



## Conway Township Planning Commission

Monday, May 8, 2023 | 7:00pm

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

1. **CALL TO ORDER / PLEDGE**
2. **ROLL CALL**
3. **CALL TO THE PUBLIC**
4. **APPROVAL OF PLANNING COMMISSION MEETING May 8, 2023 AGENDA**
5. **APPROVAL OF THE April 10, 2023 MEETING MINUTES**
6. **COMMUNICATIONS**
  - a. Zoning Administrator's Report
  - b. Livingston County Planning Commission Update/Report
7. **OLD BUSINESS**
  - a. Zoning Ordinance Amendment No. 2023-02: Review draft of new Article 19, Solar Energy System District and replacement of existing Section 6.26 regarding Solar Energy Systems [HOLD]
  - b. Shipping Containers [Accessory/Principal Use]
8. **NEW BUSINESS**
  - a. Michigan Tall Structures Act
9. **PLANNING COMMISSION MEMBER DISCUSSION**
10. **2<sup>nd</sup> CALL TO THE PUBLIC**
11. **ADJOURNMENT**

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

***Next Meeting will be Monday, June 12, 2023***



**Conway Township Planning Commission Meeting Minutes**  
 Monday, April 10<sup>th</sup>, 2023 | 7:00pm EST  
 Conway Township Hall | 8015 N. Fowlerville Road, Fowlerville, MI 48836

Agenda	Items Discussed	Actions to be Taken
<b>Attendees</b>	PC Members Present: Jeff Klein, Meghan Swain-Kuch, Dave Whitt, George Pushies - Ex-Officio, Shawn Morrison, Lucas Curd, and Kayla Poissant  Zoning Administrator – Gary Klein  Livingston County Planning Commissioner: Dennis Bowdoin  Township Attorney: Absent- Michael D. Homier and Abby Cooper	None
<b>Call to Order/Pledge</b>	Chair, M. Swain-Kuch called the Conway Township Planning Commission meeting to order at 7:00pm and led the Pledge of Allegiance.	None
<b>Approval of Agenda</b>	Motion to accept the meeting agenda as amended for April 10 <sup>th</sup> , 2023. Motion by J. Klein. Support L. Curd. Motion Approved.	Motion Approved
<b>Approval of March 2023 Minutes</b>	Motion to accept meeting minutes from March 2023. Motion by S. Morrison. Support by J. Klein. Motion Approved.	Motion Approved
<b>Call to the Public</b>	Sarah Porter- Sober Rd.- She stated that she emailed and is submitting an edited version of the town ordinance regarding solar energy systems, and that the people took the time to add additional language that they feel is needed. She asked if this version can be used to be the starting point of the townhall meeting. She stated that section C1B was removed from the first version (not stricken), and that C4 had an error regarding the setbacks which should be 1000 ft. She asked who is responsible for editing the drafts and if it is someone on the PC. She asked about the motions passed by the Board of Trustees and why the PC is not following them, and that the Solar Committee is eager to meet with the PC.  Kennedy Parker- Hayner Rd.- She stated that she is wondering why the setbacks for the 1000ft are not	None

	<p>within the draft ordinance, and why the PC seems to be acting independently regarding the ordinance. She stated that the setback was voted on and needs to be in the ordinance.</p> <p>Steve Smith- Robb Rd.- He stated that the pre-amble to the ordinance is great, but he believes that something regarding the drains should also be added to that section (he provided a written example). He also stated that the overlay district is a very good idea, and is also the approach that the LC Commissioners are recommending. He believes that the fire suppression system section is also good, but is concerned with the number of clerical errors or clarifications that need to be done/corrected. He stated that defining small, medium, and large systems would be a good idea, and submitted a copy of an ad from Alamo Valley Ag Solar Solutions from Michigan Farm Trader for review. He stated that the idea of a filtration system for the fire suppression system would also be a good idea.</p>	
<b>Communications</b>	<p>a. Zoning Administrator Report: Four Land Use Permits issued last month; One breezeway permit, one house permit, two steel barn permits, and one electrical permit.</p> <p>b. Board Ex-Officio Report: None</p> <p>c. Livingston County Planning Commission Report: M. Swain-Kuch stated that the LCPC report is attached to the meeting packet, and that they are a bit behind in their minutes.</p>	<p>None</p> <p>None</p> <p>None</p>
<b>Old Business</b>	None	None
<b>New Business</b>	<p>a. Article 6: General and Supplemental Regulations Section 6.07: Supplemental Regulations Pertaining to Yards- Approve</p> <p>The LCPC made a recommendation to the ordinance, and it is now ready to be reviewed by the PC. The PC will then vote to send to the Board of Trustees for approval. The LCPC recommended adding section G which is included in the PC packet.</p>	

	<p>Motion to accept section G as recommended from the LCPC for Article 6: General and Supplemental Regulations Section 6.07: Supplemental Regulations Pertaining to Yards and to submit the ordinance to the Board of Trustees for Approval. Motion by S. Morrison. Support by J. Klein. Motion Approved.</p> <p>b. Zoning Ordinance Amendment No. 2023-02: Review draft of new Article 19, Solar Energy System District and replacement of existing Section 6.26 regarding Solar Energy Systems</p> <p>M. Swain-Kuch stated that Mr. Homier is not in attendance at this meeting, and did not inform the PC of his absence. She recommended that the PC have a discussion on the second draft written and provided by Mr. Homier, and work on questions, concerns and issues that the PC has at this time.</p> <p>Motion made by G. Pushies to accept on the record the written commentary that was submitted by Sarah Porter and Steve Smith tonight as a roll call vote. Motion by G. Pushies. Support by J. Klein. Motion Approved.</p> <p>L. Curd- Yes  J. Klein- Yes  S. Morrison- Yes  K. Poissant- Yes  M. Swain-Kuch- Yes  D. Whitt- Yes</p> <p>M. Swain-Kuch asked the PC about Mr. Homier’s second draft version of the ordinance. G. Pushies stated that he would like to see a definition of demonstrated need in the ordinance, as well as maybe residential solar added into it to clarify this since the ordinance states private solar. M. Swain-Kuch stated she had looked at section 4D regarding setbacks, and that there are multiple different types of locations like residential, farms, etc. and that it refers to the setbacks of the zoning area. She said that the 200 ft setback that was discussion before was for residential settings. It was discussed that a separate section for residential solar should be there so that residents can easily read the parts of the ordinance that pertains to them.</p> <p>M. Swain-Kuch brought up section 4F about screening for private/residential usage requiring screening around panels in their side yards. She said this type of screening</p>	<p>Motion Approved</p> <p>Motion Approved</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------

