

**2018-5  
VERGENNES TOWNSHIP  
TOWNSHIP BOARD**

**RESOLUTION TO ADOPT AN ORDINANCE TO IMPOSE A MORATORIUM ON THE  
ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY  
CONSTRUCTION OF, SOLAR ENERGY SYSTEMS  
AND TO PETITION PLANNING COMMISSION TO INITIATE  
ZONING ORDINANCE AMENDMENTS**

At a regular meeting of the Township Board for the Township of Vergennes, Kent County, Michigan, held on the 21st day of May 2018, at 7 p.m.

PRESENT: Wittenbach, Hoffman, Gillett, Mork, Rasch

ABSENT: None

The following preamble and resolution were offered by Gillett and seconded by Mork.

WHEREAS, the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, authorizes Vergennes Township (the “Township”) to adopt reasonable regulations to control the establishment and use of Solar Energy Systems; and

WHEREAS, “Solar Energy Systems,” for purposes of this moratorium, means 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; and

WHEREAS, the Township wishes to direct the Planning Commission to consider regulations applicable to Solar Energy Systems in the Township and make a recommendation to the Township Board as to proposed amendments to the Zoning Ordinance; and

WHEREAS, the Township further wishes to consider amendments to its existing Zoning Ordinance to, among other things, regulate the establish and use of Solar Energy Systems; and

WHEREAS, the Township finds that it is necessary and reasonable to establish a moratorium upon the issuance of any and all permits, licenses, and approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Solar Energy Systems for one (1) year or until the Township amends its Zoning Ordinance regulating Solar Energy Systems and such amendments take effect, whichever occurs first; and

WHEREAS, the Township finds that adopting such a moratorium is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, the Township Board of the Township of Vergennes resolves as follows:

1. The Township adopts Ordinance No. 2018-5, An Ordinance to Impose a Moratorium on the Issuance of Permits, Licenses, or Approvals for, or for Any Construction of, Solar Energy Systems (the "Ordinance," attached as **Exhibit A**).
2. The Ordinance shall be filed with the Township Clerk.
3. The Township Clerk shall publish notice of adoption of the Ordinance (in substantially the form of **Exhibit B**) in a newspaper of general circulation in the Township.
4. Additionally, the Township Board hereby petitions the Township Planning Commission to initiate amendments to the Zoning Ordinance to regulate 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, site plan review, interconnection with existing electrical systems, and decommissioning. The

Township Board requests that the Planning Commission thereafter make a recommendation to the Township Board regarding such proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

4. Any prior resolution that conflicts with this Resolution is repealed upon the effective date of the Ordinance, but only to the extent necessary to give this Resolution and the Ordinance full force and effect.

A vote on the above Resolution was taken and was as follows:

ADOPTED:

YEAS: All

NAYS: None

STATE OF MICHIGAN                    )  
  ) ss.  
COUNTY OF KENT                    )

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Vergennes, Michigan, CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a regular meeting held on the 21st day of May 2018.

\_\_\_\_Signed copy at the township hall\_\_\_\_  
Heather Hoffman, Township Clerk

**EXHIBIT A**

**VERGENNES TOWNSHIP  
TOWNSHIP BOARD**

**ORDINANCE NO. 2018-\_\_\_**

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS,  
LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, SOLAR  
ENERGY SYSTEMS**

**Section 1: Definition.** “Solar Energy Systems” means 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 Vergennes Township Planning Commission to fully explore, analyze, research and make recommendations to the Vergennes Township Board regarding potential zoning regulations applicable to Solar Energy Systems. In support of this Ordinance, the Vergennes Township Board has determined the following:

A. The Township has become aware of an increase of Solar Energy Systems in the region, which is a more recent and emerging land use. It is clear that interest in these Solar Energy Systems is increasing across the state, and that applications for the construction and location of 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 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 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 Vergennes Township Board regarding potential amendments to the Township's Zoning Ordinance applicable to Solar Energy Systems.

F. A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Solar Energy Systems for one (1) year 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 issuance of any and all permits, licenses, or approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment or use of 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 one (1) year 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 shall become effective immediately following publication.

## EXHIBIT B

### VERGENNES TOWNSHIP TOWNSHIP BOARD

#### NOTICE OF ORDINANCE ADOPTION: AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF SOLAR ENERGY SYSTEMS

On \_\_\_\_\_, 2018, Vergennes Township (the "Township") adopted Ordinance No. \_\_\_\_, An Ordinance to Impose a Moratorium on the Issuance of Permits, Licenses, or Approvals for, or for Any Construction of, Solar Energy Systems (the "Ordinance"). The following is a summary of the Ordinance. A true copy of the Ordinance is available at the Office of the Township Clerk, 10381 Bailey Drive, Lowell, MI 49331.

**Section 1. Definition.** This section defines "Solar Energy System."

**Section 2. Purpose and Findings.** This section describes the purpose and findings of the Ordinance made by the Township Board. This section further states that imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for the Township Planning Commission to fully explore, analyze, research and make recommendations to the Vergennes Township Board regarding potential zoning regulations applicable to Solar Energy Systems.

**Section 3. Moratorium.** This section imposes a moratorium upon the issuance of any and all permits, licenses, or approvals for, or for any construction of, any Solar Energy Systems on any property under the jurisdiction of the Township's Zoning Ordinance, 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 one (1) year following the effective date of this Ordinance, or until amendments to the Township Zoning Ordinance regulating Solar Energy Systems take effect, whichever occurs first. Before the moratorium imposed by this Ordinance expires, the Township Board may, by resolution, extend the moratorium for an additional six (6) months, or some lesser period of time as the Township Board deems appropriate.

**Section 5. Validity and Severability.** This section provides that if any portion of this Ordinance is 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.** This section provides that any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give the Ordinance full force and effect. Notwithstanding, this section further provides that the Ordinance should not be construed as a repeal or an amendment to the Township Zoning Ordinance; rather, the Ordinance is a temporary moratorium until such time as the Ordinance expires or amendments to the

Township Zoning Ordinance regulating Solar Energy Systems take effect, whichever occurs first.

**Section 7: Effective Date.** This section provides that the Ordinance shall become effective immediately following publication.