



Compatible Renewable Energy Ordinance

An ordinance to amend the Charlevoix Township Zoning Ordinance.

THE TOWNSHIP OF CHARLEVOIX HEREBY ORDAINS:

Section 1. Amendment of Article III is hereby amended to add Section 3.19 reading as follows:

A. SOLAR ENERGY

1. Definitions.

Building-Integrated 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.

Groundcover:

- a. **Pollinator Habitat.** Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
- b. **Conservation Cover.** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
- c. **Forage.** Solar sites that incorporate rotational livestock grazing and forage

production as part of an overall vegetative maintenance plan.

d. Agrivoltaics. Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

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

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

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 farm associated with the applicant project.

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

Solar Installations—Ground Mounted: A private system of solar energy panels installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

Solar Installations—Roof Mounted: A private system of solar energy panels attached to or ballasted on the roof of a building or structure that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

Solar Energy Farms: A utility-scale commercial facility of solar energy panels and collection devices that converts sunlight into electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies. The primary purpose is the wholesale or retail sale of generated energy off site.

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

2. Personal Solar Installations

Personal Solar Installations shall be principal uses permitted by right in all Zoning Districts subject to the following:

a. Roof-Mounted Solar Installations.

1. Height: The height of the roof-mounted solar installation shall not exceed the maximum allowed height for the structure it is mounted on in any zoning district.

2. Setback: Roof-mounted solar installations shall be considered part of the building and meet all applicable building setbacks.

3. Placement: Roof-mounted solar installations may be permitted on

principal or accessory buildings. The color of the solar collector is not required to be consistent with other roofing materials.

4. Coverage: Except for an area that allows adequate roof access for fire-fighting purposes, roof mounted solar installations shall be allowed to cover the entire roof upon which they are mounted.

5. Visibility and Glare: Roof-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or right-of-ways at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.

6. Nonconformities. A roof-mounted solar installation installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.

b. Ground-Mounted Solar Installations.

1. Height: The maximum height of a ground-mounted solar installation shall be sixteen (16) feet above grade at maximum tilt.

2. Setbacks: Ground-mounted solar installations shall comply with all district required setbacks.

3. Placement: Ground-mounted solar installations shall be allowed in the front, rear or side yard on a property with an established permitted principal use.

4. Coverage: The area of the ground-mounted solar installation energy collection system shall count towards the maximum area allowed for accessory buildings on property with a principal use.

5. Visibility and Glare: Ground-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or right-of-ways at any time of the day. Systems designed to track the maximum sun angle throughout the day shall be programmed to prevent positioning at any point that would result in glare directed toward nearby properties or right-of-ways. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.

6. Nonconformities. A ground-mounted solar installation installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

7. Prohibited Use. Ground-mounted solar installations shall not be used as a building.

c. Building-Integrated Solar Energy Panels. Building-Integrated solar energy

panels are subject only to zoning regulations applicable to the structure or building.

d. Installation.

1. Solar energy panels that are roof-mounted shall be permanently and safely attached to the building or structure and shall be safely supported by the roof according to the manufacturer's specifications.
2. Solar energy panels that are ground-mounted shall be safely attached to the ground.
3. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
4. Solar energy panels shall comply with building codes, electrical codes, and all other applicable regulations.

3. Solar Energy Farms

a. Intent and Purpose.

To allow and promote the use of solar energy within the Township as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar energy farm facilities subject to reasonable conditions that will protect the residents' public health, safety and welfare. These regulations establish the minimum requirements for solar energy farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.

b. Standards.

1. Permitted Subject to Special Conditions: Solar Energy Farms may be permitted subject to a special use permit in the MRD, C, and PUD Zoning Districts.
2. Minimum Lot Size: Solar energy farms shall only be located on lots which are at least twenty (20) acres in size. Adjacent parcels under the same ownership or which are leased by the owner of the solar energy farm may be considered in combination to satisfy the minimum lot size. However, the lots considered in combination shall not thereafter be separated throughout the life of the solar energy farm. Each solar energy farm is permitted as a use authorized by special use permit which review will consider its compatibility with the surrounding area.
3. Height Restrictions: All solar energy panels and support structures located in a solar energy farm shall be restricted to a maximum height of sixteen (16) feet when orientated at maximum tilt.
4. Setbacks: All solar energy panels and support structures associated

with such facilities (excluding perimeter fencing) shall be set back a minimum of fifty (50) feet from all property lines. If the right-of-way exists as an easement, the fifty (50) foot setback shall be measured from the edge of the easement. Solar panels shall be kept at least two hundred (200) feet from an existing residential dwelling, measured to the nearest point on the residential structure. Any additional setback requirements in this Ordinance that exceed this requirement shall be adhered to, including but not limited to setbacks from streams, lakes, and wetlands.

