

**PROPOSED ZONING ORDINANCE AMENDMENTS**  
**March 2019**

	<b>SUBJECT</b>	<b>ZONING ORD SECTION</b>	<b>STATUS</b>
1.	<p>Site Plan Review</p> <p>--applications/coordination with ZA</p> <p>--change 10 to 12 copies</p> <p>--amend procedures/application process (may result in new application procedures; may not need to revise Ordinance)</p>	Section 14.05	<p>Draft to PC 3/19</p> <p>Todd Thomas to make recommendations on step/step process</p>
2.	<p>Special Use</p> <p>--application/coordination with ZA; Abby to review to see if any change is needed</p>	Section 13.03	No change needed
3.	<p>Commercial uses—make clear Site Plan is required</p>	Section 10.06(D)	Draft to PC 3/19
4.	<p>Administration--change number of blueprints for Land Use Permits from 2 to 3</p>	Section 3.03(C)(2)(b)	Draft to PC 3/19
5.	<p>Home Occupation—add express authority to ZA to approve; review location in ZO</p>	Sect 13.10(I)	Draft to PC 3/19
6.	<p>Sign Standards---amend per <i>Reed</i>, 135 S Ct 2218 (2015)</p>	Article 17	Abby to draft
7.	<p>Keeping of Animals/RTFA</p>	Section 6.22 (and Articles 7 & 8)	PC further discussion/direction (Abby review/input)
8.	<p>Solar Collectors—revise min square feet for admin review from 250 to 500?</p>	Section 6.26(F)	Mike Stock to ask Chris Atkin for feedback on appropriate size cut off for admin/PC review

2. Parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets and adjacent properties.
3. The plan provides for the proper expansion of existing public streets serving the site, where applicable.

**M. Interagency Coordination.** The plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

**N. Phased Development.** All phased developments are ordered in a logical sequence so that any individual phase will not depend in any way upon a subsequent phase for adequate access, public utility services and drainage or erosion control.

**O. Fencing and Buffers.**

1. Landscaping, fencing and walls are provided and maintained in accordance with the objectives of this ordinance.
2. The Planning Commission shall have some latitude in specifying the walls, fences, greenbelts and other buffers as they apply to a phased development if the particular phase of development and construction work is far enough removed from adjacent properties to afford the screening and buffers as otherwise required.

**P. Natural Features.**

1. Adequate assurances are received that clearing the site of topsoil, trees and other natural features before the commencement of building operations will occur only in those areas approved for the placement of physical improvements.
2. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design.

**Section 14.05 Action on Site Plans**

- A. Submission of Site Plan.** Twelve (12) copies of the site plan and related information shall be presented to the Zoning Administrator by the property owner or petitioner at least fourteen (14) days prior to the meeting at which the site plan is to be reviewed.
- B. Planning Commission Action.** The Planning Commission shall disapprove, approve, or approve with conditions the site plan

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secretary
of the Planning Commission or the Township Clerk

contingent upon the site plan review standards being met. Any conditions required by the Planning Commission, together with the reasons for those conditions, shall be provided in writing to the applicant.

- C. Approval of Site Plans for Special Uses.** The Planning Commission, after review of a site plan prepared for a special use permit, shall reject or grant approval and regulate any conditions for special use permits. Provisions regulating approvals of site plans prepared for special use permits are presented in Article 13.
- D. Notification of Approval or Disapproval.** The Planning Commission shall review and communicate its approval, disapproval or recommend site plan modifications to the applicant within forty-five (45) days after receipt of the site plan.
- E. Site Plan Modifications.** Any modifications to the site plan desired by the Planning Commission shall be recorded in the minutes of the Planning Commission meeting and a copy of the minutes shall be furnished to the applicant. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating these modifications to the Planning Commission for their review.
- F. Modified Site Plan Approval or Disapproval.** Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and if deemed acceptable, shall communicate its approval of the site plan to the applicant within forty-five (45) days after receipt of the modified site plan. Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety or the general welfare.

