

ORDINANCE NO. 2019-8

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ORANGE TOWNSHIP, IONIA COUNTY, MICHIGAN, BY ADDING DEFINITIONS AND REGULATING SOLAR ENERGY COLLECTORS AND SYSTEMS; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF ORANGE, COUNTY OF IONIA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Definitions. The following definitions are added to Section 2.02 of the Orange Township Zoning Ordinance, in alphabetical order, as follows.

BUILDING-MOUNTED SOLAR ENERGY COLLECTOR: A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or other element in whole or in part of a building. Also includes building-integrated photovoltaic systems (BIPV).

GROUND-MOUNTED SOLAR ENERGY COLLECTOR: A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

SMALL-SCALE SOLAR ENERGY COLLECTOR: A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which they are erected. It may be comprised of the following: building-integrated photovoltaic (BIPV) systems, flush-mounted solar panels, ground-mounted solar energy collectors, or building-mounted solar energy systems.

SOLAR ENERGY COLLECTOR: A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other form of generator energy for use in or associated with a principal land use on the lot where the solar energy collector is located, or if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other than the lot where located.

UTILITY-SCALE SOLAR ENERGY COLLECTOR: A large-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity; also known as a solar farm.

Section 2. Small-Scale Solar Energy Collectors and Systems. The Orange Township Zoning Ordinance is amended by adding Section 4.25 concerning “Small-Scale Solar Energy Collectors and Systems,” in its entirety as follows.

Section 4.25 SMALL SCALE SOLAR ENERGY COLLECTORS AND SYSTEMS

(a) APPLICABILITY.

This Section applies to any system of small-scale solar energy collector systems. This Section does not apply to solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five square feet and less than five feet above the ground, nor does this Section apply to utility-scale solar energy collector systems. Nothing in this Section shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement.

(b) GENERAL REQUIREMENTS.

- (1) **APPLICATIONS.** In addition to all other required application contents as required by this Ordinance, equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from lot lines and adjacent structures shall be submitted for review. No small-scale solar energy collector system shall be installed or operated except in compliance with this Section.
- (2) **GLARE AND REFLECTION.** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto streets or private roads.
- (3) **INSTALLATION.**
 - (i) A solar energy collector shall be permanently and safely attached to the ground or structure. Solar energy collectors, and their installation and use, shall comply with building codes, electrical codes, and other applicable Township, County, and State requirements.
 - (ii) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer’s directions. Upon request, a copy shall be submitted to the Township prior to installation.

- (iii) The applicant shall certify that the construction and installation meet or exceed the manufacturer's construction and installation standards.
 - (4) POWER LINES. On site power lines between solar panels and inverters shall be placed underground.
 - (5) FIRE RISK. Fuel sources such as vegetation shall be removed from the immediate vicinity of electrical equipment and connections.
- (c) BUILDING-MOUNTED SOLAR ENERGY COLLECTORS. These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions.
- (1) MAXIMUM HEIGHT. The maximum height in the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded.
 - (2) OBSTRUCTION. Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
- (d) GROUND-MOUNTED SOLAR ENERGY COLLECTORS. These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions.
- (1) LOCATION.
 - (i) Rear and Side Yards. The unit may be located in the rear yard or the side yard but shall be subject to the setbacks for accessory structures.
 - (ii) Front Yard. The unit may be located in the front yard only if located no less than 150 feet from the front lot line.
 - (2) OBSTRUCTION. Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
 - (3) MAXIMUM NUMBER. There shall be no more than one ground-mounted solar energy collector unit per principal building on a lot.
 - (4) MAXIMUM HEIGHT. The maximum height in the zoning district in which the ground-mounted solar energy collector is located shall not be exceeded, measured from the natural grade below the unit to the highest point at full tilt.

Section 3. “A” Zoning District Special Land Uses. The Orange Township Zoning Ordinance is amended by adding subsection (h) to Section 5.03 regarding special land uses in the Agricultural District.

- (h) Utility-scale solar energy collector.

