

**EDENVILLE TOWNSHIP**

**ZONING ORDINANCE AMENDMENT**

ORDINANCE NO. 187

*An Ordinance to amend the Edenville Township Zoning Ordinance to preserve the dignity and aesthetic quality of the environment in the Township, preserve the physical integrity of land in close proximity to residential areas, protect and enhance the economic viability and interests of citizens and residents in the Township, and to authorize Solar Energy Facilities in certain zoning districts subject to certain regulations to promote the health, safety, and general welfare of the Township and its residents.*

EDENVILLE TOWNSHIP, MIDLAND COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. AMENDMENT TO ZONING ORDINANCE ARTICLE 2, SECTION 2.02,**  
**Definitions:** Zoning Ordinance, Article 2, Section 2.02 shall be amended to add the following definitions. The definitions below shall be inserted in alphabetical order to correspond with the existing definitions within the Zoning Ordinance:

**ABANDONED SOLAR ENERGY FACILITY:** Any Solar Energy Facility or improvements and/or components thereof that remain nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of twelve months.

**SOLAR IMPROVED AREAS:** Land areas containing components of a Solar Energy Facility, including, but not limited to, solar panels, electrical inverters, storage buildings, and access roads.

**SOLAR ARRAY:** Any number of photovoltaic devices connected together to provide a single output of electric energy or other energy.

**SOLAR ENERGY FACILITY:** Land principally used to host improvements to convert solar energy to electricity, which includes, but is not limited to, all the components including solar panels, racking, inverters, collection lines, and subsystems required to convert solar energy into electric or thermal energy suitable for use for off-site customers. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. This term applies to solar photovoltaic (PV) systems used for the purpose of generating and selling energy for off-site utility-scale use and does not apply to private, commercial, or residential uses where energy is used for supplying supplemental electricity for on-site uses.

**SOLAR GLARE:** The effect produced by light reflecting from a solar panel or other solar energy component with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**UNREASONABLE SAFETY HAZARD:** Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

**SECTION 2. AMENDMENT TO ZONING ORDINANCE ARTICLE 6, SECTION 6.02:** Zoning Ordinance, Article 6, Section 6.02, entitled "Permitted Uses and Structures," is amended to add "Solar Energy Facility" as a use permitted by special use permit in the Agricultural Zoning District (District A), and shall read as follows:

**Section 6.02—Permitted Uses and Structures:** Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures
  - a. Single-family dwelling.
  - b. Two-family dwelling.
  - c. Farms.
  - d. Community and publicly owned and operated buildings and facilities.
  - e. Home Occupation
  - f. Accessory buildings and structures are allowed as a primary use.
2. Uses Permitted by Special Use Permit:
  - a. Mining.
  - b. Transient and amusement enterprises.
  - c. Public utility substations and buildings.
  - d. Wireless communication facilities and support structures
  - e. Airport.
  - f. Kennel.
  - g. Ponds.
  - h. Wind energy conversion systems.
  - i. Additional one story family dwelling for use by temporary farm help.
  - j. Planned Unit Development (PUD).
  - k. Multi-family dwelling.
  - l. Family Day Care Home.
  - m. Child Care Center.
  - n. Group Day Care Home.
  - o. Campground.
  - p. Tourist homes and rooming houses.
  - q. Fraternal lodges, private clubs, and similar civic or social organizations.
  - r. Nonprofit fundraisers.
  - s. Solar Energy Facility.

**SECTION 3. AMENDMENT TO ZONING ORDINANCE ARTICLE 7, SECTION 7.02:** Zoning Ordinance, Article 7, Section 7.02, entitled "Permitted Uses and Structures," is amended to add "Solar Energy Facility" as a use permitted by special use permit in the Commercial and Light Industrial Zoning District (District C), and shall read as follows:

**Section 7.02—Permitted Uses and Structures:** Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures:
  - a. Single-family dwelling.
  - b. Two-family dwelling.