was discussed for utility scale projects, but not for resident/private usage. G. Pushies brought up the green-mesh screening that is in the screening for utility scale projects, and that the screening will not hold up after a short period of time. It was discussed to strike that section out. D. Whitt mentioned that the PC knew about the vote on setbacks of 1000 ft, and the PC was waiting for Mr. Homier to add it back into the draft ordinance. L. Curd mentioned that Mr. Homier stated that the setbacks could change based on the location of the overlay, and that once the location was determined a setback can be better established. M. Swain-Kuch brought up drainage tiles on pg. 8, and how there are no requirements on property owners to replace or fix broken tiles. She also discussion pg. 9 section A2 for location of dwellings on participating properties and setbacks. It was discussed about possible definitions of participating and non-participating. M. Swain-Kuch stated pg. 11 section C regarding setbacks in that section, and section D should be up to 150 ft setback from wetlands. She also brought up pg. 12 section 6D regarding the trees and the trees should be a species that deer do not prefer to eat, and section E regarding the planting of new trees to replace the dead/diseased trees not replanting the dead/diseased trees. She mentioned pg. 14 section 12 about drain tiles not affecting other properties due to run off or flooding issues, and that the batter storage needs to be removed since it was already discussed that batteries were not going to be permitted. She stated that on pg. 15 with the fill-in-the-blanks and that they need to filled in. K. Poissant brought up that a section for subdivision may need to be added to clarify the setbacks in subdivisions since most own less than two acres per lot. G. Pushies stated that it should be handled within the Master Deed or Bylaws of the association, and K. Poissant said that a small verbiage in the ordinance referring to the association to handle the setbacks should be included. M. Swain-Kuch stated on pg. 16 section 18 it should be clarified regarding access roads/routes and are subject to the LCPC or the LC Road Commission for internal routes. D. Bowdoin clarified that access off a main road is for the LC Road Commission to review, and any internal roads on the property are for the site plan review. He also recommended maybe getting the fire authorities involved on the internal roads in case of an emergency. M. Swain-Kuch stated on pg. 17 regarding decommissioning and having a cash bond whether

	<p>another form should be accepted, and pg. 18 section 27 regarding transferability and having clarification about having a deadline to file the information of the new owner, and a clarifier on the difference on new operators verses land owner. It was discussed about having a deadline of 30 days with an option to extend it. S. Morrison stated that on pg. 13 it may need a portion for the glare of the solar panels. It was discussed that panels are made differently now, and that the FAA or Michigan Aeronautics study could be done to cover these areas of concern and be added into the ordinance. S. Morrison brought up the idea of fines/penalties be added into the ordinance for those who choose to disregard or defy the ordinance. It was discussed that the fines/penalties could come out of the bond and that then the bond be replaced back to the original amount, as well as putting the developer and operator definitions into the ordinance.</p> <p>J. Klein brought up about the meeting with the Solar Committee.</p> <p>K. Poissant stated that there are communication issues, and that Mr. Homier is writing the drafts not the PC. It was discussed having a special meeting and adding a section to the agenda specific to the solar committee. L. Curd stated that the solar committee is one-sided and that the committee should be made up of both sides of the issue. G. Pushies stated that there have been meetings that pro-solar supporters could have attended to voice their opinion, and that there have been pro-solar comments. L. Curd asked if there were pro-solar members asked to join the committee. G. Pushies stated that the members of the solar committee were voted on by the Board of Trustees. It was discussed that the meeting would need to take place at a time and date that Mr. Homier could be in attendance.</p> <p>Motion to have a special meeting with the solar committee and the public to discussed the solar ordinance and the draft provided by Sarah Porter. Motioned by G. Pushies. Supported by J. Klein. Motion Approved.</p> <p>c. Update Shipping Containers as primary residence or accessory use</p>	<p>Motion Approved</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------

	<p>M. Swain-Kuch stated that she contacted the LCPC regarding this topic and to see if other townships have addressed this issue. The LCPC stated that Marion Township is the closest, but they have not passed anything as of yet. It was discussed about whether the allowance of the shipping containers as storage, as well as a dwelling. M. Swain-Kuch stated that once the containers were cut into to make it a dwelling, it would violate the state laws pertaining to it. G. Klein mentioned that the county is treating the containers the same as a shed. If it is under 200 sq ft, no permit is needed, and if it is over 200 sq ft then a permit would be required. D. Whitt stated that some containers are pre-built and ready to live in. It was discussed whether to allow the containers for storage with stipulations, and not for dwelling purposes. It was discussed using the current county ordinances regarding this issue. G. Pushies stated that there are containers that are called one-trippers which look really nice and almost brand new and are cargo worthy.</p>	
<p><b>Commission Discussion</b></p>	<p>S. Morrison stated that he is concerned about the Chase Lake and Fowlerville Rd. intersection due to all the accidents and traffic issues. He stated that he spoke with Township Supervisor Bill Grubb regarding this issue, and B. Grubb (in attendance) stated it was sent to the engineering department and forwarded on to another planning/engineering department for review. S. Morrison suggested blinking lights on the signs on Chase Lake to get the attention of drivers. Another suggestion that was discussed was rumble strips and a better sightline for that intersection.</p> <p>K. Poissant asked about hiring planners to help PC with the upcoming Master Plan review and possible new ordinances. G. Pushies stated that as long as it wasn't CIB hired back. M. Swain-Kuch and D. Whitt both stated that Mr. Homier had mentioned hiring back CIB a few months ago, and further discussion needs to be had on this topic.</p>	
<p><b>Last Call to the Public</b></p>	<p>Sarah Porter- Sober Rd.- She stated that she is offended by some of the comments made and that the solar committee is not anti-solar but they are against utility-scale solar that is unchecked. She said she sent over nine hours on the draft she submitted, and to even throw out the solar committee because it was created to help the community. She wants the community to work together to create an ordinance that for the betterment of the</p>	

	<p>community as a whole. She said that L. Curd should step back and look at the situation as a whole. She said she would like to see an open dialogue meeting where everyone can go over the sections.</p> <p>Kennedy Parker- Hayner Rd.- She stated that she is not offended by L. Curd's comments, but she is not surprised. She stated that the committee has spent their own money to send out the information they have provided to the committee. She said that no one is against solar, but they are against decreased property values, health, and welfare. She said the meetings are open and anyone can come, and that there is no divide. She said that the PC's job is to represent the community, and he needs to get on board.</p> <p>Steve Smith- Robb Rd.- He publicly announced for L. Curd's resignation from the PC. He stated that the information presented to the PC is to help and protect the community. He said that the community is opposed to utility scale solar power farms, not solar in general. He brought up the DTE attorney that did not announce herself at the public meeting as an attorney. He stated that there are two different overlay parts of open community and community parts and asked about the open community overlay. He stated that he agreed with K. Poissant on the communication issues taken place, and that if Mr. Homier can not do it than a planner needs to be hired. He stated that he did not believe that L. Curd should be on the PC and should resign.</p> <p>Jason Simmons- Herrington Rd.- He is concerned about the fines/fee/penalties in the solar ordinance. He wants to make sure that if an offense is done, it does not have to go to court on the smaller offenses. He suggested maybe taking the penalties out of the bond or escrow that is issued for the project.</p> <p>Jim Chelten- Fowlerville Rd.- He asked about the setbacks about the security fencing, and how per the ordinance the security fence could be on the property line. He states that it should be a nice fence if it is allowed on the property line affecting the adjoining property.</p> <p>Steve Weiss- Sober Rd.- He said that the comments made were not good about the solar committee. He said that the meetings are open, and that the solar</p>	
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--



