ORDINANCE NO. 2022-07

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN BY AMENDING SECTION 12.06A – DEVELOPMENT REQUIREMENTS FOR PUD'S WITH RESIDENTIAL USES, DETERMINATION OF NUMBER OF DWELLINGS; BY AMENDING SECTION 12.06B7 – FORMULA TO DETERMINE NUMBER OF DWELLINGS; BY AMENDING SECTION 14.01 – DESCRIPTION AND PURPOSE; BY AMENDING SECTION 14.03O – USES REQUIRING SPECIAL APPROVAL; BY AMENDING SECTION 15.02AC – USE REGULATION; BY AMENDING SECTION 16.02I – PERMITTED USES; BY ADDING SECTION 23.20 – RENEWABLE ENERGIES; AND PROVIDING FOR REPEAL, SEVERABILITY PROVISIONS, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Development Requirements for PUD's with Residential Uses, Determination of Number of Dwellings. Section 12.06A of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 12.06A – Determination of Number of Dwellings

The maximum average density for a PUD shall generally be the density as set forth in the following density table at the time the application for the PUD approval is submitted to the Township. The allowed number of dwellings for the proposed PUD shall be based on the density recommendations for dwellings or bedrooms as set forth in the following density table. The Planning Commission shall have the discretion to recommend to the Township Board the density and number of dwellings or the number of bedrooms that should be permitted in the PUD based upon the Master Plan category recommended for that area. The Planning Commission shall base its recommendation on the following standards:

1. The impact that the number of occupants allowed by either of the density options will have on nearby existing land uses, roads, public utilities and services.
2. A determination regarding which of the density options and the number of dwellings or bedrooms allowed by that option is most compatible with the future land use recommendations for the nearby area as set forth in the Master Plan.

The Township Board, after receiving a recommendation from the Planning Commission, may choose to allow fewer dwellings or bedrooms than recommended by the Planning Commission if, in the opinion of the Township Board, a reduction in the number of dwellings or bedrooms recommended would better achieve the intent and standards of this Article. In making this determination the Township Board shall also consider the standards (1) and (2) utilized by the Planning Commission contained in this sub-section.

The type and placement of the dwellings proposed, however, shall be subject to the approval of the Township Board after receiving a recommendation from the Planning Commission.

Residential Density Table

Master Plan Classification	Maximum Average Density
Agricultural and Residential Estate	1 dwelling unit per acre
Low Density Residential (LDR)	2.9 dwelling units per acre
Moderate Density Residential (MOD)	For single family detached dwellings ▪ 4.35 dwelling units per acre with public sanitary sewer ▪ 2.9 dwelling units per acre w/o sanitary sewer
Medium Density Residential (MDR)	For two family dwellings ▪ 6.70 dwelling units per acre with public sanitary sewer ▪ 12,000 sq. ft./two family dwelling regardless of bedrooms per dwelling unit Public sanitary sewer & water required For Multiple Family Dwellings ▪ 20 bedrooms/acre Public sanitary sewer & water required
High Density Residential (HDR)	For two family dwellings ▪ 12,000 sq. ft./two family dwelling regardless of bedrooms per dwelling unit ▪ Public sanitary sewer & water required For multiple family dwellings ▪ 36 bedrooms per acre Public water & sewer required

Section 2. Formula to Determine Number of Dwellings. Section 12.06B7 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 12.06B7 – Formula to Determine Number of Dwellings.

If the property requested for PUD rezoning has more than one Master Plan land use classification the number of dwelling units or bedrooms allowed for each zone corresponding to the Master Plan classification shall be computed separately using the above formula to determine the total number of dwellings or bedrooms allowed for the entire proposed PUD site. The placement of the dwellings shall be subject to the approval of the Township Board following a recommendation from the Planning Commission during review of the PUD site plan.

Section 3. Description and Purpose. Section 14.01 of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 14.01 – Description and Purpose

The General Commercial (GC) District is intended to provide for a wide variety of retail, office and service uses which can serve the shopping needs of the resident of Allendale Township and passing traffic. Regulations are designed to encourage and facilitate the development of sound and efficient shopping and business activities.

