Mikado Township
Workable Renewable Energy Ordinance #01 of 2025
~~Workable Solar Energy Ordinance #01 of 2024~~

~~An ordinance to amend the Mikado Township Zoning Ordinance in Regards to the Solar Energy Amendment Ordinance #01-2022~~

Posted on our website www.mikadotwp.com
Mikado Township, Alcona County, Michigan ordains:

Section 1: Purpose
The purpose of this ordinance is to combine Commercial / Utility Scale Solar, Wind and Battery energy facilities into one workable ordinance.

Section 2 ~~1: Amendments to the Mikado Township Zoning Ordinance~~ Definitions:

~~That the Mikado Township Zoning Ordinance, Section 2.1 (Definitions) is hereby amended to read as follows:~~
~~(add the following)~~

Unit: this term is used throughout to indicate the solar panel, wind turbine and/or battery used in the energy facility.

Solar Energy Definitions:

A. **Solar Energy Facility (Utility Scale/Commercial)**: A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy collection facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

B. **Solar Energy Panels (Accessory)**: Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

1. **Building-Integrated Accessory Solar Energy Panels**: Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

2. **Ground-Mounted Accessory Solar Energy Panels**: Accessory solar energy panels mounted on support posts, like a rack or pole that are attached to or rest on the ground.

3. **Roof-Mounted Accessory Solar Energy Panels:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

C. **Maximum Tilt**: The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

D. **Minimum Tilt**: The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

E. **Non-Participating Lot(s)**: One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility associated with the applicant project.

F. **Participating Lot(s)**: One (1) or more lots under a signed lease or easement for development of a solar energy facility associated with the applicant project.

G. **Repowering**. Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.

H. **Dark Sky Friendly Lighting Technology.** A light fixture that is designed to minimize the amount of light that escapes upward into the sky.

I. **Nameplate capacity.** The designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

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

Wind Energy Definitions:

A. **Ambient:** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.

B. **Anemometer**: A device used to measure wind speed.

C. **dB(A)**: The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI, a method for weighting the frequency spectrum to mimic the human ear.

D. **Decibel**: The unit of measure used to express the magnitude of sound pressure and sound intensity.

E. **Hub Height:** The distance measured from the ground level to the center of the turbine hub.

F. **Small On-Site Wind Energy Systems:** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.

G. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as window of a dwelling.

H. **Sound Pressure:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

I. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

J. **Wind Energy Facility (Commercial):** A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

K. **Wind Turbine Generator:** A wind energy conversion system which converts wind energy into electrical energy. Includes a tower, pylon, or other structures including all accessory facilities

L. **Wind Turbine Generator Total Height:** The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

Battery Energy Storage Definitions:

Battery Energy Storage System (BESS): One or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

Commissioning: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.
Decommissioning: The process of removing equipment and other infrastructure associated with a project and restoring the site for viable reuse consistent with the zoning district.
Dedicated-Use Building: A building that is only used for battery energy storage system components and equipment, as defined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.

Off-Site Battery Energy Storage System: A Battery Energy Storage System (BESS) for the primary purpose of off-site use through the electrical grid.

> **Small Off-Site Battery Energy Storage System:** An Off-Site Battery Energy Storage System (BESS) with a nameplate capacity of 20 MW or less.
>
> **Medium Off-Site Battery Energy Storage System:** An Off-Site Battery Energy Storage System (BESS) with a nameplate capacity greater than 20 MW and less than 50 MW. Off-Site BESS with a nameplate capacity of 50 MW or more but with an energy discharge capability of less than 200 MWh are also considered Medium Off-Site BESS.
>
> **Large Off-Site Battery Energy Storage System:** An Off-Site Battery Energy Storage System (BESS) with a nameplate capacity of 50 MW or more and an energy discharge capability of 200 MWh or more.

Repowering: The process of reconfiguring, supplementing, or replacing some or all of the system components to increase the nameplate capacity (measured in megawatts).

