

WHEELER TOWNSHIP
GRATIOT COUNTY, MICHIGAN
ORDINANCE NO. 1-2023

**ORDINANCE AMENDING WHEELER TOWNSHIP ZONING ORDINANCE TO
REGULATE SOLAR ENERGY SYSTEMS**

**A meeting of the Wheeler Township Board
Wheeler Township, Gratiot County, Michigan,
was held on December 12, 2023, at 7:00p.m.**

Township Board Member N. Jenkins moved to adopt the following ordinance, which motion was seconded by Township Board Member B. Goward.

An Ordinance to amend the Wheeler Township Zoning Ordinance ("Zoning Ordinance") to regulate the development and use of Solar Energy Systems within the Township for the public health, safety, and welfare of Township residents and visitors.

Wheeler Township, Gratiot County, Michigan, ordains:

Article 1. The table in Section 6.4.1 of the Zoning Ordinance "Special Uses Subject to Review and Approval as Specified in Article 7" shall be amended to include Large Solar Energy Systems as a land use authorized in the Agricultural Zoning District (A-1 District) by special use permit subject to further locational restrictions as provided in this Ordinance (such as a necessity of being in the Solar Energy District).

Article 2. The Township Zoning Ordinance shall be amended to add Section 7.13 as reflected below outlining regulations for Solar Energy Systems.

SECTION 7.13

1. **Large Solar Energy Systems** — The Township Zoning Ordinance is hereby created to regulate Solar Energy Systems and to provide the specific standards for special use permits and site plan review of Large Solar Energy Systems and accessory structure requirements for Small Solar Energy Systems. Large Solar Energy Systems shall be permitted by special use permit in the Agricultural Zoning District (A-1 District) subject to further locational restrictions as provided in this Ordinance (such as a necessity of being in the Solar Energy District).

SOLAR ENERGY SYSTEMS.

DEFINITIONS. The following definitions shall apply to the issuance of special use permits and the approval of site plans for Solar Energy Systems:

Applicant: Any individual, corporation, or other entity that seeks zoning permissions for a Solar Energy System in the Township and also includes future owners and operators of such land uses. Under no circumstance shall this Ordinance be interpreted to absolve an individual, corporation, or other entity from meeting obligations for applicants under a theory that an owner and/or operator of Solar Energy System is not an "applicant."

Photovoltaic Device: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect or similar technology, regardless of whether the device can store the electric energy produced for later use.

Solar Array: Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

Solar Energy System, Abandoned: Any Solar Energy System, Solar Array or combination of Photovoltaic Devices and associated improvements that remain nonfunctional or inoperative to the extent that they do not generate more than 5% of their electrical capacity for a continuous period of twelve months.

Solar Energy System, Large: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other similar conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user, and the power output of that system is equal to or greater than 150 kW.

Solar Energy System, Small: A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other similar conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located, with a generating capacity of less than 150 kW. Small Solar Energy Systems are permitted in any zoning district as an accessory structure, subject to the requirements of each district for accessory structures and this subsection.

Unreasonable Safety Hazard Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

Article 1. SPECIAL USE PERMIT AND SITE PLAN REVIEW.

- a. *Purpose and Intent:* The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems as a special use.
- b. *Site Plan Drawing and Supporting Materials:* All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required for other special use permits:
 1. Identification of where the proposed Large Solar Energy will be the Solar Energy District.
 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 3. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
 4. Vicinity map showing the location of all surrounding land uses.

