



ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE PERMITTING OF SOLAR ENERGY FACILITIES IN VILLAGE OF QUINCY

1. DEFINITIONS

- A. "Applicant" is the Landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a Solar Energy Facility under this Ordinance.
- B. "Parcel" means all land within a legally established parcel.
- C. "Practicable" means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.
- D. "Landowner" means the persons or entities possessing legal title to the parcel(s) upon which a SEF is located.
- E. "Protected Lands" means, for the purpose of this chapter only, lands containing resources that are protected or regulated by established regulatory standards of local, state, and federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.
- F. "Review Authority" means applicable land use decision-making body as determined by local ordinance and appeal procedures.
- G. "Solar Energy Facility (SEF)" means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.
- H. "Solar Electric System (SES)" means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.
- I. "Renewable Energy Combining Zone" means a zoning district that may be combined with other base zoning and applied to specific geographic areas within the County, where the County has determined the land is suitable for a specified variety of Solar Energy Facilities and where permitting for such facilities may be expedited if specified conditions are met.
- J. "Uses Allowed" means one of the following:
 1. Accessory Use - a SEF designed primarily for serving on-site needs or a use that is related to the Primary Use of the property.
 2. Direct Use - a SEF designed and installed to provide on-site energy demand for any legally established use of the property.
 3. Primary Use - a SEF that uses over 50% of the Parcel(s) and is devoted to solar electric power generation primarily for use off-site.
 4. Secondary Use - a SEF that is not the Primary Use of the property and uses less than 50% of the Parcel(s) land area.

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2 PURPOSE

The purpose of the Ordinance is to facilitate the construction, installation and operation of a Solar Energy Facilities (SEFs) in Village of Quincy in a manner that protects public health, safety and welfare and avoids significant impacts to protected resources such as important agricultural lands, endangered species, high value biological habitats and other protected resources. It is the intent of this ordinance to encourage solar facilities that reduce reliance on foreign petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, and/or promote economic development diversification.

3 APPLICABILITY

- A. This Ordinance applies to the construction of any new SEF within the Village.
- B. A SEF legally established or permitted prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance, however:
 1. Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this Ordinance. Only the modification or alteration is subject to this Ordinance;
 2. Substantial conformance review determinations are not major amendments to a project's existing permits; and
 3. Routine operation and maintenance or like-kind replacements do not require a perm

4 PERMIT REQUIREMENTS

The type of permit required for SEFs shall be as shown in Table 1 Permit Requirements

Table 1. Permit Required				
Land Use	Accessory Use	Direct Use	Primary Use	Secondary Use
Agricultural/Residential	P	P	SLU	SLU
Commercial/Office	P	P	SLU	SLU
Industrial	P	P	SLU	P

5 PARCEL LINE SETBACKS

The following setbacks from the parcel line to the closest part of the SEF shall be established as shown in Table 2. Fencing, roads and landscaping may occur within the setback.

Table 2. Setbacks				
Land Use	Accessory Use	Direct Use	Primary Use	Secondary Use
Setback from Property Line	Per zoning for that district		75 feet	75 feet

6 HEIGHT LIMITS

For ground mounted systems, height restrictions will be measured from natural grade below each module in the event the site has topographic changes.

Table 3. Height Limits			
Zoning District	Accessory/Direct Use	Secondary Use	Primary Use
Ag or Residential	Roof- 2' above roof	Roof- 2' above roof surface and may project above the height limit	Roof- 2' above roof surface and may project above the height limit
	Ground- 15'	Ground 15'	Ground 25'
Commercial, Office, Industrial	Roof- 4' above roof surface and may project above the height limit	Roof- 4' above roof surface and may project above the height limit	Roof- 4' above roof surface and may project above the height limit
	Ground- 25'	Ground- 25'	Ground- 25'

7. GENERAL REQUIREMENTS (apply to all SEF Uses unless otherwise noted)

A. Building Permits Are Required

1. Nothing in this chapter modifies the minimum building standards required to construct a SEF, consistent with applicable building and fire codes. The SEF components and all accessory equipment shall comply with the most recently adopted Building Code as determined by the Building Official and Fire Code as determined by the Fire Official.
2. A site plan shall be provided at the time of the Building Permit application demonstrating compliance with the setbacks in Tables 1 and 2.
3. The Building Permit shall include review by local permitting departments including, but not limited to, the local Fire Authority, for Health and Safety Requirements.

