**DEERFIELD 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 Deerfield 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. This Ordinance also modifies the areas in the Township where solar energy systems are permitted.

**Section 2. Amendment of Section 7.26 to Add Subsection (4)**

Section 7.26 of the Township Zoning Ordinance is amended to add new subsection (4), entitled “Large Solar Energy Systems under PA 233,” which reads as follows in its entirety:

**4. Large 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 Large Solar Energy Systems with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in subsections 1-3 above (regulating Solar Energy Facilities), the provisions below control as to such Large Solar Energy Systems. All provisions in subsections 1-3 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 This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Large Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

1. *Setbacks.* Large 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 |

1. *Fencing.* Fencing for the Large Solar Energy System must comply with the latest version of the National Electric Code as 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 Large 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.
4. *Lighting.* The Large Solar Energy System must implement dark sky-friendly lighting solutions.
5. *Environmental Regulations.* The Large Solar Energy System must comply with applicable state or federal environmental regulations.
6. *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 Large 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. Amendment of Section 7.26(1)(a)**

Subsection (1)(a) of Section 7.26 of the Zoning Ordinance, entitled “Location,” is amended to read as follows, with deleted text shown in strikethrough and new text indicated with boldfaced font:

Location. All large solar energy facilities (Solar Farms) are limited to the area within 1,250 feet from the centerline of the transmission line that transects Deerfield Township Sections DE0-222, 223, 224, 225 as of the date of adoption of this ordinance~~.~~ Large solar energy facilities are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program.

**Section 4. 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 5. 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.

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