

FULL TEXT
With Existing and Proposed Text Shown

EXETER TOWNSHIP
PROPOSED ZONING ORDINANCE AMENDMENT
Ord. No. _____ ; Date of Adoption _____

An Ordinance to clarify, update, and modify the Solar Energy System sections of the Zoning Ordinance.

THE TOWNSHIP OF EXETER HEREBY ORDAINS:

Text in black is the existing zoning ordinance language
*Text **underlined and in red** is proposed to be added.*
*Text **struck-through and highlighted** is proposed to be deleted.*

Section 1. Title.

This Ordinance shall be known as “Exeter Township Zoning Ordinance Amendment No. _____.”

Section 2. Amendment of Article 3 Definitions

The Exeter Township Zoning Ordinance Article 3 Definitions, is hereby amended to read as follows.

dB(A): ~~The sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method of weighting the frequency spectrum to mimic the human ear.~~

Solar Energy System:

1. **Small On-Site Solar Energy System:** A single residential or small business-scale solar energy conversion system (photovoltaic cell) consisting of roof panels or ground-mounted solar panels or arrays and associated control or conversion electronics, generating up to but not exceeding the manufacturer’s rating of ~~twenty (20) kilowatt,~~ **no greater than fifty (50) kilowatt, that will be used to produce electrical power to serve on-site users.**
2. **Medium:** ~~A private on site or utility scale solar energy conversion system consisting of many ground mounted solar arrays in rows or roof panels, and associated control or conversion electronics, generating more than the manufacturer’s rating of twenty (20) kilowatt but no greater than one hundred and fifty (150) kilowatt, that will be used to produce electrical power to on-site users and off-site customers.~~
3. **Large Utility Solar Energy System:** A utility-scale solar energy conversion system ~~or “solar farm”~~ consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, generating greater than ~~one hundred and~~ **fifty (150) kilowatt,** that will be used to produce electrical power to ~~serve~~ off-site customers. Said ~~large utility~~ solar energy system may or may not be owned by the owner of the property upon which it is placed.

Section 3. Amendment of Article 5 General Provisions, Section 5.15 Solar Energy Systems

The Exeter Township Zoning Ordinance Article 5 General Provisions, Section 5.15 Solar Energy Systems is hereby amended to read as follows.

1. ~~Small~~ On-Site Solar Energy Systems

- A. ~~Small~~ On-Site solar energy systems are permitted as an accessory use and structure in all districts as administratively approved through the issuance of a Building Permit if the application meets setback and other standards, as provided in this Section. If the Zoning Administrator has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the Zoning Administrator ~~may~~ shall require the applicant to apply for Site Plan approval to the Planning Commission in accordance with ARTICLE 19 SITE PLAN REVIEW PROCEDURES.
- B. The requirement for a full site plan shall not apply to applications proposing 1) only roof-mounted solar panels or 2) proposing ground-mounted panels that do not exceed 8,000 square feet in total solar panel area. When a full site plan is not required, a sketch plan shall be submitted. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Zoning Administrator or the Planning Commission that is necessary to determine compliance with this ordinance.
- C. ~~Small~~ On-Site solar energy systems installed on a sloped roof of a building shall not project vertically above the peak of the roof. Solar panels attached to a flat roof shall not project vertically more than the height of the parapet.
- D. Ground-mounted solar collection panels, where the solar panels are attached to the ground by a pole, metal frame or other similar support structure, shall not exceed ~~twenty (20)~~ fifteen (15) feet in height.
- E. Solar energy system structures shall comply with the setback requirements of the district in which they are located, with the following exception: in all zones abutting residential districts (including agricultural) or residential uses, the setbacks shall be at least fifty (50) feet from all property lines adjoining said districts or uses.
- F. Solar panels shall be placed such that solar glare shall not be directed onto nearby properties or roadways. This includes ensuring no negative impacts along aircraft flight paths. Traffic safety shall be protected and adjacent properties shall be protected from glare exceeding twenty (20) percent of the incident sun intensity. The applicant shall submit documentation to verify compliance with this section.
- G. All electrical interconnection and distribution lines, where possible, shall be located and maintained underground. An exterior electrical disconnect which will isolate the solar panels from the residential electrical system shall be installed and clearly marked for use by emergency personnel.
- H. Solar energy systems must be installed in compliance with the National Electric Safety Code, the manufacturer's specifications, and any other applicable code. A copy of the manufacturer's installation instructions must be submitted for review. If the applicant's intent is to install a customer-owner system that will be interconnected to the power grid, written evidence that the utility company provider has been notified shall be submitted.
- I. ~~If more than eight thousand (8,000) square feet of impervious surface will be located on the site, t~~ The application shall include a drainage plan if more than eight thousand (8,000) square feet of impervious surface is located on the site. The plan shall be prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate. If detergents will be used to clean solar panels, details on the type of detergent, frequency

