

**ONEIDA CHARTER TOWNSHIP  
ZONING ORDINANCE AMENDMENT**

ORDINANCE NO. 2018-02-01

*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 2.02:** Zoning Ordinance Chapter 2, Section 2.02, is amended to add a definition for the term “Abandoned Solar Energy System,” and shall read as follows:

**ABANDONED SOLAR ENERGY SYSTEM**

Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of 180 days.

**ACCESSORY BUILDING**

A building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an otherwise accessory building is attached to a main building in a substantial, such as a wall or roof, the building shall be considered a part of the main building: and is not an accessory building.

**ACCESSORY USE**

A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

**AGGRIEVED PERSON**

Any person, firm, partnership, corporation, or association with an interest in real property which will suffer "special damages: as a result of the decision in question. Special damages shall be defined as a particular injury to a land owner's beneficial use or enjoyment of his own land, which injury is not shared in common with other members of the general public.

**AGRICULTURAL LAND**

Substantially undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; trees for the production of fruit or wood products; and other similar uses and activities.

**ALTERATIONS**

Any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

#### AQUIFER

A geologic formation, group of formations or part of formation capable of storing and yielding a significant amount of groundwater to wells or springs.

#### ARCHITECTURAL FEATURES

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

#### AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

### **SECTION 2. AMENDMENT TO ZONING ORDINANCE CHAPTER 2, SECTION 2.17:**

Zoning Ordinance Chapter 2, Section 2.17, is amended to add a definition for the term "Photovoltaic Device," and shall read as follows:

#### PARKING LOT

A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

#### PARKING SPACE

An off-street space of at least one hundred eighty (180) square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

#### PERSONAL SERVICE ESTABLISHMENTS

Any commercial business conducting services that are performed primarily on the premises.

#### 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.

#### PLANNED UNIT DEVELOPMENT

A development of land that is planned and developed as a whole in a single development operation or programmed series of development stages, which may include a development that includes cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this Zoning Ordinance through a land development project review process

based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

#### PORCH, ENCLOSED

A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

#### PORCH, OPEN

A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

#### PRIMARY CONTAINMENT FACILITY

A tank, pit, container, pipe, or vessel of first containment of a hazardous substance. **PRINCIPAL USE** (See Use, Principal)

#### PUBLIC UTILITY

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

### **SECTION 3. AMENDMENT TO ZONING ORDINANCE CHAPTER 2, SECTION 2.19:**

Zoning Ordinance Chapter 2, Section 2.19, is amended to add a definition for the terms “Solar Array,” “Large Solar Energy System,” and “Small Solar Energy System,” and shall read as follows:

#### SALVAGE YARD

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

#### SATELLITE DISH ANTENNA, OR DISH ANTENNA

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

#### SECONDARY CONTAINMENT FACILITY

A second tank, catchment pit, or vessel that limits and contains liquid or hazardous substance leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent future environmental contamination of land, ground water or surface water.

#### SETBACK; SETBACK AREA

The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

#### SHORELINE

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

#### SIGNIFICANT NATURAL FEATURE

Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources, or other appropriate governmental agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

#### 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, primarily 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.

#### STATE LICENSED RESIDENTIAL FACILITY

A state licensed residential facility means a structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, being sections 331.681 to 331.694 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973, as amended, being section 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of that supervision or care."

#### STATE LICENSED RESIDENTIAL GROUP FACILITY

A State Licensed Residential Group Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

#### STORY

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For

the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

**STORY, HALF**

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven feet and six inches (7' 6"), at its highest point.

**STREET, PUBLIC**

A public thoroughfare including any rights-of-way and travelled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

**SUBSTANTIAL IMPROVEMENT**

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

**SECTION 4. AMENDMENT TO ZONING ORDINANCE CHAPTER 2, SECTION 2.21:**

Zoning Ordinance Chapter 2, Section 2.21, is amended to add a definition for the term "Unreasonable Safety Hazard," which shall read as follows:

**UNDERGROUND STORAGE TANK SYSTEM**

A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

**UNDEVELOPED STATE**

A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

**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 or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

**USED OIL**

Any oil which had been refined from crude oil, used, and as a result of such use contaminated by physical or chemical impurities.

#### USES, ADULT

The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

A. Adult Book Store

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

B. Adult Cabaret

An establishment including, but not limited to, a cafe, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.

C. Adult Motion Picture Theater

An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

**SECTION 5. 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 Small 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 the 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 Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. 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 an Unreasonable Safety Hazard.
- 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. The Township Board may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground
- K. Any Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times, and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.
- L. An Abandoned Solar Energy System shall be removed by the property owner or occupant within 180 days.
- M. Prior to construction, any Solar Energy System shall be required to obtain building permits, electrical permits, and an engineering evaluation as required by the applicable building code.

