

ARTICLE 6. GENERAL AND SUPPLEMENTARY REGULATIONS

Section 6.01 Establishment of Districts

For the purpose of the ordinance, Conway Township is hereby divided into the following zoning districts:

<u>Zoning District</u>	<u>Article</u>
AR Agricultural Residential District	7
R Residential District	8
MHP Manufactured Housing Park District	9
C Commercial District	10
I Industrial District	11

For purposes of innovative and flexible residential development, Conway Township has established the following overlay district applicable to the AR Agricultural Residential District and the R Residential District:

<u>Overlay District</u>	<u>Article</u>
Open Space Community	12

Section 6.02 Boundaries of Districts

- A. Boundaries.** The boundaries of the districts listed above are established as shown on Map 1, Zoning Ordinance Map, Article 20 of this ordinance. The map shall bear the date adopted or amended and hereby made a part of this ordinance. The official zoning map shall be maintained by the Zoning Administrator or appointed staff. Unless otherwise shown, the boundaries of the districts are property lines, section lines, the center lines of streets and roads or such lines extended, and the limits of the Township of Conway.
- B. Street Rights-of-Way.** All street rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street right-of-way. Where the centerline of a street serves a district boundary, the zoning of such street, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
- C. Zoning of Vacated Areas.** Whenever any street, road or other public way within Conway Township is vacated by official governmental action, the lands within the boundaries thereof attach to and become a part of lands adjoining such street, road, or public way. These lands shall automatically and without further governmental action be classified in the same zoning district as the property to which it attaches.

- D. **Zoning of Filled Lands; Use of Waters.** Whenever any fill is placed in any water body (subject to MDEQ approval, if applicable), the lands thus created shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to adjoining lands, and shall be used for the same purposes as are permitted under this ordinance for such adjoining lands.

Section 6.03 Districts and Uses

- A. **Use of Land.** Land contained within any zoning district in Conway Township shall not be used for any purpose other than those uses specifically set forth in the zoning districts, except as otherwise permitted by the Nonconforming Uses regulations in Article 18.
- B. **Permitted Principal Uses.** Uses shall be permitted by right only if specifically listed as permitted principal uses in the various zoning districts. All other uses are prohibited. In addition, certain permitted principal uses shall be subject to specific additional requirements as noted in the Supplementary Regulations Section of this Article.
- C. **Accessory Uses and Buildings.** Accessory uses are permitted if they are customarily incidental to a principal use that is permitted in the various zoning districts. Such accessory use shall be clearly incidental to the permitted principal use. Certain accessory uses shall be subject to additional restrictions contained herein.
- D. **Special Land Uses.** Special land uses are permitted as listed in the various zoning districts. All special land uses are subject to the provisions of Article 13 Special Land Uses and Article 14 Site Plan Review Requirements.
- E. **Principal Building, Structure or Use.** No zoning lot may contain more than one (1) principal building, structure or use unless specifically provided for elsewhere in this ordinance as in the case of a single family attached development or multiple family development.
- F. **Required Street Frontage.**
 - 1. Any parcel of land which is to be occupied by a use or building, shall have frontage on and direct access to either a public street, public road, or private road easement, except waterfront lots which shall have direct access to either a public street, public road, or private road easement and as otherwise permitted by the shared driveway provisions of this ordinance.

2. Developments which result in parcels fronting on cul-de-sacs shall limit the splits so that all parcels are contiguous to the road right-of-way and are the minimum width at the front building line. All parcels fronting on a cul-de-sac shall have a minimum frontage of sixty-six (66) feet at the front lot line.
- G. Voting Place.** The provisions of this ordinance shall not be construed so as to interfere with the temporary use of any property as a voting place in connection with a township or other public election.

Section 6.04 Supplemental Regulations Pertaining to All Buildings

- A. Means of Ingress and Egress From a Building.** Each principal building shall have at least two (2) means of ingress and egress, consisting of doors, one of which shall be at the front and the other at the rear or side of the structure.
- B. Restoring Unsafe Buildings.** Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure that is declared unsafe by the County building official or is required to comply with a lawful order regarding such building condition.
- C. Construction and Construction Time Limit.**
1. All construction work including electrical, structural, plumbing, heating and cooling must be installed in conformance with the standards of materials and methods as set forth by the State of Michigan Construction Codes.
 2. All buildings for which a permit for construction is issued shall be completed within one (1) year from the date of issuance of the building permit. If an application for extension of this time limit is filed with the Township Clerk, the Township Board may grant an extension of time at its discretion.
- D. Unlawful Building.** If any building or part thereof is used, erected, altered, abandoned or occupied contrary to law or the provisions of this ordinance, such building shall be declared a nuisance and may be required to be vacated or removed.
- E. Occupied Spaces.** Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues and other projections shall be considered as part of the building and not as part of the yards or courts of unoccupied spaces.

F. Classification of Moved Buildings. Any building moved within a district and placed upon a foundation, or any building moved into a district from outside the district, shall be considered new construction and shall be subject to all the limitations and requirements relating to uses, building size, construction, type, permits and certificates.

G. Building Grades.

1. Any building shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the building. This shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the runoff of surface water onto adjacent properties.
2. Yards surrounding buildings shall be graded in such a manner so as to meet existing codes and finished grade requirements and to preclude an increase in volume or intensity of normal runoff of surface water onto adjacent property.

Section 6.05 Supplemental Regulations Pertaining to Residential Dwelling Units in the Agricultural Residential and Residential Districts

A. Construction Compliance.

1. All dwelling units in Conway Township shall be constructed according to the construction, fire, health and safety codes enforced by the Livingston County Building and Health Departments, and the State of Michigan.
2. The size of each dwelling unit shall conform to the minimum floor space requirement of the district in which it is located. Garage space whether in an attached or detached garage shall not be considered as part of a dwelling for meeting area requirements.
3. The site shall conform to all the zoning requirements of the district in which it is located.
4. No more than one (1) principal building may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this ordinance as in the case of single family attached development or multiple family development.

5. The minimum width of any front, side or rear horizontal dimension shall not be less than twenty-four (24) feet (excluding porches, breezeways and garages).
6. The dwelling shall have a roof with at least a four (4) in twelve (12) pitch; roof over-hang of not less than six (6) inches on all sides; and a roof drainage system concentrating roof drainage along the sides of the dwelling.
7. In the event the dwelling unit is a mobile home, it shall also meet the following additional requirements:
 - a. It shall only be located in a Manufactured Housing Park District as defined in Article 9 of this ordinance.
 - b. It shall conform to all of the requirements for units located in Manufactured Housing Park Districts as defined in Article 9 of this ordinance.
 - c. It shall conform with all construction, and all electrical, fire, safety, heating and plumbing requirements contained in the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as amended, and it shall bear a label or certificate stating compliance to that standard. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 - d. Where a dwelling located in a manufactured housing park district is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the building code in effect in the Township, then in that event, the Federal or State standard shall apply.
 - e. Compliance to the above U.S. standard does not waive compliance to any of the zoning requirements in Conway Township including but not limited to mobile homes being located only in Manufactured Housing Park District.
 - f. The towing assembly, wheels and any undercarriage used for transporting the unit shall be removed and

the attachment areas treated to blend with the exterior surface of the unit.

- g. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
 - h. The unit shall be anchored according to manufacturer's recommended practices. If no specifications are available, the anchorages required by the Michigan Mobile Home Commission shall be used.
 - i. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
 - j. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar or better quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 - k. The dwelling shall be connected to a public sewer and water supply or to private facilities approved by the Livingston County Health Department.
8. Each dwelling unit shall be connected to separate individual water and sewage facilities, or available public sewer and/or water systems. Multiple family dwelling units, single family attached dwelling units, senior housing complexes and other residential developments containing densely arranged dwelling unit configurations shall use appropriately sized water and sewage systems following the requirements in the Livingston County Sanitary Code.

B. Dwellings Without Basements. Any dwelling without a basement shall provide a room for the housing and maintenance of household utilities such as heating, ventilation and air handling mechanical systems.

- C. Outdoor Storage.** Except where expressly permitted in other provisions of this ordinance, the outdoor storage or parking of any aircraft, semi truck cab or trailer, antique or racing automobile, boat, float, raft trailer, trailer coach, camping trailer, motorized home, demountable travel equipment of the type adaptable to automobiles or light duty trucks, and other equipment or vehicles of a similar nature shall be prohibited for a period greater than forty-eight (48) hours unless the following minimum conditions are met:
1. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front face of the principal building and no closer than five (5) feet to any side or rear lot line.
 2. Storage or parking shall be limited to a lot or parcel of land upon which located an inhabited dwelling unit is located and the vehicle or equipment is owned by the occupant.
 3. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas.
 4. No more than three (3) trailers, one of which is a travel trailer, may be parked on a lot of record which is zoned and used for residential purposes. Trailers shall not be any closer than five (5) feet to any side or rear lot line. Ownership of said apparatus must be in a name of a member of the immediate family of the lot's owner, tenant or lessee.
 5. Parked or stored campers, travel trailers, snowmobiles trailers, boats and the like shall be located only in the rear yard and the side yard, and addition, shall conform to the required yard space requirements for accessory buildings in the zoning district where located.
 6. All campers, travel trailers, boats and the like shall be locked or secured at all times when not in use.
 7. All recreational equipment which normally requires a license or registrations must be kept in good repair.
 8. The parking or storage of a mobile home on property not located in a licensed mobile home park is specifically prohibited.

Section 6.06 Supplemental Regulations Pertaining to Accessory Buildings and Structures

Accessory buildings and structures, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- A. Relation to Principal Building.** Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, structure or use which is permitted in the particular zoning district, except an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use under same ownership in the AR Agricultural Residential District. On parcels of two (2) acres or less, the accessory gross floor area cannot exceed one hundred fifty percent (150%) of the total square footage of the gross floor area in the principal residence.
- B. Permit Required.** Any accessory building of one hundred (100) square feet or more shall require a building permit from the Livingston County Building Department.
- C. Structurally Attached to Main Buildings.** Where the accessory building 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.
- D. Yard Locations.** Detached accessory buildings and structures shall be located in the rear yards outside of the minimum required yard area except:

 - 1. Private residential garages may be allowed in the side yard, adjacent to the 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 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.
- E. Number of Accessory Structures.** On AR Agricultural Residential and R Residential zoned lots of two (2) acres in area or less, only one attached garage or accessory building or structure and one detached garage or accessory buildings and structures shall be permitted. On AR Agricultural Residential and R Residential zoned lots of greater

than two (2) acres, the number of accessory buildings and structures 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.