5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
6. Horizontal and vertical elevation scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 300 feet of the outside perimeter of the Large Solar Energy System.
8. Proposed setbacks of 100 feet from the Solar Array(s) to all boundary lines and 300 feet from all existing and proposed structures within the Large Solar Energy System area.
9. 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.
10. The location and dimensions of any required landscaping for screening in accordance with this Zoning Ordinance. If no such vegetative screening is required because the adjoining landowners have waived the requirement in writing, then the applicant must provide the Township with a copy of the writing, signed by the adjoining landowners, showing that the landscaping requirement was expressly waived.
11. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Gratiot County Road Commission or Michigan Department of Transportation approval as appropriate and shall be planned to minimize the use of lands for that purpose.
12. Application fees listed on the Wheeler Township Zoning & Permits Fee Schedule as determined by the Wheeler Township Board and as required by the Zoning Ordinance (including all escrow fees).
13. All underground drain tile must be restored to how landowner and Solar Company agreed.
14. A detailed drawing of any proposed signage that illustrates and ensures compliance with the Zoning Ordinance's sign requirements. Compliance with the Zoning Ordinance sign requirements may be waived to accommodate necessary signage addressing public safety concerns (e.g., high voltage) or public information requirements (e.g., signage noting a project owner or operator's contact information).

15. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
16. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete uneconomic or an Abandoned Solar Energy System. 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 becomes obsolete, uneconomical or an Abandoned Solar Energy System.
17. A copy of the manufacturer's safety measures.
18. Planned lighting protection measures.
19. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - i. Impact on area water resources including water quality, residential wells, and groundwater.
 - ii. Impact on air quality.
 - iii. Noise impacts.
 - iv. Impact on utilities and infrastructure.
 - v. Protection of neighboring property owners and children.
 - vi. Impact on wildlife.
 - vii. Effects on floodplains and wetlands.
 - viii. Unique farmlands or soils.
 - ix. Areas of aesthetic or historical importance.
 - x. Archeological or cultural concerns.
 - xi. Ability to return agricultural lands to prior agricultural use.
 - xii. What, if any impacts, there will be to the environment and surrounding lands if components of a Large Solar Energy System are damaged (e.g., a panel breaks).
 - xiii. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.

20. A written description of measures to be taken to support the flow of stormwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of stormwater runoff. The measures shall be subject to the approval of the Gratiot County Drain Commissioner.
21. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase such energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential only to the extent and as authorized by Public Act 442 of 1976.
22. Additional detail(s) and information as required by the special use requirements of the Zoning Ordinance, or as required by the Township, including but not limited to:
 - a. For the purpose of evaluating the environmental impacts of installing and operating and decommissioning a Large Solar Energy System, the applicant will hire an environmental firm acceptable to the Township to complete initial soil samples on the purposed site prior to applying for the Special Use Permit. Soil samples to test for contaminants such as: Arsenic, Barium, Cadmium, Chromium, Copper, Lead, Mercury, Selenium, Silver, Zinc (Michigan 10 List). Land area is to be divided into grids of 5 acres and mapped for the soil sampling.
 - b. An environmental assessment to be completed by a qualified Environmental Firm prior to decommissioning taking place to establish environmental impacts, and/or remediation requirements to return the land to original condition.
 - c. *Application Escrow Deposit:* An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a special 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 use permit review and approval process, which 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. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special 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 promptly, the special 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.

- d. *Application Fee*: Application fees shall be listed on the Wheeler Township Zoning & Permits fee Schedule as determined by the Wheeler Township Board.
- e. *Compliance with the State Building Code and the National Electric Safety Code*: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township or County (as shown by approval by the Township or County) as a condition of any special use permit under this section.
- f. *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 acceptable to the Township.
- g. *Height*: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- h. *Lot Size*: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- i. *Setbacks*: A minimum setback distance of one-hundred (100) feet from all property boundaries on the outside perimeter of the property the Solar System is being built on for a Large Solar Energy System and 300 feet from any residence or out buildings of a residence. This shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- j. *Lot Coverage*: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- k. *Screening/Security*: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access.
 - i. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section or otherwise having been waived by the Township due to

landowner consent, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the special use permit.

- ii. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of 4 feet in height and shrubs 2 feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than 7 feet apart on center. All unhealthy (60 percent dead or greater) and dead material shall be replaced by the applicant within 6 months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than 6 consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special use permit previously granted.
 - iii. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy or other final zoning approval 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 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. The continuous evergreen vegetative buffer requirement may be waived in a particular area by the Township if all adjoining landowners consent, in writing, to the omission of a vegetative buffer and there would be no demonstrated impacts of glare from the Large Solar Energy System on public roadways or other properties due to the omission of the continuous evergreen buffer in a particular area.
- 1. Signage:* No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the special use permit, or other applicable law.