5. Maximum Lot Coverage: maximum lot coverage restrictions shall not apply to the solar energy panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

6. Safety/Access: A security fence (height and material to be proposed and reviewed/approved through the special use permit approval process) shall be placed around the perimeter of the solar energy farm and electrical equipment. The Planning Commission may require wildlife-friendly fencing. Knox boxes and keys shall be provided at locked entrances for security personnel access.

7. Noise: Sound produced from a solar energy farm shall not exceed sixty (60) dBA as measured at the property line.

8. Glare: Solar energy farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or right-of-ways at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.

9. Impervious Surface/Stormwater: If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the special use permit 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 groundwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

10. Landscaping: The special use permit application for a solar energy farm shall include a proposed landscape plan prepared by a Michigan licensed landscape architect. This plan will be reviewed through the special use permit approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road right-of-ways. A landscape plan shall meet following standards:

A. Plans: A plan view illustrating the landscape plan for the entire project and a rendered view illustrating the view from public rights-of-ways.

B. Species: A list of plant species. If groundcover (such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) is utilized, then a drainage plan is not required. The Planning Commission may require soil stabilization through groundcover.

C. Buffer: A twenty-five (25) foot wide landscape buffer shall consist of two (2) rows of staggered evergreen trees that at planting shall be a minimum of four (4) feet in height. If a solar energy farm is adjacent to a residential dwelling or district, then the minimum height shall be eight (8) feet at the time of planting. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center, measured from the central trunk of one tree to the central trunk of the next tree. The buffer shall also consist of native grasses, wildflowers, or plants which will provide wildlife and pollinator habitat, soil erosion protection, and/or aid in strengthening the soil structure. The buffer shall be required under the following conditions:

- i. Along the property line adjacent to all residential zoning districts
- ii. If solar panels are located within two hundred (200) feet of a public road right-of-way
- iii. Along the property line for the portion of the project within a two hundred (200) foot radius of a residential dwelling in a non-residential zoning district.

D. Credit for Existing Conditions: Existing topographical features and existing wooded areas may be accepted in lieu of or in combination with the above by approval of the Planning Commission.

E. Planting Timeline: The required trees shall be planted between April 1st and September 15th. If construction of the solar energy farm begins after August 15th, the required plantings shall be installed by May 1st the following calendar year.

F. Financial Guarantee: A bond, letter of credit, or cash surety shall be provided in the amount equal to one and one-half (1.5) times the cost of the required plantings that the Township shall hold until the next planting season.

G. Maintenance: The required plantings shall be continuously maintained in a healthy condition. Dead evergreen foliage shall be

promptly replaced.

11. Local, State, and Federal Permits: Solar energy farms shall be required to obtain all necessary permits and licensing from Charlevoix Township, Charlevoix County, State of Michigan, and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.

12. Electrical Interconnections: All electrical interconnections 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 with the exception of the following: any above-ground wiring within the footprint of the solar energy farm which cannot be placed underground shall not exceed the height of the solar array at maximum tilt.

13. Land Clearing: Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the solar energy farm and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

14. Access/service Roads: New access drives within the solar energy farm 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 energy farm is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the solar energy farm is in operation.

15. Repowering: In addition to repairing or replacing solar energy components to maintain the system, a solar energy farm may at any time be repowered, without the need to apply for a new special use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.

A proposal to change the project footprint of an existing solar energy farm shall be considered a new application, subject to the ordinance standards at the time of the request.

16. Abandonment: If a solar energy farm owner or operator intends to abandon and, in fact, does abandon a solar energy farm by not operating it for a period of six (6) months, the solar energy farm 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 six (6) 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.

17. Performance Guarantee: The Planning Commission shall require the applicant to furnish the Township with a performance guarantee in an amount equal to the estimated costs associated with dismantling the site and returning it to its original state in the event of abandonment.

18. Decommissioning Plan: A decommissioning plan is required at the time of special use permit application. The decommissioning plan shall include:

A. 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.

B. The projected decommissioning costs for removal of the solar energy farm (net of salvage value in current dollars) and soil stabilization.