Section 4. Uses Requiring Special Approval. Section 14.03O of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 14.03O – Uses Requiring Special Approval

(Reserved for future use)

Section 5. Uses Regulation. Section 15.02AC of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 15.02AC – Use Regulation

Warehousing and storage structure, mini-warehouse and self-storage facilities.

Section 6. Permitted Uses. Section 16.02I of the Allendale Charter Township Zoning Ordinance shall be amended to state in its entirety as follows.

Section 16.02I – Permitted Uses

Warehouses, distribution and storage facilities including mini-warehouses and self-storage facilities. Hazardous, toxic or obnoxious goods or products shall be prohibited.

Section 7. Renewable Energies. Section 23.20 of the Allendale Charter Township Zoning Ordinance will be added to state in its entirety as follows.

SECTION 23.20 RENEWABLE ENERGIES.

A. Purpose

Renewable energies are a resource that can prevent fossil fuel emissions and reduce energy load. The purpose and intent of renewable energies is to promote the compatible use of solar, biofuel, and anaerobic digesters to assist in decreasing the dependence of the Township on non-renewable energy systems through the accommodation of proper renewable energy systems and equipment within the township. The purpose of this Section is to establish guidelines for siting solar, biofuel, and anaerobic digesters, and other renewable energies that meet this purpose. The goals are as follows.

1. Promote the safe, effective, and efficient use of solar, biofuel, anaerobic digesters, and other alternative energies in order to reduce the consumption of fossil fuels in producing electricity.

2. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of solar, biofuel, anaerobic digesters, and other alternative energies.

3. Establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of solar, biofuel, anaerobic digesters, and other alternative energies shall be governed.

B. Definitions

As used in this Chapter, the following terms shall have the indicated meanings.

1. Anaerobic Digester. A reactor in which microorganisms break down biodegradable material in the absence of oxygen, used for industrial or domestic purposes to manage waste and/or produce energy.

2. Anaerobic Digestion. A process through which bacteria break down organic matter—such as animal manure, wastewater biosolids, and food wastes in the absence of oxygen.

3. (Reserved for Future Use)

4. At-home. A biofuel reactor that is privately produced by the owner or tenant of a single-family dwelling.

5. Biofuel. Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel.

6. Building-Integrated Photovoltaic (BIPV) Systems. A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

7. Collective Solar. Solar installations owned collectively through subdivision homeowner associations, "adopt-a-solar-panel" programs or other similar arrangements.

8. Condominium Development. A development that is created under the Condominium Act.

9. Decibel. A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

10. Decommissioning. The process of terminating operation and completely removing a solar array and all related buildings, structures, foundations, access roads, and equipment.

11. Digester Feedstocks. Organic materials that are acceptable for inclusion within an anaerobic digester include livestock manure, waste animal feed, dead animals, yard waste or grass clippings, organic food processing waste, waste grease/trap grease, food waste intended for human consumption, by-products from ethanol, biodiesel, and algal production and other digester feedstocks approved by the Director of the Michigan Department of Natural Resources and Environment or its successor agency.

12. (Reserved for Future Use)

13. Ethanol. A substance that meets the ASTM international standard in effect on the effective date of this section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

14. Farm. That term as defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472, as amended.

15. Flush-Mounted Solar Panel. Photovoltaic panels and tiles that are installed flush to the surface of a roof and which cannot be angled or raised.

16. Freestanding or Ground-Mounted Solar Energy System. A solar energy system that is a structure directly installed in the ground and is not attached or affixed to an existing structure.

17. General Common Element. An area designated for use by all owners within a condominium development.

18. (Reserved for Future Use)

19. (Reserved for Future Use)

20. (Reserved for Future Use)

21. Net-Metering. A billing arrangement that allows solar, anaerobic digesters, or other renewable energy systems to receive credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of a billing period from an electricity provider.

22. Occupied Building. A residence, school, hospital, church, public library, business, or any building used for public gatherings.

23. Operator. The entity responsible for the day-to-day operation and maintenance of a property and its uses.

24. Owner. The individual or entity, including any respective successors and assigns, who has an equity interest or owns a property, structure or use.

25. Photovoltaic (PV) Systems. A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

26. Proof gallon. That term as defined in 27 Code of Federal Regulations 19.907.

27. Renewable Energy Systems. Structures, equipment, devices or construction techniques used for the production of heat, light, cooling and electricity or other forms of energy on site and may be attached to or separate from the principal structure.

