

**FLYNN TOWNSHIP  
SOLAR FARMS**

**ORDINANCE # 2022-1**

**.I. PURPOSE & INTENT**

To promote the use of Solar Energy within Flynn Township as a clean alternative energy source and to provide for the land development, installation and construction regulations for solar farms subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of solar farms, while promoting a renewable energy source for our community in a safe, effective and efficient manner.

**II. DEFINITIONS**

- A. Decommissioning** is the process of terminating operation and completely removing a Solar Energy System and all related buildings, structures, foundations, access roads and equipment unless other arrangements are made with the property owner and the Township.
- B. Occupied Structure** is a residence, school, hospital, church, public library, business or any other building used for private or public gatherings.
- C. Property Line** used in this ordinance shall be the line between two (2) different owners.
- D. Solar Farm** shall mean an installation or area of land in which solar panels are positioned to generate electricity for wholesale or retail sale.
- E. Township Board** shall mean the Flynn Township Board.
- F. Township** is the Township of Flynn, Sanilac County.
- G. Planning Commission** shall mean the Flynn Township Planning Commission.

**III. ZONING**

A Solar Farm may be constructed on land that is zoned Agricultural-Residential (AR)

**IV. SITE PLAN REVIEW**

Solar Farms shall not be located, constructed, erected, altered or used without first obtaining a permit from the Planning Commission. The site plan must be reviewed and approved by the Planning Commission and sent to the Township Board for final approval. Modifications of development standards shall be based on a recommendation by the Planning Commission that said modification is in the best interest of the Township and the applicant; all modifications are sent to the Township Board for final approval. An applicant proposing a Solar Farm must submit the following site plan materials:

1. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (right-of-way), utility easements, land use, zoning district, ownership of property and vehicular access.
2. Plan(s) showing the location of proposed Solar Farm, underground and overhead wiring (including depth of underground wiring), access roads (including width), substations and accessory structures.
3. A description of the routes to be used by construction and delivery vehicles and of any road improvements, if any, that will be necessary in the Township to accommodate these vehicles, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of a Solar Farm.
4. Engineering data concerning construction of the system and its base or foundation, must be engineered and constructed in such a manner that upon removal of said system, the soil will be restored to its original condition to a depth of 3 feet below original grade.
5. Anticipated construction schedule.
6. Description of operations, including anticipated regular and unscheduled maintenance.

#### **V. APPLICATION FEE**

An applicant for a Solar Farm shall remit a non-refundable application fee to the Township of \$1,500. USD.

#### **VI. SETBACKS, SEPARATION AND SECURITY**

The following setbacks and separation requirements shall apply to all solar panels and support structures associated with such facilities (excluding perimeter security fencing):

1. Public Road(s): Each Solar Farm shall be setback from center of adjoining public roads at least five hundred (500) feet.
2. Property Line(s): Each Solar Farm shall be setback from the adjoining property lines at least two hundred and fifty (250) feet.
3. Minimum Lot Size: Solar Farm facilities shall not be constructed on parcels less than twenty (20) acres in size.
4. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to solar panels. All other structures on the parcel are subject to maximum lot coverage restrictions.
5. Height Restrictions: All photovoltaic panels located in a Solar Farm shall be restricted to a height of fifteen (15) feet above original grade.
6. These setbacks supersede all other Flynn Township Ordinances and apply to this Solar Farm Ordinance exclusively.

## **VII. NOISE**

No Solar Farm shall exceed sixty-five (65) dBA as measured at each property line.

## **IX. SAFETY**

1. A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
2. Electrical Interconnections: All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.

## **X. CERTIFICATION**

1. Any approval for Solar Farms shall require the applicant to provide a post-construction certificate that the project complies with applicable codes and industry practices.
2. Local, State and Federal Permits: Large photovoltaic Solar Farm Facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Flynn Township, and comply with standards of the State of Michigan adopted codes.

## **XI. INSPECTIONS**

The applicant shall submit bi-annual (every two years) inspection reports to the Planning Commission or its designated officer confirming compliance with applicable codes and industry practices.

## **XII. DECOMMISSIONING**

1. To ensure proper removal of a Solar Farm when it is abandoned, any application for approval of a new Solar Farm shall include a description of the financial security guaranteeing removal of the system which must be posted at the time of receiving a construction permit for the facility. The security shall be: 1) a cash bond; 2) an irrevocable bank letter of credit; or 3) a performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be subject to approval by the Township Board.
2. If the property owner fails to remove or repair the defective or abandoned system, the Township Board may pursue legal action to have the system removed and assess its cost to the tax roll. The applicant shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure.



### **XIII. CERTIFICATION**

The undersigned Supervisor and Clerk of the Township of Flynn, Sanilac County, hereby certify that this Ordinance is a true copy of that Ordinance duly adopted by the Flynn Township Board, at a meeting held on the January 11, 2022. We further certify that a notice of adoption of this Ordinance will be duly published in the Sanilac County News within 30 days.



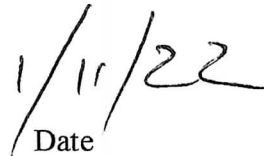
Grant Burgess – Flynn Township Supervisor



Date



Robert Vinande – Flynn Township Clerk



Date