

Conway Township Planning Commission Meeting Minutes


June 24, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Township Board Members, Planning Commission Members, ZBA • Planning Commission Members present: George Pushies, Dennis Sommer, Londa Horton, Larry Parsons, Mike Stock, Brian Williams, and Dennis Bowdoin. 	
John Enos from Carlisle/Wortman & Associates Presentation on Roles and Responsibilities for Township Planning & Zoning	<p>Meeting held at Conway Township Hall and commenced at 7:00pm.</p> <p>John Enos provided training on typical township roles and responsibilities in planning and zoning. Points to note include:</p> <ul style="list-style-type: none"> • The Conway Township Master Plan was last updated in 2012. It must be updated every five years. This document provides a vision for the future describing the character of the community and how you will protect that desired character. Within the planning process the Township must have a policy or objective on how to do that, e.g. preserve agriculture land and how to do this such as looking for grants for preservation. The Township must have a Master Plan in order to do zoning. The Planning Commission could put a survey on the website or sent it out prior to review of the Master Plan in order to investigate resident feedback. • Components of the Master Plan include a: <ul style="list-style-type: none"> ○ Transportation plan ○ Housing plan ○ Land use plan ○ Recreation plan ○ Capital facilities plan ○ Special area plan • The Zoning Ordinance defines what you can do on your property today like build a pole barn. The Township doesn't want to over-regulate. This is the legal process by which a resident can be prevented from doing something. The Township does have to allow for all uses somewhere in the zoning districts, e.g. an adult bookstore. When looking at rezonings consider: can the site accommodate the requested use (with regard to things like roads, septic, etc.) and is the requested rezoning compatible with the surrounding area such as homes nearby. • Special Land Uses may be for things like; a commercial kennel, mining or a drive through restaurant. There is a process that must be followed. The Township may attach a list of conditions such as hours of operation. The resident has been given a permit and can be shut down if they don't follow the conditions. One public hearing must be held to hear residents' concerns. • The Zoning Board of Appeals interprets the ordinances and provides a mechanism to give a resident a variance. This body upholds the rules of the ordinances. A public hearing must be held. Variances should not be easy to get, but every lot is not the same size so a "practical difficulty" can be applied whereby a resident can get a variance so that the resident can get what most people get. If the resident can prove their lot was regular size then they could adhere to 	

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	<p>what is being asked. Nonconformity uses can be grandfathered in, but once they are gone, they must conform to the legal document in effect and conform to current use. The Township can have an alternate ZBA member to account for things like vacations. The ZBA should write a narrative on their decision.</p> <ul style="list-style-type: none"> • Making effective decisions: highlight what part of the zoning the resident is not in compliance with. • Risk management: in order to avoid conflicts of interest, a Board, Planning, ZBA member must recuse self and step out of the meeting. 	
Adjournment	<ul style="list-style-type: none"> • Meeting concluded at 8:27pm. 	



Roles and Responsibilities

Planning Commission	Legislative Body	Board of Appeals
<ul style="list-style-type: none"> ▪ Master Plan ▪ Zoning Ordinance ▪ Subdivision ▪ Zoning Reviews 	<ul style="list-style-type: none"> ▪ Appointments ▪ Ordinance Adoption ▪ Zoning Reviews ▪ Budgets ▪ Master Plan (Optional) 	<ul style="list-style-type: none"> ▪ Variances ▪ Appeals ▪ Interpretations ▪ Other Duties

Administrative and/or Support Staff



The Master Plan



Putting together the pieces of the puzzle.

2012 updated Master Plan. Must be updated every 5 yrs.

Vision for future character of community & how you will protect that.



Why Do We Plan?

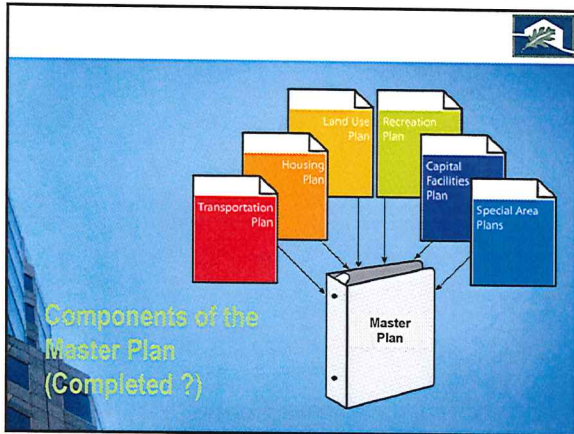
- Anticipate change
- Create predictability
- Use physical, natural, social and fiscal resources wisely
- Create a vision for the future
- Protect the environment and quality of life

What is a Master Plan?
 A statement of *policy*, written and adopted by the planning commission**, describing the desired *physical* development of the community.

The Plan is based on...

- the resources, assets and limitations of the community
- the *character* of the community
- the needs and *desires* of its residents

** Unless the legislative body has opted to require its adoption of the plan.



Components of Master Plan
 Transportation, housing,
 land use, recreation,
 capital facilities, special
 Area plan

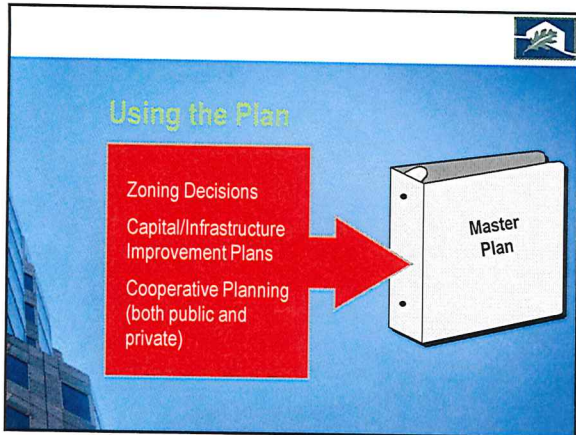
The Planning Process
 The Three "Whats"

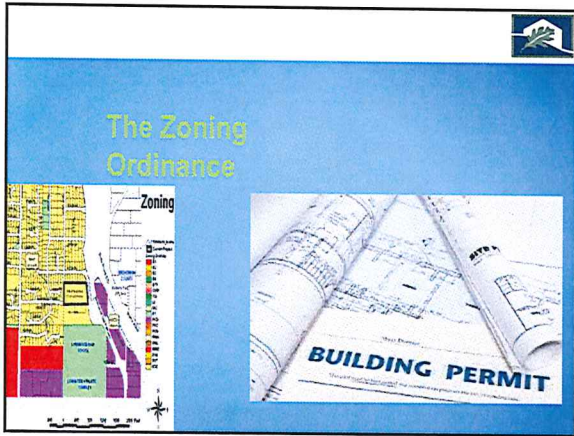
- What? What is important to our community?
- So what? Why are these issues important?
- Now what? What do we need to do?

must have a Master Plan in order to do zoning.

- Could put survey on website or send it out

- must have a policy or obj: on how to do that - preserve eg land & how to do it, es. look for grants for preservation






What you can do on your property today, e.g. since you have:

- don't want to over-regulate.

Need a legal process to have someone stop doing something.




we do have to allow for all uses ^{in our districts} somewhere, e.g. Adult bookstore.



Text Amendments


- Initiated by individual request, legislative body or Planning Commission
- Once requested, begin with the Commission
- Amendments cover the following:
 - Implement master plan
 - Clarify existing language
 - Add new language



Rezoning (Map Amendments)

- Initiated by individual request, legislative body or Planning Commission
- Once requested, begin with the Commission
- Factors to consider
 - Is the existing zoning reasonable?
 - Is the request consistent with the master plan?
 - Can the site accommodate the requested uses?
 - Is the requested rezoning compatible with the surrounding area?

→ Roads, Trestle, wall
→ Homes nearby




Conditional Rezoning

- Voluntary offer by applicant – cannot be *required* as part of rezoning
- "Offers" typically restrict use/development
- Time period to satisfy conditions or property "reverts" to previous zoning, subject to due process



Site Plan Review
Zoning Ordinance Requirements


- Site design/building arrangement
- Drainage
- Natural areas
- Buffering
- Emergency access
- Services/utilities
- Vehicle/pedestrian access



Site Plan Review
Decision Guidelines


- Are all review standards and ordinance requirements met?
- Does plan represent reasonable/workable site arrangement?
- The approval may lapse. Extensions may be granted.

If all standards are met:
Approval **MUST** be given!



The Zoning Board of Appeals


*Appeals, ~~to~~ ^{to} ~~wait for~~ ^{wait for} ~~tests~~ ^{tests}
interpretation, give
variances to the law,
public hearing.*



Zoning Board of Appeals
Variations


Dimensional (Non-Use Variance)

- Vary the requirements of the ordinance.
- Requires evidence of *Practical Difficulty* related to the property.



Dimensional (Non-Use Variations)
Practical Difficulty

- Unique circumstances applying to the property
- Will not adversely affect adjacent properties
- Need for the variance was not self-created
- Variance is the minimum necessary
- Not general or recurrent in nature




Nonconformities

Definition: A building, use, or lot that met the requirements of the zoning ordinance when established, but no longer complies with the ordinance.

Types

1. Nonconforming Uses
2. Nonconforming Buildings
3. Nonconforming Lots


*uses grandfathered in.
 You couldn't do it today.
 Once you stop using
 come back to legal
 current use.*



Membership and Voting Requirements

- Appeals - Simple majority of membership
- Nonuse variance - Simple majority of membership
- Voting Requirement: Except for administrative actions (approval of minutes, etc.), votes are based on total board membership, not just those who are present

Can have alternate
ZBA member, eg. for
vacation




Decision Principles

What is the function of the ZBA?

- The job of the ZBA is to uphold the requirements of the zoning ordinance, except in unusual circumstances related to the condition of the property.
- It is **NOT** the job of the board of appeals to help applicants find a way around the requirements of the ordinance because compliance is inconvenient, or because of the personal circumstances of the property owner.

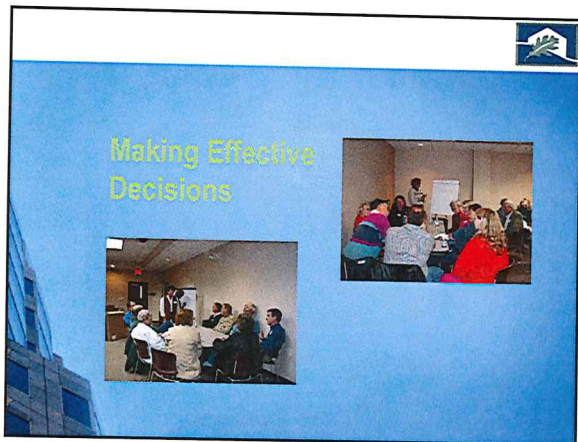
Uphold rules of ordinance - if resident can prove if their lot was regular size, then they could adhere to what is asked.

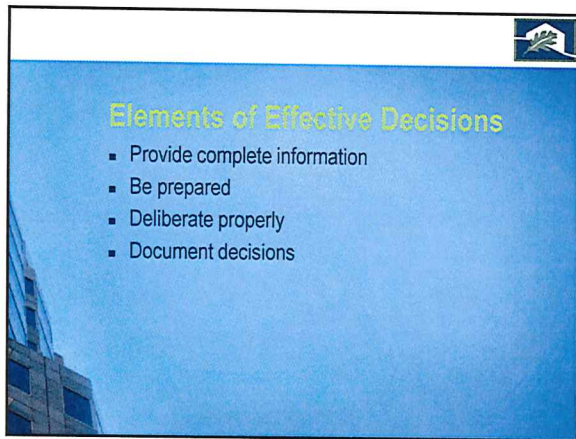


Decision Principles

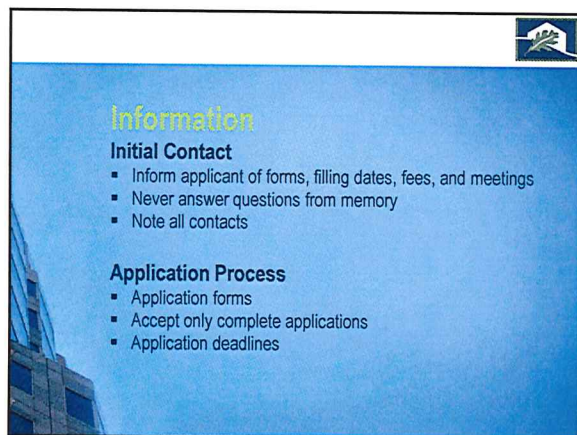
- Variances not intended to allow property owners to circumvent the zoning ordinance.
- Variance process provided to recognize that not all properties have the same physical character.
- Variances granted with little or no justification may encourage others to avoid compliance.
- Granting of unwarranted variances has the long term effect of shifting zoning policy making to the ZBA and away from elected officials.


ZBA @ a ~~non~~ narrative on their decision





*highlight what part
of zoning they are not
in compliance =*





Preparation: Site Visits

- Permission to enter site
- Avoid "ex parte" contacts
- What to look for...
- Review Materials
 - Planner and other professional reports
 - Application and plans
 - Ordinance requirements




Deliberation

Rules for Speakers

- Degree of formality
- Comments through the Chair
- Limit speaking time
- Limit number of times speaking
- Spokesperson

Rules for Decision Makers

- Comments through the Chair
- Deliberate in the open
- Express opinions
- Use ordinance standards for decisions



Documentation

Motions must contain:


- Maker/Secunder
- Request
- Action
- Conditions (as applicable)
- Statement of reasons related to review standards (Can include previous discussions)

Motions must be:

- Clear to all and in proper form

Finding of Fact

- Additional, formal documentation




Documentation

Post-Decision Documentation:

- Signed site plans
- Copy of minutes and approval/denial letters to applicant

Record Keeping


- Minutes
- Staff notes
- Application/materials
- Site plan
- Correspondence
- Affidavits of mailing/publication



Risk Management

- You CAN'T avoid litigation
- You CAN manage risk & liability exposure by:
 - Using consistent rules and procedures
 - Treating everyone fairly and consistently
 - Avoiding conflicts of interest
 - Keeping accurate and complete records

recuse self & step out of meeting




Risk Management: Conflict of Interest

Identification

- You are the applicant
- Relative
- Business associate
- Close ties
- If you have to ask...


Procedure

- Call in alternate (ZBA only)
- State nature of conflict
- Abstain from discussion and voting
- Leave the room
- Minutes should reflect abstention and reason



Risk Management

- Zoning must provide a reasonable use
- The use need NOT be the most profitable
- Support your decisions (based on review standards)
- Follow proper procedures
- Case law: In state and federal courts is still emerging



Questions

All Commissioners present

[FOR PRIVATE ROAD]

**DECLARATION OF EASEMENT, UTILITY EASEMENT
AND MAINTENANCE AGREEMENT FOR PRIVATE ROAD**

THIS AGREEMENT is entered into this ____ day of _____, 200__, by the undersigned property owners.

WHEREAS, the undersigned property owner(s) is/are the title holders to certain real property located in the Township of Conway, County of Livingston, State of Michigan, more particularly described in the attached **Exhibit A** hereto and made a part hereof and as set forth in a certain survey done by _____ dated _____, 200__; and

WHEREAS, it is the desire of the undersigned property owners to establish a private road easement and maintenance agreement and an easement for public and private utilities for the benefit of the property described in the attached Exhibit A and for the benefit of the current and future land owners of said property, which said road shall be named _____;

In consideration of the mutual promises of the parties, and other valuable consideration, IT IS AGREED as follows:

EASEMENT DECLARATION

1. _____ hereby grant, transfer, establish and declare a non-exclusive, perpetual easement for public and private utilities, ingress and egress, improved or unimproved ("Easement") over and across and for the benefit of the parcel(s) described in the attached **Exhibit A** ("Parcels"), said easement being more particularly described in the easement description attached as **Exhibit B** hereto and made a part hereof, including any private road constructed on Easement. The public utility easements include, but are not limited to, easements for storm water and other drainage, electric, gas, telecommunications, cable television, sanitary sewer and water. The location and construction of any public or private utilities shall conform to any applicable Conway Township ordinances, rules and regulations and any applicable State of Michigan statutes or Livingston County rules and regulations, including any applicable Livingston County Road Commission rules, regulations or procedures. The Easement is also granted to the public for the purposes of emergency access and other public pedestrian and vehicular access for whatever public services are necessary. This Agreement shall be created and recorded prior to selling any lot or parcel.

2. The Easement shall perpetually burden and benefit the land which it passes across, over and through, as well as any Parcels which gain access to the Easement by way of any private driveways or private road easements.
3. This Agreement shall be registered with the Livingston County Register of Deeds.

EASEMENT MAINTENANCE

4. The owner(s) of the Parcels adjoining the Easement, including any parcels which have the right to use the Easement now or in the future (collectively the Parcel Owners) shall be equally obligated to pay for the cost of repairing and maintaining the Easement, regardless of the size of their respective parcels. The terms "maintenance" and "repair," and all derivatives of these terms, shall include, but shall not be limited to, the following:
 - A. The grading of any unpaved portion of the Easement to remove bumps or obstructions which may cause injury or damage to life or property;
 - B. Resurfacing, repairing and patching any paved portion of the Easement at regular intervals, as well as the grading, when required, of the shoulders of the Easement;
 - C. The removal of brush and the mowing of vegetation adjacent to the shoulder of the private road within the Easement, including vegetation located in any ditches as may be needed from time to time in order to provide for the free draining of water in said ditches, and to provide clear vision to intersections of the Easement and any public or private road as well as the intersection with any separate driveways; and
 - D. The removal of snow and ice, and the addition of salt, sand, gravel and dust control measures, and the carrying out of other steps necessary to maintain the Easement in a safe and usable condition at all times of the year and in conformance with the Township's requirements.
5. The Parcel Owners shall work together in good faith to coordinate the repair and maintenance activities concerning the Easement in order to make the repair and maintenance of the Easement as efficient and economical as possible.
6. Any damage to the Easement, including but not limited to damage to any paved portion, which is caused by the extraordinary use of the Easement by a Parcel Owner, or his/her agents, invitees or licensees, shall be the responsibility of and promptly repaired by that Parcel Owner at his/her sole expense. "Extraordinary use" shall mean but is not limited to any damage caused by construction equipment, commercial trucks, recreational vehicles or other damage caused by use that is not consistent with normal traffic. If any Parcel Owner fails to promptly repair damage to the Easement or the private road right-of-way which is caused by him/her or his/her agents, invitees or licensees, the owners of other benefited

properties may do so, and seek reimbursement from the Parcel Owner who has failed to make such repairs.

7. **Initiating Maintenance and Repairs, Payment of Costs.**

- (a) When maintenance or repairs appear to be necessary, a majority of the Parcel Owners may approve the maintenance or repair along with the total cost, and may undertake such action anywhere along the Easement following reasonable notice to and consultation with the other Parcel Owners. The majority means the simple majority of the total number of Parcels subject to this Agreement with each Parcel receiving one (1) vote. If any single Parcel Owner owns more than one Parcel, that Parcel Owner will have one (1) vote for each Parcel provided that each Parcel will be subject to a separate share of the total cost. Approval of proposed maintenance or repair projects may be given either by written consent of a majority of the Parcel Owners, or by voice vote at a meeting of the Parcel Owners, where a majority of the Parcel Owners or their representatives vote in favor of the proposed project. Any such meeting where a vote will be taken on maintenance or repair costs shall be held after at least seven (7) days notice to all Parcel Owners regarding the Easement, unless notice is waived in writing.
- (b) The Parcel Owners undertaking such authorized maintenance or repairs may contract for and may initially pay all reasonable costs associated with them. Any Parcel Owner incurring such authorized expenses individually shall bill the other Parcel Owners for their share of such costs. The other Parcel Owners shall promptly pay the statement rendered for their proportionate share of such costs, based upon the number of Parcels owned by them.
- (c) Provided that a Parcel Owner is current in his/her obligations, any Parcel Owner shall be released from all personal liability for costs associated with the repair and maintenance of the Easement immediately upon the sale or conveyance of his/her complete ownership interest in the Parcel owned by him/her that is benefited by the Easement.
- (d) If any Parcel Owner should fail to pay any statement tendered by another Parcel Owner to him/her for repairs and maintenance expenses which have been authorized pursuant to this Agreement within twenty (20) days after receipt thereof, the amount billed in such statement, together with interest thereon at the rate of seven percent (7%) per annum, plus such reasonable attorney fees as may be necessary to collect said sums, shall automatically become a continuing lien upon the Parcel of the Parcel Owner who has not paid. The Parcel Owner incurring an expense which remains unpaid may, upon failure of the other Parcel Owner to pay his/her share in a timely manner, record notice of the claim of lien against such parcel in the office of the Register of Deeds for Livingston County, and may thereafter file a complaint to foreclose said lien, in any manner now or in the future permitted by law or equity with respect to mortgage liens. Proceeds received at such sale shall be distributed

first to pay the lien being foreclosed upon, plus all costs and expenses, interest and attorney fees, and any surplus shall be distributed in accordance with the priorities established by applicable law. The Parcel Owner who has paid such costs and expenses without proper reimbursement, may, in addition to, or instead of foreclosure, obtain a deficiency judgment or money judgment against the defaulting Property Owner, as provided by law.

