

PORTLAND TOWNSHIP BOARD OF TRUSTEES
Resolution No. 7-11-18 B

**RESOLUTION TO ADOPT AMENDMENTS TO PART 3 (ZONING ORDINANCE) OF
THE PORTLAND TOWNSHIP CODE OF ORDINANCES REGARDING
ZONING ORDINANCE TEXT AMENDMENTS TO ARTICLES 2, 3, 5, 7, 8, 11 and 15.**

At a regular meeting of the Township Board of Portland Township (the "Township"), Ionia County, Michigan, held at the Township Hall in said Township on this 11th day of July, 2018 at 7:00 p.m.

Present: Chris Jensen, Charlene Keilen, Mark Simon, Leanne Simon

Absent: Sue Vanlente

The following resolution was offered by Mark Simon and supported by Leanne Simon:

WHEREAS, the Zoning Enabling Act authorizes a township board to adopt and amend zoning ordinances that regulate the public health, safety and general welfare of persons and property; and,

WHEREAS, the Township Board has determined that amendments to Part 3 of the Portland Township Code of Ordinances (the "Zoning Ordinance") are necessary and proper to change the ZBA Board member requirements to be consistent with the Michigan Zoning Enabling Act, and

WHEREAS, the Portland Township Planning Commission held a public hearing for comment on the proposed amendments to the Zoning Ordinance Text on July 2, 2018; and

WHEREAS, the Planning Commission recommended that the Township Board adopt the amendments to the Zoning Ordinance Text; and

WHEREAS, the Ionia County Planning Commission has waived their rights to review rezoning applications; and

WHEREAS, the Board of Trustees has determined that amending the Zoning Ordinance Map is in the best interest of the public health, safety and welfare of Township residents.

NOW THEREFORE, be it resolved by the Board of Portland Township, Ionia County, Michigan, as follows:

**PORTLAND TOWNSHIP
ORDINANCE NO. 100-7-18 B**

**Adopted Date: 7-11-18
Effective Date: August 5, 2018**

**AN ORDINANCE TO ADOPT AMENDMENTS TO PART 3 (ZONING ORDINANCE)
OF THE PORTLAND TOWNSHIP CODE OF ORDINANCES REGARDING TEXT
AMENDMENTS TO ARTICLE 2 DEFINITIONS, ARTICLE 3 GENERAL
PROVISIONS, ARTICLE 5 AGRICULTURE DISTRICT, ARTICLE 7 R-1 DISTRICT,
ARTICLE 8 R-2 DISTRICT, ARTICLE 11 INDUSTRIAL DISTRICT AND ARTICLE 15
SPECIAL LAND USES AS SHOWN BELOW IN ITS ENTIRETY.**

THE TOWNSHIP OF PORTLAND ORDAINS:

SECTION 1:

Add the following definitions to Section 3.2.02

SOLAR ENERGY SYSTEM:

- (a) 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 window or other element, in whole or in part, of a building.
- (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. Also known as a solar farm.
- (c) Commercial solar energy system responsible party: The party responsible for construction, maintenance, and/or long-term operation of a commercial solar energy system. The responsible party may be the owner or leasee of the land on which the commercial solar energy system is established.
- (d) 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.
- (e) 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 generated energy for use in or associated with a principal land use on the parcel of land on which 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 lands.

SECTION 2:

Revise Existing Section:

Sec. 3.4.07: Building Heights

- (a) ALL DISTRICTS. No building shall exceed 35 feet.
- (b) EXCEPTIONS. Subject to other provisions of law, the requirements of all zones shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, building mounted solar energy collectors not exceeding 4 feet in height, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators and driers, silos, stacks, water tanks, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, fruit storage facilities, and similar structures.

SECTION 3:

Add uses to Section 3.5.03 Special Land Uses (A Agriculture)

- (v) Ground-mounted solar energy system as an accessory use to a dwelling or agricultural principal use.
- (w) Commercial solar energy system as a principal use or accessory use to a dwelling or agricultural principal use.

SECTION 4:

Add use to Section 3.7.03 Special Land Uses (R-1 Low Density Residential)

- (l) Ground-mounted solar energy system as an accessory use to a dwelling or agricultural principal use.

Add use to Section 3.8.03 Special Land Uses (R-2 Medium Density Residential)

(refers to the R-1 District special uses)

SECTION 5:

Add uses to Section 3.11.03 Special Land Uses (I – Industrial)

- (j) Ground-mounted solar energy system as an accessory use.
- (k) Commercial solar energy system as a principal use or accessory use.

SECTION 6:

Add Solar Energy System Requirements to Section 3.15.07 (Special Use Section)

(l) Solar Energy Systems (list of uses)

- (a) Applicability. This section applies to ground-mounted and commercial solar energy systems.

(b) This section does not apply to smaller-scale solar energy collectors mounted on building roofs or walls except that roof mounted solar energy collectors shall not project more than four (4) feet above the highest point of the roof and not exceed the maximum building height for the building and shall not project beyond the eaves of the roof. This section also does not apply to small collectors mounted on fences or poles, or ground mounted with collector surface areas less than eight (8) square feet and less than six (6) feet high. 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.

(c) General Requirements. Solar energy collector systems except for section b (above) require a special use application.

(1) Applications. In addition to all other required application contents, equipment and unit renderings or plans shall be submitted for review.

(2) Glare and Reflection. A unit may not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.

(3) Location. Solar energy equipment shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional. The equipment shall not be located in the setback distances for accessory buildings unless permitted by the Planning Commission.

(4) Installation.

i. A solar energy collector shall be permanently and safely attached to the ground based on the manufacturer's installation guide. Solar energy collectors 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.

(1) Power lines. On site power lines between solar panels and inverters shall be placed underground.

(2) 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.

(d) Ground-Mounted Solar Energy Collectors. These systems may be established as accessory uses to principal dwellings or farms. The following requirements apply:

(1) 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 100 feet from the front lot line.
- (2) Maximum Number. One (1) ground-mounted solar energy collector structure per whole acre.
- (3) Maximum Size. 1,500 square feet of collector panels per ground-mounted solar energy collector support structure unless an oversized system is approved in accordance with this section.
- (4) Minimum Spacing. 10 feet between ground-mounted solar energy collector structures, when multiple structures are established on a parcel.
- (5) Maximum Height. 20 feet measured from the natural grade below the unit to the highest point at full tilt.
- (6) Minimum Acreage. Two (2) acres.
- (7) Screening. Screening consisting of fences or landscaping may be required in cases where ground-mounted units impact views from adjacent residential properties.
- (8) Removal of Equipment. Owner must remove all equipment related to the solar energy system when the system is no longer producing energy. 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.
- (e) Commercial Solar Energy System. Commercial systems may be established as principal or accessory uses. The following requirements apply:
 - (1) Minimum Setbacks. 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.
 - (2) Maximum Height. 20 feet, measured from the natural grade below the unit to the highest point at full tilt.
 - (3) Minimum Acreage. Five (5) acres.
 - (4) 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.

- (5) Emergency Contact. A small sign with emergency contact information shall be installed on or near the solar energy equipment.
- (6) 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. The land owner may request to allow some items to remain such as access road, fencing or concrete if approved by the Planning Commission.
 - 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 7:

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 8:

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 9:

Effective Date. This Ordinance shall be effective eight (8) days after publication.

ADOPTED:

Yeas: 4

Nays: 0

Absent: 1

STATE OF MICHIGAN)

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COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Portland 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 11th day of July 2018.

Charlene Keilen
Portland Township Clerk

**Note – original is signed*