

ORDINANCE NO. 18-3
Belvidere Township, Montcalm County, Michigan

An Ordinance to amend Ordinance No. 18, as amended, commonly referred to as the 2010 Belvidere Township Zoning Ordinance, to define and authorize solar energy systems, to establish approval procedures and standards for solar energy systems, and to revise provisions addressing the Flat River Natural Rivers Overlay District.

THE BELVIDERE TOWNSHIP BOARD ORDAINS:

SECTION 1

The 2010 Belvidere Township Zoning Ordinance is amended by the insertion of Line #7 under "Uses of a Public, Semi-Public, or Other Character" in Table 3-2 of Article 3, and the insertion of Footnote 5 at the end of such Table, each to read as follows:

| | PRINCIPAL USES | ZONING DISTRICTS | | | | |
|---|---|--|----------------|----------------|----------------|----------------|
| | | BR = Use Permitted by Right, S = Special Land Use - = Prohibited Use | | | | |
| | | AR | R-1 R-2 | R-3 R-4 | R-MF | R-MHC |
| | Uses of a Public, Semi-Public, or Other Character | | | | | |
| 7 | Solar Energy Systems, Large. | S ⁵ | - ⁵ | - ⁵ | - ⁵ | - ⁵ |

(Footnote 5 below)

"5. See Sec. 10.31 regarding authorization of "Small" and "Medium" Solar Energy Systems including systems accessory to dwellings."

SECTION 2

The 2010 Belvidere Township Zoning Ordinance is amended by the insertion of Line #5 under "Other Uses Not Listed Above" in Table 3-3 of Article 3, and the insertion of Footnote 3 at the end of such Table, each to read as follows:

| | PRINCIPAL USES | ZONING DISTRICTS ¹ | | |
|---|--|---|----------------|----------------|
| | | BR= Use Permitted by Right S = Special Land Use, - = Prohibited Use | | |
| | | C-1 | C-2 | I-1 |
| | Other Uses Not Listed Above ¹ | | | |
| 5 | Solar Energy Systems, Large. | - ³ | - ³ | - ³ |

(Footnote 3 below)

"3. See Sec. 10.31 regarding authorization of "Small" and "Medium" Solar Energy Systems including systems accessory to dwellings."

SECTION 3

The 2010 Belvidere Township Zoning Ordinance is amended by the insertion of Section 10.31, to read as follows:

“Section 10.31 Solar Energy Systems (SES)”

A. Definitions: For the purpose of this Section, the following phrases shall have the following corresponding definitions.

1. Solar Energy System (SES): A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area and are sometimes referred to as “concentrated solar power” systems or “CSP” systems.
2. Small Solar Energy System (Small SES): A SES located on the same lot as the use served by the SES and which relies on roof mounted and/or ground mounted collection systems that occupy no more than fifteen hundred (1,500) sq. ft. of combined roof and/or land area, including access aisles between solar panels. A Small SES is typically intended to serve a single residential unit, agricultural operation or other business.
3. Medium Solar Energy System (Medium SES): A SES located on the same lot as the use served by the SES and which relies on roof mounted and/or ground mounted collection systems that occupy more than fifteen hundred (1,500) sq. ft. but not more than ten thousand (10,000) sq. ft. of combined roof and land area, including access aisles between solar panels. A Medium SES is typically intended to produce energy for use in association with multiple dwellings and/or businesses on a single lot.
4. Large Solar Energy System (Large SES): A solar energy system that relies on roof mounted and/or ground mounted collection systems that occupy more than ten thousand (10,000) sq. ft. of combined roof and land area, including access aisles between solar panels. A Large SES is typically intended to produce energy for use principally in association with multiple dwellings and/or businesses on a single lot on which the system is located and/or for use by off-lot properties and persons including in association with energy utility providers. A Large SES may be commonly referred to as a “solar farm.”
5. Solar Collection Panels: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

B. Authorization, Review and Approval Procedures

1. Small SES: Small SES are permitted as accessory uses and structures only and are authorized in all districts. Small SES require a zoning permit and shall be subject to Zoning Administrator approval. An application for a Small SES shall be accompanied by a plot plan prepared according to Section 2.4(B), including the delineation of all SES structures and equipment.
2. Medium SES: Medium SES are permitted as accessory uses and structures only and are authorized in all districts provided the principal use of the lot is not residential. Medium SES require a zoning permit and shall be subject to site plan approval according to Article 14 except that if the principal use constitutes a special land use, the approval process for the Medium SES shall be subject to the special land use review and approval provisions of Article 15.
3. Large SES: Large SES are permitted as accessory and principal uses and structures. Large SES require a zoning permit, constitute a special land use, and are subject to the special land use review and approval provisions of Article 15 including site plan review according to Article 14. See Tables 3-2 and 3-3 of Article 3 regarding in what districts Large SES are authorized.

