

Conway Township Planning Commission Meeting Agenda

Date:	May 9, 2022	7:00pm
Next Meeting	June 13, 2022	7:00pm

AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call and Sign in: Jeff Klein, Londa Horton, George Pushies, Kelly Ralko, Chuck Skwirsk, Meghan Swain-Kuch, Dave Whitt. Zoning Administrator: Todd Thomas.

APPROVAL OF LAST MEETING MINUTES

3. Revised Planning Meeting Minutes from March 14, 2022
4. Planning Meeting Minutes from last meeting April 11, 2022

CALL TO PUBLIC

APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT

COMMUNICATIONS

5. Zoning Administrator Report
6. Board Ex-Officio Report

PUBLIC HEARING: opened for public comment, closed, PC vote to send to Board

7. Application for amendment to Official Zoning Map (Rezoning) relative to parcel no. 4701-10-300-020 commonly known as 5.01 acres vacant land Fowlerville Rd., Fowlerville, MI. Applicant is requesting to rezone the parcel from Agricultural Residential (AR) to Commercial (C).
8. Opened for public comment
9. Closed for public comment
10. Analysis. Conditional Rezoning requests are governed by Article 4 of the Zoning Ordinance generally, and by Section 4.09 of the Zoning Ordinance specifically. 1 Compliance with Section 4.09 shall require the following prior to approval by the Township Board.
 1. A statement by the applicant of the proposed use if the rezoning request is granted.
 2. A Statement of Conditions that complies with the following standards of Section 4.09(E):
 - a. Be in a form recordable with the Livingston County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and 1 Note, this applicant previously applied for and received approval for conditional rezoning for another parcel of land in 2017 (Application No. 2017-001 regarding 6995 N. Fowlerville Road). Since the time of that prior application, Conway Township has amended its Zoning Ordinance to include the procedures outlined in Section 4.09 and, therefore, these requirements may be new to the applicant.1 April 29, 2022 Page 2 signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board;
 - b. Contain a legal description of the land to which it pertains;

- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land;
- d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions (if any such documents are incorporated by reference, the reference shall specify where the document may be examined);
- e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded with the Livingston County Register of Deeds; and
- f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

It is recommended that the above be submitted to the Planning Commission to be included in its review prior to a recommendation being made; however, it would also be an option for items 2(a)-(f) to be made conditions of a Planning Commission recommendation after further discussion with the applicant. - Abby

- 11. Planning Commission (PC) vote to send this application to the Township Board
All in favor:

OLD BUSINESS

- 12. Mailing a solar survey logistics - Meghan

NEW BUSINESS

- 13. The Planners Solar draft outline – Hannah and Justin
- 14. Status update on proposed ZO Amendments chart – Abby
- 15. ADU (Accessory Dwelling Units) – How to handle grandfather and non-conforming ADUs. When the use is vacated, then it's determined it cannot be used again. - Justin

PLANNING COMMISSION MEMBER DISCUSSION

LAST CALL TO PUBLIC

ADJOURNMENT

Planning Commission Member Meeting Sign in

Date: _____

Planning Commission

Jeff Klein	
Londa Horton	
George Pushies	
Kelly Ralko	
Chuck Skwirsk	
Meghan Swain-Kuch	
Dave Whitt	

Zoning Administrator

Todd Thomas	
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AGENDA Call to Order Pledge of Allegiance Roll Call Signin	Attendees: 1. Chair Chuck Skwirsk called the Conway Township Planning Commission meeting to order at 7:00pm. Chair Chuck Skwirsk led in the Pledge of Allegiance. 2. He called Roll Call of: Planning Commission Members present: Jeff Klein, Londa Horton, Kelly Ralko, Meghan Swain-Kuch, Chuck Skwirsk, Dave Whitt, George Pushies - Ex-Officio Zoning Administrator present: Todd Thomas. Livingston County Planning Commissioner present: Dennis Bowdoin Township Attorney present: Abby Cooper Community Builders (CIP) Master Planners present: Carmen , Justin, Hannah Those absent: Click or tap here to enter text.	
CONSENT AGENDA APPROVAL	3. Planning Meeting Minutes from the last meeting 2/14/2022 A motion was made by Dave Whitt to accept the minutes from the last meeting. Second by Jeff Klein. All in favor. Opposed. Motion passed.	
CALL TO PUBLIC	-0-	
APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT	Meghan Swain-Kuch made a motion to accept the meeting agenda for tonight. Second by George Pushies. All in favor. Opposed. Motion passed.	