#### **Section 14.06 Appeal**

The decision of the Planning Commission with respect to the site plan may be appealed to the Township Board. Written request by the property owner or petitioner for a hearing before the Township Board shall be filed within sixty (60) days after the decision is rendered by the Planning Commission. If no appeal is filed, the decision of the Planning Commission becomes and remains final.

#### **Section 14.07 Approval Expiration and Revocation**

The approval of a site plan shall expire one (1) calendar year from the date of such approval unless construction has begun in accordance with the plan. Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township shall give the applicant notice of intention to revoke such land use permit at least ten (10) days prior to review hearing of the permit by the Planning

**Section 10.06 Additional Site Development Requirements**

**A. Performance Standards.**

1. Storage of materials or goods shall be enclosed entirely within a building or shall be enclosed so as not to be visible to the public from any abutting residential district or public street.
2. Material which is normally and reasonably discarded from commercial uses of property may be stored outside of an enclosed building for a reasonable time provided that such storage areas are completely screened by an opaque fence of not less than five (5) feet in height.
3. No lighting shall in any way impair the safe movement of traffic on any transportation corridor.
4. Vehicle ingress and egress points shall not be closer than seventy-five (75) feet to the intersection of any two (2) public streets or closer than fifty (50) feet to an adjacent driveway.
5. Each separate use, groupings of buildings or grouping of uses as a part of a single planned development shall not have more than two (2) access ways from a public road.
6. Parking lots, driveways and service roads shall be surfaced with concrete or bituminous materials and maintained in a usable, dirt-free condition.
7. Service roads and driveways shall have a paved width of twenty-four (24) feet and shall comply with all other commercial driveway standards of the Livingston County Road Commission.
8. Commercial sites shall abut a paved, county thoroughfare and public ingress and egress shall be provided from that thoroughfare.
9. Landscaping and screening subject to the requirements of Section 6.16.

**B. Site Plan Review.** For all uses permitted in the C Commercial District, a site plan shall be submitted to the Planning Commission, and no building permit shall be issued until after the Planning Commission has reviewed and approved the site plan in accordance with Article 14 Site Plan Review.

¶ Provisions of Article 6: General and Supplementary Regulations.¶
Provisions of Article 13
: Special Land Uses.¶
¶ Provision of Article 14: Site Plan Review.¶
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C. Provisions of Article 6: General and Supplementary Regulations.

D. Provisions of Article 15: Parking and Loading-Unloading Standards.

E. Provisions of Article 16: Access Management and Private Road Standards.

F. Provisions of Article 17: Sign Standards.

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6. The Zoning Administrator shall receive all applications for appeals, variance, or other matters which the Zoning Board of Appeals ("ZBA") is required to decide under this ordinance; conduct field inspections and investigations or prepare other informational materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; refer such applications with recommendations to the ZBA for determination.
7. Under no circumstances is the Zoning Administrator permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out the duties of the Zoning Administrator.

**B. Township Clerk and Township Board.**

1. The Township Clerk shall notify all applicants requesting site plan review or a special use permit in writing of any decision of the Planning Commission.
2. The Township Board shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction or shall take any other lawful action authorized by this ordinance to ensure compliance with or prevent violations of its provisions.

**C. Planning Commission.**

1. The Planning Commission shall function as the zoning commission for the Township with all of the powers and duties of a zoning commission pursuant to the MZEA, MCL 125.3101 et seq., as amended, and MPEA, MCL 125.3801 et seq., as amended.
2. The Planning Commission shall have such other authority, power, and duties otherwise assigned to it by the Township Board.

**Section 3.03 Land Use Permits**

**A. Permit Required.**

1. The following actions shall not commence until a land use permit has been issued by the Township Zoning Administrator;

- a. The excavation, alteration or filling of land, except for the conduct of agricultural activity.
  - b. The new use or change in use of land, except for the conduct of agricultural activity.
  - c. The new use or change in use of an existing building or structure.
  - d. Construction or expansion of a permanent structure, including parking lots.
2. Except upon a written order of the ZBA, no land use permit shall be issued for any building or structure where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this ordinance.
  3. No building permit shall be issued until the Zoning Administrator has determined that the building, structure or use of land, if constructed or used as planned and proposed, will conform to the provisions of this ordinance, as evidenced by issuance of a land use permit.

