

CONWAY TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN

ORDINANCE NO. 2023-01

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, COMMERCIAL WIND AND COMMERCIAL SOLAR ENERGY PROJECTS AND TO REPEAL SECTIONS OF THE TOWNSHIP ZONING ORDINANCE PERTAINING TO “WIND ENERGY” AND “SOLAR ENERGY COLLECTORS”

CONWAY TOWNSHIP ORDAINS:

Section 1. Addition of Section 6.27 to Township Zoning Ordinance. New Section 6.27 is added to the Township Zoning Ordinance and reads as follows:

Section 6.27 Moratorium on Commercial Wind and Commercial Solar Projects and Repeal of Sections of the Township Zoning Ordinance Pertaining to “Solar Farms” and “Solar Energy Systems”

A: Definition. A “Commercial Wind” and “Commercial Solar Energy Project” are utility-scale commercial facilities that convert energy into electricity, whether by wind, photovoltaics (PV) or various experimental wind or solar technologies, for the primary purpose of wholesale or retail commercial sales of generated electricity.

B. Purpose and Findings. The purpose of this moratorium is to provide sufficient time for the Conway Township Planning Commission and Township Board to fully and thoughtfully explore, analyze, research, and make informed decisions regarding Commercial Wind and Commercial Solar Energy Projects. In support of this Ordinance, the Conway Township Planning Commission and Township Board have determined the following:

1. The integration of Commercial Wind and Commercial Solar Energy Projects within the Township's existing land uses requires suitable regulations and controls to ensure compliance with the Township’s Master Plan and for the protection for the health, safety and welfare of all of the Township’s residents.
2. The Township wishes to consider whether amendments to its Zoning Ordinance to regulate the establishment and use of Commercial Wind and Commercial Solar Energy Projects are necessary in order to better protect the public health, safety, and welfare of Township residents.
3. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow the Township time and space to fully and thoughtfully explore, analyze, research and develop any proposed zoning amendments regarding potential amendments to the Township's Zoning Ordinance applicable to Commercial Wind and Commercial Solar

Energy Projects.

4. A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property in the Township for the establishment and use of Commercial Wind and Commercial Solar Energy Projects for 12 months, subject to further extension by resolution adopted by the Township Board.
5. Any and all sections of the Township Zoning Ordinance pertaining to “wind energy” and “solar energy collectors” should be repealed, including Section 6.24, Section 6.26, Section 7.02(A)(13), Section 7.03(A)(18), Section 7.03(A)(20), Section 7.03(A)(21), Section 8.02(A)(13), Section 8.03(A)(11), Section 8.03(A)(12), Section 10.02(A)(15), Section 10.03(A)(8), Section 10.03(A)(9), Section 10.03(A)(10), Section 11.02(C)(F), Section 11.03(A)(7), Section 11.03(A)(8), Section 11.03(A)(9), and the definition of “Solar Energy Collector” in Article 2.

C: Moratorium. A moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property in the Township for the establishment and use of Commercial Wind and Commercial Solar Energy Projects, so long as this Ordinance is in effect.

D. Term of Moratorium; Renewal. The moratorium imposed by this Ordinance remains in effect for 12 months following the effective date of this Ordinance. Before this moratorium expires, the Township Board may, by resolution, extend the moratorium for up to 12 additional months, if in its judgment the Township Board determines additional time is necessary. If an extension is adopted, the Township will publish notice of the resolution of extension.

Section 2. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 3. Repealer.

Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect. Specifically but without limitation, the following sections of the Township Zoning Ordinance pertaining to “wind energy” and “solar energy collectors” are hereby repealed while the moratorium remains in effect: Section 6.24, Section 6.26, Section 7.02(A)(13), Section 7.03(A)(18), Section 7.03(A)(20), Section 7.03(A)(21), Section 8.02(A)(13), Section 8.03(A)(11), Section 8.03(A)(12), Section 10.02(A)(15), Section 10.03(A)(8), Section 10.03(A)(9), Section 10.03(A)(10), Section 11.02(C)(F), Section 11.03(A)(7), Section 11.03(A)(8), Section 11.03(A)(9), and the definition of “Solar Energy Collector” in Article 2.

Section 4. EFFECTIVE DATE.

This Ordinance shall take effect seven (7) days after publication of a notice of adoption as provided by law.