

Conway Township Planning Commission Meeting Agenda

August 9, 2021

Next meeting September 13, 2021

1. Call to order and pledge of allegiance
2. Roll Call and sign-in: (Londa Horton, George Pushies, Chuck Skwirsk, Meghan Swain-Kuch, Dave Whitt, Keith Wasilenski, Todd Thomas, Chris Atkin, Abby Cooper)
3. Approve August 9, 2021 Meeting Agenda
4. Approve minutes of July 12, 2021 Meeting
5. Communications
6. Call to Public
7. Public Hearing – Medical Marijuana Caregiver Operation
8. Old Business
 - a. Have we received a reply from Livingston County Planning Commission on the one change we requested to Article 17 sign standard to remove the word “direct” from table 17.07-1?
 - b. Review Abby’s list for pending zoning revisions
 1. Accessory Dwelling Units – Chris Atkin to add a section for attached ADUs and research need for a dual address requirement.
 - c. Outstanding questions Todd Thomas was to call Hrant resident regarding Medical Marijuana Caregiver Operation.
 - d. Status on Luke Bryant site plan application
9. New Business
 - a. Begin preparation for developing new Master Plan
10. Zoning Administrator Report – Todd Thomas
11. Update from the Board – George Pushies
12. Last Call to Public
13. General Discussion
14. Adjournment

Planning Commission Meeting Member Sign-in

Date: _____

Londa Horton	
George Pushies (Ex Officio)	
Chuck Skwirsk	
Meghan Swain-Kuch	
Todd Thomas	
Keith Wasilenski	
Dave Whitt	

PROPOSED ZONING ORDINANCE AMENDMENTS

August 9, 2021

Ready for Public Hearing

	SUBJECT	ZO SECTION	STATUS	COMMENTS
1.	Event Barns	New Section 13.10(W) & Spec Use 7.07 (A)(22), 8.03(A)(13), 10.03(A)(11), and 11.03(A)(10)	Scheduled for Public Hearing 9/13/21	Draft approved by PC at 5/10/21 meeting
2.	Accessory Structures	Amend Section 6.06 Article 2 Def ("Structure")	Scheduled for Public Hearing 9/13/21	Draft approved by PC at 5/10/21 meeting
3.	Parking Space Requirements for Event Barns	Amend Section 15.04	Scheduled for Public Hearing 9/13/21	Draft approved by PC at 6/14/21 meeting
4.	Medical Marijuana Caregivers	Amend Section 6.25	Scheduled for Public Hearing 9/13/21	AHC remove Paragraph G(9)
5.	Land Division-have 4/1 rule apply only to parcels 10 acres or less	Section 7.05, 8.05, and 10.05	Scheduled for Public Hearing 9/13/21	Draft approved by PC at 7/12/21 meeting
6.	Solar Energy Collectors-Amend 1,000 ft setback to 200 ft	Section 6.26(F)(14)	Scheduled for Public Hearing 9/13/21	Draft approved by PC at 6/14/21 meeting
PENDING				
A	Accessory Dwelling Units	New Section 6.27 (Hold, No P.H.)	Chris to continue working on	

**CONWAY TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
NOTICE OF PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENTS**

PLEASE TAKE NOTICE that the Conway Township Planning Commission will hold a public hearing at its regular meeting on September 13, 2021, commencing at 7:00 p.m. at the Conway Township Hall located at 8015 N. Fowlerville Road, Fowlerville, Michigan 48836, to review the proposed amendments to the Conway Township Zoning Ordinance, as follows:

1. Event Structures. Allow for special event/wedding structures and venues as a special land use with the addition of new Sections 13.10(W), 7.07(A)(22), 8.03(A)(13), 10.03(A)(11), and 11.03(A)(10).
2. Accessory Structures. Amend Sections 6.06 and Article 2 definition Structure regarding regulations applied to accessory structures and buildings.
3. Parking Space Requirements for Event Structures. Amend Section 15.04 to provide parking regulations for special event/wedding structures and venues.
4. Medical Marijuana Caregivers. Amend Section 6.25 to update outside agency references and to update consumption and delivery regulation to be consistent with current law.
5. Land Division. Amend Sections 7.05, 8.05, and 10.05 to remove reference to the 4/1.
6. Solar Energy Collectors. Amend Section 6.26(F)(14) to reduce set back from 1,000 ft. to 200 ft.

The Planning Commission reserves the right to modify or alter the proposed ordinance amendments at or following the public hearing and to make its decision accordingly.

Written comments concerning the above matter may be submitted to the Conway Township Clerk at any time prior to the public hearing, and may further be submitted to the Planning Commission at the public hearing. The complete text of the proposed amendments may be examined at the Township Hall during regular Township business hours, which are 9-3 Tuesdays and Wednesdays, or on the Township's website, www.conwaytownship.com, after the publication of this Notice and until and including the day of the meeting. The complete text of the proposed amendments may be further examined at the meeting.

Conway Township will provide necessary, reasonable auxiliary aids and services at the meeting to individuals with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, upon ten days' notice to the Conway Township Clerk. Individuals with disabilities requiring auxiliary aids or

services should contact the Clerk by writing or calling the following: 8015 N Fowlerville, Fowlerville, MI 48836 or call 517 223-0358, between the hours of 9-3 Tuesdays and Wednesdays.

The complete text of the Conway Township Zoning Ordinance, as amended, may be examined at the Township Hall, 8015 N. Fowlerville, Fowlerville, MI 48836, during regular Township business hours, which are 9-3 Tuesdays and Wednesdays, or on the Township's website, www.conwaytownship.com.

