

**VEVAY TOWNSHIP  
PLANNING COMMISSION  
Regular Meeting  
Wednesday, November 9, 2022  
Vevay Township Hall–6:30 p.m.  
517-676-9523  
MINUTES**

**I. Call to Order**

Meeting called to order by Chair Ross at 6:30PM.

Present: Ross, Cady, Vandeventer, Pinkerton, Anderson

Absent: McNeilly, with notice

Others: John Lazet, Supervisor; Dave Revore, Township Attorney; Nat Catanzarite, Township Administrator; Aaron Barden, Zoning Administrator; Burk Thomas/Atwell Environmental Services (on behalf of Ranger Power)

**II. Pledge of Allegiance**

All present participated in the Pledge of Allegiance.

**III. Set/Amend Agenda**

MOTION, Cady, SECONDED by Pinkerton, to accept the agenda as presented.

MOTION carried 5-0

**IV. Approval of Minutes: Regular Meeting October 5, 2022**

No amendments were offered for the minutes. MOTION, Pinkerton, SECONDED by Vandeventer, to accept the minutes as presented.

MOTION carried 5-0

**V. Brief Public Comment**

John Lazet introduced Nat Catanzarite and informed the Planning Commission that he had interviewed a potential replacement for the open vacancy on the commission.

**VI. Reports & Announcements**

A. October 2022 Building Report

B. October 2022 Code Enforcement Report

C. Board of Trustees Minutes 9-14-22 (distribution only)

D. Notice from Delhi Charter Township preparing for a Master Plan Update

E. Solar Farm Site Visit Report

Reviewed presentation of solar farm site visit.

October 2022 Building Report, Code Enforcement Report, and Board minutes for 9-14-22 provided for information only. All reports are on file with the township office.

**VII. Pending Business**

A. Election of Officers 2023

Gigi Anderson nominated for Secretary by Jack Cady. Vandeventer closed nominations, seconded by Pinkerton

Gigi Anderson elected as Secretary 5-0

Dan Pinkerton nominated for Vice Chair by Jack Cady. Anderson closed nominations, seconded by Cady

Dan Pinkerton elected as Vice Chair 5-0

Nate Ross nominated for Chair by Jack Cady, Vandeventer closed nominations, seconded by Pinkerton.

Nate Ross elected as Chair 5-0

B. Schedule Meeting Dates for 2023

Proposed Meeting dates:

January 4, 2023

February 8, 2023

March 8, 2023

April 5, 2023

May 10, 2023

June 7, 2023

July 5, 2023

August 9, 2023

September 6, 2023

October 4, 2023

November 8, 2023

December 6, 2023

MOTION by Cady, SECONDED by Pinkerton to approve the proposed schedule for Planning Commission 2023 meetings. MOTION passed 5-0.

C. Large Solar Energy System (LSES) Proposed Zoning Ordinance Amendment

Review of updates from legal counsel and discussion of multiple ordinance sections.

D. Schedule Public Hearing on Proposed LSES Zoning Ordinance Amendment

MOTION by Vandeventer SECONDED by Pinkerton to review at public hearing to be scheduled at the next regular meeting, December 7, 2022 to review Section 2.19 DEFINITIONS - S and Section 3.27 SOLAR ENERGY SYSTEMS ordinance as amended:

FROM:

2.19 SOLAR ENERGY SYSTEM (SES)

A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy.

Related terms and definitions for SOLAR ENERGY SYSTEMS are:

**LARGE SOLAR ENERGY SYSTEM (LSES):** A solar energy system of a utility-scale intended to principally serve property and persons not located on the lot on which the system is located, and which relies on roof mounted and/or ground mounted collection systems that occupy more than ten (10) acres.

**MEDIUM SOLAR ENERGY SYSTEM (MSES):** A solar energy system used to produce energy for use in association with the lot on which the system is located and/or for use by off-site properties and

persons including in association with energy utility providers, and which relies on roof mounted and/or ground mounted collection systems that occupy more than one-half (0.5) but not more than ten (10) acres.