~~***That the Mikado Township Zoning Ordinance, Section 5.0 (Single-Family Residential District) is hereby amended to read as follows:***~~
~~***(add the following)***~~

~~B.6 Solar Energy Panels (Accessory)~~

~~***That the Mikado Township Zoning Ordinance, Section 5.1 (Multiple-Family Residential District) is hereby amended to read as follows:***~~
~~***(add the following)***~~

~~B.3 Solar Energy Panels (Accessory)~~

~~***That the Mikado Township Zoning Ordinance, Section 5.2 (Agricultural-Residential District) is hereby amended to read as follows:***~~
~~***(add the following)***~~

~~B.5 Solar Energy Panels (Accessory)~~
~~C.21 Solar Energy Facility (Utility Scale/Commercial)~~

~~That the Mikado Township Zoning Ordinance, Section 5.3 (Commercial District) is hereby amended to read as follows:~~
~~(add the following)~~

~~B.15 Solar Energy Panels (Accessory)~~

~~That the Mikado Township Zoning Ordinance, Section 5.4 (Forest-Recreational District) is hereby amended to read as follows:~~
~~(add the following)~~

~~B.11 Solar Energy Panels (Accessory)~~

~~That the Mikado Township Zoning Ordinance, Section 5.5 (Resource Conservation District) is hereby amended to read as follows:~~
~~(add the following)~~

~~B.6 Solar Energy Panels (Accessory)~~

~~That the Mikado Township Zoning Ordinance, Section 9 (Supplemental Regulations) is hereby amended to read as follows:~~
~~(add the following)~~

Section 3: Ordinance

~~T.~~ Solar, Wind and Battery Energy Facilities (Utility-Scale/Commercial)

To promote the use of ~~solar~~ renewable energy within the township as a clean alternative energy source and to provide for the land development, installation and construction regulations for commercial solar, wind and battery energy facilities subject to reasonable condition that will protect the public health, safety and welfare. The regulations established herein are minimum requirements and standards for the placement, construction and modification of commercial ~~solar~~ renewable energy facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.

1. **Escrow and Fee.** An escrow account in the form of a cash deposit of not less than $15,000 or such other amount estimated by the Township Board, shall be set up when the Applicant applies for a Special Use Permit. The deposit shall be sufficient to cover all reasonable costs and expenses associated with the Special Land Use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for

the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the Applicant place additional monies into the Township escrow should the existing escrow amount filed by the Applicant prove insufficient. If the escrow account needs replenishing and the Applicant refuses to do so within 14 days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the Applicant within 90 days of permitting process completion. The Township may hire qualified professionals for each and any of the technical fields associated with the Special Use Permit, such as, but not limited to, engineering, electrical, environmental, economic, wildlife, health, and land-use.

2. **Applicant Identification**.

   a. Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, and any additional contact information as necessary.

   b. Each application for a solar energy system shall also be dated to indicate the date the application is submitted to Mikado Township.

   c. The applicant, operator, and/or owner is required to place an identification placard on site of the ~~solar~~ renewable energy facility with their company name, address, a contact name, and a contact phone number for the life of the project.

3. **Zoning Districts.** Commercial ~~solar~~ renewable energy facilities shall be limited and subject to obtaining a special land use permit from the Planning Commission in A-R zoning districts.

4. **Reflection/Glare**. Solar collection devices, Wind Turbine Generators, or any combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.

5. **Impervious Surface/Stormwater**. If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

6. **Screening**. Solar, wind and battery devices shall be screened year-round from view from any existing residential use and the public right-of-way by use of a screening wall, evergreen vegetation, or other screening of similar effectiveness and quality, as determined by the Planning Commission. Screening shall be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather.

7. **Setbacks:**

Solar Energy:

All solar energy facilities shall have the following setbacks. Setback distances shall be from the adjacent lot line or road right-of-way line to the proposed perimeter fencing around the solar energy facility.

a. Road right-of-way: 50 feet
b. Nonparticipating property line: 50 feet
c. Nonparticipating Dwelling: 300 feet from the closest side and rear walls of a dwelling unit on an adjoining property.
d. No solar energy system shall be placed between the closest point of a dwelling unit and the road right-of-way line on the same lot as the dwelling unit and the adjacent lots extending the width of the setback area defined above
e. Internal Property Lines: A solar energy facility is not subject to property line setback requirements for common property lines of two or more participating parcels, except road right-of-way setbacks shall apply.

Wind Energy:

All wind energy facilities shall have the following setbacks.

Setback Description	Setback Distance
Occupied community buildings and residences on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.5 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.5 times the maximum blade tip height
Public road right-of-way	1.5 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.5 times the maximum blade tip height to the center line of the easement containing the overhead line

Battery energy storage system facility setbacks are listed in #17.

8. **Lot Coverage.** Commercial ~~solar~~ renewable energy facilities are not subject to any maximum lot coverage restrictions, however any other regulated structures located on the parcel are subject to the maximum lot coverage restrictions for the zoning district in which it is located.