28. Rooftop or Building Mounted Solar System. A solar power system in which solar panels are mounted on top of the structure of a roof either as a

flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

29. (Reserved for Future Use)

30. (Reserved for Future Use)

31. Small-Scale Solar. Solar photovoltaic systems that produce up to ten kilowatts (kW) per hour of energy or solar-thermal systems, which serve the building to which they are attached and do not provide energy for any other buildings.

32. (Reserved for Future Use)

33. (Reserved for Future Use)

34. Solar Access. Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/passive solar energy systems on individual properties.

35. Solar Collector. A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

36. Solar Energy Equipment/System. Solar collectors, controls, energy storage devices, heat pumps, heat exchangers and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

37. Solar Panel. A device for the direct conversion of solar energy into electricity.

38. Solar Storage Battery. A device that stores electricity generated by solar energy from the sun and makes it available in an electrical form.

39. Solar-Thermal Systems. A system that directly heats water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

40. Total Height. The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any antenna, or the maximum height reached by any part of a wireless communications facility or other structure permitted by this Ordinance.

41. Tower. A freestanding monopole that supports a wireless communications facility or other structure permitted by this Ordinance.

42. (Reserved for Future Use)

43. (Reserved for Future Use)

C. (Reserved for Future Use)

D. Permitted Principal Uses.

1. (Reserved for Future Use)

2. Biofuel

(i) A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property if all of the following requirements are met:

1. The biofuel production facility is located on a farm.

2. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located.

3. On an annual basis, not less than twenty-five (25%) of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than twenty-five (25%) of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

(ii) At-home biofuel production with an annual production capacity of not more than one thousand (1,000) gallons of biofuel for each passenger vehicle or light truck registered at the property is a permitted use on a residential property, if all of the following requirements are met:

1. Each passenger vehicle or light truck is operable, licensed to the owner or tenant of the property on

which the At-home facility is located and is otherwise road worthy.

2. The parcel on which the At-home biofuel production occurs is at least one (1) acre in area.

3. The building or buildings in which the biofuel production is located shall be at least one hundred (100) feet from any adjacent principal or accessory building on a separate property.

4. All biofuel produced on the property shall never be sold, distributed or otherwise used by any other vehicle than those registered at the property and meet the aforementioned requirements.

5. An operation plan shall be submitted to the Zoning Administrator providing detail regarding at least the following and any other information requested by the township:
    a. The registered vehicle(s)
    b. Expected gallon production
    c. The building or buildings utilized for the at-home biofuel operation
    d. A site plan showing setbacks, parking, storage of fuel and surrounding uses.
    e. Methods to control odor

(iii) Noise emanating from the operation of a biofuel production facility shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institute.

3. Anaerobic Digesters

(i) An anaerobic digester facility is a permitted use of property if all of the following requirements are met:

1. On an annual basis, more than fifty percent (50%) of the feedstock for the anaerobic digester facility shall be produced on the farm where the facility is located.

2. An anaerobic digester shall meet the following minimum isolation distances:
    a. Two hundred (200) feet from waters of the state as defined in R 287.651(1)(u)(i) to (viii) of

the Department of Agriculture and Rural Development.

b. Two (2) feet above the seasonal high water table, as defined by NRCS 313 Waste Storage Facility Conservation Practice Standard, and adopted by reference in R 287.651a.

c. Not within a 10-year time-of-travel zone designated as a wellhead protection area as recognized by the Michigan Department of Environment, Great Lakes, and Energy or their successor organization, pursuant to the program established under the Michigan safe drinking water act, PA 399 of 1976, MCL 325.1001 to 325.1023, unless approved by the local unit of government administering the wellhead protection program. Where no designated wellhead protection area has been established, construction shall not be closer than the minimum isolation distance as stated on the well permit for a Type I or Type IIa public water supply. Facilities shall not be constructed closer than eight hundred (800) feet to a Type IIb or Type III public water supply unless the structure is located in accordance with Table 1 of the Natural Resources Conservation Service Technical Guide Waste Storage Facility (No) 313.

d. Two hundred (200) feet from nearest non-farm residence.

