ORDINANCE NUMBER 2018-01 AN ORDINANCE TO AMEND THE IMLAY TOWNSHIP ZONING ORDINANCE.

THE TOWNSHIP OF IMLAY ORDAINS:

Amend Section 2.2 Definitions

The following definitions shall be added to Section 2.2:

On-site Solar Energy Collector.
A solar energy collector that is within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

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 forms 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. This includes solar panels and solar shingles.

- **Structure-mounted Solar Energy Collector.** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall window, or other element in whole or in part of a building.
- **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. Ground-mounted solar energy collectors shall meet all setback requirements of accessory buildings.

Commercial Solar Energy Collector (Solar Farm).
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.

Solar Panel or Panel.
A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

Solar Shingles.
A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

Solar Racking.
Solar racking is any structure or building material used in the mounting of a solar panel.

Privacy Fence

"Privacy fence" shall mean a structure of rails, planks, stakes, or similar material erected as an enclosure, barrier, or boundary. Privacy fences are those with thirty (30) percent or less of their surface area open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences include but are not limited to stockade, board-on-board, and board and batten.

Amend Article 3- Zoning Districts

Agriculture District

(Permitted Uses) Sec. 3.1.1.B.xvi. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.1.C.vi. Onsite solar energy collector if less than a total of 7,605 square feet.

(Special Land Use) Sec. 3.1.1.D.xxvi Commercial Solar Energy Collector.

One-Family Residential District

(Permitted Uses) Sec. 3.1.2.B.ix. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.2.C.iv. Onsite solar energy collector if less than a total of 7,605 square feet.

Rural Estate Residential District

(Permitted Uses) Sec. 3.1.3.B.xii. Onsite solar energy collector if covering more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.3.C.iii. Onsite solar energy collector if less than a total of 7,605 square feet.

Multiple-Family Residential District

(Permitted Uses) Sec. 3.1.4.B.ix. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Special Land Use) Sec. 3. 1.4.C.vi. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

Local Business District

(Permitted Uses) Sec. 3.1.5.B.x. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Special Land Use) Sec. 3. 1.5.C.xi. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.

(Special Land Use) Sec. 3. 1.5.C.xii. Commercial Solar Energy Collector.

General Business District

(Permitted Uses) Sec. 3.1.6.B.xvii. Onsite solar energy collector if more than a total of 7,605 square feet.

(Permitted Use Subject to Administrative Approval) Sec. 3.1.6.C.ii. Onsite solar energy collector if less than a total of 7,605 square feet.

Neighborhood Office District
(Permitted Uses) Sec. 3.1.7.B.vii. Onsite solar energy collector if more than a total of 7,605 square feet.
(Permitted Use Subject to Administrative Approval) Sec. 3.1.7.C.ii. Onsite solar energy collector if less than a total of 7,605 square feet.

Light Industrial District
(Permitted Use) Sec. 3.1.8.B.xxix. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.
(Permitted Use Subject to Administrative Approval) Sec. 3.1.8.C.ii. Onsite solar energy collector if less than a total of 7,605 square feet.
(Special Land Use) Sec. 3.1.8.D.xv. Commercial solar energy collector.

Heavy Industrial District
(Permitted Use) Sec. 3.1.9.B.xiv. Onsite solar energy collector if more than a total of 7,605 square feet, subject to site plan review by the Planning Commission.
(Permitted Use Subject to Administrative Approval) Sec. 3.1.9.C.ii. Onsite solar energy collector if less than a total of 7,605 square feet.
(Special Land Use) Sec. 3.1.9.D.xv. Commercial solar energy collector.

Enterprise Business District
(Permitted Uses) Sec. 3.1.11.B.xxix. Onsite solar energy collector if more than a total of 7,605 square feet.
(Permitted Use Subject to Administrative Approval) Sec. 3.1.11.C.iii. Onsite solar energy collector if less than a total of 7,605 square feet.