Elizabeth Whitt, Clerk
Conway Township
8015 N. Fowlerville Road
Fowlerville, MI 48836
517-223-0358

**PROPOSED ZONING ORDINANCE LANGUAGE
FOR SPECIAL EVENT/WEDDING STRUCTURES AND VENUES
New Section 13.10(W)**

May 10, 2021

W. Special Event/Wedding Structures and Venues.

- 1. Intent and Purpose.** This special land use is for the conversion of existing farm structures or construction of new structures of a farm, rustic or similar style, and the use of surrounding grounds for organized meeting and/or reception space as a gathering place for weddings, parties, and corporate events.
- 2. Site Requirements and Performance Standards.** All special event/wedding structures, venues, and surrounding grounds shall be subject to the following requirements and standards:
 - a. All approved special land uses for special wedding structures, venues, and surrounding grounds are subject to an annual review by the Zoning Administrator for compliance purposes as stated in Section 13.06 (D).
 - b. The minimum parcel size shall be twenty (20) acres.
 - c. A five hundred (500) foot open buffer shall be provided on all sides of the property not abutting a public roadway. Special event activities are not permitted within this buffer area. Where possible, agricultural crops shall remain or be grown in the buffer area, or suitable landscaping shall be installed, to maintain the rural/agricultural character of the site.
 - d. A landscape buffer meeting the requirements of Article 6 shall be installed along all property boundaries abutting a residentially zoned district or residential use. The Planning Commission may request additional landscaping to provide further screening/buffer from lights or noise.
 - e. Parcels shall have unobstructed frontage and provide direct ingress and egress to a solid surface public road.
 - f. All ingress/egress shall be designed in such a manner to minimize traffic hazards associated with entering and exiting the public roadway and meet the requirements and standards of Article 16.
 - g. Access drives on private easements are not permitted.
 - h. Event parking area design shall meet the requirements and standards of Article 15.
 - i. Parking is not permitted within the designated front yard, required buffer area, public or private right of way, or within any other setback areas required by this Ordinance.
 - j. Barrier-free parking spaces and pathway shall be a solid surface and meet ADA requirements.
 - k. Lighting shall be the minimum necessary to provide for site safety and comply with ordinance standards. Lighting shall be directed away from all adjacent properties.
 - l. Structures shall meet Fire Code standards and shall be inspected by the Fowlerville Area Fire Department and Livingston County Building Department prior to issuance of a Certificate of Occupancy.
 - m. Amplified music and dancing are permitted only within the event structure as part of the special use permit. Township noise ordinance shall be observed and complied with.

**PROPOSED ZONING ORDINANCE LANGUAGE
FOR SPECIAL EVENT/WEDDING STRUCTURES AND VENUES
New Section 13.10(W)**

May 10, 2021

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- n. No portable restroom facilities shall be permitted. A permanent restroom facility plan must be approved by the Livingston County Health Department.
 - o. The sale and consumption of alcohol beverages on the premises are subject to all applicable local and state licensing requirements.
 - p. Tents are permitted only for outdoor wedding ceremonies.
 - q. Applicants for a special use permit under this subsection shall, in addition to any other special use and site plan application requirements, provide the following information at the time of application:
 - 1. Ownership of the property.
 - 2. A site plan for the entire parcel, including proposed ingress/egress, parking areas, and capacity and otherwise consistent with Article 14.
 - 3. Proposed hours/days of operation.
 - 4. The size of the event facility and guest capacity, including a floor plan of the structure and other areas/structures to be utilized. Applicant must provide a copy of Certificate of Occupancy for any structures included in the event.
 - 5. The anticipated number of events per year.
 - 6. The maximum number of attendees per event, which shall not exceed the capacity of all utilized structures.
 - 7. Number of full- and part-time employees.
 - 8. Provision of restroom facilities.
 - 9. Location of refuse receptacles and method of disposal.
 - 10. Proposed signage.
 - 11. Use of music at the facility, including types of sound amplification.
 - 12. Identification of any temporary structures or tents to be used in association with events.
 - 13. Evidence of insurance coverage.
 - 14. Any other documentation required by the Zoning Administrator.

**PROPOSED AMENDMENT TO PERMIT SPECIAL
EVENT/WEDDING STRUCTURES AND VENUES AS SPECIAL
USES IN ALL ZONING DISTRICTS**

May 10, 2021

ARTICLE 7. AGRICULTURAL RESIDENTIAL DISTRICT

Section 7.03 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. One (1) additional single-family home or dwelling unit on parcels of twenty (20) acres or more, for use by persons or a family that are employed by the agricultural pursuits of the operating farm located on-site. The additional home must meet requirements of Michigan's Construction Code;
 2. Home Occupation Class II;
 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. Wireless communication support structures and radio and television broadcast towers;
 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);
 19. Medical Marijuana Caregiver Operation (see Section 6.25);
 20. Ground-Mounted Solar Energy Collector (See Section

**PROPOSED AMENDMENT TO PERMIT SPECIAL
EVENT/WEDDING STRUCTURES AND VENUES AS SPECIAL
USES IN ALL ZONING DISTRICTS**

May 10, 2021

6.26);

21. Commercial Solar Energy System (See Section 6.26);

22. Special Event/Wedding Structures and Venues. (See
Section 13.10).

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ARTICLE 8. R RESIDENTIAL DISTRICT

Section 8.03 Special Uses

- A. The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 13, Special Land Uses.
1. Multiple family dwellings;
 2. Single family attached dwellings;
 3. Senior housing complexes
 4. Bed and breakfast homestay;
 5. Home Occupation Class II;
 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);
 12. Ground-Mounted Solar Energy Collector (See Section 6.26).
 13. Special Event/Wedding Structures and Venues. (See Section 13.10).

