

ORDINANCE NO. 267

AN ORDINANCE TO AMEND ORDINANCE NUMBER 116, BEING THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF LARKIN, COUNTY OF MIDLAND, MICHIGAN.

The Charter Township of Larkin, County of Midland, Michigan ordains, pursuant to the authority vested in it by Act 110 of 2006 of the Public Acts of the State of Michigan as amended, the following Zoning Ordinance Amendments to the Larkin Township Zoning Ordinance.

Section 1.

Article 2, Definitions, is amended by the addition of the following defined terms, which shall read as follows.

Accessory Solar Energy System- A Solar Energy System accessory to the main use of the premises and which supplies electrical or thermal power primarily for on-site use.

Solar Farm- An application of Solar Energy Systems or solar photovoltaic (PV) panels to generate electricity on a scale to feed into the utility electrical grid for off-site use.

Solar Energy System- A device or system designed or used to capture and utilize the energy of the sun to generate electrical or thermal power. A Solar Energy System shall include the mechanism used to collect solar rays and all associated ancillary and structural devices needed to support, convert or transmit the energy collected.

Section 2.

Article 4. Zone I - Residential A, at Section 4.1, within Accessory uses and buildings is amended by the addition of Sub-Section 4.1.2.G, which shall read as follows.

- G. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Section 3.

Article 8. Zone V - Agricultural Zone, at Section 8.3, within Uses allowed by Special Use Permit is amended by the addition of Sub-Section 8.3.3, which shall read as follows.

3. Photovoltaic Solar Farms shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Section 4.

Article 9. Zone VI - Professional Office and Service, at Section 9.5, within Uses allow by Special Use Permit is amended by the addition of Sub-Section 9.5.2, which shall read as follows.

2. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Section 5.

Article 11. Zone VIII - Commercial B, at Section 11.2, within Uses Permitted is amended by the addition of Sub-Section 11.2.17, which shall read as follows.

17. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Section 6.

Article 12. Zone IX - Industrial A, at Section 12.2, within Uses Permitted is amended by the addition of Sub-Section 12.2.9, which shall read as follows.

9. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Section 7.

Article 13. Zone X - Industrial B, at Section 13.2, within Uses Permitted is amended by the addition of Sub-Section 13.2.15, which shall read as follows.

15. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Section 8.

Article 16. Special Use Permits - is amended by the addition of Sub-Section 16.15, which shall read as follows.

16.15 Specific Standards for Accessory Solar Energy System

- A. GENERAL REQUIREMENTS. All Accessory Solar Energy Systems, whether ground mounted or roof mounted, are subject to the following general requirements.
 1. An accessory Solar Energy System must conform to all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
 2. Solar panels shall be placed such that reflection glare shall not be directed onto nearby properties, roadways or airway flight paths.
 3. Accessory Solar Energy Systems shall not cause electromagnetic interference, and shall comply with all applicable Federal Communications Commission guidelines.

- B. ROOF MOUNTED ACCESSORY SOLAR ENERGY SYSTEMS. Roof mounted accessory Solar Energy Systems shall be considered an accessory use in all zoning districts subject to the following requirements.
1. Solar panels erected on a building shall not extend beyond the peak of the roof.
 2. Roof mounted panels must be installed with a minimum of a three (3) foot setback from edges of the roof, the peak, or eave or valley to maintain pathway of accessibility.
- C. GROUND MOUNTED ACCESSORY SOLAR ENERGY SYSTEM. Ground mounted Solar Energy Systems (other than those defined as solar farms) shall be considered an accessory use in all zoning districts subject to the following requirements.
1. Prior to the installation of a ground mounted Solar Energy System, the property owner shall submit a descriptive site drawing to the Zoning Administrator or appropriate official. This drawing shall include setbacks, panel size, and the location of the property lines, buildings, fences, greenbelts, and road right of ways. This site drawing must be drawn to scale.
 2. A ground mounted Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but in any case the top of the system shall not be more than twenty-five (25) feet above the ground.
 3. A ground mounted or freestanding Solar Energy System shall not be installed between the front lot line and the front of the principal building.
 4. All power transmission lines from a ground mounted Solar Energy System to any building or other structure shall be located underground.
 5. In the event that a ground mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), the property owner shall remove the system within six (6) months from date of abandonment. If the property owner fails to remove or repair the defective or abandoned system, the Township may pursue legal action to have the system removed and assess its cost to the tax roll for that parcel. The applicant shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure.