**SECTION 6. AMENDMENT TO ZONING ORDINANCE CHAPTER 4:** Zoning Ordinance Chapter 4, Section 4.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System” as a permitted use, and shall read as follows:

Land and/or buildings in the A-1 District may be used for the following purposes:

- A. Farms, including farm houses and related accessory buildings.
- B. Single family dwellings, including home occupations, as regulated by Section 3.21.
- C. Greenhouses, orchards, and nurseries.
- D. Production of crops/food and forest.
- E. Campgrounds.
- F. State licensed residential facility.
- G. Family day care home.
- H. Cemeteries.
- I. Roadside stands of less than two-hundred (200) square feet.
- J. Public utility or service buildings, not requiring outside storage or materials.
- K. Accessory buildings and uses, as regulated by Section 3.08.



- L. Small Solar Energy System.

**SECTION 7. AMENDMENT TO ZONING ORDINANCE CHAPTER 5:** Zoning Ordinance Chapter 5, Section 5.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System” as a permitted use, and shall read as follows:

Land and/or buildings in the R-1A District may be used for the following purposes:

- A. Farms, including farm houses, and related accessory buildings.
- B. Single family dwellings, including home occupations, as regulated by Section 3.21.
- C. Orchards.
- D. Publicly owned athletic grounds and parks.
- E. Production of forest crops.
- F. Campgrounds.
- G. State Licensed Residential Facility.
- H. Family day care home.
- I. Cemeteries.
- J. Roadside stands of less than two-hundred {200} square feet.
- K. Public utility or service buildings, not requiring outside storage or materials.
- L. Accessory buildings and uses, as regulated by Section 3.08.
- M. Small Solar Energy System.

**SECTION 8. AMENDMENT TO ZONING ORDINANCE CHAPTER 6:** Zoning Ordinance Chapter 6, Section 6.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System” as a permitted use, and shall read as follows:

Land and/or buildings in the R-2A District may be used for the following purposes:

- A. Single family dwellings, including home occupations, as regulated by Section 3.21.
- B. Publicly owned athletic grounds and parks.
- C. State Licensed Residential Facility.
- D. Family day care home.
- E. Cemeteries.
- F. Public utility or service buildings, not requiring outside storage or materials.
- G. Accessory buildings and uses, as regulated by Section 3.08.
- H. Small Solar Energy System.

**SECTION 9. AMENDMENT TO ZONING ORDINANCE CHAPTER 7:** Zoning Ordinance Chapter 7, Section 7.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System” as a permitted use, and shall read as follows:

Land and/or buildings in the R-1B District may be used for the following purposes:

- A. Single family dwellings, including home occupations, as regulated by Section 3.21.
- B. Two family dwellings.
- C. Publicly owned athletic grounds and parks.
- D. State Licensed Residential Facility.
- E. Family day care home.
- F. Cemeteries.
- G. Public utility or service buildings, not requiring outside storage or materials.
- H. Accessory buildings and uses, as regulated by Section 3.08.
- I. Small Solar Energy System.

**SECTION 10. AMENDMENT TO ZONING ORDINANCE CHAPTER 8:** Zoning Ordinance Chapter 8, Section 8.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System” as a permitted use, and shall read as follows:

Land and/or buildings in the R-M1 District may be used for the following purposes:

- A. Single family dwellings, including home occupations, as regulated by Section 3.21.
- B. Two family dwellings.
- C. Publicly owned athletic grounds and parks.
- D. State Licensed Residential Facility.
- E. Family day care home.
- F. Cemeteries.
- G. Public utility or service buildings, not requiring outside storage or materials.
- H. Accessory buildings and uses, as regulated by Section 3.08
- I. Small Solar Energy System.

**SECTION 11. AMENDMENT TO ZONING ORDINANCE CHAPTER 9:** Zoning Ordinance Chapter 9, Section 9.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System” as a permitted use, and shall read as follows:

Land and/or buildings in the R-4 District may be used for the following purposes:

- A. Manufactured home parks.
- B. Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds.
- C. Family day care.
- D. Home occupations, as regulated by Section 3.21.
- E. Accessory buildings and uses, as regulated by Section 3.08.