Article 4 Use Standards

Section 4.69 Onsite Solar Energy Collectors:
An on-site use solar energy system (see Section 2.2 for definition) is intended to first serve the needs of the uses onsite. Systems may be structure-mounted or ground mounted. Onsite solar energy systems may be permitted in all zoning districts.

1. General Requirements.
   A. Only one (1) solar energy system is permitted per lot or premises.
   B. All systems shall be set back at least twenty (20) feet from all property lines.
   C. The applicant shall provide documentation that glare will be eliminated, insofar as possible. Therefore, all racking and other material associated with the solar energy collector must be neutral in color and nonreflecting material. This may include manufacturer's specifications of the panels, proficient angling, adequate screening, or other means, so as

to not adversely affect neighboring properties.

D. The panel or any material associated with the solar energy collector shall not be used for advertising.

E. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.

F. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, the number and size of proposed panels, surface area of solar energy collector, and any other information requested by the Zoning Administrator or Planning Commission that is necessary to determine compliance with this Ordinance.

G. The solar energy collectors shall be added to the maximum lot coverage, unless the solar energy collector is located entirely on top of the structure it is mounted on.

H. The solar energy collector shall be repaired or replaced within twelve 12 months of becoming nonfunctioning.

I. The applicant shall provide the manufacturer's directions for the inspector to ensure installation, maintenance, and use is in accordance with the manufacturer's directions.

J. The solar energy collectors shall comply with all construction code, electrical code, and other state requirements.

K. Complete, professionally-prepared site plans signed and sealed by the responsible parties shall not apply to applications proposing:

   i. Structure- mounted solar panels.

   ii. Ground mounted solar panels or solar surface that exceeds 7,605 square feet.

2. <u>Structure- Mounted Solar Panels.</u>

A. Panels may extend up to five (5) feet above a flat roof surface and two (2) feet from the mounted structure.

B. Panels shall not hang over the edge of the building or project below the eaves.

C. The solar panels or shingles cannot be placed within three (3) feet of any peak, eave, or valley.

D. The solar panels or shingles shall be permanently and safely attached to the structure in which it is mounted on.

3. <u>Ground Mount Solar Panels.</u>

A. Shall only be located in the rear or side yard.

B. The maximum ground area occupied by solar panels and associated paved surfaces is one (1) acre.

C. If more than 2,000 square feet of impervious surface is proposed, a drainage plan shall be submitted.

D. The maximum ground-mounted panel height is eight (8) feet, measured from the grade to the top of the panel.

E. Panels shall be screened from residential districts and public rights of way by a greenbelt and/or six (6) foot-high privacy fence.

F. The solar panels and associated racking shall be permanently and safely attached to the ground.

4. Decommissioning. If the solar energy system ceases to operate or is abandoned for a period of twelve (12) months or is deemed by the Zoning Administrator or Building Inspector to be unsafe or not consistent with code, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

   A.

Section 4.70 Commercial Solar Energy Systems

A utility grid solar energy system (solar farm) is a solar energy system that is designed and built to provide electricity to the electric utility grid. Commercial solar energy systems are for utility purposes are subject to Special Land Use Approval in the I-1 and I-2 Districts.

1. General Requirements.

   A. All systems shall be set back at least 50 feet from all property lines.

   B. The applicant shall provide documentation that glare will be eliminated, insofar as possible. Therefore, all racking and other material associated with the solar energy collector must be neutral in color and nonreflecting material. This may include manufacture's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties

   C. The panel or any material associated with the solar energy collector shall not be used for advertising.

   D. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.

   E. The solar energy collectors shall be added to the maximum lot coverage, unless the solar energy collector is located entirely on top of the structure it is mounted on.

   F. The solar energy collector shall be repaired or replaced within three (3) months of becoming nonfunctioning.

   G. The applicant shall provide the manufacturer's directions for the inspector to ensure installation, maintenance, and use is in accordance with the manufacturer's directions.

