



SHARON TOWNSHIP

18010 W. Pleasant Lake Rd, Manchester, MI 48158

PH: 734-428-7591 FAX: 734-428-9250

www.sharontownship.org

PLANNING COMMISSION

AGENDA

Tuesday, June 18, 2024 @ 6:00 pm

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call
4. Approval of the agenda
5. Approval of the May 21, 2024 Regular Meeting Minutes
6. Public comment (non-agenda items)
7. Zoning Administrator Report - David Wilson
8. Zoning Board of Appeals Liaison Report - Mike Hobbs
9. Township Board Representative Report - Trudi Cooper
10. Mineral Licensing Board Liaison Report - Justin Smith
11. Public Hearing - Shipping Container Zoning Amendment
 - A. Motion to open the Public Hearing
 - B. Introduction
 - C. Public Comment
 - D. Motion to close the Public Hearing
12. Old Business
 - A. Shipping Container Regulations
 - B. Solar Ordinance Updates
13. New Business: None
14. Public comment
15. Concerns of PC members, Zoning Administrator, Planner, Engineer and Legal Counsel.
16. Action Items
17. Next regular meeting date and time
18. Adjourn

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Planning Commission DRAFT Meeting Minutes - Monday, May 21, 2024

The meeting was **called to order** by Chair Pat Kelly at 6:01 pm.

The **Pledge of Allegiance** was recited.

Roll Call:

Members present: Chair Pat Kelly, Vice-Chair Justin Smith, Secretary and Township Board Liaison Trudi Cooper, Commissioner Randy Bradshaw and Commissioner Mike Hobbs.

Also present were Township Zoning Administrator Dave Wilson and Township Planner Megan Mason-Minnock

Approval of the Agenda:

Motion to approve the agenda as presented by Smith, second by Hobbs. Motion carried.

Approval of the April 22, 2024 Meeting Minutes:

Motion to approve as presented by Cooper, supported by Bradshaw. Motion carried.

Public Comment (non-agenda items): None.

Zoning Administrator Report:

David Wilson reported one home permit, one pole barn permit, one solar array, and one survey dispute.

Zoning Board of Appeals Liaison Report:

Mike Hobbs had nothing to report as the ZBA did not meet.

Township Board Representative Report:

Cooper reported that at the Board of Trustees meeting held May 2, 2024, the following issues were discussed:

MEGAN DELEEUW: Suggested the formation of a Farmland Preservation Board to discuss Purchase of Development Rights.

STONECO COURT CASE: Oral arguments were held on Thursday, April 29 at 9:30. Judge Connors will issue a written judgment 4-6 weeks from the court date.

A BOARD OF REVIEW MEMBER IS NEEDED.

THORN LAKE SOLAR PROJECT: Consumers Power is required to bury its lines under the River Raisin at Sharon Valley Road.

ROADS: The Board approved Phase 1 of the north Sharon Hollow Road project, which will consist of tree clearing and ditching this year, in the amount of \$125,000, to be followed by resurfacing in 2025.

BLIGHT ORDINANCE: The Board will review Blight Ordinances from other municipalities.

Mineral Licensing Board Liaison:

Justin Smith reported that the Board will meet on June 24 at 7:00 pm to perform the annual review for M52 Minerals.

Old Business:**RENEWABLE ENERGY ORDINANCE AMENDMENT:**

The Planning Commission reviewed Planner Mason-Minnock's suggestions for revision of 5:33. These changes will be sent to Attorney Ed Plato for review. A public hearing will take place in August.

SHIPPING CONTAINER REGULATION:

The Planning Commission accepted the Section 20.15 Zoning Ordinance amendment language from Planner Mason-Minnock and set a public hearing on the amendment for June 18, 2024 at 6:00 pm.

New Business:

EARTHWELL RETREAT CENTER ITINERARY APPROVAL: Cooper made a motion to approve Earthwell's request for an event of up to 70 participants from August 9-11, 2024 with the condition that the event comports with all provisions of the Earthwell Development Agreement. Supported by Bradshaw. Motion carried.

FENCE ORDINANCE: The Planning Commission discussed possible changes to the Fencing Ordinance. Kelly will ask Township Attorney Ed Plato if the ordinance can be modified to include property line setbacks.

Public Comment: None.

Concerns of PC members, Zoning Administrator and Planner: None.

Action Items:

Megan Masson-Minock:

- Provide updates to the Renewable Energy and Shipping Container ordinance amendments per the PC's discussion
- Prepare a Public Hearing notice for the Shipping Container ordinance amendment.

Pat Kelly:

- Send provided Renewable Energy and Shipping Container ordinance amendments to the Township attorney for review
- Ask the Township attorney if set-back requirements for fences are permissible or advised.

Next Meeting

The next regular meeting of the Sharon Township Planning Commission will be held on **Tuesday, June 18, 2024 at 6:00 pm** at the Sharon Township Hall.

Adjourn

Motion to adjourn by Cooper, second by Smith, at 7:41 pm. Motion carried.

Minutes submitted by Trudi Cooper, Planning Commission Secretary.

These minutes were approved by majority vote at the _____ Sharon Township regular meeting.