8. **No Public Obligation to Maintain Private Road.** The undersigned acknowledge that no public funds of any kind will be used to build, repair, improve, rebuild or maintain the Easement or any private road constructed on the Easement. Conway Township has no responsibility or obligation regarding construction, repair, improvement or maintenance in regard to said Easement or as it pertains to ingress and egress to any parcel utilizing the Easement. The undersigned acknowledge and agree that the Township shall be reimbursed any and all costs and fees pursuant to this Agreement, including but not limited to planning, engineering, legal and similar reviews necessary to ensure the Easement or any private road is established, constructed, repaired or maintained pursuant to the Township's ordinances. The Township may, but is not obligated to, recover any and all costs by establishing a special assessment district pursuant to this Agreement and as permitted by law. Establishing a special assessment district shall be at the Township's sole discretion and shall not preclude the Township from seeking a recovery of unpaid costs and expenses in any other manner permitted by this Agreement or by law.
9. **Notice of Failure to Make Repairs.** The undersigned acknowledge and agree that if repairs and maintenance are not met, the Conway Township Board may, but is not obligated to, cause the Easement to be brought up to design standards specified in the Conway Township Zoning Ordinance, and may assess owners of the parcels on the Easement and those others who have access to the Easement, if any, for the cost of such improvements plus a reasonable administrative fee.
10. **Special Assessment Petition for Private Roads.** In order for the Township to construct, improve, rebuild, repair or maintain the Easement, if the Parcel Owners fail to maintain or repair the Easement as required by this Agreement, the Parcel Owners liable for the costs shall consent to the establishment of a special assessment district in order to finance the maintenance, repairs or capital improvements to the Easement. By executing this Agreement, the Parcel Owners, and any future owners, shall be deemed to have irrevocably petitioned the Township and consented to the establishment of a special assessment district for the maintenance, repair and capital improvements necessary keep the Easement in a safe and usable condition. Conway Township may, but shall not be obligated, to establish a special assessment district.

ADDITIONAL PROVISIONS

11. **Indemnification.** On behalf of themselves, their heirs, agents, trustees, successors, and assigns, the undersigned hereby agree to indemnify and hold harmless Conway Township and its officials from any and all claims which might be brought against it/them based on

causes of action and alleged damages relating in any way to the Easement, the use of the Easement, and this Agreement.

12. **Subdivision.** If any of the Parcels are divided or subdivided by any means after the execution of this Agreement, the owners of the resulting parcels that are entitled to use the Easement shall be equally responsible with all other Parcel Owners for the cost of maintenance and repair of the Easement, and the owners of all resulting parcels shall be considered Parcel Owners for all purposes under this agreement. To the extent that it is determined by Conway Township or any other governmental agency that the owners of any resulting parcels must create and record an appropriate easement for public utilities, such easement shall be created and recorded in accordance with Paragraph 1 of this Agreement.
13. **Interference with Egress and Ingress.**
 - (a) The Parcel Owners shall not prohibit, restrict, limit, or in any way interfere with the lawful and proper use of the Easement for ingress and egress, or for the installation, improvement and replacement of public utilities, and/or for the repair and maintenance of the Easement.
 - (b) The rights of interested parties to use the Easement specifically extend to the Parcel Owners responsible for repair and maintenance of the Easement, as well as their families, guests, vendors, invitees and licensees (including, but not limited to, tradesmen, deliverymen, U.S. Postal Service employees delivering mail, private parcel delivery services, and school bus drivers), as well as by public utility employees, and agents, subcontractors or contractors of public utilities, as well as by agents or representatives of Conway Township or other governmental entities, and by the operators of, and passengers in, any emergency vehicles and other public vehicles and others bound to or returning from any Parcels.
14. **Assignment of Rights.** All rights granted under this Agreement shall not be further assignable by Parcel Owners except as appurtenant to, and in conjunction with, the sale or conveyance of a parcel or parcels served by the Easement.
15. **Amendments.** The Easement, rights and responsibilities contained in this Agreement shall be perpetual and shall run with the land. The provisions of this Agreement may be amended, but only with the consent of the undersigned Parcel Owners or their assignees, personal representatives, heirs or devisees, and only to the extent that such amendments do not conflict with any provisions of the Conway Township Zoning Ordinance. Any amendments to this Agreement must be reviewed and approved by the Township.
16. **Payment of Fees.** It is agreed by the Parcel Owners that in the event inspections and reviews are required under the Conway Township Zoning Ordinance or any other ordinance, as hereafter amended, the Parcel Owners shall pay all costs incurred by the Township in having the Township review, inspect and approve the design and construction of the Easement and

**** A COPY OF THIS FULLY EXECUTED AGREEMENT SHALL BE FILED WITH THE
CONWAY TOWNSHIP CLERK AFTER RECORDING WITH THE LIVINGSTON COUNTY
REGISTER OF DEEDS**

EXHIBIT A—LEGAL DESCRIPTIONS

[Attach legal descriptions and parcel identification numbers of
ALL PROPERTY subject to this Agreement (benefited and burdened parcels).]

EXHIBIT B—SURVEY

[Attach a survey and legal description of the actual EASEMENT]

[CONWAY TOWNSHIP MODEL EASEMENT/MAINTENANCE AGREEMENT FOR
PRIVATE DRIVEWAYS; ACTUAL AGREEMENT TO BE APPROVED BY TOWNSHIP
ATTORNEY PRIOR TO EXECUTION AND RECORDING]

**DECLARATION OF EASEMENT, UTILITY EASEMENT
AND MAINTENANCE AGREEMENT FOR PRIVATE DRIVEWAY**

THIS AGREEMENT is entered into this ____ day of _____, 2015, by the undersigned property owners.

WHEREAS, the undersigned property owners are the title holders to certain real property located in the Township of Conway, County of Livingston, State of Michigan, more particularly described in the attached **Exhibit A** hereto and made a part hereof, and as set forth on a certain survey done by _____, dated _____ (“Survey”); and

WHEREAS, it is the desire of the undersigned property owners to establish a private driveway easement and maintenance agreement and an easement for public and private utilities over Parcel ____ for the benefit of Parcel ____ including all current and future land owners of said property.

In consideration of the mutual promises of the parties, and other valuable consideration, IT IS AGREED as follows:

EASEMENT DECLARATION

1. _____, hereby grant, transfer, establish and declare a non-exclusive, perpetual easement for public and private utilities, ingress and egress, improved or unimproved (“Easement”) over and across Parcel ____ and for the benefit of Parcel _____ (as described in the Survey) attached as **Exhibit B** (collectively, the “Parcels”). The public utility easements include, but are not limited to, easements for storm water and other drainage, electric, gas, telecommunications, cable television, sanitary sewer and water. The location and construction of any public or private utilities shall conform to any applicable Conway Township ordinances, rules and regulations and any applicable State of Michigan statutes or Livingston County rules and regulations, including any applicable Livingston County Road Commission rules, regulations or procedures. The Easement is also granted to the public for the purposes of emergency access and other public pedestrian and vehicular access for whatever public services are necessary. This Agreement shall be created and recorded prior to selling any lot or parcel.

2. The Easement shall perpetually burden and benefit the land which it passes across, over and through, as well as any Parcels which gain access to the Easement by way of any private driveways or private road easements.
3. This Agreement shall be registered with the Livingston County Register of Deeds.

EASEMENT MAINTENANCE

4. The owner(s) of the Parcels that benefit from the Easement, including any parcels which have the right to use the Easement now or in the future (collectively the "Parcel Owners"), shall be equally obligated to pay for the cost of repairing and maintaining the Easement, regardless of the size of their respective parcels. The terms "maintenance" and "repair," and all derivatives of these terms, shall include, but shall not be limited to, the following:
 - A. The grading of any unpaved portion of the Easement to remove bumps or obstructions which may cause injury or damage to life or property;
 - B. Resurfacing, repairing and patching any paved portion of the Easement at regular intervals, as well as the grading, when required, of the shoulders of the Easement;
 - C. The removal of brush and the mowing of vegetation adjacent to the shoulder of the private road or driveway within the Easement, including vegetation located in any ditches as may be needed from time to time in order to provide for the free draining of water in said ditches, and to provide clear vision to intersections of the Easement and any public or private road as well as the intersection with any separate driveways; and
 - D. The removal of snow and ice, and the addition of salt, sand, gravel and dust control measures, and the carrying out of other steps necessary to maintain the Easement in a safe and usable condition at all times of the year and in conformance with the Township's requirements.
5. The Parcel Owners shall work together in good faith to coordinate the repair and maintenance activities concerning the Easement in order to make the repair and maintenance of the Easement as efficient and economical as possible.
6. Any damage to the Easement, including but not limited to damage to any paved portion, which is caused by the extraordinary use of the Easement by a Parcel Owner, or his/her agents, invitees or licensees, shall be the responsibility of and promptly repaired by that Parcel Owner at his/her sole expense. "Extraordinary use" shall mean but is not limited to any damage caused by construction equipment, commercial trucks, recreational vehicles or other damage caused by use that is not consistent with normal traffic. If any Parcel Owner fails to promptly repair damage to the Easement or the private driveway which is caused by him/her or his/her agents, invitees or licensees, the owners of other benefited properties may do so, and seek reimbursement from the Parcel Owner who has failed to make such repairs.

7. The initial cost of construction shall be paid for by _____. [If more than one user will share in the cost of the initial construction, a formula must be provided.]

8. **Initiating Maintenance and Repairs, Payment of Costs.**

- A. When maintenance or repairs appear to be necessary, a majority of the Parcel Owners may approve the maintenance or repair along with the total cost, and may undertake such action anywhere along the Easement following reasonable notice to and consultation with the other Parcel Owners. The majority means the simple majority of the total number of Parcels subject to this Agreement with each Parcel receiving one (1) vote. If any single Parcel Owner owns more than one Parcel, that Parcel Owner will have one (1) vote for each Parcel provided that each Parcel will be subject to a separate share of the total cost. Approval of proposed maintenance or repair projects may be given either by written consent of a majority of the Parcel Owners, or by voice vote at a meeting of the Parcel Owners, where a majority of the Parcel Owners or their representatives vote in favor of the proposed project. Any such meeting where a vote will be taken on maintenance or repair costs shall be held after at least seven (7) days notice to all Parcel Owners regarding the Easement, unless notice is waived in writing.
- B. The Parcel Owners undertaking such authorized maintenance or repairs may contract for and may initially pay all reasonable costs associated with them. Any Parcel Owner incurring such authorized expenses individually shall bill the other Parcel Owners for their share of such costs. The other Parcel Owners shall promptly pay the statement rendered for their proportionate share of such costs, based upon the number of Parcels owned by them.
- C. Provided that a Parcel Owner is current in his/her obligations, any Parcel Owner shall be released from all personal liability for costs associated with the repair and maintenance of the Easement immediately upon the sale or conveyance of his/her complete ownership interest in the Parcel owned by him/her that is benefited by the Easement.
- D. If any Parcel Owner should fail to pay any statement tendered by another Parcel Owner to him/her for repairs and maintenance expenses which have been authorized pursuant to this Agreement within twenty (20) days after receipt thereof, the amount billed in such statement, together with interest thereon at the rate of seven percent (7%) per annum, plus such reasonable attorney fees as may be necessary to collect said sums, shall automatically become a continuing lien upon the Parcel of the Parcel Owner who has not paid. The Parcel Owner incurring an expense which remains unpaid may, upon failure of the other Parcel Owner to pay his/her share in a timely manner, record notice of the continuing of lien against such parcel in the office of the Register of Deeds for Livingston County, and may thereafter file a complaint to foreclose said lien, in any manner now or in the future permitted by law or equity

with respect to mortgage liens. Proceeds received at such sale shall be distributed first to pay the lien being foreclosed upon, plus all costs and expenses, interest and attorney fees, and any surplus shall be distributed in accordance with the priorities established by applicable law. The Parcel Owner who has paid such costs and expenses without proper reimbursement, may, in addition to, or instead of foreclosure, obtain a deficiency judgment or money judgment against the defaulting Parcel Owner, as provided by law.

9. **No Public Obligation to Maintain Private Driveway.** The undersigned acknowledge that no public funds of any kind will be used to build, repair, improve, rebuild or maintain the Easement or any private driveway or road constructed on the Easement. Conway Township has no responsibility or obligation regarding construction, repair, improvement or maintenance in regard to said Easement or as it pertains to ingress and egress to any parcel utilizing the Easement. The undersigned acknowledge and agree that the Township shall be reimbursed any and all costs and fees pursuant to this Agreement, including but not limited to planning, engineering, legal and similar reviews necessary to ensure the Easement or any private driveway or road is established, constructed, repaired or maintained pursuant to the Township's ordinances. The Township may, but is not obligated to, recover any and all costs by establishing a special assessment district pursuant to this Agreement and as permitted by law. Establishing a special assessment district shall be at the Township's sole discretion and shall not preclude the Township from seeking a recovery of unpaid costs and expenses in any other manner permitted by this Agreement or by law.
10. **Notice of Failure to Make Repairs.** The undersigned acknowledge and agree that if repairs and maintenance are not met, the Conway Township Board may, but is not obligated to, cause the Easement to be brought up to design standards specified in the Conway Township Zoning Ordinance, and may assess owners of the parcels on the Easement and those others who have access to the Easement, if any, for the cost of such improvements plus a reasonable administrative fee.
11. **Special Assessment Petition for Private Driveway.** In order for the Township to construct, improve, rebuild, pave, repair or maintain the Easement, if the Parcel Owners fail to do so as required by this Agreement or applicable standards or ordinances, the Parcel Owners liable for the costs hereby consent to the establishment of a special assessment district in order to finance the maintenance, repairs or capital improvements to the Easement. By executing this Agreement, the Parcel Owners, and any future owners, shall be deemed to have irrevocably petitioned the Township and consented to the establishment of a special assessment district for the maintenance, repair and capital improvements necessary to keep the Easement in a safe and usable condition. Conway Township may, but shall not be obligated, to establish a special assessment district.

ADDITIONAL PROVISIONS

12. **Indemnification.** On behalf of themselves, their heirs, agents, trustees, successors, and assigns, the undersigned hereby agree jointly and severally to indemnify and hold harmless

Conway Township and its officials from any and all claims which might be brought against it/them based on causes of action and alleged damages relating in any way to the Easement, the use of the Easement, and this Agreement.

13. **Subdivision.** If any of the Parcels are divided or subdivided by any means after the execution of this Agreement, the owners of the resulting parcels that are entitled to use the Easement shall be equally responsible with all other Parcel Owners for the cost of maintenance and repair of the Easement, and the owners of all resulting parcels shall be considered Parcel Owners for all purposes under this agreement. To the extent that it is determined by Conway Township or any other governmental agency that the owners of any resulting parcels must create and record an appropriate easement for public utilities, such easement shall be created and recorded in accordance with Paragraph 1 of this Agreement.
14. **Interference with Egress and Ingress.**
 - A. The Parcel Owners shall not prohibit, restrict, limit, or in any way interfere with the lawful and proper use of the Easement for ingress and egress, or for the installation, improvement and replacement of public utilities, and/or for the repair and maintenance of the Easement.
 - B. The rights of interested parties to use the Easement specifically extend to the Parcel Owners responsible for repair and maintenance of the Easement, as well as their families, guests, vendors, invitees and licensees (including, but not limited to, tradesmen, deliverymen, U.S. Postal Service employees delivering mail, private parcel delivery services, and school bus drivers), as well as by public utility employees, and agents, subcontractors or contractors of public utilities, as well as by agents or representatives of Conway Township or other governmental entities, and by the operators of, and passengers in, any emergency vehicles and other public vehicles and others bound to or returning from any Parcels.
15. **Assignment of Rights.** All rights granted under this Agreement shall not be further assignable by Parcel Owners except as appurtenant to, and in conjunction with, the sale or conveyance of a parcel or parcels served by the Easement.
16. **Amendments.** The Easement, rights and responsibilities contained in this Agreement shall be perpetual and shall run with the land. The provisions of this Agreement may be amended, but only with the consent of the undersigned Parcel Owners or their assignees, personal representatives, heirs or devisees, and only to the extent that such amendments do not conflict with any provisions of the Conway Township Zoning Ordinance. Any amendments to this Agreement must be reviewed and approved by the Township.
17. **Payment of Fees.** The Parcel Owners agree that if inspections and reviews are required under the Conway Township Zoning Ordinance or any other ordinance, as hereafter amended, the Parcel Owners shall pay all costs incurred by the Township in having the Township review, inspect and approve the design and construction of the Easement and pay

any legal fees incurred by the Township in reviewing the same or any amendments to this Agreement.

The parties have executed this Agreement on the dates set forth below.

[LIST ALL OWNERS OF AFFECTED PROPERTY AND IDENTIFY WHICH PROPERTY IS THEIRS; REPEAT NOTARY BLOCK FOR THOSE SIGNING IN DIFFERENT LOCATIONS]

PARCEL OWNERS:

/s/ _____
[Print name]

/s/ _____
[Print name]

/s/ _____
[Print name]

/s/ _____
[Print name]

STATE OF MICHIGAN)
) ss
COUNTY OF _____)

On this ____ day of _____, 201__, before me, a Notary Public, in and for said County, personally appeared _____ [LIST ALL SIGNATORS], to me known to be the same person described in, and who executed this Agreement to be his/her free act and deed.

Notary Public

County, Michigan
My Comm. Exp.: _____

**** A COPY OF THIS FULLY EXECUTED AGREEMENT SHALL BE FILED WITH THE
CONWAY TOWNSHIP CLERK AFTER RECORDING WITH THE LIVINGSTON COUNTY
REGISTER OF DEEDS**

EXHIBIT A—LEGAL DESCRIPTIONS

[Attach legal descriptions and parcel identification numbers of
ALL PROPERTY subject to this Agreement (benefited and burdened parcels).]

EXHIBIT B—SURVEY

[Attach a survey and legal description of the actual EASEMENT]

Conway Township Planning Commission Meeting Minutes

June 8, 2015

Agenda	Items Discussed	Actions to be Taken
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Attendees	<ul style="list-style-type: none"> • Public: Bill Call, Shirley and Herman Yost, Abby Cooper • Board Members present: George Pushies, Dennis Sommer, Londa Horton, Larry Parsons, Mike Stock, Brian Williams, and Dennis Bowdoin. 	
Call to Order and Pledge to Flag	Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance. Next meeting is July 13, 2015 at 7:00pm.	
Roll Call and Sign In	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Larry Parsons, Londa Horton, Mike Stock, and Brian Williams.	
Minutes from last meeting	Larry Parsons made a motion to accept the regular May 11 and the May 19 joint meeting minutes. Mike Stock second. All in favor. Motion passed.	
Call to the Public	-0-	
Communications	Dennis Bowdoin communicated that there were 34 police incident reports for Conway Township for the month of April 2015.	
Land Divisions	-0-	
Old Business	<p>Abby Cooper provided an update on zoning changes for telecommunications where the Ordinance will replace Special Land Uses, Section 13.10 G and Section 6.18 will be deleted.</p> <ul style="list-style-type: none"> • Discussion followed regarding page 10 of the report, the height of the cell tower. The question posed, "Would we rather go up 250 feet and have fewer towers that reach more people or have more 150 foot towers in the township?" • Discussion commenced regarding G.2.b and G.6.f the fence height around a tower. Consideration for a higher height of 8 feet moving to a required 10 foot fence requirement was discussed. <p>Brian Williams made a motion for Planning Commissioners to review the wireless communication ordinance changes for next month. Mike Stock second. All in favor. Motion passed.</p> <p>Abby gave an update on the split committee.</p>	<p>Abby to check the set back on the tower, e.g. ½ or 1 ½ the height of the tower as on pg. 9 and pg. 1.</p> <p>Commissioners to review Abby's wireless communication document prior to next meeting.</p>

Conway Township Planning Commission Meeting Minutes

June 8, 2015

Agenda

Items Discussed

Actions to be Taken

<p>New Business</p>	<p>Bill Call reported that there are five new houses being built in the Township. There is nothing new to report with regard to the Special Use permits.</p> <p>Abby Cooper handed out a copy of the <i>Land Division Ordinance</i> passed by the Township Board where it defines the split committee.</p> <p>Discussion regarding allowing a pole barn to be built prior to the home on vacant property. Validation that a barn or "Accessory Building" can be built on vacant property prior to a house. However, Ordinance 6.06A is subject to interpretation with regard to the definition of a "Principal Building" or "Accessory Structure." Abby Cooper advised the Commission to look at different districts and be sure this is what we want, e.g. Agriculture Residential District vs. Residential District.</p> <p>Bill Call attended the last Brown Bag luncheon which discussed the issue of mud bogs in Marion Township.</p> <p>Larry Parsons made a motion to appoint George Pushies to the Split Committee. Dennis Sommer second. All in favor. Motion passed. George commented that he would like this to be a 90 day trial period.</p> <p>June 24, 2015 at 7pm is the Rules and Responsibilities training meeting required for the Planning Commissioners.</p>	<p>Abby will revise Ordinance 6.06A and will bring back for Commission approval.</p>
<p>Update from the Board</p>	<ul style="list-style-type: none"> • Larry Parsons gave an update from the Township Board meeting. 	
<p>Last Call to Public</p>	<p>-0-</p>	
<p>General Discussion</p>	<ul style="list-style-type: none"> • George Pushies commented of two thefts in the area. • Larry Parsons to request access to Township Wi-Fi. 	
<p>Adjournment</p>	<ul style="list-style-type: none"> • George Pushies made a motion to adjourn. Brian Williams second. All in favor. Motion Passed. Meeting adjourned at 8:30 p.m. 	

