

**Ossineke Township
Ordinance No. 1 of 2018**

AN ORDINANCE TO AMEND THE OSSINEKE TOWNSHIP ZONING ORDINANCE SECTIONS 2.1 “DEFINITIONS”, SECTION 4.0 “TABLE OF PERMITTED AND SPECIAL LAND USES”, AND ARTICLE 7 “SUPPLEMENTAL REGULATIONS” TO ALLOW UTILITY-SCALE SOLAR ENERGY FACILITIES AND SOLAR PANELS AS AN ACCESSORY USE.

Ossineke Township, Alpena County, Michigan ordains:

Section 1: Additions and deletions to the Ossineke Township Zoning Ordinance Sections 2.1 and 4.0 and Article 7.

That the Ossineke Township Zoning Ordinance, Section 2.1 (Definitions) is hereby amended to read as follows:

(ADD) **Solar Energy Facility (Utility Scale):** A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale needs. A solar energy collection facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

(ADD) **Solar Energy Panels (Accessory):** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are an accessory use on the property.

That the Ossineke Township Zoning Ordinance, Section 4.0 (Table of Permitted and Special Land Uses) is hereby amended to read as follows:

(ADD) Solar Energy Facility (Utility Scale) as a Permitted Use in the FF-1 (Farm and Forest) District *(include under the category of “Utilities/Energy” and include asterisk indicating supplemental regulations).*

(ADD) Solar Energy Panels (Accessory) as a Permitted Use in all districts. *(include under the category of “Utilities/Energy” and include asterisk indicating supplemental regulations).*

That the Ossineke Township Zoning Ordinance, Article 7 (Supplemental Regulations) is hereby amended to read as follows:

(ADD) Section 7.27A Solar Energy Facilities (Utility Scale)

1. **Minimum Project Size.** The minimum project size on which a solar energy facility may be approved shall be twenty (20) acres. Adjacent parcels under different ownership may be utilized as a single solar energy facility.
2. **Reflection/Glare.** Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than 20% of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
3. **Impervious Surface/Stormwater.** If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. 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.
4. **Screening.** Solar devices shall be screened from view from any public street or residential district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission.
5. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least 50 feet from all property lines. Solar panels will be kept at least one hundred (100) feet from a residence that is not part of the Permitted Use.
6. **Abandonment.** Any Freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the municipality and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the municipality and request a three-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the municipality will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

(ADD) Section 7.27B Solar Energy Panels (Accessory).

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A zoning permit is required.

1. Height.

- a. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall not exceed twenty (20) feet in height when oriented at maximum tilt.
- b. Building-Mounted or Roof-Mounted Accessory Solar Energy Systems shall not exceed the maximum allowed building height in any zoning district.

2. Setbacks.

- a. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall be located in the rear or side yard and shall be setback a minimum of ten (10) feet from the interior side lot line and ten (10) feet from a rear lot line. The required setback of the corner side lot line shall be equal to the front setback for a principal building in the district.
- b. Building-Mounted or Roof-Mounted Accessory Solar Energy Panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

3. Glare. Panels shall not result in glare onto adjoining properties or public rights of way.

4. Coverage and Size. Roof-Mounted or Building-Mounted Accessory Solar Energy Panels shall allow for adequate roof access for fire-fighting purposes. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall not exceed fifty (50) percent of the building footprint for the principal structure.

Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Ossineke Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Ossineke Township Supervisor-Ken Lobert

Ossineke Township Clerk-Jolee Dorie

I, Jolee Dorie, Clerk for Ossineke Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 1 of 2018 of Ossineke Township, adopted by at a meeting of the Township Board of Trustees held on _____.

A copy of the complete ordinance text may be inspected or purchased at the Ossineke Township Hall, at 9041 W. Nicholson Hill Road, Hubbard Lake, Michigan.

Adopted:

Published:

Effective:
_____, subject to PA 110 of 2006 as amended.