- c. Multiple-family dwelling.
- d. Retail sales and wholesale establishments. If such establishment contains a residence, the entire structure shall be at least 1500 square feet in area.
- e. Motels and tourist homes.
- f. Business, professional and philanthropic facilities or offices.
- g. Personal service establishments, such as beauty and barber shops, financial institutions, laundry and dry cleaning shops; exclusive of drive-up windows or drive-through services.
- h. Building and landscaping contractor offices with garages for maintenance and storage of equipment.
- i. Nurseries and greenhouses.
- j. Restaurants.
- k. Community and publicly owned and operated buildings and facilities.
- l. Lawn care and landscaping.
- m. Accessory buildings and structures are allowed as a primary use.

2. Uses Permitted by Special Use Permit:

- a. Transient and amusement enterprises.
- b. The production, processing, assembly, manufacturing, or packaging, testing, repair, storage distribution and sale of goods, or materials, including but not limited to recreational supplies, toys, pharmaceuticals, tools, toiletries, hardware and cutlery, tool die, gauge and machine shops, molded products, musical instruments, electrical appliances, electronic devices, signs, heating and venting equipment, and eaves.
- c. The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood, yarns and such other similar materials.
- d. Public utility substations and buildings.
- g. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or natural gas.
- h. The production, processing, assembly, manufacturing or packaging, testing, repair, storage, distribution, and sale of goods or material including but not limited to tanneries, rendering works, refineries, rubber processing, and packing houses.
- i. Storage Units and/or facilities for non-hazardous materials.
- j. Gasoline service stations, including auto repair.
- k. Drive-up windows or drive-in or drive-through facilities.
- l. New or Expanded Commercial Developments.
- m. Wireless communication facilities and support structures
- n. Planned Unit Development (PUD).
- o. Solar Energy Facility.

**SECTION 4. AMENDMENT TO ZONING ORDINANCE ARTICLE 8, SECTION 8.02:** Zoning Ordinance, Article 8, Section 8.02, entitled "Permitted Uses and Structures," is amended to add "Solar Energy Facility" as a use permitted by special use permit in the Heavy Industrial Zoning District (District I), and shall read as follows:



**Section 8.02 — Permitted Uses and Structures:** No building, structure or land or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures:

- a. Commercial storage.
- b. The production, processing, assembly, manufacturing, or packaging, testing, repair, storage distribution and sale of goods, or materials, including but not limited to recreational supplies, toys, pharmaceuticals, tools, toiletries, hardware and cutlery, tool die, gauge and machine shops, molded products, musical instruments, electrical appliances, electronic devices, signs, heating and venting equipment, and eaves.
- c. The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood and yarns or such other similar materials as approved by the Planning Commission through a Special Use Permit.
- d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or natural gas.
- e. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
- f. Principal Permitted Uses and Structures in District C.
- g. Accessory buildings and structures are allowed as a primary use.

2. Uses Permitted by Special Use Permit:

- a. Mining.
- b. Paving and underground construction contractors.
- c. Race track.
- d. Incinerators and transfer stations.
- e. Shooting ranges.
- f. Slaughterhouses.
- g. Auditoriums, stadiums and outdoor theaters.
- h. Junk yards and used auto parts dealers.
- i. Uses Permitted Subject to Approval of Special Use Permit in District C.
- j. Wireless communication facilities and support structures
- k. Solar Energy Facility.

**SECTION 5. AMENDMENT TO ZONING ORDINANCE ARTICLE 15, SECTION 15.27:** Zoning Ordinance, Article 15 is amended to add a Section 15.27 entitled "Solar Energy Facility."

**Section 15.27 – Solar Energy Facility**

- 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 a Solar Energy Facility land use.
- B. Site Plan Drawing and Supporting Application Materials: All applications for a Solar Energy Facility must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. Such site plans and applications must

include all information specified below and shall be reviewed by the Township Zoning Administrator or other designated official for completeness before consideration of the use by the Planning Commission:

