

DOUGLASS TOWNSHIP
ORDINANCE NO. 2024-03

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO REGULATE SOLAR ENERGY SYSTEMS IN ACCORDANCE WITH PA 233 OF 2023

The Township of Douglass ordains:

Section 1. Purpose

The Township adopts this Ordinance to render certain solar energy zoning regulations compatible with Public Act 233 of 2023 (“PA 233”), while retaining local control over matters of regulation that are not governed by PA 233, and to promote the public health, safety, and welfare of Township residents.

Section 2. Amendment of Section 12.06 Approval Standard 22

Section 12.06 Approval Standard 21 of the Township Zoning Ordinance subsection 5(a) is amended to read, in its entirety, as follows:

Permitted Zoning Districts. An ISES provides energy exclusively for offsite uses and is permitted only Only in the RO-Renewable Energy Overlay District subject to review and approval of a Special Use Permit by the Planning Commission in accordance with the requirements and procedures of Chapter 12 herein:

Section 12.06 Approval Standard 22 of the Township Zoning Ordinance is also amended to add new subsection (7), entitled “ISES under PA 233,” which reads as follows in its entirety:

7) Solar Energy Systems under PA 233.

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Solar Energy Systems with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in the subsections above (regulating Solar Energy Systems), the provisions below control as to such Solar Energy Systems. All provisions in the subsections above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

a. *Setbacks.* Solar Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

b. *Fencing.* Fencing for the Solar Energy Systems must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.

c. *Height.* Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

d. *Noise.* The Solar Energy Systems must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

e. *Lighting.* The Solar Energy Systems must implement dark sky-friendly lighting solutions.

f. *Environmental Regulations.* The Solar Energy Systems must comply with applicable state or federal environmental regulations.

g. *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Solar Energy Systems owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 3. Amendment of Table 12.05.A

Table 12.05.A of the Zoning Ordinance is hereby amended to provide that Industrial Solar Energy Systems shall be permitted only in the RO-Renewable Energy Overlay District and subject to Approval Standard 22.

Section 4. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date.

This Ordinance shall take effect 7 days following publication as provided by law.

AYES: Huff, Cordray, Tester, Bunting

NAYS:

Ordinance declared adopted.

STATE OF MICHIGAN)

) ss.

COUNTY OF MONTCALM)

I, the undersigned, the duly qualified and acting Clerk of the Township of Douglass, Montcalm County, Michigan (the “Township”), do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at a regular meeting on Oct. 16, 2024, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

IN WITNESS WHEREOF, I have hereto affixed by official signature on this 16th day of October, 2024.

Holly Huff

Clerk of Douglass Township