and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

- J. If the solar energy system ceases to operate or is abandoned for a period of ~~six (6) months~~ one year or is deemed by the Building Official Zoning Administrator to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a year or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state.
- K. When ~~ground-mounted solar collection panels are located adjacent to a residential district or~~ use, or a public road, a buffer shall be provided between the solar energy system and the adjacent residential property or public road. ~~Buffers shall be no less than twenty (20) feet in width, planted as part of an approved site or sketch plan, and shall thereafter be maintained in a healthy, growing condition to provide a screen to abutting properties. Minimum planting requirements for buffers are one (1) deciduous tree, one (1) evergreen tree, and four (4) shrubs for each thirty (30) linear feet along the solar system, rounded upward, or a combination of planting(s) as approved by the Planning Commission.~~ The vegetative buffer shall provide a visual screen that is at least six (6) feet high and shall be composed of naturalized groupings of plant materials containing a mixture of Michigan native deciduous and evergreen trees and shrubs. The applicant shall provide a landscape detail and cross-section demonstrating the screening achieved.
- L. The Planning Commission may waive or ~~reduce~~ modify the buffer requirement upon a determination that the solar panels are not visible from an adjacent residential property or public road, or if existing natural features such as trees provide adequate screening, or if other conditions warrant a waiver or ~~reduction~~ modification in requirements.

~~2. Medium Solar Energy Systems~~

- ~~A. Medium sized solar energy systems are permitted in all districts as an accessory use or structure, as approved through the Special Land Use and Site Plan approval process, which requires action by the Planning Commission in accordance with ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and ARTICLE 19 SITE PLAN REVIEW PROCEDURES.~~
- ~~B. Medium solar energy systems installed on a sloped roof of a building shall not project vertically above the peak of the roof. Solar panels attached to a flat roof shall not project vertically more than the height of the parapet.~~
- ~~C. Ground mounted medium solar energy system panels, where the solar panels are attached to the ground by a pole, metal frame or other similar support structure, shall not exceed twenty (20) feet in height.~~
- ~~D. Solar energy system structures shall comply with the setback requirements of the district in which they are located, with the following exception: in all zones abutting residential districts (including agricultural) or residential uses, the setbacks shall be at least fifty (50) feet from all property lines adjoining said districts or uses.~~
- ~~E. Solar panels shall be placed such that solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected and adjacent properties shall be protected from glare exceeding twenty (20) percent of the incident sun intensity. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.~~
- ~~F. All electrical interconnection and distribution lines, where possible, shall be located and maintained underground. An exterior electrical disconnect which will isolate the solar~~

panels from the residential electrical system shall be installed and clearly marked for use by emergency personnel.

