

**FULTON TOWNSHIP**  
**GRATIOT COUNTY**

**ZONING ORDINANCE AMENDMENT**

**ORDINANCE NO. 42**

At a regular meeting of the Township Board of Fulton Township, Gratiot County, Michigan, held at the Fulton Township Hall on November 25, 2024 at 7:00 PM, Township Board Member, Bob Baxter moved to adopt the following ordinance, which motion was seconded by Township Board Member Mike Oberlither.

*An Ordinance to amend the Fulton Township Zoning Ordinance, as amended, to include definitions of Solar Energy Systems and Solar Farms, to provide for Solar Energy Systems as accessory uses in all Districts, to add Solar Farms as special uses in the AG and I-1 Districts, to provide for special use regulations of Solar Farms to require additional site plan materials for Solar Farms; in order to maintain the public health, safety, and welfare for the residents of and visitors to Fulton Township.*

Fulton Township, Gratiot County, ordains:

**SECTION 1. AMENDMENT OF ARTICLE 15, SECTION 1503.** The Fulton Township Zoning Ordinance, Article 15, Section 1503, shall be amended to add the following definitions in alphabetical order and not remove any other definitions from the Zoning Ordinance.

**PARTICIPATING PARCEL** - A parcel or parcels of record that are to be used, occupied, maintained, let, leased or authorized to be used for purposes of implementing, providing access to, or to meet setback requirements for wind energy facilities and systems and a solar farm(s).

**NON-PARTICIPATING PARCEL**- A parcel of record that is not in any manner used, occupied, maintained, let, leased, or authorized to be used for wind energy facilities or systems or a solar farm(s).

**SOLAR ENERGY SYSTEM** - A single residential or small business-scale solar energy conversion system consisting of building-mounted panels, ground-mounted solar arrays, or other solar energy fixtures and associated control or conversion elements that will be used to produce utility power primarily for on-site use.

**SOLAR FARM**- A utility-scaled commercial facility that converts sunlight into electricity, whether by photovoltaic, concentrating solar thermal devices or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off site.

**SECTION 2. AMENDMENT OF ARTICLE 3, SECTION 306.** The Fulton Township Zoning Ordinance, Article 3, Section 306 shall be amended to add Section 306 (E), which shall read as follows:

E. Solar energy systems are permitted as an accessory use in all zoning districts.

An on-site use solar energy system (see Section 1503 for definition) is intended to first serve the needs of the private owner. Systems may be building-mounted or ground-mounted. Small systems may be approved through the issuance of both a zoning compliance permit and a building permit, provided the applications and installations meet the requirements set forth in this section. If the zoning administrator believes that the solar energy system may have an adverse impact on the health and safety of the public, it may require the applicant to apply for Site Plan Approval.

1. General requirements:

- a. The zoning administrator's review, as part of zoning compliance is required of all solar energy systems permitted as an accessory use. The application should include the following:
  - i. Photographs of the property's existing conditions.
  - ii. Plot plan to indicate where the solar energy equipment is to be installed on the property.
- b. Setbacks: All small solar energy systems shall maintain a minimum setback of 30 feet from all property lines off the natural grade.
- c. All ground mounted solar energy system components must be screened from the street and neighboring residences by fencing or landscaping.
- d. A site plan, drawn to scale, shall show all existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information required by the Zoning Administrator, Building Inspector, or Planning Commission that is necessary to determine compliance with this ordinance.
- e. Complete prepared site plans signed by the party that prepared it shall not apply to applications proposing.
  - i. Building-mounted solar panels
  - ii. Ground-mounted solar panels that do not exceed 8,000 square feet.
- f. Solar energy collectors, and the installation and use thereof, shall comply with the state construction code, the electric code, and other applicable local construction codes.
- g. Adjoining property owners not liable for damage from their trees.

2. Building-mounted solar panels:

- a. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
- b. Solar energy collectors that are wall-mounted shall not exceed the height of the building to which they are attached.
- c. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.