ARTICLE 10. C COMMERCIAL DISTRICT

Section 10.03 Special Uses

- A. The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 13 Special Land Uses:

**PROPOSED AMENDMENT TO PERMIT SPECIAL
EVENT/WEDDING STRUCTURES AND VENUES AS SPECIAL
USES IN ALL ZONING DISTRICTS**

May 10, 2021

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);
9. Ground-Mounted Solar Energy Collector (See Section 6.26);
10. Commercial Solar Energy System (See Section 6.26);
11. Special Event/Wedding Structures and Venues. (See Section 13.10).

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ARTICLE 11. I INDUSTRIAL DISTRICT

Section 11.03 Special Approval

- A.** The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the approval of the Planning Commission pursuant to the standards of Article 13 Special Land Uses.
1. Public Utility Uses. Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.
 2. Retail and Service. The following retail and service establishments may be permitted provided that such establishments are clearly ancillary to the permitted industrial uses and are in keeping with the intent of this district:
 - a. Eating and drinking establishments, when food or beverage is consumed, within a completely enclosed building. Establishments with a

**PROPOSED AMENDMENT TO PERMIT SPECIAL
EVENT/WEDDING STRUCTURES AND VENUES AS SPECIAL
USES IN ALL ZONING DISTRICTS**

May 10, 2021

- character or drive-in or open front store are prohibited.
- b. Barber and beauty shops.
- c. Truck, tractor, construction equipment, agricultural implement and trailer sales, rental and repair.
- d. Motels.
- e. Service stations and self-service stations.
- 3. Dog Kennels, Rabbitries and the Raising of Fur-bearing Animals.
- 4. Drive-in Theaters. Drive in theatres may be permitted provided that any such site is adjacent to a major thoroughfare, that there shall be no vehicular access to any residential street; that suitable screening is provided to ensure that there shall be no high light tower or other illumination directed upon any residentially zoned or developed property;

and so that the picture is not visible from a major thoroughfare; and that any such drive-in theaters shall be located no closer than five hundred (500) feet to any residentially zoned or developed property.
- 5. Junkyards.
- 6. Adult regulated uses (See Section 13.05(V));
- 7. Small, Medium, and Large Wind Energy Turbines (See Section 6.24).
- 8. Ground-Mounted Solar Energy Collector (See Section 6.26).
- 9. Commercial Solar Energy System (See Section 6.26);
- 10. Special Event/Wedding Structures and Venues. (See Section 13.10).

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

May 12, 2021

SECTION 1 – AMENDMENT TO ARTICLE 2. DEFINITIONS

Structure. (See also Building.) Anything constructed or erected, the use of which requires location on the ground or attachment to something having a permanent location on the ground, excepting driveways, concrete slabs, patios, children's play sets, light poles, flag poles, and ground-mounted solar energy collectors.

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SECTION 2 – AMENDMENT TO ARTICLE 6. GENERAL AND SUPPLEMENTARY REGULATIONS

Section 6.06 Supplemental Regulations Pertaining to Accessory Buildings and Structures.

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Lot/parcels in the R Residential and AR Agricultural Residential zoning districts are allowed accessory buildings and structures, as defined by ordinance, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

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A. **Relation to Principal Building.** Detached accessory buildings and structures are permitted only in connection with, incidental to, and on the same lot/parcel with a detached single-family dwelling where the detached single family dwelling is the principal building, and residential is the principal use, as permitted in the particular zoning district. A detached accessory building or structure may be permitted on a separate lot/parcel in conjunction with a farm or agriculturally related use, as defined, under same ownership in the AR Agricultural Residential District.

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B. **Permit Required.** Any accessory building of two hundred (200) square feet or more shall require a building permit from the Livingston County Building Department.

C. **Attached Accessory Buildings.** Where the accessory building is attached to a principal building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main building. Attached accessory buildings are exempt from the aggregate area calculation as described in Section 6.06(F).

D. **Yard Locations.** Detached accessory buildings and structures shall be located in the rear yards outside of the minimum required yard area except:

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Private

1. Detached private residential garages may be allowed in the side yard, adjacent to the principal residential structure, but not forward of the front building.

2. Detached parking garages or carports may be permitted in the non-required front yard of attached residential dwelling complexes provided that the Planning Commission approves the

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site plan, elevation drawings and construction material. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.

3. Where the lot dimensions make rear yard locations impossible, the Planning Commission may waive restrictions on front yard placement of detached accessory buildings and structures.

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- E. All impervious surface runoff (roof, drive and parking area(s)) shall be directed away from all adjacent lots/parcels. Method of diversion shall be subject to review and approval by the Zoning Administrator.

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F. Number of Accessory Structures.

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1. On AR Agricultural Residential and R Residential zoned lots/parcels of two (2) acres in area or less, are permitted a maximum of two (2) detached accessory buildings and/or structures, excluding ground-mounted solar energy collectors.

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2. On AR Agricultural Residential and R Residential zoned lots greater than two and one-hundredth (2.01) acres, are permitted any number of detached accessory buildings and/or structures.