- G. Solar energy systems must be installed in compliance with the National Electric Safety Code, the manufacturer's specifications, and any other applicable code. A copy of the manufacturer's installation instructions must be submitted for review. If the applicant's intent is to install a customer owner system that will be interconnected to the power grid, written evidence that the utility company provider has been notified shall be submitted.
- H. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, quantity and source of water, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off site discharge shall be provided.
- I. If the solar energy system ceases to operate or is abandoned for a period of six (6) months or is deemed by the Zoning Administrator to be unsafe or not consistent with code, the applicant shall repair and restore the system to good working order within a year or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state.
- J. Any solar system that is not operated for a continuous period of six (6) months shall be considered abandoned and the owner of such system shall remove the same within ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned system within ninety (90) days shall be grounds for the Township to remove the system at the owner's expense. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the solar system. If a bond is to be required, the Planning Commission shall include the requirement as a condition of Special Land Use approval.
- K. When ground mounted solar collection panels are located adjacent to a residential district or use, or a public road, a buffer shall be provided between the solar energy system and the adjacent residential property or public road. Buffers shall be no less than twenty (20) feet in width, planted as part of an approved site or sketch plan, and shall thereafter be maintained in a healthy, growing condition to provide a screen to abutting properties. Minimum planting requirements for buffers are one (1) deciduous tree, one (1) evergreen tree, and four (4) shrubs for each thirty (30) linear feet along the solar system, rounded upward, or a combination of planting(s) as approved by the Planning Commission.
- L. The Planning Commission may waive or reduce the buffer requirement upon a determination that the solar panels are not visible from an adjacent residential property or public road, or if existing natural features such as trees provide adequate screening, or if other conditions warrant a waiver or reduction in requirements.
- M. Ground mounted solar energy installations shall be completely enclosed by a perimeter fence with a minimum height of six (6) feet. The material of the fence shall be established through the Site Plan approval process. Lock boxes and keys meeting Township requirements shall be provided for emergency personnel access.

3. **Large Utility Solar Energy Systems or Solar Farms**
- A. **Large sized Utility** solar energy systems **or solar farms** are permitted in AG, Agricultural/Residential and I-1, Industrial districts **as a special land use. An application for a utility solar energy system shall be reviewed in accordance with all applicable requirements set out in ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and the requirements set forth herein.**
~~as approved through the Special Land Use and Site Plan approval process, which requires action by the Planning Commission in accordance with ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and ARTICLE 19 SITE PLAN REVIEW PROCEDURES.~~
- B. **Standards for Special Use Approval.** In determining whether a given site is appropriate for a utility solar energy system, the Planning Commission shall consider the following:
- (1) Proximity to existing electric transmission lines, and feasibility of connecting to the existing transmission network.
 - (2) Existing physical features of the site that would be impacted by the new solar arrays, including wildlife impacts and other existing conditions.
 - (3) Potential impacts on neighboring properties in terms of glare, stormwater runoff, environmental, and aesthetics.
 - (4) Potential impact on farmland due to the development of utility solar facilities.
~~Potential impact on neighboring properties in terms of glare, stormwater runoff, aesthetics, and screening shall be considered by the Planning Commission in determining whether the use is appropriate on the subject property.~~
- C. **Size.** All utility solar energy systems must contain (be under the control of the applicant through signed lease, purchase agreement or proof of ownership) a minimum of eighty (80) contiguous acres. Contiguous may include parcel(s) separated by a road or rail line. Additional parcels (under the control of the applicant) beyond these original eighty (80) acres must also be contiguous to the original eighty (80) acres.
- D. **Height.** Solar energy system panels or collection devices shall not exceed ~~twenty (20)~~ **fifteen (15)** feet in height, excluding substation and electrical transmission equipment (as measured from the natural grade at the base of improvements). The maximum height for all structures associated with the **large utility** solar energy system shall comply with the maximum height requirements for principal structures of the district in which they are located.
- E. **Setbacks.** **Utility** solar energy systems ~~structures~~ **comply with the setback requirements of the district in which they are located shall be set back at least one hundred (100) feet from all property lines and road rights-of-way, as measured from the property line to the security fence enclosing the solar facility,** with the following exceptions:
~~in all zones abutting residential districts (including agricultural) or residential uses, the setbacks shall be at least fifty (50) feet from all property lines adjoining said districts or uses.~~
- (1) No side or rear setbacks are required from common property lines of two or more participating parcels.
 - (2) A setback of five hundred (500) feet is required from the security fence enclosing the solar facility to the nearest existing residential **use** property line of a non-participating landowner.
 - (3) Additional **The Planning Commission may modify setbacks requirements may be required** to mitigate noise and glare impacts, **or to provide for designated road or utility corridors,** as identified through the Special Land Use approval process.
- F. **Fencing.** A **large utility** solar energy system shall be completely enclosed by perimeter security fencing with a minimum height of eight (8) feet to restrict unauthorized access.