SMALL SOLAR ENERGY SYSTEM (SSES): A solar energy system intended to principally serve a single residential unit or business and which relies on roof mounted and/or ground mounted collection systems that occupy more than one-half (0.5) but not more than ten (10) acres.

SOLAR COLLECTION PANELS: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

TO:

2.19 SOLAR ENERGY SYSTEM (SES)

A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy.

Related terms and definitions for SOLAR ENERGY SYSTEMS are:

LARGE SOLAR ENERGY SYSTEM (LSES): A solar energy system of a utility-scale intended to principally serve property and persons not located on the lot on which the system is located, and which relies on roof mounted and/or ground mounted collection systems that is capable of generating power in excess of 550kW.

SMALL SOLAR ENERGY SYSTEM (SSES): A solar energy system intended to principally serve a single residential unit or business and which relies on roof mounted and/or ground mounted collection systems that is capable of generating 550 kW or less.

SOLAR COLLECTION PANELS: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity.

Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

FROM:

3.27.A.1.b. An application for a SSES need not include a site plan prepared according to Chapter 14, but the application shall include a scaled property line survey showing north arrow; property dimensions, bearings, lot area, legal description, and parcel or lot number; the location and footprint of existing driveways, buildings, and structures including distances of buildings and structures including distances of buildings and structures from lot lines; existing public and private right-of-ways and easements; existing location of septic drain field and potable water well and other existing and proposed utility locations; and structures on adjacent properties within one hundred-fifty (150) feet of a shared lot line. The Zoning Administrator may require a property line survey

prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Section.

TO:

3.27.A.1.b. An application for an SSES need not include a site plan prepared according to Chapter 14.

i. An application for Ground-Mounted Systems shall include a scaled property line drawing showing north arrow; property dimensions, lot area, legal description, and lot or lot number; the location and footprint of existing driveways, buildings and structures including distances of buildings and structures from lot lines; existing public and private right-of-ways and easements; existing location of septic drain field and potable water well and other existing and proposed utility locations; and structures on adjacent properties within one hundred-fifty (150) feet of a shared lot line. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Section.

REMOVE:

3.27.B Medium Solar Energy Systems (MSES)

1. MSES Authorization, Review and Approval Procedures: An MSES is an authorized permitted use in all districts. MSES shall be subject to Planning Commission approval, upon the receipt of a complete application including a site plan prepared according to Chapter 14, and the Planning Commission finds that the application complies with the standards of Chapter 14 and this subsection (B).
2. General Provisions
  - a. Solar energy system equipment, excluding solar collection panels, are prohibited in a front yard and may be installed in a required side and rear yard setback but shall not be located within ten (10) feet of a lot line.
  - b. Mechanical equipment, excluding solar panels, shall be screened from view from public streets and any property within a designated Agricultural or Residential District, by a masonry wall, evergreen vegetation or other screening measure of a similar effectiveness and structural integrity.
  - c. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section, prepared by a registered civil engineer or other professional deemed qualified by the Planning Commission.
  - d. Solar collection panels shall not cause the district's maximum lot coverage standards to be exceeded. The application shall

include a drainage plan prepared by a registered civil engineer showing how storm water runoff will be managed so as not to encourage erosion or additional drainage upon adjacent properties, and the flooding of drainage courses serving the property including roadside ditches.

- e. If detergents are to be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and storm water quality protection measures shall be provided including any measures necessary to ensure local water wells are not impacted from such detergents. Any necessary permits from outside agencies for off-site discharge shall be provided.