9. **Additional Site Plan Requirements.** The applicant shall submit a site plan for each ~~solar~~ renewable energy facility and other ~~solar~~ energy appurtenances. Additional requirements for a ~~solar~~ renewable energy facilities site plan are as follows:

   1. The project area boundaries.

   2. The location, height, and dimensions of all proposed structures and fencing.

   3. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state-maintained road.

   4. Existing topography.

   5. Water bodies, waterways, wetlands, drainage channels, and drain easements.

   6. A site grading, erosion control and storm water drainage plan. The plans will be reviewed by the Township's engineering firm at the applicant's cost.

   7. Proposed setbacks to all existing structures adjacent to the solar energy system.

   8. All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.

   9. Identification and site plan of a construction/set-up/laydown area.

   10. Landscape/Screening Plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing, and planting.

10. **Additional Special Land Use Criteria.** The following additional topics shall be included in a review of a site plan and special use permit application for a commercial ~~solar~~ renewable energy facility:

   a. Project description and rationale. Provide a general description of the proposal including:

      1. A legal description and parcel identification numbers of the of the property or properties on which the project will be located.

      2. Location and height of all proposed above-ground structures and utilities associated with the ~~solar~~ energy facility, including horizontal and vertical-scaled drawings with dimensions that show the location of the of the proposed ~~solar~~ energy facility.

      3. A description of the proposed technology to include the type of solar panels, wind turbine generators, and/or batteries, ~~and~~ system, number of ~~panels~~ units, angles of orientation, rated power output, performance, safety, and the name and address of the of the manufacturer and model.

      4. Identify the anticipated construction schedule, project life, development phases, likely markets for the generated energy, and possible future expansions;

b. Analysis of onsite traffic and a plan that identifies the routes intended for use in connection with the development, construction, operation, and maintenance of the ~~solar~~ energy facility;

c. Estimated construction jobs, estimated permanent jobs associated with the development;

d. Review and demonstrate the visual impact of the proposed project from a minimum of 5 viewpoints at the time of commercial operation, projected after five years and ten years post construction. The visual simulations shall use photos or renditions of the project with consideration given to tree plantings and setback requirements.

e. Review and demonstrate any potential impact on wildlife on the site.

f. Identify any impact on the water quality and water supply in the area, any storm water discharge concerns from the property, and any dust concerns generated from project activities during construction and for the life of the project. Include any plans for a retention pond. The planning commission may request a water runoff study.

g. Identify any solid waste or hazardous waste generated by the project.

11. **Signage and Security.**

a. A security fence shall be placed around the perimeter of a commercial ~~solar~~ renewable energy system and the electrical equipment shall be locked. The fence shall be located between the solar array, wind turbine, or battery system and the landscaping buffer. The fence shall meet the minimum requirements of the National Electrical Code requirements. If deemed appropriate, the Planning Commission can require specific fencing as needed. Knox boxes and keys shall be located at locked entrances, not on the fence for emergency personnel access.

b. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the ~~panels~~ unit in a clearly visible manner; furthermore, an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator.

c. No portion of the ~~solar~~ renewable energy system shall contain or be used to display advertising. The manufacturers' name and equipment information or dedication of ownership shall be allowed on any equipment of the solar energy system.

12. **Fencing.** ~~Solar~~ Renewable Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in subsection 7.

13. **Height**.

Solar collection devices shall not exceed twenty (20) feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment).

Wind energy collection devices shall not exceed the minimum height indicated by the wind resource study or 300 feet, whichever is less, inclusive of blade at the maximum vertical position.

Battery storage system height shall not exceed thirty-five (35) feet due to the township's limitations in regards to fire fighting.

14. **Lighting**. ~~Solar~~ Renewable Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited. All lighting must comply with dark sky-friendly lighting technology.

15. **Wiring**. Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the ~~solar~~ renewable energy facilities shall not exceed the height of the ~~solar~~ unit array at maximum tilt.

    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, unless waived by the Planning Commission during its review and approval of the project.

16. **Noise.** Commercial ~~solar~~ renewable energy system facilities shall not exceed 50 dBA Leq (1-hour) measured at the project boundary. As part of the application, and prior to installation, the applicant shall provide noise modeling study and analysis that will demonstrate the ~~solar~~ renewable energy system will not exceed the maximum permitted noise levels. Site plans shall include modeled sound isolines extending from the sound source to the property line to demonstrate compliance with this standard. Post construction, the applicant and/or owner will conduct sound monitoring to ensure the project complies with the zoning ordinance standards.

