

WINDSOR TOWNSHIP
ZONING ORDINANCE AMENDMENT
PROVIDING FOR SOLAR ENERGY SYSTEMS
ORDINANCE NO. 46

At a regular meeting of the Township Board of Windsor Township, Eaton County, Michigan, held at the Windsor Charter Township Office on February 11, 2020 at 7:30 p.m., Township Board Member Slueter moved to adopt the following ordinance, which motion was seconded by Township Board Member Myers.

An Ordinance to amend the Zoning Ordinance of Windsor Township to add Small Solar Energy Systems as a use permitted by right and to add Large Solar Energy Systems as a use permitted by special use permit in the Light Industrial District (M-1), Heavy Industrial District (M-2), and in the Agricultural District (A-1), to include Small Solar Energy System as a use not requiring site plan review, as well as to include supplementary regulations related to Small and Large Solar Energy Systems and provide special use permit standards for Large Solar Energy Systems.

WINDSOR TOWNSHIP, EATON COUNTY, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.502, SUBSECTION 5.2.2, USES PERMITTED BY RIGHT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.502, Subsection Section 5.2.2, entitled "Uses permitted by right," is amended to add Small Solar Energy System as a use permitted by right in the One-Family Rural Residential District (R-1A):

5.2.2. Uses permitted by right.

- (1) One-family dwelling.
- (2) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include the following:
 - (a) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - (b) Additional supplementary uses, including accessory buildings, as stipulated in Article VI, Section 6.2.2.
- (3) Public recreation.
- (4) Cemeteries which lawfully occupied land at the time of adoption of this ordinance.
- (5) A family day care home, as herein defined.
- (6) An adult foster care family home, as herein defined.
- (7) Small Solar Energy System, provided the requirements stated in Article VI, Section 110.611 are met.

SECTION 2. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.503, SUBSECTION 5.3.2, USES PERMITTED BY RIGHT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.503, Subsection Section 5.3.2, entitled “Uses permitted by right,” is amended to add Small Solar Energy System as a use permitted by right in the One-Family Low Density Residential District (R-1B):

5.3.2. Uses permitted by right:

- (1) One-family dwelling.
- (2) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include the following:
 - (a) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - (b) Additional supplementary uses, including accessory buildings, as stipulated in Article VI, Section 6.2.2.
- (3) Public recreation.
- (4) Cemeteries which lawfully occupied land at the time of adoption of this ordinance.
- (5) A family day care home, as herein defined.
- (6) An adult foster care family home, as herein defined.
- (7) Small Solar Energy System, provided the requirements stated in Article VI, Section 110.611 are met.

SECTION 3. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.504, SUBSECTION 5.4.2, USES PERMITTED BY RIGHT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.504, Subsection Section 5.4.2, entitled “Uses permitted by right,” is amended to add Small Solar Energy System as a use permitted by right in the One-Family Medium Density Residential District (R-1C):

5.4.2. Uses permitted by right:

- (1) One-family dwelling.
- (2) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include the following:
 - (a) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - (b) Additional supplementary uses, including accessory buildings, as stipulated in Article VI, Sections 6.2.2. and 6.4.2.
- (3) Public recreation.

- (4) A family day care home, as herein defined.
- (5) An adult foster care family home, as herein defined.
- (6) Small Solar Energy System, provided the requirements stated in Article VI, Section 110.611 are met.

SECTION 4. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.505, SUBSECTION 5.5.2, USES PERMITTED BY RIGHT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.505, Subsection Section 5.5.2, entitled “Uses permitted by right,” is amended to add Small Solar Energy System as a use permitted by right in the Medium Density Residential District (R-1D):

5.5.2. Uses permitted by right:

- (1) One-family dwelling.
- (2) Two-family dwelling.
- (3) Customary accessory uses and buildings, provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any use shall be located on the same lot with the principal building. Accessory uses shall include the following:
 - (a) Living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - (b) Additional supplementary uses, including accessory buildings, as stipulated in Article VI, Section 6.2.2.
- (4) Public recreation.
- (5) A family day care home, as herein defined.
- (6) An adult foster care family home, as herein defined.
- (7) Small Solar Energy System, provided the requirements stated in Article VI, Section 110.611 are met.

SECTION 5. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.506, SUBSECTION 5.6.2, USES PERMITTED BY RIGHT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.506, Subsection Section 5.6.2, entitled “Uses permitted by right” is amended to add Small Solar Energy System as a use permitted by right in the Multiple-Family Residential District (R-1M):

5.6.2. Uses permitted by right:

- (1) One-family dwelling.
- (2) Two-family dwelling.
- (3) Non-commercial parks, playgrounds, and playfields.
- (4) A family day care home, as herein defined.

