

ERIE TOWNSHIP ORDINANCE NO. #117-X  
 (Amendment to Erie Township Zoning Ordinance No. #117-X)

An ordinance enacted pursuant to the authority granted in Act 110, Public Acts of 2006, as amended, better known as the Michigan Zoning Enabling Act, and according to the Master Plan of the Township, dated November , 2018, as amended from time to time, and to further provide for the public health, safety and general welfare of the persons and property of the Township of Erie, and to amend Erie Township Ordinance #117, known as Erie Township Zoning Ordinance, to preserve the dominant rural of Erie Township and to actively encourage the continuation of local farming operations by amending the following sections, for the purposes of keeping the Township’s regulations for alternative energy up to date, as specified in the Master Plan of the Township, and of promoting and protecting the public health, safety and general welfare of the residents and property of the Township of Erie:

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1: AMEND TABLE 10-2, AS FOLLOWS:

TABLE 10-2 PERMITTED PRINCIPAL USES IN ALL DISTRICTS															
PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED <sup>1</sup> “BR” = Use Permitted by Right “S” = Special Land Use “-” = Prohibited Use														
	AP	AC	BC	A-RB	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-W	C-TC	I-1	I-2
<b>Other Principal and Accessory Uses</b>															
Solar Power Plant	S	S	-	-	-	-	-	-	-	-	-	-	-	BR	BR

SECTION 2: DELETE SECTION 11.30 SOLAR POWER PLANTS, AS FOLLOWS:

11.30 ~~Solar Power Plants~~ RESERVED

- ~~1.—Standard Requirements: A Solar Power Plant is a special use certain zoning districts and is subject to the following standard requirements:~~
  - ~~1.—Maximum Height: The maximum height for all structures associated with a Solar Power Plant is equal to the maximum permitted height of principal structures in the district it is located in.~~
  - ~~2.—Setbacks: Solar power plant structures shall be set back from all property lines and public road rights of way at least thirty feet, or one and one half times the height of the structure, whichever is greater. In addition, solar power plant structures must be located at least one hundred feet from all residentially zoned lots and existing residences. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated~~

Zoning Ordinance Amendments: Solar power plants in Industrial Zones

~~road or utility corridors, as identified through the Special Use Review process:~~

~~3. **Safety/Access:** An appropriate security fence (height and material to be established through the site plan review process) shall be placed around the perimeter of the solar power plant. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.~~

~~2. **Performance Standards:** Solar power plants shall meet the following requirements:~~

~~1. **Noise:** No operating solar power plant shall produce noise that exceeds more than 5 dB(A) above ambient sound pressure levels. Adequate setbacks shall be provided to comply with these limitations.~~

~~2. **Visual Appearance:** Solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences. No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by FAA, it shall be the red, intermittent, glowing style, rather than the white, strobe style, unless disclosed and justified through the application review process. Aircraft sensor systems to turn the lights on only when low flying aircraft are in the area may be required.~~

~~3. **Lighting:** Lighting of the solar power plant and accessory structures shall be limited to the minimum necessary and full cut-off lighting may be required when determined necessary to mitigate visual impacts.~~

~~4. **Glare:** No solar power plant shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.~~

~~5. **Electrical Interconnections.** All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.~~

SECTION 2. AMEND SECTION 14.08 SOLAR POWER PLANT AS FOLLOWS:

14.08 Solar Power Plant

1. A Solar Power Plant is a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity. Solar Power Plants are permitted, ~~or special uses~~ in zoning districts in accordance with Article 10, are subject to site plan review pursuant to Article 4 and must meet the following development requirements:

