

**PROPOSED TEXT AMENDMENT
TO THE EATON COUNTY LAND DEVELOPMENT CODE**

Additions are shown in ***bold italic print*** and deletions are shown by ~~strikeout print~~.

New proposed changes to the text amendment per the August 7th Planning Commission Meeting are highlighted in green. The areas highlighted in yellow are previous changes discussed. (August 24, 2018)

ARTICLE 5 DEFINITIONS AND INTERPRETATIONS:

Changes are proposed to the definitions to Solar Energy System.

SECTION 5.3 DEFINITIONS

5.3.19 S

Solar Energy System: See Section 14.39.

ARTICLE 7 LAND DEVELOPMENT DISTRICTS:

Changes are proposed Article 7 Section 7.3 and Section 7.6 to add Solar Energy Systems to Land Development Districts as a use.

SECTION 7.3 LIMITED AGRICULTURAL DISTRICT (LA)

7.3.1 Intent and Purpose: This district is primarily intended for agricultural operations and the limited development of very low density single-family dwellings. Such areas are not well suited for the development of residential neighborhoods nor are they expected to be provided with urban type public services.

7.3.2 Uses Permitted by Right:

- A. **Accessory Use** as provided in *Subsection 6.2.10* of this Ordinance.
- B. **Customary Agricultural Operation** as defined in *Article 5* of this Ordinance.
- C. **Gunsmithing** as defined in *Article 5* of this Ordinance.
- D. **Home Occupation** as provided in *Section 14.14* of this Ordinance.
- E. **Home Office** as provided in *Section 14.35* of this Ordinance.
- F. **Mobile Home Dwelling** as provided in *Section 16.5* of this Ordinance.
- G. **Single-Family Dwelling**, as defined in *Article 5* of this Ordinance.
- H. **Foster Care Facility** as provided in *Section 14.4 A-C (and D if 6 or fewer residents)* of this Ordinance.
- I. **Day Care Facilities**, as defined in Article 5, Section 5.3.4 D 1. (if 6 or fewer children of this Ordinance).
- J. **Uses similar** to the above uses permitted by right.

7.3.3 Uses Permitted by Site Plan Approval pursuant to Article 8 of this Ordinance:

- A. **Community Service Facility** as provided in *Section 14.5* of this Ordinance.
- B. **Parks and Recreational Facilities** as defined in *Article 5* of this Ordinance.
- C. **Long-Term Care Facilities** as provided in Section 14.16 B (if 6 or fewer bedrooms and 6 or fewer residents)

D. **Uses similar** to the above uses permitted by Site Plan Approval.

7.3.4 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. **Agricultural Business** as provided in *Section 14.1* of this Ordinance.
- B. **Archery and Gun Range** as provided in *Section 14.34* of this Ordinance.
- C. **Cemetery** as provided for in *Section 14.3* of this Ordinance.
- D. **Commercial Recreation Facility** as defined in *Article 5* of this Ordinance.
- E. **Construction Contractors Establishment** and storing of heavy equipment as provided in *Section 14.29* of this Ordinance.
- F. **Distressed Vehicle Transporter** as provided in *Section 14.24* of this Ordinance.
- G. **Educational Institutions**, including public and private schools, as provided in *Section 14.10* of this Ordinance.
- H. **Foster Care Facility** as provided in *Section 14.4 D (if 7-12 residents) and E* of this Ordinance.
- I. **Golf Course and Country Club** as provided in *Section 14.11* of this Ordinance.
- J. **Government Facility** as provided in *Section 14.10* of this Ordinance.
- K. **Home Business** as provided in *Section 14.13* of this Ordinance.
- L. **Nursery and Greenhouse** as provided in *Section 14.1* of this Ordinance.
- M. **Open Air Business and Storage** as provided in *Section 14.33* of this Ordinance.
- N. **Planned Unit Development (PUD)** as provided in *Article 15* of this Ordinance.
- O. **Private Airport** as provided in *Section 14.20* of this Ordinance.
- P. **Public Airport and Heliport** as provided in *Section 14.21* of this Ordinance.
- Q. **Communication Towers and Antennas**, as provided in *Section 14.27* of this Ordinance
- R. **Religious Institutions** as provided for in *Section 14.22* of this Ordinance.
- S. **Rental Storage Buildings** as provided in *Section 14.26* of this Ordinance.
- T. **Rooming and Boarding Dwellings** as provided in *Section 14.30* of this Ordinance.
- U. **Surface Mining** as provided in *Section 14.25* of this Ordinance.
- V. **Veterinary Hospital or Clinic and Kennel** as provided in *Section 14.1* of this Ordinance.
- W. **Agricultural Migrant Labor Housing** as provided in *Section 14.36* of this Ordinance.
- X. **Light Automotive, Small Engine Repair & Automotive Body Shop** as provided in *Section 14.37* of this Ordinance.
- Y. **Artisan's Workshop** as provided in *Section 14.38* of this Ordinance.