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COMMUNICATIONS	<p>4. Zoning Administrator Report - February 2022 – solar permit buildingmounted was submitted for February, no application for Luke Bryan.</p> <p>5. Board Ex-Officio Report – February 2022 Board Meeting minutes</p> <p>6. Policy 21 – Chuck Swirsk</p> <p>Abby Cooper was asked by the Board to prepare a policy to prepare how public hearings are to be handled. How to make this a workable policy for the Secretary. Chuck Swirsk asked Dennis Bowdoin when he was the</p>	
	<p>Chair, how was it handled. “I took everything to Chet that I needed and Chet did the agenda and hand delivered agendas to PC members houses. That process carried over to Cindy. The Public Hearing went into the <i>News and Views</i>. “You don’t have any money, so you cannot go to the press.” Todd also did all the notifications, special zoning, and special use. The Clerk has always taken care of that. The difference is that Londa and the previous secretary, we have to notify all surrounding townships for events like for the Master Plan. All have to be notified. The precedent is that the clerk always handled that. I believe everything should be pushed through one hub, Chuck. Who does the mailing for any zoning within 300 feet? Karen, the Assessor, and Todd Thomas do it up to 300’ – we identify the properties and Clerk does the mailing, commented Todd. It’s on the board for tomorrow’s agenda to get the draft in better shape.</p>	<p>Bill will take matter to the Board for tomorrow’s agenda.</p>

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OLD BUSINESS	<p>7. Small Event Template – Meghan</p> <p>Meghan Swain-Kuch pulled from two really good ordinances to make the template. Justin asked to be sent the ordinances from Meghan. Whatever zoning district it is, have a threshold for attendance, like 2500 and down, commented Todd Thomas. Higher than that could be handled by Site Plan review. Justin, a small event if it's an enclosed building, then it's the number of people it holds will be the capacity.</p> <p>8. Solar Survey – Kelly, Abby</p> <p>Kelly sent to the board for a vote, needs our guidance. Make a recommendation. "Solar is coming in; will it tie up money?" Chuck. We could put something on the website for consumer alert, to inform the public. Make sure someone doesn't take the survey multiple times, Meghan. Put a notice in the paper to read the paper. Use electronic means for cost saving. Justin, post on the website and the township will mail it if not available electronically, or when they come in to the office. George, it needs to go further than the <i>News and Views</i>. Meghan, "Can we put up a survey event on WHMI?" Londa commented on development of survey in that it needs to be neutral. Kelly wants input. A farmer can use the farming act to choose how to farm, crops or solar for example, Right to Farm Act. Abby – question 2. What are your concerns – no discount given to electric bills. That should be deleted as a</p>	<p>Meghan to send Justin event template zoning ordinances used</p>

