

CITY OF GROSSE POINTE WOODS

Building Department

MEMORANDUM

DATE: April 20, 2022
TO: Planning Commission
FROM: Gene Tutag, Building Official
SUBJECT: Public Hearing, Solar Ordinance Repeal in Chapter 50 of City Code

The Planning Commission will hold a public hearing at tonight's meeting (4-26-22) regarding the repealing of section 50-539 of the City Code. A new ordinance was adopted regarding Solar Panels. Since the adoption, the old ordinance in section 50-539 needs to be repealed in its entirety.

We are requesting the Planning Commission approve to repeal section 50-539 of the City Code.

YORK, DOLAN & TOMLINSON, P.C.

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John A. Dolan (jdolan@yorkdolanlaw.com)
Timothy D. Tomlinson (ttomlinson@yorkdolanlaw.com)

Fred A. York (1930-1989)

November 16, 2021

Via Email

Honorable Planning Commission
c/o Josephine Modrack
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

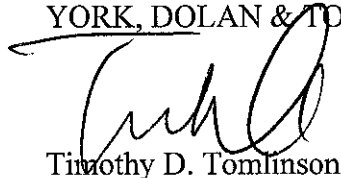
RE: Solar Energy Ordinance

Dear Planning Commission:

Enclosed please find a proposed ordinance to amend the City of Grosse Pointe Woods Zoning Ordinance to repeal the definitions related to solar energy systems and solar panels, and to repeal Section 50-539, regulating solar energy systems. As a result of the recent adoption of the Regulatory Ordinance provided in Section 8-501, it is necessary for the repealer of these items out of our current Zoning Ordinance so as to eliminate any potential conflicts or interpretation issues. Please place this matter on the next regular agenda for public hearing. In the interim, should you have any questions regarding same, please do not hesitate to contact me. We remain,

Very truly yours,

YORK, DOLAN & TOMLINSON, P.C.



Timothy D. Tomlinson

TDT/jabh
Enclosure

cc: Arthur W. Bryant, Mayor (Via Email w/Enclosure)
Lisa K. Hathaway, Clerk (Via Email w/Enclosure)
Bruce Smith (Via Email w/Enclosure)
Gene Tutag (Via Email w/Enclosure)

**CITY OF GROSSE POINTE WOODS
WAYNE COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GROSSE POINTE WOODS, CHAPTER 50 – ZONING, SECTION 50-1 - DEFINITIONS, BY REPEALING THE DEFINITIONS OF “SOLAR ENERGY SYSTEM” AND “SOLAR PANEL”, AND REPEALING SECTION 50-539 - SOLAR ENERGY SYSTEMS IN ITS ENTIRETY, AND TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Section 1. The City of Grosse Pointe Woods Code of Ordinances, Chapter 50 – Zoning, Section 50-1 – Definitions, is hereby amended by repealing the definitions of “Solar Energy System” and “Solar Panel”.

Section 2. The City of Grosse Pointe Woods Code of Ordinances, Chapter 50 – Zoning, Section 50-539 – Solar Energy Systems, is hereby repealed and deleted in its entirety.

Section 3. **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.

Section 4. **Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 5. **Effective Date.** This Ordinance shall be effective twenty (20) days from and after its adoption by the City of Grosse Pointe Woods City Council.

AYES _____

NAYS _____

ABSENT _____

Arthur W. Bryant, Mayor

Attested:

Paul P. Antolin, City Clerk

CERTIFICATION OF CLERK

I, Paul P. Antolin, City Clerk of the City of Grosse Pointe Woods, Wayne County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of Grosse Pointe Woods, assembled in regular session on June ____, 2022. Said Ordinance was posted in the following places:

Notice of said posting was published in _____ (*insert newspaper*) on June ____, 2022.

Paul P. Antolin, City Clerk

First Reading: _____

Proposed Second Reading: _____

Published by Title: _____

Adopted: _____

Effective: _____

Published Final: _____

Motion by Gafa, seconded by McConaghy, regarding **First Reading: An Ordinance to Adopt Article XVII Solar Energy Systems, Chapter 8, Buildings and Building Regulations, Sec. 8-501 To Eliminate the Requirement that Panels be Located Within 4 Feet of Any Peak, Eave or Valley, To Provide That The Installation of the Solar Energy System Shall Comply with the Michigan Residential Code, and To Provide for Appeals to the City Council**, that the City Council concur with the Committee-of-the-Whole at their meeting held October 18, 2021, and amend this ordinance, set a date of December 6, 2021, for a second reading and final adoption, and to authorize the City Clerk to publish same by title in the Grosse Pointe News.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn

No: None

Absent: None

Motion by Vaughn, seconded by Brown, regarding **Second Reading: An Ordinance to Adopt Article XVII Solar Energy Systems, Chapter 8, Buildings and Building Regulations, Sec. 8-501 to Eliminate the Requirement that Panels be Located Within 4 Feet of Any Peak, Eave or Valley, to Provide that the Installation of the Solar Energy System Shall Comply with the Michigan Residential Code, and to Provide for Appeals to the City Council**, that the City Council adopt this ordinance and make it effective in twenty days.

This item is to be referred to the Committee-of-the-Whole for further discussion pertaining to Section 8-501(3).

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn

No: None

Absent: None

AFFIDAVIT OF LEGAL PUBLICATION

Grosse Pointe News

16980 Kercheval Pl
Grosse Pointe, Michigan 48230
(313)882-3500

COUNTY OF WAYNE
STATE OF MICHIGAN, SS.

Melanie Mahoney

being duly sworn deposes and says that attached advertisement of

City of Grosse Pointe Woods

was duly published in accordance with instructions, in the GROSSE POINTE NEWS on the following date:

April 7, 2022

#3 GPW 4/7 PHN ORD CH 50 SOLAR ENG

and knows well the facts stated herein, and that she is the Administrative Assistant of said newspaper.

Melanie Mahoney

Dawn M LoPiccolo

Dawn m LoPiccolo
Notary Public - State of Michigan
County of Macomb
My Comm. Exp. 06-02-2024 Acting
in County of Wayne date 7/6/2022

