RIDGEWAY TOWNSHIP

ORDINANCE NO. 10.18

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO REGULATE SOLAR ENERGY SYSTEMS

Ridgeway Township ordains:

Section 1. Add Definitions to Section 17.02

The following definitions are added to Section 17.02 of the Zoning Ordinance, and will be placed in the Zoning Ordinances so that all definitions are in alphabetical order:

A. Abandonment: A Solar Energy System is abandoned if it has not been in operation for a period of one (1) year. This includes a Solar Energy System that was never operational if construction has been halted for a period of one (1) year.

B. Building Integrated Photovoltaics (BIVPs): A small Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

C. Commercial Solar Energy System: A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

D. Ground Mounted Solar Energy System: A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

E. Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

F. Roof or Building Mounted Solar Energy System: A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

G. Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.

Section 2. Add New Section 10.18, entitled "Solar Energy Systems"

Section 10.18, entitled "Solar Energy Systems," is added to the Township's Zoning Ordinance. The section reads in its entirety as follows:

Section 10.18. Solar Energy Systems.

A. General Provisions. All Solar Energy Systems are subject to the following requirements:

1. All Solar Energy Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes and applicable industry standards, including those of the American National Standards Institute (ANSI).

2. The Township may revoke any approvals for, and require the removal of, any Solar Energy System that does not comply with this Ordinance.

3. Solar Energy Systems must be located or placed so that concentrated solar glare is not directed toward or onto nearby properties or roadways at any time of the day.

4. Solar Energy Systems are permitted in the Township as follows, subject to this Section and other applicable provisions of the Zoning Ordinance:

Type of System	**Sub-Type of System**	**Zoning District**	**Special Use Permit**
Private Solar Energy System	Private BIVPs	All zoning districts	Not required
	Roof or Building Mounted Private Solar Energy System	All zoning districts as accessory use	Not required
	Ground Mounted Private Solar Energy Systems	AA-1 and AA-2	Required
Commercial Solar Energy System	All Commercial Solar Energy Systems (Ground Mounted only)	AA-1 and AA-2	Required

B. Private Solar Energy Systems.

1. Private Solar Energy System BIVPs. Private Solar Energy System BIVPs are permitted in all zoning districts. A building permit is required for the installation of BIVPs.

2. Roof or Building Mounted Private Solar Energy Systems. Roof or Building Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to the following requirements:

a. No part of the Solar Energy System erected on a roof is permitted to extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System is permitted to extend beyond the wall on which it is mounted.

b. No part of a Solar Energy System mounted on a roof is permitted to extend more than two (2) feet above the surface of the roof.

c. If a Roof or Building Mounted Private Solar Energy System has been abandoned, the property owner must remove it within three (3) months after the date of abandonment.

d. A building permit is required for the installation of Roof or Building Mounted Private Solar Energy Systems.

3. Ground Mounted Private Solar Energy Systems. Ground Mounted Private Solar Energy Systems are allowed only in the AA-1 and AA-2 zoning district and require a special land use permit and site plan review. In addition to all requirements for a special land use permit and site plan review and approval , Ground Mounted Private Solar Energy Systems are also subject to the following requirements:

a. *Site Plan.* Before installation of a Ground Mounted Private Solar Energy System, the property owner must submit a site plan to the Zoning Administrator. The site plan must include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.

b. *Maximum Height.* A Ground Mounted Private Solar Energy System must not exceed the maximum building height for adjacent accessory buildings and must not exceed fifteen (15) feet above the ground when oriented at maximum tilt.

c. *Location.* A Ground Mounted Private Solar Energy System must be located in the rear yard and meet the rear yard setback requirements applicable in the AG zoning district.

d. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Ground Mounted Private Solar Energy System to any building or other structure must be located underground. If batteries are used as part of the Ground Mounted Private Solar Energy System, they must be placed in a secured container or enclosure.

e. *Screening.* Greenbelt screening is required around any Ground Mounted Private Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque (meeting the requirements of this Ordinance applicable to fences) may be used if approved by the Planning Commission.

f. *Lot Area Coverage.* Ground Mounted Private Solar Energy Systems are exempt from all lot coverage restrictions.

g. *Appearance.* The exterior surfaces of a Ground Mounted Private Solar Energy System must be generally neutral in color and substantially non-reflective of light.

h. *Abandonment.* If a Ground Mounted Private Solar Energy System has been abandoned, the property owner must notify the Township and remove the system within three (3) months after the date of abandonment.

i. *Building Permit.* A building permit is required for installation of a Ground Mounted Private Solar Energy System.

j. *Transferability.* A special use permit for a Ground Mounted Private Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

k. *Remedies.* If an applicant or operator of a Ground Mounted Solar Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

C. Commercial Solar Energy Systems. Commercial Solar Energy Systems are allowed only in the AA-1 and AA-2 zoning districts and require a special land use permit and site plan review. In addition to all requirements for a special land use permit and site plan review and approval, Commercial Solar Energy Systems are also subject to the following requirements:

1. *Application Requirements.* The applicant for a Commercial Solar Energy System must provide the Township with all of the following:

a. Application fee in an amount set by resolution of the Township Board.

b. A list of all parcel numbers that will be used by the Commercial Social Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.

c. Safety: A fire prevention and emergency response plan shall be in place and updated annually with the township fire department. The plan shall include the following:

1. A description of all emergency response training and equipment needed to safely respond to a fire or other emergency and include an assessment of the training and equipment available to the fire department.

