

ELMWOOD TOWNSHIP

ORDINANCE NO. 22124

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
TO UPDATE THE CONTROLLING ACTS; UPDATE THE DEFINITIONS; TO UPDATE
AUTHORITIES AND PROCEDURES FOR APPROVAL OF SPECIAL LAND USE
PERMITS; TO UPDATE AUTHORITIES AND PROCEDURES FOR THE ZONING
BOARD OF APPEALS; TO REGULATE SOLAR ENERGY SYSTEMS; AND TO
UPDATE SIGN REGULATIONS.**

The Township of Elmwood ordains:

Section 1. Amendment to The Elmwood Township Zoning Ordinance

The Elmwood Township Zoning Ordinance is amended as follows:

- A. Replacing "Act 184, of the Public Acts of 1943" with "Michigan Zoning Enabling Act, Act 110 of 2006 as Amended" wherever it appears in the Zoning Ordinance.
- B. Replacing "Michigan Land Division Act" with "Michigan Land Division Act, Act 288 of 1967 as amended" wherever it appears in the Zoning Ordinance.
- C. Replacing "Condominium Act" with "Condominium Act, Act 59 of 1978, as amended" wherever it appears in the Zoning Ordinance.
- D. Replacing "Michigan Manufactured Home Commission" with "Mobile Home Commission Act, Act 96 of 1987 as amended" wherever it appears in the Zoning Ordinance.
- E. Replacing "Township Planning Act" with "Michigan Planning Enabling Act, Act 33 of 2008" wherever it appears in the Zoning Ordinance.
- F. Replacing "Board of Zoning" with "Zoning Board of Appeals" or "ZBA."
- G. Replacing references to the "Township Board" or the "Elmwood Township Board" with "Board" when appropriate.
- H. All Article and Section references are amended where needed so that they are proper following the addition and removal of Articles, or Sections within Articles.
- I. Replace "ordinance" where appears in the Zoning Ordinance to "Zoning Ordinance" when referring to the Elmwood Township Zoning Ordinance.

Section 2. Amendment of Article 1 of the Zoning Ordinance

Amend Section 1.01 of the Zoning Ordinance, entitled "Title," to read as follows:

Section 1.01. This Ordinance shall be known and cited as the Elmwood Township Zoning Ordinance (Zoning Ordinance).

Section 3. Amendment to Article 21 of the Zoning Ordinance, Entitled "Definitions"

A. Article 21, entitled "Definitions," is amended as follows:

All definitions are moved to Section 21.01, entitled "Definitions."

B. Section 21.01, entitled "Definitions," is amended by modifying the following definitions to read:

APPLICANT OR APPLICANTS. The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval for a WECS, WECS Testing Facility, or USES as well as the applicant's successors, assigns and/or transferees. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS, WECS Testing Facility, or USES. The duties and obligations regarding a zoning approval for any approved WECS, WECS Testing Facility, or USES shall be with the owner of the WECS, WECS Testing Facility, or USES, and jointly and severally with the owner and operator or lessee of the WECS, WECS Testing Facility, or USES, if different than the owner.

BOARD. The duly elected or appointed Township Board of Trustees of the Township of Elmwood. (formerly listed as Township Board)

BUILDING INTEGRATED PHOTOVOLTAICS (BIPVs): A Private or Commercial Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

CONCENTRATED SOLAR GLARE. The reflected solar glare beyond that produced by the sun.

CONCEPTUAL PLAN. A map and summary of the proposed development or land use, indicating the lands to be included, a brief description of the proposed project, a timeline for the proposed project, where and how project will connect to the power grid, and any other information Applicant deems necessary to provide the Township with a general overview of the proposed project.

GROUND MOUNTED SOLAR ENERGY SYSTEM. A Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building and not intended for use as a USES.

NON-PARTICIPATING PARCEL. A parcel of property within Elmwood Township that is not subject to a lease or easement agreement, or any other contractual arrangement or agreement with any person or entity as part of an application submitted for a Special Approval Use Permit for the purposes of constructing or operating a WECS, WECS Testing Facility, or a USES.

PARTICIPATING PARCEL. A parcel of property within Elmwood Township that is subject to a lease or easement agreement, or any other contractual arrangement or agreement with any person or entity submitting a Special Approval Use Permit application for the purposes of developing a WECS, WECS Testing Facility, or a USES.

ROOF OR BUILDING MOUNTED SOLAR ENERGY SYSTEM. A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIVPs.

C. Section 21.01, entitled "Definitions," is amended by adding the following definitions:

ABANDONMENT. Any USES or WECS facility that is no longer producing power and includes the remainder of the accessory structures.

ANSI. American National Standards Institute.

DECOMMISSION. To remove or retire a USES or WECS facility from active service.

FEE OWNER. The person who owns the fee simple title to the real property.

MAXIMUM TILT. The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the natural or unaltered ground or topography upon which the solar array is installed.

MINIMUM TILT. The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the natural or unaltered ground or topography upon which the solar array is installed.

NEC. National Electric Code.

NESC. National Electrical Safety Code.

SOLAR ENERGY SYSTEM HEIGHT. The height of a solar energy system and components, measured vertically from the natural grade to its highest point at maximum tilt.

UTILITY-SCALE SOLAR ENERGY SYSTEM. A Solar Energy System where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

WIND ENERGY CONVERSION SYSTEM HEIGHT. The height of a WECS measured vertically from the natural grade to the blade tip when at its highest point.

D. Section 21.01, entitled "Definitions," is amended by deleting the following definitions:

COMMERCIAL SOLAR ENERGY SYSTEM

WECS APPLICANT

Section 4. Amendment to Article 3 of the Zoning Ordinance, Entitled "Administration"

A. Section 3.01 of the Zoning Ordinance, entitled, "Zoning Administrator," is amended as follows to read:

The provisions of this Ordinance shall be administered by a Zoning Administrator appointed by the Elmwood Township Board of Trustees (Board). The Zoning Administrator shall serve under such terms and at such rate of compensation as the Board may determine.

B. Section 3.02 of the Zoning Ordinance, entitled "Zoning Permits," is amended as follows to read:

A Zoning Permit shall be acquired from the Zoning Administrator before: any construction is undertaken; any structure is moved; any change in the use of any land or structure is undertaken; or any other activity described in Article 2 Section 2.01 is commenced within Elmwood Township (Township).

A. APPLICATION. A Zoning Permit shall be applied for in writing on an application form provided by the Township.

B. PERMIT ISSUANCE. A Zoning Permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this Zoning Ordinance and any necessary Planning Commission, Zoning Board of Appeals, or Board approvals have been obtained.

C. EXPIRATION. A Zoning Permit shall expire one (1) year after the date of issuance unless the proposed use has commenced, or an extension has been granted.

Extensions may be granted by the Zoning Administrator in six (6) month increments with a maximum of two (2) extensions and only if progress can be documented. Additional extensions may be authorized by the Board but only if the

applicant can show a hardship or delay that was not self-created. Documentation for all extensions granted or denied shall become part of the record kept with the original Zoning Permit application. :

Once a Zoning Permit has expired, a new permit must be obtained and must comply with the current Zoning Ordinance as amended before any work may resume.

- D. VOID PERMITS. Any Zoning Permit or Special Land Use Permit issued in error or pursuant to an application containing any false statements shall be void.
- E. FEES. The amount of any fees charged for Zoning Permits, applications, or inspections shall be established by the Board by resolution. In the event an owner or occupant shall initially undertake any use, construction, improvement, or other activity covered by this Zoning Ordinance without a Zoning Permit; the Zoning Permit fee may be doubled in cost.

Section 5. Amendment to Article 4 of the Zoning Ordinance, Entitled "Zoning Districts"

A. Article 4 of the Zoning Ordinance, entitled "Zoning Districts," is amended to read:

Section 4.01. DISTRICTS

The Township is hereby divided into the following zoning districts.

AR	Agricultural – Residential
R	Single Family Residential
MHP	Manufactured Housing Park
C	Commercial
I	Industrial
US	Utility-Scale Solar Energy Systems Overlay District

Section 4.02. DISTRICT BOUNDARIES AND MAP

The boundaries of the zoning districts are shown on a map which is a part of this Zoning Ordinance. The map shall be designated as the Elmwood Township Zoning Map (Zoning Map). The Zoning Map is incorporated as Exhibit A.

Section 4.03. PRINCIPAL USES PERMITTED.