1. All requirements for a site plan contained in Article 20 of the Zoning Ordinance and all requirements for a special use permit contained in Article 19 of the Zoning Ordinance.
2. Four (4) copies of a site plan including all required fees.
3. Depictions noting setbacks, panel locations, any ground mounted electrical equipment, panel sizes, and location of property lines, buildings, road right of ways, and utility easements.
4. A map showing a radius of five (5) nautical miles from the center of the proposed Solar Energy Facility that shows the locations of any airport operations, if applicable.
5. A document indicating how an applicant will comply with ordinance requirements for a buffer landscaping plan.
6. For consideration of potential impacts to low altitude airport flight paths, notification of a proposed Solar Energy Facility shall be sent to the Tri-City Airport Zoning Board, at least forty-five (45) days before the first scheduled Planning Commission meeting to consider such an application, which notes that the Airport Zoning Board may make any comments addressed to the Planning Commission. This required notification must include: (1) location of the proposed Solar Energy Facility (i.e. map, coordinates, address, parcel ID), a description of the Solar Array technology (i.e. ground- mounted fixed, tracked PV, solar thermal, etc.), and the location and area of the system (e.g. 20 acres). A copy of this required communication shall be included with application materials including the proof of the date of the delivery of the notification.
7. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Solar Energy Facility.
8. Copies, or evidence that the applicant will submit copies, of all local, state, and federal regulatory approvals from applicable agencies and governmental entities related to the Solar Energy Facility, including all required provisions of this section and regulations related to outdoor battery storage.
9. Names of owners of each lot or parcel within the Township that is proposed to be within the Solar Energy Facility.
10. Vicinity map showing the location of all surrounding land uses.
11. Location and height of all proposed Solar Arrays, buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the proposed Solar Energy Facility.
12. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Solar Energy Facility and within 1,000 feet of the outside perimeter of the Solar Energy Facility.

13. Proposed setbacks from any Solar Arrays to all boundary lines and all existing and proposed structures within the Solar Improved Areas.
14. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Solar Energy Facility.
15. Access driveways within and to the Solar Energy Facility, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Midland County Road Commission or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.
16. 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 Solar Energy Facility.
17. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Solar Energy Facility, including decommissioning and removal procedures when determined by the Township to be an Abandoned Solar Energy Facility. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Solar Energy Facility becomes an Abandoned Solar Energy Facility.
18. A copy of the manufacturer's safety measures.
19. Planned lighting protection measures.
20. The environmental impact of the Solar Energy Facility, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
  - a. Impact on area water resources;
  - b. Impact on air quality;
  - c. Noise impacts caused by the Solar Energy Facility;
  - d. Impact on utilities and infrastructure;
  - e. Protection of neighboring property owners and children;
  - f. Impact on wildlife;
  - g. Effects on floodplains and wetlands;
  - h. The preservation of unique or prime farmlands and soils;
  - i. Areas of aesthetic or historical importance;

- j. Archeological or cultural concerns; and
  - k. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.
- 21. A written description of measures to be taken to support the flow of rainwater throughout the Solar Energy Facility, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Midland County Drain Commissioner.
  - 22. A written contract with any energy provider or other purchaser of the energy produced by the Solar Energy Facility, demonstrating a commitment to purchase said energy, if such a contract exists. If no contract exists, a written statement outlining the intended operation and sale of energy from the proposed use. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by law.
  - 23. Affidavits or evidence of a legal right between the applicant and property owners that own land within a proposed Solar Energy Facility that demonstrates the ability to construct and operate the Solar Energy Facility.
  - 24. A written document documenting how the applicant or operator will respond to emergencies during construction, operation, and decommissioning of the project including fire suppression, general emergency/disaster response, police protection, and injuries to persons related to the project. Applicants shall provide written evidence that applicable fire suppression, police protection, and emergency medical service providers approve of such plan.
  - 25. A written plan that outlines a complaint resolution process to allow members of the public to file written complaints regarding alleged Zoning Ordinance or Township approval violations that allows an applicant or operator of a project to either remedy such complaints or to otherwise respond to the complaints. A complaint resolution plan must detail how an applicant or operator will: (1) establish a form for complaints; (2) make contact information publicly available for complaints; and (3) report complaints and actions taken by the applicant and/or operator to the Township at least on an annual basis. The complaint resolution process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process may not preclude the Township from independently acting on a complaint before a response from an applicant or owner of a Solar Energy Facility.
  - 26. Additional detail(s) and information as required by 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 use permit for a Solar Energy Facility. 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 use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of a 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 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 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. Upon completion of zoning review, the Township shall return all remaining escrow funds without interest.

