

ORDINANCE NO. 267

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE SPRING LAKE TOWNSHIP ZONING ORDINANCE BY ADDING DEFINITIONS AND REGULATIONS FOR SOLAR ENERGY COLLECTORS AND SYSTEMS; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF SPRING LAKE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Definitions. Section 220 of the Spring Lake Township Zoning Ordinance (the "Zoning Ordinance") shall be amended to add the following to be placed in alphabetical order (the rest of Section 220 shall remain unchanged).

Solar Energy Collector: A device, Structure, or a part of a device or Structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy Collector, Building-mounted: An active Solar Energy Collector that is structurally mounted to the wall or roof of a Building.

Solar Energy Collector, Ground-mounted: An active Solar Energy Collector that is structurally mounted to the ground and is not mounted on a Building.

Solar Energy Collectors, Utility Scale: An active Solar Energy Collector system that is typically mounted to the ground, primarily designed to supplement energy to a utility company, not designed or intended for only or primarily on-site usage, and greater than twelve hundred (1,200) square feet.

Section 2. Solar Energy Collectors. Section 343 of the Zoning Ordinance shall be added to state in its entirety as follows.

343 SOLAR ENERGY COLLECTORS

The Township promotes the effective and efficient use of Solar Energy Collector systems. It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of Solar Energy Collectors.

- A. Application for Administrative Approval. An applicant who seeks to install a Building-mounted Solar Energy Collector shall submit an application for Administrative Approval. The application shall include the following:
1. Renderings and catalogue cuts of the proposed solar energy equipment; and
 2. Plot plan to indicate where the solar energy equipment is to be installed on the Lot.
- B. Exclusions from Administrative Approval. The following activities do not require Administrative Approval:
1. The installation of one (1) solar panel with a total area eight (8) square feet or less; and
 2. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.
- C. Building-mounted Solar Energy Collector Requirements. A Building-mounted Solar Energy Collector shall be a permitted Accessory Use in all Zoning Districts, subject to the following requirements.
1. Except as otherwise provided, Administrative Approval is required of all Building-mounted Solar Energy Collectors permitted as an Accessory Use.
 2. Solar Energy Collectors mounted to a roof shall be directly attached to the roof surface and not unnecessarily elevated above the roof surface on a separate Structure. Roof-mounted Solar Energy Collectors shall not project beyond the eaves of the roof or beyond the peak of a pitched roof.
 3. Solar Energy Collectors mounted on the roof or wall of a Building shall be only of such weight as can safely be supported by the Structure. Proof of the ability to safely support a Solar Energy Collector, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Building Official prior to installation; such certification shall be subject to the Zoning Administrator's approval.
 4. Solar Energy Collectors that are wall-mounted shall not exceed the height of the Building wall to which they are attached.

5. Solar Energy Collectors shall not be mounted on a Building wall that is parallel to an adjacent public right-of-way.
 6. The exterior surfaces of Solar Energy Collectors that are mounted on the roof or on a wall of a Building shall be generally neutral in color.
- D. Ground-mounted Solar Energy Collector Requirements. A Ground-mounted Solar Energy Collector that is two hundred (200) square feet or less of total panel area generating energy for a Single-Family Dwelling or a Two-Family Dwelling may be permitted administratively, subject to the following requirements.
1. Ground-mounted Solar Energy Collectors shall meet the required Building Setbacks for Accessory Buildings.
 2. Ground-mounted Solar Energy Collectors are not permitted in the Front Yard of any Lot.
 3. Ground-mounted Solar Energy Collectors shall be six (6) feet or less in height from existing grade.
 4. The total area of Ground-mounted Solar Energy Collectors on a Lot shall be included in the calculation of the maximum permitted Lot coverage requirement for the Lot, but shall not count against the Accessory Building or Structure allowances in Section 306. F.
 5. A Ground-mounted Solar Energy Collector that is over two hundred (200) square feet of total panel area is permitted as a Special Land Use in Section 944A.
 6. A plot plan shall be submitted to include where the solar energy equipment is to be located on the Lot.

Section 3. Solar Energy Collectors - Ground-Mounted Systems. Section 944A of the Zoning Ordinance shall be added to state in its entirety as follows.

944A SOLAR ENERGY COLLECTORS - GROUND-MOUNTED SYSTEMS

- A. Ground-mounted Solar Energy Collectors. Ground-mounted Solar Energy Collectors over two hundred (200) square feet in area and not greater than twelve hundred (1,200) square feet, intended to serve Single-Family Dwellings or Two-Family Dwellings, may be permitted as a Special Land Use in all Zoning Districts subject to the following requirements.