3. Ground-mounted solar panels:

- a. Shall not be installed on parcels less than one (1) acre in size.
- b. Shall only be located in the side or rear yard.
- c. The maximum ground area occupied by solar panels and associated paved surfaces is twenty (20) percent of lot size.
- d. If more that 4,000 square feet of impervious surface is proposed, a drainage plan must be submitted with the zoning permit application or site plan.
- e. The maximum ground-mounted panel height is eight (8) feet, measured from grade to the top of the panel.
- f. Panels shall be screened from residentially zoned parcels and public rights of way by a greenbelt and/or eight (8) foot privacy fence.

**SECTION 3. AMENDMENT OF ARTICLE 4, SECTION 408.** The Fulton Township Zoning Ordinance , Article 4, Section 408(B) Special Land Uses to add the following special use to the Agricultural District:

16. Solar farm

**SECTION 4. AMENDMENT OF ARTICLE 4, SECTION 411.** The Fulton Township Zoning Ordinance, Article 4, Section 411 (B) Special Land Uses to add the following special use to the Industrial District:

10. Solar farm

**Section 5. AMENDMENT OF ARTICLE 7.** The Fulton Township Zoning Ordinance, Article 7, shall be amended to add Section 732, which shall read as follows:

**SECTION 732 SOLAR FARM**

Purpose: Fulton Township promotes the effective and efficient use of solar energy collection systems. It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors, as defined in this ordinance, shall comply with the provisions of this Section.

1. Such facilities are permitted by special land use in the AG and 1-1 Districts.
2. All photovoltaic solar panels and support structures located in a solar farm shall be restricted off natural grade to a maximum height of twenty (20) feet when oriented at maximum tilt.
3. All photovoltaic solar panels and support structures including perimeter fencing and landscaping associated with a solar farm shall be setback a minimum of two hundred (200) feet from road right-of-ways and two hundred (200) feet from non-participating parcel property lines. Nothing in this section, or elsewhere in this ordinance, prohibits: (1) the erection of a structure or structures in these setbacks if the structure or structures is/are not used in the operation of the solar farm and authorized by the Zoning Ordinance; and (2) prohibits the placement of underground electrical collection lines or necessary drainage infrastructure within required setback areas should such collection lines or drainage infrastructure be of sufficient space from non-participating parcels to allow maintenance, repair, and removal of lines or infrastructure (e.g., during decommissioning) to entirely occur on participating parcels and not result in any spoils being stored on or other activities occurring on non-participating parcels.
4. A solar farm shall be located on one parcel or multiple adjoining parcels with a maximum aggregate area of 500 acres.
5. No solar farm shall be located within five thousand two hundred eighty (5,280) feet of another solar farm.
6. No solar farms shall cause noise in excess of forty-five (45) dBA (using Leq-10 minute or other acceptable scale to the Township, but not Lmax) as measured at the property line of a non-participating parcel. Applicants must provide a pre-construction and post-construction sound study to the Township demonstrating compliance with this standard
7. A ten (10) foot area clear of trees, bushes, or brush is required surrounding all ground-mounted photovoltaic arrays. Vegetation in the area must be kept trimmed to less than 12 inches.
8. Solar farms shall be sited so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of day. Applicants must provide a pre-construction and post-construction glare study to the Township demonstrating compliance with this standard and may be required to utilize operational controls on a solar farm (e.g., tilting of panels at certain times) to ensure such compliance.
9. All lighting for parking lots, driveways, external illumination of buildings or the illumination of signs shall be directed down and away from and be shielded from adjacent properties and shall be arranged so as to not produce glare on adjacent public roads or property.
10. Solar farms shall comply with all applicable state construction and electrical codes including local building permit requirements. The interconnection of the solar farm with the utility company shall adhere to the applicable State Electrical Codes.

