**WAYLAND TOWNSHIP**

**ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. O-05-2023**

**ADOPTED: November 6, 2023**

**PUBLICATION: November 16, 2023**

**EFFECTIVE: 8 DAYS FOLLOWING PUBLICATION**

 **AFTER ADOPTION – November 24, 2023**

An Ordinance to amend the Wayland Township Zoning Ordinance to provide how ‘solar farms’ are allowed within the Agricultural zoning district; to clarify setback requirements for ‘solar farms’; to clarify removal cost guarantee requirements for ‘solar farms’; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**WAYLAND TOWNSHIP**

**ALLEGAN COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**

**AMENDMENT TO CHAPTER 3, SECTION 3.49, SOLAR ENERGY SYSTEMS (SES)**

Chapter 3, Section 3.49 g) 1) and 2) of the Wayland Township Zoning Ordinance is hereby amended to read as follows:

**SECTION 3.49 SOLAR ENERGY SYSTEMS (SES)**

g) *Solar Farms*

1. A Solar Farm is permitted in the Agricultural Zoning District as a Special Use, subject to the regulations and requirements of this section and the special use review procedures and standards of Chapter 18 of this Zoning Ordinance.
2. A Solar Farm may be established on one or more lots under a signed lease, easement, or other agreement. These lots shall be defined as participating lots.

**SECTION II**

**AMENDMENT TO CHAPTER 3, SECTION 3.49, SOLAR ENERGY SYSTEMS (SES)**

Chapter 3, Section 4.39 g) 4) i. of the Wayland Township Zoning Ordinance is hereby amended to read as follows:

**SECTION 3.49 SOLAR ENERGY SYSTEMS (SES)**

g) *Solar Farms*

1. Requirements for Solar Farms.
2. Setbacks. The SES shall have setbacks a minimum of 50 feet from all lot lines unless a greater setback is required by the Planning Commission to mitigate the impact on adjoining land uses. Setbacks shall be measured from the lot line to the closest point of the solar array at minimum tilt (most horizontal position) or any SES components. Required setbacks shall not apply to common lot lines of participating lots.

**SECTION III**

**AMENDMENT TO CHAPTER 3, SECTION 3.49, SOLAR ENERGY SYSTEMS (SES)**

Chapter 3, Section 3.49 g) 7) ii. of the Wayland Township Zoning Ordinance is hereby amended to read as follows:

**SECTION 3.49 SOLAR ENERGY SYSTEMS (SES)**

g) *Solar Farms*

1. Removal Cost Guarantee.
2. The Planning Commission may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering 100% of the estimated removal and restoration cost approved by the Planning Commission, be deposited with the Township Clerk.

A review of the removal cost guarantee based on inflation, salvage value, and current removal costs shall be completed every four years, for the life of the project, and approved by the Township Board.

**SECTION IV**

**SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holdings shall not affect or impair the validity of any other section or provision of this Ordinance.

**SECTION V**

**REPEAL**

All ordinances in conflict with this Ordinance are hereby repealed.

Trustee Miner made a motion to approve Ordinance O-05-2023. Support was provided by Treasurer Kamyszek. All yes, motion carried.

**SECTION VI**

**EFFECTIVE DATE**

This Ordinance shall take effect eight (8) days following publication after adoption.

Ann McInerney, Clerk

Wayland Township

OrdinanceO052023SolarEnergySystems 3.49