All uses of land or structures listed as "principal uses permitted" shall be permitted throughout the district under which they are listed. Any use not expressly listed as a "principal use permitted" is prohibited in that district unless approval has been obtained from the Board using the process approved for applications for Special Land Use Permits. Special Land Use Permit applications may only be processed for those uses listed as "special land uses" in a specific Zoning District and with approval of the Board.

Section 4.04. SPECIAL LAND USES.

A use of land or structures listed as a "special land use" shall be permitted within the district under which it is listed, provided that Board approval or approval with conditions has been granted pursuant to this Zoning Ordinance.

- B. The 2006 Zoning Map is repealed and replaced to include the new US Utility-Scale Solar Energy Systems Overlay District labeled and attached as Exhibit A.**

Section 6. Amendment to Article 5 of the Zoning Ordinance, Entitled AR Agricultural-Residential District

- A. Section 5.01.E, entitled "Principal Uses Permitted," is amended to read so as to properly reflect authority for Residential Facilities:**

State licensed residential facilities for twelve (12) or fewer residents.

- B. Section 5.02.A.2, entitled "Special Land Uses," is amended to read to clarify where setbacks are measured from:**

All development features shall be located to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines or the setback for the Zoning District whichever is greater.

- C. Section 5.02.B, entitled "Special Land Uses," is amended as follows:**

Remove "and the raising of fur bearing animals"

- D. Section 5.02.B.1 is amended to read so as to reflect the controlling state act:**

All dogs shall be housed and maintained in a safe and sanitary manner which complies with the Michigan Dog Law of 1919, Act 339 of 1919, as amended.

- E. Section 5.02.C.1 is amended to for clarification purposes to read:**

Each application shall contain the following in addition to the standard requirements for a Site Plan approval:

- F. Section 5.02.C.1.c) is amended for clarification purposes to read:**

Detailed statement as to method of operation, type of machinery or equipment to be used, and hours of operation.

G. Section 5.02.C.2.a) is removed for clarification purposes.

H. Section 5.02.C.2.c) is amended to read to further clarify road use:

The Board may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hard topping or chemical treatment. The Board shall specify which Township roads will be used to access any county main roads or state roads.

I. Section 5.02.C.2.f) is amended to read to clarify how the bond shall be calculated:

The Board shall, to ensure strict compliance with the Zoning Ordinance provisions and required conditions of a permit for quarrying, require the permittee to furnish a per acre bond in an amount determined by the Board. The amount of the bond shall be established by the Board by resolution and must be made known to applicants with each application.

J. Section 5.02.E is amended to read as follows to properly reflect state regulations:

State licensed residential facilities for thirteen (13) or more residents.

Section 7. Amendment to Article 6, Entitled "R Single Family Residential District"

A. Section 6.01.D is amended to read to properly reflect state regulations:

State licensed residential facilities for twelve (12) or fewer residents.

B. Section 6.01.E is amended to read so as to correct a section reference error:

Home occupations (subject to the requirements of Article 5 Section 5.01 F.)

C. Section 6.02.J.1 is amended to read so as to clarify the approval process:

Review. Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all Site Condominium Plans shall require final approval by the Planning Commission and the Board before site improvements may be initiated.

D. Section 6.02.J.2.b) is amended to read so as to properly reflect the approval process:

Final Plan Review. Upon receipt of preliminary Site Plan approval, the applicant may prepare the appropriate engineering plans and apply for final Site Plan approval by the Planning Commission. Final plans shall include information as required by items a-g of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county, and state agencies.

E. Section 6.02.J.2.c) is amended to read as follows so as to properly reflect the approval process:

Final Planning Commission recommendations to the Board for approval of a Site Plan and Special Land Use Permit shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.

Section 8. Amendment to Article 7, Entitled "MHP Manufactured Housing Park"

Section 7.02 is amended to read so as to be consistent with other sections:

Section 7.02. Special Land Uses.

Section 9. Amend Article 8, Entitled "C Commercial District"

Section 8.02.E.2, is amended to read as follows to clarify the process:

No use listed in this subsection shall be located within one thousand (1000) feet of any residential dwelling unit. This prohibition may be waived if the person applying for the waiver shall file with the Board a petition which indicates approval of the proposed use by fifty-one (51) percent of the persons owning property, residing, or doing business within a radius of one thousand (1000) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible within this radius and must maintain a list of all addresses where no contact was made. Contact must be attempted by first class registered mail if other attempts have received no response. The petition must be submitted with a signed affidavit stating that the petition signatures are valid.

Section 10. Adoption of a New Article 10, Entitled "US Utility-Scale Solar Energy Systems Overlay District"

A new Article 10, entitled "US Utility-Scale Solar Energy Systems Overlay District," is added to the Zoning Ordinance and reads as follows:

Section 10.01. INTENT AND PURPOSE

The Utility-Scale Solar Energy System Overlay District is intended to provide suitable location for Utility-Scale Solar Energy Systems (USES) that are otherwise authorized under state law and the Township's Ordinances and Zoning Ordinance to meet a reasonable demonstrated need for renewable energy land uses in the Township.

Section 10.02. FINDINGS

In establishing this overlay district, the Township of Elmwood finds as follows:

- A. It is necessary and reasonable to permit USES in the Township to the extent that there is a demonstrated need for that land use. /
- B. Land use for USES beyond a reasonable and legitimate demonstrated need to provide for the Township's energy needs would have needless adverse effects on surrounding businesses, residences, and agricultural properties, and will be detrimental to the health, safety, welfare, and prosperity of the Township and its residents.
- C. The Township wishes to preserve its existing topography and rural character, maintain property values, and protect and preserve the quality and pace of rural life of its residents, while also preserving the environment and protecting wildlife.
- D. USES can adversely impact the health, safety, welfare, and prosperity of the community, including existing property values, especially when in proximity to residential uses, farms, and forests.
- E. USES must be carefully managed to reduce the adverse long-term effects the such land use can have on the productivity of farmland. See University of Michigan Graham Sustainability Institute & Michigan State University Extension, "Planning & Zoning for Solar Energy Systems."
- F. Several Michigan communities have suffered, or are suffering, from fiscal uncertainty due to litigation and rule changes concerning taxation arising from rural renewable energy production and land uses.
- G. The Township adopts these land use regulations to balance any demonstrated need for USES in the Township with protection of the public, health, and safety welfare.
- H. A utility-scale solar energy system is drastically different than traditional agricultural activities and necessitates more stringent zoning requirements to protect the health, safety, and welfare of township residents.
- I. The Township has reviewed its other zoning districts, including the Industrial Zoning District, which is small and located residential homes and found that it is inappropriate for USES. Creating a new Utility-Scale Solar Energy System overlay district is a better fit in the Agriculture Residential (AR) Zoning District to both facilitate the land use, but to minimize the impact on the health, safety, and welfare of township residents.

Section 10.03. DELINEATION OF THE UTILITY-SCALE SOLAR ENERGY SYSTEM OVERLAY DISTRICT

The Utility-Scale Solar Energy System Overlay District overlays existing zoning districts delineated on the official Elmwood Township Zoning Map. The boundaries of the Solar Energy System Overlay District are depicted on Map A, incorporated herein by reference, and are generally described as follows:

The approximately 320 acres that is the western half of Section 35 in Elmwood Township which is bordered on the North by M81/Cass City Rd to the West by Green Road and to the South by E. Elmwood Road. The eastern border of the district is the North/South centerline for section 35.

Section 10.04. PRINCIPAL PERMITTED USES.

A. There are no uses permitted by right in the Utility-Scale Solar Energy System Overlay District, other than uses permitted by right in the underlying zoning districts.

Section 10.05. SPECIAL LAND USES

A. Utility-Scale Solar Energy Systems subject to Article 12 Section 12.17 and other applicable sections of this Zoning Ordinance

Section 11. Amendment of Article 11

A. Section 11.01 of the Zoning Ordinance, entitled "Compliance," is amended as follows:

All lots and structures shall comply with the area, setback, and height requirements of Article 11, Section 11.02, unless different requirements are specified as a condition for a use permitted after approval of a Special Land Use Permit by the Board or pursuant to a variance when authorized by this Zoning Ordinance and properly issued by the Zoning Board of Appeals.

