

**RUTLAND CHARTER TOWNSHIP**

**BARRY COUNTY, MICHIGAN**

**NOTICE OF ADOPTION/SUMMARY OF ORDINANCE AMENDING CHAPTER 220  
(ZONING) OF THE RUTLAND CHARTER TOWNSHIP CODE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF RUTLAND, BARRY COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that Ordinance No. 2017-162 was adopted by the Rutland Charter Township Board at its October 11, 2017 meeting. The sections of this Ordinance amend various provisions of Chapter 220 (zoning) of the Rutland Charter Township Code of ordinances, as summarized below:

SECTION 1: AMENDMENT OF § 220-2-2 PERTAINING TO DEFINITIONS---adds a definition for the new term “utility-scale solar energy electricity generating facility”.

SECTION 2: AMENDMENT OF § 220-4-3 PERTAINING TO SPECIAL LAND USES IN AG/OS AGRICULTURAL/OPEN SPACE PRESERVATION DISTRICT---adds a new provision designating “utility-scale solar energy electricity generating facility” as a special land use in the AG/OS Agricultural/Open Space Preservation District.

SECTION 3: § 220-5-3 PERTAINING TO SPECIAL LAND USES IN CR COUNTRY RESIDENTIAL DISTRICT---adds a new provision designating “utility-scale solar energy electricity generating facility” as a special land use in the CR Country Residential District.

SECTION 4: § 220-20-7 PERTAINING TO SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL LAND USES---adds the particular standards applicable to special land use approval of a utility-scale solar energy electricity generating facility in any zoning district in which such use is expressly designated as a special land use, to supplement the standards and requirements generally applicable to all special land uses as specified in § 220-20-3.

SECTION 5: REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE---repeals conflicting ordinances/parts of ordinances; provides for the ordinance to take effect on the 8<sup>th</sup> day after publication or on such later date as may be required by law.

This ordinance in its entirety has been posted in the office of the Township Clerk and on the Township website ([www.rutlandtownship.org](http://www.rutlandtownship.org)).

A copy of the ordinance may also be purchased by contacting the Township Clerk as indicated below during regular business hours of regular working days, and at such other times as may be arranged.

Robin J. Hawthorne, Clerk  
Charter Township of Rutland  
Rutland Charter Township Hall  
2461 Heath Road  
Hastings, Michigan 49058  
Telephone: (269) 948-2194

**CHARTER TOWNSHIP OF RUTLAND**

**BARRY COUNTY, MICHIGAN**

**ORDINANCE NO. 2017-162**

**ADOPTED: OCTOBER 11, 2017**

**EFFECTIVE: OCTOBER 27, 2017**

An Ordinance to amend § 220-2-2, § 220-4-3, § 220-5-3 and § 220-20-7 of Chapter 220 (Zoning) of the Rutland Charter Township Code of ordinances.

**THE CHARTER TOWNSHIP OF RUTLAND**

**BARRY COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**AMENDMENT OF § 220-2-2 PERTAINING TO DEFINITIONS**

§ 220-2-2 of the Rutland Charter Township Code (Definitions) is hereby amended to add a definition for a new term, reading as follows:

“UTILITY-SCALE SOLAR ENERGY ELECTRICITY GENERATING FACILITY” — a facility comprised of multiple ground-mounted photovoltaic energy collector panels and associated structures/equipment designed and intended to generate electrical energy exclusively for a public utility power grid (and for the facility itself).”

**SECTION 2**

**AMENDMENT OF § 220-4-3 PERTAINING TO SPECIAL LAND USES IN  
AG/OS AGRICULTURAL/OPEN SPACE PRESERVATION DISTRICT**

§ 220-4-3 of the Rutland Charter Township Code pertaining to special land uses in the AG/OS Agricultural/Open Space Preservation District is hereby amended to re-letter existing subsection V to instead be subsection W, and to add a new subsection V reading as follows:

“V. Utility-Scale Solar Energy Electricity Generating Facility.”

### **SECTION 3**

#### **AMENDMENT OF § 220-5-3 PERTAINING TO SPECIAL LAND USES IN CR COUNTRY RESIDENTIAL DISTRICT**

§ 220-5-3 of the Rutland Charter Township Code pertaining to special land uses in the CR Country Residential District is hereby amended to re-letter existing subsection Q to instead be subsection R, and to add a new subsection Q reading as follows:

“Q. Utility-Scale Solar Energy Electricity Generating Facility.”

### **SECTION 4**

#### **AMENDMENT OF § 220-20-7 PERTAINING TO SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL LAND USES**

§ 220-20-7 of the Rutland Charter Township Code pertaining to specific standards required of particular special land uses is hereby amended to add as item number 13 therein the following specific standards required for special land use approval of a Utility-Scale Solar Energy Electricity Generating Facility where such use is designated as a special land use (in addition to the generally applicable standards for special land use approval specified in § 220-20-3.A:

“Item 13---Utility-Scale Solar Energy Electricity Generating Facility.

- A. No part of the facility shall exceed the generally applicable maximum structure height limit for the District pursuant to the Schedule of Regulations in Article XV (35 feet).
- B. All collector panel structures shall be set back from lot lines a distance equal to at least twice the generally applicable principal structure setback requirements for the District pursuant to the Schedule of Regulations in Article XV; provided, the Planning Commission may approve lesser setbacks (but not less than the minimum yard requirements for principal structures in the District as specified in the Schedule of Regulations in Article XV) pursuant to findings that all applicable approval standards and requirements, including the standards for special land use approval applicable to all special land uses as specified in § 220-20-3.A, will be met with the approved lesser setbacks due to existing and/or planted non-deciduous trees/shrubs, the isolation of the site from public roads and developed properties, or other characteristics specific to the site. Accessory buildings shall observe the setback requirements generally applicable to principal buildings in the District as specified in the Schedule of Regulations in Article XV.
- C. The total lot coverage of the facility shall not exceed 75%, or such lesser percentage as is necessary on a site-specific basis to meet all applicable setback requirements (as measured by drawing an imaginary line around

the perimeter of all the collector panel structures, and adding to the area of that calculation the area of all other buildings/structures on the site).

- D. The collector panels and supporting structures shall be designed and/or located on premises so as to avoid any projection of glare onto public or private streets or any other premises; and/or shall be sufficiently screened to meet this standard.
- E. The facility shall be designed for interconnection to a public utility electrical power grid, and shall be operated with such interconnection.
- F. The portion of the premises on which the array of collector panel structures is located shall not be paved with asphalt or any other surface material that is impervious to rainwater.
- G. The facility shall have a decommissioning plan, documenting the anticipated useful life of the facility, including any collector panel replacements/upgrades, and detailing how the facility will be dismantled and the site restored when the facility is no longer in use. A facility shall be deemed no longer in use, for purposes of this provision, when it has not been operated for its designed and intended purpose for six months or more. The decommissioning plan shall be fully implemented and completed within six months after a facility is deemed no longer in use.
- H. The facility shall not be made operational until the applicant or the applicant's designee has provided to the Zoning Administrator the statement of a licensed professional engineer certifying all aspects of the facility, including the interconnection to a public utility power grid, complies with all applicable building and electrical code requirements, and complies with all the foregoing standards and requirements."

## **SECTION 5**

### **REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. This Ordinance shall take effect on the eighth day after publication or on such later date as may be required by law.

Robin Hawthorne, Clerk  
Charter Township of Rutland