

KALAMAZOO CHARTER TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN

ORDINANCE NO. 612

ADOPTED: _____

EFFECTIVE: _____

AMENDMENT TO KALAMAZOO CHARTER TOWNSHIP ZONING ORDINANCE

An Ordinance to increase the kilowatt limit set for on-site use solar energy systems; to provide an effective date; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF KALAMAZOO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I

**AMENDMENT OF ARTICLE 8 "SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES",
SECTION TT "WIND AND SOLAR RENEWABLE ENERGY SYSTEMS",
SUBSECTION 2 "SOLAR ENERGY SYSTEMS", OF THE KALAMAZOO CHARTER TOWNSHIP ZONING
ORDINANCE**

- A. Article 8 "Site Development Standards Applicable to Specific Uses", Section TT "Wind and Solar Renewable Energy Systems", Subsection 2 "Solar Energy Systems", subsection B "Findings" is hereby amended by the elimination of the phrase "has found" and the replacement thereof with the word "recognizes".
- B. The introductory subsection heading for Article 8 "Site Development Standards Applicable to Specific Uses", Section TT "Wind and Solar Renewable Energy Systems", Subsection 2 "Solar Energy Systems", Subsection d is hereby amended to read as follows:

"d. Solar Energy Systems – On-Site Use (20 kW or less):"

- C. Article 8 "Site Development Standards Applicable to Specific Uses", Section TT "Wind and Solar Renewable Energy Systems", Subsection 2 "Solar Energy Systems", Subsection C. iii. is hereby amended to read as follows:

"A "utility grade" solar energy system is one that is operated by a utility operator, government entity or for commercial that produces energy for the grid".

- D. Article 8 "Site Development Standards Applicable to Specific Uses", Section TT "Wind and Solar Renewable Energy Systems", Subsection 2 "Solar Energy Systems", Subsection d. ii "area" is hereby amended to read:

“Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district. Such structures shall be subject to the limitations for accessory buildings in Section 2.03 D. and the table for Accessory Structures in Section 25.02.”

- E. Article 8 “Site Development Standards Related to Specific Uses”, Section TT “Wind and Solar Renewable Energy Systems”, subsection 2 “Solar Energy Systems”, Subsection e. is hereby amended to read:

“e. Solar Energy Facilities—Utility Grade (over 20 kW), operated by a utility company or government entity or for any commercial use or sale of energy:

- i. Ground-Mounted Solar Energy Systems: Ground mounted and freestanding solar energy systems over 20 kW capacity are permitted subject to Special Land Use approval and subject to the following regulations:
 - Location and Setbacks: The solar energy system shall not be located closer to the street than any portion of the principal building, and shall meet the minimum front, side and rear yard setbacks of the zoning district.
 - Height: The height of the solar energy system and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
 - Screening. Landscaping shall be provided to screen the racking from view on all sides.
 - Building Permit: A building permit shall be required for any ground-mounted solar energy system.
 - Area: Ground-mounted solar energy systems are structures and shall be subject to the maximum lot coverage standards of the zoning district.
- ii. **Batteries:** When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- iii. **Removal:** If a solar energy system ceases to perform its intended function (generating electricity) for more than twelve (12) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township’s actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.
- iv. **Performance Bond.** A performance bond shall be required by the Township to assure performance in accordance with these requirements, adequate insurance coverage, decommissioning, and removal of the solar system. The amount of the bond shall be determined based on the value of the project and the estimated cost of removal.”

- F. Article 8 “Site Development Standards Related to Specific Uses”, Section TT “Wind and Solar Renewable Energy Systems”, subsection 2 “Solar Energy Systems”, Subsection f. is hereby eliminated.

SECTION II
EFFECTIVE DATE AND REPEAL

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All parts of ordinances in conflict herewith are hereby repealed.

KALAMAZOO CHARTER TOWNSHIP

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