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Deleted: shall be regulated by the maximum coverage requirements of Section 6.06(I) unless accessory buildings and structures are for active agricultural conduct and are eligible for an agricultural waiver under 6.06(F) below.

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Deleted: of twenty (20) acres or greater.

- G. Number of Agricultural Accessory Structures. On AR Agricultural Residential zoned lots/parcels with active agricultural pursuits, the number of detached accessory buildings and structures shall be regulated by agricultural waiver. Such waiver may be obtained from the Conway Township Zoning Administrator. A waiver shall be obtained from said Administrator prior to building construction. All other applicable requirements of this ordinance shall apply to AR Agricultural Residential zoned lots/parcels.

- H. Height of Non-Farm Accessory Structures. No detached accessory non-farm building or structure shall exceed the maximum heights permitted in the R Residential District (See Section 8.04), except for antennas as noted in Section 6.17.

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- I. Height of Farm Accessory Structures. No detached accessory farm building or structure shall exceed the maximum heights permitted in AR Agricultural Residential District (See Section 7.04).

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- J. Required Setbacks for Detached, Accessory Residential Buildings and Structures (over 200 square feet total floor area). Detached accessory residential buildings and structures over two hundred (200) square feet of floor area shall be at least ten (10) feet from the principal building to which they are accessory, at least twenty-five (25) feet from

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Maximum Coverage. On all R Residential zoned lots and AR Agricultural Residential zoned lots of greater than two (2) acres, the combined square footage of all accessory buildings, structures and uses, excluding swimming pools, may occupy a maximum of twenty percent (20%) of the total yard area.¶

any public street right-of-way line, at least fifteen (15) feet from any side or rear lot line, at least twenty-five (25) feet from any shoreline or drain easement, at least twenty-five (25) feet from the edge of any wetland, and at least forty (40) feet from any principal building on an adjacent property. In no instance shall any accessory building or structure be located within a dedicated easement or road right-of-way.

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

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

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

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- N. **Accessory Structures Constructed Prior to or Without a Principal Building.** Notwithstanding any provision to the contrary in Section 6.06(A), an accessory building and/or structure may be constructed prior to or without a principal building or dwelling provided that a plot plan is submitted to the Zoning Administrator that demonstrates to the Zoning Administrator's satisfaction that such proposed accessory building or structure will not inhibit the future construction of a principal building in compliance with the requirements of this Zoning Ordinance. No commitment to build any future principal building shall be required. If an approval is obtained for an accessory building or structure to be

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constructed prior to or without a principal building, the location of the accessory building or structure must allow for a future principal building to be located in front of the accessory building or structure, unless otherwise permitted by this ordinance, and shall meet the required setbacks.

- O. **Occupancy of Accessory Structures or Basements.** Buildings erected after the effective date of this ordinance such as garages or ~~accessory buildings shall not be used or occupied for dwelling purposes at any time.~~

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- P. **Design Standards.** Accessory buildings in the R Residential district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. ~~Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.~~

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Type of Use	Required Number of Spaces
Schools and Vocational and Technical Training Facilities	One (1) space per employee, plus one (1) space for each five (5) students based on the legal capacity of the facility, plus one (1) space per each four (4) seats of auditorium and gymnasium
Single and Two-Family Dwellings	Two (2) spaces for each dwelling unit
Single Family Attached Dwellings	Three (3) spaces for each dwelling unit, plus one (1) space per five (5) units for guest parking
Special Event/Wedding Structures and Venues	One (1) space per three (3) people, based on the occupancy load of the building.
Veterinary Hospital, Clinics, and Commercial Kennels	One (1) space for each three hundred (300) square feet of gross floor area, plus one (1) space per employee on the largest work shift

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If a particular use is not specifically listed, the Planning Commission, in its discretion, may choose the closest similar use to the use not specifically listed and apply or deviate from the requirements to fit the new use.

Section 15.05 Site Development Requirements

- A. **Ingress and Egress.** A suitable means of ingress and egress shall be provided by clearly defined driveway and maneuvering lanes that are located to minimize traffic congestion and interference with pedestrian movement.
- B. **Parking in Public Right-of-Way Prohibited.** Parking spaces shall be designed so that no vehicle shall be permitted at any time to wait or stand within a public right-of-way.
- C. **Directional Signs and Controls.** Necessary directional signs and controls as are required by the Planning Commission and the Livingston County Road Commission shall be established and maintained by the owner or lessee of the parking spaces.
- D. **Illumination.** All illumination of parking lots or display areas shall be designed, installed and shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse effect on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be twenty (20) feet.
- E. **Curbing, Wheel Blocks and Bumper Blocks.** Curbing, wheel blocks or bumper blocks shall be provided where

Type of Use	Required Number of Spaces
Schools and Vocational and Technical Training Facilities	One (1) space per employee, plus one (1) space for each five (5) students based on the legal capacity of the facility, plus one (1) space per each four (4) seats of auditorium and gymnasium
Single and Two-Family Dwellings	Two (2) spaces for each dwelling unit
Single Family Attached Dwellings	Three (3) spaces for each dwelling unit, plus one (1) space per five (5) units for guest parking
<u>Special Event/Wedding Structures and Venues</u>	<u>One (1) space per three (3) people, based on the occupancy load of the building.</u>
Veterinary Hospital, Clinics, and Commercial Kennels	One (1) space for each three hundred (300) square feet of gross floor area, plus one (1) space per employee on the largest work shift

If a particular use is not specifically listed, the Planning Commission, in its discretion, may chose the closest similar use to the use not specifically listed and apply or deviate from the requirements to fit the new use.