### 3. Roof-Mounted Systems

- a. A solar energy system on the roof of a principal building or accessory structure, whether an integral part of the roof structure or mounted on the finished roof structure, and whether the system is flush with the roof or projects from or at an angle to the roof, may exceed the maximum height standard for the structure to which it is attached according to the district in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached.
- b. Roof-mounted solar collection panels located on a flat roof shall be set back a minimum ten (10) feet from all edges of the roof. requirements

### 4. Ground-Mounted Systems

- a. Ground-mounted solar collection panels are prohibited in a front yard and shall be setback from all property lines the same distance as required for the principal building on the property. Such setback shall be a minimum of fifty (50) feet where the respective yard is adjacent to property in a designated Agricultural or Residential District.
- b. Ground-mounted solar collection panels shall not exceed fifteen (15) feet in height except that ground mounted solar collection panels shall not exceed twenty (20) feet in height in the B-1, B-2, and M-1 Districts and any other commercial and industrial district.
- c. Screening of ground-mounted panels that are part of a MSES shall be provided as required for SSES, according to Section 3.27(A).
- d. If a ground mounted MSES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

#### FROM:

#### 3.27.C Large Solar Energy Systems (LSES)

- 1. LSES Authorization, Review and Approval Procedures: LSES are

classified as special land uses and are authorized in the A-1 and M-1 District only, subject to the review and approval procedures of Chapter 14 and Chapter 16 of the Zoning Ordinance.

TO:

3.27.C Large Solar Energy Systems (LSES)

1. LSES Authorization, Review and Approval Procedures: LSES are classified as special land uses and are authorized in the A-1, M-1, B1, and B2 Districts only, subject to the review and approval procedures of Chapter 14 and Chapter 16 of the Zoning Ordinance.

FROM:

3.27.A.4.d. To the extent possible, an SSES shall be located to minimize the view from the public right-of-way and adjacent dwelling(s). A landscape, buffering, or screening plan, consisting of vegetative, non-vegetative, or man-made materials, or fencing, may be required to be submitted to the Planning Commission who shall determine if landscape, buffering or screening is necessary or adequate to reduce the visual impact of SSES to adjacent dwellings and/or public roadways. Non-vegetative screening need not exceed a height of eight feet. This section is exempt from Section 15.05.

TO:

3.27.A.4.d. To the extent possible, an SSES shall be located to minimize the view from the public right-of-way and adjacent dwelling(s). A landscape, buffering, or screening plan, consisting of vegetative, non-vegetative, or man-made materials, or fencing, may be required to be submitted to the Planning Commission who shall determine if landscape, buffering or screening is necessary or adequate to reduce the visual impact of SSES to adjacent dwellings. Non-vegetative screening need not exceed a height of eight feet. This section is exempt from Section 15.05.

FROM:

3.27.A.4.g. When a ground mounted SSES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

TO:

3.27.A.4.g. When a ground mounted SSES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise

remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

ADDITION:

Section 16.06.SS Large Solar Energy Systems (LSES)

1. . The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of LSES as a special land use in the A-1, M-1, B1, and B2 District only.
2. Site Plan and Supporting Materials
  - a. An LSES is subject to the review and approval procedures of Chapter 14 of the Township's Zoning Ordinance Code, as amended. In addition to the requirements of Chapter 14, the site plan must include:
    - i. Buildings and Structures on adjacent lots.
    - ii. Location of Point of Interconnect (POI) and means of interconnection.
    - iii. In addition to 14.05B, the relocation of any component of the LSES by less than 50ft is considered to be a minor change.
  - b. The application for a Special Use Permit for a LSES shall be submitted on a form prepared for that purpose by the Township and shall demonstrate the support in writing of each and every legal and equitable owner of each lot within Vevay Township that is located in whole or in part within the LSES.
  - c. A copy of the project site specific Safety Plan.
  - d. A written description of the maintenance program to be used for the Solar Array(s) and other components of the LSES. The description shall include maintenance schedules detailing types and frequencies of maintenance to be performed at the site.
  - e. A copy of any written contract with any energy provider or other purchaser of the energy produced by the LSES, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through reasonable means authorized by applicable law, including Public Act 442 of 1976, as amended.
  - f. A photometric plan for proposed lighting of any lighted areas in the site.
  - g. Prior the issuance of the SLU, the applicant shall submit a Drainage Plan prepared by a registered professional engineer showing how storm water runoff will be managed so as not to encourage erosion or additional drainage upon adjacent properties, and the flooding of drainage courses serving the property including roadside ditches.
  - h. A preconstruction and post construction noise study demonstrating ordinance compliance.
  - i. The applicant shall submit documentation to verify that placement of solar panels does not direct solar glare onto nearby properties and/or public roads.

