

SALINE TOWNSHIP
WASHTENAW COUNTY, MICHIGAN

ORDINANCE NO. 2017-03

An ordinance to amend Article 11 of the Saline Township Zoning Ordinance by adding Section 11.09 regarding the solar energy systems within the Township.

The Township of Saline ordains:

Section 1. Amended to Article 11

Article 11 of the Saline Township Zoning Ordinance is amended by adding Section 11.09 – Solar Energy Systems, as follows:

Section 11.09 Solar Energy Systems

A. Intent.

Saline Township promotes the effective and efficient use of solar energy systems. It is the intent of the Township to permit these systems by regulating their siting, design, and installation to protect public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Solar energy systems, as defined herein, are only permitted as authorized by this Section.

B. Definitions.

1. **Ancillary Solar Equipment** shall mean any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.
2. **Solar Collector Surface** shall refer to any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
3. **Solar Energy** shall mean radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.
4. **Solar Energy System (SES)** shall mean a system (including, as parts, solar collectors and ancillary solar equipment) either affixed to a permanent principal or

accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems shall include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

- a. **Personal-Scale SES** shall mean a solar energy system that is an accessory to the principal use on the site. The total surface area of all solar collector surfaces on a personal-scale SES shall not exceed 1,500 square feet. The sale and distribution of excess available energy, if permitted, to an authorized public utility for distribution shall be incidental to this type of system, and shall not serve as its primary purpose. Sale of excess energy to anything other than an authorized public utility shall be prohibited.
- b. **Utility-Scale SES** shall mean a solar energy system that meets one or more of the following:
 - i. Primarily used for generating electricity for sale and distribution to an authorized public utility; and/or
 - ii. The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or
 - iii. Does not serve as an accessory use or structure.
- c. **Building-Mounted SES** shall mean a solar energy system affixed to a permanent principal or accessory building.
- d. **Ground-Mounted SES** shall mean a freestanding solar energy system that is not attached to and is separate from any building on the subject parcel.

C. **Standards for Personal-Scale SES**

Personal-scale SES shall be permitted as an accessory use/structure in all zoning districts, subject to the following standards:

1. **Application for Certificate of Zoning Compliance.** Except as stated in Section 11.09.C.2 below, a property owner shall obtain a certificate of zoning compliance prior to constructing a personal-scale SES. An application for a certificate of zoning compliance shall include the following:
 - a. Photographs of the property's existing conditions.
 - b. Renderings or catalogue cuts of the proposed solar energy system.
 - c. Plot/sketch plan to indicate where the solar energy system is to be installed on the property (or, if building-mounted, the system's location on a permanent building), including property setbacks and the total solar collector surface area.
 - d. Elevations showing the height of the solar energy system.
 - i. For ground-mounted SES, the height of the system above ground to its tallest point.
 - ii. For pitched roof-mounted SES, the highest finished height of the system and the height of the finished roof surface on which it is mounted.
 - iii. For flat roof-mounted SES, the highest finished height of the system and the highest point of the roof, including any parapets on the building.
 - e. Description of the screening to be provided for ground or building-mounted SES.
2. **Exclusions from Certificate of Zoning Compliance for Personal-Scale SES.** The following situations do not require a certificate of zoning compliance, but shall still comply with all other standards of Section 11.09:
 - a. The installation of one (1) building-mounted SES with a total solar collector surface area of less than eight (8) square feet.

- b. The installation of one (1) ground-mounted SES with a height of less than six (6) feet and a solar collector surface of less than eight (8) square feet.
 - c. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the SES.
- 3. **Ground-Mounted Personal-Scale SES.** Ground-mounted, personal-scale SES shall be subject to the following standards:
 - a. **Setbacks.** In all zoning districts, ground-mounted SES shall be located only in the rear or side yard and shall conform to the setback requirements of Article 3 (Dimensional Standards).
 - b. **Height.** Ground-mounted SES shall not exceed sixteen (16) feet in height, measured from the ground at the base of the system to its highest point.
 - c. **Attachment.** SES shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted in the form of certification by a professional engineer or other qualified person.
 - d. **Installation and Maintenance.** SES shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the application for the certificate of zoning compliance
 - e. **Visual Impact.** The SES shall not have a significant adverse impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways.
 - f. **Compliance with Additional Codes.** SES, and the installation and use thereof, shall comply with the Township/State construction

code, the electrical code, and other applicable Township and State codes. Installation of a SES shall not commence until all necessary permits have been obtained.