11. An approved special use permit for a solar farm project shall expire if construction of the solar farm has not commenced within twelve (12) months from the date of issuance. An applicant may request an extension of the approval of the special use permit by letter addressed to the Zoning Administrator. The Zoning Administrator may grant or deny an extension of up to twelve (12) months for the construction to commence provided the written request to extend the special use permit is submitted prior to the expiration of the special use permit and provided that the proposed use continues to satisfy the applicable standards set forth within the ordinance.
12. An approved special use permit for a solar farm shall constitute approval to operate and use the solar farm twenty-four (24) hours per day.
13. The Township shall have the right to any reasonable time to inspect the parcels on which any solar farm is located. The Township may hire one or more consultants to assist with any such inspections at the applicants or system owner's expense.
14. Along with the application, the applicant shall submit to the Township a report with images of all existing drainage tiles to establish a baseline condition of the tile. To preserve agricultural drainage and to manage stormwater, an applicant must further:
  - (1) submit an approved stormwater management plan for the solar farm that is approved by the Gratiot County Drain Commissioner;
  - (2) submit a required drain tile maintenance plan for the life of the solar farm that ensures the restoration and maintenance of any agricultural drain tile affected by a project;
  - (3) ensure modifications to lands hosting a solar farm do not adversely impact neighboring agricultural drainage infrastructure, and
  - (4) must restore all public and private drainage systems (including agricultural drain tile) at decommissioning to allow drainage to occur consistent with pre-construction conditions, including, but not limited to, pre-construction conditions that provide for agricultural uses of properties. All requirements to restore public and private drainage infrastructure as required by this section must be accounted for in the value of any decommissioning security posted by an applicant.
15. If the parcels on which the system is proposed is to be leased, rather than owned, by the owner of the solar farm, all property within the system boundary must be included in a recorded easements, leases, or consent agreements specifying the applicable uses for the duration of the system. All such agreements must be in place prior to commencing construction of the system.
16. A solar farm shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least six (6) feet in height measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of solar farm shall also be screened and buffered by installed Evergreen vegetative plantings whenever existing natural forest vegetation does not continuously obscure the solar farms and higher perimeter from adjacent parcels, subject to the following requirements:

\*Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a

substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the solar farm, including without limitation between such solar farm and adjacent residential and/or public highways or streets. Nothing contained herein shall be constructed to prevent reasonable access to any solar farm.

\*The evergreen vegetative buffer shall be composed of evergreen trees or shrubs that at planting shall be a minimum of eight (8) feet in height. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart and center (from the central trunk of one plant to the central trunk of the next plant)

\*A minimum of two rows of trees shall be planted, ten (10) feet apart with the two rows staggered.

\*Failure to continuously maintain the require evergreen vegetative buffer shall constitute a violation of this ordinance and sufficient grounds for revocation of any special land use permit previously granted.

17. All collection lines and interconnections from solar array(s) to any electrical substations shall be located at a six (6)-foot depth and maintained underground inside the solar farm. The Planning Commission may waive this requirement if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
18. Each applicant for a solar farm must commission and submit a study at their own expense, on the impacts of the solar farm on prime farmland with the Township, including whether such a system will result in the conversion of any prime farmland, whether such land may be simultaneously used for animal grazing and/or farming in addition to housing the system, the availability of other prime farmland to support the Township's farms and the economic impact of conversion of such prime farmland on the Township. Such study shall indicate how: (1) an applicant selected the project location and layout in a manner that minimizes impacts to prime farmland and utilizes project lands for, if applicable, continued agricultural activities; and (2) how project restoration and decommissioning plans enable project lands that were prime farmland or used for agricultural purposes to still be prime farmland or suitable for agricultural purposes. Applicants shall ensure that any solar farms sited on lands used for agricultural purposes or prime farmland can be maintained and returned to a state to continue to be used for agricultural purposes after project decommissioning and all costs associated with such maintenance and restoration of lands back to a state suitable to continue agricultural purposes or to still be considered prime farmland is included in any decommissioning security submitted to the Township.