C. General Standards

1. Buildings: Unless provided elsewhere in this Section, all buildings part of a SES shall comply with the standards of Table 3-4 of Article 3 unless the approving body determines the building functions in an accessory manner, in which case the standards of Section 20.10 shall apply.
2. Structures: Unless provided elsewhere in this Section, all structures that do not constitute buildings shall comply with the accessory structure standards of Section 20.10,
3. Glare/Radiation: SES collection panels shall be designed and placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the reviewing body may require a report from a registered civil engineer or other professional deemed qualified by the Zoning Administrator, attesting to the glare and radiation impact on nearby properties and public roads.

4. Panel Setbacks and Heights:
 - a. Ground-mounted panels that are part of a Small SES shall be set back a minimum of twenty-five (25) feet from lot lines and shall not exceed twelve (12) feet in height as measured from the ground below to the top of the panel when in its most vertical position.
 - b. Ground-mounted panels that are part of a Medium SES shall be set back a minimum of one hundred fifty (150) feet from lot lines and shall not exceed twelve (12) feet in height as measured from the ground below to the top of the panel when in its most vertical position.
 - c. Ground-mounted panels that are part of a Large SES shall be set back a minimum of three hundred (300) feet from lot lines and shall not exceed fifteen (15) feet in height as measured from the ground below to the top of the panel when in its most vertical position.
5. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to solar collection panels. Any other structures on the lot are subject to maximum lot coverage restrictions.
6. Yard Restrictions: No ground mounted SES panels, and support equipment that exceeds fifty (50) sq. ft. in area or six (6) feet in height, shall be located in a front yard unless such panels and equipment are set back a minimum distance of fifty (50) feet from the front lot line and screening is provided according to the landscape screening height and spacing provisions of subsection (8)(a) – (c). In the case of a lot that does not include a building not otherwise part of the SES, the front yard shall be construed to extend from the front lot line to a distance of seventy-five (75) feet.
7. Lighting: No SES exterior lighting shall be erected except upon satisfactory evidence that such lighting is necessary for the proper operation or security of the facility. No light may adversely affect adjacent lots. All lighting shall be shielded from adjoining lots, and light poles are restricted to eight (8) feet in height from the ground except upon satisfactory evidence that a greater height is necessary, no reasonable alternatives are available, and the greater height shall not create nuisance conditions.
8. Fencing: In the case of Medium SES and Large SES, a fence of a minimum eight (8) feet in height shall be erected to prevent access by the public to any solar panels and other facility equipment, with locked gates, and shall include “danger” signage in both English and Spanish.
9. Screening: In the case of Medium and Large SES ground mounted solar collection panel(s) located on a lot that is adjacent to a lot in an Agricultural or Residential District, the panels shall be screened from view from such lot.
 - a. Screening shall be comprised of, at a minimum, a double-row of evergreen trees with such -trees to be planted no greater than twenty (20) feet apart from each other and no less than ten (10) feet apart from each other, and the second row of trees shall be planted no greater than twenty-five (25) feet and no less than eighteen (18) feet from the first row as measured perpendicularly between the center line of each row. A minimum of fifty percent (50%) of the trees shall be an evergreen species, and all trees shall be a minimum of six (6) feet in height at the time of planting, have a projected growth rate of a minimum of six (6) inches per year, and have a minimum projected growth height of at least twelve (12) feet. The screening shall consist of a minimum of one (1) evergreen tree and one (1) low-branching deciduous tree per forty (40) linear feet of perimeter panel length, and one (1) shrub per twenty (20) linear feet of perimeter panel length. Shrubs shall be of a dense growth habit, shall be a minimum of two and one-half (2.5) feet in height at the time of planting, and shall have a projected growth height of at least five (5) feet.
 - b. The approving body may permit a maximum fifty percent (50%) reduction in the number and size of tree plantings where the adjacent property is vacant and not likely to be developed within the next three (3) years based on nearby development trends during the preceding three (3) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panels, and/or where other conditions may be present that make the normally required screening requirements ineffective or otherwise unnecessary.
 - c. Required screening shall be located and configured to encourage a natural appearance such as clustering and non-linear plantings, and need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line.
 - d. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.
 - e. The screening requirements of this Section shall replace the screening provisions of Article 8 except as the approving body may determine otherwise appropriate.
 - f. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size, and the selected plant material shall be predominantly species native to Michigan.