CONWAY TOWNSHIP LAND DIVISION ORDINANCE

CONWAY TOWNSHIP LIVINGSTON COUNTY, MICHIGAN (Ordinance No. 24)

Preamble:

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended (MCL 560.101, *et seq.*) and the Township Ordinances Act, Public Act 246 of 1945, as amended (MCL 41.181, *et seq.*), being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

Section 1: Title

This ordinance shall be known and cited as the Land Division Ordinance.

Section 2: Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

Section 3: Definitions

For purposes of this ordinance, certain terms and words used herein shall have the following meaning:

A. "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

B. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act (MCLs 560.108 and 560.109). "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable local ordinances.

C. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.

D. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

Section 4: Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the prior review and approval of the Township in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

Section 5: Application for Land Approval

An applicant shall file all of the following with the Township Assessor or other official designated by the Township Board for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A fee to cover the costs of review of the application and administration of this Ordinance and the Land Division Act as set by the Township Board.

Section 6: Procedure for Review of Applications for Land Division Approval

- A. A committee comprised of the Assessor, the Zoning Administrator, and a designee from the Planning Commission (“Committee”) shall review and render decisions on complete land division applications. The Planning Commission shall designate one of its members to serve on the Committee.
- B. The Committee shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance’s requirements and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- C. The Assessor shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

Section 7: Standards for Approval of Land Divisions

A proposed land division reviewable by the Township shall be approved, upon receipt of a completed application, including compliance with all items requested in the Land Division Checklist, if the following criteria are met:

- A. Each resulting parcel has a width no less than that required by the applicable zoning district established in this Ordinance.
- B. Each resulting parcel has an area no less than that required by the applicable zoning district established in this Ordinance.
- C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.
- D. The proposed land division(s) comply with all requirements of this Ordinance and the Land Division Act.
- E. All parcels created and remaining have existing adequate accessibility, or an area available

therefor, for public utilities and emergency and other vehicles.

Section 8: Consequences of Noncompliance with Land Division Approval Requirement

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll. The Township shall have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto. In addition, any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute and pursuant to Township ordinance. A violator of this Ordinance may also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section 9: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section 10: Repeal

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township that shall remain in full force and effect notwithstanding any land division approval hereunder.

Section 11: Effective Date

This ordinance shall take effect 30 days after publication as required by law.

CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Conway Township Board at a meeting held on _____ at the Conway Township Hall, pursuant to the required statutory procedures.

Dated: _____

Respectfully submitted,

Cindy Dickerson, Conway Township Clerk

Once finalized and approved, the Ordinance proposed below will replace Special Land Uses, Section 13.10 (G) currently entitled, "Commercial Transmitting and Receiving Towers and Associated Facilities" and Section 6.18 will be deleted in its entirety (applicable provisions incorporated herein).

G. WIRELESS COMMUNICATION SUPPORT STRUCTURES AND RADIO AND TELEVISION BROADCAST TOWERS.

1. **Location Requirements.** Wireless communication support structures and radio and television broadcast towers may be permitted as a special use in the AR Agricultural Residential District subject to the issuance of a special use permit, to the extent one is required as provided in this Article and Section, and subject to the conditions specifically set forth herein.
2. **Site Requirements.**
 - a. Minimum lot size shall be two (2) acres.
 - b. A security fence at least eight (8) feet in height shall be constructed around the tower and any other related appurtenances.
 - c. ✕ The tower base shall be setback from all lot lines a minimum distance equal to one-half (1/2) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the zoning district.
 - d. Where possible, joint use of tower facilities, including Township storage tanks, shall be required in order to minimize the number of separate towers and individual locations throughout the Township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands, or co-locate on an existing tower.
 - e. No signs, except warning or other cautionary signs shall be permitted on the site.
3. **Permitted Uses.**
 - a. Notwithstanding the foregoing provisions, wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this Ordinance if all of the following requirements are met:
 - i. The wireless communications equipment will be collocated (See Section 13.10(G)(4) for definition of "Collocation") on an existing wireless communications support structure or in an existing equipment compound, or requires the removal of transmission equipment or replacement of transmission equipment.

- ii. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was approved by the Township.
 - iii. The proposed collocation will not do any of the following:
 1. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 2. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 3. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - iv. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.
 - v. Upon a showing that all conditions contained in subsections (a)(i)-(a)(iv) herein have been met, the Zoning Administrator shall confirm in writing that no special land use permit is required.
- b. Wireless communications equipment that meets the requirements of subsection (a)(i) and (ii) but does not meet the requirements of subsection (a)(iii) or (iv) is a permitted use of property if it receives special land use approval under subsections (c) to (f).
 - c. A request for special land use approval of wireless communications equipment described in subsection (b) shall include all requirements necessary for the issuance of a special land use permit, as outlined in subsection 5.
 - d. After a request for special land use approval is filed with the Zoning Administrator, as outlined in subsection (c), the Zoning Administrator shall determine whether the request is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (e), the request shall be considered to be administratively complete when the Zoning Administrator makes that determination or 14 business days after the Zoning Administrator receives the request, whichever is first.
 - e. If, before the expiration of the 14-day period under subsection (d), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14 day period under subsection (d) is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount

due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

- f. The Planning Commission shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Zoning Administrator fails to timely approve, approve with conditions, or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

4. **Definitions.**

- a. **"Collocate"** means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound such that the physical dimensions of the tower or base station are not substantially changed. A substantial change is anything that meets any of the following criteria:
 - i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other types of support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - iii. For any support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - iv. It entails any excavation or deployment outside the current site; and
 - v. It would defeat the concealment elements of the support structure.

Commented [JS1]: The special land use application needs to indicate whether it meets the requirements of (a)(i) and (a)(ii) such that Zoning Administrator/Planning Commission knows, if it does meet those requirements, that they only have 60 days for approval as compared to 90 for all others.

Commented [AC2R1]:

- b. **“Collocation”** has a corresponding meaning, i.e., to collocate.
- c. **“Equipment Compound”** means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- d. **“Transmission Equipment”** Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- e. **“Wireless Communications Equipment”** means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures. Wireless Communication Facility has a corresponding meaning. Not included in this definition are citizens band radio facilities, shortwave facilities, ham or amateur radio facilities, satellite dishes for residential use, and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority.
- f. **“Wireless Communications Support Structure or Tower”** means structures erected or modified to support Wireless Communications Equipment. Support structures within the definition include, but are not limited to monopoles lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.

5. **Special Land Use Permit**

- a. **When Required.** A special land use permit is required for all wireless communications equipment that does not meet the requirements of subsection 3(a)(i)-(a)(iv), herein, and for all other wireless communications support structure. Within 90 days of an application being deemed administratively complete under Section 13.10(G)(3)(d), the Planning Commission shall approve, approve with conditions, or deny the special land use request.
- b. **Information Required.**

The following information is required for a special use permit under subsection (a):

- i. Each applicant for an antenna or tower shall provide an inventory of its existing towers, antennas or sites approved for towers or antennas that are either within the jurisdiction of Conway Township or within one (1) mile of the border thereof, including specific information about the location, height, type of equipment including model number and design of each tower. Such information may be shared with other applicants applying for approvals under this ordinance or other organization seeking to locate towers or antennas within the jurisdiction of Conway Township; provided, however, that the sharing of such information in no way constitutes a representation or warranty by the Township that such sites are available or suitable.
- ii. A scaled site plan clearly indicating the location, type and height of the proposed tower or site land uses and zoning, adjacent land uses and zoning; land use plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines, elevation drawings of the proposed tower, specifications of the transmitter and model numbers and any other structures, topography, parking and any other information deemed by Conway Township to be necessary to assess compliance with this ordinance.
- iii. Legal description of the parent tract and leased parcel (if applicable).
- iv. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- v. The separation distance from other towers or structures above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner or operator of the existing towers) if known.
- vi. A landscape plan showing specific landscape materials.
- vii. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- viii. If requesting a wireless support structure, a notarized statement by the applicant indicating that construction of the proposed tower will accommodate a minimum of five (5) additional antennas arrays equal to the submitted by the applicant, allowing a minimum total of six (6) antennas.

- xi. For wireless communication systems, identification of the facilities providing the backhaul network (i.e., the lines that connect a provider's structures/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) and tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- x. If requesting a wireless support structure, a description of the suitability of the use of existing towers, and other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower. The applicant shall provide an affirmative statement as to the need for the proposed tower and why no existing structure will meet the needs of the proposed new tower.
- xi. A map showing the locations(s) of future towers, structures or antennae proposed or anticipated by the applicant within Conway Township based on existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- xii. An environmental impact assessment disclosing any potential impact on local wetland, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites or other environmental considerations.
- xiii. Name and location of communication tower manufacturer.
- xiv. A technical analysis setting forth the minimum height necessary for reasonable communication by the applicant and an evaluation of alternative designs which might result in lower tower heights.
- xv. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonable prudent standard.
- xvi. All tax related information as requested by the Conway Township Assessor's Office for appraisal purposes.
- xvii. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

Commented [JS3]: Is the use of this word intended and/or correct as written?

- c. **Conditions of Approval.** In granting a special land use permit under subsection 5, the Planning Commission may impose conditions that the Planning Commission determines are necessary to further the purposes of this ordinance and/or to minimize any adverse impact of the proposal on adjoining or nearby properties.
- d. **Factors to Consider in Granting a Special Use Permit.** The Planning Commission shall consider all provisions of this ordinance, including the following factors, as well as any other Township ordinances not in conflict with this ordinance, in determining whether to issue a special land use permit, although the Planning Commission may waive or reduce one (1) or more of the following criteria if the Planning Commission determines that the goals of this ordinance are better served thereby:
 - i. Height of the proposed tower.
 - ii. Proximity of the tower to residential structures and residential district boundaries.
 - iii. Nature of uses on adjacent and nearby properties.
 - iv. Surrounding topography.
 - v. Surrounding tree coverage and foliage.
 - vi. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - vii. Proposed ingress and egress.
 - viii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
 - ix. The design of the proposed structure and its ability to accommodate co-location of additional users.
 - x. A bond of \$5,000.00 on a cell tower and \$1,000.00 on internet towers will be maintained while the tower is up with Conway Township. The bond shall be posted before work begins and returned when the tower is taken down.
- e. **Availability of Suitable Existing Towers, Other Structures or Alternative Technology.** No new wireless support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure or alternative technology which does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. The Township may employ

Commented [JS4]: Is this bond enough? Or does this need to be changed to provide for "an amount sufficient to cover the cost of removal to be determined by the Planning Commission"?

specialized experts to review information and materials submitted by the applicant. The applicant shall incur all costs associated with such review, not to exceed \$1,000. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- i. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- v. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
- vi. The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
- vii. The applicant demonstrates that an alternative technology which does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology that exceed the new tower or antenna development shall not be presumed to render the technology unsuitable. New technology, which does not require the use of a tower, shall be preferred, regardless of cost.

6. **General Regulations and Design Standards.**

- a. Wireless communication support structures or towers shall be subject to the following regulations:
 - i. No single tower shall be located within two (2) miles of another communication tower. This requirement may be waived if Conway Township determines that the tower is of an exceptional design that creates a positive architectural or environmental feature or both, and which is compatible with the character of the surrounding area and community.

Commented [JS5]: This is the starting point at which you can elect to remove any of the "general" or other miscellaneous provisions that follow that you don't want to keep. All are compliant with applicable law so you are free to leave them in if you wish.

*not local
by federal
law*

- ii. No tower except wireless internet towers under eighty-five (85') feet shall be located closer than one thousand feet from the boundary of any R Residential District, including a PUD District incorporating residential uses, and shall not be in violation of the airport zoning height restrictions.
 - iii. A tower shall have a minimum setback from all property boundaries and structures equal to one and one-half (1½) the height of the tower. Equipment storage facilities or storage buildings erected to service the tower are exempt from this setback requirement.
 - iv. Accessory buildings must satisfy the minimum zoning district regulations.
 - v. For purposes of measurement, any required tower setback or separation distance shall be calculated and applied to facilities located adjacent to municipal and county jurisdictional boundaries.
- b. Access. Unobstructed access, constructed in accordance with all provisions of this ordinance, shall be provided to the tower and apparatus building to ensure service by police, fire and emergency vehicles. Roads used for ingress and egress must be constructed according to specifications set forth by the Livingston County Road Commission.
- c. Structural Design and Installation
- i. The plans for the tower construction shall be certified by a State of Michigan licensed professional engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All towers or structures must meet all applicable standards of the Federal Aviation Administration ("FAA") and Federal Communications Commission ("FCC") or other governmental agency.
 - ii. All towers or structures must meet or exceed current standards and regulations of the FAA, the FCC and other agencies for the state or federal government with the authority to regulate towers, structures, and antennas, if such standards and regulations are changed, then the owners of the towers structures and antennas governed by this ordinance shall bring such towers, structures and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers, structures, and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - iii. To ensure the structural integrity of towers or structures, the owner of a tower shall ensure that it is maintained in compliance with standards

Commented [JS6]: Does this provision apply and/or make sense?

contained in applicable state or local building codes and the applicable standards for towers or structures that are published by the Electronic Industries Association, as amended, and shall supply Conway Township with a yearly report of such maintenance. If upon inspection Conway Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- iv. Antennae and metal towers or structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers and structures shall comply with all applicable local, state and federal statutes, regulations, and standards.
 - v. Towers or structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
 - vii. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower of antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - viii. The base of the tower shall occupy no more than five hundred (500) square feet.
 - ix. The use of guyed wires is prohibited unless the applicant demonstrates that the prohibition of guyed wires is not feasible for the proposed tower.
 - x. All communications tower operators shall be required to prove compliance with all federal and state emission regulations as requested by Conway Township.
 - iii. Lighting towers or structures shall not be artificially illuminated if under one hundred fifty (150) feet, except as required by the FCC, FAA or local building codes. Anything over one hundred (150) feet shall be illuminated.
- d. **Height.** Towers and structures shall not exceed one hundred fifty (150) feet in height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure including the base pad and any antenna, but shall not include the height of a whip, which may not exceed fifteen (15) feet in height. In no case shall the tower or structure plus the whip exceed two hundred sixty five (265) feet in height.
- e. **Design.**

Commented [JS7]: Is this height sufficient? Does the Planning Commission want to increase it?

- i. Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of or treated with corrosive resistant material.
 - ii. Advertising, signs and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - iii. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.
 - iv. Landscaping shall be utilized to blend the tower or structure into the natural setting and surrounding buildings.
 - v. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - vi. All utility wiring going to the tower shall be placed underground.
- f. **Fencing and Landscaping.** The tower and appurtenant apparatus building shall be secured by fencing a minimum of eight (8) feet in height. All towers must be equipped with an anti-climbing device to prevent unauthorized access. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing or building. Specifications for spacing land plant materials shall be as set forth by the Planning Commission. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers or structures sited on large wooded lots, natural growth around the property perimeter may provide sufficient buffer, in with case the Planning Commission may waive the landscaping requirements of this paragraph.
- g. **Employees.** No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
- i. **Franchises.** Owners and/or operators of towers structures or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with the Zoning Administrator prior to final plot plan approval.

- j. **Engineering Certification.** Any information of an engineering nature that the applicant submits, whether civil, mechanical or structural, shall be certified by a State of Michigan licensed profession engineer.
- k. **Not Essential Services.** Towers, structures and antennae shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.
- l. **Cessation of Operation.** The Planning Commission shall condition approval of any new tower subject to the removal of said tower, including all structural components of the tower above and below ground within one hundred and eighty (180) days of cessation of operations. The Planning Commission reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this ordinance or existing at the time of adoption of this ordinance, that is not operated for a continuous period of one hundred eighty (180) days shall be deemed abandoned. Failure to remove an abandoned antenna or tower within sixty (60) days of receipt of a notice from Conway Township requesting such removal shall be grounds for Conway Township to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

Conway Township Planning Commission Meeting Minutes

May 11, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Bill Call, Bob Carusi, Shirley and Herman Yost, Abby Cooper • Board Members present: George Pushies, Dennis Sommer, Londa Horton, Larry Parsons, Mike Stock, and Dennis Bowdoin. Absent: Brian Williams 	
Call to Order and Pledge to Flag	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is June 8, 2015 at 7:00pm.</p>	
Roll Call and Sign In	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Larry Parsons, Londa Horton and Mike Stock. Absent: Brian Williams.	
Minutes from last meeting	Mike Stock made a motion to accept the April 13 regular meeting minutes. Dennis Sommer second. All in favor. Motion passed. Mike Stock made a motion to accept the April 21 joint meeting minutes. Londa Horton second. All in favor. Motion passed.	
Call to the Public	-0-	
Communications	<p>Dennis Bowdoin discussed:</p> <ul style="list-style-type: none"> • There is a Brown Bag lunch on May 27 at noon at LSEA on road millages and mud bogging. • MSU Extension is offering a Placemaking Strategy Development Workshop on May 20 at 1:30pm at the Livingston County EMS at 1911 Tooley Road in Howell. <p>Dennis Sommer discussed the Rover gas pipeline route through Owosso and Maxwell roads.</p>	
Land Divisions	-0-	

Conway Township Planning Commission Meeting Minutes

May 11, 2015

Agenda	Items Discussed	Actions to be Taken
Old Business	<p>Abby Cooper provided an update on zoning changes verbiage as follows:</p> <ul style="list-style-type: none"> Section 5.04C she added "a-e" on practical difficulties for the ZBA to look for and that the applicant will have to prove to the ZBA. These are standards for the ZBA to follow. She reviewed major changes in the zoning ordinances as outlined at the last meeting. (With regard to the keeping of animals. She removed "useable" and replaced it with the two acreage requirement. Also, there have been changes in the law with regard to internet zoning. She is getting model ordinances from other townships. Lastly, with regard to the land division split committee, the application must be accepted by: the assessor, the zoning administrator, and a member of the Planning Commission.) The question was posed, "Do we have to make a change in the Comprehensive Plan?" Abby replied, "I don't think so." In addition the Planning Ordinance Bylaws need to change, e.g. ex-officio voting member, the Planning Commission meeting time change to 7pm. Article 6 Abby will get to the Planning Commission regarding the wireless changes. The law is changing and she is waiting for the new law. 	<p>Dennis Bowdoin advised all Commissioners to read through Abby's changes prior to the next meeting.</p>
New Business	<ul style="list-style-type: none"> Nothing new to report. 	
Update from the Board	<ul style="list-style-type: none"> Larry Parsons gave an update from the Township Board meeting. 	
Last Call to Public	<ul style="list-style-type: none"> Bob Carusi reported that the next Emergency Preparedness Committee meeting is May 13. Herm Yost asked the definition of a cemetery committee versus a cemetery board. Abbie replied that the purpose of a cemetery committee is to advise the Board. 	
General Discussion	<ul style="list-style-type: none"> Dennis Bowdoin noted that a resident complained about the inability of residents to use the Conway Hall Wi-Fi. Bob Carusi asked, "Can a developer develop on a ¾ acre lot and if so, does the setback still apply?" Dennis Bowdoin replied, "There are a lot of variables to consider in answering that question." 	<p>Larry Parsons to bring up the issue of making the Hall Wi-Fi with two routers available with a guest login.</p>

Conway Township Planning Commission Meeting Minutes

May 11, 2015

Agenda	Items Discussed	Actions to be Taken
Adjournment	<ul style="list-style-type: none">George Pushies made a motion to adjourn. Dennis Sommer second. All in favor. Motion Passed. Meeting adjourned at 8:50 p.m.	

