[Amendments to definitions in ARTICLE 2.DEFINITIONS]

Building. (See also Structure.) An independent structure having a roof supported by columns or walls. (Note: All buildings are considered structures; but all structures may not be buildings.)

Deleted: , either temporary or permanent,

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

Deleted: In addition to any building, any manmade surface feature or designed earth feature other than normal finished grading for drainage purposes

[Proposed amendment to incorporate intent not to regulate "temporary" structures unless set forth in Section 6.09]

Section 3.03 Land Use Permits

A. Permit Required.

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

    a. The excavation, alteration or filling of land, except for the conduct of agricultural activity.

    b. The new use or change in use of land, except for the conduct of agricultural activity.

    c. The new use or change in use of an existing building or structure.

    d. Construction or expansion of a permanent structure, including parking lots.

2. Except upon a written order of the ZBA, no land use permit shall be issued for any building or structure where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this ordinance.

3. No building permit shall be issued until the Zoning Administrator has determined that the building, structure or use of land, if constructed or used as planned and proposed, will conform to the provisions of this ordinance, as evidenced by issuance of a land use permit.

[NEW SECTION]

Section 4.09 Conditional Rezoning.

A. Intent

It is recognized that there are certain instances where it would be in the best interests of Conway Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the MZEA (MCL 125.3405), by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

4. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.

5. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this ordinance.

6. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this ordinance.

7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 4.06 of this ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 4.06 of this ordinance. If the Township Board considers amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board may, in accordance with Section 401 of the MZEA (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall: (a) be in a form recordable with the Livingston County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board; (b) contain a legal description of the land to which it pertains; (c) contain a statement acknowledging that

the Statement of Conditions runs with the land and is binding upon successor owners of the land; (d) incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions (if any such documents are incorporated by reference, the reference shall specify where the document may be examined); (e) contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded with the Livingston County Register of Deeds; and (f) contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the official zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Livingston County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this ordinance and the Township shall have all available remedies including declaring a. nuisance per se and seeking judicial abatement as provided by law.

2. No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable Statement of Conditions.

3. The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to

completion. This time limitation may upon written request be extended by the Township Board if (a) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (b) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

4. If approved development and/or use of the rezoned land does not occur within the time frame specified, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

5. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the MZEA, MCL 125.3101, et seq.

6. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Livingston County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

G. **Amendment.** During the time period for commencement of an approved development or use or during any extension granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

H. **Failure to Offer Conditions.** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this ordinance.

[Amend Sect. 6.06(B) as shown]

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 two hundred (200) square feet or more shall require a building permit from the Livingston County Building Department.

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[Amend Sections 6.06, 7.04 and 8.04 as shown to reduce the setback for accessory structures to 15 feet for side and rear yard setbacks; also reduce setbacks for drain and shoreline easement to 25, and reduce setbacks to 40 from principal building on adjacent property if over 200 square feet.]

Section 6.06 Supplemental Regulations Pertaining to Accessory Buildings and Structures

J. Required Setbacks for Detached Accessory Residential Buildings and Structures (over 200 square feet total floor area). Detached accessory residential buildings and structures over two hundred (200) square feet of floor area shall be at least ten (10) feet from the principal building to which they are accessory, at least twenty-five (25) feet from any public street right-of-way line, at least fifteen (15) feet from any side or rear lot line, at least twenty-five (25) feet from any shoreline or drain easement, at least twenty-five (25) feet from the edge of any wetland, and at least forty (40) feet from any principal building on an adjacent property. In no instance shall any accessory building or structure be located within a dedicated easement or road right-of-way.

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

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

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ARTICLE 7. AR AGRICULTURAL RESIDENTIAL DISTRICT

Section 7.04 Area, Height and Bulk Regulations

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

SCHEDULE OF AREA, HEIGHT AND BULK REQUIREMENTS

District	*Minimum Lot Area*	*Minimum Lot Width*	*Minimum Front Lot Line*	*Minimum Yard Setback (feet)*			*Max. Building Height*		*Floor Area Requirement*
AR	*(acres)*	*(feet)*	*(feet)*	*Front*	*Side*	*Rear*	*Stories*	*Feet*	*(sq ft/unit)*
Agricultural	*20 acres (farm)*	*150(f)*	*150(g)*	*100/110 (a)*	*25(b)*	*25(b)*	*3*	*45(c)*	*1,040 (d,e)*
Residential	*2 acres (non-farm)*	*150(f)*	*150(g)*	*100/110 (a)*	*25(b)*	*25(b)*	*3*	*40*	*1,040 (d,e)*

NOTES

(a) The front yard setback shall be one hundred (100) feet from the center line of a secondary roadway and 110 feet from the center line of a primary roadway.