- (5) An adult foster care family home, as herein defined.
- (6) Small Solar Energy System, provided the requirements stated in Article VI, Section 110.611 are met.

SECTION 6. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.507, SUBSECTION 5.7.2, USES PERMITTED BY RIGHT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.507, Subsection Section 5.7.2, entitled “Uses permitted by right” is amended to add Small Solar Energy System as a use permitted by right in the Office District (O-1):

5.7.2. Uses permitted by right:

- (1) Public buildings: Post offices, libraries and governmental administrative offices.
- (2) Banks and other financial institutions (without drive through facilities).
- (3) Professional and administrative: Physicians, surgeons, dentists, clinics, architects, artists, engineers, executive, legal, clerical, accounting, insurance, real estate and other related fields.
- (4) Restaurants: Including lunch counters, dairy bars, coffee shops, and other establishments which provide for consumption on the premise. These establishments shall not have drive through facilities and must be located within an office building.
- (5) Bed and breakfast as herein defined. Exception: This use shall not be allowed in the M-1 light industrial district or the M-2 heavy industrial district.
- (7) Small Solar Energy System, provided the requirements stated in Article VI, Section 110.611 are met.

Section 7. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.509, SUBSECTION 5.9.4, USES PERMITTED BY SPECIAL USE PERMIT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.509, Subsection 5.9.4, entitled “Uses permitted by special use permit” is amended to include Large Solar Energy System as a use permitted by Special Use Permit in the Light Industrial District (M-1):

5.9.4 Uses permitted by special use permit. In the M-1 light industrial district the following uses are permitted by special use permit and are subject to the procedures set forth in Article VIII of this ordinance:

- (a) Large Solar Energy System. See Article VI, Section 110.611.
- (b) Any of the uses that are not a principal permitted uses in this district and are permitted by special use permit in the B-1 limited business district, Section 5.8.3 and the B-2 business district, Section 5.8-A.3 and those land uses that are listed as miscellaneous special uses under Section 8.6 of this ordinance with the exception of the following:
 - (1) Sanitary fills, incinerators, and energy recycling facilities.
 - (2) Salvage yards.
 - (3) Sewage treatment and disposal installations.
 - (4) Sand or gravel pits, shale, clay and muck quarries.

Section 8. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.509-A, SUBSECTION 5.9-A.4., USES PERMITTED BY SPECIAL USE PERMIT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.509-A, Subsection 5.9-A.4., entitled “Uses permitted by special use permit” shall be amended to include Large Solar Energy System as a use permitted by Special Use Permit in the Heavy Industrial District (M-2):

5.9-A.4. *Uses permitted by special use permit.* In the M-2 heavy industrial district the following uses are permitted by special use permit and are subject to the procedures set forth in Article VIII of this ordinance:

- (a) Any of the uses that are not a principal permitted use in this district and are permitted by special use permit in the M-1 light industrial district, Section 5.9.4.
- (b) A permanent or temporary cement plant, batch plant or asphalt plant which may or may not be in conjunction with an extraction operation.
- (c) The land uses that are listed as miscellaneous special uses. See Section 8.6 of this ordinance.
- (d) Large Solar Energy System. See Article VI, Section 110.611.

Section 9. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.510, SUBSECTION 5.10.2, USES PERMITTED BY RIGHT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.510, Subsection 5.10.2, entitled “Uses permitted by right” shall be amended to include Small Solar Energy System as a use permitted by right in the Agricultural District (A-1):

5.10.2. *Uses permitted by right:*

- (1) Single-family dwelling. Refer to Schedule A.
- (2) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises along with accessory uses incidental to the above.
- (3) Raising and keeping of small animals, such as poultry, rabbits, and goats.
- (4) General and specialized farms, including the raising and keeping for profit of cattle, hogs, horses, ponies, sheep, and similar livestock upon a lot having an area of more than ten (10) acres.
- (5) Public and private conservation areas and structures for the conservation of water, soils, open space, forest, and wildlife resources.
- (6) Public areas, such as forest preserves, game refuges, forest type recreation parks, and similar public uses of low intensity character.
- (7) A family day care home, as herein defined.
- (8) An adult foster care family home, as herein defined.
- (9) Horses and ponies may be kept on a noncommercial basis when adequately housed and fenced. In addition to the minimum lot area of the district, at least forty thousand (40,000) square feet shall be provided for each horse or pony within a private stable.

