

**ONEIDA CHARTER TOWNSHIP
ZONING ORDINANCE AMENDMENT**

ORDINANCE NO. ____

An Ordinance to amend the Oneida Charter Township Zoning Ordinance to authorize Small Solar Energy Systems as permitted uses in certain Zoning Districts, authorize Large Solar Energy Systems as special land uses in the Light Industrial District, and establish standards for these uses.

ONEIDA CHARTER TOWNSHIP, EATON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE CHAPTER 2, SECTION 2.17: Zoning Ordinance Chapter 2, Section 2.17, is amended to add the following new definition:

PHOTOVOLTAIC DEVICE

A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

SECTION 2. AMENDMENT TO ZONING ORDINANCE CHAPTER 2, SECTION 2.19: Zoning Ordinance Chapter 2, Section 2.19, is amended to add the following new definitions:

SOLAR ARRAY

Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

SOLAR ENERGY SYSTEM, LARGE

A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user, and typically the power output of that system is equal to or greater than 1 megawatt.

SOLAR ENERGY SYSTEM, SMALL

A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for personal consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts.

SECTION 3. AMENDMENT TO ZONING ORDINANCE CHAPTER 3: Zoning Ordinance Chapter 3 is amended to add Section 3.29, entitled “Solar Energy Systems,” providing as follows:

SECTION 3.29 SOLAR ENERGY SYSTEMS

- A. Any Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building under Section 3.08, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy System is located, whichever are more stringent.
- B. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- C. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that a Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
- D. Any Solar Energy System erected on a building shall not extend beyond the peak of the roof, and in no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.
- E. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- F. No Solar Energy System shall be installed in such a way as to pose a safety hazard to a property owner, the general public, or emergency services personnel.
- G. All Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
- H. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
- I. Any Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of fencing consistent with Section 3.11, and greenbelts and landscaping consistent with Section 3.12.
- J. All power transmission lines from a ground mounted Solar Energy System to any building or other structure shall be located underground.
- K. Any Solar Energy System must be kept and maintained in good repair and condition at all times.
- L. In the event that a Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), the system shall be removed by the property owner within six (6) months from the date of abandonment.

SECTION 4. AMENDMENT TO ZONING ORDINANCE CHAPTER 4: Zoning Ordinance Chapter 4, Section 4.02, entitled “Permitted Uses,” is amended to add the following new Subsection:

Subsection 4.02(L): Small Solar Energy System

SECTION 5. AMENDMENT TO ZONING ORDINANCE CHAPTER 5: Zoning Ordinance Chapter 5, Section 5.02, entitled “Permitted Uses,” is amended to add the following new Subsection:

Subsection 5.02(M): Small Solar Energy System

SECTION 6. AMENDMENT TO ZONING ORDINANCE CHAPTER 6: Zoning Ordinance Chapter 6, Section 6.02, entitled “Permitted Uses,” is amended to add the following new Subsection:

Subsection 6.02(H): Small Solar Energy System

SECTION 7. AMENDMENT TO ZONING ORDINANCE CHAPTER 7: Zoning Ordinance Chapter 7, Section 7.02, entitled “Permitted Uses,” is amended to add the following new Subsection:

Subsection 7.02(I): Small Solar Energy System

SECTION 8. AMENDMENT TO ZONING ORDINANCE CHAPTER 8: Zoning Ordinance Chapter 8, Section 8.02, entitled “Permitted Uses,” is amended to add the following new Subsection:

Subsection 8.02(I): Small Solar Energy System

SECTION 9. AMENDMENT TO ZONING ORDINANCE CHAPTER 9: Zoning Ordinance Chapter 9, Section 9.02, entitled “Permitted Uses,” is amended to add the following new Subsection:

Subsection 9.02(F): Small Solar Energy System

SECTION 10. AMENDMENT TO ZONING ORDINANCE CHAPTER 10: Zoning Ordinance Chapter 10, Section 10.02, entitled “Permitted Uses,” is amended to add the following new Subsection:

Subsection 10.02(I): Small Solar Energy System

SECTION 11. AMENDMENT TO ZONING ORDINANCE CHAPTER 11: Zoning Ordinance Chapter 11, Section 11.02, entitled “Permitted Uses,” is amended to add the following new Subsection:

Subsection 11.02(J): Small Solar Energy System

SECTION 12. AMENDMENT TO ZONING ORDINANCE CHAPTER 12, SECTION 12.02: Zoning Ordinance Chapter 12, Section 12.02, entitled “Permitted Uses,” is amended to add the following new Subsection:

Subsection 12.02(L): Small Solar Energy System

SECTION 13. AMENDMENT TO ZONING ORDINANCE CHAPTER 12, SECTION 12.03: Township Zoning Ordinance, Chapter 12, Section 12.03, entitled “Special Land Uses,” is amended to add the following new Subsection:

Section 12.03(H): Large Solar Energy System

SECTION 14. AMENDMENT TO ZONING ORDINANCE CHAPTER 15: Zoning Ordinance, Chapter 15, Section 15.04, entitled “Special Land Use Specific Requirements,” is amended to add the following new Subsection:

NN. Large Solar Energy Systems.