- F. **Number of Agricultural Accessory Structures.** On AR Agricultural Residential zoned lots of twenty (20) acres or greater with active agricultural pursuits, the number of 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 of twenty (20) acres or greater.
- G. **Height of Non-Farm Accessory Structures.** No 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.
- H. **Height of Farm Accessory Structures.** No accessory farm building or structure shall exceed the maximum heights permitted in AR Agricultural Residential District (See Section 7.04).
- I. **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.
- J. **Required Setbacks for Detached, Accessory Residential Buildings and Structures (over 100 square feet total floor area).** Detached accessory residential buildings and structures over one hundred (100) 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 any public street right-of-way line, at least twenty-five (25) feet from any side or rear lot line, at least fifty (50) feet from any shoreline or drain easement, at least twenty-five (25) feet from the edge of any wetland, and at least fifty (50) 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.
- K. **Required Setbacks for Detached Accessory Residential Buildings and Structures (less than 100 square feet total floor area).** Detached accessory residential buildings and structures less than one hundred (100) 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 then (10) feet from any side or rear lot line, 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.

- 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 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.
- 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.
- 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 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.

- 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.

Section 6.07 Supplemental Regulations Pertaining to Yards

A. Permitted Yard Encroachments.

1. Paved terraces, patios and uncovered porches shall not be subject to yard requirements, provided the following minimum conditions are met:
 - a. The paved area is unroofed and without walls or other forms of solid continuous enclosure that links the paved area to the principal building.
 - b. The highest finished elevation of the paved area is not over three (3) feet above the average surroundings finished grade area. No portion of any paved area is closer than five (5) feet to any lot line or projects into any minimum required front yard area.
 - c. Such paved areas may have constructed wind breaks or walls not over six (6) feet high and not enclosing more than one-half (1/2) the perimeter of the paved area.
2. Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area provided the porch is not higher than one (1) story and is erected on supporting piers. The porch shall not be closer than eight (8) feet to any side or rear lot line.
3. Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
4. Special structural elements such as cornices, sills, chimneys, gutters and similar structural features may project into any minimum required yard up to a maximum of two and one-half (2 ½) feet.

5. Fire escapes, outside stairways, and balconies, if of open construction, may project into minimum required yard areas up to a maximum of five (5) feet.
6. Swimming pools shall not be subject to yard requirements, provided the following minimum conditions are met:
 - a. Yard areas with a swimming pool, spa, hot tub or similar device (below ground or above ground) shall erect and maintain a fence or enclosure approved by the Zoning Administrator.
 - b. Fencing is to be a minimum of four (4) feet high, and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of three (3) feet above the ground. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire perimeter of the pool area is secured. Above ground swimming pools with sides of four (4) feet or more above grade, do not require fencing but do require a removable access ladder that lifts for safety. A spa or hot tub with a locking cover shall not require a fence.
 - c. Swimming pools, spas, hot tubs, similar facilities and surrounding decks, walks or similar accessories with an elevation measured from the mean grade at any point adjacent to such facility of two (2) feet or less shall be at least ten (10) feet from any lot line. Where the elevation is greater than two (2) feet above grade at any point, the setback shall be at least fifteen (15) feet from any public street right-of-way or lot line.
 - d. Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard or in any easement.
 - e. No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.
 - f. No overhead wiring shall be above a swimming pool.

B. Yard Exceptions. In cases where less than the full required future right-of-way width of a street has been deeded or dedicated, the minimum required yard on any properties abutting thereon shall be measured from the future required right-of-way line. The street

width used for calculating the right-of-way shall meet Livingston County Road Commission requirements.

Section 6.08 Supplemental Regulations Pertaining to Height

A. Permitted Exceptions for Structural Appurtenances. The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses.

1. Appurtenances that are ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers and flagpoles provided that such structural elements do not exceed twenty (20) percent of the gross roof area.
2. Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwells, penthouses, ventilators, aerials and fire and base towers, provided the total height of the structure or the building and appurtenance are one hundred twenty-five (125) feet or less from the ground. The foregoing permitted exceptions shall not be for human occupancy or dwelling.
3. Structural extensions deemed necessary for appropriate building design such as cornices or parapet walls may extend a maximum of five (5) feet above the district's height limitation, provided that such structural extensions shall have no window openings.
4. Solar energy systems shall be exempted from the computation of a building's height.

B. Permitted Exceptions for Non-Residential Structures. The following kinds of non-residential structures shall be permitted to exceed the height limitations for authorized uses.

1. Grain elevator and silo structures for agricultural operations are permitted up to one hundred twenty-five (125) feet. Farm structures are permitted up to forty-five (45) feet.
2. Wind power electrical generating towers, provided each front, side and rear yard minimum is increased one (1) foot for each one (1) foot of additional height above the district requirement.
3. Public utility structures, but not including communication towers, except upon receipt of a special use permit.

4. Other non-residential permitted structures may be erected to a height in excess of that specified provided each front, side and rear yard minimum increases one (1) foot for each one (1) foot of additional height above the district requirement.

Section 6.09 Temporary Uses and Buildings

All temporary uses and buildings permitted by this Section are allowed in all districts unless otherwise provided. Such uses and buildings shall be authorized by a temporary land use permit issued by the Zoning Administrator unless otherwise provided.

A. Temporary Uses and Buildings for Non-Dwelling Purposes.

Temporary uses and buildings not to be used for dwelling purposes may be placed on a lot or parcel of record and occupied only under the following conditions.

1. **Natural Disasters or Fire Damage.** A temporary building may be occupied for non-dwelling purposes during renovation of a permanent building damaged by a fire or natural disaster, such as a tornado, flood, or severe storm. The temporary building must be removed when repair of the damage is complete. The Zoning Administrator may issue a temporary land use permit for up to ninety (90) days. The Board may renew the permit up to ninety (90) additional days upon the applicant's showing of substantial progress towards completion of the repair and the submission of an appropriate compliance bond. Thereafter, the permit may be renewed at the discretion of and upon conditions set by the Board.
2. **New Construction.** Temporary buildings incidental to construction work, except for instances where one (1) single-family residence is being constructed. Said temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed for more than one (1) year.
3. **Temporary Real Estate Offices.** Temporary real estate offices are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development. A model home may be used as a temporary real estate office.
4. **Roadside Stands.** The display and sale of agricultural produce shall be considered a temporary use within the AR

Agricultural Residential District permitted by a temporary land use permit renewable on an annual basis, subject to the following conditions:

- a. The stand shall be located no closer than fifty (50) feet from the nearest roadway right of way line.
 - b. The area between the stand and the roadway shall be reserved exclusively for parking. Parking shall not interfere with through traffic.
 - c. Each farm may have one (1) seasonal roadside stand for the primary purpose of selling produce raised on that farm.
 - d. The structure shall not be more than one (1) story in height.
 - e. The floor plan shall not be larger than twenty (20) feet by twenty (20) feet.
 - f. Signs used in connection with the roadside stand shall be temporary and shall be removed when the stand is not in use. No sign shall be placed within a public right- of-way.
 - g. The seasonal nature of the use shall result in closure of the stand during the portion of the year that produce raised on the lot is not available for sale. Other goods such as imported produce, arts and crafts, greenhouse plants or salvage materials shall not be sold from the roadside stand during the “closed” season nor may they compose a major portion of the goods sold from the stand during its operational season.
 - h. Upon closure of the seasonal use, any temporary structures shall be removed.
5. Garage Sales. Garage sales, rummage sales, yard sales, moving sales, and similar activity shall be considered temporary uses within the AR Agricultural Residential and R Residential Districts subject to the following conditions:
- a. Any sale under this Section shall be allowed without a temporary land use permit for a period not to exceed four (4) days within a six (6) month period. Such activities in operation for a period of time in excess of

four (4) days shall require a temporary land use permit from the Zoning Administrator.

- b. In no instance shall more than four (4) sales under this Section be held in any one location within any twelve (12) month period.
 - c. Goods or merchandise offered at such sale shall not be stored overnight.
 - d. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
 - e. No signs advertising a garage sale or similar activity shall be placed upon public property. Two (2) signs advertising a sale are permitted to be placed upon private property with the consent of the owner of said property and shall be removed within twenty-four (24) hours of the conclusion of said sale.
6. Auctions. The public sale of property to the highest bidder shall be permitted without a temporary land use permit for not more than four (4) days. No sales activity shall occur within thirty (30) feet of any road right-of-way.
7. Firewood Sales. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.

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

1. Natural Disasters or Fire Damage. A temporary building may be occupied for dwelling purposes during renovation of a permanent building rendered uninhabitable for dwelling purposes by a fire or natural disaster, such as a tornado, flood, or severe storm. The temporary building must be removed when repair of the damage is complete. The Zoning Administrator may issue a temporary land use permit for up to ninety (90) days. The Board may renew the permit up to ninety (90) additional days upon the applicant's showing of substantial progress towards completion of the repair and the submission of an appropriate compliance bond. Thereafter,

the permit may be renewed at the discretion of and upon conditions set by the Board.

2. Visitors. Recreational vehicles or motor homes that are not located in an approved recreational vehicle park or campground may be occupied as a temporary dwelling for a period not to exceed thirty (30) days in one (1) year, provided they are a visitor to a residence.

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

D. Conditions of Approval.

1. The nature and intensity of the temporary use and the size and placement of any temporary building shall be planned so that the temporary use or building will be compatible with existing development.
2. The parcel shall be of sufficient size to adequately accommodate the temporary use or building.
3. The location of the temporary use or building shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or building.
4. Off-street parking areas shall be of adequate size and properly located for the particular temporary use or building. The entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
5. Signs shall conform to the provisions of the ordinance (see Article 17).
6. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
7. The Zoning Administrator may impose conditions with the issuance of the permit which is designed to insure compliance with the requirements of this ordinance. The Zoning Administrator may revoke a permit at any time for

nonconformance with the requirements of this Section and a permit issued hereunder.

