

**ORDINANCE NO. 2018-12-02**

**ZONING TEXT AMENDMENT ORDINANCE**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ROBINSON TOWNSHIP, OTTAWA 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 ROBINSON, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Definition of “Building-Mounted Solar Energy Collector.” The Robinson Township Zoning Ordinance is amended by adding Section 3.17A in its entirety as follows.

Section 3.17A 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).

Section 2. Definition of “Ground-Mounted Solar Energy Collector.” The Robinson Township Zoning Ordinance is amended by adding Section 3.49A to state in its entirety as follows.

Section 3.49A 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.

Section 3. Definition of “Small-Scale Solar Energy Collector.” The Robinson Township Zoning Ordinance is amended by redesignating Section 3.99A, which defines Small Structure-Mounted Wind Energy Turbine (SSMWET),” to be Section 3.99B; by redesignating Section 3.99B, which defines “Small Tower-Mounted Wind Energy Turbine (STMWET),” to be Section 3.99C; and by restating Section 3.99A in its entirety to state as follows.

Section 3.99A 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.

Section 4. Definition of “Solar Energy Collector.” The Robinson Township Zoning Ordinance is amended by adding Section 3.99D to state in its entirety as follows.

Section 3.99D 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.

Section 5. Definition of “Utility-Scale Solar Energy Collector.” The Robinson Township Zoning Ordinance is amended by adding Section 3.107A to state in its entirety as follows.

Section 3.107A 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 6. I-1 Zoning District Uses. The Robinson Township Zoning Ordinance is amended by restating Section 14.3, concerning the “Uses Requiring Special Approval” in the I-1 Zoning District, in its entirety as follows.

Section 14.3 USES REQUIRING SPECIAL APPROVAL.

The following uses may be permitted after approval and issuance of a special use permit as provided in Chapter 32 of this Ordinance.

- (A) Group day-care homes and child care centers, licensed under Act 116 of the Michigan Public Acts of 1973, as amended.
- (B) Medium wind energy turbines.
- (C) Utility-scale solar energy collector.

Section 7. I-2 Zoning District Uses. The Robinson Township Zoning Ordinance is amended by adding subsection (G) to Section 15.3, concerning the “Uses Requiring Special Approval” in the I-2 Zoning District, in its entirety as follows.

- (G) Utility-scale solar energy collector.

Section 8. M-1 Zoning District Uses. The Robinson Township Zoning Ordinance is amended by restating Section 16.4, concerning the “Uses Requiring Special Approval” in the M-1 Zoning District, in its entirety as follows.

Section 16.4 USES REQUIRING SPECIAL APPROVAL.

- (A) After the mining operations have been completed on all or a portion of the property in question, but before the land has been rezoned from the M-1 Zoning District, the property owner may receive a special use permit pursuant to Chapter 32 of this Ordinance to use some or all of the land in question in ways which are permitted in one (1) or more of the Zoning Districts adjacent to the land in question.
- (B) The property owner may receive a special use permit pursuant to Chapter 32 of this Ordinance to use some or all of the land in question, while the land is zoned in the M-1 Zoning District, for a utility-scale solar energy collector.

Section 9. Small-Scale Solar Energy Collectors and Systems. The Robinson Township Zoning Ordinance is amended by adding Chapter 34 concerning “Small-Scale Solar Energy Collectors and Systems,” in its entirety as follows.

**CHAPTER 34**

**SMALL SCALE SOLAR ENERGY COLLECTORS AND SYSTEMS**

Section 34.1 APPLICABILITY.

This Chapter applies to any system of small-scale solar energy collector systems. This Chapter 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 Chapter apply to utility-scale solar energy collector systems. Nothing in this Chapter shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement.

Section 34.2 GENERAL REQUIREMENTS.