(b) If side yard abuts a roadway, the minimum side yard setback shall follow the same requirements for front yard setbacks. For accessory structures, the side yard and rear yard setbacks shall be fifteen (15) feet subject to the provisions of Section 6.06.

(c) The maximum building height for a residential structure shall be forty (40) feet. The maximum building height for farm structures shall be forty-five (45) feet, with the exception of grain elevators and silos which shall not exceed a maximum building height of one hundred twenty-five (125) feet. Farm structures over forty-five (45) feet shall be set back from the lot line a distance equal to one and one-half (1 ½) times the total height of the structure.

(d) One story single family and two family structures shall have a minimum floor area requirement of 1,040 square feet per dwelling unit. Multi-level dwelling units shall have a minimum floor area requirements of 750 square feet at the first floor level. In no such case shall minimum floor area include area in an attached garage, open porch or other open attached structure. (See Article 2 for definition of floor area requirement computation and Section 6.05 for supplemental regulations pertaining to residential dwelling units).

(e) The minimum floor area requirement for each type of single family attached dwelling unit and multiple family dwelling unit shall be as follows:

* Efficiency	450 square feet
* One Bedroom	600 square feet
* Two Bedroom	750 square feet

* Three Bedroom	900 square feet
* Each additional bedroom	150 square feet

(f) Any access easement cannot be included in the one hundred fifty (150) foot minimum lot width.

(g) Any access easement cannot be included in the one hundred fifty (150) foot minimum front lot line.

ARTICLE 8. R RESIDENTIAL DISTRICT

Section 8.04 Area, Height and Bulk Regulations

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

SCHEDULE OF AREA, HEIGHT AND BULK REQUIREMENTS

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

NOTES:

(a) The front yard setback shall be one hundred (100) feet from the center line of a secondary roadway and one hundred ten (110) feet from the center line of a primary roadway.

(b) If side yard abuts a roadway, the minimum side yard setback shall follow the same requirements for front yard setbacks. For accessory structures, the side yard and rear yard setbacks shall be fifteen (15) feet subject to the provisions of Section 6.06.

(c) The maximum building height for an accessory structure shall also be forty (40) feet.

(d) One story single family and two family structures shall have a minimum floor area requirement of 1,040 square feet per dwelling unit. Multi-level dwelling units shall have a minimum floor area requirement of seven hundred fifty (750) square feet at the first floor level. In no such case shall minimum floor area include area in an attached garage, open porch or other open attached structure

(See Article 2 for definition of floor area requirement computation and Section 6.05 for supplemental regulations pertaining to residential dwelling units).

(e) The minimum floor area requirement for each type of single family attached dwelling unit and multiple family dwelling unit shall be as follows:

* Efficiency	450 square feet
* One Bedroom	600 square feet
* Two Bedroom	750 square feet
* Three Bedroom	900 square feet
* Each additional bedroom	150 square feet

(f) Any access easement cannot be included in the one hundred fifty (150) foot minimum lot width.

(g) Any access easement cannot be included in the one hundred fifty (150) foot minimum front lot line.

[NEW SECTION 6.09(A)(8), and attendant other ZO changes]

Section 6.09 Temporary Uses and Building

A. Purpose and Intent.

* * *

8. Agricultural Tourism

a. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs are permitted by right. Any building or structure may be located thereon and used for the day-to- day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure. The following additional agricultural uses shall be permitted:

(1) Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.

(2) Direct marketing of produce in a farm market or on-farm market provided that any building, or combination of buildings used for such purposes contain a total of not more than 2,500 square feet. A temporary roadside stand that does not qualify as a farm market or on-farm market shall be permitted as a temporary use provided it complies with all regulations set forth in Section 6.09(A)(4).

(3) Seasonal U-pick fruits and vegetables operations.

(4) Food sales/processing, processing any fruits/produce.