10. Sound Levels: Sound levels measured along a property line of a parcel adjacent to a parcel on which an SES is located, shall not exceed fifty-five (55) decibels on the dB(A) scale.
11. Roof-Mounted Systems: Roof-mounted SES may exceed the maximum height standard for the structure to which it is attached according to the District in which it is to be located, but no portion of the system shall extend more than three (3) feet above the roof surface to which it is attached directly below.
12. Abandonment: If a ground mounted SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state. Restoration of the site shall be completed no more than one hundred eighty (180) days of the applicant's initiation of decommissioning or after the Zoning Administration notifies the applicant in writing of a determination of abandonment, except that the Zoning Administrator may extend the restoration time frame to no more than one (1) year should seasonal conditions necessitate a greater period of time to complete the restoration.

D. Minor Accessory Solar Energy Systems: Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, intended to provide energy to operate a device to which such panel is attached such as in the case of a solar panel powering an exterior light or an attic fan, are permitted in all districts and may be erected without the issuance of a zoning permit.

1. Setbacks: Self-contained solar energy systems shall not be subject to setback restrictions except that no self-contained solar energy system greater than two (2) sq. ft. in area shall be located within twenty (20) feet of a front lot line.
2. Heights: Self-contained solar energy systems shall comply with the height restrictions applicable to accessory structures in the respective District except that in the case of a roof-mounted system, no portion of the system attached to the roof shall exceed three (3) feet above the roof surface directly below.

E. Exempt Solar Energy Systems: The following shall not be subject to the issuance of a zoning permit but shall comply with the requirements and standards of this Section.

1. Self-contained solar energy systems.
2. Roof-mounted solar energy systems that function as shingles, or are otherwise shingle-like in general character, and roof-mounted systems that lay flat against the roof and at the same angle of the roof.

F. Additional Submittal Requirements for Medium and Large SES: In the case of an application for a Medium or Large SES, the following information shall be provided in addition to the information required by Article 14 for site plan review and Article 15 for special land use applications.

1. Project Description and Rationale: The type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions.
2. Operator's Agreement: The operator's agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency proceedings and general safety documentation.
3. Analysis of Traffic: An assessment of anticipated traffic to the SES during construction phases and once the SES is operational, including the anticipated daily vehicles by frequency and type during construction and after construction.
4. Visual Impacts: A presentation of the visual impact using photos or renditions of the project with consideration given to the tree plantings and setback requirements.
5. Wildlife: A review of the real and potential impacts on wildlife on the site and in the surrounding area.
6. Lighting: Indicate the extent of exterior lighting to be installed including locations, heights, fixture specifications, light levels along property lines, and the frequency of lights to be illuminated.
7. Transportation Plan: An access plan during construction and operational phases including the proposed SES service road system and ingress and egress onto public roads.
8. Public Safety: A description of the public health and safety risks the SES may present and measures to address such risks including emergency and standard shutdown procedures, and any security measures that may be employed to manage access to the facility by the general public.
9. Telecommunications Interference: Provide a description of the extent to which the SES may interfere with wireless communications within one (1) mile of the SES, or otherwise alter electromagnetic field conditions.
10. Power: Identify how the SES will connect to the power grid.

11. **Glare:** Provide a report prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this Section.
12. **Project Duration, Decommissioning, and Reclamation:** Provide a detailed decommissioning plan addressing the project's estimated duration period, the manner in which all SES features shall be removed, and the manner in which the site shall be reclaimed to its former condition. The decommissioning plan shall include a detailed description of the financial security guaranteeing removal of the system and which shall be posted at the time of receiving a construction permit for the facility. The security shall be in a form as required by Section 2.6. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer, shall present a detailed basis for the estimate including estimated hours and costs for labor and equipment, and shall be subject to approval by the Township."

SECTION 4

The 2010 Belvidere Township Zoning Ordinance is amended by the deletion of Section 9.9 regarding the Flat River Natural Rivers Overlay District and the insertion of a new Section 9.9 regarding the same, to read as follows:

"Section 9.9 Flat River Natural Rivers Overlay District

A. Establishment and Applicability: A Flat River Natural River Overlay District is established and shall overlay upon the base district below as delineated on the official zoning map. The Flat River Natural River Overlay District is established in accordance with the Natural Rivers Act, Part 305 of Public Act 451 of 1994, and the District boundaries shall begin at the M-46/M-66 river crossing and extend along the Flat River corridor south to West Lake Montcalm Road, and extend four hundred (400) feet perpendicularly from each side of the Flat River. The regulations of the underlying district shall apply except where the Flat River Natural River Overlay District or the Natural Rivers Act provides otherwise.

