

**PORT SHELDON TOWNSHIP**  
**OTTAWA COUNTY, MICHIGAN**

**Ordinance No. Z2023-01**

AN ORDINANCE TO AMEND THE PORT SHELDON TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 2.21 TO ADD NEW DEFINITIONS RELATED TO SOLAR ENERGY COLLECTORS; TO AMEND SECTION 3.05 RELATED TO THE TABLE OF PERMITTED AND SPECIAL LAND USES; TO AMEND SECTION 4.44 RELATED TO SMALL-SCALE SOLAR ENERGY SYSTEMS; TO AMEND SECTION 9.03 TO ADD A NEW SPECIAL LAND USE RELATED TO SOLAR ENERGY SYSTEMS; AND TO AMEND ARTICLE XVIII TO ADD A NEW SECTION 18.32 RELATED TO UTILITY SCALE SOLAR ENERGY SYSTEMS.

THE TOWNSHIP OF PORT SHELDON, OTTAWA COUNTY, MICHIGAN, ORDAINS:

**Section 1. Amendment of Section 2.21.** Section 2.21 of the Port Sheldon Township Zoning Ordinance is amended to include the following definitions, which are inserted in alphabetical order:

Solar Energy Collector or System: A system (including solar collector surfaces and ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar Thermal System: A collection of solar panels and related equipment and components that converts sunlight into heat.

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. It may be comprised of the following: building-integrated photovoltaic (BIPV) systems, ground-mounted solar energy collectors, or building-mounted solar energy collectors.

Photovoltaic System: A semiconductor material that generates electricity from sunlight..

Utility Scale Solar Energy System: A solar energy system that meets one or more of the following:

- A. It is primarily used for generating electricity for sale and distribution to an authorized public utility for use in the electrical grid;
- B. It is not considered an accessory use or structure by the Township Zoning Administrator.

**Section 2. Amendment of Section 3.05.** Section 3.05 of the Port Sheldon Township Zoning Ordinance is amended such that the following land use is added to the “Table of Permitted and Special Land Uses” in alphabetical order as follows:

Land Use	Zoning Districts					
	AG-1	R-1	LSR	C	I	OS
Utility Scale Solar Energy Systems	S				S	

**Section 3. Amendment of Article IV.** Article IV of the Port Sheldon Township Zoning Ordinance is amended to add a new Section 4.44 which reads as follows:

**Section 4.44 Small-Scale Solar Energy Systems**

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 shall it apply to a solar energy system used to power a single device or specific piece of equipment such as a lawn ornament, light, weather station, thermometer, clock, well pump, or other similar device. This Section does not apply to utility-scale solar energy collector systems, which are regulated in Section 18.32. Nothing in this Section shall be construed to the sale of excess power through a net billing or net-metering arrangement.

A. General requirements.

- 1. Permit Required. No small-scale solar energy collector system, whether building-mounted or ground-mounted, shall be installed or operated except in compliance with this Section. A zoning permit shall be obtained from the Zoning Administrator prior to the installation of a small-scale solar energy system.

2. Applications. In addition to all other materials required for a Zoning Compliance Permit as listed in Section 21.04(9), an applicant shall also provide equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from lot lines and adjacent structures to the Zoning Administrator for review.
  3. 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.
  4. Installation.
    - a. A small-scale 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.
    - b. The installation of a building-mounted solar energy system on a nonconforming building, structure, lot, or use shall not be considered an expansion of the nonconformity.
    - c. Small-scale solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's specifications. Upon request, a copy of such specifications shall be submitted to the Township prior to installation.
  5. Power Lines. On-site power lines between solar panels and inverters shall be placed underground pursuant to applicable building and electrical codes.
  6. 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.
- B. 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.
1. 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.
  2. Obstruction. Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
- C. Ground-Mounted Solar Energy Collectors. These systems are permitted in all zoning districts subject to the following conditions.

1. Rear and Side Yards. A ground-mounted solar energy collector may be located in the rear yard or the side yard, subject to the setbacks required for accessory buildings in Section 4.10.
2. Front Yard. A ground-mounted solar energy collector may be located in the front yard only if located no less than one hundred fifty (150) feet from the front lot line.
3. Obstruction. Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
4. Vegetation. All vegetation underneath ground-mounted solar energy collectors shall be properly maintained so as to not block access to solar collectors.
5. Maximum Number.
  - a. Residential uses. There shall be no more than one (1) ground-mounted solar energy collector per principal building on a lot.
  - b. Agricultural, Commercial, and Industrial uses. There shall be no limit to the number of ground-mounted solar energy collectors on a lot.
6. Maximum Size.
  - a. 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.
  - b. Agricultural Uses. There shall be no limit to the area of collector panels on a ground-mounted solar energy system for active farms and farm operations , provided that the electricity generated by the collector panels are used only for property on which the panels are located. Ground mounted solar energy systems that generate electricity for sale and distribution to an authorized public utility for use in the electrical grid may only be permitted pursuant to Section 18.32 of this Ordinance.
  - c. 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 unless a larger system is approved pursuant to Section 18.32 of this Ordinance.
7. Maximum Height.
  - a. 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.
  - b. Agricultural, Commercial, and Industrial uses. The maximum height shall be twelve (12) feet, measured from the natural grade below the unit to the highest point at full tilt.
8. Minimum Lot Area. One (1) acre shall be the minimum lot area to establish a ground-mounted solar energy collector system.