- m. *Noise Emissions*: No component of any Large Solar Energy System shall emit noise exceeding a sound pressure level of 50 dB(A) as measured at the outside perimeter of the project. This sound pressure level shall not be exceeded for more than 6 minutes (L 10) in any hour of the day. If the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient dB(A) plus 5 dB(A). Applicants shall prepare a pre-construction sound study when applying for a Large Solar Energy System demonstrating compliance with this standard. After project construction and within one year of project commercial operation, the Applicant shall provide the Township evidence measuring actual sound output from the project such as a post-construction sound study to demonstrate compliance with the Zoning Ordinance noise emission standards.
- n. *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.
- o. *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 Large Solar Energy System. The Township may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- p. *Abandonment and Decommissioning*: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a decommissioning plan, agreement, and bond and for submittal to the Township for review prior to issuance of the special use permit. The decommissioning agreement entered into with the Township shall include a mechanism to increase the amount of decommissioning bond at a periodic interval (e.g., every five years) using a method deemed acceptable by the Township (e.g., inflationary index or new study estimating decommissioning costs) to account for changing decommissioning costs. Under this decommissioning agreement, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan. The ground must be restored to its original condition within 170 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- q. *General Standards*: The Township shall not approve any Large Solar Energy System

special use permit unless it finds that all the applicable standards for special use permit contained in this Ordinance are met.

- r. *Safety*: The Township shall not approve Large Solar Energy System special use permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to occupants of any surrounding properties or area wildlife.
- s. *Conditions and Modifications*: The Township may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Township Supervisor and authorized representative of the applicant. Once copy shall be kept on file by the Township Clerk and one copy shall be returned to the applicant's authorized representative.
- t. *Inspection*: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- u. *Maintenance and Repair*: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the special use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start, or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions.
- v. *Roads*: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Gratiot County Road Commission or MDOT (as appropriate) 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; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.
- w. *Stormwater Measures - Drain Commissioner Approval*: Prior to Project construction, the applicant must provide evidence that its measures to limit the impacts of stormwater runoff from the Project are approved by the Gratiot County Drain Commissioner. Upon Project decommissioning, the applicant shall restore all private drainage infrastructure in accordance with participating property owner leases or easement agreements.

- x. *Glare*: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways and applicants shall prepare a pre-construction glare analysis when applying for a Large Solar Energy System demonstrating compliance with this standard. After construction, the applicant shall be required to provide a post-construction glare analysis taking into account actual screening to mitigate glare and as-constructed conditions to determine whether any additional screening or other activities (e.g., operational controls) are necessary to meet this standard.

- y. *Continuing Security and Escrow*: If any Large Solar Energy System is approved for construction under this Section, applicants shall be required to post continuing security and a continuing escrow deposit prior to the commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
 - i. Continuing Restoration Security: If a special use permit is approved pursuant to this section, the Township shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with Township Clerk after a special use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that the system, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.

 - ii. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and

expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the special use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.

- z. *Conditions:* In addition to the requirements of this Section, the Township may impose additional reasonable conditions on the approval of a Large Solar Energy System as a special use.
- aa. *Completion of Construction:* the construction of any Large Solar Energy System must commence within a period of one (1) year from the date a special use permit is granted and must be completed within a period of three (3) consecutive years from the date a special use permit is granted. The Township Board may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the special use approval. Failure to complete construction within the permitted time period shall result in the approved special use permit being rendered null and void.
- bb. *Quarterly Reports:* The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
- cc. *Emergency Response Plan:* Prior to Project construction, the applicant shall provide the Township a copy of its emergency response plan sent to applicable fire departments and first responders with instructions of how to address a Project emergency. Should the applicant identify that an agency necessary for Project emergency response (e.g., a fire department) lacks the required equipment or training necessary to respond to such emergency, the applicant shall provide necessary funds to provide for such training and/or equipment.
- dd. *Transfer of Ownership/Operation:* Prior to a change in the ownership or operation of a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (6) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this ordinance, including requirements for continuing security and escrow funds, has been established.