B. Section 11.02 of the Zoning Ordinance, entitled “Table of Area, Setback, and Height Requirements” is amended as follows:

Section 11.02. TABLE OF AREA, SETBACK, AND HEIGHT REQUIREMENTS. (6)

	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MAXIMUM
ZONING DISTRICT	ACRES PER DWELLING UNIT OR COMMERCIAL/ INDUSTRIAL BUILDING	LOT WIDTH (IN FEET) (1)	FRONT YARD SETBACK (IN FEET) (2) (5)	SIDE YARD SETBACK (IN FEET) (5)	REAR YARD SETBACK (IN FEET) (5)	FLOOR AREA PER DWELLING (IN SQ. FT.)	BUILDING HEIGHT (IN FEET)
AR	3 ACRES	200	100	20	20	1,000	100
R	1 ACRE (3)	110	100	10	10	1,000	50
MHP (4)							
C	2 ACRES	300	100	30	30	-	50
I	5 ACRES	300	100	30	30	-	50
US	N/A	N/A	500	500	500	N/A	12

- (1) Measured at most narrow point of a parcel side to side.
- (2) Measured from center of road.
- (3) Twenty thousand (20,000) square feet if served by a central sewer system or if located within a platted subdivision or a condominium subdivision. Otherwise, one (1) acre shall be the minimum lot area.
- (4) Regulated by rules promulgated under the Mobile Home Commission Act, Act 96 of 1987 as amended. Any land use in the district other than manufactured housing parks (MHP) shall meet the requirements of Article 11 Section 11.02 for the zoning district.
- (5) Setback is measured from the center of the road or side and rear property lines to the required perimeter fencing for any Utility-Scale Solar Energy System.
- (6) Unless otherwise specified for a Special Land Use Permit, in which case the largest setback stated will be used.

Section 12. Amendment of Article 12 of the Zoning Ordinance, Entitled “Parking”

Section 12.01.H, entitled “Illumination,” is amended to read:

All illumination for such parking areas shall have downward shielding and shall be deflected away from adjacent residential areas.

Section 13. Amendment to Article 13 of the Zoning Ordinance, Entitled "General Provisions"

A. Section 13.05.C, entitled "Foundation," is amended to read:

FOUNDATION. Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars pursuant to the specifications of the current construction codes as determined by the Michigan Bureau of Construction Codes. Skirting consisting of brick, concrete blocks, wood, vinyl, or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.

B. Section 13.07, entitled "Ponds," is amended to read:

No pond shall be dug within any front, side, or rear setback area required by this Zoning Ordinance.

C. Section 13.09.A.4 under the title "Temporary Dwellings" is amended to read:

A temporary dwelling permit may be renewed one time by the Zoning Administrator for up to one (1) additional year for completion of the permanent dwelling, providing reasonable progress has been made on construction of the permanent dwelling during the first one (1) year permit period. Additional time may be granted by the Board and only if progress can be documented and delays are not self-created.

D. Section 13.09.A.4 under the title "Temporary Dwellings" is amended to read:

A performance bond, letter of credit or cash deposit shall be posted with the Township Treasurer to guarantee removal of the temporary dwelling. The funds shall be released to the applicant upon verification of removal of the temporary dwelling. The amount of the bond required shall be set by the Board.

E. Section 13.09.B under the title "Temporary Dwellings" is amended to read:

A Zoning Permit for the temporary occupancy of manufactured homes which do not comply with the single-family dwelling standards of Article 13 Section 13.05 may be granted by the Board. Such Zoning Permits may only be granted for the purpose of housing farm labor or for the purpose of the housing of family members who are unable to reside elsewhere due to age, poor health, or indigence. Any manufactured home approved under this section may not be over fifteen (15) years old at the time it is placed on the site. Any manufactured home approved pursuant to this section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and In the event that the temporary manufactured home ceases to be used for the purpose for which it was granted, the manufactured home shall be removed from the

property within thirty (30) days of the date it ceases to be used for the purpose for which it was granted.

F. Section 13.10, entitled "One Dwelling Per Parcel," is amended to read:

No more than one (1) single-family dwelling may be constructed or placed on a single parcel of land. A second residence is allowed only when authorized by this Zoning Ordinance, and then only if all dwellings shall be placed on the parcel in such a manner that the property could be later divided with each dwelling being able to independently comply with all lot size and setback requirements.

G. Section 13.13, entitled "Yard Sales," is amended by:

Removing Section 13.13.C

H. Sections 13.14.A-C under the title "Moving of Buildings, Manufactured Homes, and Other Structures," are amended to read:

- A. No building, manufactured home, or other structure shall be moved into or within the Township unless a Zoning Permit has been issued by the Zoning Administrator prior to the moving of the building, manufactured home, or structure.
- B. In the case of new manufactured homes, the Zoning Administrator shall be provided with verification that the manufactured home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular home was constructed in compliance with the current Michigan Construction Code.
- C. In all other cases (buildings, structures, or used manufactured homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved and designated by the State of Michigan for the Township. Any Code deficiencies identified by the Inspector must either be corrected prior to the building, structure, or used manufactured home being brought into the Township or else the applicant must post a performance bond, bank letter of credit or a cash deposit with the Township Treasurer in an amount sufficient to cover all required repairs.

Section 14. Amendment to Article 13 Section 13.06

Section 13.06, entitled "Signs" is repealed and replaced to read:

Section 13.06. SIGNS. All signs shall comply with the requirements of this section.

- A. The following may be erected in the Township without a Zoning Permit provided the other requirements of this section are complied with.

1. Temporary signs such as those intended for advertising real estate for sale or rent, advertising personal property not sold as part of a commercial business, yard sale signs, political signs, advertising farm products for sale that are produced at that location.
 - (a) Such signs may not exceed nine (9) square feet in sign area.
 - (b) Signs may be displayed for no more than sixty (60) days name at a time and for not more than two sixty (60) day periods in a calendar year.
 - (c) Extensions for temporary signs may be granted by the Zoning Administrator for additional periods of time in thirty (30) day increments.
 2. Permanent signs mounted on a residence, accessory structure, or on industrial or commercial buildings that do not exceed sixteen (16) square feet in sign area.
 3. Permanent signs stating the name and/or address of a property owner may not exceed four (4) square feet in sign area.
 4. Permanent signs on agricultural buildings stating the farm name that do not exceed thirty-two (32) square feet in sign area.
- B. A sign Site Plan shall be approved by the Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by sub section A. above.
- C. The Planning Commission shall review each Site Plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with the Township Zoning Ordinance and other Township ordinances. The Planning Commission may require revisions to the sign Site Plan.
- D. Signs including any flashing or intermittent illumination are permitted only in the Industrial or Commercial Districts or by Special Land Use Permit in other districts.
- E. Lighted signs shall not be illuminated from 10:00 p.m. to 6:00 a.m. and shall be placed so as to prevent the rays and illumination from them from being directly cast upon any residences or roadways or in any way that creates a hazard.
- F. No sign shall oscillate or rotate nor contain any moving parts.
- G. All signs shall be set back from all side and rear property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures in that Zoning District and from all road right of way lines at least ten (10) feet.
- H. All signs shall be maintained so that they comply continuously with all requirements of this Zoning Ordinance and are kept in a good state of repair.

I. ON-SITE SIGNS.

1. One (1) principal sign shall be permitted on the site of any nonresidential building.
2. One (1) principal sign shall be permitted on the site of any multi-family residential facility or complex such as apartments, condominiums, or mobile home parks.
3. Principal on-site signs shall not exceed sixty-four (64) square feet in sign area.
4. No more than two secondary signs shall be permitted, and each shall not exceed sixteen (16) square feet in sign area.

J. OFF-SITE SIGNS (BILLBOARDS).

1. Off-site signs may only be located on parcels of land which are zoned for commercial or industrial use.
2. Off-site signs shall not exceed seven hundred (700) square feet in sign area.
3. No off-site sign shall be erected within three hundred (300) feet of any other off-site or on-site sign.

Section 15. Amendment to Article 13 Section 13.17

Section 13.17, entitled "Solar Energy Systems," is repealed and replaced as follows:

Section 13.17. SOLAR ENERGY SYSTEMS

A. INTENT AND PURPOSE

1. The most common and prevalent land use in the Township is agricultural, and the preservation of its agricultural heritage and rural character has been an ongoing goal within the community for many years. This Zoning Ordinance is intended to protect the health, safety, and welfare of the residents of the Township and to encourage the safe, effective, efficient, and orderly development and operation of Solar Energy Systems (SES) in the Township while preserving and protecting the character and stability of residential, agricultural, recreational, commercial, and other areas of the Township.
2. A Utility-Scale Solar Energy System Overlay District (US) was created to provide a suitable location for Utility-Scale Solar Energy Systems (USES) that are otherwise authorized under state law, the Township's Ordinances, and the Zoning Ordinance to meet a reasonable demonstrated need for renewable energy land uses in the Township. It is the intent of the Township to permit USES to the extent a demonstrated need exists for the land use by regulating

the siting, design, construction, operation, monitoring, modification, and removal of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy systems. To these ends, the land included in the Utility-Scale Solar Energy System District is within reasonable proximity to existing electric power transmission infrastructure.