19. Solar farms shall be arranged in such a manner that it is conducive to wildlife travel through the system. Existing trees, wetlands, and other vegetation that link open areas with any proposed system site shall be preserved as wildlife cover.
20. The Township shall not approve any solar farm unless it finds the solar farm will not pose a safety hazard or unreasonable risk of harm to individuals of the Township, the occupants of any surrounding properties, or area wildlife.
21. Each solar farm must be kept and maintained in good repair and condition at all times. If the Township zoning administrator determines that a solar farm fails at any time to meet the requirements of this ordinance and the special land use permit, or that it poses a potential safety hazard, and the applicant shall shut down the solar farm within forty-eight (48) hours after notice by the zoning administrator and not operate, start or restart the solar farm until the condition has been corrected. Applicants shall keep a maintenance log on the solar array(s) which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Solar farm neat, clean, and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
22. Any material damage to a public road located within the Township resulting from the construction, maintenance or operation of a solar farm shall be repaired at the applicant's expense. The applicant shall submit to the appropriate county agency a description of the routes to be used by construction and delivery vehicles, any road improvement that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and a performance guarantee acceptable to the County and the Township in the amount necessary to assure repair of any damage to the public roads caused by construction of the solar farm or any of its elements.
23. The solar farm applicant shall submit a detailed, written complaint resolution process developed by the solar farm applicant to resolve complaints from the property owners or residents concerning the construction or operation of the solar farm. The complaint resolution process must be approved by the Township as a condition of approval of the special land use permit application. The Township Board shall appoint a 3-member complaint resolution committee to oversee and participate in all complaint resolution discussions or meetings between the Township property owners or resident and the solar farm owner. The complaint resolution committee shall consist of one Township board member, one Planning Commission member, and one qualified elector chosen by the Township Board from the community. The Township Board shall be kept apprised of all complaints and shall receive a report of outlining the issues, the progress, and the resolution of each complaint.
24. Following the operational life of the system, the applicant shall perform decommissioning and removal of the solar farm and all of its components, The applicant shall prepare a decommissioning plan and submit it to the Township for review and approval prior to the issuance of a special land use permit. Under this plan all structures and facilities shall be removed including any structures below grade and removed off site for disposal. No concrete piping or any other material

may be left in place. Any solar array(s) or combination of photovoltaic devices that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the previously submitted decommissioning plan. The ground must be restored to its original condition within one-hundred, eighty (180) days of abandonment or decommissioning.

25. 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 a solar farm and shall be maintained by the owner or operator until the solar farm has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to 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 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.

**SECTION 6. AMENDMENT OF ARTICLE 5.** The Fulton Township Zoning Ordinance, Article 5, shall be amended to add Section 509, which shall read as follows:

**Section 509 SOLAR FARM SPECIAL USE SITE PLAN REQUIRED**

1. Solar farms shall be located only in the AG or 1-1 Districts and shall be approved only as a special land use in accordance with the procedures set forth in Article 7, Special Land Uses. They shall be subject to review and approval under Article 5, Plan Review, including Sections 504 and 506. In addition to the application procedures of Article 5, and applicant seeking approval for a solar farm shall also provide the following application materials:
  - a. Site Plan: A site plan must include the proposed number, location, and spacing of solar panels; proposed height of panels; location of access roads; planned location of underground or overhead electric lines connection the solar farm to the substation or other electric load; proposed stormwater management facilities; proposed erosion and sediment control measures; and other related facilities or appurtenances.
  - b. Identify the type, size, rated power output, performance, safety and noise characteristics of the proposed system including the transmission line/grid connection for the project.
  - c. The estimated construction time line.

- d. A graphical demonstration of the visual impact of the project using photos renditions of the project with consideration given to setbacks and proposed landscaping.
- e. Details of the access road to the solar farm including dimensions, composition, and maintenance.
- f. Planned security measures to prevent unauthorized trespass and access.
- g. An environmental analysis identifying any impacts on the surrounding environment. Including the identification of any solid or hazardous waste generated by the project.
- h. Identify potential hazards to adjacent properties, public roadways, and to the general public that may be created. Include emergency and normal shutdown procedures.
- i. Identify noise levels at the property lines of the project when completed and operational.
- j. Identify any electromagnetic interference that may be generated by the project.
- k. A copy of the manufacturer's installation instructions shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the solar farm, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the State Construction Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
- l. \$50,000 non-refundable fee for Special Land Use Permit and Site Plan Review in addition to an escrow deposit made payable to the Township Treasurer to defray Township expenses associated with the Special Land Use Permit and Site Plan Review process for solar farms, including, but not limited to, the costs of professional assistance (e.g., legal, planning, engineering, or other necessary consultants) and notice costs. The amount of required escrow deposit shall be determined by the Township Zoning Administrator and any unused funds from the escrow deposit after review of a project shall be returned to an applicant without interest. Applicants

must timely replenish escrow deposits should they be exhausted, or all consideration and review of a project will cease.

