

AMENDMENT TO MILAN TOWNSHIP ZONING ORDINANCE  
(ADOPTED APRIL 26, 2008)

At a regular meeting of the Township Board of Milan Township, Monroe County, Michigan, held at the Milan Township Hall on \_\_\_\_\_, 2020, at \_\_\_\_\_ p.m., Township Board Member \_\_\_\_\_ moved to introduce the following Ordinance for adoption, which motion was seconded by Township Board Member \_\_\_\_\_:

*An Ordinance to amend the Milan Township Zoning Ordinance to authorize Large Solar Energy Systems as a Special Approval Use in the Agricultural Districts (AG-1 and AG-2) and Industrial Districts (I-1 and I-2), and to establish standards for this use.*

THEREFORE, THE TOWNSHIP BOARD OF THE TOWNSHIP OF MILAN, MONROE COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. AMENDMENT TO ZONING ORDINANCE ARTICLE 2, SECTION 2.01:** Zoning Ordinance, Article 2, Section 2.01, is amended to add definitions for the following terms, and shall read as follows:

***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.

**SECTION 2. AMENDMENT TO ZONING ORDINANCE ARTICLE 5:** Zoning Ordinance, Article 5, is amended to add “Large Solar Energy System” to the TABLE OF PERMITTED USES as a Special Use in AG-1, AG-2, I-1, and I-2 under the section titled COMMERCIAL AND SIMILAR USES. Zoning Ordinance, Article 5, is further amended to add “Electric substations, collector lines, and interconnection transmission or distribution lines, that are accessory to a Large Solar Energy System” to the TABLE OF PERMITTED USES as an Accessory Use in all zoning districts under the section titled ACCESSORY USES.

**SECTION 3. AMENDMENT TO ZONING ORDINANCE ARTICLE 13, SECTION 13.27:** Zoning Ordinance, Article 13, is amended to add Section 13.27, entitled “Large Solar Energy Systems,” providing as follows:

### 13.27. 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.

B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System 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 11 of the Milan 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 Milan 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 aboveground 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 one hundred (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 five (5) foot 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 Monroe 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 or when the Large Solar Energy System is decommissioned.
13. Planned lightning protection measures.
14. Additional detail(s) and information as required by the Special Approval Use requirements of the Milan Township Zoning Ordinance, or as required by the Planning Commission.

C. Application Escrow Account: An escrow account shall be deposited with the Township along with the application for a Special Approval Use for a Large Solar Energy System. The monetary amount deposited in escrow with the Township shall be the amount of \$15,000, to cover all reasonable costs and expenses associated with the Special Approval Use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Approval Use review process, the Township may require that additional funds be placed into escrow with the Township if the existing escrow amount deposited is deemed to be insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so within thirty (30) days, the Special Approval Use process shall cease unless and until the applicant makes the required additional escrow deposit. Any 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 Approval Use 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 state construction codes (as shown by approval by the Township) as a condition of any Special Approval Use under this section.

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 ("EIL"), 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 twenty (20) 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. Setbacks: A minimum setback distance of fifty (50) feet from all property boundaries on the outside perimeter 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 structure.

H. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.

I. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing (such as chain link) to restrict unauthorized access in accordance with Federal guidelines. Such fencing shall be either (7) feet in height or at least six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. 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 Greenbelts, Landscape Material and Screening requirements of Section 16.01.

2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. 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 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 Approval Use may be subject to revocation.

J. 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.

K. 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. This limitation does not apply to construction, decommissioning or repairs to the Large Solar Energy System.

L. 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.

M. Location of Solar Array(s) and related facilities: Solar Array(s) shall be permitted only in the AG-1, AG-2, I-1, and I-2 districts. Electric substations, collector lines, and interconnection transmission or distribution lines, that are affiliated and necessary for the Special Approval Use of a Large Solar Energy System, shall be permitted in any zoning district as an Accessory Use as included in Article 5 of this Ordinance.

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 Approval Use. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to forty-two (42) inches 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. Restoration shall also include bringing soil to its pre-development composition to ensure agricultural use upon restoration in AG1 or AG2 districts or to pre-development conditions in I1 and I2 districts. Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.

1. The applicant will obtain a surety bond for reclamation in an amount to be determined by the Township as a condition of site plan approval.

2. The Township will be able to review the size of the farm and the number of solar panels that will be installed. The amount of the surety bond would fluctuate depending on the size of the farm. Once the Township sets the surety bond amount, the applicant will provide confirmation and details of the surety bond. This may be a condition of site plan approval.

3. The surety bond is to remain in place for the length of the leases/contracts.

P. General Standards: The Planning Commission shall not approve any Large Solar Energy System Special Approval Use unless it finds that all of the general standards for Special Approval Uses contained in Article 10 of this Ordinance are met.

Q. Approval Time Limit and Extension: Special Approval Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Township Board approval. Once commenced, should construction cease for period of twelve (12) consecutive months, the Special Approval Use and Site Plan approvals shall be considered null and void. If construction begins prior to the expiration date established by Township Board approval, the Special Approval Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the applicant prior to the expiration date established by Township Board approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.

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 Planning Commission Chairperson 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 a twenty-four (24) hour notice prior to the desired inspection 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 Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Approval Use, 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. The 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 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 Approval Use 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 Approval Use.

W. 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.

I, \_\_\_\_\_, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Milan, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Milan, Monroe County, Michigan, at a regular meeting of the Township Board held at the Milan Township Hall, Milan, Michigan, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

THE TOWNSHIP BOARD, MILAN  
TOWNSHIP, COUNTY OF MONROE,  
STATE OF MICHIGAN

By: \_\_\_\_\_

\_\_\_\_\_

Milan Township Clerk

\_\_\_\_\_, 2020

AUTHENTICATED:

\_\_\_\_\_

Milan Township Supervisor