3. Operators of an anaerobic digester must be qualified under the State of Michigan with both of the following:
   a. Complete an appropriate anaerobic digester operator certification course.
   b. Obtain certification by the Michigan Department of Agriculture and Rural Development as an anaerobic digester operator.

4. The disposition of digestate may be by direct application to soils, sale, or other transfer of ownership.

Application to soils shall be done in accordance with the recommendations within the Generally Accepted Agricultural and Management Practices for Nutrient Utilization, January 2010, as specified in 1981 PA 93, MCL 286.471.

5. Noise emanating from the operation of an anaerobic digester facility shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institute.

4. Solar

(i) Small-Scale Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected but nothing contained in this provision shall be construed to prohibit Collective Solar installations or the sale of excess power through a net billing or net-metering arrangement.

(ii) Solar Energy Equipment and Solar Energy Systems shall be permitted only if they are determined to not present any unreasonable safety risks, including but not limited to, the following:

1. Weight load
2. Wind resistance
3. Ingress and egress in the event of fire or other emergency

(iii) No Small Scale solar energy system or device shall be installed or operated except in compliance with this Section.

(iv) No solar panel shall create glare, reflection or any other deflection of light on any adjacent property below the maximum height established for each district.

(v) Building-Integrated Photovoltaic Systems and Solar-Thermal Systems are permitted in all zoning districts.

(vi) Rooftop and Building-Mounted Solar Collectors are permitted in all zoning districts subject to the following condition:

1. The maximum height of the zoning district in which the rooftop and building-mounted solar collectors are located shall not apply provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve and that such structures do not obstruct solar access to adjacent and neighboring properties.

(vii) Safety

1. All solar collector installations shall be performed by a qualified solar installer.
2. Any connection to the public utility grid must be inspected by the appropriate public utility.
3. Solar energy systems shall be maintained in good working order.
4. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State of Michigan Building Code, currently in effect, when in use. Any solar storage batteries that are no longer used shall be disposed of in accordance with the laws, regulations and ordinances of the State of Michigan and the Township or any other applicable enforcing agency.
5. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the owner of the property shall remove the collector, mount and associated equipment no later than ninety (90) days after the end of the twelve (12) month period.

(viii) Noise. Noise emanating from the operation of a solar energy system shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institute.

(ix) Stabilization. Any exposed ground on which the solar energy system is located shall be stabilized with perennial ground cover, agricultural crops, or any other organic use, such as livestock, as permitted by the underlying zoning district.

(x) Decommissioning.

1. The solar energy system owner(s) shall post a cash deposit or irrevocable letter of credit with the Township Supervisor or his/her designee in an amount necessary to decommission the solar energy system, which shall be adjusted every five (5) years for inflation. The solar energy system owner(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the solar energy system owner(s), and for a good cause, the Township Board may grant a reasonable extension of time. The solar energy system will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
2. If the solar energy system owner(s) fails to complete decommissioning within the period prescribed above, the Township Board may use the cash deposit or irrevocable letter of credit to remove the solar energy system and may designate a contractor to complete decommissioning with any additional expense thereof exceeding the cash deposit or irrevocable letter of credit amount to be charged to the violator and/or to become a lien against the lot. At the time that the owner or operator submits an application for a solar energy system they shall authorize the Township, or its designated representatives, to enter upon the property on which the solar energy system is located for the purposes of completing the decommissioning process.
3. In addition to the decommissioning requirements listed above, the solar energy system shall also be subject to the following:
    a. Decommissioning shall include the removal of each solar energy system, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the

bedrock if less than sixty (60) inches below grade.

b. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s). If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

E. Permitted Special Uses with Conditions.

1 (Reserved for Future Use)

2. Biofuel

(i) A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of subsection 23.20D2(i)1 and subsection 23.20D2(i)2 but that does not meet the requirements of subsection 23.20D2(i)3.

(ii) A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of subsection 23.20D2(i)1 and subsection 23.20D2(i)2.

(iii) An application for special land use approval for a biofuel production facility described in subsection (i) or (ii) above shall include all of the following:

1. A site plan as required under Article 24, including a map of the property and existing and proposed buildings and other facilities.

2. A description of the process to be used to produce biofuel.

3. The number of gallons of biofuel anticipated to be produced annually.

4. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.

5. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.