- (A) **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 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 neighboring dwellings or onto streets or private roads.
- (C) **INSTALLATION.**
- (1) 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 and State 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.
- (D) **POWER LINES.** On site power lines between solar panels and inverters shall be placed underground.
- (E) **FIRE RISK.** Fuel sources such as vegetation shall be removed from the immediate vicinity of electrical equipment and connections.
- (F) **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.

Section 34.3 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 in 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.

Section 34.4 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.

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

- (D) MAXIMUM SIZE.

- (1) 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.
- (2) 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.

- (E) MAXIMUM HEIGHT.

- (1) Residential uses. The maximum height shall be ten (10) feet, measured from the natural grade below the unit to the highest point at full tilt.
- (2) 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.

- (F) MINIMUM LOT AREA. A lot must have at least eighty-two thousand, five hundred (82,500) square feet in lot area to establish a ground-mounted solar energy collector system.

- (G) **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.

Section 10. Utility-Scale Solar Energy Collectors and Systems. The Robinson Township Zoning Ordinance is amended by adding Chapter 35 concerning “Utility-Scale Solar Energy Collectors and Systems,” in its entirety as follows.

## **CHAPTER 35**

### **UTILITY-SCALE SOLAR ENERGY COLLECTORS AND SYSTEMS**

Section 35.1 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 35.2 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 31 as well as meet all applicable criteria of Chapter 32. 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) **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) **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.

- (F) **POWER LINES.** On site power lines between solar panels and inverters shall be placed underground.
- (G) **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 must be part of a contiguous solar energy collector system which includes a ratio of at least twenty (20) acres of collection for each acre of storage.
- (H) **FIRE RISK.** Fuel sources such as vegetation shall be removed from the immediate vicinity of electrical equipment and connections.
- (I) **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.
- (J) **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.
- (K) **MITIGATION RISK PLAN.** An application for a utility-scale solar energy collector system shall include a risk mitigation plan for review by the Township.

Section 35.3 UTILITY-SCALE SOLAR ENERGY COLLECTOR SYSTEMS.  
Utility-scale solar energy collector systems may be established as a special use only in the designated Zoning Districts, 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 fifty (50) decibels (dBA) as measured from any lot line of the lot on which the system is located.
- (E) **SCREENING.** A six (6) feet tall opaque, unperforated fence shall be erected and maintained around the entire solar energy collector system.
- (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 initial performance guarantee amount. The performance guarantee amount shall be valid throughout the lifetime of the system, and it shall be adjusted by the Township every five (5) years based upon at least two (2) new cost estimates from qualified contractors obtained by the responsible party. 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 use approval.
- (G) **TRANSFER OF OWNERSHIP.** Prior to a change in the ownership or operation of a solar energy collector system, including but not limited to the sale or lease of that system or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the solar energy collector system or the underlying property, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the solar energy collector system or the underlying property shall not be permitted to operate that system until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

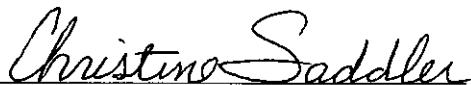
Section 11. Effective Date. The foregoing amendments to the Robinson Township Zoning Ordinance were approved and adopted by the Township Board of Robinson Township, Ottawa County, Michigan on December 12, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on January 1, 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.

  
Kathryn L. Kuck, Township Supervisor  
Robinson 20 Zoning Text Amendment Ordinance - Solar Energy 09262018

  
Christine Saddler, Township Clerk

**CERTIFICATE**

I, Christine Saddler, the Clerk for the Township of Robinson, Ottawa County, Michigan, certify that the foregoing Robinson Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on December 12, 2018. The following members of the Township Board were present at that meeting: Kuck, Saddler, Hayward, Berens, Vugteveen. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board: Kuck, Hayward, Berens, Vugteveen and Saddler, voting in favor, and members of the Board: none, voting in opposition. The Ordinance was published in the *Grand Haven Tribune* December 24, 2018.

  
Christine Saddler, Clerk  
Robinson Township