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	<p>choice. Include Londa’s comments. Include demographics. Londa to include edits for next meeting. What is a commercial farm? Define this. You can have a solar farm on 35 acres. Age, resident for how long, demographics, if you work within the township are things to consider for demographics on the survey.</p> <p>9. PC Bylaws – Abby 10. 13.10 Event weddings – Abby</p> <p>LCPC have some more consideration for the event barns. Vote to keep the amendment related to wedding barns and send rest to LCPC. Keep two amendment – Z-08-22 and Z-07-22 here too. She thought we needed two edits before going to the Board, but include the definition for marijuana caregiver operation and it was already included. Delete “special” land use permit, it already is a “Special land use permit in AR district.” We are good to send 5,6,9,10,11 to the Board for approval. Motion to approve the Resolution to Recommend approval of Zoning Ordinance Amendments to Township Board. and then send to the Board for approval. Meghan Swain Kuch so moved, second Kelly Ralke.</p> <p>11. PR Resolution - Abby</p>	<p>Londa to edit survey</p> <p>George to take to the Board</p>
NEW BUSINESS	<p>12. Census stats for Master Plan – Dennis Bowdoin</p> <p>SEMCOGs data is updated, for example. The census was not as highly collected as in the past and it’s still not all out yet, Justin. The profile for Livingston County would be good for the Master Plan and website.</p> <p>13. Solar List – The Planners</p> <p>They held a meeting three weeks ago with the Chair, attorney and supervisor, ZA, and Cohocatah here. We will not prepare an actual ordinance tonight. They prepared an outline.</p> <ul style="list-style-type: none"> a. Things in red were questions we wanted to bring to your attention. <ul style="list-style-type: none"> i. Building mounted versus ground mounted vs. commercial and accessory. Have commercial systems have their own ZO. 	<p>PC members make revisions</p>

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	<p>ii. Commercial – page 2. Front yard prohibited in commercial – solar will not be in front yard. How to handle that – where is house located, Meghan. iii. Ht. 16’ is good to keep, Hannah. From ground to top of the panel. Think about if allow grazing then allow more height.</p> <p>iv. Farms enrolled in PA 116 needs to follows rules for MDARD, must keep drainage, disclose what the drainage was made with, have a plan for replacement. Storm water must be kept onsite and managed onsite and not negatively impact a neighbor as a result of your development. Create retention basins. We have a Michigan and US wetland inventory. Understand where each tile is located. Storm water calculations will have to be verified currently and then calculate the impact of their development.</p> <p>v. This township is only a donor township, we don’t take any water in, we donate water out, Dennis Bowdoin. We have a county drain running right through the middle of this township. Hot and warm weather pattern was different this year, Dave Whitt. No one can build within 50 feet of the drain, Dennis.</p> <p>vi. Fencing – 7 ‘chain link or woven wire, no barbed wire.</p> <p>vii. Power and transmission lines located underground – need feedback.</p> <p>viii. Setbacks 200’ from property line. From wetlands – setbacks – think of this. How are they preventing it flowing back into the wetland? What are the runoff plans? The general standard – water enters at the same rate at the beginning as after development. Building or a structure 6.06L has a different setback for water. ix. Groundcover – native vegetation needs to be established.</p>	

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	<ul style="list-style-type: none"> x. The fencing doesn't have to follow the setbacks, just the panels. xi. Consider access corridors for wildlife every 1000 feet for migratory patterns. There is a development where it shows the solar panels are laid out in a network of corridors in between. This could be a requirement. Justin will send out pictures of one he knows of. xii. Landscaping- liked Marcellus Township – need feedback xiii. Site plan process: having a conceptual layout plan shows major elements of a site plan. The developer submits before engineering and it comes to the PC for review before they make up full plans. Full plans would still come through the normal process. What's a reasonable site plan timeframe? What's the process for getting an extension? How many extensions? xiv. Formal Site plan – Planners have a site plan review process. xv. Modifications of site plan – minor changes like location of a panel could it be handled at admin level and major changes come back to Planning Commission. xvi. Decommissioning plan – removal of equipment and restoration of soil up to depth of 4'. Performance guarantee reviewed every 3 years. Insurance and damage to current infrastructure – add, Kelly. 	<p>Justin to send link to access corridors</p>
<p>PLANNING COMMISSION MEMBER DISCUSSION</p>	<p>Dave Whitt has a question for Abby, "If a company applies for multiple projects, what leverage do we have?"</p> <p>Londa Horton – consider small trees in screening versus large trees.</p>	
<p>LAST CALL TO PUBLIC</p>	<p>Attendee – there has been a change to the personnel handbook regarding smoking around the building. PC members get back to Gabi with reply.</p>	