   H. The solar energy collectors shall comply with all construction code, electrical code, and other state requirements. Mature trees shall be considered a living tree that are eight (8) caliper inches. For every mature tree planned for removal shall have a replacement rate of fifty (50) percent.

   I. Notice is required to be submitted to the utility company (DTE Energy) and there is

adequate connection to the utility grid nearby (within 500 feet).

J. Develop a restoration site plan, for after the site is decommissioned. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment, and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, shall include a performance guarantee, guaranteeing removal of the solar energy system which will be posted at the time of receiving a building permit for the facility. The performance guarantee shall be a: 1) cash bond, 2) deposit to a Township escrow account, or 3) 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 provision for inflationary cost adjustments. The estimate shall be prepared by the Township Engineer for the developer and shall be approved by the Township. The application shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

K. An analysis of the potential visual impacts from the project including solar panels, roads, and fencing along with measures to avoid, minimize, or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts in accordance with this Ordinance.

L. A site plan, drawn to scale and conforming to Section 6.1, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, the number and size of proposed panels, surface area of solar energy collector, array of buildings or substations, location of access road, and any other information requested by the Planning Commission that is necessary to determine compliance with this Ordinance.

2. <u>Structure-Mounted Solar Panels.</u>

A. Panels may extend up to five (5) feet above a flat roof surface and two (2) feet from the mounted structure.

B. Panels shall not hang over the edge of the building or project below the eaves.

C. The solar panels or shingles cannot be placed within three (3) feet of any peak, eave, or valley.

D. The solar panels or shingles shall be permanently and safely attached to the structure in which it is mounted on.

3. <u>Ground Mounted Solar Panels.</u>

A. If more than 2,000 square feet of impervious surface is proposed, a drainage plan shall be submitted.

B. The maximum ground-mounted panel height is ten (10) feet, measured from the grade to the top of the panel.

C. Panels shall be screened from residential districts and public rights of way by a greenbelt and/or six (6) - foot- high privacy fence. Screening requirements may be waived or reduced by the Planning Commission when existing natural vegetation accomplishes the same.

D. The solar panels and associated racking shall be permanently and safely attached to the ground.

E. Native ground cover is required onsite during the operation, until the site is decommissioned.

4. Decommissioning. If the solar energy system ceases to operate or is abandoned for a period of twelve (12) months or is deemed by the Zoning Administrator or Building Inspector to be unsafe or not consistent with code, the current land owner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

   A. The current owner shall have the entire system removed or be actively working on it within 90 days of the property owner receiving the Zoning Administrator's determination that the system is abandoned solar energy system.

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Adoption and Effective Date.

1. Adoption. At a regular meeting of the Imlay Township Board held on 5/16/2018, adoption of the foregoing ordinance was moved by Jepsen and supported by Guerin.
   Voting for: Guerin, Hoeksema, Jepsen and Priehs
   Voting against: None
   Absent: Makedonsky

   The Township Supervisor declared the ordinance adopted.

2. This Ordinance shall become effective in the manner prescribed by the Michigan Zoning Enabling Act, Public Act Number 110 of 2006, as amended, 30 days following publication of a notice of adoption.

Steven Hoeksema
Township Supervisor

CERTIFICATION OF TOWNSHIP CLERK

I, Elizabeth Makedonsky, Imlay Township Clerk, hereby certify that the foregoing is a true copy of an amendment to the Imlay Township Zoning Ordinance adopted by the Township Board at a regular
meeting held on
by the following vote:

Motion by Jepsen, Supported by Guerin.

Voting for: Guerin, Hoeksema, Jepsen and Priehs
Voting against: None
Absent: Makedonsky

Motion Adopted

Elizabeth Makedonsky
Imlay Township Clerk

Township Board ordered notice of adoption and summary to be published one time in the Tri-City Times on May 23, 2018. A true and complete copy of the above ordinance may be purchased or inspected at the offices of the Township Clerk, Mondays, Wednesdays and Fridays, except holidays, during regular Township business hours.