

ORDINANCE #18-01-Z
AN ORDINANCE TO AMEND THE TEXT OF THE LEXINGTON
TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR THE
PERMITTING OF SOLAR ENERGY FACILITIES

THE TOWNSHIP OF LEXINGTON ORDAINS:

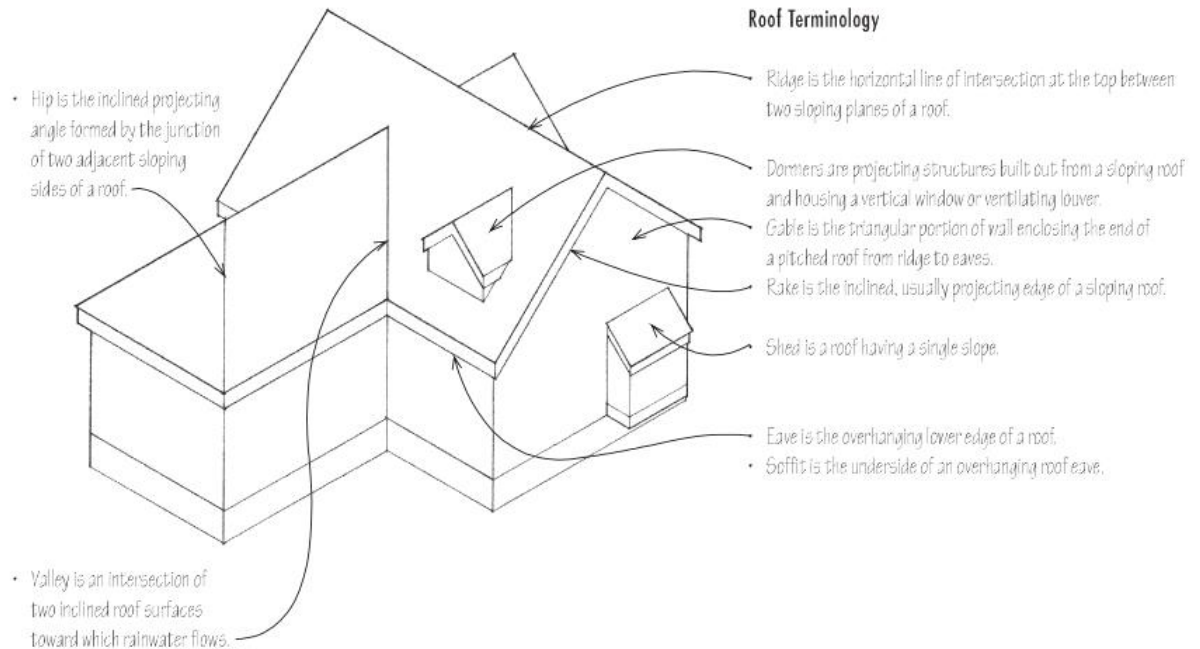
ARTICLE 1:

CHAPTER 2, Definitions, Section 2.2.0- General Definitions, is hereby amended to add new definitions which shall read as follows:

.01 Definitions

- A. "Applicant" is the Landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a Solar Energy Facility under this Ordinance.
- B. "Landowner" means the persons or entities possessing legal title to the Parcel(s) upon which a SEF is located
- C. "Parcel" means all land within a legally established parcel.
- D. "Practicable" means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.
- E. "Protected Lands" means, for the purpose of this section only, lands containing resources that are protected or regulated by established regulatory standards of local, state, and federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.
- F. "Renewable Energy Combining Zone" means a zoning district that may be combined with other base zoning and applied to specific geographic areas within the township, where the township has determined the land is suitable for a specified variety of Solar Energy Facilities and where permitting for such facilities may be expedited if specified conditions are met.
- G. "Review Authority" means Lexington Township.
- H. ROOF:
 - a. *Dormers:* Dormers are projecting structures built out from a sloping roof and housing a vertical window or ventilating louver.
 - b. *Eave:* Eave is the overhanging lower edge of a roof.
 - c. *Gable:* Gable is the triangular portion of wall enclosing the end of a pitched roof for ridge to eaves.
 - d. *Hip:* Hip is the inclined projecting angle by the junction of two adjacent sloping sides of a roof.
 - e. *Rake:* the inclined, usually projecting edge of a sloping roof.
 - f. *Ridge:* The horizontal line of intersection at the top between two sloping planes of a roof.
 - g. *Shed:* A roof having a single slope.

