TOWNSHIP OF OLIVE
County of Ottawa, State of Michigan

ZONING TEXT AMENDMENT ORDINANCE
Ordinance No. 2018-03
Adopted: September 20, 2018
Effective: October 5, 2018

AN ORDINANCE TO AMEND THE OLIVE TOWNSHIP ZONING ORDINANCE BY ADDRESSING SOLAR ENERGY REGULATIONS, AND BY ESTABLISHING AN EFFECTIVE DATE.

THE TOWNSHIP OF OLIVE, OTTAWA COUNTY, MICHIGAN, ORDAINS AS FOLLOWS.

Section 1. Zoning Districts. Section 3.03 of the Olive Township Zoning Ordinance shall be amended by adding the following overlay zoning district in its entirety as follows.

Article XVIB Utility - Scale Solar Energy Collector Systems Overlay District

Section 2. Utility - Scale Solar Energy Collector Systems Overlay District. Article XVIB of the Olive Township Zoning Ordinance shall be added to state in its entirety as follows.

Article 16B
Utility - Scale Solar Energy Collector Systems Overlay District

Section 16B.01 – Purpose

The purpose of this overlay district is to facilitate the establishment of utility-scale solar energy collector systems by providing standards for their placement, design, construction, operation, monitoring, modification, and removal consistent with public safety, while minimizing negative impacts on adjacent and area property, and while promoting the Township's goals of preserving agricultural lands and open spaces. Minimizing loss of rural character and open spaces and the desire to preserve farms and agricultural-based activities are strongly supported in the Master Plan. To promote the preservation of the Township's rural character and agricultural heritage, the lands included in the Utility-Scale Solar Energy Collector Systems Overlay District are limited to portions of the Township not presently used for agricultural purposes or production, are within reasonable proximity to existing major transportation infrastructure, and are within reasonable proximity to existing electric power transmission infrastructure including substations, utility easements, and transmission lines.

Section 16B.02 – Definitions

The definitions in Section 17.2 shall also apply to this article.

Section 16B.03 – Applicability

This article applies to utility-scale solar energy collector systems located in the Utility-Scale Solar Energy Collector Systems Overlay District and does not apply to small-scale solar energy collector systems primarily intended for on-site usage.

Section 16B.04 – General Requirements

A. Applications. An application for special land use approval for a utility-scale solar energy collector system shall include a site plan in accordance with Article 25 as well as meet all applicable criteria of Article 18. 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 Section 16B.05. No utility-scale solar energy collector system shall be installed or operated except in compliance with this section.

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 roads or private roads.

C. Location. Solar energy equipment shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.

D. Obstruction. Solar energy collectors shall not obstruct solar access for other properties.

E. Vegetation. All vegetation underneath solar energy infrastructure shall be properly maintained at a height not to exceed 24" so as to not block access to solar collectors.

F. Installation.

1. A solar energy collector shall be permanently and safely attached to the ground. Solar energy collectors, and the installation and use thereof, shall comply with building 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.

G. Power lines. On site power lines between solar panels and inverters shall be placed underground.

H. Abandonment. A solar energy collector system 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 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 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.

Section 16B.05 – Utility-Scale Solar Energy Collector Systems

Utility-scale solar energy collector systems may be established as a special land use only in the Utility-Scale Solar Energy Collector Systems Overlay District, subject to the following requirements.

A. Minimum Setbacks. The minimum setback for all yards shall be one hundred (100) 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 twenty (20) feet, measured from the natural grade below the unit to the highest point at full tilt.

C. Minimum Lot Acreage. Twenty (20) acres shall be the minimum lot area to establish a utility-scale solar energy collector system.

D. Maximum Noise. Noise emanating from the solar energy collector system shall not exceed sixty (60) decibels (dBA) as measured from any lot line of the lot on which the system is located.

E. Screening. Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.

F. Decommissioning. A decommissioning plan signed by the responsible party and the land owner (if different) addressing the following shall be submitted prior to approval of a utility-scale solar energy collector system. The plan shall include the following.

    1. Defined conditions upon which decommission will be initiated (e.g., end of land lease, no power production for twelve [12] months, abandonment, etc.)

    2. Removal of utility-owned equipment and non-utility-owned equipment, which may include but not be limited to conduit, structures, fencing, solar panels, and foundations.