E. Permits. A written temporary land use permit is required for all temporary uses and buildings as required by this ordinance and shall contain the following information:

1. The applicant's name.
2. A written statement from the applicant describing the reasons and need for the temporary land use permit.
3. The locations and effective dates of the temporary use or building.
4. Conditions specified, if any, by which the permit was issued, such as:
 - a. Use and placement of signs.
 - b. Provision for security and safety measures.
 - c. Control of nuisance factors.
 - d. Submission of performance guarantee.
5. Effective date and expiration date.
6. Signature of the Zoning Administrator on the permit.

F. Performance Guarantee. As a condition of a temporary land use permit, the Township Board or the Zoning Administrator may require a performance guarantee in the form set forth in Section 3.06 and in an amount equal to the estimated cost of removing any temporary building, discontinuing any use, and any associated legal fees. The amount of the performance guarantee shall be set by the Township Board. The performance guarantee shall be returned when all the terms and conditions of the temporary land use permit have been met and the temporary use or building has been removed.

G. Renewals. Permits which are renewable shall have an application filed for renewal at least thirty (30) days prior to the expiration date of the current permit. Exceptions to this time requirement are those renewable permits that were issued for a time duration of less than fifteen (15) days, in which case a renewal or extension may be applied for no later than three (3) days prior to the expiration date of the current permit.

H. Revocation. Upon expiration or revocation of a temporary land use permit, the temporary use shall cease and all temporary buildings

shall be removed from the property. A temporary land use permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:

1. Circumstances have changed which frustrates the purposes for when the permit was issued.
2. The temporary land use permit was obtained by misrepresentation or fraud.
3. One (1) or more of the conditions of the temporary land use permit have not been met.
4. The use is in violation of any statute, ordinance, law or regulation.

I. Appeal. An appeal of a decision denying a temporary land use permit may be taken to the ZBA pursuant to Article 5 of this ordinance.

Section 6.10 Excavations

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, that this Section shall not prevent any excavation under a permit issued by an appropriate governmental authority and where such excavations are properly protected and warning signs are posted as appropriate for the protection of the general health, safety, and welfare of the public.

The construction of structures and contouring of land to these structures shall be done in such a manner as to prevent an increase in volume or intensity of normal runoff of surface water onto adjacent properties.

Section 6.11 Driveway Access; Equivalent Grades

A. Driveway Access for Public Roads and Private Roads. All driveways or access to public or private roads shall be located to meet the sight distance requirements of the Livingston County Road Commission and other location requirements in this ordinance. Driveways accessing public roads require a driveway permit from the Livingston County Road Commission having jurisdiction of the public road. Approvals of driveway accesses to private roads shall be performed by a road inspector designated by the Township Board (See also Section 16.04 C).

- B. Equivalent Grades at Road Intersections.** The road surface of a new public street or road, or a private street or road or driveway where said road, street or driveway intersects with an existing public road shall have a finished grade within the approach zone the same elevation at the existing road. Road surface drainage shall be designed so that all storm water runoff is directed off the road surface into approved ditches instead of flowing into the road intersection. The Planning Commission may waive the requirements of this Section whenever topographic relief or other extenuating conditions prevent compliance (See also Section 16.02 D)

Section 6.12 Preservation of Environmental Quality

In any zoning district, a river, stream, watercourse, drainage way or wetland, whether filed or partly filed with water or whether it is dry in certain seasons, shall not be obstructed or altered in any way, except when done in conformance with state and federal law and standards.

- A.** A person shall not alter, change, transform or otherwise vary the edge, bank or shore of any lake, river, stream, or wetland, except as provided in Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, MCL 324.101 et seq, as amended.
- B.** A person shall not drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp or wetland except after receiving approval in accordance with the NREPA.

Section 6.13 Sanitary Facilities

The use of permanent outside privies is not allowed, however, licensed portable sanitary facilities conforming to NREPA may be used for the temporary uses and time periods listed below. Such temporary uses of portable sanitary facilities must also comply with provisions in the Livingston County Sanitary Health Code.

- A. New Construction.** During new construction, licensed sanitary facilities may be used up to five (5) days after the Certificate of Occupancy has been issued for the newly constructed structure.
- B. Festivals.** During fairs, festivals or sporting events of temporal duration, licensed sanitary facilities must be used. The minimum number of such sanitary facilities required to service the estimated group of people must be stated as terms of the temporary land use permit. Also, a performance deposit to insure compliance, proper maintenance, and removal may be required. Licensed sanitary facilities shall be removed within five (5) days after the termination of the festival.

- C. **Seasonal Use.** Licensed sanitary facilities must be used for supplemental use, in addition to permanent facilities, for seasonal recreational and agricultural purposes under special approval of the Township Board. Proof of maintenance by an approved operator must be furnished to the Township for the specified period of use. A performance deposit to insure compliance, proper maintenance, and removal may be required. Licensed facilities shall be removed within five (5) days after the termination of the seasonal use.

Section 6.14 Storage and Dumping of Waste, Junk, Motor Vehicles and Garbage

It shall be unlawful to store, collect, accumulate or dump waste, junk, unlicensed or inoperable motor vehicles and garbage outside of a building on any property.

- A. **Unlawful Accumulation or Dumping.** The use of the land for the storage or collection or accumulation of used lumber and other used materials or for the dumping or disposal of scrap iron, junk, garbage or other refuse, or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district except as allowed in this ordinance and shall constitute a violation subject to action and penalties as proved by this ordinance. This Section does not apply to normal agricultural organic waste material. It shall be unlawful for any person to dump rubbish or waste material except in or on licensed public or private solid waste disposal facilities.
- B. **Litter as an Illegal Nonconforming Use.** It is hereby specifically provided that any promiscuous litter or unsightly accumulation of junk equipment, machinery, machine parts, or used materials located either in the proximity of a dwelling or on any lot, parcel or tract of land in Conway Township shall not be permitted in any district except as allowed in this ordinance and shall constitute a violation subject to action and penalties as provided by this ordinance.
- C. **Motor Vehicle Accumulation or Wrecking.**
 - 1. Unless otherwise authorized by this ordinance, no person shall park, store, or place upon any public right-of-way or public property, or upon any premises within the Township, any motor vehicle, house trailer, or tractor trailer, or new or used parts of junk, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Township, County, or State of Michigan, except for the following:
 - a. Duly licensed, insured, and operable vehicles or trailers with substantially all main component parts attached.

- b. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.
 - c. Not more than one vehicle in fully operating condition, such as a stock car or modified car that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.
2. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provision of the Conway Township Zoning Ordinance. Any such work within such 24-hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.
 3. In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Zoning Administrator is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the ordinance are still substantially observed.

D. Public and Private Landfills. A public or private landfill shall not be located, used or maintained in any district in Conway Township except those areas specifically designated and provided for by the Livingston County Solid Waste Management Plan and Michigan Department of Natural Resources pursuant to the requirements of the NREPA (Part 115, Solid Waste Management), MCL 324.11501 et seq, as amended. A public or private landfill shall not be located in an

area that would violate any FAA or other requirement applicable to the safe operation and use of any airport located within the Township.

Section 6.15 Fences

A fence shall not obstruct the light and air rights of any neighboring household or property owner. Additionally, a fence shall not affect the sight distance requirements of the Livingston County Road Commission at any road intersection nor any sight distance requirements of this ordinance (See Section 6.16 (I)).

Fences are permitted or required, subject to the following requirements.

A. Residential Fences.

1. Except as otherwise provided, Fences on all lots of record in the AR Agricultural Residential and R Residential District that enclose property or are within a required front, side or rear yard, shall not exceed six (6) feet in height above the grade of the surrounding ground. The placement of fences shall not be within a road right-of-way. Fences shall not contain barbed wire, electric current or a charge of electricity. Spikes, nails or other sharp instruments of any kind on top or on the sides of any fence are prohibited.
2. For fences on residential lots of record of two (2) acres or more containing farm animals, fences shall not exceed ten (10) feet in height above the grade of the surrounding ground and shall not be placed within a road right -of-way. Barbed wire or electrical current or charges in said circumstances are permitted.

B. Commercial Fences. Fences on commercially used or zoned property shall be of an ornamental nature or shall be standard commercial fencing not to exceed six (6) feet in height. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence or electric current or charge in said fences, is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility and industrial buildings and TV and telecommunication facilities and such fences may exceed six (6) feet in height and be located in a front yard wherever deemed necessary in the interests of public safety, provided that shrubs or evergreens are planted which will eventually screen such barbed wire cradles.

C. Public and Institutional Fences. Fences enclosing public or institutional parks, playgrounds or public landscaped areas shall not

exceed eight (8) feet in height above the grade of the surrounding land.

D. Planning Commission Discretion. The Planning Commission may, at its discretion and upon application by the property owner, modify the height of the fence that is intended to enclose property and is within a required yard, subject to the following conditions:

1. The height shall in no instance exceed ten (10) feet, as measured from the surrounding grade;
2. The modification shall not obstruct the light and air rights of any neighboring household;
3. The modification shall not obstruct the sight distance requirements of any road intersection;
4. The modified fence shall not be built in any side yard;
5. In a swimming pool patio, terrace and similar private areas, the modified fence shall be required to offer privacy;
6. The Planning Commission shall be furnished with photographs clearly portraying the area to be fenced, as well as the abutting properties affected.

Section 6.16 Required Landscaping and Screening

A. Frontage and Screening Landscaping. One of the following landscaping and screening options is required for any nonresidential use (with the exception of airports, heliports and related uses due to federal clear zone requirements) or any residential use for which site plan review is required. The landscaping and screening options are required both for that portion of the site abutting a public road right-of-way and where the use is adjacent to a residential district or use. These requirements are intended to maintain the rural character of the community.

