**TOWNSHIP OF GARFIELD**

**ORDINANCE NO. 2024-1**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING SOLAR ENERGY SYSTEMS UNDER PA 233**

The Township of Garfield ordains:

1. **The Section Labeled “Solar Energy Facility” is Renumbered as Section 4.58**

Article IV, Section 4.57 titled “Solar Energy Facility” is renumbered as Section 4.58.

1. **Amendment of Section 4.58 of the Zoning Ordinance.**

Article IV, Section 4.58 of the Township of Garfield Zoning Ordinance is amended by the addition of a new subsection J, which reads in its entirety as follows:

1. SEF under PA 233. On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to any SEF with a nameplate capacity of 50 megawatts or more. To the extent the following provisions conflict with the provisions in Sections 4.58(A)-(I), these provisions control as to any SEF with a nameplate capacity of 50 megawatts or more. All provisions in Sections 4.58(A)-(I) that do not conflict with this subsection (J) remain in full force and effect. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to any SEF with a nameplate capacity of less than 50 megawatts.
2. Setbacks. An SEF must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

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| **Setback Description** | **Setback Distance** |
| Occupied community buildings and dwellings on nonparticipating properties | 300 feet from the nearest point on the outer wall |
| Public road right-of-way | 50 feet measured from the nearest edge of a public road right-of-way |
| Nonparticipating parties | 50 feet measured from the nearest shared property line |

1. Fencing. Fencing for the SEF must comply with the latest version of the National Electric Code as of November 29, 2024, or as subsequently amended.
2. Height. Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
3. Noise. The SEF must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
4. Lighting. The SEF must implement dark sky-friendly lighting solutions.
5. Environmental Regulations. The SEF must comply with applicable state or federal environmental regulations.
6. Host Community Agreement. The applicant for a special land use permit for an SEF shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the SEF owner must pay the Township $2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the Township and the applicant.

**Section 3. Severability and Validity.**

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

**Section 4. Repealer.**

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**Section 5. Effective Date.**

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).

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