Section 15.05 Site Development Requirements

- A. **Ingress and Egress.** A suitable means of ingress and egress shall be provided by clearly defined driveway and maneuvering lanes that are located to minimize traffic congestion and interference with pedestrian movement.
- B. **Parking in Public Right-of-Way Prohibited.** Parking spaces shall be designed so that no vehicle shall be permitted at any time to wait or stand within a public right-of-way.
- C. **Directional Signs and Controls.** Necessary directional signs and controls as are required by the Planning Commission and the Livingston County Road Commission shall be established and maintained by the owner or lessee of the parking spaces.
- D. **Illumination.** All illumination of parking lots or display areas shall be designed, installed and shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse effect on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be twenty (20) feet.
- E. **Curbing, Wheel Blocks and Bumper Blocks.** Curbing, wheel blocks or bumper blocks shall be provided where

Section 6.25 Medical Marijuana Uses

A. Findings. These requirements for Medical Marijuana Uses are based on the following findings of fact:

1. Voter Approved. Voters in the State of Michigan approved Initiated Law 1 of 2008 authorizing the use of marijuana for certain medical conditions, resulting in the passage of the Michigan Medical Marijuana Act, MCL 333.26421 et seq., as amended ("the Act" or "MMMA").
2. Intent. The intent of the Initiated Law was to enable certain persons specified in the Act who comply with the registration provisions of the Act to legally obtain, possess, cultivate/grow, use, and distribute marijuana, and to assist specific registered individuals identified in the Act without fear of State law criminal prosecution under limited, specific circumstances set forth in the Act
3. Controlled Substance. Despite the specifics of the Act and the permitted activities set forth therein, marijuana remains a controlled substance under Michigan and Federal law. Obtaining, possession, cultivation/growth, use, and distribution of controlled substances has a potential for abuse that should be closely monitored and regulated, to the extent permissible under the Act, by local authorities. Given the effect of the Act on municipalities, it is in the best interest of municipalities to use their zoning authority to adopt reasonable regulations to mitigate and/or prevent harmful secondary effects that could negatively affect health, safety, welfare, and quality of life of their residents.

B. Purpose. It is the purpose of this Section to impose specific requirements for those individuals registering with the State of Michigan as a "qualifying patient" or a "primary caregiver" as those terms are defined in the Act, and to regulate the conduct of activity pursuant thereto in the Township so as to protect the health, safety and welfare of the general public. Conway Township is not legalizing or permitting the use of controlled substances within its borders, whether that substance is medical marijuana or any other identified as a controlled substance. Rather, Conway Township is establishing locations and regulations for uses set forth in the Act to comply with the Act. If after adoption, any portion of the Act is repealed, or any portion of the Act is deemed unconstitutional by the Michigan Supreme Court or a lower Michigan court decision chosen not to be heard by the Michigan Supreme Court, any activities or uses within this Ordinance applicable to the repealed or unconstitutional portion of the Act are immediately repealed as well.

It is further intended that nothing in this Section be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for nonmedical purposes or allow activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal under State law.

C. **Definitions.** For purposes of this Ordinance, the words and phrases contained herein shall have the meanings set forth in the Act and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of the Act, inclusive of all amendments to the Act. For the purposes of this Ordinance, the terms “marijuana” and “marihuana” as used here, in the Act, and elsewhere, shall be synonymous.

1. Drug Paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, prepackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act 368 of the MI Public Acts of 1978, as amended) in violation of the laws of the State of Michigan.
2. Medical Marijuana Caregiver Operation or Caregiver Operation means any registered primary caregiver who cultivates produces, sells, distributes, possesses, transports, or makes available marijuana in any form to a qualifying patient for medical use in accordance with the Act. The term “caregiver operation” shall not include the private possession, production, or medical use of marijuana by a registered qualifying patient in compliance with the restrictions of this ordinance.
3. Medical Marijuana Collective, Cooperative, or Dispensary means any facility, structure, dwelling, or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver, or registered qualifying patient. The term “collective” or “cooperative” or “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Act and the Administrative Rules of the Michigan Department of Health and Human Services. A marijuana collective, cooperative, or dispensary shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on- site patient use only: a State-licensed health care facility, a state-licensed residential care facility for the elderly or infirm, or a residential hospice care facility.
4. Medical Use of Marijuana, also known as Marihuana, also known as Cannabis has the meaning given to it in Section 7106 of the Michigan Public Health Code, as it is referred to in Section 3(4) of the Act. Any other term pertaining to marijuana used in this Section shall have the meaning given to it in the Act and/or in the General Rules of the Michigan Department

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of Health and Human Services issued in connection with the Act.

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5. Primary Caregiver or Registered Primary Caregiver is defined as set forth in the Act.
6. Qualifying Patient or Registered Qualifying Patient is defined as set forth in the Act.

D. Compliance Required. “Qualifying patients” or “primary caregivers” as those terms are defined in the Act, shall comply with the requirements of Section 6.25(F) for qualifying patients, and the requirements of Section 6.25(G) for primary caregivers. The medical use of marijuana shall comply at all times and in all circumstances with the Act and the General Rules of the Michigan Department of Health and Human Services. Caregiver operations shall be available for inspection, during business hours, by the Zoning Administrator, to confirm the operation is operating in accordance with State laws and Township ordinances.