Z. Solar Energy Systems, Large or Medium as provided in Section 14.39 of this Ordinance.

AA. Z. Uses similar to the above uses permitted by Conditional Use Permit.

7.3.5 Site Development Requirements: All lots, buildings or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in *Table A, Section 7.7* of this Ordinance, except as modified by *Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Developments;* or as varied pursuant to *Article 4, Board of Appeals.*

SECTION 7.6 INDUSTRIAL DISTRICT (I)

7.6.1 Intent and Purpose: The intent of this district is to provide for a variety of industrial and commercial uses in areas of the County affording direct access to all weather highways, adequate storm drainage, and existing utilities of power, water, and waste water disposal. Such Industrial Areas should be free of non-compatible uses designed so as to harm adjacent conforming uses, and provided with adequate land for expansion. Since such property is limited in availability, it will be conserved and restricted for industrial uses in the interest of the community's economic growth and development.

7.6.2 Uses Permitted by Right: The following uses are permitted provided there is **not** open storage of products or materials except vehicle and farm implements.

- A. **Accessory Uses** as provided in *Subsection 6.2.10* of this Ordinance.
- B. **Building Material Supplier** as defined in *Article 5* of this Ordinance.
- C. **Commercial Garage, Parking Garage** as provided in *Section 14.19* of this Ordinance.
- D. **Community Service Facility** as provided in *Section 14.5* of this Ordinance.
- E. **Construction Contractors Establishment** and storage of heavy equipment as provided in *Section 14.29* of this Ordinance.
- F. **Government Facility** as provided in *Section 14.10* of this Ordinance.
- G. **Light Manufacturing Facility** as defined in *Article 5* of this Ordinance.
- H. **Off Premise Signs and Billboards** as provided in *Article 11* of this Ordinance.
- I. **Research and development establishment** as defined in *Article 5* of this Ordinance.
- J. **Truck and Rail Freight Terminal** as defined in *Article 5* of this Ordinance.
- K. **Wholesale Trade Business** as defined in *Article 5* of this Ordinance, excluding, however, the storage of flammable liquids.
- L. **Uses similar** to the above uses permitted by right.

7.6.3 Uses Permitted by Site Plan Approval pursuant to Article 8 of this Ordinance:

- A. **Above Ground Storage of Flammable Liquids** as defined in *Article 5* of this Ordinance.
- B. **Motor Fuel Service Stations** as provided in *Section 14.19* of this Ordinance.
- C. **Open Air Business and Storage** as provided in *Section 14.33* of this Ordinance.
- D. **Propane Service Facility** as provided in *Section 14.31* of this Ordinance.
- E. **Public Airports and Heliports** as provided in *Section 14.21* of this Ordinance.
- F. **Rental Storage Buildings** as provided in *Section 14.26* of this Ordinance.
- G. **Wood Product Processing Facility** as defined in *Article 5* of this Ordinance.
- H. **Uses similar** to the above uses permitted by Site Plan Approval.

7.6.4 Uses Permitted by Conditional Use Permit pursuant to Article 9 of this Ordinance:

- A. **Automotive Salvage Yards and Scrapping Yards** as provided in *Section 14.2* of this Ordinance.
- B. **Chemical Processing and Metallurgic Manufacturing** as defined in *Article 5* of this Ordinance.

- C. **Customary Agricultural Operation** as defined in *Article 5* of this Ordinance if compatible with surrounding uses.
- D. **Distressed Vehicle Transporter** as provided in *Section 14.24* of this Ordinance.
- E. **Heavy Manufacturing** as defined in *Article 5* of this Ordinance.
- F. **Manufacturing of explosives** as defined in *Article 5* of this Ordinance
- G. **Meat or Poultry Processing Plant** as defined in *Article 5* of this Ordinance.
- H. **Communication Towers and Antennas** as provided in *Section 14.27* of this Ordinance.
- I. **Refiners and Power Generating Plant** as defined in *Article 5* of this Ordinance.