(5) Uses 2 through 4 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as a temporary land use permit is obtained, the general agricultural character of the farm is maintained and the income from these ancillary activities represents less than 50 percent of the gross receipts from the farm.

i. Cider mills or wineries selling product, in a tasting

room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years, provided that the premises is otherwise compliant with state law.

ii. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.

iii. Value-added agricultural products or activities such as education tours or processing facilities.

iv. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).

v. Playgrounds or equipment typical of a school playground, such as slides and swings (not including motorized vehicles or rides).

vi. Petting farms, animal display, and pony rides.

vii. Small-scale entertainment (e.g., music concert, car show, art fair), family-oriented animated barns (e.g., fun houses, haunted houses or similar) and small mechanical rides.

viii. Wagon, sleigh and hayrides.

ix. Nature trails.

x. Open air or covered picnic area with restrooms.

xi. Educational classes, lectures, seminars.

xii. Historical agricultural exhibits.

xiii. Gift shops for the sale of agricultural products and agriculturally related products.

xiv. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

(6) Ancillary agricultural related uses and non-agriculturally related uses listed in section 5 above must obtain a temporary land use permit in accordance with the following:

i. A temporary land use permit shall be obtained from the Zoning Administrator. Said temporary use permit shall be valid for only one period of use. A fee may be charged for said permit.

ii. Said use shall be permitted only for one (1) period per year, the duration of which will be determined by the Zoning Administrator.

iii. Applicant must provide evidence of liability

insurance coverage, acceptable to the Township, of not less than $1,000,000.

iv. Inspections shall be conducted by the Livingston County Building Department, and other departments as may be required, prior to the period of use. Evidence of approval in the form of an inspection certificate shall be provided to the Zoning Administrator prior to the issuance of a temporary land use permit. A fee may be charged covering the cost of such inspection(s) and certificate(s).

v. The applicant may need to submit additional information at the request of the Zoning Administrator, dependent upon the requested use.

vi. Notwithstanding other provisions of this ordinance, the uses outlined in section 5 need not be accessory to a bona fide farm or agricultural use provided that:

- it is located on a parcel of not less than five (5) acres, and
- It has been in existence, has been lawfully approved by the Township, and has been operated for at least one (1) season prior to the effective date of this ordinance provision.

[Amend Section 6.09(A)(4) regarding "Roadside Stands" – adding exclusion for farm markets or on-farm markets and deleting old reference to seasonal roadside stands on farms because these are covered by the new section.]

4. Roadside Stands. The display and sale of agricultural produce, excluding farm markets or on-farm markets, 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. The structure shall not be more than one (1) story in height.

d. The floor plan shall not be larger than twenty (20) feet by twenty (20) feet.

e. 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.

f. 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.

g. Upon closure of the seasonal use, any temporary structures shall be removed.

[Amend Article 15, Section 15.04 re "Parking Space Requirements"]

This should be amended to "Agricultural Tourism" as a Type of Use with the following description for the "Required Number of Spaces":

One (1) space for each 500 square feet of retail area and one (1) space for each 1,000 square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment. Parking may be located on grass or gravel area for seasonal uses. For agricultural tourism uses which require a temporary land use permit, additional parking may be required as determined by the Zoning Administrator.

[Add to definitions in Article II]

Agricultural Tourism, ag-tourism and/or agri-tourism: The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

Agricultural products: Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); and maple sap.

Agriculturally related products: Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in

Michigan and value-added agricultural products and production on site.

Non-agriculturally related products: Those items not connected to farming or the farm operation, including but not limited to novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries.

Agriculturally related uses: Those activities that predominantly use agricultural products, buildings or equipment, including but not limited to, pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes.

Non-agriculturally related uses: Activities that are part of an agri-tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, or fields. Such non-agriculturally related uses include but are not limited to amusement rides, concerts, and haunted houses and are subject to a special use or temporary use permit.

Farm Market/On-farm market: The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land, but not including temporary roadside stands.

[NEW SECTION 6.25 and attendant other Zoning Ordinance Changes]

[Amend ARTICLES 7-11 regarding ZONING DISTRICTS TO LIST THE USES AS SET FORTH BELOW]

As permitted uses, add "**Qualifying Patient (see Section 6.25)**" as subsections 7.02(A)(12) and 8.02(A)(12).

As special use, add "**Medical Marijuana Caregiver Operation (see Section 6.25)**" as subsection 7.03(19).

[NEW SECTION]

Section 6.25 Medical Marijuana Uses

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

1. Voter Approved. Voters in the State of Michigan approved Initiated Law 1 of 2008 authorizing the use of marijuana for certain medical conditions, resulting in the passage of the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended ("the Act").

