

**SIDNEY TOWNSHIP**

**ORDINANCE NO. 2024-02**

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

**The Township of Sidney 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 16.08(MM)**

Section 16.08(MM) of the Township Zoning Ordinance is also amended to add new subsection (D), entitled “Solar Energy Systems under PA 233,” which reads as follows in its entirety:

**D) 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 Solar Energy Systems with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in the subsections above (regulating Solar Energy Systems), the provisions below control as to such Solar Energy Systems. All provisions in the subsections above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

a. *Setbacks.* 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:

<b>Setback Description</b>	<b>Setback Distance</b>
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

b. *Fencing.* Fencing for the Solar Energy Systems 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 Solar Energy Systems 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 Solar Energy Systems must implement dark sky-friendly lighting solutions.

f. *Environmental Regulations.* The Solar Energy Systems 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 Solar Energy Systems 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 16.08(MM) is also amended to provide that solar farms are only permitted as a special land use on property in Section 19 of the Township as follows:

Type of System	Sub-Type of System	Zoning District	Special land Use Permit
Small Solar Energy System	Private BIPVs	All zoning districts	Not required
	Roof or Building Mounted Small Solar Energy System	All zoning districts as accessory use	Not required
	Ground Mounted Small Solar Energy Systems	AP (Agricultural Preservation)	Required
Solar Farm	All Solar Farms (Ground Mounted only)	Only on property in Section 19 of the Township*	Required

Solar Farms. Solar Farms are allowed only on property in Section 19 of the Township (except Solar Farms are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program) and require a special land use permit and site plan review. In addition to all requirements for a special land use permit under Article 16 of the Zoning

Ordinance and site plan review and approval under Article 15 of the Zoning Ordinance, Solar Farms are also subject to the following requirements:

**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 only to the extent necessary to give this Ordinance full force and effect.

**Section 5. Effective Date.**

This Ordinance shall take effect 7 days following publication as provided by law.

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