- h. *Soffit*: The underside of an overhanging roof eave.
- i. *Valley*: An intersection of two inclined roof surfaces toward which rainwater flows.



- I. “Solar Energy Facility (SEF)” means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.
- J. “Solar Electric System (SES)” means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.
- K. “Uses Allowed” means one of the following:
 - a. Accessory Use – a SEF designed primarily for serving on-site needs or a use that is related to the Primary Use of the property.
 - b. Direct Use – a SEF designed and installed to provide on-site energy demand for any legally established use of the property.
 - c. Primary Use – a SEF that uses over 50% of the Parcel(s) and is devoted to solar electric power generation primarily for use off-site.
 - d. Secondary Use – a SEF that is not the Primary Use of the property and uses less than 50% of the Parcel(s) land area.

ARTICLE 2:

CHAPTER 3, General Provisions, is hereby amended to add Section 3.55.0 Solar Energy Facilities and hereby reads as follows:

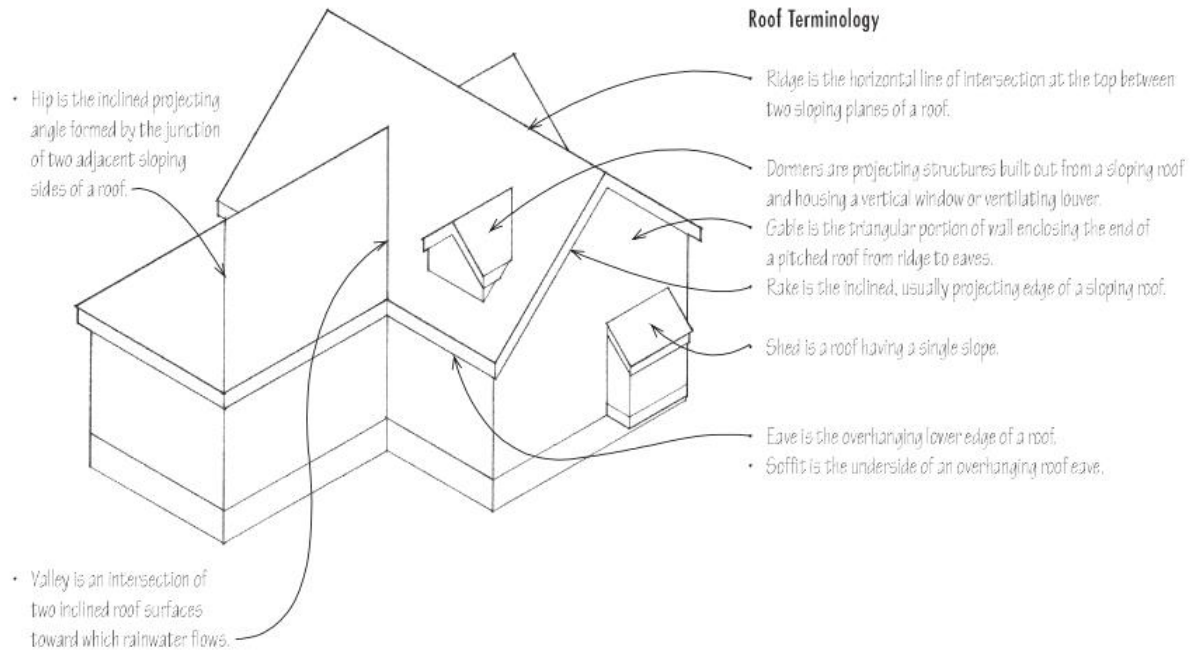
Section 3.55.0 — Solar Energy Facilities

.02 Purpose

The purpose of the Ordinance is to facilitate the construction, installation and operation of a Solar Energy Facilities (SEFs) in Lexington Township in a manner that protects public health, safety and welfare and avoids significant impacts to protected resources such as important agricultural lands, endangered species, high value biological habitats and other protected resources. It is the intent of this ordinance to encourage solar facilities that reduce reliance on foreign petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, and/or promote economic development diversification.

