, gorillas, poisonous snakes, snakes over six (6) feet, wolves, or any hybrid of a wild animal.

**B. Household Animals:** Household animals are permitted within all zoning districts. Kennels are permitted by special land use in specified districts only. See Article 2 for definition of kennel.

**C. Predatory Wild Animals:** Predatory wild animals are prohibited in all zoning districts.

**D. Farm Animals and Non-Predatory Animals:** The raising and keeping of farm animals and non-predatory animals may be conducted as accessory to the principal residential use of a lot of two (2) acres or larger in an A-1, A-2, A-3, A-4, R-1, and R-2 District, provided activities associated with the keeping of such animals are in accordance with the Generally Accepted Agricultural and Management Practices of the Michigan Agriculture Commission, and all applicable county, state and federal regulations. However, the following additional provisions shall apply in the A-2, A-3, A-4, R-1, and R-2 Districts:

1. No more than one (1) large farm animal shall be permitted per one (1) acre of lot area, except that in no case are swine permitted in such Districts.
2. No more than one (1) non-predatory wild animal over fifty (50) pounds in weight, or ten (10) non-predatory wild animals of fifty (50) pounds or less in weight, shall be permitted per one (1) acre of lot area.

(Ord. 112-13, 2-8-07)

## **Section 19.11 ACCESSORY USES, BUILDINGS, and STRUCTURES**

**A. Permit Required:** A Land Use Permit must be issued prior to the erection of an accessory building or structure. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan or site plan, depending upon the nature of the principal use of the lot and pursuant to Article 4. Accessory uses, buildings and structures shall be subject to the following regulations except for agriculturally related accessory structures on parcels greater than twenty (20) acres in size, or as otherwise permitted in this Ordinance.

**B. Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Any covered or roofed structure, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

**C. Separation Distance:** An accessory building or structure unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

**D. Placement:** Except as provided below in (1) and (2), accessory buildings and structures are subject to all side yard setback requirements of the District in which it is located, shall be no closer than ten (10) feet to any rear lot line, and, on a lot of less than two (2) acres, shall not be located in any front yard. On lots of two (2) acres or more, accessory buildings and structures may be placed in a front yard but shall comply with the front yard setback requirements of the District.

1. Boathouses and other structures constructed solely for the purpose of storing or mooring vehicles intended for use upon the water body which the rear yard abuts need not be set back a minimum of ten (10) feet from the rear yard lot line.
2. Uncovered paved terraces, patios, and porches may extend to within four (4) feet of a property line provided the finished grade of such terrace, patio, or porch shall not be more than three (3) feet higher than the surrounding finished grade.

**E. Lot Coverage:** An accessory building or structure shall not occupy more than thirty (30) percent of the area of any rear yard.

**F. Height:** No detached residential accessory building or structure shall exceed thirty-five (35) feet in height from the established grade to the highest point of the accessory building or structure. See Section 19.20 regarding fence and wall heights.

**G. Not Permitted Prior to a Principal Structure:** Accessory buildings and structures shall not be erected on a lot or parcel in any district prior to the establishment of a principal structure except that agricultural buildings may be erected prior to the establishment of a principal structure provided the building is to be located on a parcel of a minimum of twenty (20) acres and a minimum of fifty percent (50%) of the parcel has been under active commercial agricultural operations for a minimum of two consecutive calendar years. See definition for "agricultural building" in Article 2. Where the Zoning Administrator is uncertain of the extent of active commercial agricultural operations, such as commercial crop or livestock farming, the Zoning Administrator may request the applicant to submit substantiating evidence. Where two or more abutting lots are held under one ownership in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one which the principal building is located, provided both lots are used as one with a single tax description.

**H. Habitation of Accessory Structures:** No garage, barn, or accessory building, or basement, whether fixed or portable, shall be used or occupied as a dwelling.

(Ord. 112-9, 5-11-06; Ord. 112-18, 5-10-12)

## **Section 19.12 TEMPORARY DWELLINGS**

**A.** No temporary dwelling shall be erected or placed upon a lot or parcel except as authorized by a temporary land use permit issued by the Zoning Administrator. The Zoning Administrator may issue a temporary land use permit for a temporary dwelling, consisting of a mobile home or recreational vehicle, subject to (1), (2), and (3) below. A performance guarantee shall be required from the property owner prior to placing a temporary dwelling for temporary use, to ensure removal of the temporary dwelling at termination of the permit. The temporary dwelling shall be removed, or demolished in the case of (1)(a) below, no later than the permit expiration date stated on said permit or within sixty (60) days of the issuance of a certificate of occupancy for the new permanent dwelling, whichever comes first.

