

shall expire 1 year after the date of the Planning Commission meeting at which it was approved if the use has not commenced.

Sec. 2202. Short Term Rental

Any single-family dwelling and accessory buildings leased or occupied for nonagricultural rental purposes on a temporary basis of less than 365 days.

1. Short Term Rental requirements the following requirements shall apply to all short-term rental:

- A. Parking: Two (2) spaces plus one (1) space per bedroom.
- B. Must be operated entirely within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in use of a residential type garage.
- C. Shall not have any exterior evidence, other than a permitted sign, to indicate that the residence is being utilized for any purpose other than that of a dwelling.
- D. Shall not involve alteration or construction not customarily found in a residential dwelling.
- E. Shall not constitute an annoyance or nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.
- F. All short-term rentals shall be reviewed/inspected on a bi-annual basis by the building department.
- G. A sketch plan showing the floor plan shall be submitted for approval.
- H. No sleeping facility shall be occupied as to provide less than three hundred (300) square feet of floor space per occupant. All sleeping areas shall meet township building code and exclude all bathrooms and closets and basements.
- I. All short-term rentals shall have a designated local agent. The local agent must live or maintain a physical place of business within twenty (20) miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.
- J. All operations shall maintain a guest register, and guests shall be legibly registered. Guest register shall be kept on the premises or may be kept virtually.
- K. Emergency Information (emergency contact info, escape route, etc.) shall be always kept on site.
- L. Sufficient screening, the planning commission shall require further landscaping, fences, walls or berms to screen the adjacent residences from the parking area or any outdoor eating area. See Article # for landscaping and screening requirements.
- M. Upon application for a Special Land Use, the owner shall provide the Township with contact information for the local agent and keep an updated copy of the local agent contact information with the Township.
- N. All parking must be contained on the same parcel as the primary use.
- O. The minimum parcel size for any short-term rental shall be # acres.

Commented [AH37]: TOU and TOUR References. Which districts?

Commented [AH38]: Every two years?

Commented [AB39]: Duplicate of below

Commented [AB40]: Seems rather large.

P. A nonconforming building or lot shall not be utilized as a short-term rental.

Sec. 2203. Battery Energy Storage System

The purpose of this Ordinance is to establish minimum requirements and regulations for the construction, erection, placement, location, maintenance, modification, operation, and decommissioning of Battery Energy Storage Systems in the Township in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, residential areas, endangered species habitats, conservation lands, and other sensitive lands.

1. Definitions:

- A. Battery Energy Storage System: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery, an electric motor vehicle, or small store-bought batteries designed and used purely for household electronic items.
- B. Battery Energy Storage System, On-Site: a Battery Energy Storage System that is an accessory use that is intended to primarily serve the needs of the consumer on-site.
- C. Battery Energy Storage System, Small Off-Site: A Battery Energy Storage System that is a principal use (or co-located with a second principal use) and that is designed and built to connect into the distribution or transmission grid with a nameplate capacity less than 50 megawatts.
- D. Battery Energy Storage System, Large Off-Site: A Battery Energy Storage System (BESS) that is a principal use (or co-located with a second principal use) and that is designed and built to connect to the transmission grid with a nameplate capacity of 50 megawatts or more.
- E. Non-Participating Property: Any property that is adjacent to a participating property.
- F. Participating Property: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the system owner (or affiliate) regardless of whether any part of a system is constructed on the property.

2. Battery Energy Storage Systems, the following requirements shall apply to all battery energy storage systems:

A. Site Selection. See the Table of Use in Section # for zoning district specific requirements.

3. Setbacks. Batter Energy Storage System shall comply with the following setback requirements. Setback areas may incorporate visual buffers or landscaping, agricultural uses, or be left in a natural undeveloped state.

- A. Residential Property. Batter Energy Storage System shall be setback a minimum of 300 feet from the property line of any residentially zoned property or a property on which there is a residential use.
- B. Residential and Public Structures. Batter Energy Storage System shall be setback a minimum of 300 feet from any dwelling unit, religious institution, school, or similar principal structure in a residential zoning district.