Conway Township joint Planning Commission & Board of Trustee's Meeting
May, 19, 2015

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Township Board approved the Split Committee, we must now appoint a member

George talked about a pole Barn can be built on acreage prior to the Residential building.

Submitted by
Dennis Bowdoin Planning Commission Chair
5/19/15

**ORDINANCE TO CONFIRM THE ESTABLISHMENT OF A
PLANNING COMMISSION WITH ZONING AUTHORITY**

ORDINANCE NO. 21

Preamble

An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Conway Township Planning Commission; provide for the composition of that Planning Commission; provide for the powers, duties and limitations of that Planning Commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

THE TOWNSHIP OF CONWAY, LIVINGSTON COUNTY, MICHIGAN, ORDAINS:

Section 1: Scope, Purpose and Intent

This ordinance is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the Conway Township Board shall hereby confirm the establishment of the Conway Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.; to establish the appointments, terms, and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission; and to prescribe the authority, powers and duties of the Planning Commission.

Section 2: Establishment

The Township Board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Conway Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.. The Conway Township Planning Commission shall have 7 members, which shall include one ex officio member. As of the effective date of this Ordinance, members of the Conway Township Planning Commission shall continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., except for the ex officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board.

Section 3: Appointments and Terms

The township supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member. The Planning Commission members, other than an ex officio member, shall serve for terms of 3 years each. An ex officio member's term on the Planning Commission shall expire with his or her term on the Township Board. No other elected officer or employee of the township is eligible to be a member

of the Planning Commission. An ex officio member has full voting rights. A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. Successors shall be appointed not more than one month after the term of the preceding commission member has expired.

Planning Commission members shall be qualified electors of the township, except that one Planning Commission member may be an individual who is not a qualified elector of the township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

Section 4: Removal

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 5: Conflict of Interest

See Planning Commission Bylaws.

Section 6: Compensation

The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 7: Officers and Committees

The Planning Commission shall elect a chairperson, vice-chairperson, and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the Planning Commission bylaws. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 8: Bylaws, Meetings and Records

The Planning Commission shall adopt bylaws for the transaction of business. The Planning Commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings. Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a Planning

Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Section 9: Annual Report

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 10: Master Plan Authority and Review

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the township's planning jurisdiction. Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board passes a resolution asserting the right to approve or reject the master plan. Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

The master plan shall address all issues and contain all subjects required by the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq. At least every 5 years, the Planning Commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan.

Section 11: Zoning Powers

The Township Board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Conway Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.

Section 12: Subdivision and Land Division Recommendations

The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 13: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Section 14: Repeal

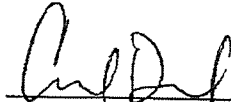
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Conway Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.,

Section 15: Effective Date

This ordinance shall take effect on the date of its publication.

CERTIFICATE

The undersigned, as the duly elected and acting clerk of the Conway Township, hereby certifies that this ordinance was duly adopted by the Township Board at a regular meeting of said board, at which a quorum was present, held on June 16, 2009, and that copies of the ordinance were transmitted and published as directed.



Township Clerk

 06/24/2009
Township Supervisor

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

Adopted, effective immediately, September 8, 2008
(Revised August 8, 2011)

1. Name Purpose
 - A. The name shall be the Conway Township Planning Commission, hereafter known as the "Commission".
 - B. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter "the Planning Act."
 - C. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter "the Zoning Act."
2. Membership
 - A. Members. Members of the Commission are appointed by the Conway Township Board of Trustees pursuant to the Conway Township Planning Commission Ordinance No. 21 as amended. There shall be seven members, which shall include one ex officio member.
 1. First priority, each member shall represent and advocate what is best for the Township of Conway as a whole, putting aside personal or special interests.
 2. Second priority, the membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce, The membership shall also be representative of the entire territory of Conway Township to the extent practicable, as appointed by the Conway Township Board of Trustees:
 - B. Ex officio. As defined by statute, is a planning commission member with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that other office.
 - C. Liaisons. The purpose of liaisons is to provide certain Conway Township officials and quasi-officials the ability to participate in discussions with the Commission. Liaisons cannot vote, except to break a tie vote of the appointed Commissioners, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Commission members, are:
 1. Conway Township Board member, usually the Clerk.
 - D. Attendance. If any member of the Commission is absent from three

Consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Conway Township Board of Trustees to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission Secretary, or acting Secretary in the absence of the elected Secretary, shall keep attendance records and shall notify the Conway Township Board of Trustees whenever any member of the Commission is absent from three consecutive regularly scheduled meetings; this is not to include the Township Board of Trustee meetings; so the Conway Township Board of Trustees can consider further action allowed under law or excuse the absences.

E. Incompatibility of Office.

1. If there is a question whether a conflict of interest exists or not, the Question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission, after full disclosure of commissioner, if known.
2. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law grandparents in-law, or members of his or her household.
 - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - (1) an applicant or agent of an applicant, or
 - (2) Has a direct interest in the outcome.
3. When a conflict of interest exists, the member of the Commission, or Committee shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- a. declare a conflict exists at the next meeting of the Commission or Committee:
 - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, or others and
 - c. During deliberation of the agenda item before the Commission or committee, remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
 4. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.
- F. Duties of all members.
 1. Ex Parte contact
 - a. Members shall avoid Ex Parte contact about cases where an administrative decision is before the Commission whenever possible.
 - b. Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
 2. Site inspections
 - a. Site inspections shall be done by the zoning administrator. A written report of the site inspection shall be presented to the Commission at a public meeting or hearing on the site. An oral presentation may be requested by Commission.
 - b. If desired, no more than one member of the Commission may accompany the zoning administrator on a site inspection.
 3. Not voting on the same issue twice.
 - a. Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to the following:
 - b. When the appeal is of an administrative or other decision by the Commission and the member of the Commission sits both on the Commission and the Zoning Board of Appeals.

- c. When the case is an administrative decision which was decided by the Commission and sent to the Conway Township Board of Trustees for further action, and the member of the Commission sits both on the Commission and the Conway Township Board of Trustees.
4. Accepting gifts.
 - a. Gifts shall not be accepted by a member of the Commission or Liaisons from anyone connected with an agenda item before the Commission.
 - b. As used here, gifts, shall mean cash, any tangible item, or Service, regardless of value; and food valued over \$10.00 ten dollars.
 - c. This section does not apply to the Commission accepting gifts For the exercise of its functions pursuant to M.C.L. 125.3823(3), 23(3) of the planning act.
 - d. In Township gifts shall only be accepted by the Township Board on behalf of the planning Commission
5. Spokesperson for the Commission.
 - a. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
 - b. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
 - c. From time-to-time or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.
6. Code of Conduct.
 - a. Each member, upon appointment, shall sign a code of conduct.
7. Officers
 - a. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, and Deputy Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Deputy Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Deputy Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording Secretary.

- b. Tenure. The Chair, Vice-Chair and Secretary shall take office at the meeting following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- c. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
 - 1. Preside at all meetings with all powers under parliamentary procedure.
 - 2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity or other remarks which are not about the topic before the Commission.
 - 3. Restate all motions as pursuant to these Bylaws.
 - 4. Appoint committees.
 - 5. Appoint officers of committees or choose to let the committees select their own officers.
 - 6. May call special meetings pursuant to these Bylaws.
 - 7. Act as member and Chair of the Executive Committee pursuant to these Bylaws.
 - 8. Act as an Ex-Officio member of all committees of the Commission.
 - 9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
 - 10. Review with the Secretary, prior to a Commission meeting, the items to be on the agenda if he or she so chooses.
 - 11. Periodically meet with the Planner hired by the Board of Trustees, the County Planner to review Planning procedures, and to monitor progress on various projects.
 - 12. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
 - 13. Represent the Commission before the Conway Township Board of Trustees.
 - 14. Perform such other duties as may be ordered by the Commission.
- d. Vice-Chair's Duties. The Vice Chair shall:
 - 1. Act in the capacity of the Chair, with all the powers and duties of the Chair.
 - 2. Perform such other duties as may be ordered by the Commission.
- e. Secretary's Duties. The secretary shall:
 - 1. Execute documents in the name of the Commission;

2. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
 3. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission. The Secretary may delegate this duty to the Deputy Secretary.
 4. Keep attendance records pursuant to these Bylaws;
 5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq.
 6. Prepare an agenda for the Commission meetings pursuant to these Bylaws.
 7. Act as a member and Secretary of the Executive Committee pursuant to these bylaws.
 8. Perform such other duties as may be ordered by the Commission.
- f. Deputy Secretary's Duties. The Deputy Secretary shall:
1. Act in the capacity of the Secretary, with all the powers and duties of the Secretary in the absence of the Secretary; and
 2. Perform such other duties as may be ordered by the Commission.

G. Meetings

1. Regular meetings. Meetings of the Commission will be held the 2nd Second Monday and the 3rd third Tuesday of every month at 7:30 p.m. at the Conway Township Hall. The 3rd Tuesday meeting shall not be paid and shall not be mandatory. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. As annual notice or regularly scheduled Commission meeting shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)
2. Special Meetings. Special meetings shall be called in the following manner:
 - a. By the Chair.
 - b. By any two members of the Commission.
 - c. By the Chair at the request of any non member of the Commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be set by the Conway Township Board of Trustees.
 - d. Notice of Special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting. In addition

notices shall comply with P.a. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.).

3. Recess. The Chair, or the Commission, after the meeting has been in Session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more that 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976 as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
4. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
5. Motions.
 - a. Motions shall be restated by the Chair before a vote is taken.
 - b. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
6. Voting. Voting shall be by voice and shall be recorded as passing or Failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a

- majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
7. Commission Action. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
 8. Parliamentary Procedure. Parliamentary procedure in Commission Meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order Newly Revised, (10th Edition, Perseus Publishing, New York, 2000 ISBN 0-7382-037-6) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.
 9. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting with an extended time limit set by the Chair.
 10. Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still

included as Consent Items. The approval of minutes would be proposed on the agenda as a Consent Item. Consensus business can be proposed for any item on the agenda, but shall never include any of the following. Review of plans and zoning ordinances, or any part or amendment thereto. Action on special use permits, planned unit developments, site plans, and similar administrative actions. Election of officers. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.

11. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
 - a. Call to order, Pledge of Allegiance.
 - b. Matters pertaining to citizens present at the meeting, as Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first
 - c. House keeping business such as, Consent Business, Approval of Minutes, Communication, Other.
 - d. Unfinished business and reports to include but not limited to, a report from the Conway Township Board of Trustees liaison about the action taken by the Board on the items sent to them by the Commission for their action.
 - e. New business.
 - f. Public participation for items not on this agenda.
 - g. Adjournment.
12. Delivery of Agenda. The agenda and accompanying materials shall be Mailed or delivered to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting.
13. Placement of Items on the Agenda.
 - a. The Conway Township Clerk shall be the office of record for The Commission.
 - b. The Conway Township Clerk may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
 - c. Items received by the Clerk between seven business days prior To the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent

regular or special Commission meeting. Those items of a major nature, or items normally receiving review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.

- d. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

14. Record

- a. Minutes and Record. The Commission Secretary shall keep, or caused to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:
 - (1). Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.).
 - (2). Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence.
 - (3). Time and place the meeting was called to order.
 - (4). Attendance.
 - (5). Indication of others present.
 - (6). Summary or text of points of all reports including reports of what was seen and discussed at a site inspection given at the meeting, and who gave the report and in what capacity.
 - (7). Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
 - (8). Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included; who testified and a summary of what was said, a statement of what is being approved, the location of the property involved including tax parcel number ID, what exhibits were submitted, what evidence was considered, the administrative body's findings of fact, reasons for the decision made and if denied then each reason should refer to a section of an ordinance which would be violated or with which not complied, the decision if denied, approved, or approved with modification, a list of all required improvements, a list of all changes to the map/drawing/site plan that was submitted, who called the question, what type of vote and its outcome, that a person making a motion withdrew it from consideration, all the Chair's rulings, all challenges, discussion and vote/outcome on a Chair's ruling, all parliamentary inquiries or points of order, when a voting

member enters or leaves the meeting, when a voting member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting, all calls for an attendance count, the attendance, and ruling if a quorum exists or not, the start and end of each recess, all Chair's rulings of discussion being out of order, full text of any resolutions offered, summary of announcements, summary of informal actions, or agreement on consensus, time of adjournment.

- b. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- c. Retention. Commission records shall be preserved and kept on file according to the following schedule,
 - (1). Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission publications Permanent.
 - (2). General ledger: Twenty years
 - (3). Correspondence: Permanent.

15. Mileage and Per Diem

- a. Mileage and per diem shall be paid to members of the Commission at the will of and at the rate established by the Conway Township Board of Trustees. No mileage or per diem is paid to any member to attend the Board of Trustee meetings.

15. Hearings

Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Conway Township Board of Trustees, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

16. Zoning Responsibilities

All the powers of zoning are transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act. The Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as

specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the Conway Township Board of Trustees. At a minimum the recommendation shall include the text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and the manner of administering and enforcing the zoning ordinance. The Commission shall review and act on all special use permits pursuant to the Zoning Act and the zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for action, the Commission's action; pursuant to these Bylaws and a recommendation to the Conway Township Board of Trustees. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to these Bylaws. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretations, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

17. Other Matters to be Considered by the Commission
 - a. The following matters shall be presented for consideration at a meeting of the Commission:
 - (1). Preparation of an annual report of the Commission.
 - (2). Selection of Consultants and a recommendation to the Conway Township Board of Trustees for same.
18. Adoption, Repeal, Amendments
 - a. Upon adoption of these Bylaws of 9/8/2008, they shall become effective and all previous Bylaws, shall be repealed.
 - b. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
 - c. These Bylaws may be amended at any regular or special by a two-thirds (2/3) vote of the members present.

CODE OF CONDUCT AND OATH OF OFFICE

The Appointed Member of the Conway Township Planning Commission agrees to abide by this Code of Conduct

As a member I will:

1. Accept responsibility to represent the Conway Township Planning Commission which I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and of the public. Abusive, insulting, profane or excessively argumentative language or conduct should not be tolerated.
3. Abstain from, and not tolerate, physical or verbal abuse.
4. Accept the responsibility to promote and support development of effective planning and zoning programs.
5. Attend the meetings of the Planning Commission on a regular basis and provide prior notification of any necessary absences.
6. Read the plan, zoning ordinance, other ordinance, rules of procedure, bylaws, and other pertinent documents which pertain to the business of the Planning Commission and continue to gain knowledge and understanding through self-study, inquires and attending appropriate training when possible.
7. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the Planning Commission and Township Board of Trustee's.
8. Read meeting packet materials ahead of time and otherwise be prepared for the meetings.
9. Refrain from deciding cases before the meeting discussion.
10. Participate in the Planning Commission deliberation at the meetings when appropriate.
11. Do not engage in criminal activities, and other activities including but not limited to situations of conflict of interest incompatible office, ex parte contact, not voting on the same issue twice by virtue of serving on two different bodies, or accepting gifts as a form of influencing your vote.
12. In Public forums, after a vote by the Planning Commission has been taken, I will represent the adopted majority position of the Planning Commission when speaking on behalf of the Planning Commission.
13. I will follow, and will help my Community follow the Community Planning Principles established by the Michigan Association of Planning, the Michigan Chapter of the American Planning Association.

OATH OF OFFICE

I, _____ solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Michigan, and that I will discharge the duties of the office of a member of the Planning Commission in and for Conway Township to the best of my ability.

Signed: _____ Date _____

Conway Township Planning Commission Meeting Minutes

April 13, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Bill Call, Bob Carusi, Shirley and Herman Yost, Paul and Catherine Quick, Abby Cooper • Board Members present: George Pushies, Dennis Sommer, Londa Horton, Brian Williams, Larry Parsons, Mike Stock, and Dennis Bowdoin. 	
Call to Order and Pledge to Flag	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is May 11, 2015 at 7:00pm.</p>	
Roll Call and Sign In	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Brian Williams, Larry Parsons, Londa Horton and Mike Stock.	
Minutes from last meeting	Larry Parsons made a motion to accept the March 9 regular meeting minutes. Mike Stock second. All in favor. Motion passed.	
Call to the Public	-0-	
Communications	<p>Dennis Bowdoin discussed:</p> <ul style="list-style-type: none"> • There are a variety of MTA workshops such as <i>Intro to Planning and Zoning</i> available beginning April 29 and 30th. Brian Williams expressed interest. • The Robinson Scholarship applications due by May 31st for those students interest in pursuing a career in local government. To apply go to: michigantownships.org/scholarship.asp or call: 517.321.6467. 	
Land Divisions	<ul style="list-style-type: none"> • Paul and Catherine Quick parcel 4701-01-100-013 land division request. <ul style="list-style-type: none"> ○ Still need before Township Board approval: <ul style="list-style-type: none"> ▪ Driveway maintenance agreement ▪ Easement agreement ▪ Setback for sight distance from the County Road Commission • George Pushies made a motion to approve the land division pending submission of the three items still needed above and to send this division to the Board for final approval. Larry Parsons second. All in favor. Motion passed. 	Bill Call to follow-up on Quick land division

Conway Township Planning Commission Meeting Minutes

April 13, 2015

Agenda	Items Discussed	Actions to be Taken
Old Business	<ul style="list-style-type: none"> Abby Cooper provided an update on zoning changes verbiage with regard to the keeping of animals. She removed "useable" and replaced it with the two acreage requirement. Also, there have been changes in the law with regard to internet zoning. She is getting model ordinances from other townships. Lastly, with regard to the land division split committee, the application must be accepted by: the assessor, the zoning administrator, and a member of the Planning Commission. Abby will email all Planning Commissioners copies of the proposed changes prior to the next meeting for review. 	Abby Cooper to email zoning changes to Planning Commissioners
New Business	<ul style="list-style-type: none"> The Zoning Administrator, Bill Call, is working on a couple of land divisions. He has had lots of questions regarding land use for decks, etc. Bill will follow-up with Cindy Dickerson regarding sending letters to residents who have a current Special Use Permit to see if they still need the permit. Cindy does not have a letter to send out. Planning Commissioners to follow-up in January 2016 to see if George Byrd will take over after Ray Byrd's passing. He will need a new Special Use permit. Londa Horton replied on behalf of Conway Township so that we will be informed of Howell Township updates to their master plan. Mike Stock volunteered to be a ZBA member from the Planning Commission. Larry moved to appoint Mike Stock, second by Dennis Sommer. All in favor. Motion passed. 	Bill Call to follow-up with Cindy Dickerson to send letters to residents with Special Use Permits.
Update from the Board	<ul style="list-style-type: none"> Larry Parsons gave an update on the special meeting Tuesday in which the Township Board adopted the budget. 	
Last Call to Public	<ul style="list-style-type: none"> -0- 	
General Discussion	<ul style="list-style-type: none"> Londa Horton brought to the attention of Bill Call of a resident with numerous animals fenced in the front and back yards beyond the 2 acre minimum requirement on Chase Lake Road. Bill sent the resident a certified letter, but has been unable to reach the resident at home. 	Bill Call to visit resident on Chase Lake in violation of animal zoning ordinance
Adjournment	<ul style="list-style-type: none"> George Pushies made a motion to adjourn. Dennis Sommer second. All in favor. Motion Passed. Meeting adjourned at 7:54 p.m. 	