3. This Zoning Ordinance will require such USES developments to obtain a Special Land Use Permit. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.
4. It is the desire of the Township to allow the installation of Private Solar Energy Systems (PSES) as allowed within the regulations in this Zoning Ordinance.

B. FINDINGS

1. This Zoning Ordinance has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the public health, safety, and welfare of the community and the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Township's important and sensitive environmental and ecological assets and areas, open spaces, viewscapes, aesthetics, wetlands, and other ecological and environmentally sensitive areas.
2. The general welfare, health, and safety of the citizens of the Township will be promoted by the enactment of this Zoning Ordinance.

C. GENERAL REQUIREMENTS. All SES are subject to the following general requirements:

1. All SES must conform to the provisions of this Zoning Ordinance and all Local, County, State, and Federal regulations and safety requirements, including applicable building codes and applicable industry standards including but not exclusive to ANSI, NEC, and NESC.
2. The Township may revoke any approvals for, and require the removal of, any SES that does not comply with this Zoning Ordinance.
3. SES shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.

D. PRIVATE SOLAR ENERGY SYSTEMS

1. **Administrative Review.** Except as provided in subsection (d) below, all Private Solar Energy Systems (PSES) require administrative approval as follows:
 - a. **Application to Zoning Administrator.** An applicant who seeks to install a PSES must submit an application to the Zoning Administrator on a form approved by the Board.
 - b. **Application Requirements.** The application must include:
 - 1) A site plan depicting setback, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
 - 2) Photographs of the property's existing condition.
 - 3) Renderings or catalogue cuts of the proposed solar energy equipment.
 - 4) A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency acceptable to Township.
 - 5) A copy of the manufacturer's installation directions.
 - c. **Zoning Administrator Authority.** The Zoning Administrator is authorized to approve, approve with conditions, or deny applications for PSES.
 - d. **Exclusions from Administrative Review.** Administrative review is not required for:
 - 1) A single solar panel with a total area of less than eight square feet.
 - 2) Repair and replacement of existing solar energy equipment if there is no expansion of the size or area of the solar energy equipment.
2. **Private Solar Energy System BIPVs.** Private Solar Energy System BIPVs are permitted as accessory uses in all zoning districts, subject to administrative approval as set forth in this section. A building permit is required for the installation of BIPVs.
3. **Roof or Building Mounted Private Solar Energy Systems.** Roof or Building Mounted PSES are permitted in all zoning districts as an accessory use, subject to administrative approval as set forth in this section and subject to the following requirements:

- a. **Safety.** A Roof or Building Mounted PSES must be installed, maintained, and used only in accordance with the manufacturer's directions, and it must comply with all applicable codes, including the construction code and electric code.
 - b. **Building Permit.** A building permit is required for installation of a Roof or Building Mounted PSES.
 - a. **Maximum Height and Placement for Roof Mounted PSES.** No part of the SES erected on a roof shall extend beyond the peak of the roof. No part of a SES mounted on a roof shall be installed within three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility. No part of a SES mounted on a roof shall extend more than two (2) feet above the surface of the roof.
 - b. **Location.** If the SES is mounted on a building in an area other than the roof, no part of the Solar Energy System is permitted to extend beyond the wall on which it is mounted. A Solar Energy System mounted on a building wall may not face an adjacent public right-of-way.
 - c. **Appearance.** Roof or Building Mounted PSES must be neutral in color and substantially non-reflective of light.
 - d. **Nonconforming Buildings.** A Roof or Building Mounted PSES installed on a nonconforming building or structure is not considered an expansion of the conformity, but it must meet all height and placement requirements of the zoning district and this section.
 - e. **Inspection.** The Zoning Administrator may inspect a PSES for compliance with this Zoning Ordinance upon providing reasonable notice to the property owner or occupant.
4. **Ground Mounted Private Solar Energy Systems.** Ground Mounted Private Solar Energy Systems are permitted in all Zoning Districts as an accessory use, subject to administrative approval as set forth in this section and subject to the following requirements:
- a. **Safety.** A Ground Mounted PSES must be installed, maintained, and used only in accordance with the manufacturer's directions, and it must comply with all applicable codes, including the construction code and electric code. The Ground Mounted PSES must be permanently and safely attached to the ground.

- b. **Building Permit.** A building permit is required for installation of a Ground Mounted PSES.
- c. **Maximum Height.** A Ground Mounted PSES must not exceed the maximum building height for adjacent accessory buildings and must not exceed 12 feet above the ground when oriented at maximum tilt.
- d. **Location.** A Ground Mounted PSES must be located in the rear yard or side yard and meet the applicable setback requirements for the Zoning District.
- e. **Underground Transmission.** All power transmission or other lines, wires, or conduits from a Ground Mounted PSES to any building or other structure must be located underground. If batteries are used as part of the Ground Mounted PSES, they must be placed in a weatherproof secured container or enclosure.
- f. **Screening.** Greenbelt screening is required around any Ground Mounted PSES and around any equipment associated with the system to obscure, to the greatest extent possible, the SES from any adjacent residences. The greenbelt must consist of shrubbery, trees, and other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque, meeting any requirements of this Zoning Ordinance applicable to fences, may be used if approved by the Board. The greenbelt shall be maintained for the life of the SES. A "private solar greenbelt waiver" may be approved by the Township. Applicants shall provide documentation in the form of a signed agreement with the affected property owner(s) that is recorded with the Tuscola County Register of Deeds.
- g. **Lot Area Coverage.** In order to preserve the intent of the Township to maintain its rural characteristics, no more than ten (10%) percent of the total area of a parcel may be covered by a Ground Mounted PSES.
- h. **Appearance.** The exterior surfaces of a Ground Mounted PSES must be generally neutral in color and substantially non-reflective of light.
- i. **Nonconforming Buildings.** A Ground Mounted PSES installed on a nonconforming building or structure is not considered an expansion of the nonconformity, but it must meet all height and placement requirements of the zoning district and this section.
- j. **Inspection.** The Zoning Administrator may inspect a Private Solar Energy System for compliance with this ordinance upon providing reasonable notice to the property owner or occupant.

E. UTILITY-SCALE SOLAR ENERGY SYSTEMS.

Utility-Scale Solar Energy Systems (USES) are permitted in the Utility-Scale Solar Energy Systems Overlay District as a special land use when a Special Land Use Permit has been approved by the Board and a Site Plan has been approved by the Planning Commission both subject to the rules of this Zoning Ordinance for such approvals. In addition to any other requirements for special land use approval, USES shall be ground mounted and are subject to the following requirements:

1. Application Items as Substantive Requirements. The information, plans, documents, and other items identified as application requirements in this Zoning Ordinance, including the Site Plan and Special Land Use Permit, are substantive requirements for obtaining approval for a Utility-Scale Solar Energy System. The Planning Commission will review the sufficiency of the application materials. If the Planning Commission determines that the substance of any application item is insufficient to protect the public health, safety, and welfare, the Planning Commission may deny approval on that basis.
2. USES Special Land Use Permit Application Requirements. A developer/operator of any USES shall follow the following procedures for application for a Special Land Use Permit to construct a USES in the Township in addition to any requirements in Article 17 Section 17.01 of this Zoning Ordinance.