Commented [AH41]: TOU and TOUR references SLU

-
- C. Right of Way. Batter Energy Storage System shall be setback a minimum of **150** feet from the right of way.
- D. All Other Property Lines. Commercial solar energy systems shall be setback a minimum of **50** feet from any non-residential property line
4. Height. The height of battery energy storage system structures, except for electric distribution and transmission poles, shall not exceed a height of **twenty (12)** feet as measured from the natural grade of the property beneath the structure.
5. Fencing. The system shall be completely enclosed with fencing in compliance with the latest version of the National Electrical Safety Code or any applicable successor standard approved by the Michigan Public Service Commission.
6. Sound. The system may not generate a maximum sound in excess of 45 average hourly decibels. Decibel modeling shall use the A- weighted scale designed by the American National Standards Institute.
7. Lighting. The system must implement dark sky-friendly lighting solutions.
8. The following requirements shall apply to the entire system, or to designated components of the system, as indicated:
- A. Safety Signage. The system shall post signs in compliance with NFPA 70/70E or any applicable successor code in place at the time of application for approval. Additionally, signage shall be provided per NFPA 855 7.4.4, or any applicable successor code in place at the time of application for approval, including information on the system type and technology, special hazards, fire suppression system and 24-hour emergency contact information, including reach-back phone number. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- B. Other Signage: Additional signage may be permitted or required by the Planning Commission as is necessary to ensure the safe operation of the system.
- C. The facility shall comply with NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" or any applicable successor standard adopted by the Michigan Public Service Commission.
- D. The Planning Commission may require reasonable measures to minimize visual impacts by preserving existing natural vegetation, requiring new vegetative screening or other appropriate measures. The Planning Commission shall determine such visual screening measures as may be required, if any, on a site- specific basis pursuant to the standards for special land use approval as specified in **Section #**, the landscaping standards of **Section #**, and/or the standards for site plan approval as specified in Section _____ of this Ordinance, as most applicable to the circumstances. In making this determination the Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a system is proposed to be located on property adjoining any residential zoning district classification or residential use.
- E. If the system includes an access drive(s) for maintenance purposes, the surface of the access drive(s) shall be permeable (unless on brownfield land or on an already paved surface at the time of application for approval, such as a parking lot or former building foundation.)

-
- F. Except as otherwise depicted on and subject to approval of the Planning Commission, the area within which the system is located shall not be paved with asphalt/concrete or any other surface material that is impermeable to water other than for slab foundations for structures and equipment. This shall not apply to a system located on brownfield land or on an existing paved area such as a former building slab or in an unused parking area when adequate parking remains for all other uses on the site.
- G. All surface water runoff shall be effectively managed on-site.
- H. Preliminary Fire Response Plan as required by the Clean and Renewable Energy and Energy Waste Reduction Act, as amended, MCL 460.1001 et seq.
- I. A Preliminary Emergency Operations Plan for the proposed system when operational, including the means by which firefighters and other emergency services personnel can access and shut down the system on an emergency basis. The approved emergency plan shall include a 24-hour emergency contact telephone number for use by emergency services providers. The means of emergency access and the means of an emergency shutdown of the system by emergency services personnel shall be provided to the Township or other appropriate agency managing emergency response.
- J. A Groundcover and Vegetation Establishment and Management Plan shall be provided as part of the site plan. Vegetation establishment must include native species and natural seed mixes and may not include invasive plant species or noxious weeds and shall satisfy Section 226(6)(a) and Section 226(6)(b) of Michigan Public Act 233 of 2023.
- K. Equipment specification sheet(s) for the system components, if available.
- L. Preliminary Augmentation Plan demonstrating the proposed augmentation phases including which structures/components are expected to be installed and in which time frames shall be provided.
- M. A preliminary electrical schematic plan for the proposed system, including disconnect and overcurrent devices.
- N. Anticipated life expectancy of the system components including the estimated schedule for battery replacement to maintain megawatts over the system's lifetime.
9. Installation and Operational Safety. The system shall comply with all of the following requirements:
- A. The system shall be designed and constructed for interconnection to a Michigan Public Service Commission or Midcontinent Independent System Operator regulated utility electrical power grid and shall be operated with such interconnection.
- B. The system and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations. The manufacturer's engineer or another qualified engineer shall provide written certification that the design, installation (including foundations), and interconnection is compliant with the manufacturer and industry standards, all applicable local construction and electrical codes, and any applicable federal/state regulations.

C. Other than transmission or distribution lines for interconnection to the electric power grid, all electrical wiring shall be buried underground; except where the manufacturer's engineer or a qualified engineer employed by the utility that owns/operates the electrical power grid to which the system shall be interconnected certifies an underground wiring installation is not permitted by an applicable code and/or applicable federal/state regulation, with attached complete documentation supporting any such certification.