	<p>companies are the ones who stand to make money yet say they are intimidated to attend the meetings. He stated that he would like L. Curd to represent the community.</p> <p>Michelle- Lovejoy Rd.- She asked about the possibly location of the overlay district.</p> <p>M. Swain-Kuch stated that normally she would not respond to her question because it is public comment time, but she felt it important to respond. She stated that until Mr. Homier has mentioned one possible location, but further review and discussions need to take place. She mentioned the trailer park overlay as an example as how it was done before. She stated that she did not have a definitely of community property at this time.</p> <p>Karen O’Neal- Hayner Rd.- She asked about cash bonds, and if when offenses occur that money could be removed from the bond/escrow.</p> <p>It was mentioned about adding a maintenance bond that is separate from the decommissioning bond.</p>	
<b>Adjournment</b>	<p>Motion to adjourn at 8:50pm. Motion by D. Whitt. Support by J. Klein. Motion Approved.</p>	<p>Motion Approved</p>

Respectfully Submitted:

Approved:

Kayla Poissant,  
PC Secretary

Meghan Swain-Kuch,  
PC Chair



# Livingston County Department of Planning

## LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, April 19, 2023 – 6:30 p.m.

Administration Building, Board of Commissioners Chambers  
304 East Grand River, Howell, MI 48843

***Please note that this is a hybrid meeting with County Planning Commissioners and staff meeting in-person. Audience participants are welcome to attend in-person or via Zoom by using the meeting link on Page 2 of the agenda***

### Agenda

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll and Introduction of Guests
4. Approval of Agenda – April 19, 2023
5. Approval of Meeting Minutes – March 15, 2023
6. Call to the Public
7. Zoning Reviews
  - A. Z-17-23 Hartland Township, Text Amendment, Sections 5.7, 5.11, and 5.26 Landscaping Text Changes
  - B. Z-18-23 Marion Township, Rezoning Section 2, Highway Service to Urban Residential
8. Old Business
9. New Business
  - A. Welcome Margaret Burkholder, Industrial Representative on Planning Commission.
  - B. Brian Prokuda Certificate of Recognition for Nineteen Years of Service on the Livingston County Planning Commission.
10. Reports
11. Commissioners Heard and Call to the Public
12. Adjournment

### Department Information

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

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

●  
Web Site  
[co.livingston.mi.us](http://co.livingston.mi.us)

**LIVINGSTON COUNTY PLANNING COMMISSION MEETING**

**Wednesday, April 19, 2023**

**Meeting Agenda**

**Page 2**

**Via Zoom (on-line**

**meetings):** <https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRiWkVIZz09>

Via the Zoom app

**Join a meeting**, with meeting number: **399 700 0062**

Enter the password: **LCBOC** (ensure there are no spaces before or after the password)

Meeting ID: **399 700 0062**

Password: **886752**

Meeting recordings may be made using a personal computer or laptop, after requesting ability from the meeting host.

**DRAFT**  
**LIVINGSTON COUNTY PLANNING**  
**COMMISSION MEETING MINUTES**

**March 15, 2023**  
**6:30 p.m.**  
**Hybrid In-Person and Virtual Zoom Meeting**

<b>Zoom Virtual Meeting Room Meeting ID: 399-700-0062 / Password: LCBOC</b> <b><a href="https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09">https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09</a></b>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>PLANNING COMMISSION</b>	
<b>COMMISSIONERS PRESENT:</b>	<b>BILL ANDERSON</b> <b>MATT IKLE</b> <b>DENNIS BOWDOIN</b> <b>BILL CALL</b>  <b>PAUL FUNK</b>
<b>COMMISSIONERS ABSENT:</b>	<b>JASON SCHROCK</b> <b>BRIAN PROKUDA</b>
<b>STAFF PRESENT:</b>	<b>SCOTT BARB</b> <b>ROB STANFORD</b>
<b>OTHERS PRESENT:</b>	<b>TROY LANGER - HARTLAND TOWNSHIP PLANNER</b> <b>NUMEROUS AUDIENCE (REFER TO SIGN IN SHEET)</b> <b>BRUCE POWELLSON – MARION TOWNSHIP PLANNING COMMISSION</b>

1. **CALL TO ORDER:** Meeting was called to order by Planning Commissioner Anderson at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL AND INTRODUCTION OF GUESTS:** None.
4. **APPROVAL OF AGENDA**

<b>Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO APPROVE THE AGENDA, DATED MARCH 15, 2023, SECONDED BY COMMISSIONER IKLE.</b> <b>All in favor, motion passed 5-0.</b>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5. **APPROVAL OF PLANNING COMMISSION MEETING MINUTES**

<b>Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE MINUTES, DATED FEBRUARY 15, 2023, SECONDED BY COMMISSIONER BOWDOIN.</b> <b>All in favor, motion passed 5-0.</b>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

6. **CALL TO THE PUBLIC:** Steve Smith, Robb Road, Conway Township -Thanked Commissioner Prokuda for his comments at the last meeting regarding the need for underground lines to be buried and for solar developers to be regulated as utilities.

## 7. ZONING REVIEWS:

### A. Z-12-23 HARTLAND TOWNSHIP, REZONING, CA CONSERVATION AGRICULTURE DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT IN SECTION 33.

**Current Zoning:** CA Conservation Agriculture

**Proposed Zoning:** LI Light Industrial  
Section 33

**Township Master Plan:**

The Hartland Township Future Land Use Map (September 2015) designates the subject site as Medium Urban Density Residential. The Medium Urban Density Residential designation is intended to preserve the established character of the identified areas while permitting new development that is consistent with the established density. It is intended as a transitional use between high intensity and lower intensity uses. In the Medium Urban Density Residential area, land can be developed at a density of approximately one (1) acre per every two (2) to three (3) dwelling units. Lot sizes would be 8,000 to 20,000 square feet per dwelling.

**County Comprehensive Plan:**

The 2018 Livingston County Master Plan does not direct future land use patterns, or development within Livingston County. Alternatively, it offers a county-wide land use perspective when reviewing potential rezoning amendments. The Land Use & Growth Management chapter of the plan includes decision-making recommendations regarding potential land use conflicts and promoting good land governance.

**Township Planning Commission Recommendation: Disapproval.** The Hartland Township Planning Commission recommended disapproval at the February 9, 2023, public hearing on the proposed rezoning. Minutes from the public hearing were not available for review at the time of this report preparation.

**Staff Recommendation: Disapproval.** The proposed rezoning does not comply with the overall goals and policies of the Hartland Township Comprehensive Plan and a deviation from the Hartland Township Future Land Use Map is not advisable for the proposed rezoning from CA (Conservation Agricultural) to LI (Light Industrial) at this location within the Township.

**Commission Discussion:** Commissioner Funk had concerns about not receiving the minutes for this case from the township in time for commissioners to make a good decision on the case. He asked if the property owner did not want to be identified, and that this looks nebulous. Not having the meeting minutes doesn't tell the enough about the case to make a good decision. Commissioner Call stated that its crystal clear what's going on. Also, the timing of meetings between the township and the county and the associated differing deadlines between the planning commissions of the two entities to make decisions on the case may affect the availability of minutes to be forwarded to the county planning commission. Commissioner Ikle agreed with Commissioner Call's comments and with the township planning commission and county staff recommendation for this case.