- (10) Other customary farm animals may be kept on a noncommercial basis when adequately housed and fenced. In addition to the minimum lot area for the district, at least forty thousand (40,000) square feet shall be provided.
- (11) Private stables and buildings housing other farm animals shall be located no closer than one hundred (100) feet to any adjoining lot line. All farm buildings other than those housing horses and other farm animals shall be located no closer than twenty-five (25) feet of any adjoining lot line.
- (12) No manure or odor or dust producing materials shall be stored or used within one hundred (100) feet of any adjoining lot line.
- (13) Small Solar Energy System, provided the requirements stated in Article VI, Section 110.611 are met.

Section 10. AMENDMENT TO ZONING ORDINANCE, ARTICLE V, SECTION 110.510, SUBSECTION 5.10.4, USES PERMITTED BY SPECIAL USE PERMIT: Amendment to Zoning Ordinance of Windsor Township, Article V, Section 110.510, Subsection 5.10.4, entitled "Uses permitted by special use permit" shall be amended to include Large Solar Energy System as a use permitted by Special Use Permit in the Agricultural District (A-1):

5.10.4. *Uses permitted by special use permit.* The following uses of land and structures may be permitted in any agricultural district by the application for and the issuance of a special use permit when all the procedural requirements specified in Article VIII, Section 8.1 are satisfied, together with any applicable requirements as outlined in the particular article and section cited:

- (1) Single-family dwelling with separate living quarters for related family members.
- (2) Public recreation and playgrounds.
- (3) Greenhouses and nurseries selling at retail on the premises.
- (4) Riding stables and livestock auction yards.
- (5) Raising of fur bearing animals for profit.
- (6) State licensed group day care homes.
- (7) Foster care group homes.
- (8) Game hunting or fishing preserves operated for profit.
- (9) Veterinary hospitals, clinics, and kennels.
- (10) Seasonal labor housing complexes associated with agricultural enterprises.
- (11) Sawmills.
- (12) Grain and seed elevators and sales: cold storage for cooperative and/or wholesale agricultural products.
- (13) Private non-commercial recreation areas: private non-profit swimming pool clubs, community recreation centers, or other non-commercial recreation activities.
- (14) Golf courses and country clubs, other than golf driving ranges and miniature golf courses.
- (15) Mobile home park developments. Refer to Article VIII, Section 8.4.
- (16) Institutions for human care, religious institutions, educational and social institutions. Refer to Article VIII, Section 8.2.
- (17) Public buildings and public service installations.

- (18) Sand or gravel pits, quarries, incinerators, sanitary land fills, salvage yards, public or semi-private sewage treatment and disposal installations. Refer to Article VIII, Section 8.6.3(1), (2), (3), (7).
- (19) Drive-in theaters, temporary and transient amusement enterprises, golf driving ranges, miniature golf courses. Refer to Article VIII, Section 8.6.3(4).
- (20) Special open space uses: public beaches, bath houses, private resorts, recreational camps, and other open space uses operated for profit. Refer to Article VIII, Section 8.6.3(5).
- (21) Communication transmission towers and electronic transmission and receiving towers. Refer to Article VIII, Section 8.6.2(8).
- (22) A residential care facility, as herein defined.
- (23) A group day care home, as herein defined.
- (24) A day care center, as herein defined.
- (25) An adult foster care small group home, as herein defined.
- (26) An adult foster care large group home, as herein defined.
- (27) An adult foster care congregate facility, as herein defined.
- (28) Bed and breakfast as herein defined.
- (29) Large Solar Energy System. See Article VI, Section 110.611.

Section 11. AMENDMENT TO ZONING ORDINANCE, ARTICLE VI, SECTION 110.608, SUBSECTION 6.8.3: Amendment to Zoning Ordinance of Windsor Township, Article VI, Section 110.608 Subsection 6.8.3, shall be amended to include Small Solar Energy System as a use not requiring site plan review:

6.8.3. Developments not requiring site plan approval from the Planning Commission shall be reviewed and approved by the Zoning Administrator in accord with the standards for site plan approval. The following land uses shall not require site plan approval by the Planning Commission:

- (a) Single-family and two-family structures.
- (b) Customary accessory uses and structures in the agricultural and residential districts.
- (c) A proposed development that does not require more than ten (10) off-street parking spaces.
- (d) Small Solar Energy System. Refer to Article VI, Section 110.611.
- (e) The Zoning Administrator may require review and approval of (a), (b), (c), or (d) by the Planning Commission.