ORDINANCE NO. _____

An ordinance to amend relevant portions of Article 20 to regulate portable storage containers.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE TOWNSHIP OF SHARON:

SECTION 1. MODIFY SECTION 20.15 TO INCLUDE PORTABLE STORAGE CONTAINERS IN TEMPORARY USES

4. Portable Storage Containers:

- a. For the purposes of this Section, a portable storage container shall be interpreted as a portable, weather-resistant receptacle designed and used for the temporary storage and/or shipment of household goods or building materials that is capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis or similar transport.
- b. Portable storage containers shall be permitted in all zoning districts according to the following:
 - 1) All portable storage containers shall require a zoning permit prior to their erection and/or placement.
 - 2) A portable storage container may be situated on a parcel for six (6) months out of a calendar year. A single extension of three (3) months is permitted upon renewal of the zoning permit prior to expiration.
 - 3) A portable storage container shall not be utilized for or contain habitable space.
 - 4) A parcel is limited to no more than one (1) portable storage container on the lot at a single time.
 - 5) Portable storage containers shall not be stacked above the height of a single container.
 - 6) All portable storage containers shall be maintained and absent of unwarranted rust, holes, or other evidence of aging or wear.
 - 7) No electricity or plumbing may be connected to a portable storage container.
 - 8) A portable storage container may be placed on a paved or gravel off street surface in the front yard, side yard or residential driveway. In Commercial and Industrial Districts, a portable storage container may be placed in a parking lot, if the minimum parking requirements in Article 16 are maintained. Except when located in a residential driveway, portable storage containers shall meet the principal building's setbacks.
- c. Non-compliance with Regulations: Any portable storage container which exceeds the standards in this section is subject to penalty. Failure to adhere to approved duration constitutes removal of the portable storage container by the Township.

SECTION 2. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 3. PUBLICATION: This ordinance shall be published in a newspaper of general circulation as required by law.

SECTION 4. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 5. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

I, <insert>, Clerk of the Sharon Township, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2021-___ by the Sharon Township Board of Trustees assembled at a Regular Meeting held on _____.

The motion to approve was made by member _____ and seconded by _____

YES: _____

ABSENT: _____

NO: None. _____

ABSTAIN: _____

Clerk Sharon Township



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Sharon Township Planning Commission

FROM: Megan Masson-Minock, AICP, Principal Planner and Grayson Moore, Community Planner

DATE: June 14, 2024

RE: Proposed Zoning Ordinance Amendments for Renewable Energy Facilities

Please find attached draft Zoning Ordinance Amendments to regulate renewable energy facilities. We used examples from other client communities in addition to current state laws to draft the proposed amendments. Please note the following:

- The proposed amendment includes requirements for BESS facilities to adhere to Sharon Township's Zoning Ordinance Section 20.17 Accessory Uses, Buildings, and Structures.
- Current fire risk regulations are drafted from discussions with other municipalities local fire departments. These can be modified following collaboration with Manchester Townships fire department.
- Language has been modified to provide guidance on additional fencing requirements in Section 5.27.2.C
- Section 20.09 has been amended to permit renewable energy facilities to utilize dangerous fencing to provide adequate security.
- The Planning Commission needs to determine the location of the renewable energy overlay zoning district. We will discuss potential areas at your upcoming meeting.

We look forward to discussing the proposed Zoning Ordinance amendments at your next Planning Commission meeting. The next step in the process would be to make any changes and call a public hearing.

Sincerely,

CARLISLE/WORTMAN ASSOC., INC.
Megan Masson-Minock, AICP
Principal

CARLISLE/WORTMAN ASSOC., INC.
Grayson Moore
Community Planner

ORDINANCE NO. _____

An ordinance to amend relevant portions of Article 5 to regulate renewable energy facilities and infrastructure.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE TOWNSHIP OF SHARON:

SECTION 1 ADD SECTION 5.33 TO INCLUDE BATTERY ENERGY STORAGE FACILITIES

A. Purpose

Sharon Township promotes the effective and efficient use of Energy Storage Facilities by minimizing regulations on the placement, design, and connection of conversion systems corresponding with preserving and protecting the public health, safety, and welfare of neighboring property owners or occupants.

B. Approval Required

It shall be unlawful to construct, erect, install, alter, or locate any Battery Energy Storage Facilities within Sharon Township with an energy discharge capacity of 200 megawatt hours or more without obtaining a Special Use Permit pursuant to this Ordinance. The issuance of a Special Use Permit is subject to Section 20.17 and fulfillment of the following criteria:

1. Battery Energy Storage Facilities have an aggregate energy that is at or above 50 megawatts in storage.
2. Application for a Special Use Permit required by this Ordinance for all Battery Energy Storage Facilities at, or above a capacity of 50 megawatts and an energy discharge capability of 200 megawatt hours or more shall contain the following information, in addition to that generally required by Article 4, Site Plan Review, and Article 5, Special Uses as required by Michigan State Act No. 233 of 2023, as amended:
 - a. The location and a description of the energy storage facility
 - b. A description of the anticipated effects of the energy facility on the environment, natural resources, and solid waste disposal capacity, which may include records of consultations with relevant state and federal agencies.
 - c. Additional information as required by planning commission rule or order that directly relates to the site plan.
 - d. A description of the expected use of the energy storage facility.
 - e. Expected public benefits of the proposed energy storage facility.

