

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING

PLEASE TAKE NOTICE that the Planning Commission of Oshtemo Charter Township will conduct a public hearing on Thursday, September 14, 2023, commencing at 6:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street within the Township, as required under the provisions of the Michigan Zoning Enabling Act.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include the text amendments to Sections 2.20 Definitions, 42.30 Development Standards, and 50.30 Residential Dwelling Standards and Township Zoning Ordinance to add the Solar Energy Systems Ordinance which, in summary would read as follows:

2.20 DEFINITIONS

Height (building height) -Building height shall be measured from the elevation of the average of the highest and lowest adjacent finished grade to:

1. Mansard, Gable, Hip, or Gambrel Roof. The average height between the eaves and ridge.
2. Parapet/Flat Roof. The highest point of the roof.
3. Other Roof Type. A point equivalent to the roof types specified in this section, as determined by the Zoning Administrator.

In the case of artificially raising the natural grade of the building site, the average high and low point of the pre-existing natural grade shall be used when calculating building height.

42 – RESIDENTIAL CONDOMINIUM DEVELOPMENT STANDARDS

42.30 DEVELOPMENT STANDARDS

- ~~A. Height. No unit shall be taller than two stories or 25 feet in height. Building height shall not exceed 35 feet in Height.~~

50.30 RESIDENTIAL DWELLING STANDARDS

A building, mobile home, pre-manufactured or precut dwelling structure designed and used for a single-family or two-family dwelling shall comply with the following standards:

- A. The minimum floor to ceiling height shall be 7.5 feet.
- B. Building height shall not exceed 35 feet in Height.

OSHTEMO CHARTER TOWNSHIP SOLAR ENERGY SYSTEMS

SECTION I INTENT AND PURPOSE:

1. Purpose: This Ordinance is intended to protect the health, safety, and welfare of the residents of the Township while preserving and protecting the character and stability of residential, agricultural, recreational, and commercial areas of the Township.

SECTION II DEFINITIONS (more fully set forth in Ordinance):

Accessory Ground-Mounted Solar Energy System:

Building-Integrated Solar Energy System:

Dual Use:

Ground-Mounted Solar Energy System:

Invasive Plant:

Maximum Tilt:

Minimum Tilt:

Non-Participating Lot(s):

Participating Lot(s):

Photovoltaic (PV) System:

Principal-Use Solar Energy System:

Principal-Use (Large) Solar Energy System:

Principal-Use (Small) Solar Energy System:

Repowering:

Roof-Mounted Solar Energy System:

Solar Array:

Solar Carport:

Solar Energy System (SES):

Solar Thermal System:

Wildlife-Friendly Fencing:

SECTION III GENERAL PROVISIONS:

Roof-Mounted SES, Accessory Ground-Mounted SES, and Building-Integrated SES are permitted in all zoning districts where structures of any sort are allowed, and shall meet the following requirements:

A. ROOF-MOUNTED SES

1. **Height:** Shall not exceed 10 feet above the finished roof.
2. **Nonconformities:** May be installed on a nonconforming building or structure.
3. **Application:** All SES applications must include site plan including horizontal and vertical elevation drawings.

B. ACCESSORY GROUND-MOUNTED SES

- 1. Height:** Shall not exceed 20 feet measured from the ground to the top of the system.
- 2. Setbacks:** A Ground-Mounted SES must be a minimum of 5 feet from the property line or one half the required setback that would apply to accessory structures.
- 3. Lot Coverage:** Shall not exceed 50 % of the square footage of the primary building of the property.
- 4. Visibility (Residential):** Shall be located in the side or rear yard to minimize visual impacts but may be placed in the front yard with administrative approval.
- 5. Exemptions:** A SES used to power a single device or specific piece of equipment.
- 6. Nonconformities:** A Ground-Mounted SES installed on a nonconforming lot or use shall not be considered an expansion of the nonconformity.
- 7. Application:** All SES applications must include a site plan including drawings that show the location of the system on the property, height, and tilt features.

C. BUILDING-INTEGRATED SES:

- 1.** Building-Integrated SES are subject only to zoning regulations applicable to the structure or building and not subject to accessory ground or roof-mounted SES permits.

