

NOTICE OF POSTING OF PROPOSED ZONING TEXT AMENDMENT ORDINANCE

PLEASE TAKE NOTICE that a Jamestown Charter Township Zoning Text Amendment Ordinance had its first reading at a meeting of the Jamestown Charter Township Board held on June 16, 2025 and is scheduled for a second reading on July 21, 2025.

The Zoning Text Amendment Ordinance to the Jamestown Charter Township Zoning Ordinance will amend Chapter 2 – Definitions to add the definitions of Accessory Ground-Mounted Solar Energy System, Building-Mounted Solar Energy System, Dual Use, Ground-Mounted Solar Energy System, Maximum Tilt, Minimum Tilt, Non-Participating Lot(s), Participating Lot(s), Photovoltaic (PV) System, Principal-Use Solar Energy System, Repowering, Solar Array, Solar Energy System (SES), and Solar Thermal System, and will revise the definitions of Accessory Buildings or Structure, and Front Lot Line, and will shift subsequent definitions numerically; and will add Section 3.34 – Principal-Use Solar Energy Systems to provide for solar energy systems that primarily provide power for off-site consumption as a special use and establish regulations including location, height, setbacks, fencing, screening and landscaping, ground cover, lot coverage, land clearing, environmental impact, access drives, wiring, lighting, glare, public safety, signage. Noise, inspection, repowering, community host agreement, and decommissioning; and will add Section 6.4V – Principal-Use Solar Energy Systems.

PLEASE TAKE FURTHER NOTICE that the Ordinance has been posted in the office of the Jamestown Charter Township Clerk Jamestown Charter Township Hall, 2380 Riley Street, Hudsonville, Michigan, 49426, (Phone 616-896-8376), and on the Township website at www.twp.jamestown.mi.us.

Dated: June 24, 2025

Candy DeHaan, Clerk
Jamestown Charter Township

The following Ordinance was introduced and a first reading completed at the Jamestown Charter Township Board meeting on June 16, 2025.

ORDINANCE NO. 25-007

**AN ORDINANCE TO AMEND THE JAMESTOWN
CHARTER TOWNSHIP ZONING ORDINANCE TO REGULATE SOLAR ENERGY
SYSTEMS AND OTHER MATTERS RELATED THERETO, AND TO REVISE
SECTION 2.65 – FRONT LOT LINE.**

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

Section 1. Chapter 2 – Definitions of the Jamestown Charter Township Zoning Ordinance, containing Definitions is hereby amended so as to insert the following defined terms in the proper alphabetical order. All other terms defined therein will shift numerically, as appropriate:

ACCESSORY GROUND-MOUNTED SOLAR ENERGY SYSTEM: A ground-mounted solar energy system with the primary purpose of generating electricity for the principal use on site.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on racking that is attached to or ballasted on the roof or wall of a building or structure, or which serves as an integral part of a primary or accessory building or structure by replacing or substituting for an architectural or structural component of the building or structure. Building-mounted systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

DUAL USE: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

- a) Pollinator Habitat: Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for solar sites.
- b) Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat)

or providing specific ecosystem services (e.g., carbon sequestration, soil health).

- c) Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- d) Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

MAXIMUM TILT: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

MINIMUM TILT: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared the horizon line.

NON-PARTICIPATING LOT(S): One or more lots for which there is not a signed lease or easement for development of a principal-use solar energy system associated with the applicant project.

PARTICIPATING LOT(S): One or more lots under a signed lease or easement for development of a principal-use solar energy system associated with the applicant project.

PHOTOVOLTAIC (PV) SYSTEM: A semiconductor material that generates electricity from sunlight.

PRINCIPAL-USE SOLAR ENERGY SYSTEM: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market. On-site consumption is permitted as a secondary use but shall not exceed 10 kilowatts daily and shall only be consumed by the infrastructure necessary to operate the solar energy system (i.e. security lights, unmanned accessory structures).

REPOWERING: Reconfiguring, renovating, or replacing a solar energy system to maintain or increase the power rating of the system within the existing project footprint.

SOLAR ARRAY: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

SOLAR ENERGY SYSTEM (SES): A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

SOLAR THERMAL SYSTEM: A system of equipment that converts sunlight into heat.

Section 2. Section 2.3 Accessory Buildings or Structure of the Jamestown Charter Township Zoning Ordinance is hereby amended to revise the following defined term. All other defined terms are unchanged:

Solar Energy Equipment/System: Solar energy equipment/systems shall be considered an accessory building for purposes of this Ordinance.