F. **Small Solar Energy System.**

**SECTION 12. AMENDMENT TO ZONING ORDINANCE CHAPTER 10:** Zoning Ordinance Chapter 10, Section 10.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System” as a permitted use, and shall read as follows:

Land and/or buildings in the B-1 District may be used for the following purposes:

- A. Retail food establishments conducting business entirely within enclosed buildings of less than ten thousand (10,000) square feet of GFA.
- B. Restaurants, not including drive-through facilities.
- C. Banks, credit unions, and similar financial institutions, not including drive-through facilities.
- D. Personal service establishments.
- E. Professional and business offices.
- F. Health and physical fitness establishments.
- G. Municipal and public buildings and public utility offices, but not including storage yards, substations, or regulator stations.
- H. Accessory buildings and uses, as regulated by Section 3.08.
- I. Small Solar Energy System.

**SECTION 13. AMENDMENT TO ZONING ORDINANCE CHAPTER 11:** Zoning Ordinance Chapter 11, Section 11.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System” as a permitted use, and shall read as follows:

Land and/or buildings in the B-2 District may be used for the following purposes:

- A. Any retail business whose principal activity is the sale of merchandise within an enclosed building.
- B. Personal service establishments.
- C. Service establishments, including printing, publishing, photo reproduction, blueprinting, and related trades or arts.
- D. Professional and business offices.
- E. Medical offices including clinics.
- F. Municipal and public buildings and service installations.
- G. Health and physical fitness establishments.
- H. Restaurants, not including drive-through facilities.
- I. Accessory buildings and uses, as regulated by Section 3.08.
- J. Small Solar Energy System.

**SECTION 14. AMENDMENT TO ZONING ORDINANCE CHAPTER 12, SECTION 12.02:** Zoning Ordinance Chapter 12, Section 12.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System” as a permitted use, and shall read as follows:

Land and/or buildings in the M1 District may be used for the following purposes:

- A. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling the following:
  - 1. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products.
  - 2. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats or oils).
  - 3. Electrical machinery, equipment and supplies, electronic components and accessories.
  - 4. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods.
- B. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including the following:
  - 1. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products.
  - 2. Apparel and other finished products including clothing, leather goods, and canvas products.
  - 3. Lumber and wood products including mill work, prefabricated structural work products and containers.
  - 4. Paper and paperboard containers and products.
  - 5. Biological products, drugs, medicinal chemicals and pharmaceutical preparations.
  - 6. Glass products.
  - 7. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusements, sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays.
  - 8. Pottery and figurines and other ceramic products using only previously pulverized clay.
  - 9. Fabricated metal products, except the production of heavy machinery and transportation equipment.
- C. Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber.
- D. Warehousing, including refrigerated and general storage.
- E. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
- F. Research and development facilities, including production activities, which shall be limited to fifty (50%) percent of the floor area of the building.
- G. Trade or industrial schools.
- H. New building materials sales and storage, including building trade contractors and related storage yards.
- I. Utilities and communications installations such as electrical receiving or transforming stations,

microwave towers, and televisions and radio towers, including towers for commercial wireless telecommunication services.

- J. Utility and public service buildings, including storage yards.
- K. Accessory buildings and uses, as regulated by Section 3.08.
- L. Small Solar Energy System.

**SECTION 15. 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 “Large Solar Energy System” as a special use, and shall read as follows:

The following uses are permitted in the M1 District by obtaining approval from the Township Board after recommendation from the Planning Commission as a Special Land Use after all applicable standards of Chapter 15 are satisfied.

- A. Truck and freight terminals, and maintenance facilities.
- B. Junkyards and salvage yards.
- C. Restaurants, not including drive-through establishments.
- D. Sawmills.
- E. Removal and processing of soil, sand, gravel, or other mineral resources.
- F. Tool and die metal working shops.
- G. Adult uses
- H. Large Solar Energy System.

**SECTION 16. 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 the 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 the 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 or Michigan Department of Transportation approval as appropriate, 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 procedures when determined by the Township to be obsolete or an Abandoned Solar Energy System. 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 or an Abandoned Solar Energy System.
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, 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 System
  - d. Impact on utilities and infrastructure
  - e. Protection of neighboring property owners and occupants

- f. Impact on wildlife
  - g. Effects on floodplains and wetlands
  - h. Unique farmlands or soils
  - i. Areas of aesthetic or historical importance
  - j. Archeological or cultural concerns
  - k. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility
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. The measures shall be subject to the approval of the Eaton County Drain Commission.
17. A written report of all power supplied to the electrical grid by the Large Solar Energy System. 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 Public Act 442 of 1976.
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.
19. 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 Board 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 Board 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 Board. 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.
- C. Compliance with the State 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 state construction codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of any Special Land Use Permit under this section.
- D. 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.