6. Information that demonstrates that the biofuel production facility will comply with the requirements of subsection (i) or (ii) above and (iv) below.

7. Any additional information requested by the Township.

(iv) Special land use approval of a biofuel production facility described in subsection (i) or (ii) above shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:

1. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
2. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:

    a. Air pollution emissions.
    b. Transportation of biofuel or additional products resulting from biofuel production.
    c. Use or reuse of additional products resulting from biofuel production.
    d. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.

3. The biofuel production facility includes sufficient storage for both of the following:

a. Raw materials and fuel.
b. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

4. Noise emanating from the operation of a biofuel production facility shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institute.

3. Anaerobic Digesters

(i) An anaerobic digester facility is a permitted special use of property if all of the following requirements are met:

1. On an annual basis, not less than ten percent (10%) of the feedstock for the anaerobic digester facility shall be produced on the farm where the facility is located.

2. An application for special land use approval for an Anaerobic Digester facility shall include a site plan in accordance with Article 24 of this ordinance and shall include all of the following:

3. An anaerobic digester shall meet the following minimum isolation distances:

a. Two hundred (200) feet from waters of the state as defined in R 287.651(1)(u)(i) to (viii) of the Department of Agriculture and Rural Development.
b. Two (2) feet above the seasonal high water table, as defined by NRCS 313 Waste Storage Facility Conservation Practice Standard, and adopted by reference in R 287.651a.
c. Not within a 10-year time-of-travel zone designated as a wellhead protection area as recognized by the Michigan Department of Environment, Great Lakes, and Energy or their successor organization, pursuant to the program established under the Michigan safe drinking water act, PA 399 of 1976, MCL 325.1001 to 325.1023, unless approved by the local unit of government administering the

wellhead protection program. Where no designated wellhead protection area has been established, construction shall not be closer than the minimum isolation distance as stated on the well permit for a Type I or Type IIa public water supply. Facilities shall not be constructed closer than eight hundred (800) feet to a Type IIb or Type III public water supply unless the structure is located in accordance with Table 1 of the Natural Resources Conservation Service Technical Guide Waste Storage Facility (No) 313.

d. Two hundred (200) feet from nearest non-farm residence.

4 Operators of an anaerobic digester must be qualified under the State of Michigan with both the following:

a. Complete an appropriate anaerobic digester operator certification course.

b. Obtain certification by the Michigan Department of Agriculture and Rural Development as an anaerobic digester operator.

5 Noise emanating from the operation of an anaerobic digester facility shall not exceed, 45dB(A) at all lot lines, as defined by the American National Standards Institute.

6 The disposition of digestate may be by direct application to soils, sale, or other transfer of ownership. Application to soils shall be done in accordance with the recommendations within the Generally Accepted Agricultural and Management Practices for Nutrient Utilization, January 2010, as specified in 1981 PA 93, MCL 286.471

4. Solar

(i) Small Scale Free-Standing and Ground-Mounted Solar Collectors are permitted in all zoning districts, subject to the following conditions, and that otherwise comply with the provisions of Section 23.20D4 of this ordinance:

1. The location of the solar collectors shall meet all applicable setback requirements for accessory structures in the zoning district in which it is located.
2. All solar collectors shall be adequately screened with architectural features or landscaping such as berms, trees or shrubs that prevent their visible exposure to any right-of-way and preserves the character of the property and surrounding area. An architectural or landscaping plan shall be submitted for approval to the Zoning Administrator.
3. Solar energy equipment shall be located in a manner that does not shade any adjacent property at any time of the daylight hours.

(ii) Large-Scale Solar energy collectors shall be permitted within the Agricultural and Rural District, Rural Estates District, Industrial District, and the Planned Unit Development District, as a special use only to provide power for off-site consumption. On-site consumption is permitted as a secondary use.

(iii) An application for special land use approval for a Large-Scale Solar facility shall include a site plan in accordance with Article 24 of this ordinance and shall include all of the following:

(iv) Solar Energy Equipment and Solar Energy Systems shall be permitted only if they are determined to not present any unreasonable safety risks, including but not limited to, the following:

1. Weight load
2. Wind resistance
3. Ingress and egress in the event of fire or other emergency

(v) No Large Scale Solar energy system or device shall be installed or operated except in compliance with this Section.