- D. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Solar Energy Facility shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of any special 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 shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Solar Energy Facility shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy Facility is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Planning Commission may waive or modify these height requirements for certain aspects of a Solar Energy Facility (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- G. Lot Size: A Solar Energy Facility must be located on one or more parcels with an aggregate area of 20 acres or greater.
- H. Setbacks: All Solar Improved Areas of a Solar Energy Facility, including disposal areas must be at least 60 feet from public road right of way and 25 feet from any fence line. If an applicant or operator installs an opaque fence, the setback may be reduced to 20 feet from the opaque fence line. All other setback requirements imposed by a particular zoning district shall apply to a Solar Energy Facility, and may not be waived, except any requirement requiring setbacks from parcel lines if an applicant provides evidence that owners of two or more adjoining parcels agree to host Solar Energy Facility improvements. Solar Improved Areas must be at least 100 feet from any residential use, school, or church, measured from the property line.
- I. Lot Coverage: A Solar Energy Facility is exempt from maximum lot coverage limitations.
- J. Screening/Security/Landscape Buffer Plan: A Solar Energy shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing may be either a uniform six (6) foot tall fence constructed of steel or other material of similar strength (referred to as a fence) or an opaque fence which is a uniform six (6) foot tall fence that contains no gaps to screen any Solar Energy Facility constructed of steel or other material of similar strength (referred to as an opaque fence). Electric fencing is not permitted. The perimeter of a Solar Energy Facility shall also be screened and buffered by installed evergreen vegetative plantings or bushes whenever



existing natural forest vegetation does not otherwise continuously obscure the Solar Energy Facility entire perimeter from adjacent parcels, subject to the following requirements:

1. The design of a Solar Energy Facility landscape buffer shall use materials, colors, textures, screening, and landscaping to reasonably blend the facility into the natural setting and existing environment.
  2. 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 or bush buffer shall be installed and maintained at all times at the perimeter of the all Solar Energy Facilities, including without limitation between such Solar Energy Facilities and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Solar Energy Facility as approved by a special use permit.
  3. The evergreen, native vegetative, or bush buffer shall be composed of native or evergreen trees or bushes that at planting shall be a minimum of four (4) feet in height. Plantings shall be spaced no more than fifteen feet (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant) unless such distances are not possible and greater distances will still reasonably shield the Solar Energy Facility from view. Applicants shall arrange plantings (e.g., staggering or double rows) to enhance screening of the Solar Energy Facility. Dead material shall be replaced by an applicant or operator within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should an applicant or operator allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special use permit.
  4. All plant materials shall be installed between March 15 and November 15. Moreover, all landscaping buffers shall be designed to obtain a height of ten (10) feet within three growing seasons. If the applicant requests a final zoning or other approval from the Township and the applicant is unable to plant during the installation period, the applicant must 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.
  5. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed ten inches in height. Operators shall mow or otherwise manage grasses to avoid excess heights and weeds may be spot sprayed if necessary. In some regions, sheep grazing within a Solar Energy Facility may be used to control vegetation.
- K. Signage: An applicant or operator shall post signs identifying a manufacturer's or installer's identification and appropriate warning signs outlining high voltage and/or other warnings shall be posted on or near the panels in a clearly visible manner. An applicant must also post a sign at entrances the Solar Energy Facility which lists the phone number and name of the facility's operator that the public can call any time or day of the week. Otherwise, no lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the components of a Solar Energy Facility. This section does not prohibit signs

reasonably necessary to inform the public of potential safety hazards associated with Solar Energy Facility, nor does it prohibit any other signs that may be required by this Ordinance, a special use permit, or other applicable law.