- f. The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
 - g. Information on the effects of the proposed energy storage facility on public health and safety.
 - h. A description of the portion of the community where the energy storage facility will be located.
 - i. A summary of the community outreach and education efforts undertaken by the electric provider or independent power producer, including a description of the public meetings and meetings with elected officials under this section.
 - j. Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy (EGLE) and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources (DNR) and the Department of Agriculture and Rural Development (MDARD).
 - k. The soil and economic survey report under section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.
 - l. Interconnection queue information for the applicable regional transmission organization.
 - m. If the proposed site of the energy storage facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
3. Battery Energy Storage Facilities and all other buildings or structures that contain or are otherwise associated with a Battery Energy Storage System shall be designed, erected, and installed in accordance with all applicable state provisions of the codes, state regulations, and state and industry standards.

C. General Standards

Any commercial/industrial scale Battery Energy Storage Facilities with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more shall be subject to the following requirements in addition to the Michigan Public Act 233 of 2023 and any other

applicable county, state, and federal regulations. Such requirements are in addition to, or in modification of, other applicable provisions and requirements of this ordinance.

1. Location

Battery Energy Storage Facilities shall not be located in the following areas:

- a. Flood hazard zones
- b. Parks and land set aside for open space and recreation
- c. Parcels or property of historical, cultural, archeological or religious significance
- d. Within 500 feet or less of wetlands

2. Electrical Components

All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.

3. Separation of Lithium-Ion Battery Energy Storage Facilities

ESS Type & Capacity	Object Combustibility	Nonsprinklered
LFP 83 kWh	Combustible	1.8 m (6 ft)
	Noncombustible	1.2 m (4 ft)
NMC 125 kWh	Combustible	1.2 m (4 ft)
	Noncombustible	<0.9 m (< 3 ft)

Source: NFPA Fact Sheet

4. Compliance with Township Ordinances

All Battery Energy Storage Facilities shall be in compliance with all Sharon Zoning Ordinance requirements and other applicable ordinances.

5. Setbacks

All Battery Energy Storage Facilities setback requirements are found in the table below. All accessory equipment shall be subject to the same requirements. Setback requirements for all yards may be increased or decreased by the approving body based upon impacts to existing land uses and/or zoning of adjacent properties.

District	Renewable Energy Overlay		
Adjacent Properties	Residential Land Uses	Place of Worship or Public Institutional Land Uses	All Other Land Uses

SHARON TOWNSHIP RENEWABLE ENERGY
ORDINANCE DRAFT 06.14.24

Front Yard Setback (adjacent to right-of-way)	300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater	100 feet from property line	50 feet from property line
Side Yard Setback	300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater	100 feet from property line	50 feet from property line
Rear Yard Setback	300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater	100 feet from property line	50 feet from property line

- a. The Energy Storage Facility complies with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section, or any applicable successor standard adopted by the approving body as reasonable and consistent with the purposes of this subdivision.
- b. The Energy Storage Facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- c. The Energy Storage Facility will comply with any more stringent requirements adopted by the approving body. Before adopting such requirements, the approving body must determine that the requirements are necessary for compliance with state or federal environmental regulations

6. Signage

- a. The signage shall be in compliance with Article 15 of the Zoning Ordinance and shall include the type of technology associated with the Battery Energy Storage Facilities, including the type of battery energy storage facility, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number, and all such information must be updated with any change in the storage systems.
- b. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers and substations.

7. Fire Risk

The applicant shall provide a fire response plan and emergency response plan. All facilities must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of ten (10) feet of electrical gear and connections, and must utilize twistable cables on turbines.

8. Installation

The energy storage facility complies with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on the effective date of the amendatory act that added this section, or any applicable successor standard adopted by the approving body as reasonable and consistent with the purposes of this subdivision.

9. Sound

At any time, the Energy Storage Facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A weighted scale as designed by the American National Standards Institute.

10. Dark Sky Compliance

The Energy Storage Facility will implement dark sky friendly lighting solutions.

**SECTION 2 MODIFY SECTION 5.27 TO INCLUDE WIND ENERGY CONVERSION
SYSTEM CATEGORIES AT OR ABOVE 100 MEGAWATTS AND BELOW 100
MEGAWATTS**

A. **Purpose:** Sharon Township promotes the effective and efficient use of Wind Energy Conversion Systems (WECS) by minimizing regulations on the siting, design, and installation of conversion systems commensurate with preserving and protecting the public health, safety, and welfare of neighboring property owners or occupants. In no case shall the provision of this ordinance guarantee the wind rights or establish access to the wind.

~~B. Definitions~~

~~1. "Wind Energy Conversion System" (WECS) shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy together with such auxiliary and ancillary equipment and facilities required to condition or distribute the usable energy for use.~~

~~a. "Private WECS" shall mean any WECS that is accessory to a principal land use located on the same lot and is designed and built to serve the needs of the principal use.~~

~~b. "Commercial WECS" shall mean any WECS that is designed and built to provide electricity to the electric utility power grid and not for direct connection to specific, i.e. on site, uses~~

~~2. "Manual and Automatic Controls" prevent operation of the WECS outside of its design limits in order to protect the electric grid (if so connected), the machine itself, and the general public from the effects of failures that could occur were those limits to be exceeded.~~

~~3. An "Authorized Factory Representative" shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.~~

~~4. A "Utility Scale" wind farm shall mean all wind farms that produce greater than 50 kilowatts of energy.~~

~~5. "Facility Abandonment" shall mean out of production for a period of time not less than one year. (See Section 5.27.E.12. below)~~

~~6. "Anemometer Tower" (AMT) shall mean a structure supporting an anemometer (wind speed gauge).~~

B. Approval Required

Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Sharon Township unless a Special Use permit has been obtained pursuant to this Ordinance.

