

**CHARTER TOWNSHIP OF COMSTOCK**

**ORDINANCE: 552**

**ADOPTED: March 17, 2025**

**EFFECTIVE: EIGHT DAYS AFTER PUBLICATION AFTER ADOPTION**

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a temporary moratorium on considering applications for large renewable energy projects/facilities while the Township completes a study of the zoning regulations pertaining thereto and possible subsequent revisions to the current Zoning Ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**CHARTER TOWNSHIP OF COMSTOCK  
KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I  
FINDINGS**

In accordance with Public Act 359 of 1947, MCL 42.1 *et seq.*, as amended and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, Comstock Charter Township has determined the following:

1. The Township Board of Comstock Charter Township determines that the approval of large scale renewable energy facilities, including battery energy storage facilities 50 MW or larger, solar energy facilities 50 MW or larger, wind energy facilities 100 MW or larger and/or hybrid projects of 50 MW or larger in size (hereinafter large scale renewable energy facilities or projects) may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of Comstock Charter Township.
2. Recently, and as a result of PA 233 of 2023, the Township Board has received substantial comments and information from the public raising public health, safety, and welfare concerns about the impacts large scale renewable energy facilities on the residents and property owners of the Township
3. Additionally, in light of a recent litigation initiated against the Michigan Public Service Commission regarding the MPSC's proposed implementation of PA 233 of 2023, the Township Board determines it is appropriate to consider the Township's authorities and abilities to regulate large scale renewable energy projects/facilities in more detail.

4. The Township Board finds that adopting a temporary moratorium is reasonable and necessary for, among other reasons, the following:
  - A. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.
  - B. The adoption of a temporary moratorium would allow the study of study of the public health, safety, and welfare concerns regarding large scale renewable energy projects/facilities and allow for any needed Zoning Ordinance amendments and implementation process to occur.
  - C. The adoption of a temporary moratorium will allow the Planning Commission and Township Board to consider citizen input and involvement, public debate, and full consideration of all issues and points of view.
5. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Board adopt a temporary moratorium .
6. Because of the recent effective date of PA 233 of 2023 and the resultant possible siting of large scale renewable energy projects/facilities in the Township without the Township’s review or consent, the Township Board declares this Ordinance to be of extreme importance and declares the ordinance to be an emergency ordinance per MCL 42.20.

**SECTION II**  
**ZONING ORDINANCE TEXT AMENDMENT**  
**ARTICLE 7 – AUTHORITY TO IMPOSE A TEMPORARY**  
**MORATORIUM OF ZONING ORDINANCE PROVISIONS**

Article 7, Administration and Enforcement, is hereby amended by adding a new Section 7.16 Temporary Moratorium, which section shall read as follows:

1. The Township Planning Commission has the authority to recommend the establishment of a temporary moratorium as to the application of provisions of the Township Zoning Ordinance to the Township Board, by majority vote of the Planning Commission.
2. The Township Board may impose a temporary moratorium as to the application of the provisions of the Township Zoning Ordinance by resolution or ordinance of the Township Board.
3. Such temporary moratorium may be extended by approval of the Township Board to allow additional time for Township review and consideration of the application, revision, review or repeal/replacement of zoning ordinance provisions.

**SECTION III**  
**MORATORIUM**

A temporary moratorium is imposed upon the acceptance and/or processing of any

applications for large scale renewable energy projects and/or facilities, including wind energy project 100 MW or larger, battery energy storage project 50 MW or larger, solar energy project 50 MW or large and/or any hybrid project whose combined megawatts of any energy type exceeds 50 MW and will remain in effect until December 31, 2025 or until amendments to the Zoning Ordinance become effective, whichever occurs first.

**SECTION IV**  
**TERM OF MORATORIUM**

The moratorium imposed by this Ordinance will remain in effect until December 31, 2025 or until amendments to the Zoning Ordinance become effective, whichever occurs first. Before this moratorium expires, the Township Board may extend the moratorium by resolution as appropriate to allow sufficient time to complete amendments to its ordinances. If an extension is adopted, the Township will publish notice of the extension on the Township website.

**SECTION V**  
**AMENDMENT TO ARTICLE 4, SECTION 4.61**  
**BATTERY ENERGY STORAGE SYSTEMS (BESS)**

Article 4, Section 4.61, Battery Energy Storage Systems, is amended as follows

The provisions of Section 4.61 (former Section 300.2129) Battery Energy Storage Systems (BESS), allowing for Battery Energy Storage Systems, are temporarily suspended upon the enactment of this Moratorium Ordinance until December 31, 2025, or until otherwise amended or repealed.

**SECTION VI**  
**AMENDMENT TO ARTICLE 3, (M) MANUFACTURING DISTRICT**

Article 3 Zoning Districts, M Manufacturing District, Section 3.1.P (3) Special Land Uses is amended as follows:

The provisions of Section 3.1.P(3) Special Land Uses in the M zoning district allowing for Battery Energy Storage Systems as a special land use are temporarily suspended upon the enactment of this Moratorium Ordinance until December 31, 2025, or until otherwise amended or repealed.

**SECTION VII**  
**AMENDMENT TO ARTICLE 3, (AGR) AGRICULTURE-RESIDENTIAL DISTRICT**

Article 3 Zoning Districts, AGR Agriculture-Residential District, Section 3.1.A (3) Special Land Uses is amended as follows:

The provisions of Section 3.1.A(3) Special Land Uses in the AGR zoning district allowing for Battery Energy Storage Systems as a special land use are temporarily suspended upon the enactment of this Moratorium Ordinance until December 31, 2025, or until otherwise amended or repealed.

**SECTION VIII**  
**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION IX**  
**EFFECTIVE DATE/REPEAL**

This Ordinance shall take effect eight days after publication. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. Ordinance 543, Battery Energy Storage Systems is specifically found not to be in conflict with this Ordinance and is not repealed, replaced or revised by the adoption of this Ordinance, but instead, is subject to the temporary moratorium contained herein.

Nicole Beauchamp, Clerk  
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