2. Intent. The intent of the Initiated Law was to enable certain persons specified in the Act who comply with the registration provisions of the Act to legally obtain, possess, cultivate/grow, use, and distribute marijuana, and to assist specific registered individuals identified in the Act without fear of State law criminal prosecution under limited, specific circumstances set forth in the Act.

3. Controlled Substance. Despite the specifics of the Act and the permitted activities set forth therein, marijuana remains a controlled substance under Michigan and Federal law. Obtaining, possession, cultivation/growth, use, and distribution of controlled substances has a potential for abuse that should be closely monitored and regulated, to the extent permissible under the Act, by local authorities. Given the effect of the Act on municipalities, it is in the best interest of municipalities to use their zoning authority to adopt reasonable regulations to mitigate and/or prevent harmful secondary effects that could negatively affect health, safety, welfare, and quality of life of their residents.

B. Purpose. It is the purpose of this Section to impose specific requirements for those individuals registering with the State of Michigan as a "qualifying patient" or a "primary caregiver" as those terms are defined in the Act, and to

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

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

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

1. Drug Paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, prepackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act 368 of the MI Public Acts of 1978, as amended) in violation of the laws of the State of Michigan.

2. Medical Marijuana Caregiver Operation or Caregiver Operation means any registered primary caregiver who cultivates produces, sells, distributes, possesses, transports, or makes available marijuana in any form to a qualifying patient for medical use in accordance with the Act. The term "caregiver operation" shall not include the private possession, production, or medical use of marijuana by a registered qualifying patient in compliance with the restrictions of this ordinance.

3. Medical Marijuana Collective, Cooperative, or Dispensary means any

facility, structure, dwelling, or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver, or registered qualifying patient. The term "collective" or "cooperative" or "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Act and the Administrative Rules of the Michigan Department of Community Health. A marijuana collective, cooperative, or dispensary shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on- site patient use only: a State-licensed health care facility, a state-licensed residential care facility for the elderly or infirm, or a residential hospice care facility.

4. Medical Use of Marijuana, also known as Marihuana, also known as Cannabis has the meaning given to it in Section 7601 of the Michigan Public Health Code, as it is referred to in Section 3(d) of the Act. Any other term pertaining to marijuana used in this Section shall have the meaning given to it in the Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with the Act.

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

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

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

E. Marijuana Collectives, Cooperatives and Dispensaries Prohibited. It shall be unlawful to establish or operate a for-profit or nonprofit Medical Marijuana Collective, Cooperative, or Dispensary in Conway Township. It is the express intent of Conway Township not to allow the operation of any kind of marijuana facility pursuant to 2016 PA 281, MCL 333.27205(1) within the boundaries of the Township.

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

1. Consumption. Consumption of marijuana by a qualifying patient may not occur at a medical marijuana caregiver operation, at any place of business, in any public place, or at a primary caregiver's dwelling unit, except that a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at that dwelling unit.

2. Growing for Personal Use. Growing of marijuana by a qualifying patient for his or her own personal use, as set forth in the Act, is permitted in any location within the Township, subject to the following requirements:

   a. Patient Control. The site must be under the control, through written lease, contract, or deed, in favor of the qualifying patient.

   b. Enclosed, Locked Facility. Such growing, indoors and outdoors, shall only be allowed as set forth by the Act and subject further to the requirements of Sections 6.25(G)(2).

   c. Lighting. Artificial lighting is permitted for the purposes of growing marijuana as set forth in Section 6.25(G)(3).

G. **Requirements for Caregiver Operations.** Any person who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in the Act is a "medical marijuana caregiver operation" for the purposes of this Ordinance, and shall comply with the requirements identified below.

1. Where Permitted. A primary caregiver shall conduct his or her growing operation and/or provide services to a qualifying patient only in the AR District as a special land use. The site must be under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility.

2. Growing. Growing of marijuana shall only be allowed as set forth in the Act, including the requirement that plants must be located within an enclosed, locked facility. An enclosed locked facility means:

   a. For marijuana grown indoors, a closet, room or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit

access only by the registered primary caregiver or registered qualifying patient associated with that facility.

b. For marijuana grown outdoors:

i. An area that is not visible to the unaided eye from an adjacent property when viewed by an individual standing at ground level or from a permanent structure; and

ii. Are grown in a stationary structure that is enclosed on all sides, except for the base, by six foot high chain link fencing, wooden slats, or similar fencing/wall material that prevents access by the general public and that is anchored, attached or affixed to the ground; and

iii. Located on land that is owned, leased, or rented by either a registered primary caregiver or the registered qualifying patient for whom the marijuana plants are grown; and

iv. Equipped with functioning locks and other security devices that restrict access to only the associated qualifying patient or caregiver.