**B. Applications for Permits.**

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

**C. Application Requirements.**

1. All applications for land use permits under the provisions of this ordinance shall be accompanied by the signature of the

owner(s) of all property affected by the coverage of the permit.

2. Applications for land use permits must be accompanied by the following items, as applicable:
  - a. Attached scale drawing (scale not smaller than 1" to 100') showing the following: dimensions of property, all roads adjacent to property (indicate private or county); easements; lakes and streams; all structures; existing or proposed septic tank and field; existing or proposed well; dimensions from buildings to property line; dimensions of proposed building.
  - b. Include ~~three (3)~~ sets of blueprints. Blueprints must be stamped by the Zoning Administrator prior to submitting to the Livingston County Building Department. This stamp is to state the Township has received a copy of the blueprint, not an approval.
  - c. For signs, attach a drawing showing the dimensions of the sign, and for a wall sign, show the facade to which it will be attached.
  - d. Attach proof of ownership of property.
3. Five (5) copies of a plot plan shall be submitted. The plot plan shall be drawn to scale and shall contain the following:
  - a. The actual shape, location and dimensions of the lot.
  - b. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
  - c. The existing and intended use of the lot and of all such structures upon it, with the number of dwelling units the building is intended to accommodate.
  - d. The signature of the owner of the premises concerned.
  - e. A scale of not less than one (1) inch equal to fifty (50) feet if the subject property is less than three (3) acres in size; and one (1) inch equal to one hundred (100) feet if three (3) acres or more.

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One (1) copy for the Township and one (1) for the Building Department.



- b. The structure shall display a sign on the building, not to exceed two (2) square feet in area, containing an address and telephone number to contact in the event of damage or lack of service of the structure.

**I. Home Occupations.**

1. Location Requirements.

Home occupations which are clearly incidental to the principal residential use may be permitted in both the Agricultural Residential (AR) District and the Residential (R) District. Home occupations which meet the requirements of Home Occupation Class I shall be exempt from the requirement of obtaining a special use permit and are to be administratively approved by the Zoning Administrator. Home occupations that meet the requirements for Home Occupation Class II may be permitted as a special use and must obtain a special use permit as specified herein. The Zoning Administrator shall direct applicants for home occupations to provide supplemental application information as directed by the Township Board.

2. Home Occupation Class I.

The regulation of Home Occupation Class I is intended to secure flexibility in the application of the requirements of this Ordinance. Home Occupation Class I is permitted as an accessory use to the principal residential use of a lot without the requirement of a special use permit. Such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home Occupation Class I shall satisfy the following conditions. These regulations do not apply to occupations protected by Michigan's Right to Farm Act, 1981 PA 93, MCL 286.472, et seq, as amended.

- a. The Home Occupation Class I shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
- b. Home Occupation Class I shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation Class I based business shall not generate

noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.

- c. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all Home Occupation operations. No employees shall be permitted, other than members of the immediate family residing in the dwelling unit.
- d. All of the activities on the property related to the occupation, except those occupations that are protected by Michigan's Right to Farm Act, 1981 PA 93, MCL 286.471, et seq, as amended, shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation.
- e. Traffic generated by the combined home and Home Occupation Class I shall be no greater in volumes than would normally be expected in a residential district, and such traffic shall be limited to passenger vehicles and similarly sized vehicles. Any need for parking used by such Home Occupation Class I shall be met off the street and motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created. Home Occupation Class I shall not generate any traffic from customers coming to or from the residence.
- f. A Home Occupation Class I may be permitted in both the dwelling unit and accessory structure. The Home Occupation Class I shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement, but may encompass the entire accessory structure. Accessory structures shall conform to the requirements of Section 6.06, Supplemental Regulations Pertaining to Accessory Buildings and Structures.
- g. No hazardous chemicals shall be stored on site. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws. Refuse generated by the Home Occupation Class I shall be safely and properly disposed of.
- h. The Home Occupation Class I shall comply with all

applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment. Home Occupation Class I approval is not transferable with the sale, rental or lease of the dwelling unit.