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

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

A. The ground mounting of panels 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 sitting panels 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

energy farm.

D. Siting the solar energy farm 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.

B. WIND ENERGY

1. Wind Energy Definitions:

Anemometer Tower or MET: A freestanding meteorological tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a Wind Energy System.

Ambient: The sound pressure level exceeded 90% of the time or L90.

ANSI: The American National Standards Institute.

dB(A): The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

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

HAWT: A horizontal axis wind turbine tower or building mount; one type of Wind Energy System.

Lease Unit Boundary: The boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.

On-Site Wind Energy System: A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

Sound Pressure: An 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.

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

VAWT: A vertical axis wind turbine tower or building mount; one type of Wind Energy System.

Wind Energy System or WES: A land use for generating power by use of wind or use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the Wind Energy System to the grid.

Wind Site Assessment System: A land use using a MET or Anemometer Tower to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

2. Wind Energy Systems (On-Site) (WES) may be located and permitted only if all of the following standards are complied with:

A. Special Land Use - Planning Commission Review. On-Site WES's may be permitted subject to a special use permit in the MRD, C, and PUD Zoning Districts.

B. Minimum Site Area. The minimum site area for a WES shall be as necessary to meet required setbacks and any other applicable standards of this Ordinance.

C. Setbacks. All WES's shall be set back a distance equal to one and one-half times the height of the WES from the owner's property line (for on-site WES's) or from the property lines of adjacent non-leased properties including public rights-of-way (for utility grid WES's).

D. Maximum Height:

a. WES's up to 120'. The maximum height for On-site WES's shall be sixty (60) feet from the ground to the top of the blade or tower, whichever is greater. The Planning Commission may approve an increased height for On-site WES's not to exceed one hundred twenty (120) feet, if the following conditions are met:

i. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity and/or reduce turbulence.

ii. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the WES given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the

operator. The Planning Commission shall not grant the increased height if the economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.

iii. The increased height will not result in increased intensity of lighting on the tower due to FAA requirements.

E. Minimum Rotor Wind Vane or Blade Clearance: The lowest point of the arc created by rotating wind vanes or blades on a WES shall be no less than sixteen (16) feet from the highest point of land within the arc of the blades. Additional clearance may be required by the Planning Commission if potential safety concerns are identified.

F. Maximum Noise Levels: Any proposed WES shall produce sound pressure levels that are no more than fifty-five (55) decibels as measured on the dB(A) scale at the property lines of the site in question. A noise report shall be submitted with any application for a WES.

G. Maximum Vibrations: Any proposed WES shall not produce vibrations humanly perceptible beyond the property on which it is located.

H. Shadow Flicker: The facility shall be designed such that shadow flicker will not fall on or in an existing off-site dwelling. Shadow flicker expected to fall on a roadway or a portion of a residential parcel may be acceptable under the following circumstances:

- a. The flicker will not exceed thirty (30) hours per year; and
- b. The flicker will fall more than one hundred (100) feet from an existing residence; or
- c. The traffic volumes are less than five hundred (500) vehicles per day on the roadway.

I. Transmission Lines: The on-site electrical transmission lines connecting the WES to the public utility electricity distribution system shall be located underground.

J. Interference with Commercial/Residential Reception: Any WES shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception.

K. Landscaping: Existing natural land forms on the site which effectively screen the base of the WES from adjacent property used for residential purposes shall be preserved to the maximum extent possible.

L. State or Federal Requirements: Any proposed WES shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the State or Federal government with the authority to regulate WES or other tall structures in effect at the time the permit is approved.

M. Safety: All WES's shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or over speeding.

N. Visual Impact: All WES's shall meet the following requirements:

- a. In order to minimize visual impact, each WES shall be a non-obtrusive color to blend with the natural surroundings.
- b. Each WES shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
- c. Each WES shall be monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires. Each WES shall be designed to aesthetically complement the color and design of any existing WES within a one (1) mile radius.

O. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction and/or operation of the project. 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 Township from acting on a complaint.