B. Compliance with Natural Rivers Act: All land divisions, land uses, and site development and site modifications shall comply with the rules and regulations of the Natural River Act and the rules promulgated under the Act, including in association with minimum parcel area and length of river frontage. A parcel located in the Flat River Natural River District shall not be divided or split unless the resulting parcels each have a minimum of five thousand (5,000) sq. ft. of upland area on which a building can be erected in compliance with the site development standards of subsection (E) including building setback requirements, and such upland area is a minimum of fifty (50) feet in width.

C. Permits and Applications: No use of land or modifications to land shall be made except upon the issuance of all permits required by this Ordinance according to Article 2, and the issuance of all necessary permits required by the Natural Rivers Act and the rules promulgated under the Act including Rules 281.53 to 281.56. Application for such permits shall comply with this Ordinance and the Act, including required information constituting a complete application. The review of applications for uses and activities in the Flat River Natural River District shall follow the review process as delineated in this Ordinance according to Article 2 and the Act.

D. Permitted Uses: Land uses within the Flat River Natural River District shall be restricted to those uses authorized by this Ordinance and the Natural Rivers Act and the rules promulgated under such Act, including Rule 281.151. Where the Act or associated rules establishes more stringent limitations on the use of land than this Ordinance, there shall be compliance with the Act and associated rules. Where this Ordinance establishes more stringent limitations on the use of land than the Act or rules, there shall be compliance with this Ordinance.

E. Site Development Standards: All use of land or modifications to land within the Flat River Nature River District shall comply with the site development standards of this Ordinance and the Natural Rivers Act and the rules promulgated under the Act, including Rule 281.151. Where the Act or associated rules establishes more stringent site development standards than this Ordinance, there shall be compliance with the Act and associated rules. Where this Ordinance establishes more stringent site development standards than the Act or rules, there shall be compliance with this Ordinance.

1. **Dwellings:** In compliance with the Natural Rivers Act and the rules promulgated under the Act, dwellings within the Flat River Natural River District shall comply with the following Act's restrictions except where this Ordinance establishes more stringent standards including the limitations of Section 9.8 of this Ordinance.

- a. The minimum building setback shall be not less than one hundred (100) feet from the ordinary high-water mark on the mainstream and all designated tributaries, except as described in Rule 281.56(7) of the Act, or not less than 25 feet from the 100-year floodplain line, whichever is the greater distance from the river's edge.
 - b. The minimum building setback from the top of a bluff shall be fifty (50) feet, and the natural contour of the face and crest of the bluff shall not be altered.
 - c. No building shall take place on land that is subject to flooding or in any wetland area.
 - d. The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.
 - e. Accessory buildings and appurtenances shall comply with the same setback standards as applicable to the principal building.
 - f. Septic tanks and disposal fields shall meet local health department standards. The septic tank shall not be closer to the river than the dwelling it serves and in no case shall a disposal field be located less than 100 feet from the ordinary high-water mark on the mainstream and all designated tributaries and from any surface or subsurface drain that discharges into the Flat River or its designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
2. Other.
- a. A parcel shall comply with the Rules of the Act regarding minimum parcel area and minimum parcel river frontage, except where the underlying district establishes more stringent standards.
 - b. A boardwalk may be constructed to the river if the ground is too wet to afford convenient access to the river. Such boardwalk shall not exceed three (3) feet in width and shall not exceed one (1) foot in height above the ground below. A dock shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged.
 - c. Stairways may be constructed to access the river. No more than one (1) such stairway shall be erected on a parcel and shall comply with Rule 281.57 of the Act."

SECTION 5

The remaining provisions of Ordinance No. 18 and all amendments thereto are hereby ratified and reaffirmed.

SECTION 6

In the event that any provision of this amending ordinance is held to be unconstitutional or void for any reason by a court of competent jurisdiction, that provision shall be struck from the amendment and severed and the remaining provisions shall be enforced according to their terms and provisions.

SECTION 7

This amendment ordinance shall be effective seven (7) days after adoption and publication as provided by law.

CLERK'S CERTIFICATION

I, Sheila Smith, the duly appointed, qualified and acting Clerk of the Township of Belvidere, Montcalm County, Michigan, hereby certify that the foregoing Belvidere Township Zoning Ordinance No. 18-3, an ordinance to amend the 2010 Belvidere Township Zoning Ordinance, Ordinance No. 18, was adopted at a special meeting of the Township Board on the 15th day of April, 2022.

Sheila Smith, Belvidere Township Clerk

Date