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

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

a. For marijuana grown outdoors: Lighting shall not be illuminated from 7:00 pm to 7:00 am the following day. All lights shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.

b. For marijuana grown indoors: Lighting shall not be visible outside the building from 7:00 pm to 7:00 am the following day. All lights shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they

are placed.

Lighting cast by exterior light fixtures other than for the purposes of growing marijuana shall comply with the provisions of Section 6.16(J).

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

5. Delivery Required. Transfers of medical marijuana from the primary caregiver to his or her qualifying patient(s) shall be accomplished only by the delivery of medical marijuana by the primary caregiver to the home of the qualifying patient. No onsite transfer to a qualifying patient is permitted.

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

   a. Separation Measurement. The distances set forth below shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the caregiver operation, or between the nearest point of the zoning district boundary from which the caregiver operation is to be separated to the nearest point of the property line of the caregiver operation.

   b. Separation from Schools. The location shall not be located within 1,000 feet of any public or private school having a curriculum including kindergarten or any grades between 1 and 12, or any state-licensed child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.

   c. Separations. The location from which a primary caregiver grows for service to a qualifying patient shall not be within 1000 feet of any of the following:

      i. Caregiver to caregiver;
      ii. A church, place of worship, or other religious facility;
      iii. A public library, public park, or public playground;

   Additional separation requirements may be recommended by the

Planning Commission and approved by the Township Board.

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

8. Sales of Paraphernalia Prohibited. No sales of drug paraphernalia as defined herein are permitted, except to the qualifying patients of that caregiver.

9. Consumption. Consumption of marijuana by a qualifying patient may not occur at a caregiver operation, at any place of business, in any public place, or at a primary caregiver's dwelling unit. In the case where a registered caregiver is also a registered qualifying patient, consumption exclusively by the caregiver/patient at the caregiver/patient's dwelling unit is permitted. Also a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at the same dwelling unit.

10. Special Land Use and Site plan Approval Required. Special land use and site plan approval shall be required for any Medical Marijuana Caregiver Operation prior to its establishment in Conway Township. The requirements and procedures of Article 13 Special Land Uses and Article 14 Site Plan Review of this Ordinance shall apply.

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

H. Security. Qualifying patients and primary caregivers shall provide secure locations, consistent with the Act, for cultivation and storage of medical marijuana. Primary caregivers shall submit a security plan and a floor plan identifying the number of plants, storage locations for chemical and growing materials, and other critical aspects of the layout, and how they intend to

secure the facility, with the special land use application. Security measures for primary caregiver operations shall include, but are not limited to, security cameras installed to monitor all areas of the premises where persons may gain or attempt to gain access to marijuana or cash. Security cameras shall have at least 120 concurrent hours of digitally recorded documentation. In addition a monitored alarm system shall be provided. The recorded data shall be made available to law enforcement personnel and the Conway Township Zoning Administrator or other Township designee upon request to allow confirmation of compliance with these regulations. The Township may require additional security measures such as fencing, security lighting, and other measures as conditions of the special land use approval. The security plan shall be considered a confidential document by the Township and exempt from disclosure under the Freedom of Information Act.

I. **Building Approvals.** Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits and approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection to ensure compliance with applicable fire code and the security requirements of the Act.

J. **Taxes Paid.** No special land use shall be approved by the Township unless the property taxes are paid and up-to-date at the time of approval.

K. **Signage.** A primary caregiver operation shall not bear any sign or emblem that would indicate the presence of the MMMA related activity.

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

[NEW SECTION 6.26 and attendant other Zoning Ordinance changes]

[Add to definition in Article II]

Solar Energy Collector: A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

1. **Building-Mounted Solar Energy Collector**: A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.

2. **Ground-Mounted Solar Energy Collector**: A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

3. **Commercial Solar Energy System**: A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.