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	Attendee - Public Hearing is the chance for public to give feedback, it's published in the paper to give input.	
ADJOURMENT	Chuck Skwirsk made a motion to adjourn. Second by George Pushies. All in favor. Opposed. Motion passed. Adjourned at 8:52pm	

**SEE ATTACHED ZO AMENDMENT RESOLUTION BELOW PER ABBY COOPER

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RESOLUTION TO RECOMMEND APPROVAL OF ZONING ORDINANCE AMENDMENTS TO TOWNSHIP BOARD

Conway Township Planning Commission

WHEREAS, the Conway Township Planning Commission ("Township PC") held a public hearing on the following zoning ordinance amendments on December 13, 2021, and recommended approval to the Township Board:

Z-05-22 Conway Township, Zoning Ordinance Amendment, Article 2 Definitions and Article 6 General and Supplemental Regulations, regarding Accessory Buildings and Structures.

Z-06-22 Conway Township, Zoning Ordinance Amendment, Article 7 AR Agricultural Residential District, Article 8 R Residential District and Article 10 C Commercial District regarding Additional Dimensional Requirements.

Z-07-22 Conway Township, Zoning Ordinance Amendment, Article 7 AR Agricultural Residential District, Article 8 R Residential District, Article 10 C Commercial District, and Article 11 I Industrial District regarding Event/Wedding Structures as a Special Use

Z-08-22 Conway Township, Zoning Ordinance Amendment, Article 13 Special Land Uses regarding Special Event/Wedding Structures and Venues.

Z-09-22 Conway Township, Zoning Ordinance Amendment, Article 6 General and Supplemental Regulations regarding Medical Marijuana Uses.

Z-10-22 Conway Township, Zoning Ordinance Amendment, Article 15 Off-Street Parking and Loading-Unloading Standards regarding Parking Space Requirements.

Z-11-22 Conway Township, Zoning Ordinance Amendment, Article 6 General and Supplemental Regulations regarding Solar Energy Collectors.

The above-listed numbers are those assigned by the Livingston County Planning Commission ("LCPC") to the proposed amendments.

WHEREAS, pursuant to statute, these proposed zoning ordinance amendments were provided to LCPC for their review and recommendation;

WHEREAS, the LCPC likewise recommended approval of the above noted amendments with the exception of Z-08-22 related to Special Event Wedding Structures and Venues;

WHEREAS, as to the Special Event Wedding Structures and Venues, the LCPC and it's staff did believe the proposed amendments to be reasonable and appropriate but encouraged the Township to take careful consideration of the comments in their review prior to taking final action, which

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included additional considerations related to noise levels, hours of operation, farming preservation, traffic, setbacks, landscaping, lighting, sanitation, and appropriate bond.

WHEREAS, the Township PC wishes to take additional time to go through the LCPC review and comments in these areas before making a final recommendation on those proposed amendments in addition to allowing the input of its newly engaged planners;

WHEREAS, regarding Z-09-22 relating to Medical Marihuana Uses, the LCPC recommended a definition in Article 2 be added for "Medical Marihuana Caregiver Operation;" however, upon further review, that definition is already in the ordinance at Section 6.25(C)(2).

WHEREAS, the Township PC previously believed it would be necessary to delete the word "special" in 6.25(G)(9); however, upon further review, that word is appropriate in that subsection as Medical Marihuana Caregiver Operations are permitted as a special use in the AR District per Sections 7.03(19) and 6.25G(1).