9. Screening. Screening shall be required in cases where a ground-mounted solar energy collector 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.
10. Applicants requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not regularly 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 4. Amendment of Section 9.03.** Section 9.03 of the Port Sheldon Township Zoning Ordinance is amended to include a new special land use, which reads as follows:

- Utility scale solar energy systems (see Section 18.32)

**Section 5. Amendment of Section 10.03.** Section 10.03 of the Port Sheldon Township Zoning Ordinance is amended to include a new special land use, which reads as follows:

- Utility scale solar energy systems (see Section 18.32)

**Section 6. Amendment of Section Article XVIII.** Article XVIII is amended to include a new subsection 18.32, which reads as follows:

**18.32 Utility Scale Solar Energy Systems**

1. Site Plan Required. An application for special land use approval for a Utility Scale Solar Energy System shall include a site plan in accordance with Article XIX. In addition to the information required for site plan approval in Section 19.04, all applications must also include the following:
  - a. Equipment and unit renderings
  - b. Elevation drawings
  - c. Setbacks from property lines and adjacent structures
  - d. Notarized written permission from the property owner authorizing the Utility Scale Solar Energy System
  - e. All additional plans and requirements set forth in this Section.
2. Permits. No utility-scale solar energy system shall be constructed, installed, operated, maintained, or modified as provided in this Section without first obtaining all applicable permits. The construction, installation, operation, maintenance, or modification of all utility-scale solar systems shall be consistent with all applicable local, state, and federal

requirements, and all buildings and structures that comprise a utility-scale solar energy system shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code, the manufacturer's specifications, and other applicable requirements.

3. Lot Area. Utility scale solar energy systems shall be located on a lot of at least twenty (20) acres.
4. Setbacks. Utility scale solar energy systems shall be located at least 50 feet from all property lines. The Township may require larger setbacks if it is determined that greater separation would better protect adjacent residents and property owners.
5. Height. Utility scale solar energy systems shall not exceed sixteen (16) feet in height, measured from the natural grade below the unit to the highest point at full tilt.
6. Noise. Noise emanating from the solar energy collector system shall not exceed 50 decibels (dBA) as measured from any property line.
7. Screening. The Planning Commission may require that a utility scale solar energy system be screened from residential properties or public rights-of-way. Screening methods may include the use of material, colors, textures, screening walls, fencing, berms, landscaping, and/or natural vegetation that will blend the facility into the natural setting and existing environment.
8. Glare and Reflection. The exterior surfaces of utility scale solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A solar collector surface shall not be installed or located so that sunlight or glare is reflected into neighboring residences or on to adjacent streets.
9. Location. Utility scale solar energy systems shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
10. Obstruction. Utility scale solar energy systems shall not obstruct solar access to adjacent and neighboring properties.
11. Power lines. On-site power lines between all structures and ancillary equipment and inverters shall be placed underground.
12. Fencing. For the purpose of restricting unauthorized access to the site, the Planning Commission may require that the perimeter of a utility scale solar energy system be enclosed by a fence at least six (6) feet in height.
13. Operation and Maintenance Plan. The applicant shall submit a plan for the operation and maintenance of the utility scale solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures of operational maintenance of the installation, as applicable.
14. Emergency Services. Upon request by Port Sheldon Township, the owner/operator of the utility scale solar energy system shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy

system shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.

15. Maintenance. The utility scale solar energy system owner/operator shall maintain the facility in good condition at all times. Maintenance shall include, but not be limited to, structural repairs, safety-related upgrades, and integrity of security measures. Site access roads or drives shall be maintained to a level acceptable to local emergency services personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).

16. Decommissioning.

- a. Any utility-scale solar energy system which has reached the end of its useful life or has not operated continuously for one year or more shall be removed and parcel owners shall be required to restore the site. The owner/operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations.
- b. The owner/operator shall notify the Township personally or by certified mail of the proposed date of discontinued operations and plans for removal.
- c. If the owner/operator fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, the Township may enter the property and physically remove the installation.
- d. Removal of the installation shall consist of the following:
  - 1) Physical removal of all aboveground or underground utility-scale solar energy systems, structures, equipment, security barriers, and transmission lines from the site.
  - 2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - 3) Stabilization or re-vegetation of the site as necessary to minimize erosion.

17. Financial Guarantee. The applicant for a utility scale solar energy system shall provide a form of surety in the form of cash, letter of credit, bond, or other instrument acceptable to the Township Attorney. The purpose of the surety is to cover the cost of removal of the utility scale solar energy system in the event the Township must remove the installation as outlined in subsection 16(c) above. The amount of the financial surety shall not exceed more than 125 percent of all costs of removal and compliance with the additional requirements set forth herein. It shall be submitted by the applicant and be prepared by a qualified engineer. The surety shall be subject to review and approval by the Planning Commission and shall be a condition of special land use approval.

**Section 7. Effective Date.** This Ordinance shall take effect 8 days after the first publication in the Holland Sentinel, a newspaper having general circulation in the Township, pursuant to the provisions of Act 110 of 2006, as amended.

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Michael Sabatino,  
Township Supervisor

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Teresa De Graaf,  
Township Clerk



**CERTIFICATE**

I, Teresa De Graaf, the Clerk for the Township of Port Sheldon, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Port Sheldon Township Board held on September 13, 2023. The following members of the Township Board were present at that meeting: Teresa De Graaf, Lucas DeVries, Rachel Frantom, Bill Monhollon and Michael Sabatino. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board Teresa De Graaf, Lucas DeVries, Rachel Frantom, Bill Monhollon and Michael Sabatino, voting in favor and members of the Board None voting in opposition. Notice of Adoption of the Ordinance was published in The Holland Sentinel after adoption on September 23, 2023.

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Teresa De Graaf, Township Clerk