**Public Comment:** Michelle Shippy, Hartland Township resident, spoke against the proposed rezoning and stressed the importance of not allowing industrial development to spread into the sensitive residential areas near Bergin Road.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO RECOMMEND DISAPPROVAL, SECONDED BY COMMISSIONER IKLE.**

**Motion passed: 5-0**

**B. Z-13-23 PUTNAM TOWNSHIP, REZONING, AO AGRICULTURAL RESIDENTIAL TO RS-2 SINGLE FAMILY RESIDENTIAL, SECTION 12.**

**Current Zoning:** AO Agricultural Residential  
**Proposed Zoning:** RS-2 Single Family Residential  
**Section 12**

**Township Master Plan:** The Putnam Township Future Land Use Map designates the subject parcel as Low Density Residential (3 to <5 acres). The Township Master Plan states the following regarding the Rural Preservation future land use classification:

*The LDR classification accommodates single-family development at relatively low to moderate suburban densities in areas located near existing residential development and the Village of Pinckney. These are semi-rural areas not significantly affected by environmental constraints, and on-site sanitary sewer service and water may be readily accommodated. LDR development patterns respond to and help preserve rural visual character by maintaining adequate setbacks and by minimizing the number of lots that directly front onto existing public streets and roads. Where no other options are available, homes must front onto existing streets.*

The proposed zoning designation of RS-2 directly corresponds to the Township Future Land Use Map that establishes Low Density Residential (3 to <5 acres) for this area. This area lends itself to the preservation of rural character with parcels ranging in size from 3 to 10 acres and will parallel both the Township Master Plan and the Township Zoning Ordinance.

**Township Planning Commission Recommendation: Approval.** The proposed rezoning was approved at the February 8, 2023, public hearing. There were no major comments indicated in the draft meeting minutes of the February 8, 2023, public hearing on the proposed rezoning.

**Staff Recommendation: Approval.** The proposed rezoning from AO (Agricultural Open Space) to RS-2 (3-acre minimum) is compatible with both the Putnam Township Master Plan and the Livingston County Master Plan.

**Commission Discussion:** None.

**Public Comment:** None.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER FUNK.**

**Motion passed: 5-0**

**C. Z-14-23 CONWAY TOWNSHIP, TEXT AMENDMENT TO THE ZONING ORDINANCE: ARTICLE 6 GENERAL AND SUPPLEMENTAL REGULATIONS, SECTION 6.27 AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, COMMERCIAL WIND AND SOLAR ENERGY PROJECTS AND TO REPEAL SECTIONS OF THE TOWNSHIP ZONING ORDINANCE PERTAINING TO "WIND ENERGY" AND "SOLAR ENERGY COLLECTORS".**

The Conway Township Planning Commission has proposed the above-referenced zoning amendment and request (by resolution) of the Conway Township Board of Trustees to impose a moratorium on the issuance of permits, licenses, or approvals for, or for any construction of, commercial wind and commercial solar energy projects and to repeal sections of the township zoning ordinance pertaining to "wind energy" and "solar energy collectors".

**Township Planning Commission Recommendation: Approval.** The Conway Township Planning Commission recommended Approval of this zoning amendment at its February 13, 2023. There were several public comments noted in the minutes.

**Staff Recommendation: Take No Action, Encourage Further Review.** For consistency's sake with prior decisions made by the County Planning Commission, Staff would recommend that the proposed repeal be taken without implementation of a further moratorium by the township as proposed by the amendment. This recommendation follows recent precedent set in similar solar moratoriums and ordinance repeals reviewed recommended on by the County Planning Commission. Ultimately it will be the responsibility of the township and its legal counsel to defend this action, therefore Staff would recommend that the County remain neutral in its decision regarding this moratorium action. County Planning Staff encourages and fully supports the township in its on-going pursuit and completion of a full and final wind and solar energy ordinance in the very near future and welcomes any request by the township for further assistance by County Planning Staff in this endeavor.

**Commission Discussion:** Commissioner Bowdoin agrees with the staff recommendation and stated he didn't think the moratorium was a good idea and thought that the county planning commission should take a neutral stand at this point. He also stated he doesn't like the township being without an ordinance. Commissioner Call questioned the purpose of another long moratorium. Commissioner Funk stated that communities are working hard to gain momentum on solar and is in favor of a neutral stance at this time. Principal Planner Stanford introduced the standards for local government regarding solar. Commissioner Ikle addressed the audience and discussed the importance of good planning and the need to look well-forward into the future when doing so. Commissioner Funk concurred with Commissioner Ikle and stated the importance of good planning for the townships. Commissioner Call stated he highly regards good planning, legal counsel, and proper avenues of getting things done. Commissioner Funk stated he favors the composite approach (township board, planning commission, planners, legal counsel, and residents) versus just going with the township board in planning decision making processes. Planning Chair Anderson read an email message received from Kelly Ralko to Commissioner Bowdoin on March 15, 2023 and which was forwarded to county planning, regarding the township board taking over the task of developing the township wind energy ordinance going forward, without the planning commission being involved. There was general concern and much discussion by all county commissioners with this action. Commission Ikle stated he agreed with Commissioner Bowdoin in that this is a case of being reactive instead of being proactive. Commissioner Funk stated he agreed with the recommendation and that its important for planning to look beyond the immediate. Also, good, and proper planning utilizes a combination of local residential action and support, public work sessions, and planning as a collective. Commissioner Call stated he knows Attorney Mike Homier having worked with him on a few key projects when he was Zoning Administrator in Handy Township (Gas Plant), and that Mr. Homier is a good, solid attorney and he can certainly help townships with the solar issue. He stressed that not having an ordinance in place is not acceptable and that townships need to get this done. Conway Township's Board must get this done soon. Attorney Homier can help.

**Public Comment:** Steve Smith – Robb Road, Conway Township, spoke about the issue of solar and his concerns about the poor planning involved when the prior draft ordinance was constructed. He submitted written comments to the case file. Sara Porter – Conway Township, read her statement on record and it was placed into the case file. Mike Brown – Sober Road, Conway Township, has concerns about the soils and how the potential pollution from the solar panels will affect local farmland. Rob Porter – Conway Township, stated that the township meetings are highly toxic with the solar discussion. Bruce Powellson, Marion Township – stated that each member of the local township planning commission a piece of the action concerning solar energy ordinance development.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND NO ACTION, ENCOURAGE FURTHER REVIEW. SECONDED BY COMMISSIONER CALL.**

**Motion passed: 5-0**



**D. Z-15-23 DEERFIELD TOWNSHIP, TEXT AMENDMENT, ARTICLE 10 ZONING DISTRICTS AND MAP; ARTICLE 19 GENERAL PROVISIONS; ARTICLE 20 ACCESS, PRIVATE ROADS, AND SHARED DRIVEWAYS.**

The Deerfield Township Planning Commission is proposing to amend the Township Zoning Ordinance by modifying language pertaining to nonconforming lots, shared driveways, and outdoor storage.

**Township Recommendation: Approval.** There were no comments from the public at the February 16, 2023, public hearing on the proposed amendments to the Ordinance.

**Staff Recommendation: Approval.** The proposed amendments to the Deerfield Township Zoning Ordinance are appropriate and will reinforce existing ordinance language.

**Commission Discussion:** Commissioner Funk asked for clarification regarding Section 20.04(G). Commissioner Ikle inquired about assignment of tax IDs.