- ~~1. Private WECS projects, accessory to permitted uses, shall not require a Special Use permit. Private WECS projects shall conform to the regulations of the zoning district where located, except that maximum height and minimum setback standards for WECS shall be as determined by Section D.4 and D.5, herein respectively. Application for Private WECS projects shall contain the following information in addition to that generally required by Article 4, Section 4.03, Plot Plan Review.
 - ~~a. Plot plan to show location of the WECS pole or tower, guy lines where required, guy line anchor bases, and their distance from all property lines;~~
 - ~~b. Elevation renderings depicting the appearance of the WECS from the nearest public road and from the nearest neighboring occupied dwelling.~~
 - ~~c. Documentation on non-interference with radio and television communication (D.6, below).~~
 - ~~d. Documentation on acoustic noise levels (D.8, below).~~
 - ~~e. Plot plan to show the outline of the area “swept” by moving parts, e.g. turbine blades, under all operating conditions, e.g. wind direction. (For a typical “windmill” WECS this would be a circle centered on the center of rotation of the nacelle or cab, with a radius equal to the distance from such center of rotation to the tip of a blade when horizontal.)~~~~
- ~~2. Application for special use permit required by this Ordinance for all Commercial WECS shall contain the following information, in addition to that generally required by Article 4, Site Plan Review, and Article 5, Special Uses:
 - ~~a. Plot plan to show location of the WECS pole or tower, guy lines where required, guy line anchor bases, and their distance from all property lines;~~
 - ~~b. Methods to screen the base of the WECS pole and/or other ground apparatus.~~
 - ~~c. A permit fee for each WECS as set by Sharon Township Board must accompany the application.~~
 - ~~d. Elevation renderings depicting the appearance of the WECS from the nearest public road and from the nearest neighboring occupied dwelling.~~
 - ~~e. Documentation on non-interference with radio and television communication (D.6, below).~~
 - ~~f. Documentation on acoustic noise levels (D.8, below).~~~~

~~g. Plot plan to show the outline of the area “swept” by moving parts, e.g. turbine blades, under all operating conditions, e.g. wind direction. (For a typical “windmill” WECS this would be a circle centered on the center of rotation of the nacelle or cab, with a radius equal to the distance from such center of rotation to the tip of a blade when horizontal.)~~

- C. ~~General Standards:~~ The following shall apply to all private and commercial wind energy conversion systems in Sharon Township. **Regulation Schedules:** All Wind Energy Conversion Systems (WECS) with nameplate capacities at or above 100 megawatts shall use Schedule A. All other WECS facilities shall use Schedule B.

~~1. Controls and Brakes~~

~~All private and commercial WECS machines shall be equipped with manual and automatic controls to maintain operation, rotation speed, load, etc., of the WECS within its design limits.~~

~~The Professional Engineer shall certify that the rotor and ‘over speed’ control design and fabrication of a Commercial WESC conform to applicable design standards. The certification documentation may include materials, calculations, etc., provided by the WECS manufacturer. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer’s statement of certification.~~

~~2. Electrical Components~~

~~All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.~~

~~3. Compliance with Township Ordinances~~

~~All private and commercial WECS projects shall be in compliance with all Sharon zoning ordinance requirements and other applicable ordinances.~~

~~4. Setbacks~~

~~All private and commercial WECS machines must be set back from property lines a distance equal to or greater than the larger of (a) one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blades or other moving components (b) one hundred percent (100%) of the height, measured from the base of the structure, of any nonmoving component or attachment. (c) 100 percent (100%) of the height of an anemometer tower.~~

~~5. Height~~

~~The height of any WECS machine shall be measured from the finish grade at the base of the structure to the maximum vertical extent of any component or attachment, moving or non-moving. a. b. c. The maximum height of a Private WECS installation shall be one hundred and ten feet (110 ft.). No moving~~

~~parts shall be closer to the finish grade than twenty-five feet (25 ft.). Commercial WECS projects shall be exempt from the height requirements of this Ordinance, subject to the provisions of Special Uses, ARTICLE 5, and compliance with Federal Aviation Administration requirements and regulations.~~

~~6. Interference~~

~~A private or commercial WECS installation shall not in any way cause interference with commercial microwave or radio transmissions, or with residential television or radio reception.~~

~~7. Fire Risk~~

~~All private and commercial WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.~~

~~8. Noise Levels~~

~~The acoustic noise level from the WECS machine(s) operating at a wind speed of 15 mph, measured at the property line of the property on which the private or commercial WECS project has been installed, shall not exceed 55 decibels, A weighted (dBA).~~

~~Acoustic design and/or testing documentation from the WECS machine manufacturer or builder showing noise levels versus wind speed versus distance shall be provided as part of the application.~~

1. Schedule A.

The following standards shall apply to all ~~private and commercial~~ wind energy conversion systems whose nameplate capacity is at, or greater than 100 megawatts in Sharon Township.

a. Minimum Setbacks: Measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied community buildings and residences on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way

Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing overhead line
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b. Placement

Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.