.03 Definitions

- L. "Applicant" is the Landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a Solar Energy Facility under this Ordinance.
- M. "Landowner" means the persons or entities possessing legal title to the Parcel(s) upon which a SEF is located
- N. "Parcel" means all land within a legally established parcel.
- O. "Practicable" means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.
- P. "Protected Lands" means, for the purpose of this section only, lands containing resources that are protected or regulated by established regulatory standards of local, state, and federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.
- Q. "Renewable Energy Combining Zone" means a zoning district that may be combined with other base zoning and applied to specific geographic areas within the township, where the township has determined the land is suitable for a specified variety of Solar Energy Facilities and where permitting for such facilities may be expedited if specified conditions are met.
- R. "Review Authority" means Lexington Township.
- S. ROOF:
 - a. *Dormers*: Dormers are projecting structures built out from a sloping roof and housing a vertical window or ventilating louver.
 - b. *Eave*: Eave is the overhanging lower edge of a roof.
 - c. *Gable*: Gable is the triangular portion of wall enclosing the end of a pitched roof for ridge to eaves.
 - d. *Hip*: Hip is the inclined projecting angle by the junction of two adjacent sloping sides of a roof.
 - e. *Rake*: the inclined, usually projecting edge of a sloping roof.
 - f. *Ridge*: The horizontal line of intersection at the top between two sloping planes of a roof.
 - g. *Shed*: A roof having a single slope.
 - h. *Soffit*: The underside of an overhanging roof eave.
 - i. *Valley*: An intersection of two inclined roof surfaces toward which rainwater flows.



- T. “Solar Energy Facility (SEF)” means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.
- U. “Solar Electric System (SES)” means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.
- V. “Uses Allowed” means one of the following:
- Accessory Use – a SEF designed primarily for serving on-site needs or a use that is related to the Primary Use of the property.
 - Direct Use – a SEF designed and installed to provide on-site energy demand for any legally established use of the property.
 - Primary Use – a SEF that uses over 50% of the Parcel(s) and is devoted to solar electric power generation primarily for use off-site.
 - Secondary Use – a SEF that is not the Primary Use of the property and uses less than 50% of the Parcel(s) land area.

.04 Applicability

- This Ordinance applies to the construction of any new SEF within the Township.
- A SEF legally established or permitted prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance, however:
 - Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this Ordinance. Only the modification or alteration is subject to this Ordinance;
 - Substantial conformance review determinations are not major amendments to a project's existing permits; and
 - Routine operation and maintenance or like-kind replacements do not require a permit.

.05 Permit Required

The type of permit required for SEFs shall be as shown in Table 1 Permit Requirements

Table 1. Permit Required

	Accessory Use	Direct Use	Primary Use	Secondary Use
Agricultural/ Residential	P	P	SLU	SLU
Commercial/ Office	P	P	SLU	SLU
Industrial	P	P	SLU	P

P: Permitted Use SLU: Special Land Use

.06 Parcel Line Setbacks

The following setbacks from the Parcel line to the closest part of the SEF shall be established as shown in Table 2. Fencing, roads and landscaping may occur within the setback.

Table 2. Setbacks

	Accessory Use	Direct Use	Primary Use	Secondary Use
Setback from All Property Lines	Per Zoning for that District		75 feet	75 feet

.07 Height

For ground mounted systems, height restrictions will be measured from natural grade below each module in the event the site has topographic changes.

Table 3. Height Limits

Zoning District	Accessory Use/ Direct Use	Secondary Use	Primary Use
Ag or Residential	Roof – 5’ above roof ridge	Roof –5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’	Roof – 5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’
	Ground – 15’		
Commercial, Office, or Industrial	Roof – 5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’	Roof – 5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’	Roof – 5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’

.08 General Requirements (apply to all SEF Uses unless otherwise noted)