The developer/operator or applicant for a USES Special Land Use Permit shall provide the following with the application:

- a. Applicant's full name, full address of applicant, full address, and parcel numbers of the property on which the USES will be located and for which any portion shall pass through,
- b. Payment of Special Land Use Permit application fees as established by the Board and payment of any required escrow amounts,
- c. Proof of who owns the subject property,
- d. A copy of any lease agreement, purchase agreement or easement for any parcels to be used for any portion of the USES including applicable attachments, documents establishing ownership of each parcel, all of which must be recorded with the Tuscola County Register of Deeds prior to application,
- e. An operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation,

- f. A general description of the proposed project including a legal description of the property or properties on which the project would be located including any which are used for interconnection purposes,
- g. Current ground and aerial photographs of the property being considered for the project in both printed and digital format,
- h. A copy of the applicant's power purchase agreement or other written agreement, with any exhibits or attachments thereto, with an electric utility showing approval of an interconnection with the proposed Utility-Scale Solar Energy System,
- i. An anticipated construction schedule with an anticipated date of completion,
- j. A certificate of insurance for the project representing \$5,000,000 in general liability coverage with the Township listed as an additional insured,
- k. Written certification that the Applicant will comply with all applicable local, county, state, and federal laws and regulations and that all permits and approvals will be obtained before the installation of any portion of the USES has commenced including access roads and driveways,
- l. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management including a consultation report with the Tuscola County Drain Commissioner, which is subject to the Township's review and approval,
- m. Reports showing 100% inspection of all drain tiles that are within the footprint of any portion of the USES including any area used outside of the overlay district for interconnection purposes,
- n. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the USES, which is subject to the Township's review and approval,
- o. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval,
- p. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation,

construction, maintenance, use, repair, or removal of the USES which is subject to the Township's review and approval,

- q. Noise Level: A sound modeling report for the project. The sound model report shall include a map with sound contour lines for dB(A) Lmax and dB(C) Lmax sound emitted from the proposed solar energy system. The study shall include a map (at 1:8000 scale or bigger) showing sound contours at 5 dB intervals, proposed SES locations, participating and non-participating properties, and all occupied and unoccupied buildings. The applicant shall identify each operational component of the SES that will produce sound. The predicted values must include cumulative sound levels created by all existing, approved, and proposed SES. The sound study and accompanying map shall extend out to the 30 dB sound pressure contour line or one (1) mile from the proposed PSES, whichever is furthest. The sound studies shall include adjustments for seasonal changes,
- r. Glare Analysis to determine any travel hazards or hazards to aviation and impaired quality of life of surrounding residences or buildings. Analysis shall include all scheduled adjustments to the angle of the solar photovoltaics with dates over all seasons. The testing shall be done using the Sandia National Laboratories Solar Glare Hazard Analysis Tool (SGHAT) or documented equivalent,
- s. Environmental Impact Analysis,
- t. Avian and Wildlife Impact Analysis,
- u. Manufacturers' Material Safety Data Sheet(s), including the type and quantity of all materials used in the construction process and during use and maintenance of the USES,
- v. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the USES, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the USES and its components and restore the subject parcels,
- w. Financial security that meets the requirements of this Zoning Ordinance,
- x. A plan for managing any hazardous waste,
- y. A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant must identify its plan for

providing those resources, such plan shall include a report from the Tuscola County Emergency Manager, /

- z. A written description of the fire suppression system that will be installed, which must identify the manufacturer of the fire suppression system and generally describe its operations and capacity to extinguish fires. The plan shall include reports consulting with the Fire Department servicing the area where the USES will be located,
- aa. A transportation plan for construction and operation phases, including any applicable agreements with the Tuscola County Road Commission and Michigan Department of Transportation,
- bb. An attestation that the applicant will indemnify and hold the Township, and its elected and appointed officials, harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the USES. The Township shall be named as an additional insured for such indemnity,
- cc. A copy of the manufacturer's directions, instruction manuals, and safety manuals/documents for installing, maintaining, and using the USES and any of its components,
- dd. A ground cover vegetation establishment and management plan that complies with this Zoning Ordinance.
- ee. Site Plan pursuant to Article 16, including maps showing the physical features and land uses of the project area before and after construction. The Site Plan must include solar system spacing and roads. The site plan must be drawn to scale and must indicate how the USES will be connected to the power grid (interconnection) including any portion used for interconnection that will extend outside of the fence line for the USES and/or outside of the overlay district for interconnection purposes only.
- ff. If any portion of the USES or the interconnection portions of the USES is/are located at an airport or anywhere within an airport zoning district, a map featuring the entire airport shall be included with reference to the location of each aspect of the system, and any approvals from the Airport Authority or Airport Zoning Board of Appeals must be obtained before installation of the USES commences,
- gg. Stray Voltage plan that consists of a preconstruction stray voltage test that shall be conducted on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of the Participating Parcels. Post construction testing shall also

be performed on all nonparticipating parcels within a one-mile radius from the perimeter of the USES upon completion or when a verified stray voltage complaint occurs. The tests shall be performed by an investigator approved by the Township. A report of the tests shall be provided to the owners of all the property included in the study area. The applicant shall seek written permission from property owners prior to conducting testing on such owners' property. Applicants/landowners shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing. The owner of any Participating Parcel shall not refuse the stray voltage testing if they have a MDARD registered livestock facility on the Participating Property, and

- hh. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township,
- ii. A groundwater analysis checking for the presence of any of all parcels in the participating property,
- jj. Any additional information or documentation requested by the Planning Commission, Board, or other Township representative.

3. Procedure. The procedure to process the application for a Special Land Use Permit for a USES is as follows:

The Planning Commission's review of a Special Land Use Permit application incorporates the provisions in Article 16 for review of a Site Plan and includes a public hearing and recommendation by the Planning Commission followed by a decision made by the Board to approve, approve with conditions, or disapprove the application, per the procedures for review in Article 17. The Township Board has final authority to approve, approve with conditions, or deny a Special Land Use Permit application.

a. Site Plan Application Requirements.

- 1) Contents of Site Plan. In addition to the requirements in Article 16, the applicant must provide a boundary survey by surveyor licensed in the State of Michigan of the project and a detailed site plan draft to a scale of 1" = 200 feet with the following:

- a) Location of all existing and proposed dwellings, structures, panels, equipment, electrical tie lines, transmission lines, transformers, inverters, substations, security fencing, and all other components of the USES within the participating property and all dwellings and/or structures within one thousand (1000) feet of the property lines of the participating property.
- b) Scaled depiction of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access drives, and road rights of way.
- c) Indication of how and where the system will be connected to the power grid (the interconnection points).
- d) Plan for any land clearing and grading required for the installation and operation of the system.
- e) Plan for ground cover establishment and management.
- f) Description of measures to be taken to support the flow of rainwater and/or stormwater management.
- g) Security plan detailing measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the USES.
- h) A maintenance plan, including landscaping upkeep, regular checks, and maintenance for the equipment, and decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the USES is decommissioned. The maintenance plan must include a plan for maintaining all setback areas in the project.
- i) Anticipated construction schedule including timeline to completion and scope of work.
- j) Sound modeling study including sound isolines extending from the sound sources to the property lines.
- k) Any additional studies requested by the Planning Commission, including but not limited to the following:

(1) **Visual Impact Assessment:** A technical analysis by a third-party qualified professional acceptable to the Township of the visual

impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like including proposed landscaping and other screening measures, a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.

(2) Environmental Analysis:

(a) The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.

(b) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes 13 Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

(3) Stormwater Study: An analysis by a third-party qualified professional acceptable to the Township studying the proposed layout of the Utility-Scale Solar Energy System and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information must be provided to demonstrate infiltration on-site without the use of engineered solutions.

(4) Glare Study: An analysis by a third-party qualified professional acceptable to the Township to determine if glare from the Utility-

Scale Solar Energy System will be visible from nearby residents and roadways. If required, the analysis will consider the changing position of the sun throughout the day and year and its influences on the USES.

(5) **Wildlife Impact:** A wildlife impact study, including an analysis of the impact on the properties within one mile of the project. f. Utility-scale solar energy systems are not permitted on property enrolled in the Farmland and Open Space Preservation Act, being in PA 116, of 1974, now codified in Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1974, as amended.

2) **Conceptual Layout Plan.** Applicants may submit an optional conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan may be reviewed by the Planning Commission to allow for discussion and feedback.

3) **Approvals from Other Agencies.** Final site plan approval may be granted only after the applicant receives:

a) all required federal and state approvals, and

b) approval by the local fire chief, county drain commissioner, county road commission, local airport zoning authority (if applicable), county building department, and any other federal, state, or local agency having jurisdiction or authority to grant permits related to the USES.

4. USES Standards and Location Requirements.

The standards and requirements for a USES are as follows:

a. USES are only permitted within the Utility-Scale Solar Energy System Overlay District.

b. USES must be ground mounted.

c. The USES solar panels and other structures shall be set back five hundred (500) feet from all non-participating lot lines and all public road rights-of-way (regardless of if it is a participating or nonparticipating parcel on the opposite side of a road), or the district setbacks stated in the underlying zoning district, whichever is greater. In the event that the USES abuts the Eastern edge of the US Utility-Scale Solar Energy System Overlay Zoning District, the fence line may fall on the border but not beyond, and then only

if the adjacent property is a participating property and only if setbacks from all non-participating parcels are still a minimum of five hundred (500) feet.