D. The system shall be designed, located, and maintained so as to comply with all applicable codes and regulations.

10. Repair and Augmentation. In addition to repairing or replacing facility components to maintain the system, the facility may at any time be augmented without the need to submit a new site plan so long as the augmentation is within the same footprint (e.g., same dedicated use building or on footings/foundations in the same location) as the original permit. If there is a change in the battery chemistry, an updated Hazard Mitigation Analysis and Emergency Operation Plan shall be provided. When a facility is anticipated to be augmented over its lifetime by adding additional components, the applicant should apply for the final/augmented site arrangement. A proposal to increase the size the project footprint may be considered a new application, subject to the ordinance standards at the time of the request.

11. Decommissioning and Removal. The system shall comply with all of the following requirements:

A. A Decommissioning Plan, including a Decommissioning Agreement in a form recordable at the Genessee County Register of Deeds, shall be provided and shall address the following:

- (1) State the anticipated life of the project.
- (2) Describe estimated decommissioning costs in current dollars and provide that this figure will be updated every third (3rd) year after commercial operation of the system.
- (3) Be signed by the party responsible for decommissioning, and shall bind all successors, heirs and assigns.
- (4) Define the conditions upon which decommissioning will be initiated (e.g.; end of land lease, no power storage for 12 months, etc.).
- (5) State that all equipment, conduit, structures, fencing, roads, and foundations will be removed to a depth of four (4) feet by the end of the decommissioning period.
- (6) Require property to be restored as near as reasonably possible to the condition it was in prior to the development of the system.
- (7) Describe the timeframe for completion of decommissioning activities.
- (8) Describe any agreement (e.g., lease) with the landowner regarding decommissioning.
- (9) State the party currently responsible for decommissioning; and
- (10) Describe any plans or circumstances requiring an update of the decommissioning plan.

B. A recorded copy of the Decommissioning Agreement shall be submitted to the Township.

C. Decommissioning shall be completed within 12 months of determination by the Township Board that the system is no longer being maintained in an operable state of good repair,

unless the current responsible party provides substantial evidence to the Planning Commission of the intent to maintain and reinstate operation of the system.

D. The Decommissioning Plan shall include financial assurance in the form of a bond, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the system. Salvage value shall not be included in the estimated cost of decommissioning. The financial assurance must be posted in full (125%) by the start of commercial operation and continuously maintained for the period of the life of the system.

12. Waiver. Because of the ever-changing technical capabilities of battery storage infrastructure and of new technology in general, the Township Planning Commission and Township Board shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this ordinance as part of the special land use review process upon a finding that such change promotes the health, safety and general welfare of the Township.

13. Building Permit. Prior to issuance of a Building Permit, the following information shall be provided.

A. Equipment specification sheets.

B. Identification and contact information for the installer(s) of the proposed system.

C. Augmentation Plan.

D. Approved Decommissioning Plan and Decommissioning Agreement.

E. Life expectancy of the system components including the anticipated schedule for battery replacement to maintain megawatts over the system's lifetime.

F. Hazard Mitigation Analysis.

G. Operation and Maintenance Manual.

H. Identification and contact information for the installer of the system.

I. Electrical schematic plan for the system, including disconnect devices.

J. Final Emergency Operation Plan Approved by the Fire Chief.

K. An executed Community Host Agreement in the amount of \$2,500 per megawatt.

L. Proof of financial guarantee for decommissioning.

Sec. 2204. Industrial Solar Energy Systems.

Industrial solar energy systems include the solar panels, internal and perimeter roadways, spacing for service, fencing, and any other structure, transformer, or devices of the like needed for solar production or operation of the system. See the graphic below.

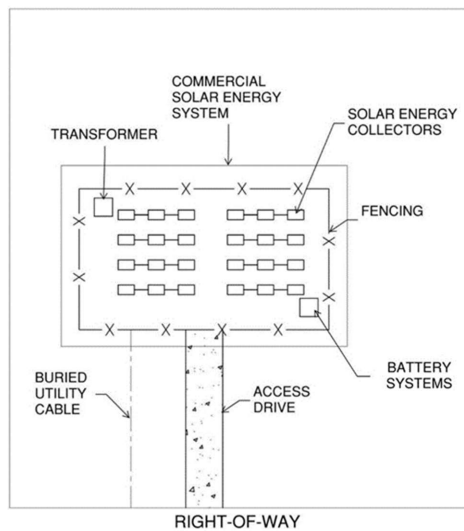
1. **Purpose.** Vienna Charter Township permits the use of solar energy within the Township as an alternative energy source. This section provides associated placement, land development, installation and construction regulations for industrial solar energy systems to protect the public health, safety, and welfare while maintaining the township's rural character, consistent with

Formatted: Heading 4

Commented [AH42]: TOUR?

