

**NORWAY TOWNSHIP
ORDINANCE NO. 2022-1**

**AN ORDINANCE TO AMEND THE NORWAY TOWNSHIP ZONING ORDINANCE
EFFECTIVE NOVEMBER 11, 2020 TO AUTHORIZE AND REGULATE TRANSMISSION-
CONNECTED SOLAR ENERGY FACILITIES**

The Township of Norway, County of Dickinson, State of Michigan, ordains that the Norway Township Zoning Ordinance, effective November 11, 2020, is amended as follows:

Section 1. Definitions. Section 202 Definitions is amended to include the following additional definitions:

298. Definitions for Purposes of Section 1319 Transmission-Connected Solar Energy Facilities:

- a. Non-Participating Parcel: A parcel of land that is not under lease or easement for development of a transmission-connected solar energy facility.
- b. Participating Parcel: A parcel of land under lease or easement for development of a transmission-connected solar energy facility.
- c. Photovoltaic (PV) System: A solid-state semiconductor material that generates electricity from sunlight.
- d. Solar Array: A photovoltaic panel or collection of photovoltaic panels.
- e. Transmission-Connected Solar Energy Facility: A photovoltaic system for generating electricity for transmission to the electric grid composed of the above and below ground equipment required for the facility to operate properly, transmission lines to the point of interconnection, and that may include, at the applicant's option, a collection substation and an operations and maintenance shelter.

Section 2. Solar Energy Facility Authorization. Section 313 RP-Resource Product District, subparagraph C, Conditional Uses Authorized by Permit is amended to add the following additional land use:

20. Transmission-connected solar energy facility (221114) subject to the requirements of Section 1319.

Section 3. Conditional Use Permit Standards. Article XIII: Conditional Use Permits is amended to add the following as Section 1319 Transmission-Connected Solar Energy Facility:

- A. All solar arrays, inverters, and any operations and maintenance shelter shall be setback 50 feet from the property line of a non-participating parcel and 50 feet from the edge of a road right-of-way (edge of right-of-way being 33 feet from the center line of the right-of-way) irrespective of the existence of any common participating property lines. Access drives,

security fencing and transmission lines are permitted within a setback required from a non-participating property line.

B. All solar arrays shall be setback 100 feet from any existing single-family dwelling unit on a non-participating parcel.

C. A solar array is not required to be setback from any common participating parcel property lines.

D. A transmission-connected solar energy facility if not subject to the maximum lot coverage ratio of Section 401.

E. The maximum height of a solar array shall not exceed 25 feet as measured from grade to the top of the PV Panel in its most upright position; substations and transmission lines are not subject to the maximum height limitation.

F. Notwithstanding Section 902, the facility shall be enclosed by a perimeter fence not less than 7 feet in height to restrict unauthorized access. Perimeter fencing may be located within the required setback from non-participating property lines. Barbed wire is not permitted unless required by the National Electric Code.

G. Access drives shall be designed to minimize the extent of soil disturbance and soil compaction outside the access drive lane, and to maintain surface water flows.

H. Lighting shall be limited to where required for safety and security and shall and shall be shielded to prevent glare or spillover on to adjacent non-participating parcels.

I. Inverters shall be placed away from non-participating property lines to the extent practicable to minimize sound pressure levels. Inverter sound pressure levels shall not exceed 55 dBA (Leq 1-hour) at a non-participating property line. The site plan shall include modeled sound isolines extending from the sound source to demonstrate compliance with this standard.

J. Existing vegetation along a non-participating property line shall be retained to the extent feasible between the facility and adjacent non-participating parcels; setback areas shall comply with Section 901; Sections 903 shall not apply to the collection substation.

K. A groundcover vegetation management plan must be submitted with the site plan. Except for any areas maintained as access roads, the groundcover vegetation management plan must provide for ground cover under and around solar arrays unless a state agency requires otherwise.

L. A decommissioning plan must be submitted with the conditional use permit application. The plan must include:

1. Description of the manner in which the facility will be decommissioned, including which above and below ground improvements will be removed or retained and how the land will be restored within 18 months after operations cease or are abandoned.

2. The projected cost of decommissioning the facility net of salvage value in current dollars.

3. The method of ensuring funds are available for decommissioning (surety bond, irrevocable letter of credit, or cash deposit at applicant's option).

M. A decommissioning agreement between the applicant and the Township Board must be a condition to the effectiveness of a conditional use permit and must include provisions specifying the form of decommissioning security, requiring review of the decommissioning security amount no less than every five (5) years, taking into account inflation, changes in salvage value, and then-current labor and equipment rates, and determining cessation of operations or abandonment.

N. The site plan required by Section 1104 may be drawn to scale less than 40 feet to the inch provided the scale used is adequate to illustrate the proposed activity and information required by Section 1104.

O. In addition to any signage allowed by Article X, a sign may be attached to the security fencing at each access drive entrance identifying the name of the owner/operator, location, and emergency contact information..

Section 4. Repeal of Conflicting Provisions. All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 5. Severability. If this ordinance or any portion of it is declared void, illegal, or unconstitutional by a court of competent jurisdiction, such section or provision shall cease to be a part of this ordinance and the remainder of this ordinance shall remain in full force and effect.

Section 6. Effective Date. Pursuant to Public Act 110 of 2006, as amended, the provisions of this Ordinance shall become effective upon expiration of seven (7) days after publication.

Section 7. Adoption. Motion was made and passed by the board of the Township of Norway, County of Dickinson, State of Michigan on this 14th day of November, 2022 A.D.

1. Date of Public Hearing: **July 11, 2022**
2. Date of Adoption by Township Board: **November 14, 2022**
3. Date of Publication: **November 29, 2022**
4. Date and Time Ordinance shall take effect: **December 31, 2022**

Ayes:

Nays:

Donald Byczek, Supervisor

Date

Joyce Giuliani, Clerk

Date

I, Joyce Giuliani, Clerk of the Township of Norway, do hereby certify that the above Ordinance was published in the Iron Mountain Daily News, Iron Mountain, Michigan, on the _____ day of _____, 2022 A.D.

Joyce Giuliani, Clerk