- A. Purpose and Intent: The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems within the Light Industrial District as a Special Land Use.
- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 - 1. All requirements for a site plan contained in Chapter 16 of the Township Zoning Ordinance.
 - 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 - 3. Names of owners of each lot or parcel within Township that is proposed to be within the Large Solar Energy System.
 - 4. Vicinity map showing the location of all surrounding land uses.
 - 5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.
 - 6. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and

transmission lines, security fencing and all above ground structures and utilities on the property.

7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
 8. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
 9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
 10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Eaton County Road Commission approval, and shall be planned so as to minimize the use of lands for that purpose.
 11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
 12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal when determined by the Township to be obsolete, uneconomic or abandoned. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomic or abandoned.
 13. A copy of the manufacturer's safety measures.
 14. Planned lighting protection measures.
 15. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study.
 16. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff.
 17. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy.
 18. Additional detail(s) and information as required by the Special Land Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
- C. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a Special Land Use Permit for a Large Solar

Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Special Land Use Permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.

- D. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section.
- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.
- F. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System shall not exceed thirty (30) feet at any time or location on the property, as measured from the natural grade at the base of the Solar Array, device, component or building measured.
- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- H. System Area. A Large Solar Energy System shall not exceed 250 acres in total area, regardless of whether said System is located on one or multiple parcels.
- I. Setbacks: A minimum setback distance of seventy five (75) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- J. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.

- K. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 6 (six) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or commercial/industrial areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Special Land Use Permit.
 2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
 3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 4. Failure to continuously maintain the required evergreen vegetative buffer shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Special Land Use Permit previously granted.
- L. Signage: No lettering, company insignia, advertising or graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System.
- M. Noise: No component of any Large Solar Energy System shall emit noise exceeding forty-five (45) dBA as measured at the outside perimeter of the project.
- N. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent

properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.

- O. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- P. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Planning Commission may waive this requirement if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- Q. Abandonment and Decommissioning: Following the operational life of the project, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of six (6) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of abandonment or decommissioning.
- R. General Standards: The Planning Commission shall not approve any Large Solar Energy System Special Land Use Permit unless it finds that all of the applicable standards for Special Land Uses contained in Chapter 15 of this Ordinance are met.
- S. Safety: The Planning Commission shall not approve any Large Solar Energy System Special Land Use Permit unless it finds the Large Solar Energy System will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
- T. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
- U. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections at the applicant's or project

owner's expense.

- V. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a potential safety hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

- W. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to the County Road Commission a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the County Road Commission in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.

- X. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
 - 1. Continuing Security: If a Special Land Use Permit is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

2. Continuing Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded in cash by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Land Use Permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the Special Land Use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
 3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Special Land Use Permit.
- Y. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a Special Land Use.
- Z. Completion of Construction: Notwithstanding Section 15.02(I) of this Ordinance, the construction of any Large Solar Energy System must be completed within a period of one (1) year from the date a Special Land Use Permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval. Failure to complete construction within the permitted time period shall result in the approved Special Land Use Permit being rendered null and void.

SECTION 15. AMENDMENT TO ZONING ORDINANCE, CHAPTER 16: Zoning Ordinance Chapter 16, Sections 16.02, entitled "Site Plans Reviewed," is amended to add the following new Subsection 16.02(D):

D. Small or Large Solar Energy Systems in any district.

SECTION 16. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 17. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 18. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following its introduction and publication prior to final adoption, the above Ordinance was offered for final adoption by _____ and was supported by _____ at a regular meeting of the Oneida Charter Township Board, held at the Oneida Charter Township Hall on the ___ day of _____, 2017, at _____ p.m., the vote being:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED:

Donald F. Cooley, Supervisor
Oneida Charter Township

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance that was:

1. Introduced for publication and subsequent final adoption by the Oneida Charter Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2017;
2. Published by a summary once before its final adoption in the _____ newspaper, a newspaper that circulates within Oneida Charter Township, on _____, 2017;
3. Finally adopted by the Oneida Charter Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2017;
4. Published by summary again following its final adoption in the _____ newspaper, a newspaper that circulates within Oneida Charter Township, on _____, 2017;
5. Recorded within one (1) week after such publication in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted; and

6. Filed as an attested copy with the Eaton County Clerk on _____, 2017.

ATTESTED:

Thomas D. Campbell, Clerk
Oneida Charter Township