Section 4. Utility-Scale Solar Energy Collectors and Systems. The Orange Township Zoning Ordinance is amended by adding Chapter 17A concerning “Utility-Scale Solar Energy Collectors and Systems,” in its entirety as follows.

CHAPTER 17A

UTILITY-SCALE SOLAR ENERGY COLLECTORS AND SYSTEMS

Section 17A.01 **APPLICABILITY.** This Chapter applies to utility-scale solar energy collector systems and does not apply to small-scale solar energy collector systems primarily intended for on-site usage.

Section 17A.02 **GENERAL REQUIREMENTS.**

- (a) **APPLICATIONS.** An application for special use approval for a utility-scale solar energy collector system shall include a site plan in accordance with Chapter 14 as well as meet all applicable criteria of Chapter 15. Additionally, applications must include equipment and unit renderings, elevation drawings, and distances from lot lines and adjacent structures as well as meet the criteria in this Chapter. No utility-scale solar energy collector system shall be installed or operated except in compliance with this Chapter.
- (b) **GLARE AND REFLECTION.** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into dwellings on other lots or onto streets or private roads.
- (c) **OBSTRUCTION.** Solar energy collectors shall not obstruct solar access for other properties.
- (d) **INSTALLATION.**
 - (1) A solar energy collector shall be permanently and safely attached to the ground. Solar energy collectors, and their installation and use, shall comply with building codes, electrical codes, and other applicable Township, County, State, and Federal requirements.

- (2) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
 - (3) The applicant shall certify that the construction and installation meet or exceed the manufacturer's construction and installation standards.
- (e) **POWER LINES.** On site power lines between solar panels and inverters shall be placed underground.
 - (f) **ENERGY STORAGE SYSTEM.** When an energy storage system is included as part of the solar energy collector system, the energy storage system must be placed in a secure temperature-controlled enclosure when in use. When no longer in use, batteries must be properly disposed of in accordance with applicable laws and regulations. The energy storage system shall prevent leaking into groundwater and shall be designed to present no unacceptable risk to human health or the natural environment. An energy storage system, when included, must be part of a contiguous solar energy collector system.
 - (g) **FIRE RISK.** Fuel sources such as vegetation shall be removed from the immediate vicinity of electrical equipment and connections.
 - (h) **TRANSPORTATION PLAN.** A proposed access plan during construction and operational phases shall be provided. The plan shall show proposed service road ingress and egress locations onto adjacent streets and the layout of the internal road system.

Section 17A.03 **UTILITY-SCALE SOLAR ENERGY COLLECTOR SYSTEMS.** Utility-scale solar energy collector systems may be established as a special use only in a designated zoning district, subject to the following requirements.

- (a) **MINIMUM SETBACKS.** The minimum setback for all yards shall be 50 feet; however, as a condition of approval, the Township may require increased setbacks if it is determined that greater separation is necessary to adequately protect adjacent residents and property owners.
- (b) **MAXIMUM HEIGHT.** The maximum height of the system shall be the maximum height in the zoning district where the utility-scale solar energy collector system is located, measured from the natural grade below the unit to the highest point at full tilt.

- (c) **MAXIMUM NOISE.** Noise emanating from the solar energy collector system shall not exceed 50 decibels (dBA) as measured from any lot line of the lot on which the system is located.

Section 5. Effective Date. The foregoing amendments to the Orange Township Zoning Ordinance were approved and adopted by the Township Board of Orange Township, Ionia County, Michigan on 08/09/2019, 2019, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on 08/09/2019, 2019, which date is the eighth day 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.

Tom Plett
Tom Green, Township Supervisor

Linn Plett
Linn Plett, Township Clerk

CERTIFICATE

I, Linn Plett, the Clerk for the Township of Orange, Ionia County, Michigan, certify that the foregoing Orange Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held 08/09/2019, 2019. The following members of the Township Board were present at that meeting: _____
All Members

The following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Board: 5, voting in favor, and members of the Board: 0, voting in opposition. The Ordinance or a summary of the Ordinance was published in the _____ on _____, 2019.

Linn Plett

Linn Plett, Clerk
Orange Township

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