## Zoning Ordinance Amendments: Solar power plants in Industrial Zones

- (A) **Maximum Height:** The maximum height for all structures associated with a Solar Power Plant is equal to the maximum permitted height of principal structures in the district it is located in.
- (B) **Setbacks:** Solar power plant structures shall be set back from all property lines of non-participating lots and public road rights-of-way at least thirty feet, the required setback for the relevant yard in the zoning district of the subject site, or one and one-half times the height of the structure, whichever is greater of those three dimensions. In addition, solar power plant structures must be located at least one hundred feet from the property line of all non-participating lots which are all-residentially zoned lots-and or, at the time of the special use application, are occupied by existing residences. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the site plan review process.
- (C) **Safety/Access:** An appropriate security fence (height and material to be established through the site plan review process) shall be placed around the perimeter of the solar power plant. Knox boxes and keys or other suitable access shall be provided at locked entrances for emergency personnel access.
- (D) **Buffer Area:** The following buffer areas shall be required for solar power plants. The Planning Commission may reduce or waive buffer area requirements provided that such reductions or waivers are in keeping with the intent of the Zoning Ordinance and the zoning district. The Planning Commission may also require additional landscaping and/or screening materials to screen the solar power plant and accessory structures from public road rights-of-way and neighboring residences:
1. Public Road Rights-of-Way: A landscaped, green buffer area of a minimum of fifteen (15) feet in depth between the security fence and public road rights-of-way shall be placed around the perimeter of the solar power plant abutting a public road right-of-way. This buffer shall be designed to obscure 50 percent of the views through an imaginary rectangle that runs the full width of the parcel abutting the public road right-of-way, minus access drives, to a height of six feet above the final grade at the solar power plant structures closest to the public road right-of-way. Any berm constructed to meet this requirement must undulate horizontally and vertically and shall have a sloped that ranges between 1 to 3 and 1 to 4 (1-foot vertical rise to 3- or 4-foot horizontal run). Buffers may be designed to include both natural and man-made materials. Natural materials include shrubs, trees and other plant material, along with decorative landscape boulders and earth berms. Man-made materials include decorative fences, trellises, and similar elements. No more than 25 percent of the material used to achieve the performance objective described above shall be man-made materials.
  2. Abutting Land Residential Zoning: A landscaped, green buffer area in compliance with the requirements in Section 17.03(A) shall be placed around the perimeter of a solar power plant abutting the property line of any non-participating, residentially-zoned lot (R-1, R-2, R-3, R-4, R-5). A minimum of fifty percent of the plants shall be evergreen trees, with a minimum of six feet in height at the time of planting.
- (E) **Ground Cover:** Ground cover vegetation shall be installed throughout the solar power plant and maintained for the duration of the operation of the solar power plant, until the site is decommissioned. A ground cover establishment plan shall be required as part of the site plan and maintenance of the ground cover included in the

## Zoning Ordinance Amendments: Solar power plants in Industrial Zones

maintenance plan required by this Section. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.

- (F) **Lot Coverage:** Buildings in solar power plants are subject to lot coverage requirements for the zoning district in which the building is located. All other components of a solar power plant, including but not limited to photovoltaics (PV), concentrating solar thermal devices (CST) or various experimental solar technologies, shall not count towards the maximum lot coverage of principal or accessory buildings or structures.
- (G) **Noise:** No operating solar power plant shall produce noise that exceeds 50 dBA, as measured at the property line of any residentially-zoned lot (R-1, R-2, R-3, R-4, R-5), or 60 dBA as measured at any other property lines. Adequate setbacks shall be provided to comply with these limitations.
- (H) **Visual Appearance:** Solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment. ~~Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences.~~ No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style, unless disclosed and justified through the application review process. Aircraft sensor systems to turn the lights on only when low-flying aircraft are in the area may be required.
- (I) **Lighting:** Lighting of the solar power plant and accessory structures shall be limited to the minimum necessary and full cut-off lighting may be required when determined necessary to mitigate visual impacts.
- (J) **Glare:** No solar power plant shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
- (K) **Electrical Interconnections.** All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
- (L) **Site Drainage:** Site drainage shall be reviewed and approved by the Monroe County Drain Commission.
- (M) **Site Maintenance:** A plan for ongoing maintenance of the solar power plant site acceptable to the Planning Commission shall be provided. The maintenance plan shall include, but is not limited to, the following: maintenance of landscaping, ground cover, and grass, and abatement of noxious weeds.
- (N) **Purchase Power Agreement:** Applicants shall provide a Purchase Power Agreement or other verified commitment with the local utility, for the purchase of the power produced on the proposed site.
- (O) **Approval and Requirements:** Nothing in this Section preclude the project from complying with all the requirements of the Zoning Ordinance, including site plan approval.

Zoning Ordinance Amendments: Solar power plants in Industrial Zones

- (P) **Repowering:** Repowering is reconfiguring, renovating, or replacing a solar power plant to maintain or increase the power rating of the solar power plant within the existing project footprint. In addition to repairing or replacing solar power plant components to maintain the system, a solar power plant may at any time be repowered, without the need to apply for a new site plan, by reconfiguring, renovating, or replacing the solar power plant to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing solar power plant shall be considered a new application, subject to the ordinance standards at the time of the request.

SECTION 3. REPEAL.

All ordinances or parts of ordinances, in conflict with this Ordinance are hereby repealed.

SECTION 4: SEVERABILITY.

This Ordinance, and the various parts, sections, and clauses are hereby declared to be severable. If any part, sentence, section or clause is determined unconstitutional or invalid by a court of law, the remaining Ordinance will not be affected.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall become effective eight (8) days after publication in a newspaper of general circulation in the Township of Erie, County of Monroe, State of Michigan, unless otherwise provided by law.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE, COUNTY OF  
MONROE, STATE OF MICHIGAN:

By: \_\_\_\_\_  
Kim Cousino, Erie Township Clerk

AUTHENTICATED:

By: \_\_\_\_\_  
William D. Frey, Erie Township Supervisor