1. Ground-mounted Solar Energy Collectors may be located in the Rear Yard and the Side Yard, but not in the required Rear Yard Setback or in the required Side Yard Setback. The Planning Commission may allow location in the required Rear Yard Setback or the required Side Yard Setback if there would be adequate Screening and if there would be no adverse consequences for adjacent or nearby properties.
 2. Ground-mounted Solar Energy Collectors may not be located in the required Front Yard Setback. They may be located in the Front Yard if there would be adequate Screening and if there would be no adverse consequences for adjacent or nearby properties.
 3. Ground-mounted Solar Energy Collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of the collectors.
 4. The total area of Ground-mounted Solar Energy Collectors on a Lot shall be included in the calculation of the maximum permitted Lot coverage requirement for the Lot, but shall not count against the Accessory Building or Structure allowances in Section 306.F.
 5. Ground-mounted Solar Energy Collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted with the Special Land Use application and shall be subject to the Planning Commission's approval.
 6. Ground-mounted Solar Energy Collectors shall comply with applicable construction codes.
- B. Utility Scale Solar Energy Collectors. Utility Scale Solar Energy Collectors may be permitted as a Special Land Use in all Zoning Districts subject to the following requirements.
1. Applications must include equipment and unit renderings, elevation drawings, and distances from Lot lines and adjacent Buildings and Structures.
 2. The exterior surfaces of Utility Scale Solar Energy Collectors shall be generally neutral in color and substantially non-reflective of light. A collector may not be installed or located so that sunlight or glare is reflected into Dwellings on other Lots or onto Streets or Private Roads.

3. Utility Scale Solar Energy Collectors shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
4. A Utility Scale Solar Energy Collector shall be permanently and safely attached to the ground. The collectors, and their installation and use, shall comply with construction codes and other applicable Township, County, State, and Federal requirements.
5. Power lines on the Lot between solar panels and inverters shall be placed underground.
6. A Utility Scale Solar Energy Collector that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the responsible party with ownership interest in the solar energy system provides substantial evidence to the Township every six (6) months after the twelve (12) months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall decommission and remove all equipment and facilities and restore the Lot to its condition prior to the development of the system within one (1) year of abandonment.
7. The minimum setback for all Utility Scale Solar Energy Collectors shall be one hundred (100) feet from all Lot lines; however, setbacks may be modified by the Planning Commission if the collectors are adequately screened and if there would be no adverse consequences for adjacent or nearby properties.
8. The maximum height of a Utility Scale Solar Energy Collector shall be twelve (12) feet, measured from the natural grade below the collector to the highest point at full tilt.
9. The Planning Commission may require screening for views of Utility Scale Solar Energy Collectors and associated equipment from residential properties or public rights-of-way may. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the collectors and equipment into the natural setting and existing environment.
10. A decommissioning plan signed by the responsible party and the Lot owner (if different) addressing the following shall be submitted prior to approval of Utility Scale Solar Energy Collectors. The plan shall include the following:

- a. Defined conditions upon which decommissioning and removal will be initiated (e.g., end of land lease, no power production for twelve [12] months, abandonment, etc.);
- b. Removal of Utility Scale Solar Energy Collectors and associated equipment, including, Structures, fencing, solar panels, and foundations;
- c. Restoration of a Lot to the condition which existed prior to the development of the Utility Scale Solar Energy Collectors;
- d. Specification of the timeframe to complete decommissioning activities;
- e. Description of any agreement (such as a lease) with the landowner regarding decommissioning, if applicable;
- f. Identity of the entity or individual responsible for decommissioning activities;
- g. Plans for updating the decommissioning plan, as necessary;
- h. A performance guarantee posted in the form of a bond, letter of credit, cash, or other form acceptable to the Township to ensure removal of the Utility Scale Solar Energy Collectors upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal and disposal of collectors, equipment, foundations, and structures associated with the system. These amounts will assist the Township when establishing the performance guarantee amount. The performance guarantee amount shall be valid throughout the lifetime of the system, and the Township may require it to be adjusted periodically to keep pace with the cost of living. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of Special Land Use approval.

Section 4. Effective Date. The foregoing amendment to the Spring Lake Township Zoning Ordinance was approved and adopted by the Township Board of Spring Lake Township, Ottawa County, Michigan on October 8, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on October 25, 2018, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended,

provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

John H. Nash,
Township Supervisor

H. Carolyn Boersma,
Township Clerk

SLT 295 Zoning Text Amendment Ordinance - Solar Regulations 10102018 ADOPTION BLANKS

CERTIFICATE

I, H. Carolyn Boersma, the Clerk for the Township of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on October 8, 2018. The following members of the Township Board were present at that meeting: John Nash, Jim Koster, H. Carolyn Boersma, Ron Lindquist, Cathy Pavick, Jerry Rabideau, and Rachel Terpstra. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board: Nash, Koster, Boersma, Lindquist, Pavick, Rabideau, Terpstra, voting in favor and members of the Board: None, voting in opposition. The Ordinance or a summary of the Ordinance was published in the *Grand Haven Tribune* on October 17, 2018.

H. Carolyn Boersma, Clerk
Spring Lake Township