2. Schedule B

The following standards shall apply to all ~~private and commercial~~ wind energy conversion systems whose nameplate capacity is less than 100 megawatts in Sharon Township:

a. Controls and Brakes

All ~~private and commercial~~ WECS machines shall be equipped with manual and automatic controls to maintain operation, rotation speed, load, etc., of the WECS within its design limits.

~~The Professional Engineer shall certify that the rotor and 'over speed' control design and fabrication of a Commercial WESC conform to applicable design standards. The certification documentation may include materials, calculations, etc., provided by the WECS manufacturer. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.~~

b. Setbacks

The distance between a WECS and the nearest property line and/or nearest road right of way shall be at least one and one-half (1.5) times the height of the WECS. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line.

~~4. Setbacks~~

~~All private and commercial WECS machines must be set back from property lines a distance equal to or greater than the larger of~~

~~a. one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blades or other moving components~~

~~b. one hundred percent (100%) of the height, measured from the base of the structure, of any nonmoving component or attachment.~~

~~e. —100 percent (100%) of the height of an anemometer tower.~~

All accessory equipment shall be at least one hundred (100) feet from the nearest property line. Setback requirements for all yards may be increased or decreased by the approving body based upon impacts to existing land uses and/or zoning of adjacent properties.

c. Fencing

The facility boundary perimeter of a solar or storage renewable energy facility must be fenced per standards set forth in Section 20.09. Additional fencing may be required for screening or security purposes in cases where the facility abuts a residential area, or otherwise deemed necessary by the approving body. All fencing must comply with the latest version of the National Electrical Code. For the purpose of fence height regulations, WECS facilities shall be considered industrial lots.

D. Additional Standards for ~~all Commercial~~ WECS Projects.

The following additional standards shall apply to all ~~commercial wind energy systems~~ WECS projects in Sharon Township. If the Michigan Public Services Commission adopts rules regarding the below standards, those rules shall apply to Schedule A WECS projects instead of the standards in this subsection.

1. Zoning

WECS installations shall be constructed within the Energy Storage System Overlay Zone.

2. Sound

At any time, the WECS shall not generate a maximum sound exceeding 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

3. Height

The height of any WECS machine shall be measured from the finish grade at the base of the structure to the maximum vertical extent of any component or attachment, moving or non-moving.

a. The maximum height of a ~~Private Schedule B~~ WECS installation shall be one hundred and ten feet (110 ft.).

b. No moving parts shall be closer to the finish grade than twenty-five feet (25 ft.).

c. Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of

shadow flicker under planned operating conditions as indicated by industry standard computer model.

Each wind tower blade tip does not exceed height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

4. Electrical Components

All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.

5. Design Safety Certification

The safety of the design of all ~~commercial~~ WECS towers shall be certified by a Professional Engineer registered in the State of Michigan. The standard(s) for certification shall be included with the permit application.

6. Waste

a. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of a ~~Commercial~~ WECS, including old parts and equipment, shall be removed from the site immediately.

b. All hazardous waste generated by the operation and maintenance of a ~~Commercial~~ WECS, including but not limited to lubricating materials, shall be removed from the site immediately.

7. Color and finish

External surfaces and components shall be painted or treated to be non-corroding. Color is at the discretion of the WECS owner, operator or applicant, subject to compliance with any regulations promulgated by any competent external agency, such as, but not limited to, the Federal Aviation Administration.

8. Compliance with FAA

It shall be the responsibility of the person in charge of the ~~commercial~~ WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.

9. Warnings

Warning signs reading “High Voltage” are required at all ~~commercial~~ WECS projects where voltages exceeding 250 volts are present outside of closed structures. The signs must have at a minimum six-inch letters with ¼-inch stroke. Such signs shall be

located a maximum of three hundred (300) feet apart and at all points of site ingress and egress. The location(s) of the sign(s) shall be called out on the Site Plan.

10. Installation Certification

Construction and installation of a ~~commercial~~ WECS shall be certified by a Professional Engineer with expertise in Wind Energy Systems to meet or exceed the manufacturer's construction and installation standards.

11. Climb Prevention

All ~~commercial~~ WECS project towers or poles must be unclimbable by design or protected by anticleimbing devices such as

- a. Fences with locking portals at least six feet high;
- b. Anti-climbing devices 12 feet from base of pole;
- c. or Anchor points for guy wires supporting tower(s) shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.

12. Annual Inspection

Every ~~commercial~~ WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public.

A record of each such inspection shall be submitted to Sharon Township and considered a part of the continuing special use permit.

13. Compliance with Township Ordinances

All ~~private and commercial~~ WECS projects shall be in compliance with all Sharon zoning ordinance requirements and other applicable ordinances.

The wind energy facility will comply with any more stringent requirements adopted by the approving body provided the additional requirements are in compliance with state or federal environmental regulations.

14. Compliance with Additional Regulations

Applicants for ~~commercial~~ WECS projects shall contact such external agencies, as, but not limited to, the FCC, the FAA, the MDOT Bureau of Aeronautics and Freight Services, and the MPSC regarding any necessary additional permits or regulations.

