

## **ORDINANCE NO 23-04**

### **ORDINANCE AMENDMENT TO THE VILLAGE OF VERNON ZONING ORDINANCES BUILDINGS AND SUPPLEMENTARY REGULATIONS ARTICLE 7**

The Village of Vernon ordains:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF VERNON BY ADDING A NEW SECTIONS 7.23, 7.23.1, AND 7.23.2 AND NEW TITLE'S SOLAR ENERGY, SMALL SOLAR ENERGY SYSTEMS, AND LARGE SOLAR ENERGY SYSTEM. SHALL BE DESIGNATED AS SECTION 7.23 SOLAR ENERGY OF ARTICLE 7 OF TITLE SUPPLEMENTARY REGULATIONS OF SAID CODE.

#### **Section 7.23 Solar Energy**

Solar Energy Systems:

1. Photovoltaic Device: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, regardless of whether the device can store the electric energy produced for later use.
2. Solar Array: Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.
3. Solar Energy System, Abandoned: Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of twelve months.
4. Solar Energy System, Large: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user, and the power output of that system is equal to or greater than 25 kilowatt (kW).
5. Solar Energy System, Small: A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located, with a generating capacity of less than 25 kilowatt (kW).
6. Unreasonable Safety Hazard: Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

#### **Section 7.23.1 Small Solar Energy Systems.**

Small solar energy systems, as defined in this Ordinance, may be permitted as an accessory use in any zoning district, subject to the following standards:

1. Any small-scale solar energy system mounted on the ground shall be located only in the rear yard and must comply with all accessory structure setback requirements of the district. The height of any small-scale solar energy system mounted on the ground shall not exceed six (6) feet when orientated at a maximum tilt as measured from the existing grade.
2. Any small-scale solar energy system mounted on the ground shall be provided with buffering to screen the installation from adjacent properties. Buffering shall consist of an opaque fence six (6) feet in height or evergreen shrubs measuring five (5) to six (6) feet tall at planting along the length of the each of the sides of the area utilized for solar panel arrays. Evergreen shrubs shall be spaced no greater than five (5) feet on center.
3. All power transmission lines from a ground mounted small scale solar energy system to any building or other structure shall be located underground.
4. Any small-scale solar energy system erected on a building shall not extend beyond the peak of the roof. For systems erected on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached; however, it shall be so located or architecturally concealed by a parapet wall or screen so that the system is not visible from abutting road rights-of-way or private road easements.
5. No small solar energy system shall be installed in such a way as to pose an unreasonable safety hazard, as defined in this Ordinance.
6. All small solar energy systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
7. All small solar energy systems must conform to all applicable federal, state, and county requirements, in addition to other applicable Village Ordinances, as well as any applicable industry standards.
8. An abandoned small solar energy system, as defined in this Ordinance, shall be removed by the property owner within six (6) months.
9. Systems exceeding the limits set above shall require special conditional review and approval in accordance with article 9.

#### **Section 7.23.2 Small Wind Energy Systems.**

1. Small Wind Energy is prohibited in the Village of Vernon.

#### **Section 7.23.3 Large Solar and Wind Energy Systems.**

1. Large Solar and Wind Energy Systems are prohibited in the Village of Vernon.

**Section 2. Savings Clause.** This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, County or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order parts thereof, hereby repealed.

**Section 3. Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

**Section 4. Effective Date.** This Amendment shall be effective from and after the date of its publication.



Robert Mac Neill, Village President



Krista E. Goodman, Village Clerk

Village Council Member Ethington offered the foregoing Amending Ordinance, and moved its adoption. The motion was seconded by Village Council Member Pfeiffer and upon being put to a vote, the vote was as follows:

Robert Mac Neill, President	Yes
Carah Warren, President Pro-Temp	Absent
Scott Ethington, Trustee	Yes
Carolyn Pfeiffer, Trustee	Yes
John Rosser, Trustee	Yes

The President there upon declared this Ordinance approved and adopted by the Village Council of the Village of Vernon this 19<sup>th</sup> day of July, 2023.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 23-04 adopted by the Village Council of the Village of Vernon, County of Shiawassee, Michigan, at a regular meeting held on July 19, 2023.



Krista E. Goodman, Village Clerk