P. Lighting: WES's shall not be artificially lighted, unless required by the FAA or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen shall be the lowest intensity allowable under FAA regulations in addition to the following:

- a. Radar-activated obstruction lighting systems shall be utilized, if available and if approved by the FAA.
- b. All tower lighting required by the FAA shall be shielded to the extent possible and acceptable to the FAA to reduce glare and visibility from the ground.
- c. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA.
- d. May be a red top light that does not pulsate or blink.
- e. Where acceptable to the FAA, the Township will approve white lights over red lights, and steady lights over strobed or intermittent lights.
- f. The Planning Commission may require design changes in order to lessen the visual clutter associated with the siting of multiple wind turbines with non-complementary, inconsistent design or lighting within sight of each other.

Q. Removal: If a WES owner or operator intends to abandon and, in fact, does abandon a WES by not operating it for a continuous period of twelve (12)

months, it shall be considered abandoned. Any WES found by the Planning Commission to be unsafe or not in compliance with the standards related to noise or shadow flicker shall be found to be in violation of the permit. The owner of any WES that is abandoned or in violation of the permit shall remove the same within twelve (12) months of receipt of notice from the Township of such abandonment or violation. In addition to removing the Wind Energy System or anemometer tower, the owner shall restore the site of the WES to its original condition prior to location of the WES, subject to reasonable wear and tear. Any foundation associated with a WES shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned WES within the twelve (12) month period provided in this subsection shall be grounds for the Township to remove the WES at the owner's expense. The Planning Commission shall require the applicant to provide a performance guarantee equal to the reasonable cost of removing the WES and attendant accessory structures as a condition of a permit.

R. Decommissioning Plan: A decommissioning plan is required at the time of application. The decommissioning plan shall include:

a. 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.

b. The projected decommissioning costs for removal of the WES and soil stabilization.

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

d. 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 wind energy facility owner may at any time:

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

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

C. ENERGY STORAGE FACILITIES

1. Definitions.

Energy storage facility means a system that absorbs, stores, and discharges electricity

with a nameplate capacity of 50 megawatts or more and an energy discharge capacity of 200 megawatt hours or more. Energy storage facility does not include either of the following:

- i. Fossil fuel storage.
- ii. Power-to-gas storage that directly uses fossil fuel inputs.

Nameplate capacity means 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.

2. An energy storage facility may be located and permitted only if all of the following standards are complied with:

A. Special Land Use - Planning Commission Review: Energy storage facilities may be permitted subject to a special use permit in the MRD, C, and PUD Zoning Districts.

B. Setbacks: The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

- a. Occupied community buildings and dwellings on adjacent properties: 300' from the nearest point on the outer wall.
- b. Public road right-of-way: 50' measured from the nearest edge of a public road right of-way.
- c. Nonparticipating parcels: 50' measured from the nearest shared property line.

C. Compliance: The energy storage facility compli with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on November 29, 2024 or any applicable successor standard adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(c)(ii).

D. Noise: The energy storage facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

E. Lighting: The energy storage facility will implement dark sky-friendly lighting solutions.

F. Requirements: The energy storage facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(c)(v).

G. Landscaping: Existing natural land forms on the site which effectively screen the energy storage facility from adjacent property used for residential purposes

shall be preserved to the maximum extent possible.

H. Minimum Lot Size: energy storage facilities shall only be located on lots which are at least twenty (20) acres in size. Adjacent parcels under the same ownership or which are leased by the owner of the energy storage facility may be considered in combination to satisfy the minimum lot size. However, the lots considered in combination shall not thereafter be separated throughout the life of the energy storage facility. Each energy storage facility is permitted as a use authorized by special use permit which review will consider its compatibility with the surrounding area.

I. Abandonment: If an energy storage facility owner or operator intends to abandon and, if in fact, does abandon a facility by not operating it for a period of six (6) months, the energy storage facility 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 six (6) 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.

J. Decommissioning Plan: A decommissioning plan is required at the time of special use permit application. The decommissioning plan shall include:

A. 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.

B. The projected decommissioning costs for removal of the energy storage facility (net of salvage value in current dollars) and soil stabilization.

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

Section 2. 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 3. Saving Clause.

The Charlevoix 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 4. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Effective Date.

These Ordinance changes shall take effect upon the expiration of seven (7) days after the publication of the notice of adoption.

Ordinance No. 3 of 2025 was adopted on the 14th day of July, 2025 by the Charlevoix Township Board as follows:

Motion by: Hoyt

Seconded by: Stewart

Yeas: Ulrich, Williams, Jarema, Hoyt, Stewart

Nays:

Absent:


Krista Jarema, Clerk


Daniel Ulrich, Supervisor

Adopted:

Publication Date:

Effective Date:

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