

2018-01  
SOLAR PANEL FARM ORDINANCE  
(Amendment to the Brady Township Zoning Ordinance)

**Chapter 2, Section 2.2, Definitions**

**Solar Energy System:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means.

**Solar Energy Systems Accessory:** A solar panel or array mounted on a building, pole, or rack which is directly connected to or designed to serve the energy needs of the primary use. This use will be governed by Special Use Accessory Use regulations in Chapter 3, Sections 3.4, 3.5 and Permitted Use in section 3.6.

**Solar Farms:** A solar array composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use, but rather for the primary purpose of the wholesale sales of generated electricity. Solar farms include but are not limited to community solar gardens which are defined as solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. A community solar system may be either an accessory or principle use.

**Chapter 3, Section 3.4, and 3.5 Table of Uses**

**Solar Farms:** Permitted by Special Use Permit in A-1 Agricultural District and B-1 Commercial District and meet requirements of this ordinance amendment.

**Intent and Purpose:** To allow and promote the use of solar energy within the Township as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements for solar farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.

**Minimum Lot Size:** There is no minimum lot size. Each solar farm is permitted as a special land use which review will consider its compatibility with the surrounding area.

**Height Restrictions:** All photovoltaic panels and support structures located in a solar farm shall be restricted to a maximum height of sixteen (16) feet when oriented at a maximum tilt.

**Setbacks:** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of forty (40) feet from a side or rear property line and a minimum of forty (40) feet from any road right-of-way. All facilities shall also be setback at least to the limit of any established County drain right-of-way or easement unless special provisions are formally agreed to with the Drain Commissioner so as not to impede/obstruct access along the County drain.

**Maximum Lot Coverage:** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

**Safety/Access:** A security fence (height and material to be proposed and reviewed/approved through the special land use permit process) shall be placed around the perimeter of the solar farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

Noise: No solar farm facilities shall exceed sixty (60) dBA as measured at the property line.

Glare: Solar farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.

Landscaping: The special land use application for a solar farm shall include a proposed landscaping and screening/buffering plan prepared by a licensed landscape architect. This plan will be reviewed through the special land use approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Trees shall be a minimum of four (4) feet tall at time of planting and shall remain in good condition for the life of the solar farm.

Local, State and Federal Permits: Solar farm facilities shall be required to obtain all necessary permits and licensing from the underlying Township, Saginaw County, State of Michigan and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.

Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines are prohibited within the site.

**Additional Special Use Criteria:**

In addition to the special land use (and site plan) requirements contained in Chapter 6 and Chapter 7, the applicant shall address the following topics in the application for solar farm facilities:

1. **Project description and Rationale:** Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
2. **Analysis of On-Site Traffic:** Estimated construction jobs and estimated permanent jobs associated with the development.
3. **Visual Impacts:** Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
4. **Environmental Analysis:** Identify impacts on surface water quality and any impacts to County drains and/or established natural or private drainage features in the area.
5. **Waste:** Identify any solid or hazardous waste generated by the project.
6. **Lighting:** Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting shall conform to the requirements of this ordinance and must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.
7. **Transportation Plan:** Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drives.

8. **Public Safety:** Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
9. **Sound Limitations:** Identify noise levels at the property lines of the project when completed and operational.
10. **Telecommunications Interference:** Identify any electromagnetic fields and communications interference that may be generated by the project.
11. **Life of the Project and Final Reclamation:** Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project.

To ensure proper removal of the project upon abandonment/termination of the project, applicants shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a building or construction permit is issued for the project. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.

If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

12. **Township Review:** Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Township Planning Commission and Board of Commissioners shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this Section as part of the special land use review process.

This Ordinance shall take effect thirty (30) days from the date of its publication, and all Ordinances or a part of Ordinances in conflict with this Ordinance shall be repealed.

Adopted and passed by the Brady Township Board the 3<sup>rd</sup> day of October, 2018.

Signed this 3<sup>rd</sup> day of October, 2018

Steve King  
., Supervisor

Beverly A Wenzlick  
., Clerk