

KEENE TOWNSHIP

ORDINANCE NO. 3-8-22 A

Adopted Date: March 8, 2022

Published Date: March 12, 2022

Effective Date: March 19, 2022

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
ARTICLE XII**

THE TOWNSHIP OF KEENE ORDAINS:

Section 1: Amend the Solar Energy Section as shown below:

Section 12.27 – Solar Energy Systems

This ordinance aims to promote the accommodation of on-site residential and non-residential solar energy systems installed to reduce on-site energy consumption and associated equipment, as well as adequate access to sunlight necessary for such systems. This ordinance permits solar energy systems, while protecting the safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Small scale solar energy systems and medium ground or pole systems shall be permitted in any zoning district as an accessory use, subject to specific criteria as set forth below. Large Ground or pole mounted and commercial scale solar energy systems require a special land use application. Where general standards and specific criteria overlap, specific criteria shall supersede general standards.

- A. This ordinance applies to all solar energy systems installed and constructed after the effective date of this Ordinance. For purposes of this Ordinance, “solar energy system” means a solar energy system as defined in section 2.02 Definitions. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance. All solar energy systems shall be designed, erected, and installed in accordance with applicable manufacturer’s instructions, local, state, utility, and national codes, regulations, and standards.
- B. The installation and construction of a **roof-mount solar energy system** shall be subject to the following development and design standards:
 - 1. A roof or building mounted solar energy system may be mounted on a principal or accessory building in all zoning districts. No zoning permit is required. An Ionia County Building Permit may be required.
 - 2. Any height limitations shall not be applicable to solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties. The panels shall not extend past the roofline.
 - 3. Placement of solar collectors on flat roofs shall be allowed provided that panels do not extend horizontally past the roofline.

C. The installation and construction of **small collector systems** mounted on fences or poles, or ground mounted with collector surface areas less than ~~twelve (12)~~ fifty (50) square feet and less than ~~six (6)~~ seven (7) feet high are permitted as an accessory use in all zoning districts. A small solar collector panel shall be setback from all property lines a minimum of 15 feet and a minimum of fifty (50) feet from a street right of way. No zoning permit is required for small solar collectors. This section does not apply to 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.

D. The installation and construction of a solar **medium ground or pole mounted collector panel system** (larger than fifty (50) square feet but less than 740 square feet) will require a zoning permit and be subject to the following standards.

1. The height of the solar collector and any mounts shall not exceed 30 feet when oriented at maximum tilt. A taller system structure may be approved if a need for more height can be demonstrated such as nearby trees, buildings or topography.
2. The surface area of a ground or pole-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
3. The minimum solar energy system setback distance from the property lines shall be equivalent to the front lot line setback and accessory building side and rear setback requirements of the underlying zoning district.
4. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground and/or in accordance with the building electrical code, as appropriate.
5. A medium ground or pole mounted system may be up to a maximum size to provide electricity for the current and expected electricity use of the buildings on the property. An oversized system may be approved if the applicant provides documentation that a larger system is needed. The maximum size of collector panels shall not exceed the energy amount as permitted by the local utility company.
6. The minimum acreage to construct a medium ground or pole mounted system is two and a half (2.5) acres.
7. A medium ground mounted or pole mounted solar energy system is permitted in all zoning districts.
8. A medium size ground or pole mounted collector panel system is permitted up to 740 square feet with a review by the zoning administrator with application for a zoning permit.
9. The standards of sections below of F through K also apply to medium ground or pole mounted solar collector panel systems.

DE. The installation and construction of a solar **large ground or pole mounted collector panel system** will require a special land use permit (larger than ~~42~~ 740 square feet) and be subject to the following standards.