Conway Township joint Planning Commission & Board of Trustee's Meeting
April 21,2015

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, Brian Williams

Joshphine Jabara did a presentation on AED's for the township and county

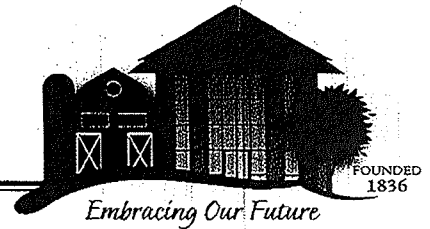
Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Submitted by
Dennis Bowdoin Planning Commission Chair
4/21/15

Howell Township

3525 Byron Road • Howell, MI 48855
Phone: (517) 546-2817 • Fax (517) 546-1483
www.howell-mi-twp.org



TO: Contiguous Municipal Legislative Body, County Planning, Public Utilities, and Railroad Company

FROM: Howell Township Planning Commission

DATE: March 2, 2015

RE: NOTICE OF INTENT TO UPDATE THE MASTER PLAN

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008 as amended), Howell Township is preparing an update to the existing Master Land Use Plan and requests your cooperation and comment on the Plan. Please note that all submittals of this plan are to be made electronically via e-mail, unless we hear otherwise from those being sent notice.

Please be aware that you will be receiving a digital draft of the update for comment upon completion of the draft plan. Please submit your e-mail address to clerk@howell-mi-twp.org that you wish to have the draft sent. Hard (paper) copies may be provided upon request. At the time the Master Plan update is ready for your review, we will provide a second notice and directions on where to send comments and time limits for doing so.

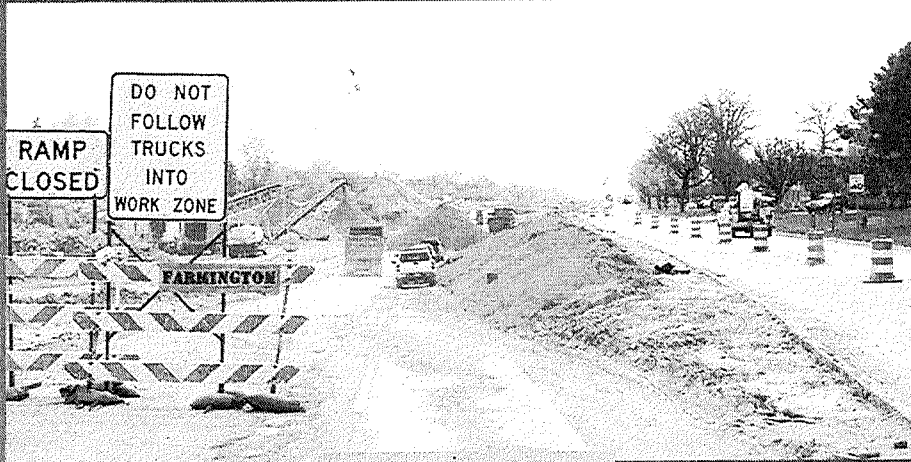
We thank you for your consideration in this matter. If you have any questions or comments on the Howell Township Master Plan update process at this time, please contact the Township offices by mail at:

Master Plan Amendment
3525 Byron Road
Howell, MI 48855



Home / Assisting Local Governments

Road Funding



Road Funding

The link below provides a list of all road agencies within the SEMCOG region that receive Michigan Transportation Funds. The data includes the current state distribution, the projected distribution if Proposal 15-1 is approved, the miles of roads under their jurisdiction that they must maintain, and the average amount per mile they currently receive and are projected to receive should Proposal 15-1 be adopted on May 5.

[SEE THE NUMBERS >](#)

UNDERSTANDING PROP 15-1
KEY ELEMENTS

ROAD FUNDING
BY TYPE OF AGENCY

ROAD CONDITIONS
BACKGROUND INFO

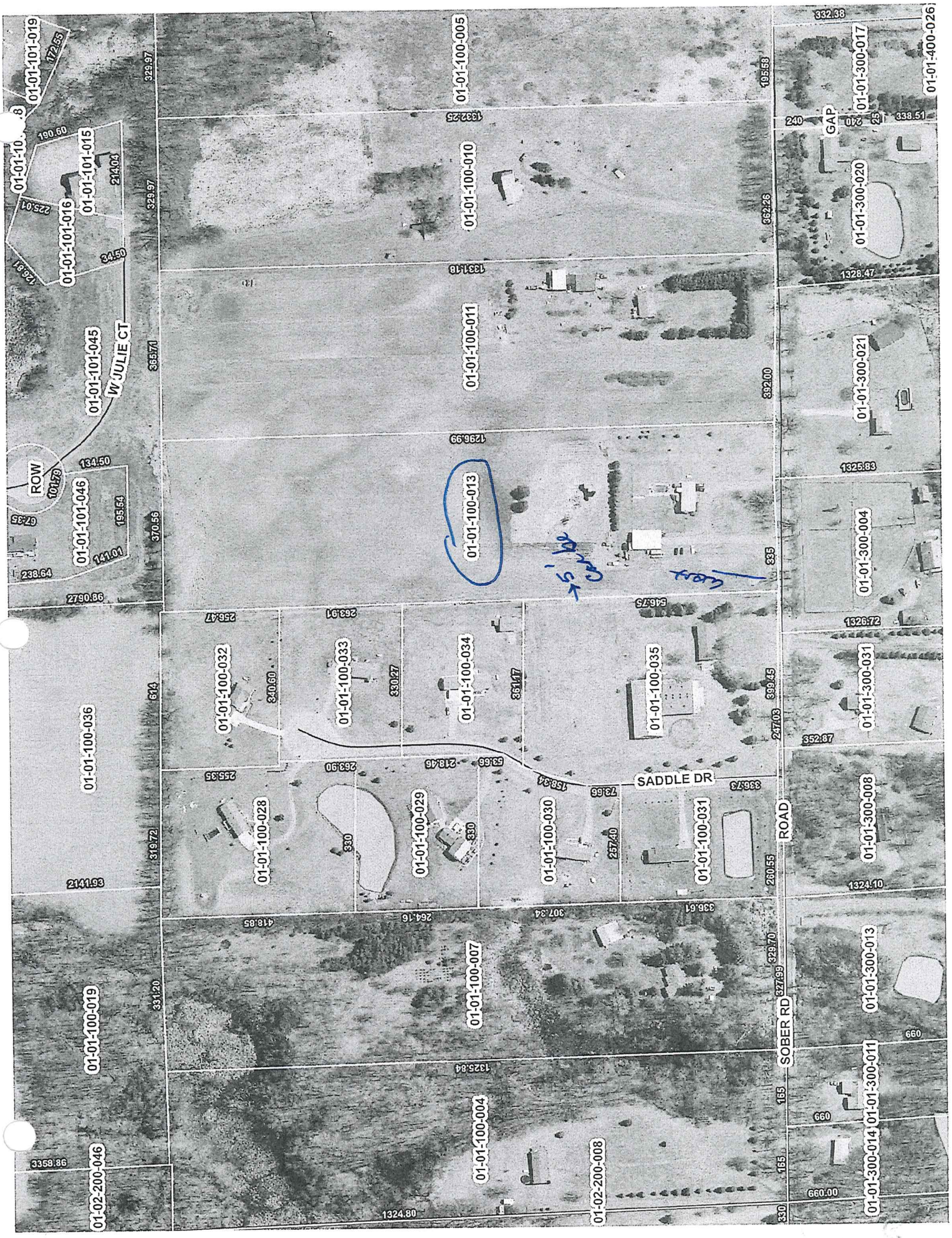


View SEMCOG's informational [ballot proposal presentation](#)

View Data by County

▲ Livingston County

Community	Current Amount	Amount When Fully Implemented	Road Miles	Average \$\$ Per Mile (Current)	Average \$\$ Per Mile (When Fully Implemented)
Livingston County	\$12,838,431	\$21,520,459	1,340.33	\$9,579	\$16,056
Brighton	\$465,346	\$772,511	29.44	\$15,807	\$26,240
Fowlerville	\$207,751	\$334,894	13.84	\$15,011	\$24,919
Howell	\$576,420	\$956,993	36.64	\$15,732	\$26,116
Pinckney	\$150,719	\$250,205	11.37	\$13,256	\$22,096



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01-01-101-015

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01-01-101-045

01-01-101-046

01-01-100-036

01-01-100-032

01-01-100-028

01-01-100-019

01-02-200-046

01-01-100-004

01-01-100-007

01-01-100-005

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225.01

214.03

134.50

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192.23

1331.18

329.97

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LAND DIVISION ASSESSOR'S CHECK LIST

1. Parcel Number 4701-01-100-013
2. Owner of record Paul A. & Catherine Quick
3. Parent Parcel Number 4701-01-100-013
4. Owner as of 3-31-1997 Paul A. & Catherine Quick
5. Parent Parcel Acreage 11.24
6. Current Parcel Acreage 11.24
7. Divisions available as of 3-31-1997 4
8. Previous Divisions Taken 0
9. Divisions Available 4
10. Divisions Requested 1
11. Assessor's Plat Showing All Parent Parcel (s) _____
12. All Previous Divisions of Parent Parcel Made After 3-31-1997 None
13. Divisions Approved _____
14. Would this Land Division comply with the attached Split Request Data?
Yes

Signed Karen A. Page Date 04-08-2015

Conway Township Assessor

CONWAY TOWNSHIP

8015 N Fowlerville Road
PO Box 1157
Fowlerville MI 48836

Phone 517-223-0358
Fax 517-223-0533

PARCEL DIVISION APPLICATION

Please answer all questions and include all attachments.
Bring or mail to Conway Township at the above address. Must arrive 14 calendar days prior to the next scheduled Planning Committee meeting.

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment (Sec 102 e & f)

This form is designed to comply with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A. 288 of 1967 as amended particularly by P.A. 591 and P.A 87 of 1997, MCL560.101 et.seg)

(Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.)

1. LOCATION of PARENT to be split: Address: 6728 Road Name Sober Rd.

PARENT PARCEL IDENTIFICATION NUMBER: 4701-01-100-013

Parent Parcel Legal Description (DESCRIBE OR ATTACH) See Attached

2. PROPERTY OWNER INFORMATION:

Name: Paul A. & Catherine Quick Address: 6728 Sober Rd.; Fowlerville, MI.

Phone: (517) 861-9818 Zip code: 48836-9572

3. PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:

- A. Number of new Parcels 2
- B. Intended use (Residential, Commercial, etc.) Residential
- C. Each proposed parcel has depth to width ration of 4 to 1 or ___ to ___ as provided by ordinance.
- D. Each parcel has a width of _____ (not less than required by ordinance) E.
Each parcel has an area of _____ (not less than required by ordinance)
- F. The division of each parcel provided access as follows: (Check one)
 - N/A Each new division has frontage on an existing public road. Road Name _____
 - Yes A new shared driveway with attached maintenance agreement
 - N/A A new private road with attached maintenance agreement. Proposed Road Name _____

G. Describe or attach a legal description of proposed new road, easement or shared driveway: See Attached

H. Describe or attach a legal description for each proposed new parcel. See Attached

4. FUTURE DIVISIONS being transferred from the parent parcel to another parcel.

Indicate number transferred 2

(See section 109(2) of the Statute. Make sure your deed includes both statements as required in 109(3 & 4) of the Statute.)

5. DEVELOPMENT SITE LIMITS (Check each which represents a condition which exists on the parent parcel:

Waterfront Property (river, lake, pond, etc.) Includes wetlands
 Is within a flood plain Includes a beach
 Is a muck soils or soils known to have severe limitation for a site sewage system.

6. ATTACHMENTS: All the following attachments **MUST** be included. Letter each attachment as shown:

A. A scale drawing-not smaller than 1" to 100' for the proposed division(s) of the parent parcel showing:

1. Current boundaries (as of March 31, 1997), and
2. All previous divisions made after March 31, 1997 (indicated when made or none), and
3. The proposed division(s) and
4. Dimensions of the proposed divisions, and
5. Existing and proposed road/easement right-of-way(s), and
6. Easements for public utilities from each parcel that is a development site to existing public utility facilities, and
7. Any existing improvements (buildings, wells, septic systems, driveways, etc.) and
8. Any of the feature checked in question number 5.

B. Indication of approval, or permit from the appropriate county road commission, Michigan Department of Transportation.

Or respective city/village street administrator, that a proposed easement provides vehicular Access to an existing Road or street meets applicable locations standards.

C. A copy of any reserved division rights (Sec. 109(2) of the act) in the parent parcel.

D. A current paid Tax Bill. (**LAND DIVISION WILL NOT HAPPEN UNTIL ALL TAXES ARE PAID ON PARENT PARCEL.**)

E. A signed statement from the Township Assessor that the resulting parcels can be given a SID number.

7. IMPROVEMENTS- Describe any existing improvements (buildings, well, septic, etc., which are on the parent parcel or indicate none.)

8. ACKNOWLEDGEMENT – The undersigned acknowledges that any approval of the within application is not a determination that the resulting parcels comply with other applicable ordinances, rules or regulations which may control the use or development of the parcels. It is also understood that ordinances, laws and regulations are subject to change and that any approved parcel division is subject to such changes that may occur before the recording of the division or the development of the parcel(s). The division should be recorded with the Liber and Page number on the survey.

Property Owner's Signature *Colorena Quirk* Date: 3/4/2015

Co-Owner's Signature *Paul Quirk* Date: 3/4/2015

For office use only:

Signature: _____ Application Completed Date: _____

Approval Date: _____

Denial Date: _____ Reason for denial: _____

Or please see attached for explanation of denial.



Livingston County
 304 East Grand River Ave.
 Howell MI, 48843

Official Receipt
 Receipt Number **30365**

Receipt Date
03/26/15

Received from:

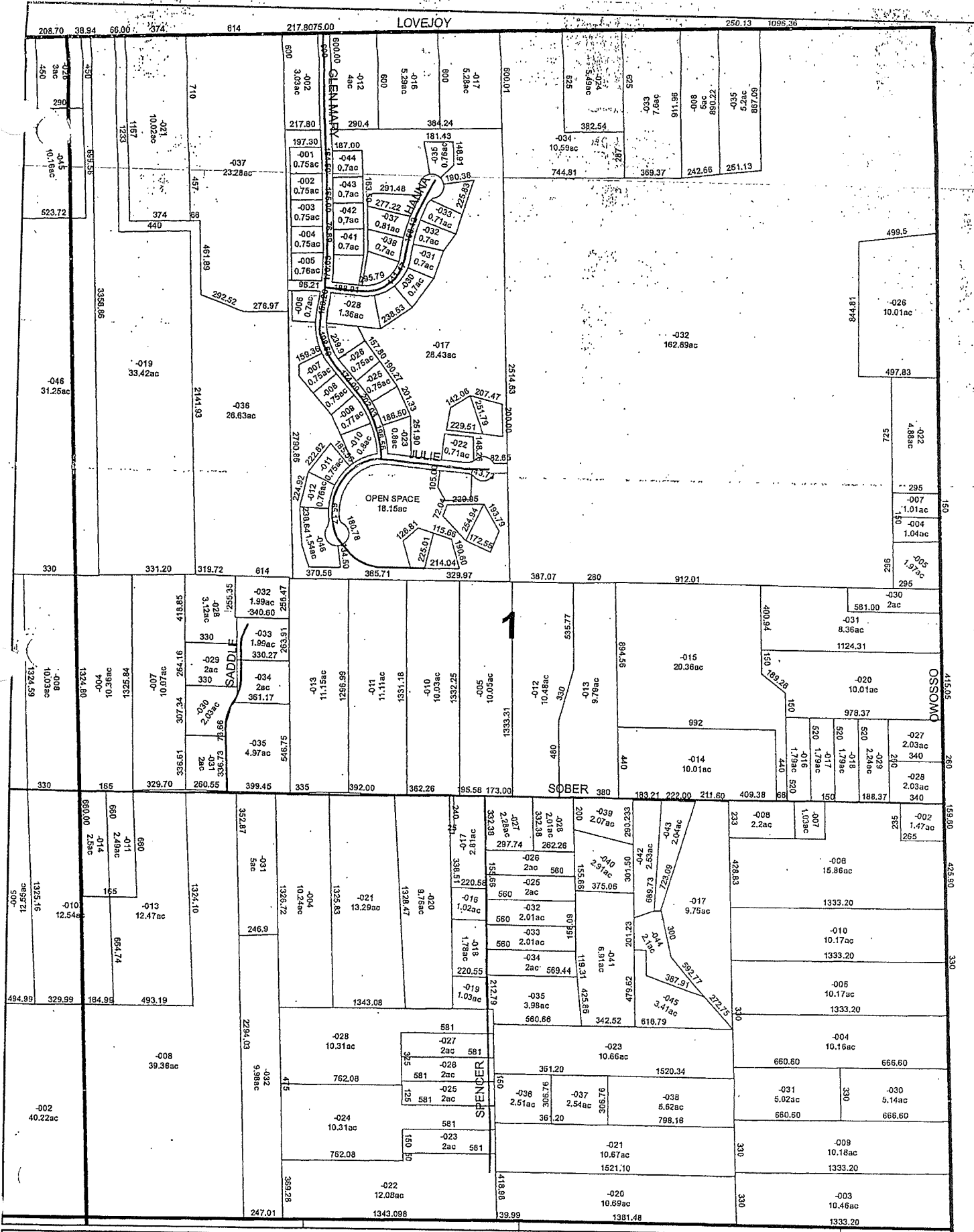
TREASURER

TIME: 11:26
 CLERK: TerriJ

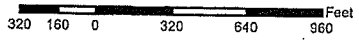
Charge Code	Obj	Object	Proj	Commit	Description	Amount
TAX01					2014 SUMMER AND WINT #01-01-100-013	\$2,136.23
	701	274301			UNDISTRIB TAX COLL-CONWAY	\$2,136.23
	000	001421			CASH-COMMON BANK	\$2,136.23

PAID BY: QUICK CATHERINE
 PAYMENT METH: CASH

AMT TENDERED: \$2,136.23
 AMT APPLIED: \$2,136.23
 CHANGE: \$0.00



Livingston County, Michigan
 Information Technology Department
 G.I.S. Division 517.548.3230

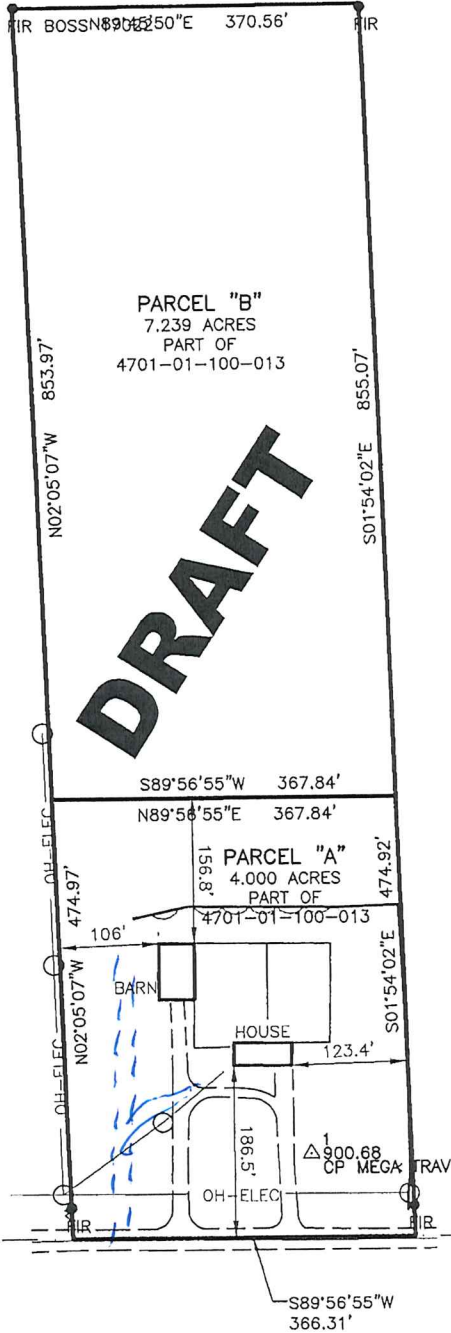
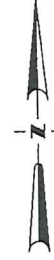


Section 1 Conway Township



Orthophotos Flown Spring 2010
 Printed July 17, 2013
 Parcel lines are a representation only.
 Not intended for survey purposes.

DRAFT SURVEY 6728 SOBER RD



I HEREBY CERTIFY that I have surveyed and mapped the land above plotted and/or described on _____, and that all of the requirements of P.A. 132, 1970, as amended, have been complied with, and that the ratio of closure on the unadjusted field observations of such survey was no greater than 1 in 10,000.