J. Solar Energy Systems, Large or Medium as provided in Section 14.39 of this Ordinance

K. J. Uses similar to the above uses permitted by Conditional Use Permit.

7.6.5 Site Development Requirements: All lots, buildings, or structures created after the effective date of this Ordinance shall conform to the site development standards set forth in *Table A, Section 7.7* of this Ordinance, except as modified by the provision stated below, or as modified by *Article 6, General Provisions; Article 14, Specific Provisions and Requirements; Article 15, Planned Unit Development;* or as varied pursuant to *Article 4, Board of Appeals.*

- A. **External areas for storage** are permitted when screened on all sides by an opaque fence of not less than six (6) feet in height.
- B. When a **side or rear lot line abuts areas adjacent to property located within the R-1, R-2 or R-3 districts**, a buffer strip in addition to the minimum yard requirements of *Section 7.7* of this Ordinance shall be provided. The buffer strip shall consist of the following:
 - 1. **Landscaped Strip:** A landscaped strip at least fifty (50) feet in width along the entire length of the abutting the R-1, R-2 or R-3 districts.
 - 2. **Trees:** The number of trees shall be determined as follows: three (3) trees plus one (1) for each fifteen (15) feet of buffer strip length. The trees may be placed within the buffer strip so as to provide the best screening as approved by the Director of Community Development, or designee. The trees shall be at least the following size at the time of planting: evergreens - six (6) to eight - (8) feet in height, deciduous - one and three quarter inches (1 3/4") in caliper.
 - 1. **Sight-Proof Screening:** Sight proof screening six (6) feet in height shall be provided along the entire length of the abutting R-1, R-2 or R-3 districts by use of the following landscape elements: wooden fencing, evergreen shrubs and berms. These elements may be used separately or in combination as determined by the Director of Community Development, or designee.

ARTICLE 14 SPECIFIC PROVISIONS AND REQUIREMENTS:

Changes are proposed to Article 14 to add Section 14.39 Solar Energy Systems

SECTION 14.39 SOLAR ENERGY SYSTEM

14.39.1 Definitions:

Solar Energy System – Large: A utility-scale commercial facility, over twenty (20) acres in size, that converts sunlight into electricity, whether by photovoltaics, concentrating

solar thermal devices or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

Solar Energy System – Medium: A utility-scale commercial facility, up to twenty (20) acres in size, that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

Solar Energy System – Small: A solar energy system installed at individual residential or commercial locations (e.g. roof or ground mounted panels) that are used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sales of surplus electrical energy back to the electrical grid. These installations are permitted as “Accessory Uses or Structures” under Section 6.2.10.

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

14.39.2 Intent and Purpose: It is the intent of this section to regulate the safe, effective and efficient use of solar energy systems in order to reduce or replace the consumption of electricity supplied by utility companies.

14.39.3 Site Plan Requirements: In addition to the regular application for a Conditional Use Permit and payment of fees, the application shall be accompanied by a Site Plan. The Site Plan shall be drawn to a readable scale on a certified boundary survey and shall be sealed by a licensed professional engineer and shall include the following information:

A. Name and address of owner(s) of land which the Large Solar Energy System development will take place.

B. Name and address of person, firm, or corporation responsible if different than owner.

C. All lot lines and dimensions of each lot or parcel comprising the Large or Medium Solar Energy System.

D. Location and height of all proposed Solar Array(s) buildings, structure, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.

E. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 100 feet of all exterior property lines of the Large Solar Energy System.

F. Proposed setbacks from the Solar Arrays to all existing and proposed structures within the Large or Medium Solar Energy System.

G. Access driveways off from public road(s) or private road(s) and within the Large or Medium Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All driveways off from public roads are subject to the approval of the Eaton County Road Commission or Michigan Department of Transportation.

H. Proposed landscaping and screening/buffering plan to include any plans for extraction and reclamation of any disturbed soils and provisions for grading, re-vegetation, and stabilization that will minimize soil erosion.

- I. A drainage plan shall be submitted on a topographic map showing how surface drainage is being dispersed. Drainage and drainage calculations shall be approved by the Eaton County Drain Commissioner. Drainage in relationship to its impact on a County Road shall be approved by the Eaton County Road Commission.
- J. Environmental Impact Statement/Study of the proposed area to include, but not be limited to, a review of the impact of the following factors: water quality and supply, air quality, wildlife, floodplains and wetlands, identification of any solid or hazardous waste generated, and any other environmental factors typically evaluated for the proposed use or as requested.
- K. A written description of the maintenance program to be used for the Solar Array and other components of the Large or Medium Solar Energy System. The description shall include maintenance schedules and types of maintenance to be performed.
- L. Additional detail(s) and information as required by the Eaton County Zoning Ordinance, or as required by the Eaton County Planning Commission.