1. **New Construction:** When a permanent dwelling is to be constructed upon a lot, a temporary land use permit may be issued to allow a temporary dwelling less than twenty (20) feet in width to be placed on the property upon the request of the owner, to be used for residential purposes by the landowners during the time which the permanent dwelling is being constructed. Said permit shall be in effect for no more than one (1) year. Any extension must be approved by the Planning Commission, who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.
  - a. When a permanent dwelling is to be constructed upon a lot with the intent that it replace an existing dwelling on the same lot, a temporary land use permit may be issued to allow the existing dwelling to be used as a temporary dwelling by the landowners during the time when the replacement permanent dwelling is being constructed. Such permit shall be subject to the same time limitations as specified above in (1).
2. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary land use permit may be issued to allow a temporary dwelling less than twenty (20) feet in width to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than one (1) year. The Planning Commission may grant one (1) extension of not more than one (1) year during which time a permanent dwelling shall be erected on the property.
3. **Medical Reasons:** A person(s) may make application to the Zoning Administrator to occupy a temporary dwelling as an accessory use to the principal dwelling if a medical condition exists such that the intended occupant requires continued supervision. Such medical condition shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. A temporary housing permit shall be granted if the Zoning Administrator finds adequate evidence of the need for supervision. Such permit issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant. The permit shall expire in one (1) year. One (1) extension of not more than one (1) year may be issued upon review by the Zoning Administrator. All temporary dwellings shall be located within two-hundred (200) feet of the dwelling occupied by the person providing the continued supervision and shall comply with all setback requirements for principal buildings.

**PROPOSED ZONING ORDINANCE LANGUAGE  
FOR SPECIAL EVENT/WEDDING ~~BARN~~STRUCTURE AND VENUES  
CONWAY TOWNSHIP, MI**

October 1, 2020

**Special Event/Wedding ~~Barn~~Structure and Venues in the A-1 District.**

This special land use is for the conversion of existing farm ~~buildings-structures~~ or construction of new ~~buildings-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. All Special Event/Wedding Structure, Venues, and surrounding grounds ~~event barns~~ shall be subject to the following requirements and standards:

a. All approved special land uses for special Event/Wedding Structure, Venues, and surrounding grounds are subject to an annual review by the Zoning Administrator for compliance purposes as stated in Section 13.06 D.

~~a.b.~~ The minimum parcel size shall be twenty (20) acres.

~~b.c.~~ A ~~two-five~~ hundred (~~200~~500) foot open buffer shall be provided on all sides of the property not abutting a public roadway. Special event/commercial business activities are not permitted within this buffer area. Where possible, agricultural crops shall remain or be grown in the buffer area, or suitable landscaping, to maintain the rural/agricultural character of the site.

~~c.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.

~~d.e.~~ Parcels shall have unobstructed frontage ~~along and provide direct ingress and egress to a public solid surface road. road for direct access.~~

~~e.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.

~~f.g.~~ Access drives on private easements are not permitted.

~~g.h.~~ The increase in traffic volume generated by any event shall not create a nuisance to nearby residents by way of traffic, noise or significant increases.

~~h.i.~~ Event parking area design shall meet the requirements and standards of Article 16.

~~i.j.~~ Parking is not permitted within the designated front yard, required buffer area, public or private right of way, or within any other setback areas required by the Zoning Code.

~~j.k.~~ Barrier-free parking spaces and pathway shall be a solid surface and meet ADA requirements.

~~k.l.~~ 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.m.~~ Structures shall meet Fire Code standards and shall be inspected by the Fire Inspector and Building Inspector prior to issuance of a certificate of occupancy.

~~m.n.~~ Amplified music and dancing are permitted only within the barn structure as part of the conditional use permit. Township noise ordinances shall be observed and complied with.

~~n.o.~~ Outside amplified music events are only permitted by special permit from the ~~Village-Township~~ Zoning Administrator prior to each such event permit.

~~8.2.~~ The sale and consumption of alcohol beverages on the premises are subject to all applicable local and state licensing requirements.

~~8.3.~~ Tents are permitted only for outdoor wedding ceremonies.

~~8.4.~~ Applicants for a conditional use permit under this Subsection shall provide the following information at the time of application:

1. Ownership of the property.
2. A site plan for the entire parcel, including ingress/egress and parking areas and capacity.
3. Proposed hours/days of operation.
4. The size of the barn facility and guest capacity, including a floor plan of the barn and other areas/structures to be utilized.
5. The anticipated number of events per year.
6. The maximum number of attendees per event.
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.
12. Temporary structures or tents to be used in association with events.
13. Insurance coverage.
14. Any other documentation required by the Zoning Administrator.