

ORDINANCE NO: _____

AN ORDINANCE TO AMEND EXISTING SUMPTER TOWNSHIP ZONING ORDINANCE NUMBERS 2.2 (Definitions), 4.6 (Agriculture District), 4.15 (Light Industrial District), 4.16 (General Industrial District) AND ARTICLE 6 (Special Provisions) TO PROVIDE FOR A UTILITY SCALE SOLAR ENERGY SYSTEM WHERE THE PRIMARY ZONED USE OF LAND IS TO GENERATE ENERGY BY CONVERTING SUNLIGHT FOR THE SALE, DELIVERY OR CONSUMPTION OF THE GENERATED ENERGY

Sumpter Township Zoning Ordinance 2.2, 4.6, 4.15, 4.16 and Article 6 is amended as follows:

ARTICLE 1

Sec. 1. Intent and Purpose.

Sec. 1 Purpose. The purpose of this amendment is to amend Ordinance No____ and otherwise modify the requirements required by the Township of Sumpter to apply for and to obtain a caregiver's license.

Sec. 2 Conflict with State Law. Nothing in this ordinance shall be construed in such a manner as to conflict with any existing law of the State of Michigan or any other regulatory authority having jurisdiction in the matters referred to herein.

ARTICLE 2.

Sec. 1. Definitions. The following definitions shall be added to Section 2.2.

Large Solar Energy System. 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 with a capacity greater than one megawatt (MW).

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.

Solar Array. Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

ARTICLE 3. Amendment to Township Zoning Ordinance Section 4.6 – AG, Agricultural District

Sec. 1. Township Zoning Ordinance Section 4.6.2, entitled “Special Land Uses,” is amended to add the following new Subsection 4.6.2(cc):

(cc) Large Solar Energy Systems.

ARTICLE 4. Amendment to Township Zoning Ordinance Section 4.15 – L1, Light Industrial District

Sec. 1. Township Zoning Ordinance Section 4.15.2, entitled “Special Land Uses,” is amended to add the following new Subsection 4.15.2(w):

(w) Large Solar Energy Systems.

ARTICLE 5. Amendment to Township Zoning Ordinance Section 4.16. – GI, General Industrial District

Sec. 1. Township Zoning Ordinance Section 4.16.2, entitled “Special Land Uses,” is amended to add the following new Subsection 4.16.2(s):

- (s) Large Solar Energy Systems.

ARTICLE 6. Amendment to Township Zoning Ordinance Article 6.

Sec. 1. Township Zoning Ordinance Article 6, entitled “Special Provisions,” is amended by adding the following new Section 6.58:

Section 6.58. - Large Solar Energy Systems.

The following requirements shall apply to all Large Solar Energy Systems.

- (a) Purpose and Intent: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems within the AG, Agricultural District as a Special Land Use.
- (b) Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy Systems use 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 Article 3 of the Sumpter 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 Sumpter 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 a Large Solar Energy System.
 - (6) Horizontal and vertical (elevation) to 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 100 feet of all exterior property lines of the Large Solar Energy System.
 - (8) Proposed setbacks from the Solar Array(s) to 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 at a minimum of 5’ contours.
 - (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 Wayne County Road Commission approval, 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 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 and other components of the Large Solar Energy System, including decommissioning and removal. 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 is decommissioned.
 - (13) Planned lightening protection measures.
 - (14) Additional detail(s) and information as required by the Special Land Use requirements of the Sumpter Township Zoning Ordinance, or as required by the Planning Commission.
- (c) Application Escrow Account: An escrow account shall be deposited with 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, 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. The Applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. 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 may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, 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. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use Permit shall be returned in a timely manner to the Applicant.
- (d) Compliance with the County 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 County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
- (e) Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- (f) Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.
- (g) Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.

- (h) Setbacks: A minimum setback distance of fifty (50) feet from all exterior property lines of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of seventy-five (75) feet shall be required adjacent to any residential use.
- (i) Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- (j) Security: A Large Solar Energy System shall be completely enclosed by a six (6) foot tall perimeter security fence to restrict unauthorized access. Per Section 5.6(e), upon approval from the planning commission, barbed wire cradles, not to exceed one (1) foot in height, may be placed on top of fence in the interests of public safety. Such fencing shall not be permitted less than twenty-five (25) feet from the property boundary of a residential use. Electric fencing is not permitted.
- (k) Screening: The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential uses, subject to the following requirements:
 - (1) The Large Solar Energy Systems shall be exempt from the landscape requirements of Article 7.
 - (2) The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of eight (8) feet in height, as measured from the top of the root ball, and shrubs two (2) feet in height, as measured from grade at the time of planting. The evergreen trees shall be spaced not more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant) and in a staggered pattern, 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. To obscure security fence, all plantings shall be in the area provided between the fence and the nearest perimeter property boundary; no plantings shall be located within such fence line.
 - (3) All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
 - (4) 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.
 - (5) Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.
- (l) Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- (m) Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty-five (65) DBA as measured at the exterior property boundary or the existing ROW line.
- (n) 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 in accordance with Section 5.16.

- (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, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- (p) Abandonment and Decommissioning: Following the operational life of the project, 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 User Permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning.
- (q) General Standards: The Planning Commission shall not approve any Large Solar Energy System Special Land Use Permit unless it finds that all of the general standards for Special Land Uses contained in Article 3 of this Ordinance are met.
- (r) Approval Time Limit and Extension: Special Use and Site Plan approvals or permits under this Section shall be valid for one year but, if requested by the Applicant prior to that expiration date, shall automatically be extended for an additional one-year period.
- (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 Chairperson 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 provide same-day notice to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- (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 to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Zoning Administrator, or designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. 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 the appropriate County agency 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. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads.
- (w) Continuing Security: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall 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.
 - (1) Continuing Obligations: Failure to keep any required financial security 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 any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.
- (x) Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other appliSection 14-206 (b) shall be amended and shall read as follows:

ARTICLE 7.

Severability. Should any word, sentence, phrase, or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of this Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

ARTICLE 8.

Conflicting Ordinances. All prior existing ordinances adopted by the Township of Sumpter inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed. All prior ordinances adopted by the Township of Sumpter that are not inconsistent or do not conflict with the provisions of this amending Ordinance shall continue if full force and effect and without modification thereto.

ARTICLE 9.

This ordinance shall become effective thirty (30) days immediately after publication.

ARTICLE 10.

This ordinance shall be recorded by the Township Clerk in the Township Code of Ordinances upon adoption. This ordinance shall be authenticated by the signatures of the Township Supervisor and the Township Clerk. A true copy of the complete ordinance can be inspected at the Sumpter Township Hall, 23480 Sumpter Road, Belleville, Michigan 48111.

This Ordinance was approved for a first reading by the Township of Sumpter, County of Wayne, State of Michigan, at a regular Board meeting held on January 9, 2018 and was further approved and adopted under a second reading by the Township of Sumpter, County of Wayne, and State of Michigan at a regular Board meeting held on January 23, 2018.

I hereby certify that the foregoing is a true copy of the Ordinance exactly as passed and adopted by the Township Board of Trustees of the Township of Sumpter at a regular Township Board Meeting held in the Township of Sumpter on the 23rd day of January 2018.

Esther Hurst, Township Clerk

I further certify that the foregoing was published in the Belleville Independent, a newspaper of general circulation in the Township of Sumpter, on the 1st day of February, 2018.

Esther Hurst, Township Clerk