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E. Marijuana Collectives, Cooperatives and Dispensaries Prohibited. It shall be unlawful to establish or operate a for-profit or nonprofit Medical Marijuana Collective, Cooperative, or Dispensary in Conway Township.

It is the express intent of Conway Township not to allow the operation of any kind of marijuana facility pursuant to 2016 PA 281, MCL 333.27205(1), 2016 PA 282, and 2016 PA 283, within the boundaries of the Township.

F. Requirements for Qualifying Patients. Any person who has been issued and possesses a valid registry identification card as a qualifying patient as set forth in the Act shall comply with the following requirements:

1. Consumption. Consumption of marijuana by a qualifying patient may not occur in any public place.
2. Growing for Personal Use. Growing of marijuana by a qualifying patient for his or her own personal use, as set forth in the Act, is permitted in any location within the Township, subject to the following requirements:
 - a. Patient Control. The site must be under the control, through written lease, contract, or deed, in favor of the qualifying patient.
 - b. Enclosed, Locked Facility. Such growing, indoors and outdoors, shall only be allowed as set forth by the Act and subject further to the requirements of Sections 6.25(G)(2).
 - c. Lighting. Artificial lighting is permitted for the purposes of growing marijuana as set forth in Section 6.25(G)(3).

Deleted: at a medical marijuana caregiver operation, at any place of business, or

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G. Requirements for Caregiver Operations. Any person who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in

the Act is a “medical marijuana caregiver operation” for the purposes of this Ordinance, and shall comply with the requirements identified below.

1. Where Permitted. A primary caregiver shall conduct his or her growing operation and/or provide services to a qualifying patient only in the AR District as a special land use. The site must be under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility.
2. Growing. Growing of marijuana shall only be allowed as set forth in the Act, including the requirement that plants must be located within an enclosed, locked facility. An enclosed locked facility means:

a. For marijuana grown indoors, a closet, room or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient associated with that facility.

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b. For marijuana grown outdoors:

- i. An area that is not visible to the unaided eye from an adjacent property when viewed by an individual standing at ground level or from a permanent structure; and
- ii. Are grown in a stationary structure that is enclosed on all sides, except for the base, by six foot high chain link fencing, wooden slats, or similar fencing/wall material that prevents access by the general public and that is anchored, attached or affixed to the ground; and
- iii. Located on land that is owned, leased, or rented by either a registered primary caregiver or the registered qualifying patient for whom the marijuana plants are grown; and
- iv. Equipped with functioning locks and other security devices that restrict access to only the associated qualifying patient or caregiver.

The required fencing or wall shall be of new, high quality material, shall meet all County and Township Code requirements, and is subject to Township inspection at any time to insure that it remains in proper and functioning condition.

3. Lighting. Lighting used for the purposes of growing marijuana is permitted subject to the following:

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- a. For marijuana grown outdoors: Lighting shall not be illuminated from 7:00 pm to 7:00 am the following day. All lights shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
- b. For marijuana grown indoors: Lighting shall not be visible outside the building from 7:00 pm to 7:00 am the following day. All lights shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed. Lighting cast by exterior light fixtures other than for the purposes of growing marijuana shall comply with the provisions of Section 6.16(J).

4. One Caregiver per Approved Caregiver Operation. The structure and location from which a primary caregiver grows, cultivates, or otherwise provides services to his or her qualifying patients shall not be used by more than one primary caregiver for that primary caregiver's services as allowed under the Act.

5. Delivery Method. Transfers of medical marijuana from the primary caregiver to his or her qualifying patient(s) shall be accomplished only by a person 21 years of age or older.

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Deleted: the delivery of medical marijuana by the primary caregiver to the home of the qualifying patient. No onsite transfer to a qualifying patient is permitted.

6. Location. Caregiver operations shall comply with the following location requirements:

- a. Separation Measurement. The distances set forth below shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the caregiver operation, or between the nearest point of the zoning district boundary from which the caregiver operation is to be separated to the nearest point of the property line of the caregiver operation.
- b. Separation from Schools. The location shall not be located within 1,000 feet of any public or private school having a curriculum including kindergarten or any grades between 1 and 12, or any state-licensed child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
- c. Separations. The location from which a primary caregiver grows for service to a qualifying patient shall not be within 1000 feet of any of the following:
 - i. Caregiver to caregiver;
 - ii. A church, place of worship, or other religious facility;
 - iii. A public library, public park, or public playground;

Additional separation requirements may be recommended by the Planning Commission and approved by the Township Board.

7. **Operation in Conjunction with Other Uses.** To facilitate monitoring, and to comply with the limited access requirements of the Act, a caregiver operation must be located in a single use building with an outside entrance separate from any other use, except for a permitted single family residential dwelling or permitted single family accessory structure. No other commodity, product or service shall be available on the same lot.
8. **Sales of Paraphernalia Prohibited.** No sales of drug paraphernalia as defined herein are permitted, except to the qualifying patients of that caregiver.

9. **Special Land Use Permit Fee and Annual Renewal Required.** To ensure compliance with the Act and the requirements set forth herein, all Medical Marijuana Caregiver Operation special land use permits shall require payment of an annual fee as set forth by the Township Board, and shall expire one (1) year after issuance. Renewal of the special land use permit shall be granted upon successful completion of a Township inspection of the caregiver operation site, confirming the Primary Caregiver remains legally registered with the State of Michigan, the caregiver operation complies with the requirements set forth in the Act, and the caregiver operation complies with Section 6.25.