- d. USES solar panels and other structures shall not be located within one hundred (100) feet of a wetland or shoreline or further back if required by statute or this Zoning Ordinance.

Setbacks from county drains shall be as required by the Tuscola County Drain Commissioner.

- e. The height of the USES and any mounts, buildings, accessory structures, and related equipment shall not exceed twelve (12) feet from grade when oriented at maximum tilt.
- f. Any USES must be completely enclosed by a fence that is at least eight (8) feet in height. Any fence shall be kept in good repair, neat in appearance, and shall not have any signs, posted bills, or advertising symbols painted on it. Any signs or notices required as part of a safety law or regulation are allowed. Fencing must meet the fencing and grounding requirements of the National Electric Safety Code (NESC) and any other applicable safety regulations that apply.
- g. No utility-scale batteries designed to provide power to the grid will be allowed.
- h. Any batteries required for the operation of the USES must be identified in the Site Plan and must be maintained in weatherproof containers or buildings.
- i. No USES shall be installed until evidence has been provided that indicates that a public electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. Any such power purchase agreement or other written agreement for interconnection with the electrical grid shall be furnished to the Township prior to commencing any construction.
- j. To ensure proper removal of a Commercial Solar Energy System upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a construction permit is issued for the facility. The financial security shall be:

- 1) a cash bond; or

- 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such a 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 applicant and shall be subject to approval by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate.
- k. If the owner of the facility or the property owner fails to remove or repair a defective or abandoned USES, the Township, in addition to any other remedy under this Zoning Ordinance, may pursue legal action to abate the violation by seeking to remove the Commercial Solar Energy System and recover any and all costs, including attorney fees.
- l. Decommissioning bonds, insurance, complaint logs, and compliance shall be reviewed annually by the Planning Commission annually and a report of their findings provided to the Board. The owner/operator may be required to attend an in person meeting with the board and/or the Planning Commission to go over this information.
- m. Noise levels produced by the USES (including but not limited to the photovoltaic structure, sub-station, or inverters, and fans buildings shall not exceed 40 dB(A) L_{max} or 50 dB(C) L_{max} anywhere at any time on a nonparticipating property. In the event the noise levels resulting from the USES exceed the criteria listed above, a waiver to said levels may be approved by the Township, providing documentation in the form of a signed agreement with the affected property owner(s) that is recorded with the Tuscola County Register of Deeds.
- n. Liability Insurance. The USES owner/operator shall, at all times insure for liability for the USES until removed for at least \$5,000,000 per occurrence to protect the current owner/operator and the property owner. The policy shall list the Township as an additional insured.
- o. Drainage. All parcels on which a USES is located shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds, or entirely onto the property on which the USES. The drainage must be designed so as to not drain onto adjacent non-participating properties. The drain tiles must be located and inspected internally with a crawler or other process and instrumentation as approved by the township at least once every two years, with the first inspection occurring post construction, but before the USES is in operation. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent

inspection. The agricultural drain tile system must be repaired prior to any installation activities. When the USES is abandoned or decommissioned, the drain system must be reevaluated, and repairs made at the expense of the developer or current landowner. A drainage and water retention plan for the USES must be submitted and approved by the Township and the Tuscola County Drain Commission.

p. Visual Appearance & Maintenance

- 1) USES buildings and accessory structures shall utilize materials, textures, and neutral colors customary with USES and that to the extent which is prudent and feasible will blend the facility into the existing environment.
- 2) An appropriate maintenance plan, including property maintenance of the grounds, including drainage, shall be presented for review and approval.
- 3) Lighting of the USES shall be limited to the minimum necessary, supplied with downlighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the lots used for the USES. The Township may require use of a photometric study to make this determination.
- 4) No USES shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the Township Building Inspector, or such other person designated by the Board, to the owners or operator of the USES that glare from the USES is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner or operator of the USES shall have a reasonable time, not to exceed three (3) months, from the date of such notice to remediate such glare.
- 5) The USES shall be screened from any adjacent property. The screen shall have a minimum landscape buffer width of fifty-three (53) feet extending outward from the perimeter fencing for the USES. The screen shall consist of four (4) rows of plantings. The first row shall start fifteen feet from the fence line and shall utilize Giant Green Arborvitae with not more than twelve (12) feet spacing between each. The second row shall also utilize Giant Green Arborvitae at no more than twelve (12) foot spacing between each and being staggered with the first row. The second row shall be eight (8) feet further than the first row. The third row shall begin eight feet (15) feet further out from the second row and shall utilize a mix of Norway Spruce and White Pine spaced not more

than twelve (12) feet from each other. A fourth row shall begin fifteen (15) feet further out from the third row and shall consist of shrubbery such as Burning Bush spaced no more than twelve (12) feet apart. The planting on each row may be planted up to two (2) feet off of the baseline for that row so that the plantings have a more natural appearance but only if done so that approximately equal numbers will lay on the baseline as will lay on either side.

Planted material must be within four (4) feet of the maximum height of the tallest USES component or a minimum of six (6) feet in height, whichever is greater, at the time of planting. All unhealthy and dead material shall be replaced in accordance with this ordinance by the applicant within six (6) months, or within the next appropriate planting period, whichever occurs first. Failure to continually comply with the required vegetative requirements shall constitute a violation of this Zoning Ordinance and all Special Land Use Permits shall be revoked unless unavoidable issues as determined by the Board are present.

- q. The developer shall furnish an assurance in a form acceptable to the Township that guarantees that ninety (90) percent of the PV panels, attendant electrical apparatus, wiring, metal support structures, or other USES components shall not enter the waste stream.
- r. Developer shall offer a property value guarantee acceptable to the Township that will make USES neighbors whole financially in the event that proximity to utility scale solar development is harmful to residential property values. This shall be made available to all property owners within one (1) mile of the project boundary. Complaints shall be made using a broker price opinion from three licensed real estate brokers in Tuscola County.
- s. The developer shall install and maintain pollinator habitat with a minimum score of seventy-six (76) as determined by the Michigan State University, Michigan Pollinator Habitat Planning Scorecard for Solar Sites as published in 2018.
- t. The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the Commercial Grid Solar Energy Syst.
- u. Environmental Impact Analysis:
 - 1) Any applicant for the installation of a USES shall have a third-party qualified professional, approved by the Township or its engineer, conduct an analysis to identify and assess any potential impacts on the natural environment, including but not limited to wetlands and other

fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

- 2) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
- 3) The applicant must provide a statement demonstrating that there is no substantial adverse effect on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities.

v. Decommissioning:

- 1) **Bond.** To ensure proper removal of the USES when it is abandoned or non-operational, any application shall include a proof of the financial security active before the permit is approved. The duration of the security shall be for the lifetime of the USES as determined by the longest lease or easement within the project and including during any period of abandonment or non-operation of the USES. Security shall be in the form of:
 - a) Cash deposit, or
 - b) Performance (surety) bond, as selected by the Board.
Failure to keep such financial security in full force and effect at all times while the USES exists or to otherwise fail to comply with the requirements of this Zoning Ordinance shall constitute a material and significant violation of the Special Land Use Permit and will subject the USES owner/operator to all available remedies to the Township, including enforcement action, fines, and revocation of the Special Land Use Permit. The USES owner/operator shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the system is not voluntarily removed, and the Township has to enforce removal.

- 2) Decommissioning Plan. A decommissioning plan shall be provided detailing the useful life of the USES and any of its parts that may have a different useful life than the whole. The decommissioning plans shall include a description of how any surety bonds have applied to the decommissioning process.

The plan shall include:

- a) The anticipated life of the project,
 - b) The estimated decommissioning costs net of salvage value in current dollars,
 - c) The method of ensuring that funds will be available for decommission and restoration,
 - d) The anticipated manner in which the project will be decommissioned, and the site restored to original condition,
 - e) A detailed policy and process book for the repair, replacement, and removal of malfunctioning; defective, worn, or noncompliant USES components.
- 3) Responsibilities and Penalties. In the event the current USES owner/operator defaults on any or all of the previously outlined requirements, the property owner upon which any system is located shall be responsible and liable for the removal of the USES. Failure of the property owner's compliance with the removal/decommissioning guidelines may result in the Township having the system removed at the expense of the property owner. If funding is not available to cover the costs of removal by the property owner, legal action to pursue the seizure of property(s) and/or the USES will take place to cover such costs.
- w. Escrow. An escrow account shall be set up when the applicant applies for a Special Land Use Permit for a USES. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township Board to cover all costs and expenses associated with the zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the

existing escrow amount filed by the applicant be insufficient in the determination of the Township. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review, application process, and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant. An itemized billing of all expenses shall be provided to the applicant upon request.

x. Complaint Resolution.