B. Supplemental Information Required-

1. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
2. On site power lines between solar panels and inverters shall be placed underground.
3. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
4. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Village.
5. An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.

6. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
7. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.

C. Off-Site Facilities - When the SEF is located on more than one Parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties.

D. Septic System Avoidance - The SEF shall not be located over a septic system, leach field area or identified reserve area unless approved by the Department of Environmental Health;

E. Floodplain Avoidance - If located in a floodplain as designated by FEMA, or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation; and, shall not otherwise create a fire or other safety hazard as determined by the Building Official.

F. Conform to Development Standards for Underlying Zone - The SEF shall be ground mounted, or when located on structures, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein;

G. Visibility

1. All solar energy facilities located in a residential area shall have a minimum landscape buffer of 25 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. A buffer area will not be required between a solar energy facility and an industrial or commercial use. A planted buffer will not be required if an opaque fence is installed.
2. All Areas - Additionally, all ground mounted facilities shall:
 - a. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent Parcel or the night sky;
 - b. Not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the facility owner;
 - c. Be sited behind existing vegetation (which shall be supplemented with landscaping where not adequate to screen the project) or be sited using the natural topography to screen the project; and
 - d. Be enclosed by a fence, barrier, barbwire, razor wire or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the Parcel(s). Fences or barriers shall incorporate wildlife friendly design. No barrier shall be required where projects employ full-time security guards or video surveillance.

H. Locations Requiring Discretionary Review - The following principles shall apply to the Review of Primary and Secondary Use locations: No portion of the SEF or their structures shall occupy Protected Lands. Protected Lands that are potentially incompatible locations, requiring Special Land Use permits, include:

1. Floodways.
2. Wetlands, wetland transition areas, riparian corridors, or open water.
3. Properties enrolled in the Michigan Farmland Preservation Program.
4. Habitat of special status, threatened, endangered, candidate, or fully protected species, species of special concern, or species protected local, State, and Federal agencies.
5. Lands within easements where SEF is a prohibited use.

I. Abandonment

1. A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Village Manager or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF.
2. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within three hundred and sixty (360) days of notice by the Village Manager or his designee.
3. If the responsible party (or parties) fails to comply, the Village Manager or his designee may remove the SEF, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a nonhazardous pre-development condition.
4. Facilities deemed by the Village to be unsafe and facilities erected in violation of this section shall also be subject to this Section. The code enforcement officer or any other employee of the Village shall have the right to request documentation and/or affidavits from the Applicant regarding the system's usage, and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.
5. Upon a determination of abandonment or other violation(s), the Village shall send a notice hereof to the Applicant and/or Landowner, indicating
6. that the responsible party shall remove the SEF and all associated facilities, and remediate the site to its approximate original condition within ninety
7. (90) days of notice by the Village, unless the Village determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the SEF and restoration of the site, the Village may advise the Applicant and/or Landowner of such alternative means of resolving the violation(s).
8. If the Applicant and/or Landowner do not comply, the Village may remove the SEF and restore the site and may thereafter (a) draw funds from any bond, security or

financial assurance that may have been provided or (b) initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.

J. Decommission Plan

1. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit.
 2. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)
 3. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
 4. Restoration of property to condition prior to development of the SEF.
 5. The timeframe for completion of decommissioning activities.
 6. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
 7. The party currently responsible for decommissioning.
 8. Plans for updating this decommissioning plan.