REGISTERED LAND SURVEYOR No. 44284

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ENGINEERS · SURVEYORS · CONSULTANTS · LANDSCAPE ARCHITECTS · LAND PLANNERS



638 SOUTH GRAND AVE.
FOWLERVILLE,
MICHIGAN 48836
(OFFICE) 517-223-3512
(FAX) 517-223-9987

CLIENT:

- (M) - Measured Dist. (R) - Recorded Dist.
- ⊙ MON - Found Concrete Monument
- FIR/P - Found Iron Rod/Pipe
- SIR - Set Iron Rod
- ∅ MAG - Set Magnetic Nail
- P.O.B./E. - Point of Beginning/Ending
- ⊙ - Soil Evaluation Dig
- - Fence

SCALE: 1" = _____ DATE: _____ DR. BY: _____ CHK: AP

SHEET: 1 of 2

FILE : 15-030-bnd

JOB No.

Conway Township Planning Commission Meeting Minutes

March 9, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Bill Call, Bob Carusi • Board Members present: George Pushies, Dennis Sommer, Londa Horton, Brian Williams, Larry Parsons, Mike Stock, and Dennis Bowdoin. 	
Call to Order and Pledge to Flag	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is April 13, 2015 at 7:00pm.</p>	
Roll Call and Sign In	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Brian Williams, Larry Parsons, Londa Horton and Mike Stock.	
Minutes from last meeting	Larry Parsons made a motion to accept the February 9 regular meeting minutes. Dennis Sommer second. All in favor. Motion passed. Larry Parsons made a motion to accept the February 17, 2015 joint meeting minutes. Londa Horton second. All in favor. Motion passed.	
Call to the Public	Bob Carusi mentioned there was no reference in the township newsletter regarding the Emergency Planning Committee.	
Communications	<p>Dennis Bowdoin discussed:</p> <ul style="list-style-type: none"> • MTA supporting the sales tax increase. • The Robinson Scholarship applications due by May 31st for those students interest in pursuing a career in local government. To apply go to: michigantownships.org/scholarship.asp or call: 517.321.6467. 	
Land Divisions	-0-	
Old Business	<ul style="list-style-type: none"> • Abby Cooper will be present at the meeting next month to showcase the zoning changes. She was confused over the Planning Commissions' wishes concerning "usable acres" definition or desire to go with a flat two acre definition. Dennis Bowdoin polled Commissioners who informally voiced consent 6/7 in favor of the flat two acre definition in terms of allowance for animals. 	

Conway Township Planning Commission Meeting Minutes

March 9, 2015

Agenda	Items Discussed	Actions to be Taken
New Business	<ul style="list-style-type: none"> • The Zoning Administrator, Bill Call, is working on three land divisions. • Bill will follow-up with Cindy Dickerson regarding sending letters to residents who have a current Special Use Permit to see if they still need the permit. • Dennis Sommer reported on the MTA meeting. Marion Township updates their website two to three times a week. Also property tax foreclosures are down in this county. • Mike Stock further added regarding the MTA meeting that the sales tax increase to 7% allows for a Constitutional Amendment on this issue. The increase funds will go towards: school aid, revenue sharing to townships for example, and mass transit. It's a tax shift. 	Cindy Dickerson to send letters to residents with Special Use Permits.
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update from the Township Board. 	
Last Call to Public	<ul style="list-style-type: none"> • -0- 	
General Discussion	<ul style="list-style-type: none"> • Dennis Bowdoin mentioned that in the <i>Michigan Township Insights</i> a bill is proposed that township supervisors' can perform weddings. • Londa Horton brought to the attention of Bill Call of a resident with numerous animals fenced in the front yard beyond the 2 acre minimum requirement on Chase Lake Road. 	
Adjournment	<ul style="list-style-type: none"> • George Pushies made a motion to adjourn. Dennis Sommer second. All in favor. Motion Passed. Meeting adjourned at 8:10 p.m. 	

Conway Township Planning Commission Meeting Minutes

February 9, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herman and Shirley Yost, Bob Carusi, Bob Call, another resident • Board Members present: George Pushies, Dennis Sommer, Dennis Bowdoin, Londa Horton, Larry Parsons, Mike Stock, and Brian Williams. 	Reminder to Dennis Bowdoin to change the sign-in sheet deleting Scott Buell and adding Brian Williams.
Call to Order and Pledge to Flag	Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance. Next meeting is March 9, 2015.	
Minutes from last meeting	<ul style="list-style-type: none"> • Mike Stock made a motion to accept the minutes of the January 5th regular Board meeting and the January 20th joint meeting. Second by Larry Parsons. All in favor. Motion passed. • Larry Parsons made a motion to accept the minutes of the January 12th Planning Commission meeting. Second by Mike Stock. All in favor. Motion passed. 	
Call to the Public	-0-	
Communications	Dennis Bowdoin discussed: <ul style="list-style-type: none"> • A proposed legislative bill that would allow golf cart usage on roads • The GAMPS category 4 for residential use which deems that townships do not have to allow animals on residential property • MTA meeting in Brighton, February 25 at 7pm at 218 E. Grand River, Brighton 	
Land Divisions	-0-	
Old Business	<ul style="list-style-type: none"> • Discussion regarding usable land definition on page 2-22 in the Zoning Ordinance. Township attorney is to take a look at this. 	

Conway Township Planning Commission Meeting Minutes February 9, 2015

Agenda	Items Discussed	Actions to be Taken
New Business	<ul style="list-style-type: none"> • Zoning Administrator report by Bill Call: <ul style="list-style-type: none"> ○ AT&T pulled the cell tower project deemed for construction on the Dan Coon property per Steve Carr, the Project Coordinator. ○ Frontier Communications has fiber running through Handy Township. Bill asked if they had any plans on coming to Conway Township. • Dennis Bowdoin conducted a review of Special Use Permits held by area residents in the past. • Discussion regarding the GIS which now has a better resolution system whereby more pixels transmit more layers of transmission lines of gas, etc., under the ground. Bill Call indicated that he would use the higher resolution maps for setbacks. Also the Accessor would use this new resolution system. Mike Stock made a motion to ask the Township Board to upgrade the GIS to the higher resolution. Londa Horton second. All in favor. Motion passed. 	<p>Cindy Dickerson to send letters to a couple of residents to see if they still need a Special Use Permit. Dennis Bowdoin to drop the list off to Cindy.</p> <p>Dennis Bowdoin to take GIS higher resolution issue to the Township Board.</p>
Update from the Board	Larry Parsons gave an update from the Township Board.	
Call to Public	-0-	
General Discussion	Bob Carusi will hold an Emergency Planning Meeting on February 11 at 7pm at the Township Hall.	
Adjournment	Larry Parsons made a motion to adjourn. George Pushies second. All in favor. Motion passed. Meeting adjourned at 8:03pm.	

Conway Township joint Planning Commission & Board of Trustee's Meeting
Jan. 20,2015

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

GIS presentation for the Township by the County by Sandon Lettieri

Connect Michigan presentation by Dan Manning

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Supervisor Rife read Scott Buels resignation letter

Bryan Williams was appointed to replace Scott.

Submitted by
Dennis Bowdoin Planning Commission Chair
1/20/15

Conway Township Planning Commission Meeting Minutes

January 12, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herm Yost, Bill Call, Bob Carusi, Abby-Township Attorney, three other residents • Board Members present: George Pushies, Dennis Sommer, Londa Horton, Scott Buell, Larry Parsons, Mike Stock, and Dennis Bowdoin. 	
Call to Order and Pledge to Flag	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is February 9, 2015 at 7:00pm.</p>	
Roll Call and Sign In	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Scott Buell, Larry Parsons, Londa Horton and Mike Stock.	
Appointment of Officers	<p>The following reappointment of officers were elected for 2015:</p> <ul style="list-style-type: none"> • Chair is Dennis Bowdoin. Motion to nominate Dennis Bowdoin as Planning Commission Chair made by George Pushies, Larry Parsons second. All in favor. Dennis Bowdoin sustained. Motion passed. • Vice Chair is Dennis Sommer. Motion to nominate Dennis Sommer as Planning Commission Chair made by George Pushies, Dennis Bowdoin second. All in favor. Motion passed. • Secretary is Londa Horton. Motion to nominate Londa Horton as Planning Commission Secretary made by Dennis Bowdoin, second by George Pushies. All in favor. Motion passed. 	
Minutes from last meeting	Scott Buell made a motion to accept the December 10, 2014 meeting minutes. Mike Stock second. All in favor. Motion passed.	
Call to the Public	-0-	
Communications	<ul style="list-style-type: none"> • Dennis Sommer noted a House bill that did not pass regarded trying to legislate drilling within 450 feet in a city of a population of 70,000 or greater. • Dennis Sommer asked if the Township Supervisor could secure a map of gas and oil pipelines through PIMMA access. 	Could Township Supervisor secure a map of gas and oil pipelines through PIMMA access?
Land Divisions	-0-	

Conway Township Planning Commission Meeting Minutes

January 12, 2015

Agenda	Items Discussed	Actions to be Taken
Old Business	<p>Planning Commissioners reviewed the Zoning Administrators recommended changes to the Conway Township Zoning Ordinances with attorney Abby presenting.</p> <ul style="list-style-type: none"> • The change recommended to the handling of the Special Use Permits is to keep the entire process with the Planning Commission so that timing is more expedient. An application would be made to the Zoning Administrator, a public hearing would be held, then the issue would be brought to the Planning Commission. Larry Parsons made a motion to accept changes to Zoning Ordinance section 3.03 B and 3.03 C. Second by Dennis Sommer. All in favor. Motion passed. • Remove from the Zoning Ordinance Article 19. Appoint a three person committee comprised of: the Zoning Administrator, Accessor, and designee from the Planning Commission, for reviewing and approving special land uses. Larry Parsons made a motion to accept this change, second by Londa Horton. All in favor. Motion passed. • Change Article 5 by reducing ZBA members from five to three members with 2 alternates. Larry Parsons made a motion to accept this change. George Pushies second. All in favor. Motion passed. <p>Scott Buell and George Pushies reappointed to the Planning Commission for 2015. Scott indicated that he would be resigning from the Planning Commission due to personal issues and would draft a formal letter to the Township Board to this effect.</p> <p>Planning Commissioners discussed number of animals allowed on one acre parcels in the Township in Section 6.22. GAMPS are recommendations. The recommendation was made to change the verbiage in the vocabulary terms and exclude "unusable land."</p>	<p>Scott Buell is resigning from the Planning Commission</p>

Conway Township Planning Commission Meeting Minutes

January 12, 2015

Agenda	Items Discussed	Actions to be Taken
New Business	<ul style="list-style-type: none"> • Zoning Administrators' report: Bill Call does not believe the Township needs the Telecommunications Permit form in Section 6.18 sub B, page 6-28. Abby, the Townships' legal counsel, will look to the County Planner for advice and update our language in the Zoning Ordinance. Larry Parsons moved to accept this recommendation and action. Second by Dennis Sommer. All in favor. Motion passed. <ul style="list-style-type: none"> ○ The AT&T cell tower Special Use Permit has not yet been granted. The easement did not meet the requirements, the screening and landscaping plan is yet to be done. • Emergency Planning meeting report given by Bob Carusi. Their next meeting is January 12, 2015. Bob needs training on starting and operation of the Township generator. • Planning Commissioner's Annual Report accepted. Dennis Sommer made a motion to approve the Report as prepared by Londa Horton. Larry Parsons second. All in favor. Motion passed. • Planning Commissioner's 2015 calendar of meetings approved for the second Monday of each month. Calendar dates provided by Londa Horton. Dennis Sommer made a motion to approve the calendar. Mike Stock second. All in favor. Motion passed. 	<p>Abby to recommend verbiage update to Zoning Ordinance section 6.18 sub B, page 6-28.</p> <p>Bob Carusi needs training on starting and operation of the Township generator.</p>
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update from the Township Board. 	
Last Call to Public	-0-	
General Discussion	Londa Horton mentioned coyote hunters trespassing with guns and dogs.	
Adjournment	George Pushies made a motion to adjourn. Second by Dennis Sommer. Meeting adjourned at 8:25pm.	

BILL CALL'S RECOMMENDED CHANGES TO CONWAY TOWNSHIP ZONING ORDINANCE
WITH ATTORNEY COMMENTS

<u>Attached Exhibit #</u>	<u>Section</u>	<u>Proposed Change</u>	<u>Comments</u>
1.	3.02(B)(2) &(3)	Provide for Zoning Administrator instead of Township Clerk (and Township Board) as responsible for maintaining Township maps with zoning classifications and for receiving applications for ZBA matters.	
2-3	3.03(B)(1) & (2) and 3.03(C)(b)	Make checks payable to "Conway Township" instead of the Treasurer. Change the person responsible for accepting special land use permits from the Township Clerk to the Zoning Administrator and other changes consistent with a global change in the special land use procedure from Planning Commission/Township Board procedure to a Planning Commission only procedure. Insert Zoning Administrator and remove Township as party to stamp blueprints as part of the land use permit application process.	The proposed procedure change is to have the Zoning Administrator receive special use applications and then for the Planning Commission to conduct the public hearing and render the final decision on the application, eliminating the additional step of approval by the Township Board. See also proposed change #15-26.
4.	4.03(A)	Insert Zoning Administrator and remove Township Clerk as party to submit information to as part of a petition for an amendment to the official zoning map or rezoning request.	
5.	4.03(B)	Insert Zoning Administrator and remove Township Clerk as party to submit information to as part of a petition for a change in the text of the zoning ordinance.	
6.	6.09(C)	Insert Zoning Administrator and remove Township Clerk as person responsible for making temporary land use permits available.	

BILL CALL'S RECOMMENDED CHANGES TO CONWAY TOWNSHIP ZONING ORDINANCE
WITH ATTORNEY COMMENTS

7.	6.18(G)(3)(f)	Correction of mistaken spelling of word "nonionizing"	
8-14.	6.24(H)(2), 7.02(A), 7.03(A)(2) & (18), 8.01(A), 8.03(A)(5) & (11), 10.03(A)(8), 11.03(A)(7)	Fill in blank and provide date section was amended and become effective.	
15-26.	Article 13	[Depends on the Township's decision whether to change the procedure for reviewing and approving special land uses.] If the procedure is changed keeping the review and approval process with the Planning Commission and Zoning Administrator, Article 13 will need to be revised throughout to properly outline the new procedures.	The MZEA gives the Township discretion on how to handle the review and approval process for special uses. The Ordinance now provides for the Township Clerk to take the application and the Planning Commission to make a recommendation to the Township Board. The Township Board conducts a public hearing and makes the final decision. As indicated above, it is proposed that the Zoning Administrator take the application and the Planning Commission conduct the public hearing, review the application, and make a decision. [See comments above proposed change #3.]
			FYI - site plan reviews stay strictly with the Planning Commission (per Article 14).

BILL CALL'S RECOMMENDED CHANGES TO CONWAY TOWNSHIP ZONING ORDINANCE
WITH ATTORNEY COMMENTS

27.	14.11(C)	Remove Township Board in the 3 areas indicated to instead have the Zoning Administrator report to the Planning Commission only regarding inspections of construction for compliance with site plans.	
28.	17.06(B)	Insert Zoning Administrator and remove Township Clerk so that sign permit applications go to the Zoning Administrator, not the Clerk.	
29-34.	Article 19	Remove land division article from the zoning ordinance; replace with a general law ordinance governing land divisions.	Since land divisions are not a zoning matter, it is appropriate to remove this section from the zoning ordinance and replace with a general law ordinance. The proposal is for the new procedure to submit applications for land division to the Assessor and then the applications are reviewed and decisions are made by a three person committee comprised of the Assessor, the Zoning Administrator and a designee from the Planning Commission. The Land Division Act gives the Township discretion in how to review and approve land division applications.

BILL CALL'S RECOMMENDED CHANGES TO CONWAY TOWNSHIP ZONING ORDINANCE
WITH ATTORNEY COMMENTS

35.	Entire ordinance	If land divisions are removed from the zoning ordinance based on the recommendation above, the entire zoning ordinance should be reviewed to make any additional amendments necessary.	
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POSSIBLE ADDITIONAL CHANGES TO ZONING ORDINANCE TO CONSIDER
WITH ATTORNEY COMMENTS

	<u>Section</u>	<u>Proposed Change</u>	<u>Comments</u>
1.	Article 5	Reducing the number of ZBA members from five to three with two alternates. (Brought up at administrative meeting with Cindy, Bill and Dennis)	The MZEA allows Townships with a population of less than 5,000 to have a ZBA membership of not fewer than three members. If the Township population is at or in the future comes to 5,000, then the MZEA requires that there be five members on the ZBA. The MZEA defines "population" as "the population according to the most recent federal decennial census or according to a special census, conducted under Section 7 of the Glenn Steil State Revenue Sharing Act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent." According to what I found online, Conway Township's population based on the 2010 census is 3,546.
2.			
3.			
4.			

2. The ~~Zoning Administrator Township Clerk~~ shall maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy.
3. The ~~Zoning Administrator Township Clerk and Township Board~~ 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.
4. The Conway 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 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 Township Clerk 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 Treasurer.~~
2. Special Land Use Permits. Applications for special land use permits shall be filed with the Township ~~Clerk~~ Zoning Administrator upon forms furnished and approved by the Township Board. The form shall be completed and submitted, along with other materials, to the Township Planning Commission. The Planning Commission reviews the application and related documents and, after a public hearing, ~~transmits a recommendation to the Township Board.~~ If the ~~Township Board~~ approves the request for a special land use, the Planning Commission Board 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 two (2) set of blueprints. One (1) copy for the Township and one (1) for the Building Department. Blueprints must be stamped by the Zoning Administrator~~Township~~ prior to

ARTICLE 4. AMENDMENTS

Section 4.01 Initiation of Amendments

The Township Board may amend, modify, supplement or revise the zoning district boundaries shown on the official zoning map or the provisions of this ordinance. An amendment to the zoning district boundaries contained on the official zoning map may be initiated by the Township Board, the Planning Commission or by the owner or owners of property which is the subject of the proposed amendment. Amendments to the provisions of this ordinance may be initiated by the Township Board, the Planning Commission or by petition of one or more property owners in Conway Township. All proposed amendments shall be referred to the Planning Commission for review and recommendation before the Township Board may take action.

Section 4.02 Application Procedure and Fees

The procedures, requirements, and provisions for amending this ordinance shall be in accordance with the MZEA, MCL 125.3101 et seq, as amended. Except those initiated by the Township Board or Planning Commission, all proposed amendments shall require submission of a completed application (Petition) to the Township Clerk on a form supplied by the Township and payment of an application fee. The Township Board shall establish fees for zoning amendment petitions. The fee shall be paid at the time the petition is filed and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by a government agency or body.

Section 4.03 Amendment Petition

A. **Map Amendments.** If a petition involves an amendment to the official zoning map or rezoning, the petitioner shall submit the following information to the Zoning Administrator ~~Township Clerk~~:

1. A legal description of the property, including a street address and the tax code number(s).
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the petitioner.
4. The petitioner's interest in the property. If the petitioner is not the owner of record, the name and address of the owner(s) of record, and that owner(s) signed consent to the petition.
5. Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information.

6. Identification of the zoning district requested and the existing zoning classification of the property.
7. A vicinity map showing the location of the property and adjacent land uses and zoning classifications.
8. A written description of how the requested rezoning meets the Criteria for Amendment (Section 4.06).
9. Any additional information deemed appropriate by the Planning Commission.

B. Text Amendments. If a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information to the Zoning Administrator ~~Township Clerk~~:

1. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
2. Name and address of the petitioner.
3. Reasons for the proposed amendment, including how the amendment meets criteria the Township has established for such purposes.

Section 4.04 Public Hearing and Notice

Upon initiation of an amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice shall be given in accordance with the MZEA, MCL 125.3103 et seq, as amended. The Township Board may hold additional hearings it deems necessary in accordance with the MZEA, MCL 125.3103 et seq., as amended.

Section 4.05 Action Procedures

- A.** Following the conclusions of the public hearing or hearings, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall make a recommendation on the amendment petition based on its consideration of the criteria contained in Section 4.06, or any other applicable criteria. The recommendation shall be sent to the Livingston County Planning Commission for review pursuant to the MZEA, MCL 125.3103 et seq., as amended.
- B.** Upon receipt of findings and recommendation from the Planning Commission and the County Planning Commission, the Township Board shall consider the proposed amendment.

7. Firewood Sales. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.

B. Temporary Dwellings. Temporary dwellings will not be permitted in Conway Township except as allowed by this subsection. All temporary dwellings shall use the sewage system and water supply of the primary residence.