- i. Signage shall be permitted in accordance with Article 17.

3. **Home Occupations Class II**

- a. The Home Occupation Class II shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
- b. All of the activities on the property, except those performed pursuant to Michigan's Right to Farm Act, 1981 PA 93, MCL 286.471, et seq, as amended, related to the occupation shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation.
- c. Refuse generated by the occupation shall be safely and properly disposed of.
- d. No equipment or process shall be used in such Home Occupation Class II, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.
- e. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all home occupation operations. The home occupation shall employ no more than three (3) persons on the premises during the ordinary course of business, excluding the resident owner, other employees residing in the dwelling, and employees who do not physically report to the site or perform occupational duties on the site.
- f. The Home Occupation Class II shall comply with all applicable federal, state and local laws, including, but

not limited to, laws regarding licensing, occupational health and safety, and the environment.

- g. Home Occupation Class II approval is not transferable with the sale, rental or lease of the dwelling unit.
- h. Signage shall be permitted in accordance with Article 17.
- i. Home Occupation Class II may be permitted in both the dwelling unit and accessory structure. The Home Occupation Class II shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement, but may encompass the entire accessory structure. Accessory structures shall conform to the requirements of Section 6.06, Supplemental Regulations Pertaining to Accessory Buildings and Structures.
- j. Visitors, customers and deliveries shall not exceed a cumulative total of twelve (12) during a single day. The Planning Commission may modify this standard in the case where the Planning Commission determines that the operation of the Home Occupation Class II will not unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the Home Occupation Class II in volumes in excess of that which is normally associated with a single family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly sized vehicles. The Planning Commission may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the lot, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection shall be interpreted to allow outdoor parking in excess of that regulated by the subsection below
- k. All parking needs of the Home Occupation Class II shall conform to the requirements of Article 15, Off Street Parking and Loading-Unloading Standards. The Planning Commission may require screening of parking areas to minimize negative impacts on neighboring properties.

1. Review Standards.

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- i. The Planning Commission shall determine that the proposed Home Occupation Class II is compatible with existing land uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.
- ii. For a Home Occupation Class II, an informal site plan or plot plan must be submitted for review and recommendation by the Planning Commission. The site plan does not need to comply with the strict requirements found in Article 14, Site Plan Review. The site plan or plot plan shall be to scale and need only illustrate the following:
  1. Owner's name, parcel identification (tax ID#) and address.
  2. Property lines with dimensions.
  3. Existing and proposed structures with dimensions indicating the location(s) and square footages to be occupied by the Home Occupation Class II.
  4. Location of driveways, off-street parking areas & delivery and storage areas
  5. Proposed landscaping/screening in association with any parking to minimize negative impacts on nearby properties.
  6. The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory structure to accommodate the Home Occupation Class II.
  7. Lot or parcel identification (address and tax ID#), size of lot or parcel dimension of lot lines, location of structures on adjacent lots or parcels within two hundred feet, abutting streets or roads.

iii. In addition to the information above, the applicant shall submit a detailed description of the nature of the Home Occupation Class II, which shall clearly specify the following minimum features:

1. A detailed description of the character of the Home Occupation Class II including but not limited to the service or product offered and the typical daily schedule of activities of such business.
2. The type and frequency of vehicular traffic to be generated by the Home Occupation Class II. The maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the Home Occupation Class II.
3. The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.

iv. The Planning Commission may require additional information if it determines the character of the project, site or surrounding conditions necessitates further investigation, allowing it to make a sound decision on the application.

v. Any approval of a Home Occupation Class II, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.

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**J. Injection Wells.**

a. Location Requirements.

Injection wells may be permitted as a special use in the AR Agricultural Residential District.

b. Site Requirements.