Sharon Township shall not grant final approval for the Special Use prior to evidence of such contact, the corresponding permits if needed or correspondence indicating no necessity, or compliance with such regulations being provided. It shall be the responsibility of the applicant to ascertain which agencies claim such jurisdiction. A

Special Use permit may be suspended or revoked if Sharon Township determines that an owner or applicant knowingly bypassed a required contact, permit or regulation.

15. Migratory Birds

Sharon Township may require an avian study conducted by a qualified professional to determine any potential impacts the ~~commercial~~ WECS project may present to migratory birds. The study as part of the Special Use permit application must provide assurances that the WECS project does not negatively impact the path of migratory birds.

16. Liability Insurance

The owner or operator of a ~~commercial~~ WECS installation shall maintain a current insurance policy with a bond rating acceptable to Sharon Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of special use permit approval. An updated copy of this policy shall be provided to the Township.

17. Lighting

The wind energy facility is equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The approving body may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

- i. The purpose of the exemption.
- ii. The proposed length of the exemption.
- iii. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
- iv. The technical or economic reason a light-mitigating technology is not feasible.
- v. Any other relevant information requested by the Planning Commission.

18. Decommissioning Plan and Escrow

Application for a ~~commercial~~ WECS project shall include a Decommissioning Plan to ensure the WECS is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet,

restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.

The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and Sharon Township that:

- a. The financial resources for decommissioning shall be in the form of a surety bond or shall be deposited in an escrow account with an escrow agent acceptable to Sharon Township.
- b. Sharon Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the WECS owner or applicant within six (6) months of the end of project life or facility abandonment.
- c. Sharon Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- d. Sharon Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

19. Interference

A ~~private or commercial~~ WECS installation shall not in any way cause interference with commercial microwave or radio transmissions, or with residential television or radio reception.

20. Fire Risk

All ~~private and commercial~~ WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.

**SECTION 3 MODIFY SECTION 5.31 TO INCLUDE CATEGORIES FOR SMALL
SCALE SOLAR AND TO COMPLY WITH P.A. 233 OF 2023**

- A. **Purpose:** Sharon Township promotes the effective and efficient use of both Solar Energy Systems with a nameplate capacity of less than 50 megawatts and Large Solar Energy Systems with a nameplate capacity of 50 megawatts or more by minimizing regulations on the siting, design, and installation of conversion systems commensurate with preserving and protecting the public health, safety, and welfare of neighboring property owners or occupants.

~~C. Approval Required~~

~~It shall be unlawful to construct, erect, install, alter or locate any Solar Energy Systems within Sharon Township unless a Special Use Permit has been obtained pursuant to this Ordinance.~~

- ~~1. Application for a Special Use Permit required by this Ordinance for all Large Solar Energy Systems shall contain the following information, in addition to that generally required by Article 4, Site Plan Review, and Article 5, Special Uses:~~

- ~~a. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy Systems and within 100 feet of all exterior property lines of the Energy System(s).~~
- ~~b. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System(s).~~
- ~~c. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System(s) at a minimum of 5-foot contours.~~
- ~~d. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System(s).~~
- ~~e. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System(s), including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.~~
- ~~f. Planned lightning protection measures.~~

- ~~g. Additional detail(s) and information as required by the Special Land Use requirements of the Sharon Township Zoning Ordinance or as required by the Planning Commission.~~
- ~~2. If applicable according to the state or county agency, approval by the Washtenaw County Road Commission, Michigan Department of Transportation and/or the Washtenaw Water Resources Commission must be obtained. Final approvals from these agencies may be a condition of approval by the Township Board.~~
- ~~3. An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. The Applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use Permit process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use Permit shall be returned in a timely manner to the Applicant.~~

B. General Standards Regulation Schedule

~~The following standards shall apply to all Large Scale Solar Systems in Sharon Township:~~

- All Energy Solar Systems with a nameplate capacity at or above 50 megawatts shall use Schedule A.
All other Energy Solar Systems with a capacity of less than 50 megawatts in Sharon Township shall use Schedule B.

1. Schedule A: Sites with a capacity at or above 50 megawatts shall conform to the regulations below.

a. Minimum Setbacks

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

b. Screening/Security

A Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be six (6) feet in height. The Planning Commission may approve as part of the site plan approval up to a one (1) foot extension arm with barbed-wire or razor wire slanting outward as measured from the natural grade of the fencing perimeter, with a finding that the additional barbed-wire or razor-wire is necessary to ensure public safety. Electric fencing is not permitted. The perimeter of Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings providing a minimum of 80 percent opacity year-round whenever existing natural vegetation does not otherwise reasonably obscure the Solar Energy System from adjacent residential structures, subject to the following requirements:

- i. The Solar Energy Systems shall be exempt from the landscape requirements of Article 17.
- ii. The evergreen or native vegetative buffer shall be composed of evergreen trees that at planting shall be a minimum of six (6) feet in height, native deciduous shade trees a minimum of two and a half (2 1/2) inch caliper and shrubs four (4) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native deciduous shade trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. The buffer shall be planted in at least two (2) rows of staggered plantings. For the

SHARON TOWNSHIP RENEWABLE ENERGY
ORDINANCE DRAFT 06.14.24

lifetime of the Solar Energy System, all unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.

