

Industrial Solar Energy Collector

- A. The parcel lines of a parcel of property upon which an industrial solar energy collector system is constructed shall be at least 125 feet from any parcel line of a parcel of property upon which is located any residential dwelling, church, school, family or group child day-care home, bed and breakfast establishment, or any other residential facility.
- B. An industrial solar energy collector system shall be constructed upon a parcel of property which has an area of at least 30 acres.
- C. An industrial solar energy collector system must be located at least 125 feet from any lot line of the parcel of property upon which it is located.
- D. An industrial solar energy collector system must include access roads which are at least 30 feet wide and which are paved or graveled in a manner sufficient to provide a solid base at all times of the year.
- E. An industrial solar energy collector system must have a landscape buffer between any lot line and any structure of the industrial solar energy collector system that is at least 20 feet wide. The landscape buffer must have evergreen trees planted no more than eight feet apart. The evergreen trees must be four feet tall when planted and reach a height of at least ten feet within three growing seasons.
- F. An industrial solar energy collector system must be surrounded by an eight foot tall chain link fence woven with green opaque material which restricts the view into the industrial solar energy collector system. The fence shall be installed at the setback line for the facility. The fence shall be designed to restrict unauthorized access. The gate must be the same height and constructed in the same manner as the fence. All structures must be at least 30 feet from the fence.
- G. An industrial solar energy collector system must be 15 feet or less in height.
- H. An industrial solar energy collector system must be located in the least visibly obtrusive location where panels would be functional.
- I. An industrial solar energy collector systems must conform to all standards of the zoning district in which it is located.
- J. An industrial solar energy collector system shall be constructed in a manner which follows: (i) all recommendations of an analysis by a qualified third party professional to minimize the potential impact upon wildlife and endangered species; (ii) all recommendations of an analysis of post construction wildlife mortality; and (iii) all pre-construction and post construction recommendations of the United States Fish and Wildlife Service which analyses must be submitted with the application for site plan approval. This determination shall be made by the planning commission as a function of the approval of the site development plan.
- K. An industrial solar energy collector system shall be constructed in a manner which follows all recommendations of an analysis by a qualified third party professional to minimize the potential impact upon the natural environment including wetlands and fragile ecosystems, historical and cultural sites and antiquities which analysis must be submitted with the application for site plan approval. This determination shall be made by the planning commission as a function of the approval of the site development plan.
- L. An industrial solar energy collector system shall be constructed in a manner which follows all recommendations of an analysis by a qualified third party professional to minimize the potential interference with any telecommunication systems being operated in the township which analysis must be submitted with the application for site plan approval. This determination shall be made by the planning commission as a function of the approval of the site development plan.
- M. An industrial solar energy collector system shall be constructed in a manner which complies with the applicable provisions of the Michigan Natural Resources and Environmental Protection Act, including the provisions for water resource protection, soil erosion and sedimentation control, inland lakes and streams, and wetlands. This determination shall be made by the planning commission as a function of the approval of the site development plan.

Commented [JB14]: This is a difficult standard. A simple setback may be more effective.

Commented [JB15]: Access roads are used fairly infrequently and can be smaller. This may be advantageous in limiting impact.

Commented [JB16]: The rate of growth for the trees is a lot. Suggest relating to existing landscaping standards and allowing the planning commission to increase the required landscaping.

Commented [JB17]: Suggest removing this section. If the fence is further from property lines it reduces impact on neighboring residences. The landscaping buffer should separate the fence from adjacent uses.

Commented [JB18]: Need to clarify lot coverage relative to this standard. This can be restrictive. Lot coverage in RSA is 35%, this may make development nearly impossible.

- N. An industrial solar energy collector system's lighting system must contain light poles not more than 18 feet tall, and must be installed to minimize any adverse effect upon adjacent parcels of property. This determination shall be made by the planning commission as a function of the approval of the site development plan.
- O. An industrial solar energy collector system must comply with the Vienna Township Industrial Solar Collector System Licensing Ordinance.

Commented [JB19]: This has a companion ordinance (No. 448, §§ 4.01—4.20, 8-12-2019). Is it appropriate for the Planning commission to consider changes, or should the township board be consulted first?

Surface Mining

Prior to the approval by the Planning Commission of a special land use for surface mining, as herein defined, or for quarrying or gravel processing in any area of the Township, the following conditions shall be strictly complied with:

- a. Plans must be filed with the Township, disclosing the limits of the area proposed for the operation, the maximum depth of any excavation, proposed finished grade, and the manner in which the land may properly be developed following the termination of the operations so the same will not remain devastated beyond any reasonable use.
- b. No finished slopes nor slopes located within 600 feet of adjoining residential properties or residential zones shall, at any time, exceed 33 1/3 percent.
- c. Buffer Widths. In order to establish separation of the area subject to mining from other properties, the following provisions shall apply:
 - i. Sufficient setback shall be provided from all property lines and public right-of-ways, including drainage right-of-ways, to assure safety and adequate lateral distance from adjacent public and private property. Areas subject to mining shall not be permitted closer than one hundred fifty (150) feet from boundary lines of the property unless excavation is being conducted on the adjoining property and the adjoining property owner consents in writing thereto, and further providing that all setback provisions contained in this Ordinance are complied with as applied to other properties; and said written consent is filed with the Township Zoning Administrator. In addition, no such excavation business shall be permitted closer than three hundred fifty (350) feet to any properties used for residential purposes (as measured from the dwelling house); or within three hundred fifty (350) feet of any residential district.
 - ii. Areas subjected to mining shall not be permitted within one hundred fifty (150) feet of adjoining public right-of-ways, except for the lowering of land adjoining said right-of-ways to the grade level of said right-of-ways.
 - iii. The processing plant and its accessory structure shall not be located closer than two hundred fifty (250) feet from the boundary lines and public right-of-ways or no less than five hundred (500) feet from residential districts, and shall (where practicable) be as close to the center of the subject property as possible.
- d. The Township Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition of such operations and for the purpose of routing traffic around residential areas and preventing damage to existing roads, which are not "all-weather" roads.
- e. No dust, dirt, or debris emanating from the operation, shall, at any time, be permitted to be deposited upon adjoining premises to such an extent as to be a nuisance or annoyance to the occupants thereof.
- f. No operations shall be permitted at any time prior to 7:00a.m. or subsequent to 7:00p.m.; the operation shall be closed on Sundays.
- g. All top soil shall be stockpiled upon the premises and promptly used to resurface areas where operations have been terminated or have been substantially discontinued for any period in excess of one year. Such areas shall then be seeded and planted to lessen erosion and encourage proper growth within one year of termination of all excavation activity in the area.
- h. No natural drainage shall be materially changed or altered in any manner that would adversely affect adjoining premises. Any dangerous excavations, pits, pond areas, banks, or slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury and shall be eliminated as expeditiously as possible.