NOW, THEREFORE, BE IT RESOLVED that:

1. The Township PC recommends to the Township Board the proposed amendments assigned LCPC numbers Z-05-22, Z-06-22, ~~Z-07-22~~, Z-09-22, Z-10-22, and Z-11-22 for approval and proposed revisions to Section 6.25 shall be unchanged from the original vote of the Township PC, as shown on the attached.
2. The Township PC's final recommendation on amendment Z-08-22, relating to Special Event Wedding Structures and Venues, shall be delayed to allow the Township PC more time to explore the various issues outlined in the LCPD's review, and therefore this proposed amendment will not be forwarded to the Township Board at this time.

The foregoing resolutions offered by PC member Meghan Swain-Kuch. Second offered by PC member Kelly Ralko.

Upon roll call vote the PC members voted as follows:

Skworsk: Yea	Opposed: -0-
Swain-Kuch: Yea	
Klein: Yea	
Ralko: Yea	
Whitt, D.: Yea	
Horton: Yea	
Pushies: Yea	

The Chairperson declared the resolution adopted at the regular meeting of the Conway Township Planning Commission held on March 14, 2022.

Londa Horton

Londa Horton, Secretary

Respectfully Submitted by: PC Secretary Londa Horton

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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.

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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.

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- 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.

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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.

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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

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- Other Important Issues to Consider:

- Noise: Enforcement of the regulation is challenging, who enforces, how is it measured (Decibel reader). The Decibel 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.

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Amendments to Article 13: Special Land Uses
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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.

Conway Township Planning Commission Meeting Minutes

4/11/2022

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

Agenda	Items Discussed	Actions to be Taken
AGENDA Call to Order Pledge of Allegiance Roll Call Signin	<p>Attendees:</p> <ol style="list-style-type: none"> VP Meghan Swain-Kuch called the Conway Township Planning Commission meeting to order at 7:00pm. VP Meghan Swain-Kuch led in the Pledge of Allegiance. She called Roll Call of: Planning Commission Members present: Jeff Klein, Londa Horton, Kelly Ralko, Meghan Swain-Kuch, Dave Whitt, George Pushies - Ex-Officio Zoning Administrator present: Todd Thomas. Livingston County Planning Commissioner present: Dennis Bowdoin Township Attorney present: Abby Cooper Community Builders (CIP) Master Planners present: Carmen, Justin, Hannah Those absent: Chuck Skworsk 	
CONSENT AGENDA APPROVAL	<ol style="list-style-type: none"> Planning Meeting Minutes from last meeting 3/14/2022 A motion was made by Jeff Klein to accept the minutes from the last meeting. Second by Dave Whitt. Londa Horton requested to change her signature to italic font. All in favor. Opposed. Motion passed. 	Londa to change her signature to italic for the Resolution.
CALL TO PUBLIC	-0-	
APPROVAL OF PLANNING COMMISSION MEETING AGENDA FOR TONIGHT	<ol style="list-style-type: none"> Londa Horton made a motion to accept the meeting agenda for tonight. Second by George Pushies. Agenda to be amended to include the Kreeger request for a Public Hearing and to include the Luke Bryan concert. All in favor. Opposed. Motion passed. 	
COMMUNICATIONS	<ol style="list-style-type: none"> Zoning Administrator Report - by Todd Thomas. Eight land use permits, one land division application for Kreeger to divide 5 acres off Morley Rd., Kubiak farm picked up temporary land use application for the Sept. 17 Luke Bryan concert. 	