1. The height of the solar collector and any mounts shall not exceed 30 feet when oriented at maximum tilt. A taller system structure may be approved if a need for more height can be demonstrated such as nearby trees, buildings or topography.
2. The surface area of a ground or pole-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

3. The minimum solar energy system setback distance from the property lines shall be equivalent to the front lot line setback and accessory building side and rear setback requirements of the underlying zoning district.
 4. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground and/or in accordance with the building electrical code, as appropriate.
 5. A large ground or pole mounted system may be up to a maximum size to provide electricity for the current and expected electricity use of the buildings on the property. An oversized system may be approved if the applicant provides documentation that a larger system is needed. The maximum size of collector panels shall not exceed the energy amount as permitted by the local utility company.
 6. The minimum acreage to construct a large ground or pole mounted system is ~~two and a half (2.5)~~ five (5) acres.
 7. A ground mounted or pole mounted solar energy system is permitted in all zoning districts.
- E.F.** All electrical equipment associated with and necessary for the operation of solar energy systems shall comply with the following:
1. Electrical equipment shall comply with the setbacks specified for front lot line and accessory structures in the underlying zoning district.
- F.G.** Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar panel placement should be prioritized to minimize or negate any solar glare onto nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar system.
- G.H.** A solar energy system shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
- H.I.** A solar energy collector system shall be permanently and safely attached to the ground based on the manufactures installation guide. Solar energy collectors shall comply with building codes and other applicable Township, County, State and Federal requirements and permits.
- I.J.** A solar energy system shall not be constructed until a zoning and building permit has been approved and issued along with the following requirements.
1. Installation shall be constructed to the state codes, permits and manufactures instructions. Prior to operation, electrical connections must be inspected by the Ionia County Building Department Inspectors.
 2. Any connection to the public utility grid must be approved by the appropriate public utility.
 3. If solar storage batteries are included as part of the solar collector system, they must installed according to all requirements set forth in the National and State Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the local and State and any other applicable laws and regulations relating to hazardous waste disposal.

4. Unless otherwise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

JK. If the ground mounted energy system is not used or abandoned for twelve (12) months then the following requirements will be applicable.

1. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal shall be landscaped in accordance with the prior approval or local landscaping.
2. A ground or pole-mounted solar energy system is considered to be abandoned or defective if it has not been in operation for a period of twelve (12) months. If abandoned, the solar energy system shall be repaired by the owner to meet federal, state, and local safety standards, or be removed by the owner within the time period designated by the municipal approval. If the owner fails to remove or repair the defective or abandoned solar energy system, the Township may pursue a legal action to have the system removed at the owner's expense.

KL. The installation and construction of a **commercial solar energy system (solar farm)** will require a special land use permit and be subject to the following standards.

1. A commercial solar energy system may be established as principal or accessory uses in the AG Agriculture, AR Agriculture Residential Districts and in the RR Rural Residential District on parcels 40 or more acres. The following requirements apply:
 - a. Minimum Setbacks shall be 100 feet minimum from all lot lines and road right of ways. However, as a condition of approval, the Township may require increased setbacks if it determined that greater separation would better protect adjacent residents and landowners.
 - b. Maximum height allowed is 30 feet, measured from the natural grade below the unit to the highest point at full tilt. A taller system structure may be approved if a need for more height can be demonstrated such as nearby trees, buildings or topography.
 - c. Minimum Acreage for the solar farm is five (5) acres in the AG and AR Districts.
 - d. 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 materials, colors, textures, screening walls, fences and landscaping that will blend the facility into the natural setting and existing environment.
 - e. A small sign with emergency contact information shall be installed on or near the solar energy equipment.
 - f. The area where the solar panel structures are located shall be enclosed with a six (6) foot high fence to prevent trespassing or vandalism.
2. A decommissioning plan signed by the responsible party and the landowner (if different) addressing the following shall be submitted prior to approval:
 - a. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.)

- b. Removal of all utility owned equipment and non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations. The land owner may request to allow some items to remain such as an access road, fencing or concrete if approved by the Planning Commission.
- c. Restoration of property to condition prior to development of the system, except as approved in b above.
- d. The timeframe for completion of decommissioning activities.
- e. Description of any agreement or lease with landowner regarding decommissioning, if applicable.
- f. The entity or individual responsible for decommissioning.
- g. Plans for updating the decommissioning plan.
- h. 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 of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. 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 2:

Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3:

Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4:

Effective Date. This Ordinance shall be effective seven (7) days after publication.

ADOPTED:

Yeas: 5

Nays: 0

Abstain: 0

STATE OF MICHIGAN)

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COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Keene Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this eighth day of March 2022.

Tami Hardy

Keene Township Clerk

Note: The original ordinance is signed.