The material of such fence shall be established through the Site Plan approval process. All access gates shall be large enough to allow entry of emergency equipment (including firefighting equipment) and the perimeter fence be established at a minimum of thirty (30) feet from the solar energy panels. Lock boxes and keys meeting Township requirements shall be provided for emergency personnel access. Electric fencing is not permitted. The fence shall be located around the perimeter of the solar facility and buffered as required under Subparagraph G, Screening.

G. **Screening.** The perimeter of a large utility solar energy system shall be completely screened by a minimum twenty (20)-foot wide vegetative buffer placed outside of the perimeter security fence required in the previous subparagraph and subject to the following requirements:

- (1) Minimum planting requirements for buffers are one (1) deciduous tree, one (1) evergreen tree, and four (4) shrubs for each thirty (30) linear feet to be screened, rounded upward, or a combination of planting(s) as approved by the Planning Commission. The vegetative buffer shall provide a visual screen that is at least six (6) feet high and shall be composed of naturalized groupings of plant materials containing a mixture of Michigan native deciduous and evergreen trees and shrubs. The buffer shall include a minimum of fifty percent (50%) evergreen trees. The applicant shall provide a landscape detail and cross-section demonstrating the screening achieved.
- (2) All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the Applicant will provide the Township with an irrevocable 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.
- (3) 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.
- (4) Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.
- (5) Substations or other structures built as part of a solar project must abide by the same screening and site development requirements as the solar energy system. A masonry block wall must surround the inverter or substation to mitigate noise as applicable.

H. The Planning Commission may waive or reduce the buffer requirement upon a determination that the solar panels are not visible from an adjacent residential property or public road, or if existing natural features such as trees provide adequate screening, or if other conditions warrant a waiver or reduction in requirements.

I. **Ground Cover**

- (1) The ground around and under solar panels and in project landscape buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover.
- (2) To the maximum extent feasible for site conditions, perennial vegetation ground cover shall be based on a diverse seed mix of native species consistent with guidance specific to the local area such as the Monroe Conservation District Office.
- (3) The owner/operator shall demonstrate site maintenance that is intended to remove invasive or noxious species and woody plants without harming perennial

- vegetation.
- (4) Utility solar energy system facilities that propose to install, establish, and maintain pollinator-friendly vegetative cover are to demonstrate the quality of their habitat by using guides or other third party solar-pollinator scorecards designed for Midwest ecosystems, soils, and habitat.
 - (5) Grazing of the ground cover plantings by small herds of livestock may be allowed but not to the extent that the planting is damaged by overgrazing **in compliance with Section 5.10 of the Zoning Ordinance.**
 - (6) USDA listed noxious weeds must be controlled.
- J. **Signage.** No advertising or non-project related signs or graphics shall be on any part of the solar arrays or other components of the **large utility** solar energy system. This exclusion does not apply to entrance gate signage or notifications containing points of contact or 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 utility** solar energy system shall emit noise exceeding ~~sixty-five (65)~~ **forty (40)** dB(A) as measured at the exterior property boundary or the existing right-of-way line.
- 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 exceed one half (0.5) foot candle at the property line.
- M. **Glare.** Solar panels shall be placed such that solar glare shall not be directed onto nearby properties or roadways. **This includes ensuring no negative impacts along aircraft flight paths.** Traffic safety shall be protected and adjacent properties shall be protected from glare exceeding twenty (20) percent of the incident sun intensity. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.
- N. **Electrical Connection.** All collection lines and interconnections from the solar energy collection devices to any electrical substations shall be located and maintained underground inside the **large utility** 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. **Conditions.** 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 Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one (1) copy shall be returned to the applicant's authorized representative.**
- P. **Applications and Procedures.** In addition to the requirements of ARTICLE 18 SPECIAL LAND USES AND PROCEDURES and ARTICLE 19 SITE PLAN REVIEW PROCEDURES, all application for utility solar facilities shall include the following information.
- (1) Pre-application meeting. Submittal of a concept plan and a pre-application conference with Township staff and officials is required to discuss the location, scale, and nature of the proposed use and what will be expected during that process.