Deleted: <#>Consumption. Consumption of marijuana by a qualifying patient may not occur at a caregiver operation, at any place of business, in any public place, or at a primary caregiver's dwelling unit. In the case where a registered caregiver is also a registered qualifying patient, consumption exclusively by the caregiver/patient at the caregiver/patient's dwelling unit is permitted. Also a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at the same dwelling unit.¶
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Deleted: <#>Special Land Use and Site plan Approval Required. Special land use and site plan approval shall be required for any Medical Marijuana Caregiver Operation prior to its establishment in Conway Township. The requirements and procedures of Article 13 Special Land Uses and Article 14 Site Plan Review of this Ordinance shall apply.¶

- H. **Security.** Qualifying patients and primary caregivers shall provide secure locations, consistent with the Act, for cultivation and storage of medical marijuana. Primary caregivers shall submit a security plan and a floor plan identifying the number of plants, storage locations for chemical and growing materials, and other critical aspects of the layout, and how they intend to secure the facility, with the special land use application. Security measures for primary caregiver operations shall include, but are not limited to, security cameras installed to monitor all areas of the premises where persons may gain or attempt to gain access to marijuana or cash. Security cameras shall have at least 120 concurrent hours of digitally recorded documentation. In addition a monitored alarm system shall be provided. The recorded data shall be made available to law enforcement personnel and the Conway Township Zoning Administrator or other Township designee upon request to allow confirmation of compliance with these regulations. The Township may require additional security measures such as fencing, security lighting, and other measures as conditions of the special land use approval. The security plan shall be considered a confidential document by the Township and exempt from disclosure under the Freedom of Information Act.
- I. **Building Approvals.** Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits and approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection to ensure compliance with applicable fire code and the security requirements of the Act.
- J. **Taxes Paid.** No special land use shall be approved by the Township unless the property taxes are paid and up-to-date at the time of approval.
- K. **Signage.** A primary caregiver operation shall not bear any sign or emblem that would

indicate the presence of the MMMA related activity.

- L. MMMA Amendments.** The regulations herein pertaining to Medical Marijuana use shall at all times refer to and comply with Initiated Law 1 of 2008, inclusive of any and all amendments to the Act, and any and all related regulations and their amendments. If any section of these regulations is found to be inconsistent with or in violation of the Act, only that section shall cease to have effect; all other sections shall remain in full force and effect.

Section 7.05 Additional Dimensional Requirements

- A. **Minimum Lot Size.** The minimum lot areas specified in Section 7.04 Schedule of Area, Height and Bulk Requirements, are for all uses in the AR Agricultural Residential District unless otherwise specified in Article 6 General and Supplementary Regulations or Article 13 Special Land Uses.
- B. **Rights of Way.** Power lines, pipelines and structures within existing public rights of way (not including buildings) of public utility companies shall be exempt from the area, placement and height regulations of this district.
- C. **Accessory Buildings.** Accessory buildings, structures and uses (with the exception of an automobile garage) are prohibited in the minimum required yard area. Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main building. (See Section 6.06 for Supplemental Regulations Pertaining to Accessory Buildings and Structures.)

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Lots and parcels shall not exceed a 1 to 4 (1:4) width-to- depth ratio.¶

Section 8.05 Additional Dimensional Requirements

- A. **Minimum Lot Size.** The minimum lot areas specified in Section 8.04 Schedule of Area, Height and Bulk Requirements are for all uses in the R Residential District unless otherwise specified in Article 6 General and Supplementary Regulations or Article 13 Special Land Uses.
- B. **Rights of Way.** Power lines, pipelines and structures within existing public rights of way (not including buildings) of public utility companies shall be exempt from the area, placement and height regulations of this district.
- C. **Accessory Buildings.** Accessory buildings, structures and uses (with the exception of an automobile garage) are prohibited in the minimum required yard area. Where the accessory structure is attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main building (See Section 6.06 for Supplemental Regulations Pertaining to Accessory Buildings and Structures).

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Lots and parcels shall not exceed a 1 to 4 (1:4) width-to-depth ratio.¶

Section 10.05 Additional Dimensional Requirements

- A. **Minimum Lot Size.** The minimum lot areas specified in Section 10.04 Schedule of Area Height, and Bulk Requirements, are for all uses in the C Commercial District unless specified in Article 6 General and Supplementary Regulations or Article 13 Special Land Uses.
- B. **Height.** No commercial uses in the C Commercial District shall be permitted or specially permitted at a height that compromises the “clear zone” (as defined by the FAA) of any public and private airport, heliport or related use.
- C. **Accessory Buildings.** Accessory buildings, structures and uses are prohibited in the minimum required yard area. Where the accessory structure is attached to a main building, it shall be subject to and must conform with all yard requirements of this ordinance

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Lots and parcels shall not exceed a 1 to 4 (1:4) width-to-depth ratio.¶

Section 6.26 Solar Energy Collectors

A. Purpose and Intent.

Conway Township promotes the effective and efficient use of solar energy collection systems. It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Building-mounted and ground-mounted solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

B. Criteria For the Use of All Solar Energy Equipment.

1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
2. Solar energy equipment shall be repaired, removed, or replaced within six (6) months of becoming nonfunctional.
3. All solar energy equipment must conform to all County, State, and Federal regulations and safety requirements as well as applicable industry standards.