14.39.4 Regulations and Conditions:

- A. Minimum lot size: There is no minimum lot size. Large or Medium Solar Energy Systems are permitted by conditional use permit and as such will be reviewed and considered for their compatibility with the surrounding area.
- B. Height Restrictions: Maximum height of a Solar Array, other collection device, components or buildings of the Large or Medium Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed sixteen (16) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical equipment shall not exceed one hundred (100) feet.
- C. Setbacks:
 - 1. Medium Solar Energy System: All buildings and Solar Arrays shall have a minimum setback distance of sixty-seven (67) feet from any existing public or private road rights-of-way and thirty (30) feet from all other exterior property lines.
 - ~~2. Large Solar Energy System: A minimum setback distance of one hundred twenty-five (125) feet from all exterior property lines of the Large Solar Energy System and existing public or private road rights-of-way shall be required for all buildings and Solar Arrays. If properties surrounding a Large Solar Energy System meet the following criteria, the Planning Commission may allow for a lesser setback of down to twenty-five (25) feet: vacant land over ten (10) acres in size, land zoned Industrial or Commercial, parcels where any structure is setback more than five hundred (500) feet from adjacent property lines. If the setbacks are lessened, this amount may be applied to further increase the one hundred twenty-five (125) foot setback~~
 - 2. Large Solar Energy System: All buildings and Solar Arrays shall have a minimum setback distance of sixty-seven (67) feet from any existing public or private road rights-of-way and thirty (30) feet from all other exterior property lines, with the exception of residential dwellings in which the solar energy system shall have a setback of seventy-five (75) feet from the property line of the adjacent residential dwelling.

- D. Maximum Lot Coverage: A Large or Medium Solar Energy System is exempt from maximum lot coverage limitations.**
- E. Fencing and Landscaping: A Large or Medium Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Fencing height and material to be proposed and reviewed/approved through the conditional use permit process. The perimeter of the Large Solar Energy System shall also be screened and buffered per Article 17 along any public or private road rights-of-way and perimeter of adjacent property with a residential structure or whenever existing natural vegetation does not otherwise reasonably obscure it from ~~entire perimeter from~~ adjacent parcels. As such, site disturbance including but not limited to, grading, cut and fill, soil removal, excavation and soil compaction, shall be minimized; soil removal shall be prohibited.**
- F. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components or buildings of the Large or Medium Solar Energy System. This exclusion does not apply to entrance gate(s) signage which shall placed on the fence in a visible area and not exceed six (6) square feet in size. Signage shall be weather durable and should include the name and address of the Large or Medium Solar Energy System owner/operator, a phone number, and contact person from whom additional information may be obtained.**
- G. 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 arranged as to not adversely affect driver visibility on adjacent public or private roads.**
- H. Glare: All solar panels shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways (public or private) at any time of the day.**
- 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 Large Solar Energy System. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.**
- J. Abandonment and Decommissioning: A Large or Medium Solar Energy System shall be decommissioned following the operational life of the project or at which time it remains non-operational for a period of six (6) months and is considered abandoned. The applicant shall submit a Decommissioning Plan, prepared by a Licensed Professional Engineer, with the Conditional Use Permit application. The Decommissioning Plan shall include, but not be limited to, steps to remove the system, dispose of or recycle its components, restoration of the land and an estimated cost schedule to meet the requirements as follow: The owner/operator of the Large or Medium Solar Energy System is required to remove all equipment, conduit, structures, fencing, roads and building foundations, including any equipment or materials below-grade, offsite for disposal. Upon removal, the ground must be restored to its original condition and the site shall be revegetated to blend with the existing surrounding vegetation. The ground must be restored within six (6) months of abandonment or decommissioning. For agricultural lands, this explicitly entails restoration of the soils to their original USDA classification, as confirmed by a soil survey conducted in accordance with standards of the National Cooperative Soil Survey.**

K. Financial Guarantees: If any Large or Medium Solar Energy System is approved for construction under this section, the applicant shall post a decommissioning financial guarantee prior to the start of the construction for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Eaton County Planning Commission and the applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large or Medium Solar Energy System. When determining the amount of each required security, the Planning Commission may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). The financial guarantee shall be in the form of a surety bond executed by a reputable surety company authorized to do business in the State of Michigan or a cash bond posted in lieu of a surety bond. The bond shall be returned when all conditions stipulated in the Conditional Use Permit and the Decommissioning Plan have been completed. There shall be no partial release of the bond. This financial guarantee shall be kept in full force and effect during the entire time the Large or Medium Solar Energy System exists or is in place, it shall be irrevocable and non-cancelable.