1. Natural Disasters or Fire Damage. A temporary building may be occupied for dwelling purposes during renovation of a permanent building rendered uninhabitable for dwelling purposes by a fire or natural disaster, such as a tornado, flood, or severe storm. The temporary building must be removed when repair of the damage is complete. The Zoning Administrator may issue a temporary land use permit for up to ninety (90) days. The Board may renew the permit up to ninety (90) additional days upon the applicant's showing of substantial progress towards completion of the repair and the submission of an appropriate compliance bond. Thereafter, the permit may be renewed at the discretion of and upon conditions set by the Board.
2. Visitors. Recreational vehicles or motor homes that are not located in an approved recreational vehicle park or campground may be occupied as a temporary dwelling for a period not to exceed thirty (30) days in one (1) year, provided they are a visitor to a residence.

C. Application. Applications for temporary land use permits shall be available from the Zoning Administrator ~~Township Clerk~~ and shall be filed with the Township Clerk upon forms furnished and approved by the Conway Township Board of Trustees. A temporary land use permit may be approved, modified, conditioned or denied by the Zoning Administrator. The Zoning Administrator may refer the application to the Planning Commission for a recommendation.

D. Conditions of Approval.

1. The nature and intensity of the temporary use and the size and placement of any temporary building shall be planned so that the temporary use or building will be compatible with existing development.
2. The parcel shall be of sufficient size to adequately accommodate the temporary use or building.
3. The location of the temporary use or building shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or building.

regulations are changed, then the owners of the towers structures and antennas governed by this ordinance shall bring such towers, structures and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers, structures, and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- c. To ensure the structural integrity of towers or structures, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers or structures that are published by the Electronic Industries Association, as amended, and shall supply Conway Township with a yearly report of such maintenance. If upon inspection Conway Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- d. Antennae and metal towers or structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers and structures shall comply with all applicable local, state and federal statutes, regulations, and standards.
- e. Towers or structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- f. Towers and structures shall be subject to any state and federal regulations concerning ~~nonionizing~~ nonionizing electromagnetic radiation. If more restrictive state or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within sixty (60) days of its adoption or the TFP shall be subject to revocation by the Township Board. The operator of the tower shall bear the costs for testing and vindication of compliance.
- g. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a

warrant an investigation, the Township of Conway will request the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance. If the MWET or LWET Owner(s) is in violation of the Ordinance shadow flicker requirements, the Owner(s) shall take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until the Ordinance violations are corrected.

As amended by the Conway Township Board on _____, 2011, Section 6.24 is effective _____, 2011.



ARTICLE 7. AR AGRICULTURAL RESIDENTIAL DISTRICT

Section 7.01 Intent

The AR Agricultural Residential District is established to preserve and protect lands best suited for agricultural uses, while also designating land area for rural residential living that does not alter the general agricultural character of the district.

In this district non-farm uses shall be permitted upon a minimum lot size of two (2) acres and farm uses shall be permitted upon a minimum lot size of twenty (20) acres. A farm use shall be defined by the permitted uses listed in 7.02 (B) and by the definition of farm and farm operation in Michigan's Right to Farm Act, 1981 PA 93, MCL 286.472, et seq, as amended.

Section 7.02 Permitted Uses

- A. The following non-farm uses of land are permitted in this district upon a minimum lot size of two (2) acres unless otherwise specified by provisions of this ordinance:
1. Single family detached dwellings (see Section 6.05);
 2. Two family dwellings (see Section 6.05);
 3. Private stables (see Section 6.22);
 4. Family day care and group day care (see Section 6.21);
 5. Family foster care homes and adult foster care family homes;
 6. Public parks, playgrounds, and recreational grounds;
 7. Churches, schools, public buildings, clubs and lodges;
 8. Signs as provided in Article 17, Sign Standards;
 9. Off-street parking as required and allowed according to Article 15, off-street parking and loading-unloading standards;
 10. Keeping of animals as provided in Section 6.22;
 11. Home Occupation Class I (Amended _____, 2011; effective _____, 2011.)

2. Home Occupation Class II (Amended _____, 2011; effective _____, 2011.);
3. Bed and breakfast home stay;
4. Commercial and Hobby kennels;
5. Veterinary hospital and clinics;
6. Agriculture service establishments;
7. Commercial composting operations and centers;
8. Injection wells;
9. Commercial recreation;
10. Child care centers;
11. Long term care facilities;
12. Foster care group home;
13. Adult foster care group home;
14. Cemeteries;
15. Commercial transmitting and receiving towers and associated facilities;
16. Essential public services of public utilities, municipal departments, and utility boards or commissions;
17. Open Space Community (See Article 12);
18. Small and Medium Wind Energy Turbines (see Section 6.24). (Amended _____, 2011; effective _____, 2011.)

Section 7.04 Area, Height and Bulk Regulations

Area, height and bulk regulations for the AR Agricultural Residential District are set forth in the following Schedule of Area, Height and Bulk Requirements.

ARTICLE 8. R RESIDENTIAL DISTRICT

Section 8.01 Intent

The R Residential District is established to promote low density, single family residences as the predominant form of development within the district, with appropriate land areas designated for the accommodation of multiple family use.

Section 8.02 Permitted Uses

- A. The following uses of land are permitted in this district:
1. Single family detached dwellings (see Section 6.05);
 2. Two family dwellings (see Section 6.05);
 3. Family day care and group day care (see Section 6.21);
 4. Family foster care homes and adult foster care family homes;
 5. Public parks, playgrounds, and recreational grounds;
 6. Churches, schools, public buildings, clubs and lodges;
 7. Commercial stables (see Section 6.22);
 8. Keeping of animals as permitted in Section 6.22 herein;
 9. Signs as provided in Article 17, Sign Standards;
 10. Off-street parking as required and allowed according to Article 15, Parking and Loading-Unloading Standards;
 11. Home Occupation Class I (Amended _____, 2011; effective _____, 2011.)

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.
1. Multiple family dwellings;
 2. Single family attached dwellings;

3. Senior housing complexes
4. Bed and breakfast homestay;
5. Home Occupation Class II (Amended _____, 2011; effective _____, 2011.);
6. Child care centers;
7. Long term care facilities;
8. Cemeteries;
9. Open Space Community (See Article 12);
10. Essential public services of public utilities, municipal departments, and utility boards of commissions;
11. Small Wind Energy Turbines (See Section 6.24). (Amended _____, 2011; effective _____, 2011.)

Section 8.04 Area, Height and Bulk Regulations

Area, height, and bulk regulations for the R Residential district are set forth in the following Schedule of Area, Height and Bulk Requirements.

SCHEDULE OF AREA, HEIGHT AND BULK REQUIREMENTS

District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Front Lot Line (feet)	Minimum Yard Setback (feet)			Maximum Building Height		Floor Area Requirement (sq. ft/unit)
				Front	Side	Rear	Stories	Feet	
R Residential	2 acre	150(f)	150(g)	100/110 (a)	25 (b)	25	3	40 (c)	1040 (d,e)

NOTES:

- (a) The front yard setback shall be 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.
- (b) If side yard abuts a roadway, the minimum side yard setback shall follow the same requirements for front yard setbacks

(11 + 12)

shoe repair, tailor shops, locksmith, taxidermy, and similar establishments;

13. Churches and other places of worship, public schools, public libraries, private schools and education institutions;
14. Nursery school, day nurseries or day care centers;

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:

1. Business services such as mailing, copying and data processing;
2. Construction and farm equipment sales and service establishments;
3. Self-storage facility;
4. Contractor's yard;
5. Service stations;
6. Essential public services of public utilities, municipal departments and utility boards or commissions;
7. Adult regulated uses (See Section 13.05(V));
8. Small, Medium, and Large Wind Energy Turbines (See Section 6.24). (Amended _____, 2011; effective _____, 2011.)

Section 10.04 Area, Height and Bulk Regulations

Area, height, and bulk regulations for the C Commercial District are set forth in the following schedule:

SCHEDULE OF AREA, HEIGHT AND BULK REQUIREMENTS.

District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Front Lot Line (feet)	Minimum Yard Setback (feet)			Maximum Building Height		Maximum Lot Coverage
				Front	Side	Rear	Stories	Feet	
C									
Commercial	1 acre	150(c)	150(d)	100/110(a)	35(b)	50	3	40	40%

7. Small, Medium, and Large Wind Energy Turbines (See Section 6.24).
(Amended _____, 2011; effective _____, 2011.)

Section 11.04 Industrial Performance Standards

Any use established in the I Industrial District shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible to humans or human activity.

- A. **Noise.** No operation or activity shall be carried out in the I Industrial District which causes or creates measurable noise levels exceeding the maximum sound intensity levels prescribed below, as measured on or beyond the boundary lines of said district.

A sound level meter (that measures decibels or sound levels) and an octave band analyzer (that measures the decibels or sound levels for each of a set of octave bands) shall be used to measure the intensity and frequency of the sound or noise levels encountered. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer (that measures decibels or sound levels of sounds with a very sharp attack, such as a hammer or punch press) and the measurements so obtained may be permitted to exceed the maximum levels provided in Table A by no more than five (5) decibels. For purposes of this ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

Where street traffic noises directly adjacent to the property line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the table but may not exceed the level of the subject adjacent street traffic noises.

In addition, sound of an intermittent nature or characterized by high frequencies which the building inspector deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent districts even if the decibel measurement does not exceed that specified in the table.

TABLE A

MAXIMUM PERMITTED SOUND INTENSITY LEVELS IN DECIBELS

Cycle Frequency (Cycles Per Second)	Decibels
31.5	72
63.0	68
125.0	62
250.0	57

ARTICLE 13. SPECIAL LAND USES

Section 13.01 Intent

This Article is intended to provide regulations for special land uses which may be necessary or desirable in certain districts, but have an actual or potential impact on neighboring uses that needs to be carefully regulated for the protection of Township residents. This Article provides standards for the Planning Commission to determine the appropriateness of a given special land use based upon factors such as: compatibility with adjacent zoning and uses, location, design, size, intensity of use, impact on traffic operations, potential impact on the environment, demand on public facilities and services, equipment used and processes employed. A special land use permit is required for each use listed in the zoning districts as a special land use and this Article specifies the procedures and standards to be followed in granting such permits. A special land use shall not commence until a special land use permit is issued in accordance with this ordinance.

Section 13.02 Authority to Grant Permits

The Township Planning Commission, after review and consideration of the special land use application and site plan according to the standards contained in this ordinance, shall recommend to the Township Board approval, disapproval or approval with conditions of the proposed special land use. The Township Board either approves, rejects, or approves with conditions the special land use. Only the Township Board may direct the Township Clerk to issue a special land use permit.

Section 13.03 Permit Procedures

An application for a special land use permit for any use or structure permitted under this Article shall be submitted and processed under the following procedures:

A. Application.

1. Application for any special land use permit permissible under the provisions of this ordinance shall be made to the Township Clerk by filling in the official special land use permit application form, submitting required data and depositing the required fee at the time of filing the permit application. The applicant shall pay a fee set by the Township Board, except that no fee shall be required of any governmental body or agency. The fee shall cover the costs of processing the application and no part of such fee shall be returnable to the applicant. The property owner or petitioner shall submit the permit application to the secretary of the Planning Commission or the Township clerk at least fourteen (14) days prior to the meeting at which the application is to be reviewed. The secretary of the Planning Commission or the Township Clerk shall forward the official special land use permit application form and all

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information and evidence showing that the proposed use on the lot in question meets all required standards. The Planning Commission will review each proposal in order to determine that the use(s) envisioned:

- A. Will be harmonious with, and in accordance with, the general objectives of the Conway Township Comprehensive Plan and will be consistent with the intent and purpose of this ordinance;
- B. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses or detrimental to the economic welfare of the community;
- D. Will be compatible with the natural environment and existing and future land uses in the vicinity;
- E. Will be served adequately by essential public facilities and services, such as streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use(s) shall be able to provide them and that such proposed use(s) will not create excessive additional requirements at public cost for public facilities and services; and
- F. Will not involve uses, activities, processes, materials, equipment, or conditions of operation which will be detrimental to any persons, property or the general welfare by reason of excessive smoke, noise, fumes, glare, vibration, odor, or handling or storage of hazardous materials and supplies.

Section 13.06 Permits

- A. **Voiding of Permit.** Any special land use permit granted under the provisions of this Article shall become null and void if the permitted use has not been constructively undertaken within six (6) months of the granting of the permit, and a written application for extension of the approval has not been filed as provided below. The Zoning Administrator shall notify the applicant in writing of the expiration of said permit. Any use for which a special land use permit has been granted and which ceases to continuously operate for a six (6) month period shall be considered abandoned, and the special land use permit shall become null and void.
- B. **Permit Extension.** Upon written application filed prior to the termination of the six (6) month period as provided above, the Zoning Administrator ~~Township Board~~ may authorize a single extension of the time limit for a further period of not more than six (6) months. Such extension shall only be granted

feet from any property line abutting a residential district, one hundred twenty-five (125) feet from any other district or surface water body, including wetlands. Where topographic conditions are such that they provide a screen and shield, the Planning Commission may modify these requirements in its site plan review.

(4) Each camp site shall be at least two thousand (2,000) square feet in size.

(5) Each camp site shall be provided with individual water and sewer hookups approved by the Health Department or have convenient access to approved service buildings.

i. Carnivals, fairs, commercial cider mills and amusement parks.

(1) Minimum lot size shall be ten (10) acres.

(2) A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.

(3) All buildings, structures and parking shall be at least three hundred (300) feet from any dwelling unit excluding any dwelling unit on the site.

(4) The Planning Commission Township Board may require placement of a six (6) foot high fence around all or part of the site.

(5) Access shall be provided onto a primary road, as designated by the Livingston County Road Commission. Access shall be controlled, with capability to accommodate at least three (3) lanes of ingress traffic. At least three hundred (300) feet on stacking (queuing) area shall be provided on site before parking fee collection.

(6) The amount of on-site parking shall be deemed sufficient by the Planning Commission Township Board.

(7) Maximum coverage by buildings and structures must be found to be twenty percent (20%).

(8) The Planning Commission Township Board may require posting of a performance guarantee. The guarantee shall be in an amount determined by the Township Board as necessary to cover any potential damage or clean-up on the site or adjacent properties and otherwise subject to the provisions of Section 3.06.

(9) The ~~Planning Commission Township Board~~ may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

(10) Prior to issuance of a Special Land Use Permit, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.

3. Site requirements. Unless otherwise specified, the following requirements shall apply:
 - a. The minimum lot size shall be two (2) acres.
 - b. The proposed site shall have at least one property line abutting a paved thoroughfare. All access shall be directly to said thoroughfare.
 - c. Front minimum yard setbacks shall follow the requirements of the AR Agricultural Residential District. Side and rear minimum yard setbacks shall be at least one hundred (100) feet and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yard setbacks, except required entrance drives.
4. Performance Standards. Unless otherwise specified, the following requirements shall apply.
 - a. The size, layout, and use of the site shall be adequate to accommodate the intended uses, and parking without significant impact on nearby properties in terms of noise, traffic, lighting glare, odors, trespassing, dust or blowing debris, as determined by the Planning Commission.
 - b. Whenever a swimming pool is constructed under this ordinance, said pool area shall be provided with a protective fence at least six (6) feet in height and entry shall be provided by means of a self-latching, controlled gate. The Planning Commission may require perimeter fencing for uses that may potentially jeopardize the health, safety and welfare of the Conway Township community.

- iv. 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.
- v. 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.
- vi. 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.
- vii. A. Home Occupation Class II approval is not transferable with the sale, rental or lease of the dwelling unit.
- viii. Signage shall be permitted in accordance with Article 17.
- ix. A 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.
- x. Visitors, customers and deliveries shall not exceed a cumulative total of twelve (12) during a single day. The Planning Commission Township Board may modify this standard in the case where the Planning Commission Township Board 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

~~Township Board~~ 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.

- xi. 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 ~~Township Board~~ may require screening of parking areas to minimize negative impacts on neighboring properties.

b. Performance Standards.

- i. ~~Prior to making an approval recommendation to the Board,~~ 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 Conway Township 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.

As amended by the Conway Township Board on _____, 2011, this revised Section 13(I) is effective _____, 2011.

J. Injection Wells.

1. Location Requirements. Injection wells may be permitted as a special use in the AR Agricultural Residential District.
2. Site Requirements. Minimum lot size shall be two (2) acres. All other area, height and bulk requirements shall be in conformance with Article 7 provisions for the AR Agricultural Residential District.
3. Performance Standards.

- h. Parking spaces and facilities and lighting of parking areas shall be provided in conformance with the provisions of this ordinance.
- i. Signage on-site shall direct traffic flow and direction.
- j. Signage shall include one four (4) foot by four (4) foot sign attached to the fence facing the roadway identifying the name of the owner of the company, the address and phone number. Lettering shall be at least four (4) inches in height.
- k. Additional signage may be permitted at the discretion of Zoning Administrator Conway Township.
- l. The area encompassing the injection well shall be provided with a spill containment structure of compacted clay, impervious synthetic liner or concrete designed to prevent the migration of liquids into the earth in the event of a spill. The design of said spill containment structure shall be approved by the Livingston County Health Department.
- m. At the time the special use permit application is submitted, the applicant shall submit the following information regarding traffic to and from the site:
 - Number of vehicles per day
 - Size and hauling capacity (in barrels and gallons)
 - Direction of traffic
 - Roadway access routes
 - Haul routes to and from the site
- n. Underground tanks or other underground storage containers other than the injection well shall not be installed on the site.
- o. The applicant shall submit to the Township copies of any reports or other documentation they are required to file with any regulatory agency.
- p. The special use permit shall be granted for a period of three (3) years and will be subject to renewal every three (3) years. Permit renewals shall be granted based on compliance with the provisions of the ordinance and compliance with regulatory agency requirements.

K. Long Term Care Facilities.

- persons 18 years old and older;
- (4) Signage shall be posted restricting this type of material.

g. Site and building requirements.

- (1) Building size shall not exceed 4,000 square feet of gross floor area.
- (2) The building and site shall be designed, constructed, and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed by pedestrians or motorists on a public right of way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
- (3) Use shall be located within a freestanding building. A shared or common wall or shopping center shall not be considered a freestanding building.
- (4) The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right of way.
- (5) The ~~Planning Commission Township Board~~ may require a wall, fence, or berm in conjunction with landscaping to provide an appropriate screen in consideration of views from public streets, distance, and surrounding land uses.
- (6) The hours of operation shall be approved by the Township Board.
- (7) Access shall be from a major thoroughfare.
- (8) Any adult regulated use, which allows customers to remain on the premises while viewing live, filmed, or recorded entertainment or while using or consumer the products or services supplied on the premises, shall provide at least one security guard on duty outside the premises. Security guard provided shall patrol the grounds and parking areas at all times while the business is in operation.
- (9) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.

h. The ~~Planning Commission Township Board~~ may waive the location provision requiring minimum distances between adult regulated uses and those use identified in subsection (c) above if all of the following findings are made after a public hearing:

- (1) The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this ordinance will be observed.

(2) The proposed use will not contribute to, create, enlarge, or encourage a blighted or deteriorated area.

(3) All applicable regulations of this ordinance will be observed.

(4) There is no other reasonable location in the Township at which the use is suited.

(5) For waivers from the location requirements relative to any residential zoning district, public, private, or parochial school, or church, convent, monastery, synagogue or other similar place of worship, a validated petition requesting such waiver signed by 51% of those persons owning, residing, or doing business within 1,000 feet of the proposed location has been submitted. The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition, those signatures are of the person whose names appears on the petition, and the petition was circulated in accordance with any rules set by the Township Board. The Township Board may adopt additional rules governing the required procedure from time to time.

i. Prior to granting a permit for any adult regulated use, the Planning Commission ~~Township Board~~ may impose any such conditions or limitations authorized by law in connection with the grant of special uses.

j. An adult regulated use granted pursuant to the terms of this ordinance may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of approval by the Township.

At its discretion the Planning Commission may require submission of "as-built" drawings at project completion. The applicant shall be notified at the time of site plan approval if "as built" drawings are required.