3. Restoration of property condition which existed prior to the development of the system.

4. Specification of the timeframe from completion of decommissioning activities.
5. Description of any agreement (i.e., lease) with landowner regarding decommissioning, if applicable.

6. Identity of the entity or individual responsible for decommissioning.

7. Plans for updating the decommissioning plan.

8. A performance guarantee shall be posted in the form of a bond, letter of credit, cash, or other form acceptable to the Township to ensure removal 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 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. 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 3. Renewable Energies - Definitions. Section 17.2 of the Olive Township Zoning Ordinance shall be amended by **eliminating** the definitions for Building Integrated Photovoltaic (BIPV) Systems, Freestanding or Ground-Mounted Solar Energy System, Large-Scale Solar, Small-Scale Solar, and Rooftop or Building Mounted Solar System; and by **adding** the following definitions to state in their entirety 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 lot 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 it is erected. 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 collectors.

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 property 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 4. Small-Scale Solar Energy Collectors. Section 17.3.C of the Olive Township Zoning Ordinance shall be amended to state in its entirety as follows.

C. Small-Scale Solar Energy Collector Systems.

1. 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 (5) square feet and less than five (5) 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.

2. General requirements.

a. Applications. In addition to all other required application contents as listed in Section 26.04.B., 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.

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 neighboring dwellings or onto adjacent roads or private roads.

c. 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 and other applicable Township 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.

d. Power Lines. On site power lines between solar panels and inverters shall be placed underground.

e. Abandonment and Removal. A solar energy collector system 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 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 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.

3. Solar-Thermal Systems. These systems may be established as accessory uses to principal uses in all zoning districts.

4. 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.

a. Maximum Height. The maximum height of the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded by more than three (3) feet.

b. Obstruction. Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.

5. 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.

a. 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 one hundred fifty (150) feet from the front lot line.

b. Obstruction. Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.

c. Vegetation. All vegetation underneath solar energy infrastructure shall be properly maintained at a height not to exceed 24" so as to not block access to solar collectors.

d. Maximum Number.

i. Residential uses. There shall be no more than one (1) ground-mounted solar energy collector unit per principal building on a lot.

ii. Agricultural, Commercial, and Industrial uses. There shall be no limit to the number of ground-mounted solar energy collector units on a lot.

e. Maximum Size.

i. Residential uses. There shall be no more than one percent (1%) of the lot area up to one thousand five hundred (1,500) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.

ii. Agricultural, Commercial, and Industrial uses. There shall be no more than ten thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.

f. Maximum Height.

i. Residential uses. The maximum height shall be six (6) feet, measured from the natural grade below the unit to the highest point at full tilt.

ii. Agricultural, Commercial, and Industrial uses. The maximum height shall be sixteen (16) feet, measured from the natural grade below the unit to the highest point at full tilt.

g. Minimum Lot Area. Two (2) acres shall be the minimum lot area to establish a ground-mounted solar energy collector system.

h. Screening. Screening shall be required in cases where a ground-mounted solar energy collector unit impacts views from adjacent residential properties. Screening methods may include the use of material, colors,

textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.

i. Applicants requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not exceed the power consumption demand of the principal and accessory land uses on the lot. However, larger systems may be approved if greater electricity need is demonstrated to power on-site buildings and uses.

Section 5. Special Uses. Section 17.4.C of the Olive Township Zoning Ordinance shall be eliminated in its entirety and reserved for future use.

Section 6. Effective Date. The foregoing amendments to the Olive Township Zoning Ordinance were approved and adopted by the Township Board of Olive Township, Ottawa County, Michigan on September 20, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on October 5, 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.

Lona Bronkema
Olive Township Clerk

Dated: September 24, 2018

CERTIFICATE

I, Lona Bronkema, the Clerk for the Township of Olive, Ottawa County, Michigan, certify that the foregoing Olive Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on September 20, 2018. The following members of the Township Board were present at that meeting: Bronkema, A. Nienhuis, M. Nienhuis, Vander Zwaag and Wolters. The Ordinance was adopted by the Township Board with all members of the Board voting in favor, and no members of the Board voting in opposition. The Ordinance was published in the *Holland Sentinel* on September 27, 2018.