[Amend ARTICLES 7-11 regarding ZONING DISTRICTS TO LIST THE USES AS SET FORTH BELOW]

As permitted uses, add "**Building-Mounted Solar Energy Collector (See Section 6.26)**" as the following subsections: 7.02(A)(13), 8.02(A)(13), 10.02(A)(15), 11.02(F)

As special uses, add **"Ground-Mounted Solar Energy Collector (See Section 6.26)"** as the following subsections: 7.03(A)(20), 8.03(A)(12), 10.03(A)(9), 11.03(A)(8)

As special uses, add **"Commercial Solar Energy System (See Section 6.26)"** as the following subsections: 7.03(A)(20), 10.03(A)(9), 11.03(A)(8)

[NEW SECTION]

Section 6.26 Solar Energy Collectors

A. Purpose and Intent.

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

solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

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

1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.

2. Solar energy equipment shall be repaired, removed, or replaced within six (6) months of becoming nonfunctional.

3. All solar energy equipment must conform to all County, State, and Federal regulations and safety requirements as well as applicable industry standards.

C. Application to Zoning Administrator.

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

1. Photographs of the property's existing conditions.

2. Renderings or catalogue cuts of the proposed solar energy equipment.

3. Certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

4. Plot plan to indicate where the solar energy equipment is to be installed on the property.

5. Description of the screening to be provided for ground mounted solar energy equipment.

6. In addition to the criteria contained in this subsection, applicants seeking approval of a ground-mounted solar energy collector system that is accessory to a residence and does not exceed 250 square feet, must also demonstrate that it meets all requirements of subsection (F).

D. Exclusions from Administrative Review.

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

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

E. Building-Mounted Solar Energy Collector Requirements. A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts, subject to the following requirements:

1. Administrative review as set forth in subsection (C) above is required of all building-mounted solar energy collectors permitted as an accessory use, subject to the exclusions in subsection (D).

2. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.

3. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Zoning Administrator prior to installation; such certification shall be subject to the Zoning Administrator's approval.

4. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Zoning Administrator prior to installation; such proof shall be subject to the Zoning Administrator's approval.

5. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.

6. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.

7. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.

8. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Zoning Administrator prior to installation. The Zoning Administrator may inspect the completed installation to verify compliance with the manufacturer's directions.

9. Solar energy collectors, and the installation and use thereof, shall comply with the County construction code and the electrical code.

F. Ground-Mounted Solar Energy Collector Requirements. A ground-mounted solar energy collector system shall be permitted as a special land use, subject to the approval of the Planning Commission under Article 13, and subject to the following requirements:

1. Special land use approval is required of all ground-mounted solar energy collectors except those which are accessory to a residence and do not exceed 250 square feet in total area. For those ground-mounted solar energy collectors which are accessory to a residence and do not exceed 250 square feet, administrative review as set forth in subsection (C) is required.

2. Commercial solar energy systems are permitted as a special land use in the Agricultural Residential, Industrial and Commercial Districts only.

3. Ground-mounted solar energy collectors shall be located only as follows:

   a. They may be located in the rear yard and the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission in its approval of the special land use.

   b. They may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use but, in any event, they shall not be located in the required front yard setback.

4. Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.

5. The total area of ground-mounted solar energy collectors shall not be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land. For any parcel of land two (2) acres or less, a ground-mounted solar energy collector shall not be deemed an accessory building or structure for purposes of Section 6.06(E).

6. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the special land use application and shall be subject to the Planning Commission's approval.

7. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the special land use application. The

special land use, if granted, may be subject to the Zoning Administrator's inspection to determine compliance with the manufacturer's directions.

8. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.

9. Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with all applicable construction codes and electric codes.

10. The special land use may include terms and conditions in addition to those stated in this subsection.

11. Ground mounted solar energy collectors must be fenced in with at least a six (6) foot chain link fence. The Planning Commission shall have the discretion to substitute a greenbelt screening or decorative fence on any ground mounted solar energy system that is not also a solar farm to screen from adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen.

12. All power transmission lines from the ground mounted solar energy collectors to any building or other structure should be located underground.

13. In the event that a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of one year without a waiver from the Planning Commission), the system shall be removed by the applicant or the property owner and the site shall be stabilized and re-vegetated as necessary to minimize erosion. If the abandoned system is not removed or repaired, amongst other available remedies, the Township may pursue legal action against the applicant and property owner to have the system removed and assess its cost to the tax roll of the subject parcel. The applicant and property owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure. The Township may utilize the benefit of any financial security being held under this Section to offset its cost. As a condition of approval, the applicant and property owner shall give permission to the Township to enter the parcel of land for this purpose.