- iii. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- iv. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.

c. Height

Solar panel components do not exceed a maximum height of twenty-five (25) feet above ground when the arrays are at full tilt. Substation and electrical transmission equipment shall not exceed seventy-five (75) feet.

e. Lot Size

A Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.

f. Lot Coverage

A Solar Energy System may not cover more than seventy-five (75) percent of the area of the parcel(s).

h. Dark Skys

The solar energy facility will implement dark sky friendly lighting solutions.

f. Schedule A Site Plans.

A site plan required under Public Act Section 223 or 225 shall meet application filing requirements established by Planning Commission rule or order to maintain consistency between applications. The Township is limited to a period of 120 days to approve or deny the project with a possible extension of up to 120 days if mutually agreed upon by the Township and the developer. If the Township denies or fails to act on the proposal, the Michigan Public Services Commission would then receive, review and decide the application.

2. Schedule B Process

It shall be unlawful to construct, erect, install, alter or locate any Solar Energy Systems **classified under Schedule B** within Sharon Township unless a Special Use Permit has been obtained pursuant to this Ordinance.

- a. Application for a Special Use Permit required by this Ordinance for all **Large** Solar Energy Systems shall contain the following information, in addition to that generally required by Article 4, Site Plan Review, and Article 5, Special Uses:
 - a. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the **Large** Solar Energy Systems and within 100 feet of all exterior property lines of the Energy System(s).
 - b. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the **Large** Solar Energy System(s).
 - c. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the **Large** Solar Energy System(s) at a minimum of 5-foot contours.
 - d. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the **Large** Solar Energy System(s).
 - e. A written description of the maintenance program to be used for the Solar Array and other components of the **Large** Solar Energy System(s), including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the **Large** Solar–Energy System is decommissioned.
 - f. Planned lightning protection measures.
 - g. Additional detail(s) and information as required by the Special Land Use requirements of the Sharon Township Zoning Ordinance or as required by the Planning Commission.

If applicable according to the state or county agency, approval by the Washtenaw County Road Commission, Michigan Department of Transportation and/or the Washtenaw Water Resources Commission must be obtained. Final approvals from these agencies may be a condition of approval by the Township Board.

3. Schedule B:

The following standards shall apply to all Schedule B systems whose nameplate capacity is below 100 megawatts in Sharon Township.

a. Setbacks

Setback requirements are found in the table below. All accessory equipment shall be subject to the same requirements. Setback requirements for all yards may be increased or decreased by the Planning Commission based upon impacts to existing land uses and/or zoning of adjacent properties.

District	Renewable Energy Overlay		
Adjacent Properties	Residential Land Uses	Place of Worship or Public Institutional Land Uses	All Other Land Uses
Front Yard Setback (adjacent to right-of-way)	300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater	100 feet from property line	50 feet from property line
Side Yard Setback	300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater	100 feet from property line	50 feet from property line
Rear Yard Setback	300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater	100 feet from property line	50 feet from property line

In instances where the Solar Energy System is comprised of multiple parcels, these setbacks shall apply to the exterior perimeter of all adjoining parcels. All setback distances are measured from the property line, or nearest point of a dwelling unit, to the closest point of the renewable energy system. The nearest component of the Solar Energy System shall be taken from the array at minimum tilt.

b. Lot Coverage

The area of the Solar Energy System and any associated accessory structures shall not exceed 75% of the square footage of the entire site within the facility boundary. Impervious surfaces for the purpose of calculating lot coverage for Solar Energy Systems include, but

are not limited to, mounting pads, footings, concrete or asphalt driveways and walkways, and accessory structures.

c. Height

The height of the Solar Energy System or any structure constructed to enclose the system shall not exceed forty-five (45) feet.

d. Screening

When the Solar Energy System is within 100 feet of a residential use, systems shall be located in the side or rear yard to minimize visual impacts from the public right-of-way(s).

When a Solar Energy System is ground-mounted, they may be placed in the front yard with administrative approval, where the applicant can demonstrate that placement of the Solar Energy System in the rear or side yard will:

- i. Decrease the efficiency of the Solar Energy System due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots;
- ii. Interfere with septic system, accessory structures, or accessory uses; or
- iii. Require the SES to be placed on the waterfront side of the building housing the primary use [where applicable].

e. Code Compliance

All Solar Energy Systems that are (1) contained or are otherwise associated with a renewable storage energy facility and (2) subject to the Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations, and industry standards as referenced in the Building Code and the Sharon Township Zoning Ordinance.

f. Lighting

All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Section 18.04. The solar energy facility will implement dark sky-friendly lighting solutions.

g. Land not Protected by P.A. 116 Farmland Development Rights Agreements.

The land proposed for erection of a Energy Solar System may not be protected by a Farmland Development Rights Agreement under farmland protection program under Michigan Public Act 116.

h. Certified Solar Array Components

Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (ETL), or other similar certification organization if the similar certification organization is approved by the Township which approval shall not be unreasonably withheld.

i. Distribution, Transmission, and Interconnection

All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Solar Energy System. The approving body may waive this requirement if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.

j. General Standards

The approving body shall not grant any Solar Energy System Special Land Use Permit unless it finds that all of the general standards for Special Land Uses contained in Article 5 of this Ordinance are met.

k. Approval Time Limit and Extension

Special Use and Site Plan approvals or permits under this Section shall be valid for one year but, if requested by the Applicant prior to that expiration date, shall automatically be extended for a single additional one year period.

l. Conditions and Modifications

Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The approving body may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.

m. Maintenance and Repair

Each Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the

Solar Energy System must be shut down, Applicant shall immediately shut down the Solar Energy System and not operate, start or restart the Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

n. Signage

No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public. All signs must meet the provisions of Article 15.