- m. A study that identifies all impacts of a proposed project on community resources and services, including, but not limited to, roads, fire protection (including any necessary training or equipment), police protection, emergency medical services, and public drainage systems including culverts. Applicants shall demonstrate in an application for a solar farm, how they will ensure impacts from a proposed project on community resources and services will be addressed by the applicant and not be borne on the Township.
- n. Prepare an emergency response plan addressing how emergency services providers (EMS, fire, and law enforcement) can respond to emergencies that could occur on a solar farm. The emergency response plan shall also be provided by the applicant to Township emergency medical services, fire protection, and law enforcement providers for an opportunity to comment and comments from the providers above must be submitted to the Township for review. Should an emergency response plan identify any necessary resources or training not possessed by a Township emergency services provider, the applicant must identify how it will provide such resources or training to the applicable provider.
- o. The solar farm application shall contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of project life, inoperability of the solar farm, or facility abandonment. Decommissioning shall include the removal of all structures, fencing, and equipment, foundations, footings, and debris to a depth of six (6) feet as well as restoration of the soil and vegetation. The decommissioning including restoration shall be completed within one (1) year of the end of project life, inoperability of the solar farm or facility abandonment, at the owner's or operator's expense. Extensions may be granted upon written request to the Planning Commission prior to expiration of the one (1) year decommissioning period. The site shall be restored to as natural condition as possible within six (6) months of the removal. A site will be considered decommissioned when, after inspection and approval by the Township, all structures and equipment are removed, and the site is in natural condition. The Decommissioning Plan shall state (a) how the facility will be decommissioned, (b) a Professional Engineer chosen by the Township, paid for by the applicant or successor, (c) the Professional Engineer's estimated cost of decommissioning and (d) the financial resources to be used to accomplish decommissioning.

- i. The financial resources for decommissioning shall be in the form of a surety bond or letter of credit acceptable to the Township that does not credit salvage value to reduce costs of decommissioning.
  - ii. The Township shall have access to the escrow account funds for the express purpose of completing the decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of the solar farm, or facility abandonment, or upon expiration of any extension granted by the Planning Commission. Escrow funds may be used for administrative fees and costs associated with decommissioning.
  - iii. The Township is also granted the right to seek and obtain injunctive relief to effect of complete decommissioning, as well as the right to collect reimbursement from applicant or applicant's successor for decommissioning costs in excess of the financial resources provided to the Township and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess costs, and to take all steps allowed by law to enforce the lien.
  - iv. Any expenditures of decommissioning not covered will be the responsibility of the landowner.
- p. Landowner Authorization: The applicant shall provide the following information with respect to the site:
- i. A legal description of the participating parcels on which the solar farm will be located.
  - ii. The name, address, and phone number of the applicant, including the name of the authorized representative of the applicant, the owner of all equipment proposed to be installed, and the owner(s) of the participating parcels.
  - iii. Written authorization from the participating parcels owners to seek land use approval for the solar farm.
  - iv. A copy of the applicant's letter of intent with any participating parcels.
- q. Liability Insurance: The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least five million (\$5,000,000) dollars per occurrence and and five million (\$5,000,000) dollars in the aggregate and provide proof that it meets the insurance requirement to the Zoning Administrator prior to approval.

**SECTION 7. AMENDMENT OF ARTICLE 7.** The Fulton Township Zoning Ordinance, Article 7, Section 731 shall be amended to delete Subsections 731.A.7 and 8, which defines a

"participating parcel" and "non-participating parcel" as such terms are now defined in Article 15, Section 1503.

**SECTION 8. REPEAL.** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 9. SEVERABILITY AND FORM.** The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration. Moreover, the content of this Ordinance may be placed into a compilation of the Fulton Township Zoning Ordinance (e.g., a complete zoning ordinance book) and the Township may make any necessary stylistic or formatting changes to insert this amendment into the compiled Zoning Ordinance.

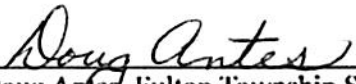
**SECTION 10. EFFECTIVE DATE.** This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: 5

NAYS: 0

ABSENT/ABSTAIN: 0

**ORDINANCE DEEMED ADOPTED**

  
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Doug Antes, Fulton Township Supervisor