C. Application to Zoning Administrator.

An applicant who seeks to install building-mounted solar energy equipment or certain ground-mounted solar energy collector systems shall submit an application to the Zoning Administrator upon forms furnished and approved by the Conway Township Board of Trustees. The application must be approved in writing by the Zoning Administrator. The application shall include the following:

1. Photographs of the property's existing conditions.
2. Renderings or catalogue cuts of the proposed solar energy equipment.
3. Certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
4. Plot plan to indicate where the solar energy equipment is to be installed on the property.
5. Description of the screening to be provided for ground mounted solar energy equipment.
6. In addition to the criteria contained in this subsection, applicants seeking approval of a ground-mounted solar energy collector system that is accessory to a residence and does not exceed 250 square feet, must also demonstrate that it meets all requirements of subsection (F).

D. Exclusions from Administrative Review.

1. The installation of one (1) solar panel with a total area of less than eight (8) square feet.

2. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

E. Building-Mounted Solar Energy Collector Requirements.

A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts, subject to the following requirements:

1. Administrative review as set forth in subsection (C) above is required of all building-mounted solar energy collectors permitted as an accessory use, subject to the exclusions in subsection (D).
2. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
3. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Zoning Administrator prior to installation; such certification shall be subject to the Zoning Administrator's approval.
4. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Zoning Administrator prior to installation; such proof shall be subject to the Zoning Administrator's approval.
5. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
6. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
7. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
8. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Zoning Administrator prior to installation. The Zoning Administrator may inspect the completed installation to verify compliance with the manufacturer's directions.
9. Solar energy collectors, and the installation and use thereof, shall comply with the County construction code and the electrical code.

F. Ground-Mounted Solar Energy Collector Requirements.

A ground-mounted solar energy collector system shall be permitted as a special land use, subject to the approval of the Planning Commission under Article 13, and subject

to the following requirements:

1. Special land use approval is required of all ground-mounted solar energy collectors except those which are accessory to a residence and do not exceed 200 square feet in total area. For those ground-mounted solar energy collectors which are accessory to a residence and do not exceed 200 square feet, administrative review as set forth in subsection (C) is required.
2. Commercial solar energy systems are permitted as a special land use in the Agricultural Residential, Industrial and Commercial Districts only.
3. Ground-mounted solar energy collectors shall be located only as follows:
 - a. They may be located in the rear yard and the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission in its approval of the special land use.
 - b. They may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use but, in any event, they shall not be located in the required front yard setback.
4. Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.
5. The total area of ground-mounted solar energy collectors shall not be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land. For any parcel of land two (2) acres or less, a ground-mounted solar energy collector shall not be deemed an accessory building or structure for purposes of Section 6.06(E).
6. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the special land use application and shall be subject to the Planning Commission's approval.
7. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the special land use application. The special land use, if granted, may be subject to the Zoning Administrator's inspection to determine compliance with the manufacturer's directions.
8. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.
9. Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with all applicable construction codes and electric codes.
10. The special land use may include terms and conditions in addition to those stated in this subsection.

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11. Ground mounted solar energy collectors must be fenced in with at least a six (6) foot chain link fence. The Planning Commission shall have the discretion to substitute a greenbelt screening or decorative fence on any ground mounted solar energy system that is not also a solar farm to screen from adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non- invasive plant species that provide a visual screen.
12. All power transmission lines from the ground mounted solar energy collectors to any building or other structure should be located underground.
13. In the event that a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of one year without a waiver from the Planning Commission), the system shall be removed by the applicant or the property owner and the site shall be stabilized and re- vegetated as necessary to minimize erosion. If the abandoned system is not removed or repaired, amongst other available remedies, the Township may pursue legal action against the applicant and property owner to have the system removed and assess its cost to the tax roll of the subject parcel. The applicant and property owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure. The Township may utilize the benefit of any financial security being held under this Section to offset its cost. As a condition of approval, the applicant and property owner shall give permission to the Township to enter the parcel of land for this purpose.
14. Additional provisions applicable to a Commercial Solar Energy System shall be as follows:
 - a. Minimum setbacks shall be one thousand (1,000) feet from any property with a residence and one hundred twenty-five (125) feet from all other properties. This requirement may be waived by the Planning Commission.
 - b. The applicant shall provide a copy of the application to the local Fire Chief for review and approval.
 - c. The applicant shall provide the Planning Commission with an operations agreement, which sets forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation. It shall be a condition of approval that the Zoning Administrator shall be notified and provided copies of any changes.
 - d. The site plan shall include property lines and physical features of the site, including roads; proposed changes to the landscape, grading vegetation clearing and planting, exterior lighting, screening vegetation and structures; distance between proposed solar collector and all property lines and existing on-site buildings and structures; and the height of all structures.
 - e. The site plan shall include information on where and how the solar farm will connect to the power grid. No solar farm shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the applicant to install an interconnected customer-owned generator to the grid or the applicant otherwise has a means for the wholesale

or retail sales of generated electricity.

f. Financial security guaranteeing removal of the system must be posted at the time of receiving a construction permit for the system. The security shall be in the form of a cash bond, irrevocable bank letter of credit, or performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.

G. Solar Access Requirements.

When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which is located so as not to be shaded between the hours of 10:00am and 3:00pm by a hypothetical twelve (12) foot obstruction located on the lot line.

H. Solar Access Exemptions. Structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or the effective date of this ordinance, whichever is later is exempt from subsection (G) above. Said subsection described in subsection (G) above controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.