17. **Battery Storage**. Areas for battery storage shall be shown on the site plan, if applicable. All battery storage shall meet the following criteria:
    Setbacks:
    a. Road right-of-way: 50 feet
    b. Nonparticipating property line: 50 feet
    c. Nonparticipating Dwelling: 300 feet from the closest side and rear walls of a dwelling unit on an adjoining property.
    d. Noise: 50 dBA average measured from the nearest dwelling
    e. Fire Safety: must comply with National Fire Protection Agency code 855 re: energy storage systems.

f. Lighting must adhere to dark sky-friendly lighting.

18. **Land Clearing**. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the ~~solar~~ renewable resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site. The Planning Commission may alter the landscaping requirement depending upon the location of existing plant material on site.

19. **Local, State and Federal Permits.** ~~Solar~~ Renewable energy system facilities shall be required to obtain all applicable Federal, State, and local laws, regulations, and ordinances including compliance with the following:

    a. Farmland and Open Space Preservation Program (Part 361 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 as amended, more commonly known as PA 116), and with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), and Part 303 Wetlands (MCL 324.30301 et seq.).

    b. The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction or operation of the ~~solar~~ renewable energy system. The applicant/owner will be required to enter into a road use agreement and/or drain use agreement with the County Road Commission or Drain Commission for post-construction repairs, if required by these agencies.

    c. Copies of all such permits and approvals that have been obtained or applied for at the time of the application.

20. **Site Access Plan.** The applicant shall provide site access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb access drives. It will be necessary to pave any driveway and parking lots used for occupied offices that are located on site.

21. **Identify Emergency and Normal Shutdown Procedures.** The applicand shall identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.

22. **Interference with Communication Devices.** The applicant shall identify any electromagnetic fields and communications interference generated by the project.

23. **Access/Service Roads**. New access drives within the ~~Solar~~ Renewable Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the ~~Solar~~ Renewable Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the ~~Solar~~ Renewable Energy Facility is in operation.

24. **Agricultural Protection**. For sites where agriculture is a permitted use in a district, ~~solar~~ renewable energy facilities shall be sited to minimize impacts to agricultural production through site design and accommodations including:

    a. The ground mounting of ~~panels~~ units by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.

    b. Siting panels to avoid disturbance and compaction of farmland by siting ~~panels~~ units along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.

    c. Maintaining all drainage infrastructure on site, including drain tile and ditches, during the operation of the ~~solar~~ renewable energy facility.

    d. Siting the ~~solar~~ renewable energy facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.

    e. Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres consistent with a purchase of development rights ordinance adopted in the Township.

25. **Maintenance Plan.** The applicant shall submit a maintenance plan that describes the following:
    a. Explains routine maintenance to ~~solar panels~~ units and facility.

    b. Demonstrates the ~~SES~~ renewable energy system will be designed, constructed, and operated tominimize dust generation, including the provision of sufficient watering of excavated orgraded soil during construction to prevent excessive dust.

    c. States the manner in which unpaved access roads will be treated and maintained, either with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust.

26. **Insurance.** Proof of the applicant's public liability insurance with a rated carrier of at least $3,000,000 per occurrence to cover the ~~solar~~ renewable energy facility, the Township,

and the landowner. Applicant shall provide yearly proof of insurance to Township that confirms active coverage for the Applicant and Township.

27. **Emergency Services.**

    a. The ~~solar~~ renewable energy facility owner or operator shall provide a copy of the project summary, electrical schematic, and as-built site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developingan emergency response plan. All means of shutting down the solar photovoltaic or other unit installation shall be clearly marked.

    b. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

28. **Complaint Resolution.**

    a. The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. Allcomplaints shall be acknowledged within 10 days of receipt of such complaint and the Township supervisor shall also be notified of each complaint. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.

    b. During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

    c. A report of all complaints and resolutions shall be filed with the township on a quarterly basis.

29. **Transfer or sale.** Prior to a change in the ownership or operation of a ~~solar~~ renewable energy facility, the current owner or operator shall provide written notice to the township at least 30 days prior to that change becoming effective. This notice shall inform the township of the intended transfer of control of the ~~solar~~ renewable energy facility 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 ~~solar~~ renewable energy facility shall not be permitted to operate that facility until compliance with the terms of this ordinance.

    Upon transfer or sale, the financial security for decomissioning shall be maintained at all times, the estimated costs of decomissioning shall be resubmitted, and the security adjusted to account for the new estimate.