Section 12. AMENDMENT TO ZONING ORDINANCE TO ADD ARTICLE VI, SECTION 110.611, SOLAR ENERGY SYSTEMS: Amendment to Zoning Ordinance of Windsor Township, Article VI to add Section 110.611, entitled “Solar Energy Systems” shall be added to include supplementary regulations related to Small and Large Solar Energy Systems:

110.611 – Solar Energy Systems

Sec. 6.11

- 6.11.1 Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building, or those requirements applicable to an accessory building within the zoning district in which that system is located, whichever are more stringent.
- 6.11.2 A site plan shall be prepared and submitted to the Planning Commission prior to commencing installation of any Large Solar Energy System. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details. The site plan shall be deemed Administratively Complete by the Planning Consultant and Emergency Services Department. The Planning Commission shall still perform site plan review to ensure compliance with the requirements of this Ordinance.
- 6.11.3 Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent of a showing that the system cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
- 6.11.4 In no event shall the maximum height of any Solar Array exceed fifteen (15) feet and any portions 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.
- 6.11.5 No solar energy system shall be installed in such a way as to pose an Unreasonable Safety Hazard.
- 6.11.6 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.
- 6.11.7 All solar energy systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
- 6.11.8 Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of solid fencing, or the installation of a wall, hedge, or other vegetation not less than four (4) feet and no more than eight (8) feet in height.
- 6.11.9 All power transmission lines from a ground-mounted solar energy system to any building or other structure shall be located underground. The Planning Commission 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.

- 6.11.10 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.
- 6.11.12 An Abandoned Solar Energy System shall be removed by the property owner within six (6) months.
- 6.11.13 A Small Solar Energy System is subject to approval by the Zoning Administrator in accordance with Article VI, Section 6.8.3 of this Ordinance.

Section 13. AMENDMENT TO ZONING ORDINANCE, ARTICLE VIII, SECTION 110.800, SUBSECTION 110.807, LARGE SOLAR ENERGY SYSTEMS.: Amendment to Zoning Ordinance of Windsor Township, Article VIII, Section 110.800, Subsection 110.807, entitled "Large Solar Energy System" shall be added to include regulatory standards as a basis of approving a Large Solar Energy System Special Use Permit:

110.807 – Large Solar Energy System

Sec. 8.7.

- 8.7.1 All applicable provisions in Section 110.611 of this Ordinance shall be adhered to, in addition to the provisions provided for in this Section related to Large Solar Energy Systems.
- 8.7.2 The following provisions establish the standards for the siting, installation, operation, repair, decommissioning, and removal of Large Solar Energy Systems as a Special Use Permit:
1. *Site Plan Drawing and Supporting Materials*: All applicants 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:
 - A. All requirements for a site plan contained in Article VIII of the Township Zoning Ordinance.
 - B. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 - C. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
 - D. Vicinity map showing the location of all surrounding land uses within three-hundred (300) feet in each direction.

- E. 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.
- F. 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.
- G. 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.
- H. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
- I. 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.
- J. 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 (“MDOT”) approval as appropriate, and shall be planned so as to minimize the use of the lands for that purpose.
- K. 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.
- L. 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, uneconomic, 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, uneconomic, or an Abandoned Solar Energy System.
- M. A copy of the manufacturer’s safety measures.
- N. Planned lighting protection measures.
- O. 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:

- I. Impact on area water resources;
- II. Noise impacts caused by the solar energy system
- III. Impact on utilities and infrastructure;
- IV. Protection of neighboring property owners and children;
- V. Impact on wildlife;
- VI. Effects on floodplains and wetlands;
- VII. Unique farmlands or soils;
- VIII. Areas of aesthetic or historical importance;
- IX. Archeological or cultural concerns;
- X. Any environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.

P. 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 array(s) and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Eaton County Drain Commission and the Township.

Q. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. 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.

R. The site plan shall be deemed Administratively Complete prior to the Planning Commission approving the site plan. The Planning Commission shall still perform site plan review to ensure compliance with the requirements of this Ordinance.

S. Additional detail(s) and information as required by the Planning Commission.

8.7.3 *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 Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special 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 reasonable related to the zoning review process for the application.

8.7.4 *Compliance with the State Building Code, the National Electric Safety Code and the Windsor Charter Township's Fire 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 County (as shown by approval by the County) and Windsor Charter Township's Fire Code as a condition of any Special Use Permit issued under this Section.