- I. PV Facility Systems Identification: An applicant or operator must mark photovoltaic devices with appropriate warnings and guidance related to isolating the system in the event of a fire or emergency or otherwise include in the required emergency response how to disconnect aspects of the system in the event of an emergency response. Materials for any required marking must be weather resistant.
- L. Noise: No component of any Solar Energy Facility shall emit noise exceeding forty-five (45) dBA as measured at the outside perimeter of the project.
- M. 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.
- N. Solar Glare: All components of a Solar Energy Facility shall be arranged to reasonably minimize Solar Glare including direct or indirect (reflective) light emissions. A Solar Energy Facility must be placed to not cause Solar Glare or other light emissions that would materially interfere with airplane pilot vision, traffic control operations, and/or roadways and also to not cause unreasonable Solar Glare on adjacent and nearby properties.
- O. Distribution, Transmission, and Interconnection: All collection lines, inverters, and interconnections from Solar Arrays or other components of a Solar Energy Facility to any electrical substations shall be located and maintained underground inside the Solar Energy Facility. The Planning Commission may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- P. Insurance: Prior to construction of a Solar Energy Facility, an applicant or operator of such use must provide the Township with evidence of insurance coverage with a minimum of (a) \$1,000,000 Workmen's Compensation insurance at statutory limits and not less than \$1,000,000 aggregate; (b) Comprehensive General Liability Insurance (including contractual liability, products, and completed operations) with a bodily injury, death, and property damage combined single limit of not less than \$5,000,000 per occurrence; and (c) Pollution and Environmental Impairment Insurance with limits of not less than \$5,000,000 per occurrence. Such policies must name Edenville Township as an additional insured and an applicant must provide proof of such policies annually for the life of the use unless waived by the Planning Commission. Failure to maintain the insurance coverage required above is grounds for revocation of a special use permit.
- Q. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes an Abandoned Solar Energy Facility, as determined by a Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Solar Energy Facility and all its components within 180 days of notice from the Zoning Administrator or other designee of the Township. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review prior to issuance of any special 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 become an Abandoned Solar Energy Facility shall be removed under the decommissioning plan. The ground must be restored to a substantially similar condition within 180 days of becoming an Abandoned Solar Energy Facility, or decommissioning, whichever occurs first.

- R. General Standards: The Planning Commission shall not approve any Solar Energy Facility special use permit unless it finds that all of the applicable standards for special land uses of the Zoning Ordinance are met.
- S. Safety: The Planning Commission shall not approve approval any Solar Energy Facility special use permit if it finds the Solar Energy Facility will pose an Unreasonable Safety Hazard 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 Solar Energy Facility 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 Solar Energy Facility must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Solar Energy Facility fails at any time to meet the requirements of this Ordinance and the special use permit, or that it poses a potential Unreasonable Safety Hazard, an applicant or operator shall shut down the Solar Energy Facility within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Solar Energy Facility until the condition has been corrected. Applicants or operator shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review. Applicant shall keep all sites within the Solar Energy Facility 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 Solar Energy Facility shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Midland County Road Commission or Michigan Department of Transportation (as appropriate) 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 appropriate agency in an amount necessary to ensure repair of any damage to the public roads caused by construction of the Solar Energy Facility or any of its elements. Applicants must obtain all required driveway permits for a Solar Energy Facility from the Midland County Road Commission.
- X. Access: Applicants must demonstrate that all access roads and proposed storage areas used for a Solar Energy Facility are established on a 30 foot-wide minimum easement to provide such access and storage unless waived by the Planning Commission.



- Y. Continuing Security and Escrow: If any Solar Energy Facility is approved for construction under this section, applicants shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Solar Energy Facility has been finally removed, as provided below:
1. Continuing Restoration Security: If a special use permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, 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 its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use permit has been approved but before construction commences on the Solar Energy Facility. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to a substantially similar condition prior to construction and operation of the Solar Energy Facility. Such financial security shall be kept in full force and effect during the entire time that the Solar Energy Facility exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Solar Energy Facility approved by the Township shall inform the Township in the event that facility, or a material portion of that facility is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.
  2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Solar Energy Facility and shall be maintained by the owner or operator until the Solar Energy Facility 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 use permit, which costs can include, but are not limited to, reasonable fees for a 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 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. At the end of the lifespan of the use, all escrow funds shall be returned by the Township without interest.
  3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Solar Energy Facility exists or is in place shall constitute a material and significant violation of the special use permit and this Ordinance, and will subject the Solar Energy Facility applicant, owner, and operator to all remedies available to the Township, including enforcement action and revocation of the special use permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- Z. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Solar Energy Facility as a special land use.