- 1) The USES applicant shall submit a detailed, written complaint resolution process to resolve complaints from but not exclusive to a Township official, the Board, property owners, or residents concerning the construction or operation of the USES. The complaint resolution process must be approved by the Board as a condition of approval of the Special Land Use Permit.
 - 2) The Board shall appoint a three (3) member complaint resolution committee to oversee and participate in all complaint resolution discussions or meetings between the Township or any of its representatives, property owners, or residents and the USES owner and or operator.
 - 3) The complaint resolution committee shall consist of:
 - a) Township board member,
 - b) Planning Commission member, and
 - c) qualified elector chosen by the Board from the community.
 - 4) The Board shall be kept appraised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint.
- y. The applicant must certify and guarantee that the utility-scale solar energy system will comply with 47 CFR Part 15, subpart B and not produce any radio frequency interference or electrical magnetic interference at the property line of all non-participating property owners within 1,000 feet of the project.

5. USES Compliance

- a. In addition to any other remedies or complaint resolution procedures set forth in this Article and/or Section, violations of this Article and/or Section shall also constitute a municipal civil infraction in accordance with Article 20 of this Zoning Ordinance. Each day on which any violation of this Article and/or Section continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense under Article 20.
- b. If an applicant, owner, or operator of a SES fails to comply with this Zoning Ordinance, the Township, in addition to any other remedy under this Zoning Ordinance, may revoke any approvals including but not exclusive to Special Land Use Permits after giving the applicant notice and an opportunity to be heard.
- c. Additionally, with any violation of this Zoning Ordinance, the Township may pursue any legal or equitable action such as an injunction or other action to restrain, prevent or abate any violation and recover any and all costs, including the Township's actual attorney fees and costs.

Section 16. Amendment to Article 15, entitled "Planning Commission"

Section 15.01 and 15.02 are amended as follows:

Section 15.01. MEMBERSHIP.

- A. There is hereby established a Planning Commission as authorized by the Michigan Planning Enabling Act, Act 33 of 2008 as amended. The Planning Commission is assigned the duties of a zoning commission as authorized by the Michigan Zoning Enabling Act, Act 110 of 2006 as amended.
- B. The Planning Commission shall consist of five (5) members appointed by the Township Supervisor with the approval of the Board. The members shall be representative of major interests as they exist in the Township. One member of the Planning Commission shall also be a member of the Township Board.
- C. Each member shall be appointed for a term of three (3) years, except that the term of the member who also serves on the Board shall terminate if their membership on the Board terminates before the end of their elected term on the Board or are otherwise lawfully removed. The terms shall be staggered such that as close to one third (1/3) of the member's terms expire each year.
- D. The Planning Commission shall elect a Chairman, Vice-Chairman, and Secretary from its members. The terms of these offices shall be one (1) calendar year.

Section 15.02. POWERS.

The Planning Commission shall have the power to review and approve Site Plans pursuant to Article 16 of this Zoning Ordinance, to hear and make recommendations to the Board on requests for Special Land Use Permits pursuant to Article 17 of this Zoning Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Article 19 of this Zoning Ordinance. The Planning Commission shall also have the power to prepare and adopt a Master Plan as a guide for the development of the Township as provided for in the Planning Enabling Act, Act 33, Of 2008.

Section 17. Amendment to Article 16, entitled "Site Plan Review Requirements"

A. Sections 16.02, entitled "Procedure," is amended as follows:

Section 16.02. PROCEDURE.

- A. All Site Plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance.
- B. The Zoning Administrator shall then refer the Site Plan to the Planning Commission for review and decision.
- C. The applicant shall provide five (5) copies of the application materials to the Planning Commission. The number of copies required may be reduced following a written request from the applicant and then only if approved by the Planning Commission.
- D. Once a Site Plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

B. Section 16.05, entitled "Bond," is amended as follows:

A cash deposit shall be posted with the Township as a guarantee that the project will be completed in accordance with the approved Site Plan. Upon the completion of the project in accordance with the approved Site Plan, the bond shall be released. The amount of the bond shall be five (5%) percent of the project cost or as otherwise specified in this Zoning Ordinance, but in no case shall the bond amount be less than One Thousand (\$1,000.00) Dollars.

Section 18. Amendment to Article 17, entitled "Procedures for Special Land Use Approval by Planning Commissions"

A. Section 17.04, entitled "Decision," is amended as follows:

Section 17.04. DECISION.

- A. The Planning Commission shall make a recommendation to the Board to deny, approve, or approve with conditions any request for a Special Land Use Permit.
- B. The recommendation of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision was based, and any conditions imposed.
- C. The Board shall then deny, approve, or approve with conditions the Special Land Use Permit using the same criteria that the Planning Commission used in their recommendation.
- D. The Board decision shall be incorporated in a statement containing the findings and conclusions on which the decision was based, and any conditions imposed.
- E. Any condition imposed shall meet all of the following requirements:
 1. Be designed to protect natural resources, the health, safety, and welfare of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Zoning Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

B. Section 17.06, entitled "Indemnification," and Section 17.07, entitled "Ownership, Operator, and Contact Information," are added as follows:

Section 17.06 INDEMNIFICATION.

Applicants for Special Land Use Permits shall be required to provide proof of the Township being listed as an additional insured in an amount described under each use in this Zoning Ordinance or in an amount determined by the Board whichever is greater. Proof shall be submitted to the Board and shall be maintained with the Special Land Use Permit documentation.

Section 17.07 OWNERSHIP, OPERATOR, AND CONTACT INFORMATION

The names, addresses, and contact information of property owners and proposed operators of the premises shall be provided with an application. Any change in ownership or operator must be brought to the Board within thirty (30) days of the change or the permit will be revoked.

Section 19. Amendment to Article 18, entitled "Zoning Board of Appeals"

Article 18, entitled "Zoning Board of Appeals," is being repealed and replaced as follows:

Section 18.01. CREATION

There is hereby established a Zoning Board of Appeals, hereinafter called the "ZBA" which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and in such a way that the objectives of this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Section 18.02. MEMBERSHIP

- A. Members of a ZBA shall be appointed by majority vote of the members of the legislative body serving.
- B. Regular Members. The ZBA shall be composed of the following three (3) regular members:
 - 1. One (1) of the regular members of the zoning board of appeals shall be a member of the Planning Commission.
 - 2. One (1) shall be a member of the Board.
 - 3. One (1) shall be selected from the electors of the Township.
- C. Alternate Members
 - 1. The Board may appoint up to two (2) alternate members who shall be selected from the electors of the Township.
 - 2. Only one regular or alternate member of the ZBA may also be a member of the Board.
 - 3. An alternate member may be called as specified in the Zoning Ordinance to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend 1 or more meetings.

4. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made.
 5. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member.
- D. The members selected shall be representative of the population distribution and of the various interests present in the Township.
- E. Only one regular or alternate member may be a member of the Board.
- F. An employee or contractor of the legislative body may not serve as a member of the ZBA.
- G. Terms of Office
1. The terms of office for an appointed member of the ZBA shall be 3 years, except for the members serving because of their membership on the Planning Commission or Board. Terms for those members shall be limited to the time they are a member of that body.
 2. When members are first appointed, appointments may be for less than 3 years to provide for staggered terms.
 3. Successors shall be appointed not more than 1 month after the term of the preceding member has expired.
 4. A vacancy on the ZBA shall be filled for the remainder of the unexpired term in the same manner as the original appointment:
- H. A regular or alternate member of the zoning ZBA may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.
- I. A member of the ZBA may be removed by the Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- J. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest and in accordance with the Elmwood Township Conflict of Interest Policy. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 18.03. QUORUM

- A. The ZBA shall not conduct business unless a majority of the regular members of the zoning board of appeals are present.
- B. A member ZBA who is also a member of the Planning Commission, or the Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Board. However, the member may consider and vote on other unrelated matters involving the same property.

Section 18.04. OFFICERS

- A. The ZBA shall elect a Chairman, Vice-Chairman, and Secretary. The Township Board member may not serve as Chairman.
- B. A member of the Board shall not serve as chairperson of the ZBA.