1. Greenbelt. A greenbelt meeting the following standards;
 - a. Minimum width of fifteen (15) feet. The Planning Commission may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a fifteen (15) foot width.
 - b. At least one (1) deciduous tree (minimum 2.5 inch caliper) and four (4) minimum eighteen inch (18") high shrubs per each forty (40) lineal feet of street frontage. The Planning Commission may approve

substitution of evergreen trees for up to fifty percent (50%) of the required trees. Additional deciduous trees may be provided in lieu of the requirements for shrubs at the rate of one additional deciduous tree for every four required shrubs. Landscaping shall be arranged to simulate a natural setting such as staggered rows or massing.

- c. The greenbelt area shall contain grass, ground cover, six-inch (6") deep wood chips or six-inch (6") deep crushed stone and curbed or edged as necessary. Edging shall be used for any planting beds.
 - d. Where headlights from parked vehicles will shine into the roadway or adjacent uses, the Planning Commission may require use of a totally obscuring hedge including evergreens.
2. Berms. A combination of a raised earth berm and plantings meeting the following standards:
- a. Minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this Section 6.16 is met.
 - b. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance one to three (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Planning Commission.
 - c. At least one (1) deciduous tree (minimum 2.5 inch caliper) shall be provided for each thirty (30) lineal street berm length.
 - d. At least one (1) minimum eighteen inch (18") high shrub shall be provided for each one hundred (100) square feet of berm surface area (calculated from a plan view).
 - e. Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established by a straw mulch, hydro mulching or netting specifically designed to control erosion.

f. The base of any signs placed within the berm shall be at or below the average grade along the berm.

3. Buffer Strip. A buffer strip may be required, particularly where adjacent uses are less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five (5) foot high obscuring area. A buffer strip shall meet the following requirements:

a. Minimum width of fifteen (15) feet.

b. All trees shall be evergreens a minimum five (5) feet high at planting.

c. The buffer planting area shall contain grass, ground cover, six-inch (6") deep crushed stone and curbed or edged as necessary.

B. Parking Lot Landscaping. Landscaped island(s) shall be provided in all off-street parking lots with twenty (25) or more spaces.

1. Landscaped islands shall be provided at a ratio of at least one hundred fifty (150) square feet of island for every ten (10) parking spaces or fraction thereof.

2. For every three hundred (300) square feet of landscaped island, at least one (1) deciduous tree (minimum 2.5" inch caliper) shall be planted and at least one (1) deciduous tree shall be planted for each island.

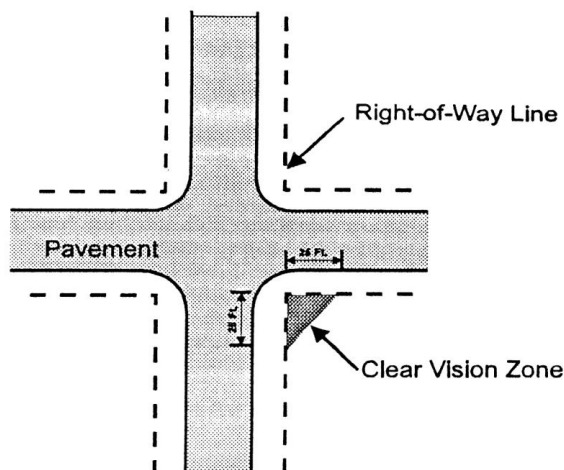
3. All islands shall be planted and maintained with landscape materials and kept free of debris. Each landscaped island shall be provided with a ground cover of low growing woody shrubs, deciduous or evergreen plants, perennials plants, vines, or grass, or any combination. Shredded bark, woodchips, other similar mulch or landscaping stones shall be required on all landscaped islands.

4. Landscaped islands shall be curbed and designed to protect landscaping from damage by vehicles. Islands shall be located to aid the flow of traffic, control speeds and break visual monotony of large expanses of parking area.

C. Minimum Plant Material Standards. All plant material shall be hardy to Livingston County, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.

- D. Mixing of Species.** The overall landscape plan shall not contain more than thirty-three (33%) percent of any one plant species. The use of trees native to the area and mixture of trees from the same species associations is encouraged.
- E. Installation and Maintenance Provisions.** All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months.
- F. Time of Completion.** All tree plantings and planting screens required by this ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay but shall issue no permanent zoning compliance certificate until completion of all required planting.
- G. Performance Guarantee.** The Planning Commission, upon approval of the Township Board, may require a performance guarantee of sufficient amount to insure the installation of all required landscaping pursuant to the provisions of 3.06.
- H. Residential Entranceway.** Entranceway structures, including but not limited to, walls, columns and gates marking entrances to single family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 6.16(I) Clear Vision Zone. Such entranceway structures shall be adequate to permit unobstructed access by all emergency equipment and shall comply with all codes and ordinances of the township and county. Sight distance shall be approved by the Livingston County Road Commission and a driveway permit obtained. The structure shall also be approved by the Livingston County Building Department.
- I. Clear Vision Zone.** A fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall not be permitted within the triangular area formed by the intersection of any street right-of-way lines and a diagonal connecting them at points twenty-five (25) feet from their intersection (see Figure 6.1).

FIGURE 6.1 CLEAR VISION ZONE



- J. **Exterior Lighting.** All lighting for parking areas, external illumination of buildings or grounds, or illumination of signs, shall be directed away from and shall be shielded from, adjacent residential districts. It shall also be so arranged as to not affect driver visibility adversely on adjacent roads. Light shall not exceed more than 0.5 foot candle at a R Residential zoned property line. Light shall not exceed more than 1.0 foot candle at an AR Agricultural-Residential zoned property line.
- K. **Solid Waste Receptacles.** All solid waste receptacles for nonresidential uses or residential uses for which site plan review is required, shall be enclosed by a wooden or masonry wall equal to the height of the receptacle and not less than five (5) feet high with an opaque lockable gate to prevent unsightly collection of refuse, prevent animal intrusions into this area, and to keep children from entering these areas. Whenever possible the receptacle shall be located at the rear of the site and/or where it will be less visible from the public right-of-way and adjacent properties.
- L. **Incentives to Preserve Existing Trees.** The township encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts berms and/or buffer strips required in Section 6.16. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. To obtain credit, the preserved trees shall be of a high quality and at least two and one half inches (2.5") caliper. Trees to be preserved shall be counted for credit only if they are located in a required buffer area. Tree preservation outside of the required buffer area may receive credit if the preserved trees are found to contribute to the required buffer area by the Planning Commission.

The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the land owner with trees otherwise required.

Caliper of Preserved Trees	Number of Trees Credited
Over 12 inches	3
8” – 11.9”	2
2.5 – 7.9”	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one-half (4.5) feet above the natural grade (Diameter at Breast Height. D.B.H.)

M. Waiver From Landscaping and Screening Requirements. The Planning Commission during site plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area landscaping, greenbelts, berms or required buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this Section. Criteria which shall be used when considering a waiver include, but shall not be limited to:

1. existing natural vegetation;
2. topography;
3. existing wetland, floodplain, and poor soils areas;
4. existing and proposed building placement;
5. building heights;
6. adjacent land uses;
7. distance between land uses;
8. dimensional conditions unique to the parcel;
9. traffic sight distances;
10. traffic operational characteristics on and off site;
11. visual, noise and air pollution levels;
12. health, safety and welfare of the Township.

Section 6.17 Satellite Dish Antennas and Amateur Antennas

A. Ground mounted. In all zoning districts, ground-mounted antennas or other similar devices including satellite dish antennas up to twelve (12) feet in diameter may be permitted subject to the following criteria:

1. Antennas shall not be located between the principal building and the front lot line.
2. Dish antennas shall not exceed twelve (12) feet in height above existing grade. Other antennas shall not exceed ten (10) feet in height above maximum building height. If the operator is licensed by the Federal Communication Commission, the limitation may be exceeded upon approval from the Planning Commission if the antenna height does not exceed the restrictions of the Tall Structures Act, 1959 PA 259, MCL 125.321 et seq, as amended.
3. All installations shall be located to prevent obstruction of a dish antenna's reception window by potential permitted development on adjoining properties.

B. Roof Mounted. Business and commercial establishments may be permitted roof-mounted antenna or other similar devices including satellite dish antennas up to twenty four (24) feet in diameter at the discretion of the Planning Commission subject to the following criteria:

1. The height of the proposed installation does not exceed the maximum height restriction imposed for principal uses within the district; except that existing buildings that are built up to their maximum height may be permitted a roof-top installation so long as the diameter of the antenna does not exceed twenty four (24) feet or thirty-three percent (33%) of the existing height of the building, whichever is less.
2. All applications must include certification by a registered engineer that the proposed installation complies with those standards listed in the Michigan Building Code, Sections 614.0 and 615.0, or other appropriate sections of this code. Written documentation of such compliance, including load distributions within the building's support structure, shall be furnished.

C. Multiple Dwellings. Any single building containing three or more dwelling units shall receive planning commission approval for the installation of more than two (2) antennas of any size.

D. Excluded. Except for subsection 6.17(C), the provisions of this section do not apply to antennas under three (3) feet in height.

Section 6.18 Reserved.

Section 6.19 Fire and Explosive Hazards

Storage and handling of flammable liquids, liquid petroleum, gases, explosives and other flammable and explosive hazardous materials shall comply with the state rules and regulations as established by The Fire Protection Code, 1941 PA 207, MCL 29.1 et seq, as amended.

Section 6.20 Condominium Project

The following regulations shall apply to all condominium projects;

A. Initial Information. Concurrently with the notice required to be given to Conway Township pursuant to Section 71 of The Condominium Act, 1978 PA 59, MCL 559.101 et seq, a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project. The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy is issued.

1. The name, address and telephone number of:
 - a. All parties with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each party's interest (for example, fee owner, optionee, or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium project.
2. The legal description of the R Residential zoned land on which the condominium project will be developed together with appropriate tax identification numbers.
3. The acreage content of the R Residential zoned land on which the condominium project will be developed.
4. Approximate number of condominium units to be developed on the subject parcel.
5. Whether or not a community water system is contemplated.