Commented [AH43R42]: Remove the TOUR standards for Solar

master plan goals and objectives. These regulations establish minimum requirements, while permitting a renewable energy source in a safe, effective, and efficient manner.



2. **Setbacks.** Industrial solar energy systems shall comply with the following setback requirements. Setback areas may incorporate visual buffers or landscaping, agricultural uses, or be left in a natural undeveloped state.

A. **Residential Property.** Industrial ~~Commercial~~ solar energy systems shall be setback a minimum of 150 feet from the property line of any residentially zoned property or a property on which there is a residential use.

B. **Residential and Public Structures.** Industrial ~~Commercial~~ solar energy systems shall be setback a minimum of 300 feet from any dwelling unit, religious institution, school, or similar principal structure in a residential zoning district.

C. **Right of Way.** Industrial ~~Commercial~~ solar energy systems shall be setback a minimum of 100 feet from the right of way.

D. **All Other Property Lines.** Commercial solar energy systems shall be setback a minimum of 50 feet from any non-residential property line.

3. **Maximum System Area.** A single Industrial Solar Energy System shall not be permitted to be greater than a total of up 49 megawatts 160/320/640 acres in area.

4. **Separation Distance.** There shall be a minimum distance of 1,500 feet/2,000 feet/1 mile between each industrial solar energy system. This buffer distance shall apply to industrial solar energy systems located in adjacent local units of government as well.

Commented [AH44]: ? TBD

~~**Minimum Lot Size.** An industrial solar energy system shall be constructed upon a parcel of property which has an area of at least 30 acres.~~

5. **Access Roads.** An industrial solar energy system must include access roads which are a minimum of 20 ft wide ~~are adequate to~~ permit fire and public safety access and which are paved or graveled in a manner sufficient to provide a solid base at all times of the year.

Formatted: Highlight

6. **Landscape Buffer and Visual Impact.** A landscape buffer shall be established to provide a continuous visual screen between the industrial solar energy system and commercial and residential land uses and zoning districts. The buffer shall be composed of evergreen trees a minimum of eight ~~(8)~~ feet tall at the time of planting. The evergreen trees shall reach a height of at least ten feet within five growing seasons.

A. The applicant shall graphically demonstrate the visual impact of the proposed system on adjacent land uses and the right of way as part of the special land use application.

7. **Fencing.** An industrial solar energy system must be surrounded by an eight (8) foot tall chain link fence designed to restrict unauthorized access. The gate must be the same height and constructed in the same manner as the fence.

Formatted: Highlight

8. **Height.** The industrial solar energy system must be 15 feet or less in height.

9. **Visual Impact.** An industrial solar energy system must be located in the least visibly obtrusive location where panels would be functional.

10. **Other Zoning Ordinance Standards.** An industrial solar energy system shall be subject to all zoning ordinance standards of the zoning district in which it is located. The industrial solar energy system shall not count toward lot coverage standards.

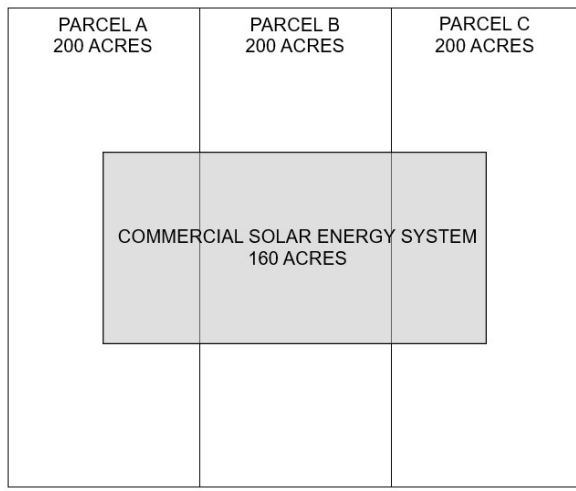
11. **Wildlife Protection.** An industrial solar energy system shall be constructed in a manner which follows: (i) all recommendations of an analysis by a qualified third party professional to minimize the potential impact upon wildlife and endangered species; (ii) all recommendations of an analysis 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 special land use.