2. A layout or map indicating all access points and routes for emergency responders to safely access all areas of the project. Consideration should be given to any access difficulties such as long continuous rows of panels which would restrict access for emergency responders. The layout shall indicate any structures or devices that may pose a particular danger to emergency responders.

3. A mitigation strategy regarding specific dangers and risks for surrounding property and people during any emergency including a fire.

4. Any other information needed to keep responders and citizens safe during an emergency.

5. Every gate shall have a knox box, coordinated with and to the satisfaction of the township fire department to allow easy access during an emergency.

6. All high-risk areas, such as inverters, shall be equipped with automatic fire suppression systems with automatic system shutdown. Such systems shall be regularly inspected, maintained and verified according to current industry standards.

7. The township or any emergency service provider who serves the township shall have the authority to order the commercial solar energy system operator to cease operations if they determine there is an emergency that may result in danger to life or property. The operator shall provide the township with contact information for personnel who will be available at all times should such an emergency arise. Emergency contact information shall also be posted at every entrance to the facility.

d. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.

e. Current photographs of the subject property.

f. A site plan that includes all proposed structures and the location of all equipment, transformers, and substations, as well as all setbacks, panel sizes, and the location of property lines, signage, fences,

greenbelts and screening, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Commercial Solar Energy System will be connected to the power grid.

g. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Commercial Solar Energy System.

h. A written plan for maintaining the subject property, including a plan for maintaining and inspecting stormwater management, which is subject to the Township's review and approval.

i. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Commercial Solar Energy System, including evidence of proposed commitments with property owners to ensure proper final reclamation, and other steps necessary to fully remove the Commercial Solar Energy System and restore the subject parcels, which is subject to the Township's review and approval.

j. Damage to Roads. The applicant and operator are jointly and severally responsible for any damage to any public roads in the Township caused by initial construction, decommissioning or maintenance (that would require a building permit) of the Commercial Solar Energy System as assessed by the County Road Commission. Applicant and operator shall have a road use maintenance agreement with the County Road Commission.

k. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.

l. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Commercial Solar Energy System, which is subject to the Township's review and approval.

m. A plan for managing any hazardous waste, which is subject to the Township's review and approval.

n. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.

o. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the

approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System, which is subject to the Township's review and approval.

p. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township

q. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

2. *System and Location Requirements.*

a. Commercial Solar Energy Systems must be ground mounted.

b. Commercial Solar Energy Systems must be located on parcels of land twenty (20) acres in size or larger.

c. *Setbacks.* Commercial Solar Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	**Setback Distance**
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

d. *Height.* Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

3. *Lot Area Coverage.* Commercial Solar Energy Systems are exempt from the lot coverage limitations.

4. *Permits.* All required county, state, and federal permits must be obtained before the Commercial Solar Energy System begins operating.

5. *Screening.* Greenbelt screening is required around any Commercial Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. At least 50% of the plants must be evergreen trees that are at least six feet tall at the time of planting. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque and that meets the requirements of this Ordinance applicable to fences may be used if approved by the Planning Commission.

6. *Lighting.* The Commercial Solar Energy System must implement dark sky-friendly lighting solutions.

7. *Fencing.* Fencing for the Commercial Solar Energy System must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.

8. *Noise.* The Commercial Solar Energy System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

9. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Commercial Solar Energy System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation. If batteries are used as part of the Ground Mounted Solar Energy System, they must be placed in a secured container or enclosure.

10. *Insurance.* The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least $10 million per occurrence.

11. *Decommissioning.* If a Commercial Solar Energy System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Commercial Solar Energy System that is never fully completed or operational if construction has been halted for a period of one (1) year.

12. *Financial Security.* To ensure proper decommissioning of a Commercial Solar Energy System upon abandonment, the applicant must post financial security with MDARD in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial

security must be posted within fifteen (15) business days after approval of the special land use application.

13. *Extraordinary Events.* If the Commercial Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township, the Michigan Department of Natural Resources and the Michigan Department of Environment, Great Lakes and Energy within 24 hours.

14. *Annual Report.* The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

a. Current proof of insurance;

b. Verification of financial security; and

c. A summary of all complaints, complaint resolutions, and extraordinary events.

15. *Inspections.* The Township may inspect a Commercial Solar Energy System at any time by providing 24 hours advance notice to the applicant or operator.

16. *Transferability.* A special use permit for a Commercial Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

17. *Environmental Regulations.* The Commercial Solar Energy System must comply with applicable state or federal environmental regulations.

18. *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Commercial Solar Energy System owner must pay the Township $2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

19. *Remedies.* If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

Section 3. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 4. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date.

This Ordinance takes effect seven (7) days after publication as provided by law.

YEAS: Downing, Feldkamp, Marks, Brown, Prielipp

NAYS: None

ABSENT: None

Ordinance declared adopted on November 12, 2024

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Lora Feldkamp, the duly elected Clerk of the Township of Ridgeway certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Ridgeway on November 12, 2024 and published in the Tecumseh Herald, a newspaper circulated in the Township of Ridgeway, on November 21, 2024

_____
Lora Feldkamp
Township Clerk for the
Township of Ridgeway

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