6. Whether or not a community septic system is contemplated.

B. Site Plans.

1. **New Projects.** Prior to recording of the master deed required by Section 72 of the Condominium Act, the condominium project shall undergo site plan review and approval pursuant to the site plan review requirements of this ordinance.
2. **Expandable or Convertible Projects.** Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant to the site plan review requirements of this ordinance.

C. Master Deed, Restrictive Covenants and “As Built” Survey to Be Furnished. The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants, one (1) copy of the site plan, and two (2) copies of an “as built survey”. The “as built survey” shall be reviewed by the Township Engineer for compliance with Township ordinances. Fees for this review shall be established by resolution of the Township Board.

D. Compliance with Federal, State and Local Law. All condominium projects shall comply with Federal and State Statutes and local ordinances.

E. State and County Approval. The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.

F. Monuments Required – All Condominium Projects. All condominium projects shall be marked at their boundaries with monuments made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

H. Monuments Required – Site Condominium Projects. All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium projects if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron and steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project, at the intersection lines of streets, at the intersection of the lines of streets with the boundaries of the condominium project, and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
4. If the required location of a monument is an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plans and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.
8. The Conway Township Board may waive placement of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check or irrevocable bank letter of credit running to

Conway Township, which the proprietor selects, in an amount not less than twenty-five (\$25.00) dollars per monument and not less than one hundred (\$100.00) dollars in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

H. Single Family Detached and Attached Condominium.

1. Bulk and Area Requirements. Single Family condominiums shall be subject to all requirements and standards of the R Residential District including minimum floor area requirements and minimum lot size.
2. Roadway Requirements. All streets and roads in a single family condominium project shall, at a minimum, conform to the standards and specifications for private roadways in this ordinance.

- I. Temporary Occupancy.** The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this ordinance are installed provided that a performance guarantee is submitted sufficient in amount and type according to Section 3.06 to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the township.

Section 6.21 Child Care: Family Day Care Home and Group Day Care Home

It is the intent of this Section to provide for family day care and group day care activities, as defined in this ordinance, as accessory uses, subject to the following conditions. The conditions intend to allow a choice in child care situations for parents, protect neighboring uses from adverse impacts, maintain and protect residential character, ensure the compatibility of child care uses with other uses permitted in the AR Agricultural Residential and R Residential Districts, and ensure that the child care uses remain clearly incidental to the main permitted residential use.

- A. License.** Both family day care and group day care activities shall obtain and maintain a valid license from the State Department of Social Services.
- B. Permitted Structure.** Activities associated with child care shall not be permitted in any building or structure other than the principal dwelling unit., and not in any attached or detached garage. Buildings and lots so used shall conform to all state and local ordinances except that such uses shall be permitted in buildings and lots which are

defined as legal nonconforming buildings and lots under this ordinance.

- C. Uses.** Family day care or group day care uses shall not generate noise, odor, vibration, or electrical interference beyond that level normally associated with residential land use.
- D. Interior Area.** Operation of a family day care or group day care use shall not involve alteration or construction not customarily found in a dwelling. A minimum of thirty five (35) square feet of interior play area shall be provided for each child. Play area shall be computed exclusively of bathrooms, kitchens, storage areas, porches, closets, utility rooms and similar spaces. The required play area shall not exceed twenty five (25) percent of the total floor area of the dwelling, exclusive of porches, garages, and similar areas.
- E. Exterior Play Areas.** Group day care uses shall provide a fenced exterior play area which is no less than four hundred (400) square feet and which is available on the premises or within a reasonable walking distance of the home. The material used to fence the exterior play area shall be a minimum height of forty-eight (48) inches.
- F. Parking Demand.** Parking demand generated by the conduct of a family day care or group day care use shall be met off the street and other than in a required front, side, or rear yard. For family day care uses, such parking shall not exceed two (2) parking spaces, exclusive of parking required herein for the residential use of the dwelling. For group day care uses, such parking shall not exceed four (4) parking spaces, exclusive of the parking required herein for the residential use of the dwelling.
- G. Advertising.** Parking or storage of any vehicle bearing any advertising for, or identification of, the family day care or group day care center on the premises is prohibited.
- H. Location.** A group day care shall not be located closer than 1,500 feet to any of the following:

 - 1. Another licensed group child care home.
 - 2. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under

article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.

4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections

Section 6.22 Keeping of Animals

- A. Farm Animals.** The raising and keeping of farm animals may be conducted on a parcel of two (2) acres or larger in the AR Agricultural Residential and R Residential Districts. The number of farm animals allowed on the designated site acreage, is provided in the following table. Farm animal shall mean a domestic animal that is typically kept on farms or is typically associated with farms or farming operations. This definition includes, but is not limited to, such animals as cows, pigs, horses, goats, llamas, buffalo, sheep, chickens, pigeons, rabbits, geese and ducks. This definition does not include a wild animal as described in this Section.

<u>Site Acreage</u>	<u># of Animal Units Permitted</u>
Less than 2 acres	0
2 to 5 acres	2
5 to less than 10 acres	2 + 1 additional animal per acre over 5 acres to a maximum of 7
10 to less than 20 acres	8 + 1 additional animal per acre over 10 acres to a maximum of 17
20 or more**	

**The number of animals kept on twenty (20) acres or more in the AR Agricultural Residential and R Residential Districts may be determined by each individual land owner based upon the carrying capacity of the land and subject to meeting all other applicable requirements of this ordinance.

One (1) animal unit is equivalent to:

- 1 horse or donkey or mule or cow, or alpaca, or llama, or
- 3 pigs, or
- 5 sheep or goats, or
- 30 fowl, or
- 4 ostrich or related large bird species, or
- 4 emus, or related ratites

This section is intended to comply with the Michigan Right to Farm Act, MCL 286.471 et seq., 1981 PA 93, as amended. If an animal is not specifically enumerated, but is determined to be a farm animal otherwise by this ordinance or the Michigan Right to Farm Act, then for the purposes of determining the animal unit equivalent, the closest animal in character, size, and use of land as determined by the Planning Commission shall apply.

The following additional requirements apply to the keeping and raising of farm animals:

1. Within the R Residential District, animals must be housed and maintained on the land of the owner or lessee of the principal residence. Land cannot be leased to increase the size of the primary parcel, thereby allowing for more animals than would be allowed on the primary parcel.
2. Within the R Residential District, animals shall be owned and managed by the occupants of the premises.
3. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
4. Paddocks or pastures shall be suitably fenced areas that preclude animals from approaching nearer than twenty (20) feet of any dwelling on adjacent properties.
5. No storage of manure, odor or dust producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
6. Raising and keeping or killing and dressing of animals upon residential premises shall be for the use or consumption by the occupants of the premises.

B. Stables. Private or commercial stables for breeding, rearing and housing of horses, mules and similar domestic animals are subject to the following conditions:

1. Breeding, rearing and housing of horses, mules and similar domestic animals on a commercial basis is allowed in the AR Agricultural Residential and R Residential Districts upon a minimum parcel size of twenty (20) acres.
2. An accessory building used as a stable shall not be located nearer than one hundred (100) feet to any dwelling.

3. Stables shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

C. Household Animals. Household animal (also called a household pet) shall mean a domesticated animal that is typically found in residential dwellings and is not typically disruptive to the residential character of an area. This definition would include, by way of example and not by way of exclusion, such animals as domesticated dogs, cats, gerbils, hamsters, turtles, tropical fish, parrots, canaries and parakeets. This definition does not include a farm animal or wild animal as described in this section. Subject to the kennel provisions of Section 13.10, household pets owned by the occupant of a dwelling unit may be possessed and cared for by the occupant of that dwelling unit as an accessory use to a residential use in the Township, provided that:

1. The number of household pets does not exceed three (3) dogs or cats six months of age or older, in any combination, and no more than a total of five (5) household pets for any one dwelling unit; and
2. An animal does not become excessively noisy, excessively odorous, dangerous, or in any way disruptive to the character of the area in which it is possessed or otherwise become a public nuisance.

Any occupant of a dwelling unit possessing more than three (3) dogs that are owned by the occupant of the dwelling unit must comply with the requirements of Section 13.10(T) for hobby kennels.

D. Wild and Exotic Animals.

1. **Defined.** Wild animal (also called an exotic animal) shall mean an animal that is not typically domesticated or found on farms, but typically exists in the wild and is typically found in zoos, circuses, wildlife sanctuaries, or nature preserves. This definition includes, but is not limited to, such animals as elephants, rhinoceroses, camels, lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, badgers, bears, bobcats, coyotes, deer, antelope, elk, moose, otters, ostriches, snakes, crocodiles, alligators, seals, sharks, and whales, wolves and primates such as baboons, orangutans, chimpanzees, monkeys and gorillas.
2. **Permitted.** Certain wild animals that are traditionally nonpredatory and/or nondangerous may be possessed and cared for in the Township. These include, but are not limited

to, nonpoisonous snakes that will not exceed three (3) feet in length at maturity, quails, pheasants, peacocks and turkeys. These wild animals may only be possessed and cared for if all of the following conditions are met:

- (a) That any and all appropriate state and federal permits and/or licenses are obtained and currently maintained;
 - (b) That the animals possessed and cared for are properly caged, penned, housed or secured so as not to be able to leave the property upon which they are possessed;
 - (c) That the animals possessed are kept and cared for under sanitary conditions; and
 - (d) That the animals possessed and cared for do not become excessively noisy, excessively odorous, dangerous, or in any way be disruptive to the character of the area in which they are possessed or otherwise become a public nuisance.
3. Prohibited. Unless otherwise expressly allowed, a wild animal shall not be possessed in the Township under any other conditions or circumstances.
4. Exceptions. Notwithstanding other provisions of this Section, it shall not be considered a violation for a person.
- (a) Licensed by the State of Michigan to temporarily harbor and treat injured animals or animals designated as belonging to an endangered species until release into a permanent habitat is possible; and
 - (b) In lawful possession of any animal to travel through the township on a public highway for a destination out of the township.

Section 6.23 Airports, Heliports and Related Uses

- A. Location requirements.** Airports, heliports and related uses are permitted in the Industrial District. These regulations shall not apply to private air strips that are used only by the owner or lessee of the premises for the maintenance of aircraft.