Section 18.05. MEETINGS AND HEARINGS

- A. All meetings and hearings of the ZBA shall be held at the call of the Chairperson and at such times as the ZBA may determine.
- B. All meetings and hearings conducted by the ZBA shall be open to the public.
- C. They shall keep minutes of its proceedings showing the vote, indicating such fact; and shall also keep records of its hearings and other official action.
- D. The chairperson or, in their absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

Section 18.06. JURISDICTION

- A. The ZBA shall have the following powers and it shall be its duty:
- B. To interpret the Zoning Ordinance text and maps.
- C. To hear and decide questions that arise in the administration of the Zoning Ordinance.
- D. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Zoning Administrator or administrative body in the enforcement of this Zoning Ordinance.
- E. To hear and decide on all applications for variances or modifications of the provisions of the Zoning Ordinance.

- F. The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of the administrative official or body.

Section 18.07. VARIANCES

- A. Where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would involve practical difficulties within the meaning of this Zoning Ordinance, the ZBA shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Zoning Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance and so that public safety and welfare be secured and substantial justice done.
- B. No such variance or modification of the provisions of this Zoning Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
1. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the property for a permitted purpose or would render conformity unnecessarily burdensome.
 2. A variance would do substantial justice to the applicant as well as other property owners in the district, and a lesser relaxation would not give substantial relief and be more consistent with justice to others.
 3. The plight of the owner is due to unique circumstances of the property.
 4. The problem is not self-created.
- C. Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Board in the manner hereinafter provided by law, nor shall they have the power to grant a use variance.

Section 18.08. APPEALS

- A. An appeal may be taken to the ZBA by any person, firm, or corporation, or by an officer, Department, Board or Bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such times as shall be prescribed by the ZBA by general rule, by filing with the Zoning Administrator and with the ZBA, a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA after notice of appeal has been filed with

him that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record.

- C. The ZBA shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by a duly authorized agent or attorney. A fee shall be paid to the secretary of the ZBA at the time the notice of appeal is filed, which the Secretary shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Board.

Section 18.09. INTERPRETATION OF ZONING ORDINANCE AND MAP

- A. The ZBA shall have the authority to interpret the provisions of this Zoning Ordinance when a requirement, standard, or other text is unclear. When determining if a particular use is included in the definition of a type or group of uses permitted in a Zoning District, it shall not interpret a use specifically listed in one district as being inferred as permitted in another district.
- B. Interpretation of Zoning District boundaries. In interpreting the boundaries of zoning districts, the ZBA shall assume, unless there is information indicating otherwise, that zoning district boundaries follow lot lines, the centerline of creeks, streets, or alleys, railroad right-of-ways, section lines, one-quarter or one-eighth section lines, or corporate boundary lines as they existed when the zoning boundary line was established.

Section 18.10. NOTICE OF MEETINGS AND HEARINGS

- A. All meetings and hearings of the ZBA shall be properly noticed as required in the Michigan Open Meetings Act, Act 267 of 1976, as amended.
- B. The ZBA shall make no recommendation except in a specific case and after a hearing conducted by the ZBA.
- C. A written notice of the time and place of such public hearings shall be provided as required under the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

Section 18.11. TIME LIMIT

No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 20. Repeal of Article 20, entitled "Voluntary Rezoning Agreements"

Article 20, entitled "Voluntary Rezoning Agreements," is repealed per controlling act.

Section 21. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

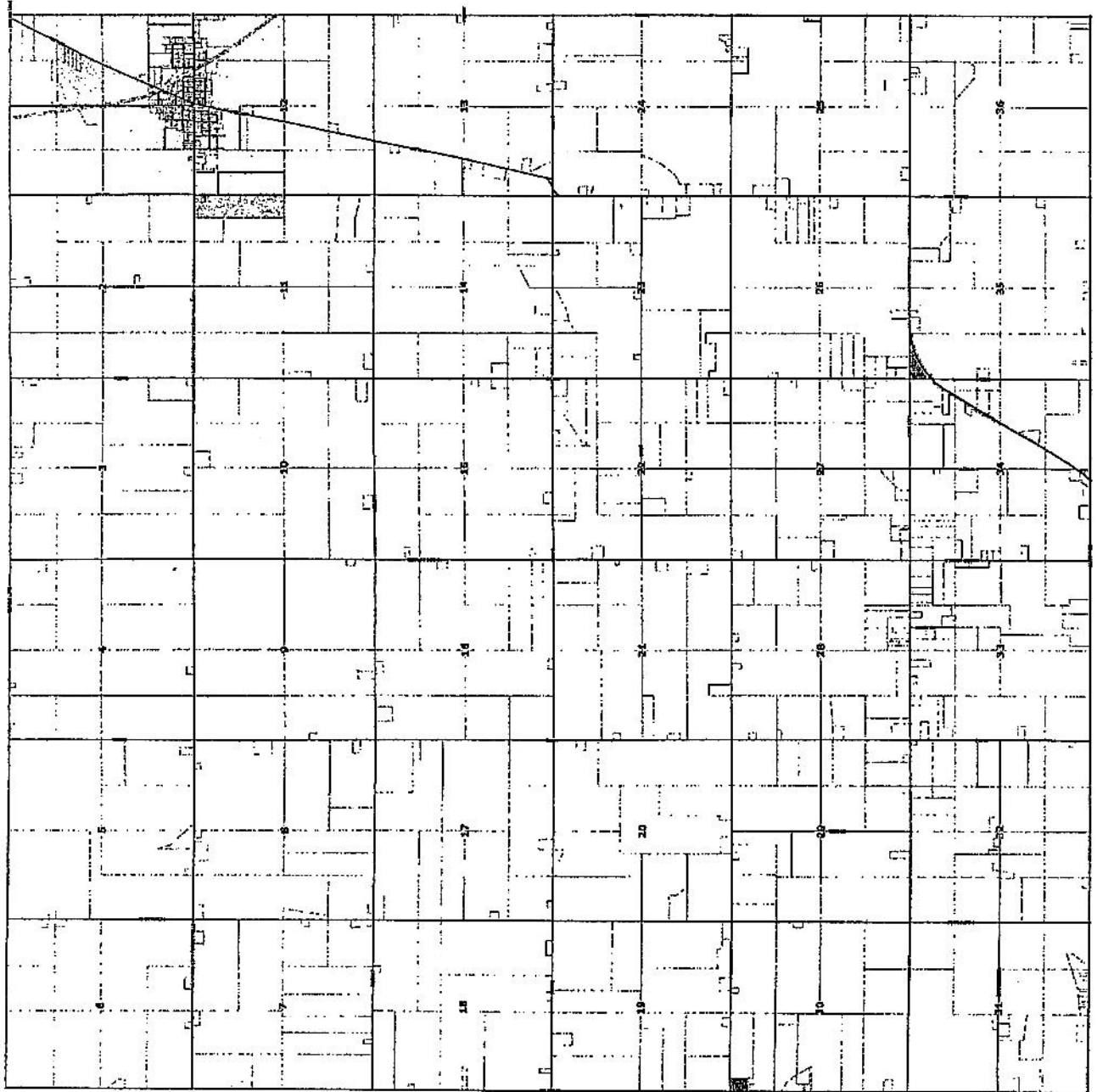
Section 22. Repealer.

The Elmwood Township Ordinance No. 112 an Ordinance to Amend the Zoning Ordinance to Implement Regulations Regarding Solar Energy, Approved May 15, 2017, is repealed in its entirety. All other ordinances inconsistent with the provisions of this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

Section 23. Effective Date.

This Ordinance takes effect seven days after publication as provided by law.

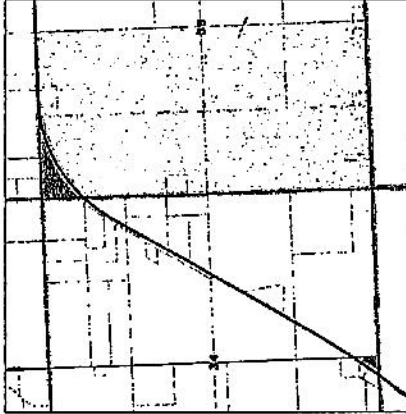
Elmwood Townsh' Zoning District Map PROPOSED DRAFT - EXHIBIT A



Legend

- AR Agricultural Residential
- C Commercial
- Gagetown
- I Industrial
- MHP Manufactured Housing Park
- USSES Utility Scale Solar Systems Overlay District

Utility Scale Solar Systems Overlay District



Prepared by: Theresa Cooney GIS
Date: 12/20/2023

This is not a survey and should not be used as one.
For accurate boundary lines it is recommended
that you contact a professional surveyor.