**Public Comment:** None.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER IKLE.**

**Motion passed: 5-0**

**E. Z-16-23 GREEN OAK CHARTER TOWNSHIP, TEXT AMENDMENT, ARTICLE VIII. ENVIRONMENTAL PERFORMANCE STANDARDS, SECTION 38-363 TREE AND WOODLANDS PROTECTION AND PROTECTION.**

The Green Oak Charter Township proposes to amend in its entirety Chapter 38, Zoning, Section 38-363, Tree and Woodlands Protection and Preservation, and replace it with a completely new ordinance. This ordinance was first initiated by the township in 2003.

This review was also peer reviewed in partnership with Sara Thomas, President of the Livingston Land Conservancy (LLC), and her comments, observations and recommendations have been incorporated with County Planning Staff comments.

**Township Recommendation: Approval.** The Green Oak Charter Township Planning Commission recommended Approval of this zoning amendment at its February 16, 2023 public hearing. There were no public comments noted in the minutes.

**Staff Recommendation: Approval with Conditions.** The proposed amendments appear to be generally reasonable and appropriate. They appear to pose no undue hardship as proposed. The township first initiated a similar ordinance in 2003, which was ground-breaking for the County at the time. This current revision provides a satisfactory update to that original ordinance. The intent and purpose of the ordinance is very good. It is comprehensive. However, there are a fair number of important concerns indicated in the review of the ordinance that County Planning Staff and its peer review partner, the Livingston Land Conservancy (LLC), felt needed more information and better clarification prior to final approval. For example, in a few cases there is provided a regulation or standard intended to be enforced, however, in another part of the ordinance, there may be an exemption or other provision that unintentionally reduces the level importance of that regulation or standard and its enforcement. Therefore, Staff would encourage the township to consider all comments raised in the review prior to final approval of the ordinance by the Township Board. This is the basis for the recommendation of Approval with Conditions.

In comparison to the Canton ordinance, this ordinance does do a good job seeking the implementation a process of more careful examination of each case that comes before the township for review on a case-by-case basis, with a very wide scope of criteria to make assessment with, rather than applying a blanket regulatory policy approach that attempts to address all cases under the same set of rules. In addition, given the recent Court decision involving takings and the Canton ordinance, it will be imperative going forward



that Green Oak Charter Township be very careful, diligent, and specific when performing tree replacement reviews in the future.

**Commission Discussion:** Commissioner Ikle asked how the Township will enforce the ordinance and who will pay for that enforcement (i.e., Arborist fees)? Commissioner Funk inquired about the fact that there were no comments from the public on this preservation ordinance. Principal Planner Stanford stated that there may have been public comments during the time that the ordinance was being developed, and that we were only provided with the public hearing minutes which may not be reflective of the total public participation situation. Commissioner Bowdoin expressed the same comments regarding enforcement of the ordinance, i.e., who enforces the ordinance at the township level (or on behalf of the township), and who pays the fees for the Arborist reviews.

**Public Comment:** None.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL WITH CONDITIONS WITH STAFF COMMENTS AS DETAILED IN THE REVIEW, SECONDED BY COMMISSIONER FUNK.**

**Motion passed: 5-0**

8. **OLD BUSINESS:** None.

9. **NEW BUSINESS:**

**A. CAPITAL IMPROVEMENT PLAN REVIEW COMMITTEE - PC MEMBER REPRESENTATIVE BY VOTE.**

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND COMMISSIONER IKLE TO SERVE AS PC MEMBER REPRESENTATIVE TO THE CAPITAL IMPROVEMENT PLAN REVIEW COMMITTEE, SECONDED BY COMMISSIONER CALL.**

**Motion passed: 5-0**

**B. NEW PC APPOINTMENT:** Margaret Burkholder will begin her appointment at the April planning commission meeting.

10. **REPORTS:** Planning commissioner terms and contact information was collected for distribution to members. Planning commissioners were notified of their position on the Airport Zoning Board of Appeals.

11. **COMMISSIONERS HEARD AND CALL TO THE PUBLIC:** Commissioner Funk read a letter regarding the Act 51 funds and intent to acquire grant funding to connect trails throughout the county. Pattern Energy individuals (Dave Donofrio and Garrett Parzygnot) introduced themselves and briefly discussed their solar development efforts inside of Livingston County. Bruce Powellson congratulated Director Barb on his promotion to County Planning Director.

12. **ADJOURNMENT:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO ADJOURN THE MEETING AT 8:51 P.M., SECONDED BY COMMISSIONER FUNK.**

**Motion passed: 5-0**

**TXT#02-20 Amendment**

**Definitions Section 3.02 ADD**

**Cargo Containers.** Standardized reusable receptacles that are:

1. Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities; and or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers.

**Portable Temporary Storage Container (PSC):** A box-like container typically delivered by truck, used to temporarily store household or other goods and items. A PSC does not include a truck trailer, or other part of a motor vehicle, nor any type of wheeled vehicle or conveyance except when attached to a truck for delivery and removal.

**ARTICLE VI: GENERAL PROVISIONS**

**Section 6.07 Accessory Uses and Structures ADD 13**

Accessory buildings, structures and uses are permitted only in connection with and on the same lot with a principal building, structure or use, provided such buildings, structures and uses are incidental to the principal building or use and does not include any activity conducted as a livings quarters, except for farms or other uses otherwise permitted in this Ordinance that may be permitted on a separate lot in conjunction with the permitted activity, and shall be subject to the following regulations:

1.

<b>Zoning districts</b>	<b>Lot Size Based on Gross Lot Area</b>	<b>Maximum Square Footage of all Accessory Structures</b>
All single family residential districts	All parcels equal to or less than 1 acre in size	1,300 square feet
All single family residential districts	All parcels that are greater than 1 acre	These sizes are based on a .030 x parcel size calculation

2. An accessory structure, including carports which are attached to the principal building, shall comply in all respects with the requirements of this ordinance applicable to the principal building. Any covered or roofed structure, as an attachment between the accessory structure or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
3. Accessory buildings shall not be erected or allowed in any front yard, except for parcels larger than five acres providing no accessory building or structure is located closer than one hundred feet to the front property line or closer to the front property line than a principal building on any adjacent parcel of land or lot, whichever is greater.
4. Accessory buildings may be allowed in side yards providing they meet the minimum setbacks for the district in which it is located.
5. The maximum height for accessory buildings located on any parcels of land containing one acre of land or less or on any platted subdivision lot or site condominium building site shall not exceed thirty-five feet.