12. **Environmental Protection.** An industrial solar energy 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. The system shall comply 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 analysis must be submitted with the application for special land use.

13. **Communications Impact.** An industrial solar energy 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 special land use.

- 14. Multiple Parcel Sites.** If an industrial solar energy system is located on multiple parcels that form a single contiguous site, required property line setbacks may be waived by the Planning Commission upon a finding that there will be no adverse impacts on surrounding properties or the character of the area. The location of the system shall be distributed as equally as possible between the parcels and comply with the other standards in this Section.



- 15. Decommissioning.** Industrial solar energy facilities must provide a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability or abandonment.

- A.** A Decommissioning Plan shall be submitted for review and approval detailing the expected duration of the project, how the improvements will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited.
- B.** Any industrial solar energy system that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found that a commercial SES is abandoned, the Planning Commission upon notice by the zoning administrator, or their assign, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the system should not be decommissioned.

-
- C. If an industrial solar energy system is repaired, a professional engineer (hired at the expense of the owner or operator) shall certify the system's safety prior to the resumption of operation.
- D. Within 90 days of the hearing where the Planning Commission has determined that a system is abandoned or inoperable, the owner/operator shall obtain a demolition permit to remove the system.
- (1) Failure to obtain a demolition permit within the 90-day period provided in this subsection shall be grounds for the Township to remove the system at the owner's expense.
- E. Decommissioning shall include removal of all equipment associated with the industrial solar energy system, including all materials above and below ground. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, drainage, and any unique environmental features.
- (1) The restoration shall include: road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the solar energy system.
- (2) The restoration process shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within 1 year.
- (3) Extensions may be granted upon request to the Planning Commission prior to that expiration of the 1 year requirement for completed decommissioning.
- F. The decommissioning plan shall also include an agreement between the applicant and Vienna Charter Township that includes, but is not limited to the following conditions:
- (1) The financial resources for decommissioning shall be in the form of a surety bond with a replenishment obligation and shall be deposited by a bonding agent acceptable to Vienna Charter Township.
- (2) The financial resources for decommissioning shall be 125% of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a professional engineer.
- (3) The Planning Commission shall regularly review the amounts deposited or bonded for removal, site restoration, and administration costs to ensure they are adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, Vienna Charter Township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.
- (4) The Township shall have access to the surety bond funds for the expressed purpose of completing decommissioning. If decommissioning is not completed by the applicant within 1 year of the end of project life, as specified in the decommissioning plan, surety bond funds may be used for administrative fees and costs associated with decommissioning.

(5) The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

(6) The 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 the applicant or applicant's successor for decommissioning costs in excess of the surety bond amount and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have any interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

(7) Any engineer required to create a cost estimate or conduct any analysis under this subsection shall be selected by Vienna Charter Township, with the industrial solar energy system owner or operator responsible for associated fees.

16. Licensing. An industrial solar energy system must comply with the Vienna Township Industrial Solar Collector System Licensing Ordinance.

~~A. If a special land use is not established within one year of the date authorization was granted for the use, the authorization shall automatically be null and void.~~

~~B. Approval for a special land use can be revoked by the planning commission under the same procedure used for approval if it is found that it no longer meets the standards of this ordinance.~~

~~C. Special land uses designated:~~

~~D. The following are uses identified as special land uses accompanied by the provisions or conditions that must be met in order to be approved:~~

~~E. Home occupations, subject to the following:~~

~~F. The exterior appearance of the structure shall not be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.~~

~~G. No more than one person, other than members of the immediate family occupying the dwelling, shall be employed.~~

~~H. The occupations shall occupy no more than 25 percent of the floor area of the dwelling.~~

~~I. There shall be no outside storage of any kind related to any home occupation.~~

~~J. The use may not increase vehicular traffic flow and parking by more than one additional vehicle at a time, unless off-street parking space as set forth in the off-street parking regulations in ARTICLE 19 is provided.~~

~~K. Mechanical or electric equipment in connection with the home occupation shall be comparable to machinery or equipment customarily found in a home that is associated with a hobby or avocation.~~

~~L. Only one nameplate shall be allowed in accordance with the sign regulations at 144 square inches. The nameplate may display only the name of the resident, the business or occupation of the resident or address.~~

Commented [JB45]: 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?

Formatted: Indent: Left: 0.5", No bullets or numbering