Section 3. Section 2.65 Lot Line, Front of the Jamestown Charter Township Zoning Ordinance is hereby amended in its entirety as follows:

SECTION 2.65 LOT LINE, FRONT. The lot line separating the lot from the right-of-way for the abutting public or private street. In the case of a lot served by a single or joint driveway, it shall generally be the narrowest lot line closest to the public street, or such other lot line designated by the property owner and approved by the zoning administrator to provide setbacks consistent with the character of the area considering the orientation of buildings on adjacent properties. In the case of a corner lot or double frontage lot, the Front Lot Line shall be that line that separates said lot from the street which is designated as the front street on the site plan, or which is designated as the front street on the site plan review application or request for a building permit, based on the location of the intersection of the street and driveway providing access to the lot.

Section 4. The Jamestown Charter Township Zoning Ordinance is hereby amended by the addition of Section 3.34 read in its entirety as follows:

SECTION 3.34 PRINCIPAL-USE SOLAR ENERGY SYSTEMS

The Planning Commission may only approve a Principal-Use SES as a special land use in the Agricultural-Rural Residential Zoning District subject to the procedures and standards for special land uses in this ordinance and all of the following requirements:

- A. Height. Total height for a principal-use SES shall not exceed sixteen (16) feet measured from the ground to the top of the system when oriented at maximum tilt. However, other structures aside from a solar panel (such as a substation) shall not exceed forty-five (45) feet measured from the ground to the highest point on the structure.
- B. Setbacks. Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:
 - 1. One hundred (100) feet from any property line of a non-participating lot.
 - 2. For Principal-Use SES with a output capacity greater than 50 megawatts, one hundred (100) feet from any public or private right-of-way or easement.
 - 3. For Principal-Use SES with a total output capacity of 50 megawatts or less, one hundred fifty (150) feet from any public or private right-of-way or easement.
 - 4. Three hundred (300) feet from any existing non-participating dwelling unit.
 - 5. A principal-use SES is not subject to property line setbacks for common property lines of two or more participating lots, except that road right-of-way setbacks shall apply.
 - 6. One hundred (100) feet from a stream, river, pond, lake, wetland, drain, or lands located within a 100-year floodplain as identified by the Federal Emergency Management Agency.
 - 7. If solar storage batteries are included as part of the SES they shall be setback no less than 100 feet to all property lines, and 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.

D. Fencing. A principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall be eight (8) feet in height. All access doors to principal-use SES and related components and structures shall be locked to prevent entry by unauthorized persons. Fencing is not subject to setbacks as a component of the principal-use SES. Knox boxes and keys for emergency personnel access shall be provided for all access doors.

E. Screening/Landscaping. A principal-use SES shall be buffered by installed trees and/or native vegetative plantings to provide for a visual buffer between the solar facility and (a) an adjacent public right of way, and (b) any adjacent, occupied residential structure existing on a non-participating parcel as of the date of Planning Commission approval of the principal-use SES. Required screening and landscaping shall be placed outside the perimeter fencing.

1. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate purpose consistent with Township planning documents, the Planning Commission may require substitute screening.
2. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of this Ordinance.
3. Screening and landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a principal-use SES, which may include planting, strategic use of berms, and fencing.

F. Ground Cover. A principal-use SES shall include the installation of ground cover vegetation maintained for the duration of the operation until the site is decommissioned. The application shall include a ground cover vegetation establishment and management plan as part of the site plan. The following standards apply:

1. Sites bound by Farmland Development Rights (PA 116) Agreement must follow the Michigan Department of Agriculture and Rural Development's Policy for Allowing Commercial Solar Panel Development on PA 116 Lands.

2. Ground cover at sites not enrolled in PA 116 must implement one or more of the four types of Dual Use defined in this ordinance:
 - a. Pollinator Habitat
 - b. Conservation Cover
 - c. Forage
 - d. Agrivoltaics
 3. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.
- G. Lot Coverage.** The total area of a single principal-use SES, including all components, shall not exceed 1,500 acres in total size on all participating lots.
- H. Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation on the parcel shall be retained on site.
- I. Environmental Impact.** The Planning Commission shall review potential impacts on wildlife, water, and other environmental factors present on the site and may impose additional requirements to preserve and protect endangered species or prevent negative impacts to adjacent parcels.
- J. Access Drives.** The principal-use SES applicant must maintain an emergency access road to the site that is accessible to Fire Department response apparatus. All access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for the construction of temporary drives during the construction of the SES is permitted, provided that the geotextile fabrics and gravel are removed once the SES is in operation.
- K. Wiring.** SES wiring, including communication lines and distribution lines, must be buried underground. Any above-ground wiring components within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.

