

DANBY TOWNSHIP

ORDINANCE NO. _____

(Adopted 2-22-18) - Revised On 5-30-2019

Effective Date June 16, 2019

**AN ORDINANCE TO AMEND THE DANBY TOWNSHIP ZONING
ORDINANCE OF CHAPTER 2, DEFINITIONS; CHAPTER 5
SECTION 5.03 AGRICULTURE DISTRICT SPECIAL USES, AND
CHAPTER 13 SECTION 13.07 SPECIAL LAND USES SECTION AA
SHOWN BELOW IN ITS ENTIRETY.**

Note – these amendments are to the 2018-2-22 adopted solar energy sections.

THE TOWNSHIP OF DANBY ORDAINS:

SECTION 1:

Add the following definitions to Section 2.18 Definitions – S

SOLAR ENERGY

- B. **COMMERCIAL SOLAR ENERGY SYSTEM** - A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commercial solar energy systems may also provide electricity to the agricultural or commercial use of the parcel on which they are established. Also known as a solar farm.

SECTION 2:

Amend uses to Section 5.03 Special Land Uses (AG Agriculture))

- Z. Commercial solar energy system as a principal use or accessory use to a dwelling or agricultural principal or accessory use.

SECTION 3:

Amend Solar Energy Collector Requirements in Section 13.07 (Special Use Section)

AA. Solar Energy Collectors (standards section)

1. **Applicability.** This section applies to ground-mounted solar energy collectors and commercial solar energy systems. This section does not apply to smaller-scale 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.
2. **General Requirements.**

- a. Applications. In addition to all other required application contents, equipment and unit renderings or plans shall be submitted for review.
 - 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 residences or onto adjacent streets.
 - c. Location. Solar energy equipment shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
 - d. Installation.
 - i. 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.
 - 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.
 - e. Power lines. On site power lines between solar panels and inverters shall be placed underground.
 - f. Abandonment. Solar energy collection systems that cease to produce energy on a continuous basis for 12 months will be considered abandoned unless the responsible party (or parties) with ownership interest in the system provides substantial evidence every six (6) months after 12 months of no energy production to the Township of the intent to maintain and reinstate the operation of that facility. The responsible party shall remove all equipment and facilities and restore the site to its condition prior to development of the facility within one (1) year of abandonment.
3. Ground-Mounted Solar Energy Collectors. These systems may be established as accessory uses to principal dwellings on the same parcel. The following requirements apply:
- a. Location.
 - i. The unit may be located in the rear yard and/or the side yard but shall be subject to the setbacks for principal buildings. ~~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.~~
 - ii. The unit may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use provided that the unit is no less than 150 feet from the front lot line.
 - b. Maximum Number. One (1) ground-mounted solar energy collector structure per whole acre. ~~There shall be no more than one (1) ground-mounted solar energy collector support structure per principal dwelling on a parcel.~~
 - c. Maximum Size.-1,500 square feet of collector panels per ground-mounted solar energy collector structure ~~There shall be no more than 1,500 square feet of collector panels on a ground-mounted solar energy collector support structure, unless an oversized system is approved in accordance with this section.~~
 - ~~c.~~ d. Minimum Spacing. 15 feet between ground-mounted solar energy collector structures, when multiple structures are established on a parcel.

- ~~d.e.~~ Maximum Height. 16 feet, measured from the natural grade below the unit to the highest point at full tilt.
 - e.f. Minimum Acreage. Two (2) acres.
 - f.g. Screening. Screening may be required in cases where a ground-mounted unit impacts views from adjacent residential properties.
 - ~~g.~~ Removal of Equipment. Owner must remove all equipment related to the solar energy system pursuant to section “2. f. Abandonment” above when the system is no longer producing energy.
 - ~~h.~~ 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 parcel. However, oversized systems may be approved if greater electricity need is demonstrated to power on-site buildings and uses.
4. Commercial Solar Energy System. Commercial systems may be established as principal or accessory uses. The following requirements apply:
- a. Minimum Setbacks. 100 feet minimum. ~~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. 20 feet measured from the natural grade below the unit to the highest point at full tilt.
 - c. Minimum Acreage. Five (5) acres.
 - d. 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 materials, colors, textures, screening walls, and landscaping, that will blend the facility into the natural setting and existing environment.
 - e. Decommissioning. A decommissioning plan signed by the responsible party and the landowner (if different) addressing the following shall be submitted prior to approval:
 - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.)
 - ii. Removal of all utility owned equipment and non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
 - iii. Restoration of property to condition prior to development of the system.
 - iv. The timeframe for completion of decommissioning activities.
 - v. Description of any agreement (e.g. lease) with landowner regarding decommissioning, if applicable.
 - vi. The entity or individual responsible for decommissioning.
 - vii. Plans for updating the decommissioning plan.
 - viii. 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 4:

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 5:

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 6:

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

ADOPTED:

Yeas: 4

Nays: 0

Absent: 1

STATE OF MICHIGAN)

)

COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Danby 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 30th day of May, 2019.

Kristina Platte

Danby Township Clerk