B. Site Requirements.

1. Minimum lot size shall be twenty (20) acres.
2. The parcel shall abut a paved, county thoroughfare and public ingress and egress shall be provided from that thoroughfare.

C. Performance Standards.

1. Plans shall be approved by the FAA and the Michigan Department of Transportation, Bureau of Aeronautics, prior to submittal to the Township for review and approval.
2. The “clear zone” (as defined by the FAA) shall be owned by the owner of the airport.
3. Paved parking shall be provided for the airport and all accessory uses, with a minimum of two (2) parking spaces per hanger.
4. Heliports shall be clearly defined outside of parking lots. Outdoor routine maintenance of helicopters shall be prohibited from dusk to dawn. Heliport landing approaches shall be clearly noted on a site plan as being clear of vertical obstructions.
5. There shall be no landing nor take off of aircraft (excluding balloons) except at federally approved sites.

D. Conway Township Airport Zoning Act.

1. Definitions; Airport Zoning. For the purpose of the Airport Zoning Act (“this Act”), the words, terms and phrases set forth in this Act shall have the meanings prescribed herein.
 - a. Airport. Any location which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply or care of aircraft or for receiving or discharges passengers or cargo and all appurtenant areas used or acquired for airport buildings or other airport facilities and all appurtenant rights-of-way, either heretofore or hereafter established.
 - b. Airport hazard. Any structure or tree or use of land or of appurtenances thereof which obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or is otherwise hazardous

or creates hazards to such safe landing or taking off or aircraft.

- c. Airport hazard area. Any area of land or water or both upon which an airport hazard might be established if not prevented as provided in this Act, including any such area which has been declared to be an airport hazard area” by the Michigan Aeronautics Commission in connection with any airport approach plan adopted by said commission.
 - d. Commission. The Michigan Aeronautics Commission or any successor thereto established by law.
 - e. Person. Any individual, homeowner, firm, partnership, corporation, company, association, joint stock association, municipal corporation or other body politic; and includes any trustee, receiver, assignee or other similar representative thereof.
 - f. State. The State of Michigan.
 - g. Structure. Any object constructed or installed by man, including, but without limitation, buildings, tower, smoke stacks and overhead transmission lines, but not including highways and their appurtenances.
 - h. Tree. Any object of natural growth.
2. Airport hazard declared nuisance; prevention. It is hereby found that an airport hazard endangers the lives and property of the general public, of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport. Accordingly, it is hereby declared; (a) That the creation or establishment or maintenance of an airport hazard is a public nuisance and an injury to the community served by the airport in question; and (b) that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented. It is further declared that, where airport hazards exist, they must be eliminated, removed, altered, mitigated, or abated as necessary, and they should not be either marked or lighted.

3. Airport approach plan; adoption by Aeronautics Commission, Conway Township, considerations. The Commission has formulated and adopted an airport approach plan for the airport located in Conway Township. The plan indicates and determines the circumstances in which structures and trees are or would be an airport hazard, the airport hazard area within which measures for the protection of the airport's aerial approaches should be taken and what the height limits and other objectives of such measures should be. In adopting or revising in the future, the Commission considered among other things, the character of the flying operations expected to be conducted at the airport, the traffic pattern and regulations affecting flying operations at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport and the possibility of lowering or removing existing obstructions.
4. Airport hazard area; determination; zoning regulations/development defined.
 - a. In order to prevent the creation or establishment of airport hazards, every political subdivision having an airport hazard area wholly or partly within its territorial limits or jurisdiction may make an official determination that the area is in fact an airport hazard area and may thereupon adopt, administer and enforce, in the interest of public safety and in the manner and upon the conditions prescribed in this Act, airport zoning regulations for that part of the airport hazard area which is within its territorial limits or jurisdiction. The regulations may divide the area into zones, and within those zones, may specify the land use permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.
 - b. A political subdivision in which is wholly or partially located an airport hazard area, may adopt, administer, and enforce zoning regulations for that part of an airport hazard area within the political subdivision's territorial limits or jurisdiction to protect public health and safety. The political subdivision may divide the area into zones and specify within the zones the land uses or developments permitted. As used in this subsection, "development" means an activity which

materially alters or affects the existing conditions or use on any land.

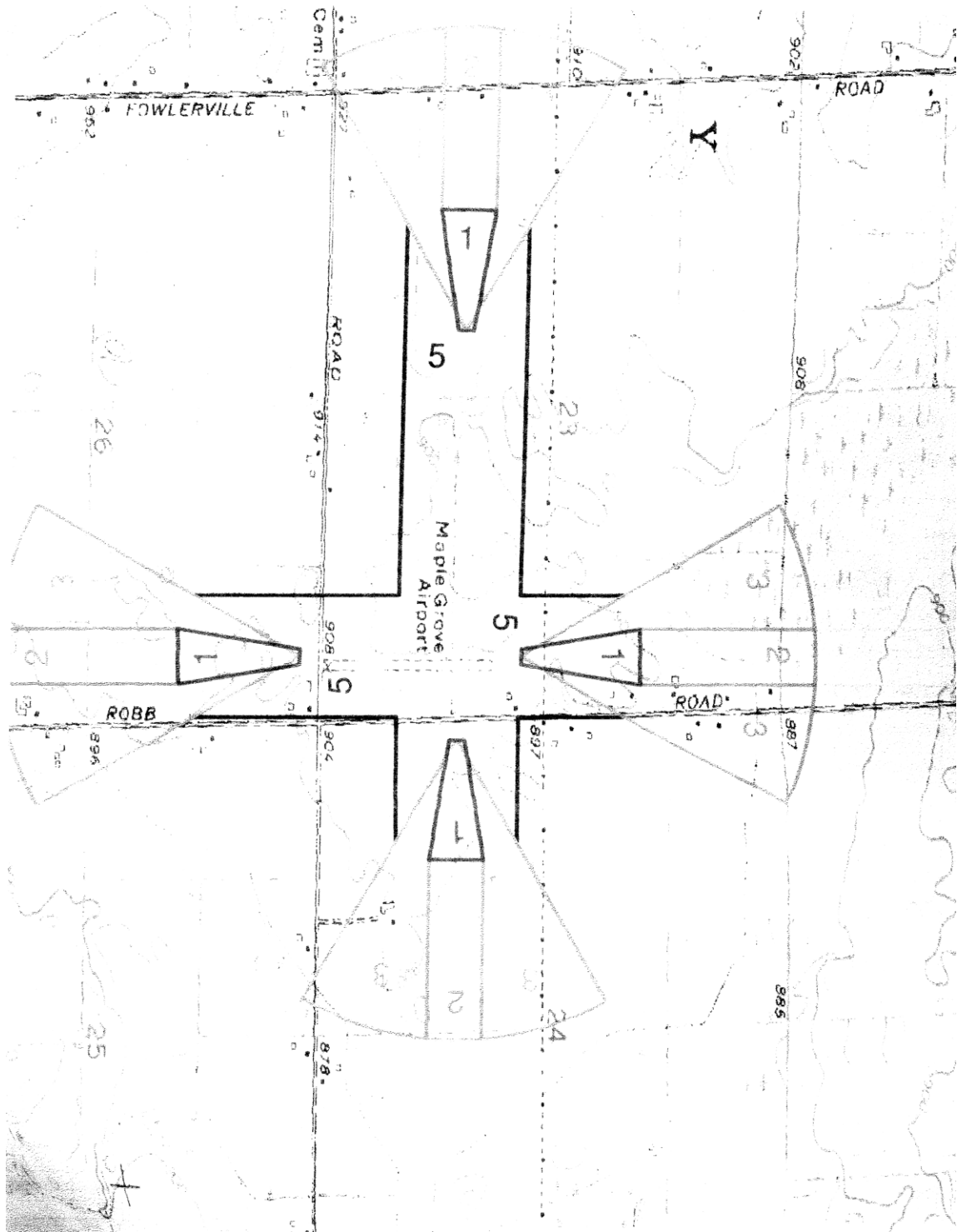
5. Airport zoning regulations; incorporation into zoning ordinance. In the event that a political subdivision has adopted or hereafter adopts a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof may be incorporated in and made a part of such comprehensive zoning regulations and may be administered and enforced as an integral part thereof.
6. Airport zoning regulations; amendment. Every airport zoning regulation for an airport hazard area existing in connection with an airport shall be designed to effectuate the Commission's airport approach plan, as amended by it, whenever necessary, for such airport, and said regulations shall likewise be amended, when necessary to conform to any revision of the applicable airport approach plan that may be made by the Commission. It is hereby resolved that Conway Township adopts the airport approach protection plan for Maple Grove Airport (65G) located in Conway Township as presented and adopted by the Commission on July 17, 2002. The approach protection plan consists of height protection for the FAR Part 77 surfaces surrounding the airport and land use protection using standards shown on the enclosed material. See Map at the end of this Section. Zone 1 establishes a height restriction of fifteen (15') feet, Zone 2 establishes a height restriction of thirty-five (35') feet, Zone 3 establishes a height restriction one hundred twenty-five (125') feet, and Zone 4 establishes a height restriction of two hundred (200') feet.
7. Airport zoning regulations; conflict, determination by Commission. In the event of conflict between any airport zoning regulation applicable to the same area, whether such other regulations were adopted by the political subdivision which adopt the airport zoning regulations or by some other political subdivision, and whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, those limitations or requirements which may be determined by the Commission to be most conducive to airport and air travel safety shall govern and prevail.
8. Airport zoning regulations; construction permits required. For all structures, uses, and trees subject to this Act, the

airport zoning regulations adopted under this Act shall require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered or substantially repaired. All such regulations shall further provide that before any non-conforming structure or tree may be replaced, substantially altered or substantially repaired, rebuilt, allowed to grow higher or replanted, a permit authorizing such replacement, change or repair must be secured from the Township. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made, become higher, or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for permit is made. Whenever the Township determines that a non-conforming use or non-conforming structure or tree has been abandoned or more than eighty (80%) percent torn down, destroyed, deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

9. Airport zoning regulations; variance. A person desiring to erect a structure or increase the height of a structure or permit the growth of trees or otherwise use property in violation of the airport zoning regulations adopted under this Act, may apply to the Board of Appeals. The Board of Appeals will make their decision with the help of the airport manager or the Commission or both. A variance shall not conflict with a general zoning ordinance or regulation of Conway Township.
10. Airport zoning regulations; variance, markers and lights required. In granting any variance under this subsection, if the Board of Appeals deems such action advisable to effectuate the purpose of this Act and reasonable in view of the surrounding circumstances, the Board of Appeals may condition such variance as to require the owner of the structure or tree in question to permit Conway Township, as the case may be, at the owners expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.
11. Airport zoning regulations; administration and enforcement. All airport zoning regulations adopted under

this Act shall be administered and enforced by Conway Township.