14. Additional provisions applicable to a Commercial Solar Energy System shall be as follows:

    a. Minimum setbacks shall be one thousand (1,000) feet from any property with a residence and one hundred twenty-five (125) feet

from all other properties. This requirement may be waived by the Planning Commission.

b. The applicant shall provide a copy of the application to the local Fire Chief for review and approval.
c. The applicant shall provide the Planning Commission with an operations agreement, which sets forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation. It shall be a condition of approval that the Zoning Administrator shall be notified and provided copies of any changes.
d. The site plan shall include property lines and physical features of the site, including roads; proposed changes to the landscape, grading vegetation clearing and planting, exterior lighting, screening vegetation and structures; distance between proposed solar collector and all property lines and existing on-site buildings and structures; and the height of all structures.
e. The site plan shall include information on where and how the solar farm will connect to the power grid. No solar farm shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the applicant to install an interconnected customer-owned generator to the grid or the applicant otherwise has a means for the wholesale or retail sales of generated electricity.
f. Financial security guaranteeing removal of the system must be posted at the time of receiving a construction permit for the system. The security shall be in the form of a cash bond, irrevocable bank letter of credit, or performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.

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

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

[Amend Section 13.10(F)(2)(g) to remove "Off-road vehicle courses and trails" from this section coinciding with the approval of the new subsection (F)(2)(j).]

Section 13.10 Site Design Conditions

F. Commercial Recreation.

2. …

j. Mud bogs and other off-road vehicle courses, including all uses of motor vehicles, motorcycles, tractors, mechanized equipment, and any self-propelled, wheeled conveyance of any kind that does not run on rails.

(1) The minimum site size shall be eighty (80) acres with a minimum width of six-hundred sixty (660) feet. The site shall be located on, or shall take principal access from a major thoroughfare. The site may only abut land that is also zoned Agricultural Residential.

(2) No existing dwelling unit shall be located within five-hundred (500) feet of any property line, except that dwellings located on the same parcel as the proposed use and dwellings that have clearly been abandoned shall be excluded from this requirement. Measurements shall be determined by the straight line distance taken from the nearest point on the property line of the parcel upon which the proposed use is to be located to the nearest point on the exterior wall of the existing dwelling (including attached garage).

(3) All points of entrance (ingress) or exit (egress) shall be no closer than two-hundred (200) feet from the intersection of any two (2) streets.

(4) Any point of entrance or exit shall be no closer than seventy-five (75) feet from any

other such point. There shall be a maximum of two (2) entrance or exit points (2 in total).

(5) All parking shall be off-street.

(6) No more than two (2) events shall be held in any one calendar month. Events shall be held only during the period beginning May 1st and ending October 31st. The hours of operation shall be limited from 12 noon to 9 p.m. or dusk if it occurs earlier. Sufficient lighting, as determined necessary by the Planning Commission based on the anticipated hours of operation, shall be provided. Any lighting shall not shine or reflect beyond the boundaries of the event area.

(7) The design of the facility shall clearly show that safety and security of persons on and off the site have been taken into consideration to the greatest extent reasonably possible. The safety and security of persons on-site shall be the responsibility of the operator and owner of the site. A safety and security plan shall be submitted for review and approval of the Planning Commission at the time of site plan review which should address potential fire safety, pedestrian and vehicular traffic expectation and management, and emergency transport and/or access.

(8) The Planning Commission shall require adequate means of noise control, which may include but are not limited to, any of or combination of the following: buffering, use of berms, fences or walls, increased setbacks, or any other reasonable means to ensure adequate protection and enjoyment of neighboring properties (e.g. residences, livestock, parks). Any loudspeakers shall be directed only toward the interior of the site. Failure by the applicant to demonstrate the adequate provision of means to control noise shall be grounds to deny special land use approval.

(9) Other environmental requirements.

i. An adequate and safe supply of potable water, sufficient restroom facilities, and a sanitary method for disposing of solid waste shall be shown.

ii. All parking areas, drives, tracks, and display areas shall be kept dust-free at all times so as not to become a safety hazard or a nuisance to any adjoining property.

iii. Waste, including but not limited to, trash generated by the proprietor, organizers, sponsors, participants or spectators; human waste; disabled vehicles, vehicle parts or components; and any and all other debris, shall be removed from the property and properly disposed of within 24 hours after each event.

iv. The site plan shall show all existing and proposed drainage, and sufficient soil and erosion control. Any drainage from the bog, track, or display area(s) shall be contained on site.