K. Aviation Notification

1. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of Michigan. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
2. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport not listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

8 SOLAR ENERGY FACILITIES - Accessory Use

1. General Requirements. Accessory Use Solar Energy Facilities are ground mounted SEFs that provide energy primarily for on-site use, or rooftop systems that provide energy for any use. rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged as preferred locations for a SEF. In addition to the General Requirements in Section 7, the following standards shall

apply to all Accessory Use SEFs, notwithstanding the development standards for the underlying zone:

- a. Lot Coverage - Rooftop systems can be any size, ground mounted systems may not exceed ½ an acre;
- b. Setbacks - Ground mounted structures shall conform to the setbacks as shown in Table 2.
- c. Height Limits - Facilities shall conform to the height limits of Table 3, unless demonstrated by a structural engineer to meet public safety standards.
- d. Floodplain - An Accessory Use SEF shall not be located in a Floodplain.

9. SOLAR ENERGY FACILITIES - Direct Use

1. General Requirements. Direct Use SEFs provide energy for on-site use. In addition to the General Requirements in Section 7, the following standards shall apply to all Direct Use SEF, notwithstanding the development standards for the underlying zone:
 1. Lot Coverage - Allowable lot coverage varies by the underlying zoning district.
 2. Setbacks- Ground mounted structures shall conform to the setbacks as shown in Table 2
 3. Height Limits - Facilities shall conform to the height limits of Table 3.
 4. Floodplain - A Direct Use SEF shall not be located in a Floodplain.
2. Biological Resources - The protection of high value biological resources is an important consideration. Direct Use SEF projects shall not be located on lands that support listed, candidate or other fully protected species, species of special concern, or species protected by local, State, or Federal agencies.

10. SOLAR ENERGY FACILITIES - Primary and Secondary Uses

- A. General Requirements. Primary or Secondary Uses that provide energy for on-site or off-site use as shown in Table 1 subject to a special land use permit. In addition to the General Requirements in Section 7, the following standards shall apply to all Primary and Secondary SEF, notwithstanding the development standards for the underlying zone:
 1. Lot Coverage - Allowable lot coverage varies by underlying zoning district;
 2. Setbacks - Ground mounted structures shall conform to the setbacks as shown in Table 2 and whenever an SEF abuts an agricultural operation or agricultural zone, an agricultural buffer on the SEF Parcel shall be established at a minimum of 100 feet. The buffer may be reduced if the decision-making body determines that there is a substantial screen such as existing topography or landscaping vegetation and/or an operational management plan and/or an agricultural operation easement is provided;
 3. Height Limits - Facilities shall conform to the height limits of Table 3;
 4. Michigan Farmland Preservation Program -A Primary or Secondary SEF may not be located on a property enrolled in the Michigan Farmland Preservation Program. An Applicant must successfully terminate their Farmland Development Rights Agreement with the Department of Agriculture and Rural Development to be eligible to apply for SEF approval.

5. Grading - Grading within the Village shall be limited to only that necessary to construct access roads and install equipment, unless the areas are determined to be chemically or physically impaired.
- B. Biological Resources - The protection of high value biological resources is an important consideration. Primary or Secondary Use SEF projects shall not be located on lands that support listed, candidate or other fully protected species, species of special concern, or species protected by local, State, or Federal agencies.
- C. Soil Stabilization, Erosion Control and Ground Water Management - For Primary and Secondary Use SEFs, the following requirements shall apply:
 1. To the extent feasible and compatible with the climate and pre- project landscaping of the property the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the Village and Branch County Drain Commissioner. All areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the Village.
 2. A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff shall be provided subject to approval by the review authority
 3. A maintenance plan shall be submitted for the continuing maintenance of the SEF, which may include, but not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required.
 4. Prior to issuing a final Building Permit, an as-built grading and drainage plan, prepared by a licensed professional surveyor or other approved qualified professional shall be submitted to the reviewing agency's engineer for review and approval. The plan shall show that the as-built conditions are substantially the same as those shown on the approved grading and drainage plan.

11. SEVERABILITY

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.