12. Approach protection; acquisition of property by Aeronautics Commission. In any case in which: (a) it is desired to remove, lower or otherwise terminate a non-conforming structure, tree or use; (b) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this Act; (c) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the Commission, on behalf of or in the name of the State, within the limitation of available appropriations, or each political subdivision within which the property or non-conforming uses is wholly or partly located, or the political subdivision is served by the airport may acquire by purchase, grant or condemnation in the manner provided by the law, under which the Commission on behalf of and in the name of the State or political subdivisions are authorized to acquire real property for public purposes, such air right, aviation easement or other estate or interest in the property or non-conforming structure or use in question as may be necessary to effectuate the purposes of this Act.



Section 6.24 Wind Energy

A. Purpose and Intent.

The purpose of this section is to establish guidelines for sighting Wind Energy Turbines (WET(s)). The goals are as follows: (1) To promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity; (2) Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET; and (3) To establish standards and procedures by which the sighting, design; engineering, installation, operation and maintenance of a WET shall be governed.

B. Definitions.

1. Ambient Sound Level is the amount of background noise at a given location prior to the installation of a WET(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dba weighted scale as defined by the American National Standards Institute.
2. Anemometer is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
3. Condominium Development is defined as a development that is created under the Condominium Act, 178 PA 59, MCL 599.101 et seq.
4. General Common Element is defined as an area designated for use by all owners within condominium development.
5. Decibel is defined as unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dba weighted scale as defined by the American National Standards Institute.
6. Decommissioning is the process of terminating operation and completely removing a WET (s) and all related

buildings, structures, foundations, access roads, and equipment.

7. Large Wind Energy Turbine (LWET) is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a nameplate above two hundred fifty (250) kilowatts, and the main purpose of the LWET is to supply electricity to off-site customers.
8. Medium Wind Energy Turbine (MWET) is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The Total Height does not exceed one hundred and fifty (150) feet.
9. Nacelle refers to the encasement which houses all of the generating components, gear box, drive tram, and other equipment.
10. Net-Metering is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.
11. Occupied Building is a residence, school, hospital, church, public library, business, or any other building used for public gatherings.
12. Operator is the entity responsible for the day-to-day operation and maintenance of a Wind Energy Turbine (WET).
13. Owner is the individual or entity, including their respective successors and assigns, that have an equity interest or own the Wind Energy Turbine (WET) in accordance with this ordinance.
14. Rotor Diameter is the cross-sectional dimension of the circle swept by the rotating blades of a WET.

15. Shadow Flicker is the moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.
16. Small Tower-Mounted Wind Energy Turbine (STMWET) is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The Total Height does not exceed one hundred twenty (120) feet.
17. Structure is any building or other structure, such as a municipal water tower that is a minimum of twelve (12) feet high at its highest point of roof and is secured to frost-footings or a concrete slab.
18. Small Structure-Mounted Wind Energy Turbine (SSMWET) converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The Total Height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
19. Total Height is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy Turbine (WET).
20. Tower is a freestanding monopole that supports a Wind Energy Turbine (WET).
21. Upwind Turbine is a Wind Energy Turbine (WET) positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.

22. Wind Energy Turbine (WET) is any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the nacelle, rotor, tower, and pad transformer, if any.

C. Applicability. This Ordinance applies to all WET(s) proposed to be constructed after the effective date of this Ordinance. All WET(s) constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; however, any physical modification to an existing WET that materially alters the size, type, equipment or location shall require a permit under this Ordinance.

D. Temporary Uses. The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, the applicable WET regulations, and Section 6.09 of this Ordinance for Temporary Uses.

1. Anemometers.

a. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.

b. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.

c. An anemometer shall be permitted for no more than Twelve (12) months for a SSMWET, STMWET, or LWET.

E. Small Wind Turbines A Small Structure-Mounted Wind Energy Turbine (SSMWET) and a Small Tower Mounted Wind Energy Turbine (STMWET) shall be considered a Special Use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit has been issued to the Owner of the property and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communication, and FAA requirements. In addition to the materials required for all special land uses, all SSMWET's and STMWET's are subject to the following minimum requirements:

1. Sighting and Design Requirements:
 - a. Upwind turbines shall be required.
 - b. Visual Appearance
 - i. A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
 - ii. A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - iii. SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
 - c. Ground Clearance: The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.
 - d. Noise: Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at any time, the lowest ambient noise level plus 5 dba that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
 - e. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.
 - f. Guy Wires: Guy wires shall not be permitted as part of the SSMWET or STMWET.

- g. In addition to the Sighting and Design Requirements listed previously, the SSMWET shall also be subject to:
 - i. Height: The height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances. The SSMWET shall adhere to all airport zoning height requirements.
 - ii. Setback: The setback of the SSMWET shall be a minimum of twenty five (25) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of twenty five (25) feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - iii. Location: The SSMWET shall not be affixed to the wall on the side of a structure facing a road.
 - iv. Quantity: No more than three (3) SSMWET's shall be installed on any parcel of property.
 - v. Separation: If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.
- h. In addition to the Sighting and design Requirements listed previously, the STMWET shall also be subject to the following:
 - i. Height: The Total Height of a STMWET shall not exceed one hundred twenty (120) feet. The STMWET shall adhere to all airport zoning height requirements.
 - ii. Location: The STMWET shall only be located in a rear yard of a property that has an occupied building.
 - iii. Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty five (25) feet measured from the base of the Tower.
 - iv. Other Setbacks: The setback shall be equal to the Total Height of the STMWET, as

measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines.

This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend with a distance or zone shorter than the height of the wind turbine.

v. Quantity: No more than one (1) STMWET shall be installed on any parcel of property.

vi. Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

2. Permit Application Requirements:

- a. Name of property owner(s), address, and parcel number.
- b. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
- c. The proposed type and height of the SSMWET or STMWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- d. Documented compliance with the noise requirements set forth in this Ordinance.
- e. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications and FAA requirements.
- f. Proof of applicant's liability insurance

- g. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
 - h. Other relevant information as may be reasonably requested.
 - i. Signature of the Applicant.
 - j. In addition to the Permit Application Requirements previously listed, the SSMWET Application shall also include the total proposed number of SSMWET(s), and a description of the methods that will be used to perform maintenance on the SSMWET(s) and the procedures for lowering or removing the SSMWET (s) in order to conduct maintenance.
 - k. In addition to the Permit Application Requirements previously listed, the STMWET Application shall also include a description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.
3. Safety Requirements:
- a. If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
 - b. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
 - c. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.

- d. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, “Wind Turbine Safety and Design” IEC 61400-2, “Small Wind Turbine Safety”, IEC 61400-22, “Wind Turbine Certification”, and IEC 61400-23 “Blade Structural Testing”, or any similar successor standards as recommended by the State of Michigan.
4. Signal Interference: The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
 5. Decommissioning:
 - a. The SSMWET or STMWET Owner(s) or Operator(s) shall complete decommissioning within thirty (30) days after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the Conway Township Board may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of ninety (90) days. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
 - b. If the SSMWET or STMWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Conway Township board may designate a contractor to complete the decommissioning with the expense thereof to be charged to the violator and will become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner(s), a bond must be provided to the Township of Conway for the cost of decommissioning for each SSMWET or STMWET.
 - c. In addition to the Decommissioning Requirements listed previously, the STMWET shall also include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. The site and any disturbed earth shall also be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

6. Public Inquiries and Complaints: Should an aggrieved property owner allege that the SSMWET or STMWET is not in compliance with the noise requirements of this Ordinance, the procedure shall be as follows:
 - a. Noise Complaint
 - i. Notify the Conway Township Board in writing regarding concerns about noise levels.
 - ii. If the complaint is deemed sufficient by the Conway Township Board to warrant an investigation, the Conway Township Board will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
 - iii. If the test indicates that the noise level is within Ordinance noise requirements, the Conway Township Board will use the deposit to pay for the test.
 - iv. If the SSMWET or STMWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the Township of Conway for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Township of Conway will refund the deposit to the aggrieved property owner.

F. Medium and Large Wind Turbines. A Medium Wind Energy Turbine (MWET) shall be a special use in the Agricultural Residential, Commercial, and Industrial districts. A Large Wind Energy Turbine (LWET) shall be a special use in the Commercial and Industrial districts only and must comply with the Airport Zoning requirements. In addition to the materials required for all special land uses, the application shall include the following for MWET and LWET:

1. Sighting and Design Requirements:
 - a. Upwind turbines shall be required.
 - b. The design of a MWET or LWET shall conform to all applicable industry standards.
 - c. Visual Appearance: Each MWET or LWET, including accessory buildings and other related structures shall be mounted on a tubular tower and a

non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained throughout the life of the MWET or LWET. Each MWET or LWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Each MWET or LWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operator(s).

- d. Vibration: Each MWET or LWET shall not produce vibrations humanly perceptible beyond the property on which it is located.
- e. Shadow Flicker: The MWET or LWET owner(s) or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET or LWET. The analysis shall identify the locations of the shadow flicker that may be caused by the project and the expected durations of the flicker at these locations where shadow flicker may affect the occupants of the buildings for more than thirty (30) hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.
- f. Guy Wires: Guy wires shall not be permitted as part of the MWET or LWET.
- g. Electrical System: All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET or LWET shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
- h. In addition to the Sighting and Design Requirements listed previously, the MWET shall also be subject to the following:
 - i. Location: If a MWET is located on property that has an occupied building it shall only be located in the rear yard. The MWET shall only be located in a General Common Element in a Condominium Development.
 - ii. Height: The total Height of a MWET shall not exceed one hundred and fifty (150) feet.