Article 2. REQUIREMENTS FOR SMALL SOLAR ENERGY SYSTEMS AS ACCESSORY STRUCTURES: Small Solar Energy Systems are permitted accessory structures in any zoning district, subject to the requirements of the zoning district in which they are located and the following standards:

1. Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory structure under the requirements applicable to an accessory building within the zoning district in which the Small Solar Energy System is located.
2. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Small Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
3. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that the Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Small Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Small Solar Energy System is located.
4. Any Small Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
5. No Small Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.
6. All Small Solar Energy Systems must conform to all applicable federal, state, and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
7. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
8. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of fencing, greenbelts, and landscaping sufficient to provide an all-seasons complete visual barrier.
9. All power transmission lines from a ground mounted Small Solar Energy System to any building or other structure shall be located underground.

10. Any Small Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Small Solar Energy System are maintained according to industry standards, and that no portion of the Small Solar Energy System is in a blighted, unsafe, or substandard manner.
11. An Abandoned Small Solar Energy System shall be removed by the property owner within six (6) months.

Article 3. Savings Clause. Except as expressly amended or repealed by this Ordinance, the balance of the Wheeler Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article 4. Severability. The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Article 5. Effective Date and Form. This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, except as otherwise provided by MCL 125.3402. Wheeler Township may compile and incorporate the content of this Zoning Ordinance amendment into its Zoning Ordinance book to serve as its zoning ordinance, including by, but not limited to, modifying the table in Section 6.4.1 to reference Large Solar Energy Systems.

Article 6. Repeal. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

The vote to adopt this Ordinance was as follows:

YEAS: K. Bushre, N. Jenkins, B. Goward, M. Cooper, J. Rohde

NAYS: none

ABSENT/ABSTAIN: none

ORDINANCE DECLARED ADOPTED.

Jerome N. Rohde
Jerome N. Rohde, Wheeler Township Supervisor

CERTIFICATION

I hereby certify that:

The above is a true copy of an Ordinance adopted by the Wheeler Township Board at a duly scheduled and noticed meeting of that Township Board held on December 12, 2023 pursuant to the required statutory procedures.

1. A summary of the above Ordinance was duly published in the Gratiot County Herald newspaper on 12.28.23, that circulates within Wheeler Township.
2. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
3. I filed an attested copy of the above Ordinance with the Gratiot County Clerk on 12.20 -, 2023

ATTESTED:

Kelly A. Bushre
Kelly Bushre, Wheeler Township Clerk

WHEELER TOWNSHIP
GRATIOT COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
NOTICE OF ADOPTION

Ordinance No. 1-2023

At a meeting of the Township Board of Wheeler Township, Gratiot County, Michigan, held at the Wheeler Township Hall on December 12, 2023, at 7:00 p.m., the Township Board adopted Ordinance No. 1-2023, which amends the Wheeler Township Zoning Ordinance to add regulations on Solar Energy Systems, to provide for a special use permit review process, and to amend Section 6.4.1 to include Large Solar Energy Systems as a land use authorized in the Agricultural Zoning District. Copies of the complete text of the Ordinance are available at the Wheeler Township Hall at 8510 E. Monroe Road, Wheeler, MI 48662.

The Ordinance has the following articles and catch lines: Article 1: Amendment to Section 6.4.1 of the Zoning Ordinance "Special Uses Subject to Review and Approval as Specified in Article 7"; Article 2: Amendment to the Zoning Ordinance to include Large Solar Energy Systems as a land use authorized in the Agricultural Zoning District (A-1 District) by special use permit; Article 3: Savings Clause; Article 4: Severability; Article 5: Effective Date, which shall be seven (7) days after this publication, unless referendum procedures are initiated under MCL 125.3402; and Article 6: Repeal.

Published by Order of the Township Board
Wheeler Township, Gratiot County, Michigan
Kelly Bushre, Township Clerk
989-842-3428
Web: www.wheelertwp.com

Publication Date: December 28, 2023