Conway Township Planning Commission Meeting Minutes

4/11/2022

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

Agenda	Items Discussed	Actions to be Taken
	6. Board Ex-Officio Report – provided by George Pushies.	
OLD BUSINESS	<p>7. Small Event Template – Meghan</p> <p>Justin commented on the Georgia event template – police power ordinance. It's a good model ordinance not part of zoning. He also likes the Temporary Land Use piece. The goal is to have it under zoning.</p> <p>8. WHMI – Meghan</p> <p>Conway Township is considering ways to get the news out regarding a solar survey. It could be posted on the Event Community Calendar on WHMI.</p> <p>9. Solar Survey – Londa</p> <p>Londa provided rationale for survey edits. Kelly suggested to keep the language consist with Commercial Solar Energy System vs. Solar Farms and to make signs for the solar farms survey and post in front of the Township Hall. Dave Whitt commented on mailing a survey and the cost. Resources are available at the Township Hall. Then, put a communication in the <i>News and Views</i> and put it on the website. Meghan to follow-up with Liz.</p> <p>10. Corridor Access – Justin</p> <p>Resent Corridor Access out as another resource for us regarding how to structure solar for wildlife corridors. Justin to resend to all members.</p>	<p>Meghan to chat with Liz regarding logistics for mailing a survey to residents.</p> <p>Justin to resend out corridor access</p>

Conway Township Planning Commission Meeting Minutes

4/11/2022

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

Agenda	Items Discussed	Actions to be Taken
NEW BUSINESS	<p>11. PC Feedback on The Planners Solar Outline – PC members</p> <p>Kelly commented to start with the Master Plan. Zoning is based on a plan that justifies it. Justin, the current Master Plan does give justification to go ahead with Zoning. Kelly commented about dual use. Master Plans were updated prior to 2019 when the laws changed. Hannah, the goal is to have solar energy per the Master Plan. Work in the detail about how it fits into the Plan. Solar, wind, etc., should be detailed regarding how it can work with the Master Plan for agriculture use. There are certain timing requirements to update the Master Plan. To initiate that now, we are looking at Sept. or October. Justin, if we had a draft ZO, that would be timelier. I would make updates about where the township would like to go in the future. Dual use includes: grazing and foraging, pollinator cover, and agrivoltatics for properties not in MDARD.</p> <ul style="list-style-type: none"> a. Abby commented that the draft ordinance needs to be worked on now. At the next meeting, the Planners will take our comments on the outline. b. A draft of the solar ordinance outline will be developed <p>12. Caledonia Township Solar Facilities, Handy Township Solar Ordinance – Kelly</p> <p>A lot of the farm tiles are clay and when footings are laid, they create sink holes. Require developers to lay PVC. The drain tile issue will need to be incorporated.</p> <p>13. Solar Rough Draft - Chuck</p> <p>14. Status List of Proposed ZO amendments Chart – Abby</p> <ul style="list-style-type: none"> a. Items 1-3 relate to event barns on the Chart- it's still here at the PC b. Items 4 and 5 are the most recent amendments that came back from LCPC recommending more exploration or we can send it up to the Board as is c. Temporary Land Use – for the Luke Bryan concert. Jeff Klein made a motion to send it to the Township Board. Second by Kelly Ralke. All in favor. Opposed. Motion passed. d. ADUs – Justin agreed with the LCPC. How do you handle grandfather and non-conforming ADUs? Don't expand it or 	<p>Planners to develop a ZO solar draft outline.</p> <p>George Pushies to take the Temporary Land Use ZO to the Board.</p>

Conway Township Planning Commission Meeting Minutes

4/11/2022

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

Agenda	Items Discussed	Actions to be Taken
	<p>make it bigger if it's grandfathered in. When the use is vacated, then it's determined it cannot be used again. Wait for when Chuck is here.</p> <p>15. Z 17-22 Conway Twp Temporary Use Permits - Abby</p> <p>16. Z-18-22 Conway Twp. Accessory Bldg. – Abby</p> <p>17. Asa Kreeger of Conway Land Company LLC. for parcel #4701-10-300-020 on Fowlerville Road is seeking a rezoning request from AR to C for 5 acres. George Pushies made a motion to schedule a Public Hearing for the Kreeger rezoning. Dave Whitt second. All in favor. Opposed. Motion passed. This is for the PC meeting on May 9, 2022. Is it Londa's job to prepare the Public Hearing notice or the clerk's? Abby will prepare the Public Hearing notice. This is a policy change.</p> <p>a. This is a conditional rezoning request. He is asking for a rezoning for AR to C for 5 acres. Schedule a Public Hearing.</p> <p>18. Luke Bryan concert – George</p> <p>The ZA met the contact for Kubiak farms and they may sign the application after presentation to their attorney. Several requirements were added including fencing around the two residences, and caution tape. Sept. 17 is the projected concert date.</p>	<p>Put ADU ZO on next month's agenda.</p> <p>Abby will prepare the Public Hearing notice and help Londa navigate the next steps. Posting needs to occur prior to May 9, 2022</p>
PLANNING COMMISSION MEMBER DISCUSSION		
LAST CALL TO PUBLIC	-0-	
ADJOURMENT	George Pushies made a motion to adjourn. Second by Dave Whitt. All in favor. Opposed. Motion passed. Adjourned at 8:30pm.	