This documentation shall be prepared by a registered professional engineer or other professional deemed qualified by the Planning Commission.

- j. The applicant shall prepare a Decommissioning Plan and submit it for review and approval prior to issuance of the Special Land Use Permit.
  - i. The Plan shall include at a minimum:
    - A. All structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal.
    - B. Removal of all concrete, piping, conduit, wiring and other materials.
    - C. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned LSES shall be removed under the Decommissioning Plan.
    - D. The ground must be restored to its original condition within twelve (12) months of becoming an Abandoned Solar Energy System, or beginning of decommissioning, whichever occurs first.
    - E. Written description of the proposed service life.
    - F. Estimated cost to remove and restore the site to original condition, signed by a contractor familiar with the type of work or a registered professional engineer.
    - G. Bond of 125% of the expected decommissioning cost shall be provided to the township before issuance of required project permits.
    - H. Estimate of the decommissioning cost shall be updated and reviewed at a minimum of every three (3) years. The bond amount shall be renewed and adjusted by the change in the decommissioning cost.
    - I. Bond may be utilized by the township if the project is abandoned, and/or site restoration is not completed within twelve (12) months of end of service life.

### 3. Setbacks

- a. LSES solar arrays and other structures shall be set back one hundred (100) feet from all non-participating lot lines, public road rights-of-way, or the district setbacks stated in ordinance, whichever is greater. In addition, large solar energy system solar arrays and other structures must be located at least two hundred (200) feet from all non-participating existing residences at the time the project is granted special land use approval.

### 4. Lot Coverage

- a. Ground mounted solar panels, including the mounted angle, shall not be calculated as part of the overall lot coverage.
- b. All buildings, including substation buildings, shall be calculated as part of the overall lot coverage.

### 5. General Provisions

- a. Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components, or buildings of the LSES shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Large Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Large Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
  - b. If applicable, an FAA notice shall be provided by the applicant.
  - c. A copy of SDS all chemical agents to be used on site, details on the type of cleaning agents, SDS, frequency and quantity of use, and storm water quality protection measures shall be provided including any measures necessary to ensure local water wells are not impacted from such detergents. Any necessary permits from outside agencies for off-site discharge shall be provided.
  - d. LSES shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be a minimum of 7(seven) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted.
  - e. In addition to requirements in Section 15.04, all lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads or increase illumination at the lot line.
  - f. All collection lines and interconnections from the Solar Array(s) to any electrical substations/POI shall be located and maintained underground inside the Large Solar Energy System. Gen-Tie lines are exempt from this requirement.
  - g. No operating large solar energy system shall produce noise that exceeds any of the following limitations:
    - i. Fifty (50) dBA as measured at the property line of any adjacent non-participating residential use lot in existence at the time of the granted SLU approval.
    - ii. Forty-five (45) dBA as measured at any adjacent non-participating residential use lot in existence at the time of the granted SLU approval between the hours of nine (9) p.m. and seven (7) a.m.
    - iii. Sixty (60) dBA, as measured at the lot lines of the project boundary
6. LSES facilities shall be required to install a perimeter landscaping buffer surrounding and on the exterior of the security fence, excluding access points. The Planning Commission may reduce or eliminate the buffer zone in areas other than abutting residential uses and roadways. The Planning Commission may require additional screening based upon topography and other factors to effectuate the buffer zone

