

NOTICE OF ORDINANCE ADOPTION

GENOA CHARTER TOWNSHIP LIVINGSTON COUNTY

ORDINANCE NO. 230320

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE SUBMISSION, REVIEW AND ISSUANCE OF APPLICATIONS, PERMITS, LICENSES, OR APPROVALS FOR ANY CONSTRUCTION OR INSTALLATION OF GROUND-MOUNTED SOLAR ENERGY COLLECTORS AND/OR COMMERCIAL SOLAR ENERGY SYSTEMS AND TO PETITION THE PLANNING COMMISSION TO INITIATE ZONING ORDINANCE AMENDMENTS

The Charter Township of Genoa hereby ordains:

Section 1: Definitions.

Solar Energy System means 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 any 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.

Ground-mounted Solar Energy Collectors means a solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

Commercial Solar Energy Systems means utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any means. This definition includes private systems, commercial systems, roof or building mounted systems, ground mounted systems, and building integrated photovoltaics.

Section 2. Purpose and Findings. The purpose of this moratorium is to provide sufficient time for the Genoa Charter Township Planning Commission to fully explore, analyze, research and make recommendations to the Township Board regarding potential zoning regulations applicable to Ground-mounted Solar Energy Collectors and/or Commercial Solar Energy Systems. In support of this Ordinance, the Genoa Charter Township Board has determined the following:

A. The Township has become aware of an increase of Ground-mounted Solar Energy Collectors and/or Commercial Solar Energy Systems in the region, which is a more recent and emerging land use. It is clear that interest in these Ground-mounted Solar Energy Collectors and/or Commercial Solar Energy Systems is increasing across the state, and that applications for the construction and location of Ground-mounted Solar Energy Collectors and/or Commercial Solar Energy Systems within the Township may be imminent.

B. The integration of these Solar Energy Systems within the Township's existing land uses requires suitable regulations and controls to ensure compliance with the Township's Master Plan and for the protection for the health, safety and welfare of all of the Township's residents.

C. Pursuant to the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 et seq., the Township has adopted a Zoning Ordinance.

D. The Township wishes to consider whether amendments to its Zoning Ordinance to regulate the establishment and use of Ground-mounted Solar Energy Collectors and Commercial Solar Energy Systems is necessary in order to better protect the public health, safety, and welfare of Township residents.

E. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary to allow the Township Planning Commission time to fully explore, analyze, research and develop proposed zoning amendments and make

recommendations to the Genoa Charter Township Board regarding potential amendments to the Township's Zoning Ordinance applicable to Solar Energy Systems which should include (but not be limited to) appropriate regulations for private systems and commercial systems, including regulations concerning location, height, setback, landscaping, impacts, site plan review, interconnection with existing electrical systems, and decommissioning.

F. A moratorium should be imposed upon the submission, review and issuance of applications, permits, licenses, or approvals for any construction or installation of Ground-mounted Solar Energy Collectors and/or Commercial Solar Energy Systems for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Ground-mounted Solar Energy Collectors and/or Commercial Solar Energy Systems for six (6) months or until the Township amends its Zoning Ordinance regulating Solar Energy Systems and such amendments take effect, whichever occurs first.

Section 3: Moratorium. A moratorium is hereby imposed upon the submission, review and issuance of applications, permits, licenses, or approvals for any construction of Ground-mounted Solar Energy Collectors and/or Commercial Solar Energy Systems for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Ground-mounted Solar Energy Collectors and/or Commercial Solar Energy Systems, so long as this ordinance is in effect.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this ordinance shall remain in effect for six (6) months following the effective date of this Ordinance, or until Solar Energy System regulatory amendments to the Township's Zoning Ordinance become effective, whichever occurs first. Before this moratorium expires, the Township may by resolution extend the moratorium for up to six (6) months to allow sufficient time to complete amendments to its Zoning Ordinance, if necessary. If an extension is adopted, the Township will publish notice of the extension.

Section 5: Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6: Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. However, this Ordinance shall not be construed as a repeal or an amendment to the Township Zoning Ordinance; rather, it is a temporary moratorium until such time as this Ordinance expires or amendments to the Township Zoning Ordinance regulating Solar Energy Systems take effect, whichever occurs first.

Section 7: Effective Date. This ordinance was adopted by the Genoa Charter Township Board of Trustees at the regular meeting held _____, 2023 and ordered to be given publication in the manner required by law. This ordinance shall become effective immediately following publication.

On the question: "SHALL THIS ORDINANCE NOW PASS" the following vote was recorded:

Ayes:
Nays:
Absent:

I hereby approve the adoption of the foregoing Ordinance this ____ day of _____, 2023.

Paulette Skolarus
Township Clerk

Bill Rogers
Township Supervisor

Township Board Introduction: 03/06/2023
Date of Posting of Proposed Ordinance: 03/07/2023
Date of Publication of Proposed Ordinance: 03/12/2023 (Livingston Daily)
Township Board Second Reading and Adoption: proposed 03/20/2023
Date of Publication of Ordinance Adoption: proposed 03/26/2023 (Livingston Daily)
Effective Date: proposed 03/26/2023