- L. Lighting.** Principal-use SES lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
- M. Glare.** All solar energy system location/tilt components shall be designed, maintained and operated to avoid glare and reflection of sunlight and other artificial lighting which may affect navigation by air, water, and roadway. Solar energy system designs shall comply with all Federal Aviation Administration siting requirements. Glare and reflection of sunlight from any component of a solar energy system shall not have a negative impact on any non-participating property.
- N. Public Safety.** Principal-use SES shall have an emergency shutdown procedure in place and shall provide the Fire Department site safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identification of typical hazards related to, electrical, fire, smoke and hazardous materials pertinent to the facility. Principal-use SES projects shall provide the Fire Department with any special equipment reasonably required, in the discretion of the Fire Chief, to safely and efficiently extinguish fires at the facility site. At the Township's request, all principal-use SES facilities shall provide first responder training at the site.
- O. Signage.** An area up to four (4) square feet may be used for signage at the project site. Any signage shall meet the setback, illumination, and materials/construction requirements of the zoning district for the project site. There must be a sign at each entrance containing the following language:
1. The SES owner's and operator's names.
 2. Emergency contact information.
- P. Noise.** The sound pressure level of a principal-use SES and all ancillary solar equipment shall not exceed fifty-five (55) dBA at the property line of an adjoining non-participating lot or at a public or private road right-of-way or easement.
- Q. Inspection.** The Township shall have the right, upon approving any principal-use SES, to inspect the premises on which the SES is located at all reasonable times.
- R. Repowering.** In addition to repairing or replacing SES components to maintain the system, a principal-use SES may at any time be repowered,

without the need to apply for a new special land use permit, by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing footprint. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the conditional use standards at the time of the request.

S. Community Host Agreement. The applicant for a SES shall provide to the Township, upon commencement of the operation of the system, \$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 Township and the applicant.

T. Decommissioning. A decommissioning plan is required at the time of application.

1. The decommissioning plan shall include at a minimum:
 - a. A written description of the proposed service life of the principal-use SES.
 - b. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district,
 - c. The projected decommissioning costs for removal of the SES (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands, and,
 - d. The method of ensuring that funds will be available to cover 100% of the costs of site decommissioning and stabilization from an acceptable source as determined by the Planning Commission (in the form of an irrevocable letter of credit or cash deposit).
2. Decommissioning shall include the removal of the entire SES including 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. 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.
3. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3)

years, for the life of the project, and approved by the Planning Commission. An SES owner may at any time:

- a. Proceed with the decommissioning plan approved by the Planning Commission under this section and remove the system as indicated in the most recent approved plan, or,
 - b. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
4. Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be complete within eighteen (18) months after abandonment. An SES that has not produced electrical energy for twelve (12) consecutive months shall prompt an abandonment hearing.
5. An abandonment hearing shall be held as a public hearing in the same manner the use was established at the Planning Commission. During the hearing, the Planning Commission will hear comments and make a determination if the SES has been abandoned. If the Planning Commission determines the SES has been abandoned, the decommissioning shall immediately proceed as described within the approved decommissioning plan.
6. A decommissioning agreement outlining the terms of the decommissioning shall be entered into between the applicant and the Township, which agreement shall be recorded at the Ottawa County Register of Deeds.

Section 5. Section 6.4V Special Uses in the Agricultural-Rural Residential District shall be amended to add the following as a special land use:

“Principal-Use Solar Energy Systems, subject to Section 3.34.”

Section 6. **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 7. **Repeal.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 8. **Publication and Effective Date.** This Ordinance shall become effective eight (8) days after its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation in the Jamestown Charter Township, Michigan.

YEAS: Members: _____

NAYS: Members: _____

ABSTAIN: Members: _____

Section 9. **Publication/Effective Date.** This Ordinance shall become effective seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on _____, 2025, and approved by me on _____, 2025.

Laurie Van Haitsma, Supervisor
Charter Township of Jamestown

Attest:

Candy DeHaan, Township Clerk

First Reading: _____

Second Reading: _____

Ordinance becomes effective: _____

CERTIFICATE OF TOWNSHIP CLERK

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 Jamestown, County of Ottawa, State of Michigan, at a regular meeting held on _____, 2025, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Candy DeHaan
Township Clerk

CERTIFICATE OF PUBLICATION

I, Candy DeHaan, Township Clerk of the Charter Township of Jamestown, County of Ottawa, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. ____, or a summary thereof, was published in the *Grand Rapids Press* on _____, 2025.

Candy DeHaan
Township Clerk