4. Additional Standards for all Solar Energy Systems

a. Abandonment, Removal, Repowering and/or Maintenance

If a Solar Energy System ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the operator shall remove all associated equipment and facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the Township may remove or secure the removal of the renewable energy facility and/or system or if due to abandonment and/or negligence to maintain, the Township shall have the right to enter the site for the reason of repowering the facility, in cases where repairs or replacements to the solar facility components are necessary, in order to properly maintain the system. The Township's actual cost and reasonable administrative charges to be covered by the operator's security bond. Charges may include the procurement of a contractor with the expertise to oversee and execute the entire set of repairs and/or maintenance to restore the site to its original capacity. Any costs incurred by the Township above and beyond the value of the security bond will be the responsibility of the operator.

b. Decommissioning

The ground shall be restored to its original condition within 365 days of removal of structures. The restoration will include returning all soil within the facility to its original environmental state of which record must be taken prior to the commencement of construction. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land. All above and below ground

materials shall be removed when the Small Scale Solar Energy System is decommissioned. All installed landscaping and greenbelts shall be permitted to remain on the site as well as any reusable infrastructure as determined by the Township. These can include service drives, utilities, etc.

c. Provision of Manufacturers' Safety Data Sheet(s)

The applicant must submit manufacturer safety data sheets for all proposed equipment. If approval is granted, the applicant must provide the Township with finalized manufacturer safety data sheets both to be kept on record at with the Township and on-site in a clearly marked waterproof container. Applicants must provide updated manufacturer data sheets whenever equipment is modified so that all records are up to date. Documentation shall include the type and quantity of all materials used in the operation of all equipment.

d. Fire Response

All electrical equipment associated with and necessary for the operations of the system shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electrical Code (NEC).

e. Anticipated Construction Schedule

Applicant must provide an anticipated construction schedule which highlights when potentially hazardous materials will be brought on-site and installed.

f. Permits

Applicant must coordinate with all applicable agencies for required permitting including but not limited to the Washtenaw County Road Commission and/or Michigan Department of Transportation (MDOT) Washtenaw County Water Resources, Environmental Protection Agency (EPA), Michigan Department of Environment, Great Lakes and Energy (EGLE), etc.

g. Sound

All Solar Energy Systems must conform to the residential zoning standards set forth in Section 18.05 of the Sharon Township Zoning Ordinance.

h. Compliance with the County Building Code and the National Electric Safety Code

Construction of a Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.

i. Continuing Security

If any Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security in the form of a letter of credit prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Solar Energy System. Such letter of credit shall be kept in full force and effect during the entire time that the Solar Energy System exists or is in place, and such letter of credit shall be irrevocable and noncancelable.

1. Continuing Obligations: Failure to keep any required letter of credit in full force and effect at all times while a Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.

j. Inspection

The Township shall have the right at any reasonable time to provide same-day notice to the Applicant to inspect the premises on which any Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

k. Roads

Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the Washtenaw County Road Commission or the Michigan Department of Transportation, as applicable, a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads. The Applicant shall be responsible for any road

improvements necessary to accommodate construction vehicles, equipment or other deliveries.

l. Other Requirements

Each Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

m. Escrow

An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a ~~Large~~ Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. The Applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use Permit process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use Permit shall be returned in a timely manner to the Applicant.

n. Glare

Solar Energy Systems must be placed and oriented such that concentrated solar radiation or glare does not project onto roadways and nearby properties.

o. Drainage and Stormwater

Solar Energy Systems shall not increase stormwater runoff onto adjacent properties. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff shall be managed and demonstrating that runoff from the site shall not cause undue flooding. Any necessary permits from outside agencies for off-site

discharge shall be provided. It should also be demonstrated that maintenance procedures and products will not introduce chemicals or create detrimental impacts to the natural environment, groundwater, and wildlife.

**SECTION 4 MODIFY SECTION 20.09 TO ALLOW DANGEROUS FENCING ON
RENEWABLE ENERGY FACILITY LOCATIONS**

Section 20.09 Fences

A. Residential Fences: Fences erected on residential properties shall be subject to the following provisions:

1. Fences within or along any rear or side yard shall not exceed six (6) feet in height as measured from the surface of the ground.
2. Fences located within or along the required front yard shall not exceed four (4) feet in height as measured from the surface of the ground.
3. The finished side of a fence shall face the adjoining lot when such fence is within twenty (20) feet of a lot line.

B. Non-residential Fences: Fences that are proposed as part of a commercial, industrial, institutional, or other non-residential use shall be subject to review as part of the normal site plan review proceedings for the use, at which time the Township Board shall determine the appropriateness of any proposed fencing in regard to height, setbacks, materials, and design.

C. Dangerous Fences: No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in any District except for the purpose of confining farm animals, **securing renewable energy facilities**, or otherwise approved during site plan review proceedings.