6. Accessory structures shall meet the minimum setbacks for the district in which it is located.
7. No accessory structure shall receive a certificate of zoning compliance prior to the principal structure receiving a certificate of zoning compliance.
8. No accessory structure shall be constructed prior to the approval of land use permit and the issuance of a building permit.
9. Accessory structures under two-hundred (200) square feet do not require a land use permit or building permit **and are limited to three per parcel and must be behind the primary structure and screened from the public right-of-way.** Accessory structures under 200 square feet and with a height no more than ten (10) feet above grade shall maintain a minimum five (5) foot side yard setback & five (5) foot rear yard setback. Accessory structures two-hundred (200) square feet and over and/or more than ten (10) feet above grade must meet the setback requirements of the zoning district in which they are located.
10. In no instance shall any accessory building be located within a dedicated easement right-of-way.
11. An accessory building shall not project within the front yard when it is located on a corner lot except as provided in item 3 above.
12. Accessory structures **greater than two-hundred (200) square feet** shall have a minimum 4:12 roof pitch, except engineered steel structures may have minimum 3:12.
13. **The use of cargo containers for storage shall only be permitted in HS and LI Districts, subject to the following:**
  - a) **Containers shall be restricted to a location behind the front face of the building**
  - b) **Containers shall not be stacked above the height of a single container**
  - c) **Container storage areas that are visible from the public right-of-way or abut residentially zoned or used properties shall be screened in accordance with the standards set forth in this ordinance**

**TALL STRUCTURE ACT**  
**Act 259 of 1959**

AN ACT to promote the safety, welfare, and protection of persons and property in the air and on the ground by regulating the height, location, and visual and aural identification characteristics of certain structures; to provide for the powers and duties of certain state agencies; and to provide penalties for the violation of this act.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987.

*The People of the State of Michigan enact:*

**259.481 Definitions.**

Sec. 1. As used in this act:

(a) "Airport" means a structure or an area of land or water that is designed and set aside for the landing and taking off of aircraft, is utilized or to be utilized by and in the interest of the public for the landing and taking off of aircraft, and is licensed by the commission.

(b) "Anemometer" means an instrument for measuring and recording the speed of wind.

(c) "Approach surface" means an imaginary plane longitudinally centered on a runway's centerline extended, and extending outward and upward from each end of that runway's primary surface, which plane has the specifications described in section 2c.

(d) "Commission" means the Michigan aeronautics commission.

(e) "Conical surface" means an imaginary plane extending outward and upward from the perimeter of a runway's horizontal surface at 1 of the following slopes, as applicable:

(i) If the airport at which the runway is located has a published instrument approach procedure, at a slope of 50 to 1.

(ii) If subparagraph (i) does not apply, at a slope of 20 to 1.

(f) "FAA" means the Federal Aviation Administration or a successor agency to the Federal Aviation Administration.

(g) "Heliport approach surface" means an imaginary plane projecting outward and upward from the perimeter of a heliport primary surface at a slope of 8 to 1.

(h) "Heliport primary surface" means an imaginary plane that is at the elevation established for a heliport coinciding in size and shape with the designated takeoff and landing area of that heliport.

(i) "Horizontal surface" means an imaginary horizontal plane 150 feet above the elevation established for an airport, the perimeter of which plane is constructed as described in section 2e.

(j) "Meteorological tower" means a structure, including all guy wires and accessory facilities, on which an anemometer is mounted for the purposes of documenting wind resources for the operation of a wind turbine generator.

(k) "Minimum obstruction clearance altitude" means the lowest FAA published altitude that assures acceptable navigational signal coverage and that is in effect between radio fixes on a low altitude airway, on an off-airway route, or, if the altitude meets obstacle clearance requirements for the entire route segment, on a route segment.

(l) "Nonprecision approach procedure" means a straight-in instrument approach in which an electronic glide slope is not provided.

(m) "Permit" means a permit issued by the commission under this act.

(n) "Person" means an individual, firm, partnership, corporation, association, or body politic. Person includes a trustee, receiver, assignee, or other similar representative of a person.

(o) "Precision approach procedure" means a standard instrument approach in which an electronic glide slope is provided.

(p) "Primary surface" means an imaginary plane longitudinally centered on a runway, which plane has the specifications described in section 2b.

(q) "Runway" means the portion of an airport designated as either of the following:

(i) An area used for the landing or takeoff of aircraft.

(ii) An area proposed, and approved by the commission, to be used for the landing or takeoff of aircraft.

(r) "Structure" means an object constructed or installed, including, but not limited to, a building, tower, antenna, smokestack, or overhead transmission line.

(s) "Transitional surface" means an imaginary plane perpendicular to a runway centerline and to that centerline extended through the runway's primary surface and approach surface, which plane extends outward and upward from each side of the runway's primary surface and approach surface at a slope of 7 to 1 for the

distances described in section 2d.

(t) "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft with a maximum gross weight of 12,500 pounds or less.

(u) "Visual approach procedure" means an approach in which an aircraft on an instrument flight rules flight plan, operating in visual flight rules conditions under the control of an air traffic control authorization, may proceed to the airport of destination in visual flight rules conditions.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987;—Am. 2016, Act 28, Eff. May 30, 2016.

**259.482 Permit required for construction of certain structures.**

Sec. 2. Without a permit issued by the commission, a person shall not construct any of the following:

(a) A structure regulated under section 2a or 4.

(b) A structure that is, or that increases the height of an existing structure, higher than 200 feet above the ground elevation at the structure's site or higher than an imaginary plane extending outward and upward at any of the following slopes:

(i) For an airport with at least 1 runway that is more than 3,200 feet in length, 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway.

(ii) For an airport whose longest runway is 3,200 feet or less in length, excluding heliports, 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway.

(iii) For a heliport, 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987.

**259.482a Issuance of permit allowing construction, replacement, or increase in height of certain structures; conditions.**

Sec. 2a. (1) The commission shall not issue a permit allowing construction, replacement, or an increase in height of a structure that violates the requirements of an applicable zoning ordinance adopted by a political subdivision under the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, unless the applicant has obtained the approval of a variance from the ordinance and an airspace study has been conducted by the commission resulting in a finding of noninterference to air navigation.

(2) Unless an airspace study has been made by the commission resulting in a finding of noninterference to air navigation, the commission shall not issue a permit allowing construction of any of the following structures, or replacement of or an increase in the height of a structure that creates any of the following structures:

(a) A structure that is over 500 feet above ground elevation at the structure's site and that is within 2 miles of a well-defined natural landmark such as a shoreline or river; a manmade landmark such as a railroad, canal, or road; or a low altitude airway.

(b) A structure of a height that would increase the minimum obstruction clearance altitude, the minimum safe altitude prescribed by the FAA, or the minimum altitude required for a safe instrument approach.

(c) A structure that would encroach into a runway's primary surface.

(d) A structure of a height that would penetrate a runway's approach surface.

(e) A structure of a height that would penetrate a runway's transitional surface.

(f) A structure of a height that would penetrate a runway's horizontal surface.

(g) A structure of a height that would penetrate a runway's conical surface.

(h) A structure that would encroach into a heliport primary surface.

(i) A structure of a height that would penetrate a heliport approach surface.

**History:** Add. 1986, Act 296, Eff. Apr. 1, 1987;—Am. 2016, Act 28, Eff. May 30, 2016.

**259.482b Width of primary surface; length of primary surface; elevation.**

Sec. 2b. (1) Based upon the most precise approach available or planned for either end of a runway, the width of the primary surface is 1 of the following:

- (a) For a utility runway that permits only a visual approach..... 250 feet
- (b) For a utility runway that permits a nonprecision instrument approach..... 500 feet
- (c) For other than a utility runway that permits only a visual approach..... 500 feet
- (d) For other than a utility runway that permits a nonprecision instrument approach and for which the FAA has established a visibility minimum that is greater than 3/4 of a statute mile..... 500 feet

- (e) For other than a utility runway that permits a nonprecision instrument approach and for which the FAA has established a visibility minimum that is as low as 3/4 of a statute mile or less..... 1,000 feet
- (f) For a runway that permits a precision instrument approach..... 1,000 feet
  - (2) Based upon the type of runway surface, the length of the primary surface is 1 of the following:
    - (a) For a runway with a prepared hard surface or for which there are plans for a prepared hard surface, the length of the runway plus 200 feet beyond each end of the runway.
    - (b) For a runway other than a runway described in subdivision (a), the length of the runway.
    - (3) The elevation of a point on a primary surface is the same as the elevation of the point on the runway's centerline nearest to the point on the primary surface.

