

**GRATTAN TOWNSHIP  
KENT COUNTY, MICHIGAN  
(Ordinance No. 003-2017)**

At a regular meeting of the Township Board for Grattan Township held at the Township offices within the Township on October 16<sup>th</sup>, 2018, at 7:00 p.m., the following Ordinance/ordinance amendment was offered for adoption by Township Board Member Paul Knoerl and was seconded by Township Board Member Dennis Heffron:

**AMENDMENTS TO THE GRATTAN TOWNSHIP ZONING  
ORDINANCE REGARDING SOLAR PANELS, DRAINAGE  
PLANS, ZONING COMPLIANCE PERMITS AND  
UNLAWFUL PROPERTIES.**

**THE TOWNSHIP OF GRATTAN (the “Township”) ORDAINS:**

Article 1. A new and additional Section 3.62 is hereby added to the Grattan Township Zoning Ordinance as follows:

**A. Purpose.** Grattan Township desires to promote the effective and efficient use of solar energy collection systems (i.e. solar cells or panels) subject to reasonable regulations. It is the intent of the Township to permit these systems under certain circumstances by regulating the siting, design and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Building-mounted and ground-mounted solar energy collectors shall comply with the provisions of this section.

**B. Criteria for the Use of all Solar Energy Equipment.**

1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
2. Solar energy equipment shall be repaired or replaced or removed within three (3) months of becoming nonfunctional.
3. Each system shall conform to applicable industry standards including those of NEC 2014, as amended.

**C. Application For Sketch Plan Review.** An applicant who seeks to install building-mounted solar energy equipment shall submit an application to the Township for sketch plan review and approval by the Planning Commission. The application shall include:

1. Photographs of the property's existing conditions.
2. Renderings or catalogue cuts of the proposed solar energy equipment.
3. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency. Proof of compliance with the National Electrical Code (Article 690 Solar Photovoltaic Systems) shall also be provided to the Township.
4. A sketch plan to indicate where the solar energy equipment is to be installed on the property.
5. A description of the screening to be provided for building or wall-mounted solar energy equipment.
6. Any fee(s) to be determined by the Township Board from time to time.

**D. The following are exempt from Township approval requirements:**

1. The installation of solar panel(s) with a total area per lot of twelve (12) square feet or less.
2. Repair and replacement of existing lawful solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.
3. Temporary use in agricultural or power-outage situations.

**E. Building-Mounted Solar Energy Collector Requirements.** A building-mounted solar energy collector shall be a permitted accessory use on buildings in all zoning districts, subject to the following requirements:

1. Sketch plan review and approval by the Planning Commission is required of all building-mounted solar energy collectors permitted as an accessory use.
2. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
3. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township prior to installation and such certification shall be subject to the Township building official's approval.
4. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such

attachment shall be submitted to the Township prior to installation. Such proof shall be subject to the Township building official's approval and compliance with the National Electrical Code and other applicable codes.

5. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.

6. Solar energy collectors shall not be mounted on a building wall that is parallel to or visible from an adjacent public right-of-way.

7. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.

8. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township prior to installation. The Township building official may inspect the completed installation to verify compliance with the manufacturer's directions, the National Electrical Code and any other applicable codes.

9. Solar energy collectors, and the installation and use thereof, shall comply with the Township's construction code, the electrical code and other applicable Township codes.

10. The total area of solar panels on any building shall not exceed 1,000 square feet.

**F. Ground-Mounted Solar Energy Collector Requirements.** A ground-mounted solar energy collector system shall be a special land use (requiring approval by the Planning Commission), subject to the approval of a site development plan and subject to all of the following requirements:

1. Ground-mounted solar energy collectors shall be located only as follows:

a. They may be located in the rear yard and the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission in its approval of the special land use.

b. They may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use but, in any event, they shall not be located in the required front yard setback.

2. Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.

3. The total area of all ground-mounted solar energy collectors on a lot shall be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land.

4. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted to the Township with the special land use application and shall be subject to site development plan review.

5. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted to the Township with the special land use application. The special land use, if granted, shall be subject to the Township building official's inspection to determine compliance with the manufacturer's directions.

6. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.

7. Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code and other applicable codes.

8. Any special land use approval may include terms and conditions in addition to those stated in this subsection.

**G. Prohibition.** In no event shall the total area of all solar energy collectors on a lot exceed 10,000 square feet, regardless of whether the solar energy collectors are owned, leased or operated by a public or private utility, homeowner or other person or entity, and regardless of whether the electricity or heat produced is used solely on site or is transmitted for use elsewhere, unless a special land approval is obtained. If the total area of all solar energy collectors on a lot does not exceed 10,000 square feet, a special land use approval is not required but sketch plan approval is required.

Article 2. A new and additional Subsection D is hereby added to Section 19.02 of the Grattan Township Zoning Ordinance to read as follows:

D. The Zoning Administrator may attach reasonable conditions to any zoning compliance permit.

Article 3. A new and additional Section 19.14 is hereby added to the Grattan Township Zoning Ordinance as follows:

#### **19.14 – DRAINAGE PLANS**

If the Zoning Administrator or Township Engineer determines that water drainage or runoff due to new construction would likely violate either Section 19.12 or 19.13 of this Ordinance, the Zoning Administrator can require that the owner of the property involving the construction file a drainage and storm water runoff site plan with the Township (for approval by the Zoning Administrator or Township Engineer) drafted and signed by a registered engineer showing the final contours and drainage patterns after the construction has been completed and indicating what the property owner will do to comply with Sections 19.12 and 19.13 of this Ordinance. The Zoning Administrator or

Township Engineer can require changes to such drainage and storm water runoff site development plan prior to the approval of such drainage and storm water runoff site development plan and prior to the issuance of a zoning compliance permit. Furthermore, if the Zoning Administrator or Township Engineer deems it reasonably necessary for the Township Engineer to review such drainage and storm water runoff site plan submitted by the applicant, the applicant shall reimburse the Township for any reasonable fees and cost incurred by the Township Engineer. The landowner shall fully comply with any drainage and storm water runoff site plan as approved by the Township.

Article 4. A new and additional Section 3.63 is hereby added to the Grattan Township Zoning Ordinance as follows:

**Section 3.63 - No zoning applications, approvals or permits for a property that is in violation of this Ordinance or a Court Order or Judgment.**

Should a parcel or lot be in material or substantial violation of any provision of this Ordinance (or a court order or judgment regarding this Ordinance or the use of the land), then the Township shall not accept, process or approve any request or application by the landowner(s) of the lot or parcel in violation (or anyone else with an interest in the property in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order or judgment regarding this Ordinance or the use of the land) have been fully corrected and the parcel or lot complies fully with this Ordinance (and any applicable court order or judgment). The prohibition contained in this Section shall also apply to any zoning request, application or petition, including requests for a zoning approval, rezoning, variance, special land use, temporary use, site plan, permit or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot or parcel involved. The prohibition contained in this Section shall be in addition to (and not exclusive of) any other remedies available to the Township for the enforcement or administration of this Ordinance (or any court order or judgment) and shall be in addition to any other penalties, sanctions or proceedings available at law or equity against the landowner(s) or any other person, firm or entity in violation of this Ordinance (or any court order or judgment).

Article 5. The Remainder of the Grattan Township Zoning Ordinance is Unaffected. Except as expressly amended by this Ordinance/ordinance amendment, the rest of Grattan Township Zoning Ordinance remains unchanged and in full force and effect.

Article 6. Severability. Should a court of competent jurisdiction determine that any portion of this Ordinance/ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

Article 7. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Franklin Force, Michelle Alberts, Sabrina Freeman, Dennis Heffron, Paul Knoerl.

NAYS: N/A \_\_\_\_\_

ABSENT/ABSTAIN: N/A \_\_\_\_\_

THE ORDINANCE/ORDINANCE AMENDMENT IS DECLARED TO BE DULY ADOPTED.

**CERTIFICATION**

I hereby certify the above is a true copy of the Ordinance/ordinance amendment adopted by the Township Board for Grattan Township as of the date, time and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By Michelle Alberts  
Michelle Alberts  
Grattan Township Clerk