The concept plan shall meet the informational requirement for sketch plans and include:

- a. A description of the project.
 - b. The location of the proposed facility site with property lines and setback lines.
 - c. Existing and proposed buildings and structures including preliminary locations of the proposed solar panels and related equipment, fencing, driveways, and points of ingress/egress.
 - d. Proposed connection to existing electric line.
- (2) The Special Land Use submittal shall include:
- a. All property lot lines and dimensions, including a legal description of each parcel comprising the solar facility.
 - b. Names of owners of each parcel that is proposed to be within the solar facility including proof that the applicant has authorization to act upon the owner's behalf.
 - c. A list of all adjacent property owners, their tax map numbers, and addresses.
 - d. Identification of the utility company who will interconnect to the facility.
 - e. A narrative identifying the applicant, owner or operator, and describing the proposed solar facility project, including an overview of the project and its location, capacity of the solar facility, the approximate number of panels, representative types of and expected footprint of solar equipment to be constructed including the location of interconnections to any existing or proposed substations or connection stations.
 - f. An area map showing the proposed location of the solar facility, fenced area and driveways with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress, as well as the current use, zoning districts, and location of structures of all surrounding properties.
- (3) The Site Plan submittal shall include:
- a. Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the solar energy system.
 - b. 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, internal drives and all above ground structures and utilities on the property (ies).
 - c. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the solar facility and within 100 feet of all exterior property lines of the solar facility.
 - d. A description of the anticipated upgrades or improvements to the current electric grid that are required to support the proposed solar energy facility and the status of the applicant(s) application for interconnection to the grid.
 - e. Proposed setbacks from the solar array(s) to all existing and proposed structures and property lines.
 - f. Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the solar facility at a minimum of two (2) -foot contours. All existing on-site drain tiles and ditches shall be identified and maintained. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, quantity and source of

water, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided-

- g. Access driveways within and to the solar facility, 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 as applicable, and shall be planned so as to minimize the use of lands for that purpose.
 - h. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the solar energy system.
 - i. A Maintenance Plan providing a written description of the maintenance program to be used for the solar array and other components of the solar facility, as well as a Decommissioning Plan and performance security as noted in Subsection T. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the solar energy system is decommissioned.
 - j. Additional detail(s) and information as required by the Planning Commission and the Township Board to determine any potential impacts of the proposed facility. This may include but not be limited to the completed copy of the Michigan Pollinator Habitat Planning Scorecard for solar Sites if applicable, a visual impact assessment (including visual simulations of the project to demonstrate appropriate mitigation measures), environmental impact analysis (baseline environmental assessment, historical sites, wildlife, threatened and endangered species, fragile ecosystems, etc.), a storm water impact study (storm water infiltration, 100-year rain event calculations, percolation tests, or **other site specific soil information**, etc.), a glare impact study, or other studies.
 - k. Any conditions and modifications approved by the Township Board as part of the Special Land Use review process shall be noted on the plans.
- Q. Solar energy systems must be installed in compliance with the National Electric Safety Code, the manufacturer's specifications, and any other applicable code. A copy of the manufacturer's installation instructions must be submitted for review. Written evidence that the utility company provider has been notified shall be submitted.
- R. **Monitoring and Inspection.** The Township shall have the right at any reasonable time, to provide **twenty-four (24) hour** notice to the Applicant to inspect the premises on which any utility solar facility 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 utility solar energy facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- S. **Roads.** Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a utility solar facility shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate county or state 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.
- T. Maintenance and Repair.** Utility scale solar energy facilities must be kept and maintained in good repair and condition at all times. Applicant shall keep all sites within the solar facility neat, clean and free of refuse, waste or unsightly, hazardous, or unsanitary conditions. 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. If safety hazards conditions occur under the Occupational Safety and Health Administration (OSHA) guidelines and Interim Life Safety issues, the solar facility system immediately. All governing organizations shall be notified of the hazards immediately. The Township Building Official/Zoning Administrator shall be notified immediately and a call out sheet shall be provided to facilities. Applicant shall immediately shut down the solar facility and not operate, start or restart the solar energy system until the issues have been resolved and a written statement confirming that the issues have been addressed has been provided to the Exeter Township Building Official/Zoning Administrator.

