

UNADILLA TOWNSHIP LARGE SOLAR ORDINANCE

Add the Following:

Section 11.01.D (A-1 Farm Residential District)

D. Special Land Uses Permitted by Special Approval

21. Large Solar Energy System

Section 14.01.D (I-1 Light Industrial District)

D. Special Land Uses Permitted by Special Approval

8. Large Solar Energy System

Section 16.32 Large Solar Energy System

- 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 as a principal land use within the A-1, Farm Residential District and the I-1, Light Industrial District as a Special Land Use Permitted by Special Approval.
- B. **Site Plan Drawing and Supporting Materials:** All applications for a Large Solar Energy Systems (10 acres or more) 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 4 of the Unadilla 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 Unadilla Township that is proposed to be within the Large Solar Energy Systems.
 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 Livingston 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 lightning protection measures.
 14. Additional detail(s) and information as required by the Special Land Use requirements of the Unadilla 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 (inverter) shall be placed in or near the center of the solar project.
- 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 one hundred (100) feet shall be required adjacent to any residential structure.
- 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 minimum of Seven (7) foot fence. Electric fencing is not permitted. 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 structures, subject to the following requirements:
 - 1. The Large Solar Energy Systems shall be exempt from the landscape requirements of Article 23.
 - 2. The evergreen or native vegetative buffer shall be staggered and composed of native or evergreen trees that at planting shall be a minimum of 5 to 6 feet in height and shrubs 4 to 5 feet in height. The planning commission at its discretion may require a more dense screening barrier for non-participating residential properties. 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 one (1) year, or the next appropriate planting period, whichever occurs first.
 - 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.

4. 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.
- K. **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.
- L. **Noise:** No component of any Large Solar Energy System shall emit noise forty five (45) as measured at the exterior property boundary or the existing ROW line. The planning commission at it's discretion may require more baffling of noise if it receives noise complaints.
- 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 in accordance with Section 24.04.
- N. **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.
- O. **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.
- P. **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 16 of this Ordinance are met.
- Q. **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 (1) year period.
- R. **Conditions and Modifications:** Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' 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.

- S. **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.

- T. **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 his or her 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.

- U. **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.

- V. **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 Zoning Administrator 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.

- W. **Emergency Action Plan and Training:** Before the Utility Solar Energy System is operational, the owner/operator shall provide the necessary training, equipment, or agreements specified in the application to Township or other emergency personnel. Training shall be required on a yearly basis to the local emergency departments.
- X. **Other Requirements:** Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

ADOPTED 11/14/2024