(10) Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, may be permitted but shall be designed to serve only the patrons of the mud bog or motorized off-road vehicle facility and adequate storage, handling, and servicing methods must be shown. No alcoholic beverages of any kind or form may be sold on the site or provided to participants or spectators with or without charge.

(11) Vehicles with muddy wheels and/or bodies must be washed adequately before exiting the site to prevent tracking of mud or other debris onto any off-site roads.

(12) In the case where the use is proposed to be located on land abutting an unpaved road, the Planning Commission shall review the proposed use for the necessity of off-site dust control.

(13) The Planning Commission may require the operator to establish an escrow account with the Township sufficient to cover any expense related to the special use, including but not limited to, traffic control, crowd control, any chloride applications to unpaved roads leading to the use from the nearest paved roads in each direction. Said escrow account shall be required to be replenished annually prior to each season of use.

(14) The applicant shall present a plan to the Planning Commission demonstrating how all applicable requirements will be met. Along with the application, the applicant shall provide the following:

i. Copies of approval letters and/or applicable permits from the Michigan Department of Environmental Quality, Livingston County Health Department, Livingston County Road Commission, Livingston County Building Department, Livingston County Drain Commissioner, Livingston County Sheriff Department, and Fowlerville Area Fire Authority.

ii. Evidence of a general liability insurance policy satisfactory to the Township covering each event and naming the Township as an additional insured in an amount not less than one million dollars ($1,000,000).

iii. A statement that the applicant agrees to reimburse the Township and/or any other governmental agency for any costs for mitigation services provided relative to the special use,

including but not limited to, emergency services, traffic control, crowd control, removal of structures, trash, or equipment, attorney fees, and court costs, which are not otherwise covered by funds held in escrow.

iv. The maximum number of employees and/or persons working the event at any one time, anticipated number of participants, and anticipated number of spectators per event.

(15) The Zoning Administrator may make periodic inspections to ensure that the originally approved special land use and site plan review requirements are being complied with. Failure to comply with originally approved requirements may provide grounds for revocation of special land use approval.

[Amend Article 13 as shown]

Section 13.06 Permits

A. **Voiding of Permit**. Any special land use permit granted under the provisions of this Article shall become null and void if the permitted use has not been constructively undertaken within six (6) months of the granting of the permit, and a written application for extension of the approval has not been filed as provided below. Any use for which a special land use permit has been granted and which ceases to continuously operate for a six (6) month period shall be considered abandoned, and the special land use permit shall become null and void.

Deleted: The Zoning Administrator shall notify the applicant in writing of the expiration of said permit.

B. **Permit Extension.** Upon written application filed prior to the termination of the six (6) month period as provided above, the Zoning Administrator may authorize a single extension of the time limit for a further period of not more than six (6) months. Such extension shall only be granted based on evidence from the applicant that the special land use has a reasonable likelihood of commencing construction within the six (6) month extension.

C. **Validity of Permit**. Once the special land use is established and the conditions of the permit fulfilled, the special use permit shall be valid until such time that there is a change of conditions or use related to the permit. Any use, for which a special land use has been granted, shall be deemed a use specially permitted in the district in which it is located and is not to be considered a non-conforming use.

D. **Permit Compliance**. In authorizing any special use permit, the Planning Commission may require a performance guarantee pursuant to Section 3.06 to insure compliance with the requirements, specifications and conditions imposed. All special use permits shall be subject to an annual review by the Zoning Administrator for compliance purposes. The Zoning Administrator shall report any non-compliance findings to the Planning Commission for further action.

E. **Permit Revocation.** The Planning Commission shall have the authority to revoke any special use permit following a hearing, after it has been proved that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days.

Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this ordinance.

[Section 13.10(G), Special Land Use/Wireless Communication]

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

Deleted: Zoning Administrator

(5) a. When Required. A special land use permit is required for all wireless communications equipment that does not meet the requirements of subsection 3(a)(i)-(a)(iv), herein, and for all other wireless communications support structures. Conway Township has 90 days to approve, approve with conditions, or deny the request once it is administratively complete under Section 13.10(G)(3)(d).