D. SMALL PRINCIPAL-USE SES:

A Small Principal-Use SES is a permitted use in Agricultural and RR Rural Residential Zoning Districts subject to site plan review and shall meet all of the following requirements:

- 1. Height:** Shall not exceed 20 feet measured from the ground.
- 2. Setbacks:** Setback distance shall be measured from the property line or road right-of-way shall follow the setback distance for primary buildings and is not subject to property line setbacks for common property lines of two or more participating lots.
- 3. Fencing:** Shall be secured with perimeter fencing a maximum of 7 feet in height.
- 4. Screening/Landscaping:** A Small Principal-Use SES shall be designed to follow the screening and/or landscaping standards for the zoning district of the project site.

5. **Ground Cover:** A Small Principal-Use SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned.
6. **Lot Coverage:** A Small Principal-Use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.
7. **Land Clearing:** Shall be limited to what is minimally necessary for the installation and operation of the system.
8. **Access Drives:** New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises.
9. **Wiring:** SES wiring (including communication lines) may be buried underground.
10. **Lighting:** Lighting shall be limited to inverter and/or substation locations only.
11. **Signage:** An area up to 30 square feet.
12. **Sound:** The sound pressure level of a Small Principal-Use SES and all ancillary solar equipment shall not exceed 40 dBA (Leq (1-hour)) at the property line.
13. **Repowering:** A Small Principal-Use SES may at any time be repowered by reconfiguring.
14. **Decommissioning:** Upon application, a decommissioning plan shall be submitted indicating 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.

SECTION IV SPECIAL LAND-USE STANDARDS:

- A. **LARGE PRINCIPAL-USE SES:** A large principal-use SES is a special land use in the Agricultural and RR Rural Residential Zoning Districts specified and shall meet the following requirements:
 1. **Height:** Total height shall not exceed the maximum allowed 20 feet.
 2. **Setbacks:** Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array.
 - a. In at least 50 feet from the property line of a non-participating lot.
 - b. 100 feet from any existing dwelling unit.

- c. A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots.
3. **Fencing:** A large principal-use SES may shall be secured with perimeter fencing up to a maximum of 7 feet in height.
 4. **Screening/Landscaping:** A large principal-use SES shall follow the screening and/or landscaping standards for the zoning district of the project site.
 5. **Ground Cover:** A large principal-use SES shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned.
 - a. Sites bound by a 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.
 6. **Lot Coverage:** A large principal-use SES shall not count towards the maximum lot coverage or impervious surface standards for the district.
 7. **Land Clearing:** Shall be limited to what is minimally necessary for the installation and operation of the system.
 8. **Access Drives:** New access drives within the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises.
 9. **Wiring:** SES wiring (including communication lines) may be buried underground.
 10. **Lighting:** Shall be limited to inverter and/or substation locations only.
 11. **Signage:** An area up to 30 square feet may be used for signage at the project site.
 12. **Sound:** The sound pressure level of a large principal-use SES and all ancillary solar equipment shall not exceed 40 dBA (Leq (1-hour)) at the property line.
 13. **Repowering:** A large principal-use SES may at any time be repowered, without the need to apply for a new special land-use permit.
 14. **Decommissioning:** A decommissioning plan is required at the time of application with a plan as more fully set forth in the Ordinance.

SECTION V EFFECTIVE DATE:

This Ordinance will take effect upon Publication after Adoption in accordance with state law. Ordinances, or parts Ordinances, are in conflict herewith are hereby suspended until the Moratorium provisions of this Ordinance are otherwise amended or repealed

You are invited to attend this public hearing. If you are unable to attend, written comments may be submitted in lieu of a personal appearance by writing to: Planning Commission, 7275 W. Main Street, Kalamazoo, MI 49009, up to the date of the hearing and may be received by the Planning Commission at the hearing. All materials relating to these requests may be examined at Oshtemo Township Hall during normal business hours.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the hearing, to individuals with disabilities. Individuals with disabilities requiring auxiliary aids should contact the Township by phone, or in writing, at least seven (7) days prior to the scheduled public hearing date.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: Iris Lubbert, Planning Director
(269) 216-5223

