

COHOCTAH TOWNSHIP

ORDINANCE NO.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO REGULATE SOLAR ENERGY SYSTEMS IN ACCORDANCE WITH PA 233 OF 2023

The Township of Cohoctah ordains:

Section 1. Purpose

The Township adopts this Ordinance to render certain solar energy zoning regulations compatible with Public Act 233 of 2023 (“PA 233”), while retaining local control over matters of regulation that are not governed by PA 233, and to promote the public health, safety, and welfare of Township residents.

Section 2. Amendment of Section 13.27, Solar Energy Systems

Section 13.27 of the Township Zoning Ordinance, entitled “Solar Energy Systems,” is amended to add new subsection “D,” which reads as follows in its entirety:

D. Utility-Scale Solar Energy Systems under PA 233.

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Utility-Scale Solar Energy Systems with a nameplate capacity of 50 megawatts or more, which shall only be allowed in the Solar Energy System Overlay District by special use permit. To the extent the following provisions conflict with the provisions in subsection C above (“Utility-Scale Solar Energy Systems”), the provisions below control as to such Utility-Scale Solar Energy Systems with a nameplate capacity of 50 megawatts or more. All provisions in subsection C above that do not conflict with this subsection remain in full force and effect and shall be applicable to all Utility-Scale Solar Energy Systems regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility-Scale Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

a. *Setbacks.* Utility-Scale Solar Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

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
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b. *Fencing.* Fencing for the Utility-Scale Solar Energy System must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.

c. *Height.* Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

d. *Noise.* The Utility-Scale Solar Energy System 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.

e. *Lighting.* The Utility-Scale Solar Energy System must implement dark sky-friendly lighting solutions.

f. *Environmental Regulations.* The Utility-Scale Solar Energy System must comply with applicable state or federal environmental regulations.

g. *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Solar Energy System 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 local unit and the applicant.

Section 3. Validity and Severability.

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.