AA. Completion of Construction: The construction of any Solar Energy Facility must commence within a period of one (1) year from the date a special use permit is granted, and must be completed within a period of three (3) consecutive years from the date a special use permit is granted. The Planning Commission may grant an extension for construction, provided the applicant requests the extension prior to the date of the expiration of approval of a special use permit. Failure to complete construction within the permitted time period shall result in the approved special use permit being rendered null and void.

BB. Annual Reports: The owner or operator of a Solar Energy Facility shall provide the Zoning Administrator with annual reports on trends and usage of that facility as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by law.

CC. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Solar Energy Facility, including, but not limited to, by the sale or lease of that facility or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Solar Energy Facility. Such an instrument or agreement shall include an express statement that the new owner or operator of the Solar Energy Facility shall not be permitted to operate that facility until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

DD. Site Location Preference: When considering an application for a special use permit, the Planning Commission shall give preference to siting Solar Energy Facilities on sites that will preserve productive farmland and that utilize lesser productive farmland for improvements; however, the Planning Commission retains the right to approve any project regardless of its siting location if it finds the location consistent with standards enumerated in the Zoning Ordinance.

**SECTION 6. 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 7. EFFECTIVE DATE:** This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

**SECTION 8. 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 A. Lewis and was supported by C. Starkey at a regular meeting of the Edenville Township Board, held at the Edenville Township Hall on the 9<sup>th</sup> day of Nov, 2021, at 5:30 p.m., the vote being:

YEAS: J. Sperling K. Carey T. Hall C. Starkey A. Lewis

NAYS: none

ABSENT/ABSTAIN: none



ORDINANCE DECLARED ADOPTED.



Terrance Hall, Township Supervisor



### CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Edenville Township Board at a duly scheduled and noticed meeting of that Township Board held on 11-9-, 2021, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Midland Daily News newspaper, a newspaper that circulates within Edenville Township, on 11-12-, 2021.
3. Within 1 week after such publication, I recorded the above Ordinance 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.
4. I filed an attested copy of the above Ordinance with the Midland County Clerk on 11-10-21, 2021.

ATTESTED:



Anedra Lewis, Township Clerk

**EDENVILLE TOWNSHIP, MIDLAND COUNTY, MICHIGAN**

**ORDINANCE AMENDING EDENVILLE TOWNSHIP ZONING ORDINANCE  
TO REGULATE WIND ENERGY FACILITIES**

**ORDINANCE NO. 187**

**NOTICE OF ADOPTION**

Please take notice that on 11-9-, 2021, the Township Board of Edenville Township adopted Ordinance No. 187, which amends the Edenville Township Zoning Ordinance to regulate the development and use of Solar Energy Facilities within the Township. Copies of the Ordinance may be obtained from the Office of the Edenville Township Clerk, at 467 Moore Street, Edenville, MI 48620 during regular business hours or by appointment

The Ordinance provides, in summary, for the issuance of special land use approvals and site plan review for Solar Energy Facilities within the Township subject to procedures and standards within the Ordinance and the balance of the Zoning Ordinance. The Ordinance has the following articles: Article 1: Amends Section 2.02 of the Zoning Ordinance to add definitions related to Solar Energy Facilities; Article 2: Amends Section 6.02 of the Zoning Ordinance to allow Solar Energy Facilities in the Agricultural Zoning District by special use permit; Article 3: Amends Section 7.02 of the Zoning Ordinance to allow Solar Energy Facilities in the Commercial and Light Industrial Zoning District by special use permit; Article 4 Amends Section 8.02 of the Zoning Ordinance to allow Solar Energy Facilities in the Heavy Industrial Zoning District by special use permit; Article 5: Adds a Section 15.27 to the Zoning Ordinance to regulate Solar Energy Facilities; Article 6: Severability; Article 7: Effective Date, which is seven (7) days after publication of this notice of adoption or as otherwise provided by MCL 125.3402; and Article 8. Repeal.

Published by Order of the Township Board  
Edenville Township, Midland County  
Anedra Lewis, Township Clerk  
(989) 689-3655

Publication Date: 11-12-, 2021