Section 9

Article 16. Special Use Permits - is amended by the addition of Sub-Section 16.15, which shall read as follows.

16.16 Specific Standards for Photovoltaic Solar Farms

- A. GENERAL REQUIREMENTS. All Photovoltaic Solar Farms are subject to the following general requirements.
1. Photovoltaic Solar Farms shall only be allowed in Zone V Agricultural as special uses approved by the Planning Commission.
 2. Photovoltaic Solar Farm facilities shall not be constructed on parcels less than twenty acres (20) acres in size.
 3. The owner of the Photovoltaic Solar Farm shall provide the Planning Commission with an operations agreement, which shall set forth the operations parameter, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety.
 4. Prior to the installation, the property owner shall submit a descriptive site plan to the Planning Commission, which includes where and how the Photovoltaic Solar Farm will connect to the power grid.
 5. No Photovoltaic Solar Farm shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the property owner to install an interconnected customer-owned generator to the grid.
 6. To ensure proper removal of a Photovoltaic Solar Farm energy system when it is abandoned (meaning not having been in operation for a period of one (1) year), any application for approval of a new Photovoltaic Solar Farm energy system shall include a description of the financial security guaranteeing removal of the system which must be posted at the time of receiving a construction permit for the facility. The security shall be in the form of: 1) an irrevocable letter of credit or 2) a surety bond. 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 developer and shall be subject to approval by the Township.
 7. If the property owner fails to remove or repair the defective or abandoned system, the Township may pursue legal action to have the system removed and assess its cost to the tax roll. The owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure.
 8. A Photovoltaic Solar Farm system must be fenced in with at least six (6) foot chain link fence, have a minimum setback from all property lines of one hundred twenty five (125) feet and a minimum setback one thousand (1,000) feet from any residences on nearby properties.
 9. There shall be screening of a Photovoltaic Solar Energy System and equipment associated with the system, from any adjacent residences compliant with Article 15.8.2.


10. All photovoltaic panels located in a Photovoltaic Solar Farm shall be restricted to a height of fifteen (15) feet.
11. Photovoltaic Solar Farms shall be required to have all necessary permits from the Federal Authorities, State of Michigan, and Larkin Township, and shall comply with all standards of the State of Michigan adopted codes.
12. Photovoltaic Solar Farms shall not cause electromagnetic interference, and shall comply with all applicable Federal Communications Commission guidelines.
13. The following topics shall be provided with all applications for Photovoltaic Solar Farm special use permits, and all Photovoltaic Solar Farms shall be constructed and operated in compliance with the following:
 - a. Transportation plan: Provide access plan during construction. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. These access routes are not required to be paved.
 - b. Environmental analysis: Identify impact analysis on the water quality and water supply in the area and dust from project activities.
 - c. Waste: Identify solid waste or hazardous waste generated by the project and a plan for disposal of same.
 - d. Wildlife: Review potential impact on wildlife on the site and a plan for alleviating or minimizing any such impact.
 - e. Lighting: Provide lighting plans showing all lighting within the facility. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.
 - f. Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.
 - g. Sound limitations and review: Photovoltaic Solar Farms shall comply with Larkin Township Ordinance No. 244 (Noise Ordinance).

Effective Date.

This ordinance shall become effective seven (7) days after the publication in a newspaper circulating within the Charter Township of Larkin, Midland County, Michigan.

Adopted by the Township Board, Charter Township of Larkin, Midland County, Michigan,
at a meeting of the Township Board held on the 14th day of May, 2019.

Dated: May 28, 2019




Maria Sandow, Supervisor



Sandy Reardon, Clerk

CERTIFICATION

The above Ordinance No. 267 was adopted at a meeting of the Larkin Township Board on
the 14th day of May, 2019, and published in the Midland Daily News, a newspaper of general
circulation in the Charter Township of Larkin, on the 22nd day of May, 2019.



Sandy Reardon, Clerk
Larkin Township