- a. The buffer zone shall be not less than twenty-five (25) feet in width and shall be planted with assorted vegetation to provide a year-round visual buffer both at installation and in the future.
  - b. Plantings shall be of a type and size to reach eight (8) feet in height within three (3) years.
  - c. The number, species, and spacing of the plantings shall be sufficient to provide an adequate visual buffer as determined by the Planning Commission.
  - d. Plantings must be maintained by the LSES Operator, and planting that appear dead, are dead, diseased, or damaged vegetation must be replaced within 60 days upon notification by the Zoning Administrator.
  - e. Grass and weeds must be controlled by the LSES Operator in the buffer areas during the entire growing season.
  - f. Vegetation under and around the solar panels must be maintained by the LSES Operator with proper mowing and weed control and shall not be allowed to exceed eighteen (18) inches in height. Adhere to as required by PA116 has special requirements for the type of vegetation and maintenance.
  - g. All plant materials shall be installed between March 15 and November 15. If the applicant or Operator is unable to plant during the installation period, the applicant or Operator will provide the Township with a cash deposit, a letter of credit, or surety bond for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season, as deemed acceptable by the Township Board. After all plantings have occurred, the Township shall return the financial guarantee.
  - h. Upon certification of the Zoning Administrator that Decommissioning is complete, the SLU shall be revoked.
7. Safety
- a. The LSES Operator shall provide annual training regarding LSES installation(s), first response safety, and mitigation methods to the Fire Department. The training shall include site visits to include LSES inspection, as requested by the fire department(s).
  - b. The LSES Operator is required to provide SDS sheets to the Fire Department and comply with any Federal and State laws and reporting requirements.
  - c. The LSES Operator shall provide and maintain site safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identify all hazards with regard to electrical, fire, smoke and hazardous materials.
  - d. The LSES Operator shall provide a copy to the fire department of the LSES site/safety plan which will include any response for which there is an expectation that the fire department can respond to.

- e. The LSES Operator shall maintain an emergency access road to the site that is accessible to fire department response apparatus. This access road must be maintained and accessible throughout the year.
8. Local, State, and Federal permits
    - a. LSES facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, Ingham County and Vevay Township, and comply with standards of the State of Michigan adopted codes.
  9. Inspection
    - a. The Township shall have the right to inspect the premises on which any LSES is located within three (3) business days of the request to the Operator. The Township may hire one or more consultants to assist with any such inspections, at the applicant's, Operator's, or project owner's expense.
    - b. The LSES shall provide a single point of contact for inspection findings.
  10. Roads
    - a. The applicant shall complete a Road Use Agreement (RUA) with either the Ingham County Road Department or MDOT (as applicable) including a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the LSES or any of its elements.
    - b. Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of an LSES shall be repaired at the LSES' Operator's expense.
  11. Complaint Resolution
    - a. The LSES Operator shall provide a complaint resolution process to address any formal complaints filed with the Township relative to the SLU. At a minimum the process shall contain the following:
      - i. The LSES Operator shall provide a single point of contact to process complaints and provide status updates at the request of the Township
      - ii. The LSES Operator shall acknowledge the receipt of the complaint within one (1) business day of notification of the complaint.
      - iii. The LSES Operator shall resolve the complaint expeditiously within thirty (30) days of the complaint.
      - iv. A planned resolution date beyond the thirty (30) day resolution deadline requires the LSES Operator to obtain approval from the Township Supervisor.
  12. Liability Insurance

- a. The Operator shall insure the LSES at all times and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured or as additional insured, with limits of liability as set by Township Resolution per occurrence for damages to persons and property.

13. Change in Ownership Notification

- a. Prior to a change in the ownership or operation of a Large Solar Energy System, including, but not limited to, by the sale or lease of that system or the underlying property, the current owner or Operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or Operator of the LSES shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

14. Radio Frequency Interference

- a. Identify electromagnetic fields and potential radio frequency interference generated by the project and present plan to prevent such interference.

15. Annual Output Report/Notification

- a. The LSES Operator shall provide the Township Planning Commission with a written affidavit affirming the project is operational and in compliance with the SLU. The report shall be provided on an annual basis or as the Planning Commission shall require.

16. Emergency Contact Person

- a. The LSES Operator shall be required to provide 24 hours, 7 days a week, direct contact number for emergency personnel to make contact. If this is a hotline, it must be staffed 24 hours, 7 days a week, otherwise a direct dial number to a focal point contact is required. This contact number shall be reviewed and updated on an annual basis. If changes to the emergency contacts are made, the LSES Operator is required to notify the Township or other governing fire department within 12 hours of any changes.