U. **Abandonment and Decommissioning.** If the solar energy system ceases to operate or is abandoned for a period of ~~six (6) months~~ **one year** or is deemed by the **Building Official/Zoning Administrator** to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a year or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state. **The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Use Permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above and below grade and any structures shall be removed and taken offsite for disposal. The ground must be regraded and reseeded to as natural condition as possible. Any drainage infrastructure on site, including drain tiles and ditches, damaged during the construction, operation, and or decommissioning of the solar facility will need to be restored to pre-existing conditions.**

~~V. Any solar system that is not operated for a continuous period of six (6) months shall be considered abandoned and the owner of such system shall remove the same within ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned system within ninety (90) days shall be grounds for the Township to remove the system at the owner's expense. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the solar system. If a bond is to be required, the Planning Commission shall include the requirement as a condition of Special Land Use approval.~~

W. **Performance Security.** Prior to the start of construction, the Applicant shall post a performance security (cash, irrevocable letter of credit, or surety bond deemed suitable by the Township attorney) in an amount deemed sufficient based on the cost of removal of the equipment, structures and foundations related to the utility solar energy system in the event of abandonment or failure to comply with federal, state or local laws (after being given reasonable time to remedy the problem). As a part of the Decommissioning Plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structure associated with the facility as described above. The amounts will assist the Township in setting the performance security valid throughout the lifetime of the facility. The applicant shall provide documentation to support the estimated lifespan of the equipment. Bonds shall be extended on a bi-annual basis from the date of Special Land Use approval. Such financial security shall be irrevocable and non-cancellable. The Township may increase the insurance and/or bond amounts required of applicant in the event that it is determined by the Township Board, Attorney, Engineer, or an insurance bond professional that the existing surety and/or bond amounts are insufficient to effect the purposes of such guarantees. In the case of a proposed or pending sale of the utility solar facility, the current owner/operator is required to notify the Township. The new

owner/operator shall replace the financial security that has been provided and update the contact information for the new operator/owner.

Continuing Obligations. Failure to keep any required financial security in full force and effect at all times while a utility solar facility exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the facility 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 Use Permit.

- X. **Application Escrow Account.** An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Use Permit for a utility solar energy system. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township, to cover all reasonable costs and expenses associated with the Special Land Use Permit and Site Plan review and approval processes, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the review process of the application. The Applicant shall have thirty (30) days to submit the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Use Permit and Site Plan review processes, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Use Permit or Site Plan review process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or 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 Use Permit and Site Plan shall be returned in a timely manner to the Applicant.

Section 4. Amendment of Article 7 AG, Agricultural/Residential District

The Exeter Township Zoning Ordinance, Article 7, Section 7.03 Special Land Use Approval is amended to read as follows:

22. ~~Medium and large~~ Utility solar energy systems.

Section 5. Amendment of Article 8 R-1, Medium Density Residential District

The Exeter Township Zoning Ordinance, Article 8, Section 8.03 Special Land Use Approval is amended to read as follows:

- ~~17. — Medium solar energy systems.~~

Section 6. Amendment of Article 10 RMH, Manufactured Home Park District

The Exeter Township Zoning Ordinance, Article 10, Section 10.03 Special Land Use Approval is amended to read as follows:

- ~~4. — Medium solar energy systems.~~

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Section 7. Amendment of Article 11 C-1, Commercial District

The Exeter Township Zoning Ordinance, Article 11, Section 11.03 Special Land Use Approval is amended to read as follows:

8. ~~Medium solar energy systems.~~

Section 8. Amendment of Article 15 I-1, Industrial District

The Exeter Township Zoning Ordinance, Article 15, Section 15.03 Special permitted Uses is amended to read as follows:

18. ~~Medium and large~~ Utility solar energy systems.

Section 9. Repeal.

All Ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.

Section 10. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 11. Effective Date.

This Ordinance shall become effective seven (7) days after adoption and publication in a newspaper having general circulation in the Township of Exeter, Monroe County, Michigan.