**History:** Add. 1986, Act 296, Eff. Apr. 1, 1987.

**259.482c Width of approach surface; outward and upward extension of approach surface.**

Sec. 2c. (1) Based upon the most precise approach available or planned for the end of a runway, the width of the approach surface at the end of the primary surface equals the width of the primary surface and expands uniformly to the following maximum width:

- (a) For the end of a utility runway, which end has only a visual approach procedure..... 1,200 feet
- (b) For the end of other than a utility runway, which end has only a visual approach procedure..... 1,500 feet
- (c) For the end of a utility runway, which end has a nonprecision instrument approach procedure..... 2,000 feet
- (d) For the end of other than a utility runway, which end has a nonprecision instrument approach procedure and a visibility minimum established by the FAA that is greater than 3/4 of a statute mile..... 3,500 feet
- (e) For the end of other than a utility runway, which end has a nonprecision instrument approach procedure and a visibility minimum established by the FAA that is 3/4 of a statute mile or less..... 4,000 feet
- (f) For the end of a runway, which end has a precision approach procedure..... 16,000 feet

(2) Based upon the most precise approach available or planned for the end of a runway, the approach surface extends outward and upward at the following slope for the following distance:

- (a) For the end of a utility runway regardless of the available or planned approach, or for the end of other than a utility runway which end has only a visual approach procedure, a slope of 20 to 1 for 5,000 feet from the end of the primary surface.
- (b) For the end of other than a utility runway, which end has a nonprecision instrument approach procedure, a slope of 34 to 1 for 10,000 feet from the end of the primary surface.
- (c) For the end of other than a utility runway, which end has a precision instrument approach procedure, a slope of 50 to 1 for 10,000 feet from the end of the primary surface and, from that point, a slope of 40 to 1 for an additional 40,000 feet.

**History:** Add. 1986, Act 296, Eff. Apr. 1, 1987.

**259.482d Extension of transitional surface.**

Sec. 2d. (1) Except as provided in subsection (2), a runway's transitional surface extends to the intersection of the transitional surface with the horizontal surface.

(2) For a runway that has a precision instrument approach, the transitional surface beginning at the side of a runway's approach surface extends for 5,000 feet measured horizontally from the side of the approach surface.

**History:** Add. 1986, Act 296, Eff. Apr. 1, 1987;—Am. 2016, Act 28, Eff. May 30, 2016.

**259.482e Perimeter of horizontal surface.**

Sec. 2e. The perimeter of a horizontal surface is constructed by swinging an arc with a radius as specified by this section from the center point of each end of the primary surface of each runway of an airport and connecting adjacent arcs by a line tangent to those arcs. The radius of an arc for a utility runway or for other than a utility runway with a visual approach equals 5,000 feet. The radius of an arc for any other runway equals 10,000 feet. The radius of the arc specified for the end of a runway shall not be less than the longest radius for the other end of the runway. If a 5,000 foot arc is encompassed by a tangent connecting adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded in constructing the perimeter of the horizontal



surface.

**History:** Add. 1986, Act 296, Eff. Apr. 1, 1987.

**259.482f Meteorological tower; requirements; database of locations; information to be provided by owner; marking; removal.**

Sec. 2f. (1) A meteorological tower that is 50 feet in height above the ground or higher and the appearance of which is not otherwise regulated by state or federal law must comply with all of the following:

(a) The tower must be painted in equal, alternating bands of orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the tower.

(b) The tower must have 1 or more 7-foot safety sleeves placed at each anchor point that extend from the anchor point along each guy wire attached to the anchor point.

(c) The tower must have at least 1 orange marker ball attached to each guy wire at the highest point that does not affect the stability of the tower and the measurement of wind speed.

(2) The commission may establish, maintain, and publish a database that contains locations of all existing meteorological towers.

(3) Within 60 days after the effective date of this section, an owner of any existing meteorological tower erected in this state shall provide the commission with all of the following:

(a) The global positioning system coordinates of the center of the meteorological tower.

(b) The elevation of the site, in feet.

(c) The structure's height above ground level, in feet.

(d) The owner's or lessee's name, address, telephone number, and electronic mail address, if any.

(e) The name of any owner's representative.

(4) Within 1 year after the effective date of this section, an owner of an existing meteorological tower erected in this state shall mark the tower as required by subsection (1).

(5) Ten days or more before the erection of a new meteorological tower, an owner of the tower shall provide to the commission the information required under subsection (3) and certification by the owner that the tower has been marked in accordance with this section.

(6) Within 10 days after the removal of a meteorological tower, an owner of the tower shall notify the commission of the removal.

**History:** Add. 2016, Act 28, Eff. May 30, 2016.

**259.483 Building permits; public utility structures, emergency repair.**

Sec. 3. No application for a permit shall be required for the emergency repair or replacement of nonconforming public utility structures, other than buildings, to insure continuity of proper customer service, when the height of such structures is not increased by such emergency repair or replacement: Provided further, That any combination of circumstances calling for immediate action or remedy in the repair or replacement of such nonconforming public utility structures shall be deemed an emergency.

**History:** 1959, Act 259, Eff. Mar. 19, 1960.

**259.484 Structure extending more than 1,000 feet above ground elevation at structure's site; conditions to issuance of permit to erect, add to, or replace.**

Sec. 4. (1) Unless the commission conducts an airspace study and finds noninterference to air navigation, the commission shall not issue a permit to erect, add to, or replace a structure that will extend more than 1,000 feet above ground elevation at the structure's site. A person shall not erect, add to, or replace a structure for which a permit is required, which structure exceeds the height allowed by the permit.

(2) The commission may issue a permit to erect or add to a structure that will extend more than 1,000 feet above the ground elevation at the site of the structure proposed to be erected or added to if the proposed structure will not be higher than 50 feet above the height of the highest structure in existence on March 19, 1960, which highest structure is within a distance of 1 mile from the location of the structure proposed to be erected or added to.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987.

**259.485 Application for permit; statement of location and maximum height; applicability of height restrictions.**

Sec. 5. (1) It is not necessary that ownership of, option for, or other possessory right to a specific location site be held by the applicant before application for a permit is filed with the commission. A permit, among other things, shall state the specific location and the maximum height allowed for the structure.

(2) The height restrictions of this act do not apply to the alteration of a structure owned by an applicant

who is before the federal communications commission under the federal communications commission's mass media docket numbers 80-90 and 84-231, which alteration is a result of those proceedings.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987.

