

**GUN PLAIN CHARTER TOWNSHIP  
ORDINANCE NO. 166  
AMENDMENT TO THE GUN PLAIN TOWNSHIP ZONING ORDINANCE**

**ADOPTED: 9-7-2017  
EFFECTIVE: 9-21-2017**

**AN ORDINANCE TO AMEND THE GUN PLAIN TOWNSHIP ZONING ORDINANCE  
TO AMEND CHAPTER XIX, SECTION 19.24**

**GUN PLAIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN ORDAINS:**

***CHAPTER XIX***

***SECTION 19.24, SOLAR PANELS***

***Amend Chapter XIX, Section 19.24, Solar Panels to read as follows:***

**SECTION 19.24 RESIDENTIAL SOLAR PANELS AND COMMERCIAL SOLAR  
ENERGY FACILITIES**

**Purposes and Objectives**

- a. To preserve the dignity and aesthetic quality of the environment in Gun Plain Charter Township.
- b. To preserve the physical integrity of land in close proximity to residential areas.
- c. To protect and enhance the economic viability and interests of the citizens and residents of Gun Plain Charter Township who have made substantial financial investments in homes, businesses, and industry in Gun Plain Charter Township.
- d. To facilitate the construction, installation, and operation of commercial solar energy facilities in Gun Plain Charter Township in a manner that minimizes the adverse impacts to forestry, agriculture, commercial and residential lands.

**Definitions**

1. **Abandonment:** to give up, discontinue, withdraw from, any commercial solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.
2. **Building:** Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.
3. **Decommissioning Plan:** A document that details the planned shutdown or removal of a commercial solar energy facility from operation or usage.

4. **Fence:** A continuous barrier extending from the surface of the ground to a uniform height of not less than (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.
5. **Gate:** A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.
6. **Improved Area:** Area containing solar panels, electrical inverters, storage buildings and access roads.
7. **Public Road:** Any road or highway which is now or hereafter designated and maintained by the Michigan Department of Transportation as part of the State Highway System, and/or maintained by the Allegan County Road Commission, whether primary or secondary, hard surfaced or other dependable roads which provide access to residential areas. Setbacks for improved areas shall be measured from the road right-of-way.
8. **Residents:** A building used as a dwelling for one or more families or persons.
9. **Residential Area:** Any area within one quarter 1/4<sup>th</sup> mile of a commercial solar energy facility having 25 or more dwellings.
10. **Commercial Solar Energy Facility:** An energy facility, and area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities that sell electricity to be used off-site.

## **Commercial Solar Energy Facilities**

### **Location**

- a. All Commercial Solar Energy Facilities (CSEF) must comply with the requirements established in the Gun Plain Charter Township Zoning Ordinance.
- b. All CSEF shall be considered a special use in agricultural zoned areas only. CSEF are not allowed in any other zoning districts.
- c. All improved areas, including disposal areas, shall be at least 50 feet from a public road and 25 feet from a fence line.
- d. Improved areas shall be at least 100 feet from any residence or church, measured from the principal building.
- e. All access roads and storage areas shall be established on a 30 foot minimum to a public right-of-way.

### **Security**

- a. CSEF shall be fenced completely as defined in definitions above. The perimeter fence shall be designed to restrict unauthorized access. If a wire fence is used, vegetation must be planted along the sides and adjoining a public road.
- b. Each owner, operator or maintainer of a CSEF to which this Ordinance applies, and who chooses to use vegetation with wire fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer,

and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replaced at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed 10 inches in height.

### **Supplemental Regulations**

- a. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
- b. On-site power lines between solar panels and inverters shall be placed underground.
- c. The design of CSEF buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- d. If the CSEF consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
- e. The design and construction of CSEF shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or neighboring residents.
- f. The design and construction of CSEF shall not produce electrical omissions that would interfere with aircraft communications systems or navigation equipment.
- g. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Township.
- h. An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the CSEF.
- i. Any other relevant studies, reports, certificates and approval as may be reasonably required by Gun Plain Charter Township Planning Commission.
- j. A description of the proposed technology to include type of solar panel and system, fixed mounted versus solar tracking, number of panels, and angles of orientation.
- k. An informational sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.