- E. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System 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 Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- F. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- G. Project Area. The Project Area of a Large Solar Energy System shall not exceed 250 acres in total. For the purposes of this section, “Project Area” means the surface area of all land covered by Solar Arrays, including spacing between rows of panels, but not including setbacks required by this Ordinance, regardless of whether that land is located on one or multiple parcels within the Township.
- H. Setbacks: A minimum setback distance of seventy five (75) feet from all lot lines 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 or increase 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.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 8 (eight) 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 six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant 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 Land Use Permit previously granted

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.
- K. Signage: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the Special Land Use Permit or other applicable law.
- L. 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.
- 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. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- O. 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 Township Board 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. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete or an Abandoned Solar Energy System, as determined by the 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 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 become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first. If decommissioning is not completed within a 180-day period, the Township Board shall have the authority to complete any decommissioning and restoration activities necessary to restore the property to the condition in existence prior to the installation of the Large Solar Energy System or any components thereof. Any costs incurred by the Township in pursuing such activities shall be at the expense of the Applicant, including the Applicant's continuing restoration security as provided by this Section.

- Q. General Standards: The Planning Commission shall not recommend for approval 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.
- R. Safety: The Planning Commission shall not recommend for approval any Large Solar Energy System Special Land Use Permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
- S. 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.
- T. 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.
- U. 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 Unreasonable 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. Such system shall also maintain a report indicating the amount of time any Solar Array was offline or otherwise not producing its ordinary allotment of electrical power. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- V. 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 either the Eaton 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 assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.
- W. 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 Restoration Security: If a Special Land Use Permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, 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. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system 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 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 pursuant to Section 19.06 and revocation of the Special Land Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- X. 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.
- Y. Completion of Construction: Notwithstanding Section 15.02(I) of this Ordinance, the construction of any Large Solar Energy System must commence within a period of one (1) year from the date a Special Land Use Permit is granted, and must be completed within a period of three (3) consecutive years 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.
- Z. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System 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 Public Act 442 of 1976.
- AA. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System 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 Large Solar Energy System, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

**SECTION 17. 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), requiring site plan review for any Small or Large Solar Energy Systems in any district:

In accordance with the provisions of this Chapter, the Planning Commission shall be furnished with a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:

- A. All uses permitted in the following districts:
  - R-M1 High Density Residential District
  - B-1 Local Business District
  - B-2 General Business District
  - M-1 Light Industrial District
  - R-4 Manufactured Home Park
- B. Special Land Uses in all Zoning Districts.
- C. Site condominiums in any district.
- D. Large Solar Energy Systems in any district.

**SECTION 18. AMENDMENT TO ZONING ORDINANCE, CHAPTER 19:** Zoning Ordinance Chapter 19, Section 19.02, entitled “Remedies and Enforcement” is amended to add the following new Subsection 19.06(E), authorizing enforcement of the Zoning Ordinance through civil infractions:

- E. A violation of any provision of this Ordinance shall constitute a municipal civil infraction. A person found responsible for such an infraction shall be subject to a civil fine in an amount not to exceed two-hundred dollars (\$250.00) for each day a violation continues. The person found responsible shall also be subject to costs, including all expenses, whether direct or indirect, which the Township has incurred in enforcing the Ordinance, as provided by law. This provision shall not be interpreted as preventing the Township from enforcing this Ordinance through any alternate methods provided by law, including, but not limited to, a civil action or misdemeanor prosecution.

**SECTION 19. 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 20. EFFECTIVE DATE:** This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

**SECTION 21. 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 Mellissa Goschka and was supported by Janet Schultz at a regular meeting of the Oneida Charter Township Board, held at the Oneida Charter Township Hall on the 13th day of February, 2018, at 7:30 p.m., the vote being:

YEAS: Kevin O'Malley, Janet Schultz, Melissa Goshka, Don Cooley, Thomas Campbell, Madelyne Lawry, Barbara Campbell

NAYS: None

ABSENT/ABSTAIN: None

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 January 9, 2018;
2. Published by a summary once before its final adoption in the Grand Ledge Independent newspaper, a newspaper that circulates within Oneida Charter Township, on January 28, 2018;
3. Finally adopted by the Oneida Charter Township Board at a duly scheduled and noticed meeting of that Township Board held on February 13, 2018;
4. Published by summary again following its final adoption in the Grand Ledge Independent newspaper, a newspaper that circulates within Oneida Charter Township, on February 25, 2018;
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 February 28, 2018.

ATTESTED:



Thomas D. Campbell, Clerk  
Oneida Charter Township