

**ALMYRA TOWNSHIP
ORDINANCE NO. 25-04**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING SOLAR
ENERGY SYSTEMS**

The Township of Palmyra ordains:

Section 1. Purpose.

The purpose of this Ordinance is to render certain solar energy zoning regulations compatible with Public Act 233 of 2023 (“PA 233”) while retaining local control over matters of regulation that are not governed by PA 233, and to promote the public health, safety, and welfare of Township residents.

Section 2. Amendment to Section 8.13.

A new subsection E is added to Section 8.13 of the Zoning Ordinance and reads in its entirety as follows, and subsections E through K of Section 8.13 are changed to F, G, H, I, J, K, and L with no text amendments:

- E. Level 3 Solar Energy Systems Under PA 233: On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to Level 3 Solar Energy Systems with a nameplate capacity of 50 megawatts or more. Level 3 Solar Energy Systems with a nameplate capacity of 50 megawatts or more shall only be permitted as a special land use in the Renewable Energy Overlay District as shown on the Palmyra Township Zoning Map.

To the extent the following provisions conflict with the provisions in Sections 8.13(A)-(D), these provisions control as to Level 3 Solar Energy Systems with a nameplate capacity of 50 megawatts or more. All provisions in Sections 8.13(A)-(D) that do not conflict with this subsection E remain in full force and effect and shall be applicable to all Level 3 Solar Energy Systems regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Level 3 Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

1. Setbacks. Level 3 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

2. Fencing. Fencing for Level 3 Solar Energy Systems must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.
3. Height. Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
4. Noise. The Level 3 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.
5. Lighting. The Level 3 Solar Energy System must implement dark sky-friendly lighting solutions.
6. Environmental Regulations. The Level 3 Solar Energy System must comply with applicable state or federal environmental regulations.
7. Host Community Agreement. The applicant for a special land use permit for a Level 3 Solar Energy System shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Level 3 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.

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 7 days after a notice of its adoption is published.