17. Signage

- a. LSES shall have one sign per lot, located at the roadside and easily visible throughout all four seasons. Signs shall be two (2) to six (6) square feet in area. Additional signage on and around the solar panels is recommended.
- b. The sign shall contain at a minimum the following:
  - i. Warning high voltage.
  - ii. Participating, LSES owner's name, and Operator's name.
  - iii. Emergency telephone numbers and web address (list more than one number if needed).

- iv. Signs shall be placed on the perimeter fence at the fence entrance gate.
- v. Unique identification such as address of the LSES.
- c. The surfaces of the solar panels shall not be used as a sign message board.
- d. Any other signs shall be in accordance with Chapter 20.

#### 18. Stray Voltage

- a. The Operator shall be responsible for compensation for damages due to any stray voltage caused by a LSES in accordance with the rules of the Michigan Public Service Commission.

#### 19. Special Land Use Compliance Testing

- a. Within twelve (12) months of LSES commissioning, the Operator shall be required to present a report prepared by a Township designated third party, qualified professional, demonstrating that the LSES while in operation meets the requirements of this Ordinance and the Special Land Use Permit.

#### 20. Abandonment

- a. Any LSES, any portion of the LSES, that is not used to produce energy for a period of twelve (12) consecutive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this Ordinance, unless the Operator receives a written extension of that period from the Township Board, at its sole discretion, where an extended repair schedule for good cause is demonstrated.

#### 21. Penalties and Legal Proceedings

- a. Any person or Operator failing to comply with this Ordinance shall be subject to a civil fine of Two Hundred fifty and no/100 Dollars (\$250.00) for a first offense and Five Hundred and no/100 Dollars (\$500.00) for subsequent offenses. Each day a violation or other act continues shall be considered a separate offense.
- b. The Township may initiate in a court of competent jurisdiction legal proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful use or occupancy of the SOLAR ENERGY SYSTEMS structure in violation of the provision of this Ordinance.
- c. Any legal action taken by the Township on such property resulting in court ordered fines, costs and fees shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- d. Except for violations or conditions which constitute or have the potential for imminent personal injury or property damage, Township Official(s) shall not issue a violation notice relating to a first offense, unless a written warning is issued and the violator is given a reasonable time to correct the condition found to be in violation of this Ordinance or to warn the violator

of the existence of a violation. “Reasonable time” shall be determined in the discretion of the Township based upon the nature of the existing condition or violation. Although subsequent warnings shall not be required, additional warnings may be given, in the discretion of the Township.

MOTION by Vandeventer, SECONDED by Pinkerton schedule a public hearing at the next regular PC meeting to eliminate Section 3.09 (D).

Section 3.09 (D) Breezeways

D. “When the distance between the main building and accessory building is covered by a breeze-way or similar architectural device it then ceases to be an accessory building and becomes part of the main building and must meet the set-backs of the main building.”

MOTION by Pinkerton, SECONDED by Cady that public hearing be scheduled at the next regular meeting to amend 3.17 (C) SETBACK MEASUREMENTS

FROM:

Section 3.17 SETBACK MEASUREMENTS

C. On corner and through lots, the front yard requirements shall apply on both streets and both frontages shall be considered front yards. These lots shall have two (2) front lot lines and two (2) side lot lines and no rear lot line.

TO:

Section 3.17 SETBACK MEASUREMENTS

C. On corner and through lots, the front yard requirements shall apply on the road with the house address. Side yards and back yards that face a road shall measure the setback from the foundation of the building to the edge of the road right-of-way.

E. Home Occupations

Tabled discussion until December meeting.

F. Other Possible Zoning Ordinance Amendments (no enclosure)

**VIII. Any Other Business**

**IX. Additional Public Comment**

No public comment was offered.

**X. Adjournment**

MOTION Anderson, Seconded by VanDeventer to adjourn the meeting at 9:10PM.