

## **SOLAR FARMS**

### **ORDINANCE #41**

- A. **Intent and Purpose:** To promote the use of Solar Energy within Mussey Township as a clean alternative energy source and to provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar farm facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.
- B. **Minimum Lot Size:** Large photovoltaic solar farm facilities shall not be constructed on parcels less than twenty (20) acres in size.
- C. **Height Restrictions:** All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.
- D. **Setbacks:** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of ten (10) feet from a side or rear property line and a minimum of twenty (20) feet from any road or highway right-of-way.
- E. **Maximum Lot Coverage:** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.
- F. **Safety/Access:** A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox box and keys shall be provided at locked entrances for emergency personnel access.
- G. **Noise:** No large photovoltaic solar farm facilities shall exceed sixty-five (65) dBA as measured at the property line.
- H. **Landscaping:** Large photovoltaic solar farm facilities shall be required to install perimeter landscaping equal to one (1) tree for each twenty-five (25) feet of road or highway frontage. The equivalent of one (1) tree shall be required along the sides and rear of such developments equal to one (1) tree every twenty-five (25) feet of property line when abutting existing homes or developed parcels. The Planning Commission may

alter the landscaping requirement depending upon the location and existing plant material on the site. Trees shall be a minimum of four (4) feet tall when planted and remain in good condition for the life of the large photovoltaic solar farm.

- I. **Local, State and Federal Permits:** Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan and Mussey Township and comply with standards of the State of Michigan adopted codes.
- J. **Electrical Interconnections:** All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
- K. **Additional Special Use Criteria:** The following topics shall be addressed in a Special Use application for such large photovoltaic solar farm facilities in addition to the Special Use Review Criteria:
  1. Project description and rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer and model. Identify time frame, project life, development phases, likely markets for the generated energy and possible future expansions.
  2. Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with the development.
  3. Visual impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements.
  4. Wildlife: Review potential impact on wildlife on the site.
  5. Environmental analysis: Identify impact analysis on the water quality and water supply in the area.
  6. Waste: Identify solid waste or hazardous waste generated by the project.
  7. Lighting: Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.
  8. Transportation plan: Provide access plan during construction and operation phases.

Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site.

9. Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the community in general that may be created.
10. Sound limitations and review: Identify noise levels at the property line of the project boundary when completed.
11. Telecommunications interference: Identify electromagnetic fields and communications interference generated by the project.
12. Life of the project and final reclamation: To ensure proper removal of a photovoltaic solar farm energy system when it is abandoned, any application for approval of a new photovoltaic solar farm shall include a description of the financial security guaranteeing removal of the system which must be posted at the time of receiving a construction permit for the facility. The security shall be: 1) a cash bond; 2) an irrevocable bank letter of credit; or 3) a 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 developer and shall be subject to approval by the Township.

If the property owner fails to remove or repair the defective or abandoned system, the Township may pursue legal action to have the system removed and assess its cost to the tax roll. The applicant shall be responsible for the payment of any costs and attorney fees incurred by the Township in securing removal of the structure.

L. **The Planning Commission Review:** Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found in this Section. The Planning Commission shall not have the authority to review or to allow photovoltaic solar farm facilities within any other zoning district.

**Alternatives:** For a request for alternatives set forth in this Ordinance, for either dimensional requirements as well as physical development requirements found in this Article, the applicant shall present in writing prior to the Planning Commission hearing: 1) the alternatives requested, 2) the reasons for the deviation, 3) supporting documentation for the deviation, 4) the lot size and location of the proposed solar farm 5) the number, size, make and location of the solar components. The Planning Commission may grant the deviation based upon changing technology to the extent the request is within the reasonable spirit of the standards under this

Ordinance.

**Minimum Lot Size:** The Planning Commission may consider a joint application of adjacent properties. When a joint application is made for adjacent properties, all owners must agree to and make a joint request for reduction to the minimum lot size of 20 acres within the joint application. In addition to the standards set forth herein, the Planning Commission shall consider the impact on both properties, the size of the properties, the setback requirements, the impact on neighboring properties, the use of mechanical devices common to both properties, the grant of necessary easements, the size and location of the solar components, the joint use components, and other reasonable conditions. The Planning Commission may request additional information or documentation in order to make an informed decision on a solar farm Special Land Use request.

M. **Solar farms** shall be considered a Special Land use and allowed in the Agricultural and Light Industrial zones. The property owner or agent must apply for a Special Land Use permit applying the standards in this Ordinance and under Article 13-Special Land Use Approval Requirements, Section 1300 (General Requirements and Procedures) and the Michigan Zoning Enabling Act, (MZEA), Public Act 110 of 2006.

The applicant shall present an application on a form approved by the Township and a detailed site plan. The Planning Commission shall make notifications and hold hearing as required under the MZEA. The Planning Commission shall review the special land use application, and may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

**PASSED AND ADOPTED** by the Mussey Township Board of the Political Subdivision on this 14<sup>th</sup> day of October, 2020

**EFFECTIVE DATE:** Public Hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven (7) days after publication, pursuant to the provision of Section 11, Act 184 of the Public Acts of 1943, as amended.

**ADOPTION:** Made and passed by the Township Board of Trustees of the Township of Mussey, St. Clair County, Michigan, on this 14<sup>th</sup> day of October, 2020 A.D.

1. Date of Adoption by Township Board: **October 14, 2020**
2. Date of Publication: **October 21, 2020**
3. Date Ordinance shall take effect: **October 28, 2020**

**CERTIFICATION:** I Sheila McDonald, Clerk of the Township of Mussey, do hereby certify that Ordinance #41 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Fire Hall on the 14<sup>th</sup> day of October, 2020.

Vote on this Ordinance, 4 members being present, was as follows:

AYES: Standel, McDonald, Downey & Lauwers

NAYS: None

ABSENT: Geliske

I further certify that said Ordinance #41 adopted by the Township Board on the 14<sup>th</sup> day of October, 2020 was published once in the Tri-City Times, a paper published and circulated in the Township of Mussey, County of St. Clair, on the 21<sup>st</sup> day of October, 2020 this being the first and final day of publication of this Ordinance.

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Sheila McDonald, Clerk of Mussey Township