- A. Building Permits Are Required –
 - a. Nothing in this chapter modifies the minimum building standards required to construct a SEF, consistent with applicable building and fire codes. The SEF components and all accessory equipment shall comply with the most recently adopted Building Code as determined by the Building Official and Fire Code as determined by the Fire Official.
 - b. A site plan shall be provided at the time of the Building Permit application demonstrating compliance with the setbacks in Tables 1 and 2.
 - c. The Building Permit shall include review by local permitting departments including, but not limited to, the local Fire Authority, for Health and Safety Requirements.
- B. Supplemental Information Required-
 - a. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
 - b. On site power lines between solar panels and inverters shall be placed underground.
 - c. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
 - d. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Township.
 - e. An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.
 - f. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
 - g. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
 - h. For ground mounted SEF, a description of the ground covering of native Michigan plantings beneath the solar panels (i.e. grass, plantings) and a plan for maintaining the ground cover.
- C. Off-Site Facilities – When the SEF is located on more than one Parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties.
- D. Glare – Any glass, plastic, or metal panels must not produce glare that is visible from the street or any neighboring home.
- E. Septic System Avoidance – The SEF shall not be located over a septic system, leach field area or identified reserve area unless approved by the Department of Environmental Health;
- F. Floodplain Avoidance – If located in a floodplain as designated by FEMA, or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation; and, shall not otherwise create a fire or other safety hazard as determined by the Building Official.
- G. Conform to Development Standards for Underlying Zone – The SEF shall be ground mounted, or when located on structures, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein;
- H. Visibility
 - a. All solar energy facilities located in a residential area shall have a minimum landscape buffer of 25 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. A buffer area will not be required between a solar energy facility and an industrial or commercial use. A planted buffer will not be required if an opaque fence is installed. The Planning Commission has the authority to reduce the buffer requirements based on site conditions.
 - b. All Areas - Additionally, all ground mounted facilities shall:
 - i. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent Parcel or the night sky;
 - ii. Not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the facility owner;
 - iii. Be sited behind existing vegetation (which shall be supplemented with landscaping where not adequate to screen the project) or be sited using the natural topography to screen the project; and
 - iv. Be enclosed by a fence, barrier, barbwire, or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the Parcel(s). Fences or barriers shall

incorporate wildlife friendly design. No barrier shall be required where projects employ full-time security guards or video surveillance.

- I. Locations Requiring Special Land Use Approval– The following principles shall apply to the Review of Primary and Secondary Use locations: No portion of the SEF or their structures shall occupy Protected Lands. Protected Lands that are potentially incompatible locations, requiring Special Land Use permits, include:
 - a. Floodways.
 - b. Wetlands, wetland transition areas, riparian corridors, or open water.
 - c. Properties enrolled in the Michigan Farmland Preservation Program.
 - d. Habitat of special status, threatened, endangered, candidate, or fully protected species, species of special concern, or species protected local, State, and Federal agencies.
 - e. Lands within easements where SEF is a prohibited use.
- J. Abandonment
 - a. A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Director or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF.
 - b. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within three hundred and sixty (360) days of notice by the Planning Director or his designee.
 - c. If the responsible party (or parties) fails to comply, the Planning Director or his designee may remove the SEF, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a nonhazardous pre-development condition.
 - d. Facilities deemed by the Township to be unsafe and facilities erected in violation of this section shall also be subject to this Section. The code enforcement officer or any other employee of the Planning and Building Departments shall have the right to request documentation and/or affidavits from the Applicant regarding the system's usage, and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.
 - e. Upon a determination of abandonment or other violation(s), the Township shall send a notice hereof to the Applicant and/or Landowner, indicating that the responsible party shall remove the SEF and all associated facilities, and remediate the site to its approximate original condition within ninety (90) days of notice by the Township, unless the Township determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the SEF and restoration of the site, the Township may advise the Applicant and/or Landowner of such alternative means of resolving the violation(s).
 - f. If the Applicant and/or Landowner do not comply, the Township may remove the SEF and restore the site and may thereafter (a) draw funds from any bond, security or financial assurance that may have been provided or (b) initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.
- K. Decommission Plan
 - a. The SEF project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.
 - b. Decommissioning shall include: Removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.
 - c. The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited.
 - d. The Decommissioning Plan shall also include an agreement between the applicant and the Township as part of the Special Land Use Application and prior to the beginning of construction that:
 - e. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of Lexington Township and shall be in an amount of at least two hundred fifty thousand dollars (\$250,000.00) and shall contain a replenishment

obligation. Evidence of decommissioning bond shall be in the form of an escrow account, surety bond, letter of credit subject to approval of the Lexington Township Planning Commission to guaranty decommissioning of an abandoned site. If surety bond is utilized, it must be pursuant to US Treasury bond list.

- f. The Township shall have access to the escrow account funds, performance bond and/or equivalent financial instrument for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of the project life or facility abandonment as defined.
 - g. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - h. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow, performance bond and/or equivalent financial instrument and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
 - i. The applicant agrees to all the terms of this Ordinance.
- L. Aviation Notification
- a. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of Michigan. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
 - b. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport not listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

.09 Solar Energy Facilities- Accessory Use

- A. **General Requirements.** Accessory Use Solar Energy Facilities are ground mounted SEFs that provide energy primarily for on-site use, or rooftop systems that provide energy for any use. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged as preferred locations for a SEF. In addition to the General Requirements in Section 7, the following standards shall apply to all Accessory Use SEFs, notwithstanding the development standards for the underlying zone:
- a. Lot Coverage – Rooftop systems can be any size, ground mounted systems may not exceed ½ an acre;
 - b. Setbacks – Ground mounted structures shall conform to the setbacks as shown in Table 2.
 - c. Height Limits – Facilities shall conform to the height limits of Table 3, unless demonstrated by a structural engineer to meet public safety standards.
 - d. Floodplain - An Accessory Use SEF shall not be located in a Floodplain.

.10 Solar Energy Facilities- Direct Use

- A. **General Requirements.** Direct Use SEFs provide energy for on-site use. In addition to the General Requirements in Section 3.55.07, the following standards shall apply to all Direct Use SEF, notwithstanding the development standards for the underlying zone:
- a. Lot Coverage – Allowable lot coverage varies by the underlying zoning district.
 - b. Setbacks – Ground mounted structures shall conform to the setbacks as shown in Table 2.
 - c. Height Limits – Facilities shall conform to the height limits of Table 3.

- d. Floodplain - A Direct Use SEF shall not be located in a Floodplain.
 - B. **Biological Resources.** The protection of high value biological resources is an important consideration. Direct Use SEF projects shall not be located on lands that support listed, candidate or other fully protected species, species of special concern, or species protected by local, State, or Federal agencies.
- .11 Solar Energy Facilities- Primary and Secondary Uses
- A. General Requirements. Primary or Secondary Uses that provide energy for on-site or off-site use as shown in Table 1 subject to a special land use permit. In addition to the General Requirements in Section 3.55.07, the following standards shall apply to all Primary and Secondary SEF, notwithstanding the development standards for the underlying zone:
 - a. Lot Coverage – Over 50% lot coverage for a Primary Use, under 50% lot coverage for a Secondary Use;
 - b. Setbacks – Ground mounted structures shall conform to the setbacks as shown in Table 2. The buffer may be reduced if the decision-making body determines that there is a substantial screen such as existing topography or landscaping vegetation and/or an operational management plan and/or an agricultural operation easement is provided;
 - c. Height Limits – Facilities shall conform to the height limits of Table 3;
 - d. Michigan Farmland Preservation Program – A Primary or Secondary SEF may not be located on a property enrolled in the Michigan Farmland Preservation Program. An Applicant must successfully terminate their Farmland Development Rights Agreement with the Department of Agriculture and Rural Development to be eligible to apply for SEF approval.
 - e. Grading - Grading within the Township shall be limited to only that necessary to construct access roads and install equipment, unless the areas are determined to be chemically or physically impaired.
 - B. Biological Resources – The protection of high value biological resources is an important consideration. Primary or Secondary Use SEF projects shall not be located on lands that support listed, candidate or other fully protected species, species of special concern, or species protected by local, State, or Federal agencies.
 - C. Soil Stabilization, Erosion Control and Ground Water Management – For Primary and Secondary Use SEFs, the following requirements shall apply:
 - a. To the extent feasible and compatible with the climate and pre-project landscaping of the property the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the Township and Sanilac County. All areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the Planning Department.
 - b. A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff shall be provided subject to approval by the review authority.
 - c. A maintenance plan shall be submitted for the continuing maintenance of the SEF, which may include, but not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required.
 - d. Prior to issuing a final Building Permit, an as-built grading and drainage plan, prepared by a licensed professional surveyor or other approved qualified professional shall be submitted to the reviewing agency's engineer for review and approval. The plan shall show that the as-built conditions are substantially the same as those shown on the approved grading and drainage plan.

.12 Severability

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.

ARTICLE 3:

- A. CHAPTER 5, Lake Front Residential, Recreational, and Resort (LFRRR), Section 5.2.0- Uses Permitted By Right, is hereby amended to add:
 - .08 Solar Energy Facility –Accessory Use
 - .09 Solar Energy Facility- Direct Use

- B. CHAPTER 5, Lake Front Residential, Recreational, and Resort (LFRRR), Section 5.3.0- Special Land Uses, is hereby amended to add:
.13 Solar Energy Facility –Primary Use
.14 Solar Energy Facility- Secondary Use

ARTICLE 4:

- A. CHAPTER 6, Agriculture Enterprise District (A-1), Section 6.2.0- Uses Permitted By Right, is hereby amended to add:
S. Solar Energy Facility –Accessory Use
T. Solar Energy Facility- Direct Use
- B. CHAPTER 6, Agriculture Enterprise District (A-1), Section 6.2.0), 0- Special Land Uses, is hereby amended to add:
W. Solar Energy Facility –Primary Use
X. Solar Energy Facility- Secondary Use

ARTICLE 5:

- A. CHAPTER 7, Agricultural/ Residential District (A-2), Section 7.3.0- Special Land Uses, is hereby amended to add:
P. Solar Energy Facility –Primary Use
Q. Solar Energy Facility- Secondary Use

ARTICLE 6:

- A. CHAPTER 8, Low Density Residential District (R-1), Section 8.2.0- Uses Permitted By Right, is hereby amended to add:
G. Solar Energy Facility –Accessory Use
H. Solar Energy Facility- Direct Use
- B. CHAPTER 8, Low Density Residential District (R-1), Section 8.3.0- Special Land Uses, is hereby amended to add:
I. Solar Energy Facility –Primary Use
J. Solar Energy Facility- Secondary Use

ARTICLE 7:

- A. CHAPTER 9, Medium Density Residential District (R-2), Section 9.2.0- Uses Permitted By Right, is hereby amended to add:
G. Solar Energy Facility –Accessory Use
H. Solar Energy Facility- Direct Use
- B. CHAPTER 9, Medium Density Residential District (R-2), Section 9.3.0- Special Land Uses, is hereby amended to add:
H. Solar Energy Facility –Primary Use
I. Solar Energy Facility- Secondary Use

ARTICLE 8:

- A. CHAPTER 10, High Density Residential District (R-3), Section 10.2.0- Uses Permitted By Right, is hereby amended to add:
J. Solar Energy Facility –Accessory Use
K. Solar Energy Facility- Direct Use
- B. CHAPTER 10, High Density Residential District (R-3), Section 10.3.0- Special Land Uses, is hereby amended to add:
J. Solar Energy Facility –Primary Use
K. Solar Energy Facility- Secondary Use

ARTICLE 9:

- A. CHAPTER 11, Office District (O), Section 11.2.0- Uses Permitted By Right, is hereby amended to add:
H. Solar Energy Facility –Accessory Use
I. Solar Energy Facility- Direct Use
- B. CHAPTER 11, Office District (O), Section 11.3.0- Special Land Uses, is hereby amended to add:
K. Solar Energy Facility –Primary Use

L. Solar Energy Facility- Secondary Use

ARTICLE 10:

- A. CHAPTER 12, Commercial District (C), Section 12.2.0- Uses Permitted By Right, is hereby amended to add:
 P. Solar Energy Facility –Accessory Use
 Q. Solar Energy Facility- Direct Use
- B. CHAPTER 12, Commercial District (C), Section 12.3.0- Special Land Uses, is hereby amended to add:
 P. Solar Energy Facility –Primary Use
 Q. Solar Energy Facility- Secondary Use

ARTICLE 11:

- A. CHAPTER 13, Industrial District (I), Section 13.2.0- Uses Permitted By Right, is hereby amended to add:
 L. Solar Energy Facility –Accessory Use
 M. Solar Energy Facility- Direct Use
 N. Solar Energy Facility- Secondary Use
- B. CHAPTER 13, Industrial District (I), Section 13.3.0- Special Land Uses, is hereby amended to add:
 .13 Solar Energy Facility –Primary Use
 .13 Solar Energy Facility- Secondary Use

ARTICLE 12:

- A. CHAPTER 14, Special Land Uses, Section 14.7.0 Agricultural (A-1) District Special Land Uses, is hereby amended to add:
 .19 Solar Energy Facilities
 See Regulations in Section 3.55.0
- B. CHAPTER 14, Special Land Uses, Section 14.8.0 Agricultural/Residential (A-2) District Special Land Uses, is hereby amended to add:
 .14 Solar Energy Facilities
 See Regulations in Section 3.55.0
- C. CHAPTER 14, Special Land Uses, Section 14.9.0 Low Density Residential (R-1) District Special Land Uses, is hereby amended to add:
 .09 Solar Energy Facilities
 See Regulations in Section 3.55.0
- D. CHAPTER 14, Special Land Uses, Section 14.10.0 Medium Density Residential (R-2) District Special Land Uses, is hereby amended to add:
 .08 Solar Energy Facilities
 See Regulations in Section 3.55.0
- E. CHAPTER 14, Special Land Uses, Section 14.11.0 High Density Residential (R-3) District Special Land Uses, is hereby amended to add:
 .08 Solar Energy Facilities
 See Regulations in Section 3.55.0
- F. CHAPTER 14, Special Land Uses, Section 14.12.0 Office (O) District Special Land Uses, is hereby amended to add:
 .11 Solar Energy Facilities
 See Regulations in Section 3.55.0
- G. CHAPTER 14, Special Land Uses, Section 14.13.0 Commercial (C) District Special Land Uses, is hereby amended to add:
 .14 Solar Energy Facilities
 See Regulations in Section 3.55.0
- H. CHAPTER 14, Special Land Uses, Section 14.14.0 Industrial (I) District Special Land Uses, is hereby amended to add:
 .10 Solar Energy Facilities
 See Regulations in Section 3.55.0

ARTICLE 13:

CHAPTER 21, General Exceptions, Section 21.4.0- Permitted Height Exceptions is hereby amended as follows:

- .13 The following types of structural appurtenances may be permitted to exceed the maximum height limitations of this Ordinance:
- A. Purely ornamental appurtenances such as church spires, belfries, cupolas, domes, towers, flag poles and public monuments.
 - A. Appurtenances such as mechanical or structural functions such as, chimneys, smoke stacks, water tanks, elevator and stairwell penthouses, ~~solar collectors~~, wind generators, windmills, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, cooling towers, barns and other farm buildings as an accessory structure to a farm enterprise, grain elevators and silos. Satellite dishes shall conform to requirements of Section 3.13.0.

ARTICLE 14 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 15 REPEAL:

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict, to the extent that this ordinance conflicts with any other ordinance this ordinance shall control (supersede).

ARTICLE 16 EFFECTIVE DATE:

Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 401 (6), Act 110 of the Public Acts of 2006, as amended.

ARTICLE 17 ADOPTION:

Made and passed by the Township Board of Lexington Township, Sanilac County, Michigan, on this 15th day of February, 2018, A.D.

Date of Public Hearing: September 20, 2017

Date of Adoption by Township Board: February 15, 2018

Date of Publication: February 23, 2018

Date and Time Ordinance Shall Take Effect: March 3, 2018; at 12 noon.

Certification

I, Katherine Calamita, Clerk of the Township of Lexington, do hereby certify that Ordinance No. 18-01 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Hall on the 15th day of February 2018.

Vote on this Ordinance, 5 members being present, was as follows:

AYES: CALAMITA JAHN MILLETICS McALLISTER

ABSTAINED: PARTAKA

NAYS: None

I further certify that said Ordinance No. 18-01, adopted by the Township Board on the 15th day of February, 2018, was published once in The Jeffersonian, a newspaper published and circulated in the Township of Lexington, County of Sanilac, on the 23rd day of February is being the first and final day of publication of this ordinance.

Katherine Calamita, Clerk
Township of Lexington