**259.486 Permit; specification of visual or aural identification; compliance with federal laws or regulations; operation during daylight hours; high intensity white obstruction lights; demolition or removal of structure; violation.**

Sec. 6. (1) A permit must specify the obstruction markers, markings, lighting, or other visual or aural identification required to be installed on or in the vicinity of the structure, if any. The identification characteristics required must conform to federal laws and regulations. Notwithstanding any federal guidelines, and on consideration of the relevant facts, a permit may require lighting to be operational during daylight hours.

(2) Unless waived by the commission because of federal permit requirements or other valid reasons, the obstruction lights for a structure more than 800 feet above the ground elevation at the structure's site must be high intensity white obstruction lights and must be operational during daylight hours, in addition to any nighttime lighting requirement.

(3) If ordered by the commission, the owner of a nonconforming structure that is permanently out of service or partially dismantled, destroyed, deteriorated, or decayed shall demolish or remove the structure.

(4) Failure to maintain obstruction lights in an operable condition is a violation of this act.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987;—Am. 2016, Act 28, Eff. May 30, 2016.

**259.487 Application for permit; investigation; considerations; notice of determination; hearing.**

Sec. 7. (1) On receiving an application for a permit, the commission shall investigate as necessary to process the application properly under this act. In an investigation under this section, the commission shall consider the safety and welfare of persons and property in the air and on the ground and that consideration must be paramount to a consideration of economic and technical factors.

(2) If, on investigation, the commission determines that a permit should not be issued or that the height or location should be other than as applied for, the commission shall notify the applicant in writing of the commission's determination. The notification may be served by delivering it personally to the applicant or by sending it by first-class mail to the applicant at the address specified in the application. The determination is final 30 days after notification of the determination is served, unless the applicant, within the 30-day period, requests in writing that a hearing be held before the commission with reference to the application. The commission shall make a hearing under this section open to the public. Any person interested may appear and be heard either in person or by counsel and may present pertinent evidence and testimony.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987;—Am. 2016, Act 28, Eff. May 30, 2016.

**259.488 Building permits; conduct, controlling statute and rules for conduct of public hearings.**

Sec. 8. All public hearings shall be conducted as prescribed by Act No. 327 of the Public Acts of 1945, as amended, being sections 259.1 to 259.208 of the Compiled Laws of 1948, and the rules and regulations promulgated thereunder.

**History:** 1959, Act 259, Eff. Mar. 19, 1960.

**Administrative rules:** R 259.201 et seq. of the Michigan Administrative Code.

**259.489 Appeal.**

Sec. 9. Within 10 days after the issuance of an order or rule of the commission, a person aggrieved by the order or rule may appeal to or have the action of the commission reviewed by the circuit court of Ingham county in the manner provided for the review of orders of other administrative bodies of this state.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987.

**259.490 Action to enjoin, restrain, correct, or abate violation.**

Sec. 10. In addition to any other remedy, the commission may institute in a court of competent jurisdiction an action to enjoin, restrain, correct, or abate a violation of this act or of a rule or order of the commission issued pursuant to this act. The court may grant the relief necessary under this act and the rules and orders of the commission issued pursuant to this act.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987.



**259.491 Rules; forms.**

Sec. 11. The commission shall adopt and promulgate, and may from time to time amend or rescind, reasonable rules for the administration of this act in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. Publication and distribution of changes in the rules shall be at the commission's expense. The commission shall prescribe and furnish forms necessary for the administration of this act.

**History:** 1959, Act 259, Eff. Mar. 19, 1960;—Am. 1986, Act 296, Eff. Apr. 1, 1987.

**Administrative rules:** R 259.201 et seq. and R 259.241 et seq. of the Michigan Administrative Code.

**259.492 Violation of act; penalty.**

Sec. 12. Whoever violates or fails to comply with the provisions of this act shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00, or by imprisonment for not more than 1 year, or both. Each day that such violation or failure continues is a separate offense.

**History:** 1959, Act 259, Eff. Mar. 19, 1960.

**259.493 Tall structure act; short title.**

Sec. 13. This act shall be known and may be cited as the "tall structure act".

**History:** 1959, Act 259, Eff. Mar. 19, 1960.

## CHAPTER 124. MUNICIPALITIES

### INTERGOVERNMENTAL CONTRACTS BETWEEN MUNICIPAL CORPORATIONS Act 35 of 1951

AN ACT to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts.

**History:** 1951, Act 35, Imd. Eff. May 8, 1951;—Am. 1982, Act 138, Imd. Eff. Apr. 27, 1982;—Am. 1988, Act 36, Eff. July 1, 1988.

*The People of the State of Michigan enact:*

#### 124.1 Definitions.

Sec. 1. As used in this act:

(a) "Municipal corporation" means a county, charter county, county road commission, township, charter township, city, village, school district, intermediate school district, community college district, metropolitan district, court district, public authority, or drainage district as defined in the drain code of 1956, Act No. 40 of the Public Acts of 1956, being sections 280.1 to 280.630 of the Michigan Compiled Laws, or any other local governmental authority or local agency with power to enter into contractual undertakings. For purposes of sections 5 to 12b, "municipal corporation" includes a public transportation corporation.

(b) "Public transportation corporation" means a nonprofit corporation organized pursuant to the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws, to which 1 of the following applies:

(i) The primary purpose of the nonprofit corporation is providing public transportation services.

(ii) The nonprofit corporation receives funding from the specialized services assistance program under section 10e of Act No. 51 of the Public Acts of 1951, being section 247.660e of the Michigan Compiled Laws.

(c) "Public transportation" means that term as defined in section 10c of Act No. 51 of the Public Acts of 1951, being section 247.660c of the Michigan Compiled Laws.

**History:** 1951, Act 35, Imd. Eff. May 8, 1951;—Am. 1982, Act 138, Imd. Eff. Apr. 27, 1982;—Am. 1988, Act 36, Eff. July 1, 1988;—Am. 1996, Act 289, Imd. Eff. June 19, 1996.

#### 124.2 Intergovernmental contracts between municipal corporations; authorization.

Sec. 2. Any municipal corporation shall have power to join with any other municipal corporation, or with any number or combination thereof by contract, or otherwise as may be permitted by law, for the ownership, operation, or performance, jointly, or by any 1 or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

**History:** 1951, Act 35, Imd. Eff. May 8, 1951.

#### 124.3 Furnishing municipal service outside municipal corporate limits; definitions.

Sec. 3. (1) A municipal corporation may contract for adequate consideration with a person or another municipal corporation to furnish to property outside the municipal corporate limits any lawful municipal service that it is furnishing to property within the municipal corporate limits. A municipal corporation may sell and deliver heat, power, and light in amounts as determined by the governing body of the utility, except for both of the following:

(a) Electric delivery service is limited to the area of any city, village, or township that was contiguous to the municipal corporation as of June 20, 1974, and to the area of any other city, village, or township being served by the municipal utility as of June 20, 1974.

(b) Retail sales of electric generation service are limited to the area of any city, village, or township that was contiguous to the municipal corporation as of June 20, 1974, and to the area of any other city, village, or township being served by the municipal utility as of June 20, 1974.

(2) A municipal corporation shall not render electric delivery service for heat, power, or light outside its corporate limits to a customer that is currently receiving or within the previous 3 years has received the service from another utility unless the serving utility consents in writing.

(3) As used in this section: