

CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN

Commissioner Huizenga, seconded by Commissioner Gilbert, moved the adoption of the following ordinance:

ORDINANCE NO. 19-651

AN ORDINANCE TO AMEND CHAPTER 94, ARTICLE I, SECTION
94-5 AND ARTICLE XIX OF CITY CODE OF ORDINANCES, CITY
OF WALKER

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Chapter 94, Article I, Section 94-5. That Chapter 94, Article I, Section 94-5 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

Sec. 94-5. - Definitions and interpretation of terms.

For the purpose of this chapter, unless clearly otherwise required by the context, words used in the present tense include the future; words in the singular number include the plural and the words in the plural number include the singular; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. Any words not defined in this section shall be construed, if applicable, as defined in the Housing Law of Michigan, Act No. 167 of the Public Acts of Michigan of 1917. Except as otherwise provided in this chapter, the terms and words in this chapter are defined as follows:

Online auction operations means a site of a business that conducts public auctions via the internet to sell new, used or repossessed vehicles, furniture, electronic equipment, appliances or similar items. The items being auctioned are stored on the site until purchased. Items being stored on the site shall not be displayed for sale.

Onsite solar energy systems means an accessory use on a lot for the purpose of generating electricity by means of a solar collector or other solar energy device or a structural design feature mounted on a building or on the ground with the primary purpose of collecting, storing and distributing the electricity.

Outdoor recreation, commercial means commercial recreational land uses conducted outside of a building which do not require major site modification, including by way of example outdoor paintball facilities, adventure parks with features such as zip lines, rope climbing and high ropes features, orienteering, laser tag, and similar activities.

(Ord. No. 72-164, 2-22-72; Ord. No. 72-168, 4-20-72; Ord. No. 75-213, 2-25-75; Ord. No. 77-239, §§ 3, 4, 7-12-77; Ord. No. 79-266, § 1, 8-28-79; Ord. No. 80-278, §§ 1, 2, 6-24-80; Ord. No. 83-314, §§ 3, 4, 10-11-83; Ord. No. 83-315, §§ 2—4, 11-8-83; Ord. No. 84-319, § 2, 1-13-84; Ord. No. 85-321, §§ 2—4, 4-9-85; Ord. No. 85-322, § 1, 4-9-85; Ord. No. 86-340, §§ 1, 2, 8-12-86; Ord. No. 86-343, § 4, 10-28-86; Ord. No. 87-353, §§

2, 3, 10-13-87; Ord. No. 87-354, § 1, 10-13-87; Ord. No. 88-361, §§ 1, 7, 6-14-88; Ord. No. 88-367, §§ 40, 41, 1-10-89; Ord. No. 88-368, § 1, 1-10-89; Ord. No. 88-369, § 2, 1-10-89; Ord. No. 91-392, §§ 9—11, 3-12-91; Ord. No. 91-395, § 9, 8-13-91; Ord. No. 92-408, § 2, 5-12-92; Ord. No. 93-421, § 3, 7-13-93; Ord. No. 94-456, § 1, 12-13-94; Ord. No. 96-478, § 2, 2-13-96; Ord. No. 96-479, §§ 1, 2, 2-13-96; Ord. No. 95-491, §§ 1—3, 10-28-96; Ord. No. 97-499, § 1, 9-8-97; Ord. No. 97-500, § 1, 9-8-97; Ord. No. 97-503, § 1, 10-13-97; Ord. No. 98-513, §§ 1, 2, 4-13-98; Ord. No. 98-523, § 1, 6-8-98; Ord. No. 03-502, §§ 1, 2, 7-14-03; Ord. No. 06-547, § 1, 8-28-06; Ord. No. 07-551, § 1, 7-9-07; Ord. No. 08-558, §§ 1, 2, 7-14-08; Ord. No. 09-571, § 1, 4-13-09; Ord. No. 10-579, § 3, 3-8-10; Ord. No. 10-588, § 1, 10-11-10; Ord. No. 11-595, § 7, 3-28-11; Ord. No. 11-602, § 3, 9-26-11; Ord. No. 11-603, § 1, 9-26-11 ; [Ord. No. 12-610, § 1, 9-29-12](#) ; Ord. No. [17-635](#) , § 1, 7-10-17; Ord. No. [17-636](#) , § 1, 7-10-17; Ord. No. [17-638](#) , § 1, 7-10-17; Ord. No. [18-641](#) , § 1, 4-23-18)

Section 2. Amendment of Chapter 94, Article XIX. That Chapter 94, Article XIX, Section 94-554 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

Sec. 94-554. - Permitted uses.

(A) SSM-WETs and STM-WETs are a permitted use in all zoning districts, subject to the following:

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(B) Onsite solar energy systems are a permitted accessory use in all zoning districts, subject to the following:

(1) Criteria for the use of all solar energy systems.

- a. *Building permit required.* Onsite solar energy systems must receive a building permit prior to construction, installation, relocation, operation or modification. The owner/applicant or operator must apply for and receive the building permit from the Walker Community Development Department.
- b. Each system shall conform to applicable industry standards and all applicable laws.
- c. Onsite solar energy systems, including solar cells, collectors, panels, and other solar energy collection systems or equipment 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 City prior to installation.
- d. Onsite solar energy systems 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.

(2) Visual appearance: All onsite solar energy systems:

- a. Onsite solar energy systems shall be a nonreflective, nonobtrusive color, such as matte black or grey.
 - b. Onsite solar energy systems may not be positioned so as to direct glare toward eye level on public rights-of-way or toward windows of occupied buildings on adjoining properties.
 - c. The appearance of the onsite solar energy system structure shall be maintained throughout the life of the structure.
 - d. Onsite solar energy systems may not contain commercial signage, banners, flags or advertising logos, except for the identification of the turbine manufacturer and unit specifications for regulatory purposes.
- (3) *Dimensional requirements: Wall-mounted onsite solar energy systems*
- a. Onsite solar energy systems that are wall-mounted shall not exceed the height of the building wall to which they are attached.
 - b. Onsite solar energy systems that are wall-mounted shall not be mounted on any wall that faces public rights-of-way.
- (4) *Dimensional requirements: Roof-mounted onsite solar energy systems*
- a. Roof-mounted onsite solar energy systems must confine to the dimensions of the roof.
 - b. Onsite solar energy systems that are mounted on the roof of a building shall not project more than six (6) 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.
- (5) *Dimensional requirements: Ground-mounted onsite solar energy systems*
- a. No ground-mounted onsite solar energy system may exceed 6 feet in height.
 - b. On a property containing occupied buildings, ground-mounted *onsite solar energy systems* shall only be located in the rear yard.
 - c. An onsite solar energy system shall be setback a minimum distance of 5' from any lot line.

(Ord. No. 09-572, § 1E., 10-16-09

Section 3. Effective Date. This Ordinance shall become effective upon the expiration of seven (7) days following the publication of lawful notice of its adoption in a newspaper of general circulation in the City of Walker. Publication Date: June 29, 2019.

YEAS: 6

NAYS: 0

ABSENT: 1- Comm Kent

ORDINANCE NO. 19-651 ADOPTED on July 6, 2019.