- iii. Ground Clearance: The lowest extension of any blade or other exposed moving component of a MWET shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty (50) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.
- iv. Noise: Noise emanating from the operation of a MWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a MWET(s) shall not exceed, at any time, the lowest ambient noise level plus 5 dba that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
- v. Quantity: No more than one (1) MWET shall be installed for every two acres of land included in the parcel.
- vi. Setback and Separation:
 - 1. Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty five (25) feet measured from the base of the Tower.
 - 2. Property Line Setbacks: With the exception of the locations of public roads (see (3) below), drain rights-of-way and parcels with occupied buildings (see (1) above), the internal property line setbacks shall be equal to the Total Height of the MWET as measured from the base of the Tower. This setback may be reduced to a distance agreed; upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.

3. Public Road Setbacks: Each MWET shall be set back from the nearest public road a distance equal to the Total Height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public road.
 4. Communication and Electrical Lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the Total Height of the MWET, as measured from the base of the Tower, determined from the existing power line or telephone line.
 5. Tower Separation: MWET tower separation shall be based on industry standard and manufacturer recommendations.
- i. In addition to the Sitting and Design Requirements listed previously, the LWET shall also be subject to the following:
- i. Ground Clearance: The lowest extension of any blade or other exposed moving component of a LWET shall be at least fifty (50) feet above the ground (at the highest point of the grade level within one hundred fifty (150) feet of the base of the tower).
 - ii. Noise: Noise emanating from the operation of a LWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a LWET(s) shall not exceed, at any time, the lowest ambient noise level plus 5 dba that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
 - iii. Quantity: The numbers of LWETs shall be determined based on setbacks and separation.
 - iv. Setback and Separation: Each LWET shall be set back from the nearest Occupied Building that is located on the same parcel as the LWET a minimum of two (2) times its

Total Height, or one thousand (1000) feet, as measured from the base of the Tower, whichever is greater. With the exception of the locations of Public roads, drain rights-of-way and parcels with Occupied Buildings, the internal property line setbacks shall be a minimum of one and one-half (1.5) times the Total Height, as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET. Each LWET shall be set back from the nearest public road a minimum distance no less than five hundred (500) or one and one-half (1.5) times its Total Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road. Each LWET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than five hundred (500) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined from the existing power line or telephone line. Turbine tower separation shall be based on industry standards and manufacturer recommendations. Each LWET shall require the construction of a private road to offer an adequate means by which the Township may readily access the site in the event of an emergency. All Private roads shall be constructed to the Conway Township private road standards.

2. Safety Requirements:
 - a. If the MWET or LWET is connected to a public utility system for net-metering purposed, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
 - b. The MWET or LWET shall be equipped with an automatic braking or governing system to prevent

- uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
- c. Security measures need to be in place to prevent unauthorized trespass and access. Each MWET or LWET shall not be climbable up to fifteen (15) feet above the ground surfaces. All access doors to MWET's or LWET's and electrical equipment shall be locked and fenced as appropriate, to prevent entry by non-authorized person(s).
 - d. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner and in a manor prescribed by the Federal Government.
 - e. Each MWET or LWET shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence. The sign shall contain at least a warning high voltage, Manufacturer's and owner/operators name, and Emergency contact numbers. (list more than one number)
 - f. The structural integrity of the MWET or LWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design", IEC 61400-22 "Wind Turbine Certification", and IEC 61400-23 "Blade Structural Testing".
3. Signal Interference: The MWET or LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
 4. Decommissioning:
 - a. The MWET or LWET Owner(s) or Operator(s) shall complete decommissioning within thirty (30) days after the end of the useful life. Upon request of the owner(s) or the assigned of the MWET or LWET, and for a good cause, the Conway Township board may grant a reasonable extension of time. Each MWET or LWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of ninety (90) days. All decommissioning expenses are the responsibility of the owner(s) of the parcel and the operator(s).
 - b. Decommissioning shall include the removal of each MWET or LWET, buildings, electrical components, and

roads to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Livingston County Register of Deeds.

- c. All access roads to the MWET or LWET shall be removed, cleared, and graded by the MWET or LWET Owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Township or County will not be assumed to take ownership of any access road unless through official action of the Conway Township Board.
- d. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or LWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.
- e. In addition if the MWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Township of Conway may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and to become a lien against the premises. If the MWET is not owned by the property owner(s), a bond must be provided to the Township of Conway for the cost of decommissioning each MWET.
- f. In addition the LWET shall also be subject to the following.
 - i. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (Decommissioning Costs) with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (Net Decommissioning Costs). When determining this amount, the Township of Conway may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the Conway Township Board after the first year of operation and every fifth year thereafter.
 - ii. The LWET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in

an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than one hundred percent (100%) of the Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or State chartered lending institution chosen by the Owner(s) or Operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution authorized to conduct such business and shall be approved by the Township of Conway.

- iii. Decommissioning Funds shall be in the form of a performance bond made out to the Township of Conway.
- iv. A condition of the bond shall be notification by the bond company to the Conway Township Board when the bond is about to expire or be terminated.
- v. Failure to keep the bond in effect while a LWET is in place will be a violation of the special land use permit. If a lapse in the bond occurs, Conway Township may take action up to and including requiring ceasing operation of the WET until the bond is reposted.
- vi. The escrow agent shall release the Decommissioning Funds when the Owner(s) has demonstrated and the Township of Conway concurs that decommissioning has been satisfactorily completed, or upon written approval of the Conway Township Board in order to implement the decommissioning plan.

vii.If neither the Owner(s) or Operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (Decommissioning Requirements 1 and 2), then the Township of Conway may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township of Conway shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township of Conway may take such action as necessary to implement the decommissioning plan.

5. Site Plan Requirements:

- a. Site Plan Drawing: All applications for a MWET or LWET special land use permit shall be accompanied by a detailed site plan map that is drawn to scale with dimensions and displaying existing property features to include the following:
 - i. Property lines, physical dimensions of the property, land use, zoning district, contours, setback lines, right-of-ways, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.
 - ii. Location and height of all proposed MWET(s) or LWET(s), buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed MWET or LWET.
 - iii. Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Conway Township Planning Commission.
- b. Site Plan Documentation: The following documentation shall be included with the Site Plan:
 - i. The contact information for the Owner(s) and Operator(s) of the MWET or LWET as well as

- contact information for all property owners on which the MWET or LWET is located.
- ii. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET or LWET. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the special use permit, if approved.
 - iii. Identification and location of the properties on which the proposed MWET or LWET will be located.
 - iv. In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the MWET or LWET.
 - v. The proposed number, representative types and height of each MWET or LWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
 - vi. Documents shall be submitted by the developer/manufacturer confirming specifications for MWET or LWET tower separation.
 - vii. Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
 - viii. Engineering data concerning construction of the MWET or LWET and its base or foundation, which may include, but not be limited to, soil boring data.
 - ix. A Certified registered engineer shall certify that the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.
 - x. Anticipated construction schedule.
 - xi. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET or LWET to conduct maintenance, if applicable.
 - xii. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety,

- construction, environmental, electrical, and communications. The MWET or LWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Conway Township Airport Zoning, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.
- xiii. Proof of applicant's liability insurance.
 - xiv. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
 - xv. Other relevant information as may be requested by the Conway Township Board and Planning Commission to ensure compliance with the requirements of this Ordinance.
 - xvi. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
 - xvii. A written description of the anticipated life of each MWET or LWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET(s) or LWET(S) become inoperative or non-functional.
 - xviii. The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET(s) or LWER(s) useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
 - xix. The Township of Conway reserves the right to review all conditions of the permit to ensure that they are being followed.
 - xx. Signature of the Applicant.
 - xxi. In addition to the Site Plan Requirements listed previously, the LWET shall be subject to the following:
 - 1. A site grading, erosion control and storm water drainage plan will be submitted to the Conway Township Board prior to issuing a special use permit for a LWET. At the Township of Conway's discretion, these plans may

be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.

2. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, (including dust control) and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the LWET. The cost of which will be the responsibility of the owner(s) or operator(s).
3. A statement indicating what hazardous materials will be used and stored on the site.
4. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and other wildlife, wetlands and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions.

G. Certification and Compliance.

1. The Township of Conway must be notified of a change in ownership of a SSMWET, STMWET, MWET or LWET or a change in ownership of the property on which the SSMWET, STMWET, MWET or LWET is located.
2. The Township of Conway reserves the right to inspect any SSMWET, STMWET, MWET, or LWET, in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.
3. In addition to the Certification and Compliance requirements listed previously, the LWET shall also be subject to the following: (a.) A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any LWET to demonstrate compliance with the

requirements of the Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the LWET becomes operational. Sound shall be measured by a third-party, qualified professional. The cost shall be paid by the owner/operator of the WET. (b.) The LWET Owner(s) or Operator(s) shall provide the Township of Conway Board a copy of the yearly maintenance inspection. (c.) The special use permit shall be reviewed annually by the Conway Township Board for all WET(s).

H. Public Inquiries and Complaints. Should an aggrieved property owner allege that the MWET or LWET is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows:

1. For a noise complaint, notify the Conway township board in writing regarding concerns about noise levels. If the complaint is deemed sufficient by the Township of Conway to warrant an investigation, the Conway Township board will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance. If the MWET or LWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the Township of Conway for the noise level test and take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Township of Conway will refund the deposit to the aggrieved property owner.
2. For a Shadow Flicker Complaint, notify the Conway Township Board in writing regarding concerns about the amount of shadow flicker. If the complaint is deemed sufficient by the Conway Township Board to warrant an investigation, the Township of Conway will request the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance. If the MWET or LWET Owner(s) is in violation of the Ordinance shadow flicker requirements, the Owner(s) shall take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until the Ordinance violations are corrected.