- 8.7.5 *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.
- 8.7.6 *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 in height, or the maximum building height permitted within the district in which that 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 Planning Commission may waive or modify these height requirements for certain aspects of the system (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- 8.7.7. *Lot Size:* A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- 8.7.8. *Setbacks:* A minimum setback distance of forty (40) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen 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.
- 8.7.9. *Lot Coverage:* A Large Solar Energy System is exempt from maximum lot coverage limitations.
- 8.7.10. *Screening/Security:* A Large Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access, but allow authorized access driveways, including access meeting the Emergency Services Department requirements. Such fencing shall be eight (8) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of the Large Solar Energy System 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 Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential zoning district or residential use. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Special 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 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 previously granted.
 3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a zoning permit 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.
- 8.7.11 *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 Township's Fire Code, or other applicable law. "Rapid Shut Down Marking" needs to be clearly marked to comply with the National Fire Protection Association, Fire Code, 2018 edition, as described in Section 11.12.2.1.1.1 through 11.12.2.1.1.7, to ensure access to the Rapid Shutdown Switch by the Emergency Services Department in cases of emergency.
 - 8.7.12. *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.
 - 8.7.13. *Lighting*: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
 - 8.7.14. *Glare*: All solar panels shall be placed such that concentrated solar glare shall not be directed on to nearby properties or roadways.

- 8.7.15. *Distribution, Transmission and Interconnection*: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Planning Commission may waive this requirement, 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.
- 8.7.16. *Abandonment and Decommissioning*: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic, 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 prior to the approval of the 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 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.
- 8.7.17. *General Standards*: The Planning Commission shall not recommend for approval any Large Solar Energy System special use exception unless it finds that all of the applicable standards for special use exceptions contained in Article VIII of this Ordinance are met.
- 8.7.18. *Safety*: The Planning Commission shall not recommend for approval any Large Solar Energy System special use exception if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
- 8.7.19. *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 by 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.
- 8.7.20. *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. At a minimum, there will be an annual fire inspection conducted by the Township.

- 8.7.21. *Maintenance and Repair*: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance or the Special 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. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- 8.7.22 *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 MDOT (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.
- 8.7.23 *Emergency Services Department Access*: Access roads shall comply with the Windsor Township Fire Code. The Emergency Services Department shall have the authority to access the Solar Energy System in cases of emergency.
- 8.7.24 *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 Use Permit is approved pursuant to this Section, the Planning Commission 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 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 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 by a cash deposit, letter of credit, or surety bond 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 Use Permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner, Emergency Services Fire Inspections, and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonable related to enforcement of the Ordinance and the Special Use Permit. If the Township is required to expand 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 Use Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Special Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this Section.

8.7.25. *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 Use Permit.

8.7.26. *Completion of Construction*: The construction of any Large Solar Energy System 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 not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the Special Use Permit approval. Failure to complete construction within the permitted time period shall result in the approved Special Use Permit being rendered null and void.

8.7.27. *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 Planning Commission. If this information is considered a confidential trade secret, the Township, upon written requests from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.

8.7.28. *Transfer of Ownership/Operation*: Prior to a change in the ownership or operation of 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 14. AMENDMENT TO ZONING ORDINANCE, ARTICLE X, SECTION 110.1002,

Definitions: Amendment to Zoning Ordinance of Windsor Township, Article X, Section 110.1002, Definitions shall be amended to add the definitions of Abandoned Solar Energy Systems, Photovoltaic Device, Solar Array, Large Solar Energy System, Small Solar Energy system, and Unreasonable Safety Hazard:

Abandoned Solar Energy System: means any solar energy system, Solar Array, or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of six months.

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

Solar Array: means any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

Solar Energy System, Large: means 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 use. Typically, the power output of a Large Solar Energy System is equal to or greater than 1 megawatt.

Solar Energy System, Small: means 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.

Unreasonable Safety Hazard: means 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 15. 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 16. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication as required by law.

Section 17. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

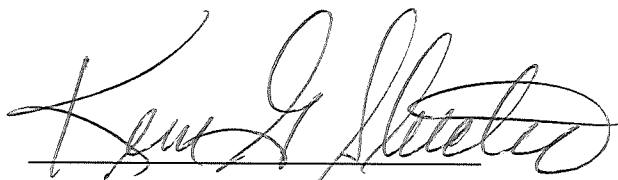
Following its introduction and publication prior to final adoption, the above Ordinance was offered for final adoption by Supervisor Slucter and was supported by Trustee Myers at a regular meeting of the Windsor Township Board, held at the Windsor Township Office on the 11th day of February , 2020, at 7:30 p.m., the vote being:

YEAS: Myers, Piper, Rumsey, Slucter, Fritts, Pray and Fabijancic

NAYS: None

ABSENT/ABSTAN: None

ORDINANCE DECLARED ADOPTED.



Kern G. Slucter, Township Supervisor