(vi) No solar panel shall create glare, reflection or any other deflection of light on any adjacent property below the maximum height established for each district.

(vii) Building-Integrated Photovoltaic Systems and Solar-Thermal Systems are permitted.

(viii) Rooftop and Building-Mounted Solar Collectors are permitted, subject to the following condition:

1. The maximum height of the zoning district in which the rooftop and building-mounted solar collectors are located shall not apply provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve and that such structures do not obstruct solar access to adjacent and neighboring properties.

(ix) Free-Standing and Ground-Mounted Solar Collectors are permitted, subject to the following conditions:

1. The location of the solar collectors shall meet all applicable setback requirements for principal structures in the zoning district in which it is located.
2. All solar collectors shall be adequately screened with architectural features or landscaping such as berms, trees or shrubs that prevent their visible exposure to any right-of-way and preserves the character of the property and surrounding area. An architectural or landscaping plan shall be submitted as part of site plan review.
3. Solar energy equipment shall be located in a manner that does not shade any adjacent property at any time of the daylight hours.

(xi) Safety

1. All solar collector installations shall be performed by a qualified solar installer.
2. Any connection to the public utility grid must be inspected by the appropriate public utility.
3. Solar energy systems shall be maintained in good working order.
4. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State of Michigan Building Code, currently in effect, when in use. Any solar storage batteries that are no longer used shall be disposed of in accordance with the laws, regulations and ordinances of the State of Michigan and the Township or any other applicable enforcing agency.
5. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the owner of the property shall remove the collector,

mount and associated equipment no later than ninety (90) days after the end of the twelve (12) month period.

(xii) Noise. Noise emanating from the operation of solar energy system shall not exceed 45dB(A), as defined by the American National Standards Institute, at all lot lines.

(xiii) Stabilization. Any exposed ground on which the solar energy system is located shall be stabilized with perennial ground cover, agricultural crops, or any other organic use, such as livestock, as permitted by the underlying zoning district.

(xiv) Decommissioning.

1. The solar energy system owner(s) shall post a cash deposit or irrevocable letter of credit with the Township Supervisor or his/her designee in an amount necessary to decommission the solar energy system, which shall be adjusted every five (5) years for inflation. The solar energy system owner(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the solar energy system owner(s), and for a good cause, the Township Board may grant a reasonable extension of time. The solar energy system will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
2. If the solar energy system owner(s) fails to complete decommissioning within the period prescribed above, the Township Board may use the cash deposit or irrevocable letter of credit to remove the solar energy system and may designate a contractor to complete decommissioning with any additional expense thereof exceeding the cash deposit or irrevocable letter of credit amount to be charged to the violator and/or to become a lien against the lot. At the time that the owner or operator submits an application for a solar energy system they shall authorize the Township, or its designated representatives, to enter upon the property on which the solar energy system is located for the purposes of completing the decommissioning process.
3. In addition to the decommissioning requirements listed above, the solar energy system shall also be subject to the following:

a. Decommissioning shall include the removal of each solar energy system, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
b. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s). If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

Section 8. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 9. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 10. Effective Date. This amendment to the Allendale Charter Township Zoning Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan on August 22, 2022, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on August 8, 2022, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on September 5, 2022, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the Grand Rapids Press as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Adam Elenbaas, Township Supervisor

Jody Hansen, Township Clerk

CERTIFICATE

I, Jody Hansen, the Clerk for the Charter Township of Allendale, Ottawa County, Michigan, certify that the foregoing Allendale Charter Township Zoning Text Amendments

Ordinance was adopted at a regular meeting of the Township Board held on August 22, 2022. The following members of the Township Board were present at that meeting: Mr. Murillo; Mr. Zeinstra, Ms. Kraker; Mr. Vander Wall; Ms. Vander Veen; Ms. Hansen; and Mr. Elenbaas (7). The following members of the Township Board were absent: None (0). The Ordinance was adopted by the Township Board with members of the Board: Mr. Murillo; Mr. Zeinstra, Ms. Kraker; Mr. Vander Wall; Ms. Vander Veen; Ms. Hansen; and Mr. Elenbaas (7) voting in favor and members of the Board: None (0) voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on August 28, 2022.

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Jody Hansen, Clerk
Allendale Charter Township