### **Site Plan Required**

- a. All CSEF shall be required to submit a site plan to the planning commission for approval.
- b. Site plan review will follow chapter 20 site plan review procedures as outlined in the Zoning Ordinance.

### **Abandonment and Decommissioning Plan**

#### **a. Abandonment:**

A CSEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the CSEF provides substantial evidence (updated every six months after 12 months of no energy production) to the Zoning Administrator or his/her designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove

all equipment and facilities and restore the Parcel to its condition prior to development of the CSEF.

1. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the CSEF and restore the site to its condition prior to development of the CSEF within three hundred and sixty (360) days of notice by the Zoning Administrator or his/her designee.
2. If the responsible party (or parties) fails to comply, the zoning administrator or his/her designee may remove the CSEF, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the CSEF and restore the site to a nonhazardous predevelopment condition.

**b. Decommissioning:**

A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit.

1. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)
2. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
3. Restoration of property to condition prior to development of the CSEF.
4. The time frame for completion of decommissioning activities.
5. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
6. The party currently responsible for decommissioning.
7. Plans for updating this decommissioning plan.

**Residential Solar Panels**

- (a) Solar panels (or arrays thereof) exceeding four (4) square feet in area are not permitted in any front or side yard or on any wall or face of a building or structure facing a street unless such panel(s) is integrated with the ordinary construction of the building or structure, and/or is fully screened from view of the adjacent street (except roof-mounted solar panels as set forth below).
- (b) Ground-mounted solar panels shall:
  - (1) Be located in a side or rear yard only.
  - (2) Not exceed sixteen (16) feet in height above the ground.
  - (3) Be fully screened at all times from view at adjacent property lines and street lines by structures, fencing or a combination of evergreen and deciduous plantings.
- (c) Roof-mounted solar panels. Roof-mounted solar panels are permitted and may include "integrated" solar panels that are either integrated architecturally as part of the roof structure or as part of the surface layer of the roof structure causing no apparent change in relief or projection, as well as separate "flush" and "tilt mounted" solar panel systems attached to the roof surface as follow

- (1) An integrated solar panel may not cause the height of a building or structure to exceed the height limitations of the district in which the building or structure is located.
- (2) "Flush" and "tilt mounted" solar panels shall be located on a rear-yard or side-yard facing roof, as viewed from any adjacent street.
- (3) "Flush" and "tilt mounted" solar panels installed on a pitched roof surface shall not project vertically above the ridgeline of the roof to which it is attached,
- (4) "Flush" or "tilt mounted" solar panels located on a mansard or flat-roofed building shall be set back at least 6-feet from the edge of the deck or roof on all elevations and shall be exempt from district height limitations provided that the panels shall not project more than 5-feet above the roof surface of a flat roof or the deck of a mansard roof. Amended 4-1-2010 Ord.#143

**Violation**

Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a CSEF in violation of this ordinance shall be guilty of a municipal civil infraction as defined by Michigan statute and shall be subject to a civil fine as determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 <sup>st</sup> offense within a 3 year period*	\$200.00	\$500.00
2 <sup>nd</sup> offense within a 3 year period	\$300.00	\$500.00
3 <sup>rd</sup> offense within a 3 year period	\$400.00	\$500.00
4 <sup>th</sup> offense within a 3 year period	\$500.00	\$500.00

\*Determined on the basis of the date of commission of the offense(s).

- (a) A violation is also subject to costs which may include all expenses, direct and indirect, to which the Township has incurred in connection with the municipal civil infraction. A violator of this ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law.

***Effective date***

This ordinance takes effect seven (7) days following publication of notice of its adoption pursuant to Michigan Public Act 110 of 2006. All ordinances and parts of ordinances in conflict herewith are repealed.

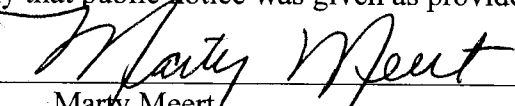
AYES: Members: VanDenBerg, Meert, Kopka, Pearson, Horton, Morehouse, Shannon

NAYS: Members: 0

ABSENT: None

ORDINANCE DECLARED ADOPTED.

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Charter Township of Gun Plain at a regular meeting thereof held on the 7th day of September 2017, and further certify that public notice was given as provided by law.

  
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Marty Meert  
Gun Plain Township Clerk