Section 14.11 Inspection

- A. **Responsibility of Zoning Administrator.** The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved site plan. All building construction, site and sub-grade improvements such as utilities, sub-base installations for drives and parking lots and similar improvements shall be inspected and approved by the County's Building Department, Environmental Health Department, and the Township engineer or agent prior to covering. The Zoning Administrator shall obtain inspection assistance at the applicant's cost, from the Township Fire Marshal or professional consultants where appropriate.
- B. **Responsibility of Applicant.** The applicant shall be responsible for requesting the necessary inspections.
- C. **Notice of Inspection.** The Zoning Administrator shall notify the Planning Commission in writing when a development for which a site plan is approved has passed inspection with respect to the approved site plan. The Zoning Administrator shall notify the ~~Township Board and the~~ Planning Commission in writing of any development for which a site plan was approved has not passed inspection with respect to the approved site plan, and shall advise the ~~Township Board and the~~ Planning Commission of steps necessary to achieve compliance. In such case, the Zoning Administrator shall periodically notify the ~~Township Board and the~~ Planning Commission of progress toward compliance with the approved site plan and when compliance is achieved.

Section 14.12 Performance Guarantee

A performance guarantee, pursuant to Section 3.06, may be required by the Planning Commission to insure the complete construction of structures and development of the land area as proposed and approved. Such guarantee may be up to an amount equal to the estimated cost of the site improvement, and may be reduced in proportion to the amount of work accomplished and accepted by the Zoning Administrator or the amount of land left undisturbed.

Section 14.13 Fee and Expert Consultation

Any application for site plan approval shall be accompanied by a fee determined by the Township Board. Such a fee may be utilized by the Planning Commission to obtain services of one or more expert consultants qualified to advise whether the proposed development will conform to the applicable Township ordinances, policies and standards, and investigate and report on elements of concern to the Planning Commission.

2. Temporary Signs. Temporary signs for which a permit has been issued in accordance with Section 17.06, which shall be issued only for signs meeting the following requirements:
 - a. Such signs shall contain no political message;
 - b. Such signs shall contain no commercial message except for that of a seasonal agricultural commercial nature, a community festival or event;
 - c. Such signs shall have a maximum height of five (5) feet and be no more than two (2) square feet in area each;
 - d. Signs shall be properly maintained and shall be constructed of break away materials; and
 - e. No more than four (4) signs shall be permitted for each use.
3. Emergency Signs. Emergency warning signs erected by a governmental agency a public utility company or a contractor doing authorized or permitted work within the public right-of-way.

Section 17.06 Permits and Fees

- A. **Sign Permits.** Unless otherwise provided, no sign shall be erected, constructed, replaced, modified, repainted or otherwise displayed, unless a permit authorizing the same has been issued by the Zoning Administrator and a permit fee has been paid in accordance with the fee schedule adopted by resolution of the Conway Township Board.
- B. **Required Permit Information.** All requests for sign permits shall be submitted to the Zoning Administrator ~~Township clerk~~. Any electrical permit required must be issued by the Livingston County Building Department. A submitted request shall contain the following minimum information:
 1. Name, address and telephone number of the applicant.
 2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 3. Position of the sign or other advertising structure in relation to nearby buildings or structures, including dimensional data.
 4. Two (2) blueprints or ink drawings of the plans specifying the method of construction and attachment to the building or in the ground.
 5. Name of person, firm, corporation or association erecting the structure.

ARTICLE 19. LAND DIVISIONS

Section 19.01 Intent

It is the intent of this Article to establish an orderly procedure and standards of review for divisions of land within the Township in a manner consistent with the Comprehensive Plan, the purpose of this Zoning Ordinance, the Land Division Act (LDA), 1967 PA 288, amended by 1996 PA 591, MCL 560.101 et seq, and in a manner that insures the protection of property values and adequate vehicular access to lots.

Section 19.02 Applicability

- A. This Article regulates the following LDA divisions or combination of these divisions of land for sale or lease, or for building site development:
1. Four (4) parcels for the first ten (10) acres or fraction of ten (10) acres in the parent parcel or tract.
 2. One (1) additional parcel, for up to a maximum of eleven (11) additional parcels, for each whole ten (10) acres in excess of the first ten (10) acres in the parent parcel or parent tract.
 3. One (1) additional parcel for each whole forty (40) acres in excess of the first one hundred and twenty (120) acres in the parent parcel or parent tract.
 4. For a parent parcel or parent tract of not less than twenty (20) acres, two bonus land splits if 60% of the parent parcel remains intact, or if because of the establishment of one (1) or more new roads, no new driveway accesses to an existing public road are created.
- B. A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall not be counted toward the number of parcels permitted and is not subject to the requirements of the LDA, Section 109, as amended, or comparable sections of this ordinance, if the parcel is accessible.

Section 19.03 Procedure

- A. The applicant shall submit an application requesting to divide property. Applications for land divisions shall be filed with the Township Clerk upon forms furnished and approved by the Township Board. The filing fee shall be paid at the time of application submittal. Said fee shall cover the cost of processing the application and no part of such fee shall be returnable to the applicant.

- B. The Zoning Administrator and Planning Commission shall review the request in consideration of the standards of this Article, the LDA, and the standards of the zoning district of the subject site.
- C. The Planning Commission and ~~Township Board~~ shall approve a proposed division within forty five (45) days after the proposed division has been filed with the assessor or other locally designated official, or within the timeframe established by the LDA as amended, if all of the following requirements are met:
1. Each resulting parcel has a depth of not more than four (4) times the width.
 2. Each resulting parcel has a width no less than that required by the applicable zoning district established in this Ordinance.
 3. Each resulting parcel has an area no less than that required by the applicable zoning district established in this ordinance.
 4. Each resulting parcel is accessible.
 5. Each division meets all the requirements of the LDA, Section 108, unless it is an exempt division that creates parcels of no less than forty (40) acres or the equivalent (a quarter-quarter section containing at least thirty (30) acres, or a government lot containing at least thirty (30) acres).
 6. Each resulting parcel that is a development site has public water or health department approval for on-site water supply.
 7. Each resulting parcel that is a development site has public sewer or health department approval for on-site sewage disposal.
 8. There are adequate easements for public utilities from the parcel to existing public utility facilities.
 9. Each parcel has an adequate and accurate description.
 10. Each parcel is included in a scale-drawing tentative parcel map that shows the area, parcel lines, public utility easements, accessibility and other requirements.
 11. Applicable deed statements are included:
 - a. All deeds for unplatted land must contain the following statement:
"This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other

associated conditions may be used and are protected by the Michigan right to farm act.”

- b. A person cannot sell a parcel of unplatted land unless the deed contains a statement regarding whether the right to make further divisions exempt from the LDA’s platting requirements is being conveyed.
- D. The depth to width ratio requirements of (C)(1) do not apply to the remainder of the parent parcel or tract retained by the proprietor, or to any parcel over 10 acres.
- E. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- F. After all Township submittal requirements and review is complete, the applicant shall provide the Township Clerk with documentation of the recording of the land division by the Livingston County Register of Deeds.

Section 19.04 Submittal Requirements

Twelve (12) copies of the land division application plus attachments shall be submitted to the Zoning Administrator ~~Township Clerk~~ at least fourteen (14) days prior to the Planning Commission meeting at which the request is to be considered. The submittal shall include all of the following, at a minimum, plus any other information requested by the Township Board for review of the application;

- A. The names and signatures of all owners of any legal or equitable interest in the property.
- B. A legal description of each parcel into which the property is to be divided prepared by a registered land surveyor.
- C. A copy of the most recent tax bill pertaining to the land.
- D. A statement indicating any restriction or covenants which apply to or run with the land, having bearing upon the proposed division
- E. Documentation from the Livingston County Road Commission stating that the proposed lot(s) has adequate sight distance.
- F. A survey and plan of the property to be divided, accurately drawn at a scale of not smaller than one inch equals one hundred feet (1” = 100’) prepared by a registered land surveyor or civil engineer licensed to practice in the State of Michigan and showing at least:

1. All existing buildings and structures on the site, and buildings and structures located on abutting property within fifty (50) feet of the lot to be divided.
2. Boundaries of any water body, wetland, or woodlot located on the site.
3. Boundaries of all proposed divisions, with complete dimensions and area of each proposed resultant parcel.
4. Proposed access to all land divisions.
5. Proposed public utility easement locations, with dimensions.
6. Proposed limits within which principal structure and auxiliary buildings shall be confined on such parcel, with dimensions.

(Amended _____, 2011; effective _____, 2011.)

Section 19.05 Standards for Review

In reviewing a requested land division regulated by this Section, the following shall be considered:

- A. The land division will not increase nonconforming situations, unless a variance has been granted by the Board of Appeals.
- B. Outstanding violations of the Conway Township Zoning Ordinance, and the potential for these violations to be remedied prior to land division.
- C. Each parcel resulting from the proposed division shall have exclusive of any area occupied by an access easement, a net area not less than that required for a lot in the zoning district.
- D. Within each parcel shown on the registered land survey or civil engineer drafter survey and plan of the property to be divided, there shall be delineated and fully dimensioned an area with which the principal structure shall be confined (building envelope). The building envelope shall not infringe on any lake, stream, drain, wetland or easements and shall demonstrate compatibility with existing development in the vicinity and be of sufficient size to meet minimum dimensional requirements of the zoning district.

Section 19.06 Land Division Records

- A. Review comments from the Planning Commission meeting shall be transmitted to the petitioner and to the Township board. Each land division application submittal, Planning Commission review comments, and documentation of the recording of the land division and/or the recording of an easement

maintenance agreement by the Livingston County Register of Deeds shall be filed by the Conway Township Clerk in the appropriate land division township file.

- B. The Conway Township Clerk shall record and map all land divisions.

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

Adopted, effective immediately, September 8, 2008
(Revised August 8, 2014)

1. Name Purpose
 - A. The name shall be the Conway Township Planning Commission, hereafter known as the “Commission”.
 - B. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter “the Planning Act.”
 - C. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter “the Zoning Act.”
2. Membership
 - A. Members. Members of the Commission are appointed by the Conway Township Board of Trustees pursuant to the Conway Township Planning Commission Ordinance No. 21 as amended. There shall be seven members, which shall include one ex officio member.
 1. First priority, each member shall represent and advocate what is best for the Township of Conway as a whole, putting aside personal or special interests.
 2. Second priority, the membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce, The membership shall also be representative of the entire territory of Conway Township to the extent practicable, as appointed by the Conway Township Board of Trustees:
 - B. Ex officio. As defined by statute, is a planning commission member with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that other office.
 - C. Liaisons. The purpose of liaisons is to provide certain Conway Township officials and quasi-officials the ability to participate in discussions with the Commission. Liaisons cannot vote, except to break a tie vote of the appointed Commissioners, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Commission members, are:
 1. Conway Township Board member, usually the Clerk.
 - D. Attendance. If any member of the Commission is absent from three

Consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Conway Township Board of Trustees to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission Secretary, or acting Secretary in the absence of the elected Secretary, shall keep attendance records and shall notify the Conway Township Board of Trustees whenever any member of the Commission is absent from three consecutive regularly scheduled meetings; this is not to include the Township Board of Trustee meetings; so the Conway Township Board of Trustees can consider further action allowed under law or excuse the absences.

E. Incompatibility of Office.

1. If there is a question whether a conflict of interest exists or not, the Question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission, after full disclosure of commissioner, if known.
2. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law grandparents in-law, or members of his or her household.
 - f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - (1) an applicant or agent of an applicant, or
 - (2) Has a direct interest in the outcome.
3. When a conflict of interest exists, the member of the Commission, or Committee shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- a. declare a conflict exists at the next meeting of the Commission or Committee:
 - b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, or others and
 - c. During deliberation of the agenda item before the Commission or committee, remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
 4. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.
- F. Duties of all members.
 1. Ex Parte contact
 - a. Members shall avoid Ex Parte contact about cases where an administrative decision is before the Commission whenever possible.
 - b. Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
 2. Site inspections
 - a. Site inspections shall be done by the zoning administrator. A written report of the site inspection shall be presented to the Commission at a public meeting or hearing on the site. An oral presentation may be requested by Commission.
 - b. If desired, no more than one member of the Commission may accompany the zoning administrator on a site inspection.
 3. Not voting on the same issue twice.
 - a. Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to the following:
 - b. When the appeal is of an administrative or other decision by the Commission and the member of the Commission sits both on the Commission and the Zoning Board of Appeals.

- c. When the case is an administrative decision which was decided by the Commission and sent to the Conway Township Board of Trustees for further action, and the member of the Commission sits both on the Commission and the Conway Township Board of Trustees.
4. Accepting gifts.
 - a. Gifts shall not be accepted by a member of the Commission or Liaisons from anyone connected with an agenda item before the Commission.
 - b. As used here, gifts, shall mean cash, any tangible item, or Service, regardless of value; and food valued over \$10.00 ten dollars.
 - c. This section does not apply to the Commission accepting gifts For the exercise of its functions pursuant to M.C.L. 125.3823(3), 23(3) of the planning act.
 - d. In Township gifts shall only be accepted by the Township Board on behalf of the planning Commission
5. Spokesperson for the Commission.
 - a. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
 - b. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
 - c. From time-to-time or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.
6. Code of Conduct.
 - a. Each member, upon appointment, shall sign a code of conduct.
7. Officers
 - a. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, and Deputy Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Deputy Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Deputy Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording Secretary.

- b. Tenure. The Chair, Vice-Chair and Secretary shall take office at the meeting following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- c. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
 - 1. Preside at all meetings with all powers under parliamentary procedure.
 - 2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity or other remarks which are not about the topic before the Commission.
 - 3. Restate all motions as pursuant to these Bylaws.
 - 4. Appoint committees.
 - 5. Appoint officers of committees or choose to let the committees select their own officers.
 - 6. May call special meetings pursuant to these Bylaws.
 - 7. Act as member and Chair of the Executive Committee pursuant to these Bylaws.
 - 8. Act as an Ex-Officio member of all committees of the Commission.
 - 9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
 - 10. Review with the Secretary, prior to a Commission meeting, the items to be on the agenda if he or she so chooses.
 - 11. Periodically meet with the Planner hired by the Board of Trustees, the County Planner to review Planning procedures, and to monitor progress on various projects.
 - 12. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
 - 13. Represent the Commission before the Conway Township Board of Trustees.
 - 14. Perform such other duties as may be ordered by the Commission.
- d. Vice-Chair's Duties. The Vice Chair shall:
 - 1. Act in the capacity of the Chair, with all the powers and duties of the Chair.
 - 2. Perform such other duties as may be ordered by the Commission.
- e. Secretary's Duties. The secretary shall:
 - 1. Execute documents in the name of the Commission;

2. Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
 3. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission. The Secretary may delegate this duty to the Deputy Secretary.
 4. Keep attendance records pursuant to these Bylaws;
 5. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq.
 6. Prepare an agenda for the Commission meetings pursuant to these Bylaws.
 7. Act as a member and Secretary of the Executive Committee pursuant to these bylaws.
 8. Perform such other duties as may be ordered by the Commission.
- f. Deputy Secretary's Duties. The Deputy Secretary shall:
1. Act in the capacity of the Secretary, with all the powers and duties of the Secretary in the absence of the Secretary; and
 2. Perform such other duties as may be ordered by the Commission.

G. Meetings

1. Regular meetings. Meetings of the Commission will be held the 2nd Second Monday and the 3rd third Tuesday of every month at 7:00 p.m. at the Conway Township Hall. The 3rd Tuesday meeting shall not be paid and shall not be mandatory. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. As annual notice or regularly scheduled Commission meeting shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)
2. Special Meetings. Special meetings shall be called in the following manner:
 - a. By the Chair.
 - b. By any two members of the Commission.
 - c. By the Chair at the request of any non member of the Commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be set by the Conway Township Board of Trustees.
 - d. Notice of Special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting. In addition

notices shall comply with P.a. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.).

3. Recess. The Chair, or the Commission, after the meeting has been in Session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more that 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976 as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
4. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
5. Motions.
 - a. Motions shall be restated by the Chair before a vote is taken.
 - b. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.
6. Voting. Voting shall be by voice and shall be recorded as passing or Failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a

- majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
7. Commission Action. Action by the Commission on any matter on Which a hearing is held shall not be taken until the hearing has been concluded.
 8. Parliamentary Procedure. Parliamentary procedure in Commission Meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order Newly Revised, (10th Edition, Perseus Publishing, New York, 2000 ISBN 0-7382-037-6) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.
 9. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting with an extended time limit set by the Chair.
 10. Consensus Business. Certain items of business before the Commission Are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still

included as Consent Items. The approval of minutes would be proposed on the agenda as a Consent Item. Consensus business can be proposed for any item on the agenda, but shall never include any of the following. Review of plans and zoning ordinances, or any part or amendment thereto. Action on special use permits, planned unit developments, site plans, and similar administrative actions. Election of officers. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.

11. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
 - a. Call to order, Pledge of Allegiance.
 - b. Matters pertaining to citizens present at the meeting, as Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first
 - c. House keeping business such as, Consent Business, Approval of Minutes, Communication, Other.
 - d. Unfinished business and reports to include but not limited to, a report from the Conway Township Board of Trustees liaison about the action taken by the Board on the items sent to them by the Commission for their action.
 - e. New business.
 - f. Public participation for items not on this agenda.
 - g. Adjournment.
12. Delivery of Agenda. The agenda and accompanying materials shall be Mailed or delivered to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting or by email.
13. Placement of Items on the Agenda.
 - a. The Conway Township Clerk shall be the office of record for The Commission.
 - b. The Conway Township Clerk may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
 - c. Items received by the Clerk between seven business days prior To the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent

regular or special Commission meeting. Those items of a major nature, or items normally receiving review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.

- d. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

14. Record

- a. Minutes and Record. The Commission Secretary shall keep, or caused to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:
 - (1). Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.).
 - (2). Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence.
 - (3). Time and place the meeting was called to order.
 - (4). Attendance.
 - (5). Indication of others present.
 - (6). Summary or text of points of all reports including reports of what was seen and discussed at a site inspection given at the meeting, and who gave the report and in what capacity.
 - (7). Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
 - (8). Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included; who testified and a summary of what was said, a statement of what is being approved, the location of the property involved including tax parcel number ID, what exhibits were submitted, what evidence was considered, the administrative body's findings of fact, reasons for the decision made and if denied then each reason should refer to a section of an ordinance which would be violated or with which not complied, the decision if denied, approved, or approved with modification, a list of all required improvements, a list of all changes to the map/drawing/site plan that was submitted, who called the question, what type of vote and its outcome, that a person making a motion withdrew it from consideration, all the Chair's rulings, all challenges, discussion and vote/outcome on a Chair's ruling, all parliamentary inquiries or points of order, when a voting

member enters or leaves the meeting, when a voting member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting, all calls for an attendance count, the attendance, and ruling if a quorum exists or not, the start and end of each recess, all Chair's rulings of discussion being out of order, full text of any resolutions offered, summary of announcements, summary of informal actions, or agreement on consensus, time of adjournment.

- b. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
- c. Retention. Commission records shall be preserved and kept on file according to the following schedule,
 - (1). Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission publications Permanent.
 - (2). General ledger: Twenty years
 - (3). Correspondence: Permanent.

15. Mileage and Per Diem

- a. Mileage and per diem shall be paid to members of the Commission at the will of and at the rate established by the Conway Township Board of Trustees. No mileage or per diem is paid to any member to attend the Board of Trustee meetings.

15. Hearings

Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Conway Township Board of Trustees, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

16. Zoning Responsibilities

All the powers of zoning are transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act. The Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as

specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the Conway Township Board of Trustee's. At a minimum the recommendation shall include the text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and the manner of administering and enforcing the zoning ordinance. The Commission shall review and act on all special use permits pursuant to the Zoning Act and the zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for action, the Commission's action; pursuant to these Bylaws and a recommendation to the Conway Township Board of Trustee's. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to these Bylaws. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretations, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

17. Other Matters to be Considered by the Commission
 - a. The following matters shall be presented for consideration at a meeting of the Commission:
 - (1). Preparation of an annual report of the Commission.
 - (2). Selection of Consultants and a recommendation to the Conway Township Board of Trustee's for same.
18. Adoption, Repeal, Amendments
 - a. Upon adoption of these Bylaws of 9/8/2008, they shall become effective and all previous Bylaws, shall be repealed.
 - b. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
 - c. These Bylaws may be amended at any regular or special by a two-thirds (2/3) vote of the members present.

Conway Township Joint Planning Commission & Board of Trustee's Meeting
Nov.. 17th, 2015

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

1. Dennis Bowdoin gave the Planning Commission Report
2. Mike Stock gave the Recreation Report
3. Dennis Bowdoin reported That Jack Sherwood would no longer be willing to do the county ditch work for Free, due to the fact that the Board and Drain Commission has allowed Mr. Smith to hold the project up for two years

Submitted by Dennis Bowdoin chair