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Scott H. Brock
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April 29, 2022

Sent via email

Conway Township Planning Commission
8015 N. Fowlerville Road
PO Box 1157
Fowlerville, MI 48836

**Re: Review of Application for (Conditional) Amendment to Official Zoning Map
Applicant Conway Land Company LLC, PIN 4701-10-300-020
8015 N. Fowlerville Road, Application #RM 001-022**

Dear Commissioners:

The Zoning Administrator has received the above-noted application for Conditional Amendment to the Official Zoning Map. I understand a review letter is forthcoming from the Township Planners that will address the applicable Zoning Ordinance amendment criteria and aspects of the Master Plan. The purpose of this letter is to bring to the Planning Commission's attention the unique aspects of the conditional nature of this rezoning request.

Application.

The applicant is requesting to rezone 5.01 acres of vacant land abutting Fowlerville Road from Agricultural Residential (AR) to Commercial (C). In a statement dated April 6, 2022, the applicant proposes certain "conditions" numbered 1-5 as part of the application which include uses the applicant will not make of the property if rezoned to Commercial. The applicant does not state the intended use.

Analysis.

Conditional Rezoning requests are governed by Article 4 of the Zoning Ordinance generally, and by Section 4.09 of the Zoning Ordinance specifically.¹ Compliance with Section 4.09 shall require the following prior to approval by the Township Board.

1. A statement by the applicant of the proposed use if the rezoning request is granted.
2. A Statement of Conditions that complies with the following standards of Section 4.09(E):
 - a. Be in a form recordable with the Livingston County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and

¹ Note, this applicant previously applied for and received approval for conditional rezoning for another parcel of land in 2017 (Application No. 2017-001 regarding 6995 N. Fowlerville Road). Since the time of that prior application, Conway Township has amended its Zoning Ordinance to include the procedures outlined in Section 4.09 and, therefore, these requirements may be new to the applicant.

April 29, 2022
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- signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board;
- b. Contain a legal description of the land to which it pertains;
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land;
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions (if any such documents are incorporated by reference, the reference shall specify where the document may be examined);
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded with the Livingston County Register of Deeds; and
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

It is recommended that the above be submitted to the Planning Commission to be included in its review prior to a recommendation being made; however, it would also be an option for items 2(a)-(f) to be made conditions of a Planning Commission recommendation after further discussion with the applicant.

Very truly yours,



Abby H. Cooper, Esq.

Cc: Todd Thomas, Zoning Administrator
CIB, Township Planners

PROPOSED ZONING ORDINANCE AMENDMENTS
PENDING BEFORE CONWAY TOWNSHIP PLANNING COMMISSION
May 9, 2022

	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		PC kept amendments for further consideration after LCPC March 2022
5.	Large/Small Venue Events				Considering regulations with Planner
6.	Solar Farms			Planners to provide first draft to PC for May meeting	Moratorium in effect until 9/17/22



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.

- The principal dwelling or the ADU must be declared the main residence of the owner of record.
- 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.

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



Z-18-22: Conway Township
New Amendment to Article 6:
Section 6.27 Accessory Dwelling Units (ADUs)
Page 2

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.