30. **Repowering**. In addition to repairing or replacing ~~solar~~ renewable energy components to maintain the system, a ~~solar~~ renewable energy facility may at any time be repowered, without the need to apply for a new Special Land Use permit, by reconfiguring,

renovating, or replacing the ~~solar~~ renewable energy components to increase the power rating within the existing project footprint.

a. A proposal to change the project footprint of an existing ~~solar~~ renewable energy facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a ~~solar~~ renewable energy facility will be reimbursed to the Township by the ~~solar~~ renewable energy facility owner in compliance with established escrow policy.

b. The Applicant/Owner shall provide the Planning Commission a proposal to change the project. It shall be considered a new application, subject to the ordinance standards at the time of the request.

c. The Applicant/Owner would not need to apply for a new permit if they are preforming routine maintenance, as described in the provided maintenance plan.

31. **Abandonment**. Any freestanding ~~solar~~ energy collection site, unit or device which is not used for six (6) continuous months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

32. **Performance Guarantee**. As a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the Township or provide an insurance bond satisfactory to the Planning Commission to assure the removal of the ~~solar~~ renewable energy facility. If required, such escrow deposit or insurance bond shall be in an amount equal to the cost of removal of the facility. The deposit or bond shall be maintained by successor owners of the facility.

33. **Decommissioning Plan**. A decommissioning plan is required at the time of application.

a. The decommissioning plan shall include:

1. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed,

retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.

2. The projected decommissioning costs for removal of the ~~solar~~ renewable energy facility (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands.

3. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).

b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A ~~solar~~ renewable energy facility owner may at any time:

1. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

2. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

34. **Reports**. ~~solar~~ Renewable energy production summary reports by month shall be provided annually for each ~~solar~~ renewable energy facility to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

35. **Continuing Compliance and Enforcement Escrow Deposit.** A continuing escrow deposit shall be held by the township and shall be funded by a cash deposit by the applicant prior to the commencement of construction of any ~~solar~~ renewable energy facility and shall be maintained by the owner or operator until the ~~solar~~ renewable energy facility has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the township shall be a minimum of $20,000 and shall 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 land 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.

36. **Host Community Agreement.** The applicant shall enter into a host community agreement with each affected local unit. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the affected local unit $3,000.00 per megawatt of nameplate capacity located within the affected local unit. The payment shall be used as determined by the affected local unit for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

    A host community agreement or community benefits agreement is legally binding and inures to the benefit of the parties and their successors and assigns. The commission shall enforce this requirement, but not the actual agreements, which are enforceable in a court of competent jurisdiction.

~~**U. Solar Energy Panels (Accessory)**~~

~~Solar energy panels shall be allowed as a permitted accessory use in all zoning districts subject to the requirements below. A zoning permit shall be required for accessory solar panels. A building permit may be required.~~

~~1. **Height**.~~

~~a. Ground-mounted accessory solar energy panels shall not exceed the allowable height of structures in that district when oriented at maximum tilt measured from the ground to the top of the system.~~

~~b. Building-mounted or roof-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.~~

~~2. **Setbacks/Location.**~~

~~a. Ground-mounted accessory solar energy panels shall adhere to setbacks and location established for detached accessory buildings pursuant to **Section 3.5.** Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt. If no solar access is available in the location required, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.~~

~~b. Building-mounted or roof-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.~~

~~3. **Glare**. Panels shall not result in glare onto adjoining properties or public rights of way.~~

~~4. **Lot Coverage for Residential Lots**. Ground-mounted accessory solar energy panels (all panels totaled together on one lot) shall be no greater than half (1/2) of the square footage of the principal dwelling.~~

~~5. **Nonconformities**.~~

~~a. A building-mounted or roof-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.~~

~~b. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.~~

~~6. **Building-Integrated Solar Panels**. Building-Integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to ground-mounted or building-mounted standards in subsections 1 through 4 above.~~

Section 4: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 5: Saving Clause

The Mikado Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 6: Effective Date

The ordinance changes shall take effect on the 8th day after the vote of adoption.

_____ _____

Mikado Township Supervisor Mikado Township Clerk

I, _____, Clerk for Mikado Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ of 2025 of Mikado Township, adopted by at a meeting of the Township Board of Trustees held on _____.

A copy of the complete ordinance text may be inspected or purchased at the Mikado Township Hall, at 2291 S. F-41, Mikado, MI 48745.

Adopted:	Published:	Effective
_____	_____	_____