4. **Building-Mounted, Personal-Scale SES.** Building-mounted, personal-scale SES shall be subject to the standards of Section 11.09.E, in addition to the standards contained within this Section.
5. **Ancillary Solar Equipment.** Where feasible, ancillary solar equipment shall be located inside of a building or shall be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, and batteries, shall be screened to the maximum extent possible without compromising the effectiveness of the SES. When solar storage batteries are included as part of the SES, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.

D. Standards for Utility-Scale SES

Utility-scale SES may be permitted as a special use and only within the A-1, Agricultural-Conservation, I-1, Industrial-Research, and PSP, Public/Semi-Public Services districts, subject to the following standards.

1. **Special Use Approval Required**
 - a. Prior to the construction of a utility-scale solar system, an application for a special use permit must be filed and approved by the Planning Commission. The Planning Commission shall review the special use based on the provisions of this Section as well as the standards of Section 12.02.
 - b. The construction and operation of all utility-scale solar systems shall be consistent with all applicable local, state and federal requirements. All buildings and fixtures forming part of a utility-scale SES shall be constructed in accordance with the Michigan Building Code.

- c. No utility-scale SES shall be constructed, installed, or modified as provided in this section without first obtaining all applicable permits.
- d. Applications to build a utility-scale SES in Saline Township must be accompanied by the fees required for a special use permit and site plan review.
- e. No utility-scale SES shall be approved until evidence has been provided to the planning commission that the owner has been approved by the authorized utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

2. **Standards for Ground-Mounted Utility-Scale SES**

- a. **Setbacks.** Utility-scale SES shall be set back at least one-hundred (100) feet from road right-of-way lines and all property lines.
- b. **Height.** Utility-scale ground-mounted SES shall conform to the maximum height standards of the zoning district in which it is located.
- c. **Minimum Lot Area.** Minimum lot area for a utility-scale SES shall be five (5) acres.
- d. **Lighting.** On-site lighting shall meet the standards of Article 10 of the Zoning Ordinance.
- e. **Signage.** Signs shall comply with the requirements of Article 9 of the Zoning Ordinance.
- f. **Utility Connections.** All utility connections from the SES shall be placed underground, depending on site conditions any requirements of the utility provider. The Planning Commission may waive this requirement upon written confirmation from the utility provider that a connection cannot feasibly be constructed underground.
- g. **Screening.** Where a utility-scale SES is located adjacent to a residentially-zoned or used lot, side and rear yard screening may be required

as determined by the Planning Commission to address specific site needs at the time of site plan review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional to address this issue.

3. **Building-Mounted SES.** Building-mounted, utility-scale SES shall be subject to the standards of Section 11.09.E, in addition to the standards contained within this Section.
4. **Other Special Use Permit Requirements for Utility-Scale SES**
 - a. **Site Control.** The applicant shall submit information regarding construction vehicle access routes.
 - b. **Operation and Maintenance Plan.** The applicant shall submit a plan for the operation and maintenance of the SES, which shall include measures for maintaining safe access to the installation, storm water controls, and general procedures for operational maintenance of the installation.
 - c. **Emergency Services.** Upon request by Saline Township, the owner/operator of the SES shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the SES shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the site entrance(s) which lists the name and phone number of the operator.
 - d. **SES Maintenance.** The utility-scale SES owner/operator shall maintain the facility in good condition. Maintenance shall include, but shall not be limited to, painting, structural repairs, and integrity of security measures. Site access shall

be maintained to a level acceptable to local emergent response personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).

- e. **Site Clearing.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation.

5. **Abandonment or Decommissioning**

- a. Any utility-scale SES which has reached the end of its useful life or has been abandoned consistent with this Section shall be removed, and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission (by certified mail) of the proposed date of discontinued operation and of plans for removal.
- b. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the utility-scale SES shall be considered abandoned when it fails to operate for more than one (1) year. If the owner/operator fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, Saline Township is permitted to enter the property and physically remove the installation.
- c. Decommissioning shall consist of:
 - i. Physical removal of all utility-scale SES, structures, equipment, security barriers, and transmission lines from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.

- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.
- d. **Ancillary Solar Equipment.** Where feasible, ancillary solar equipment shall be located inside of a building or shall be screened from public view. All ancillary equipment such as, but not limited to, water tanks, supports, batteries, and plumbing, shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.
- e. **Financial Surety.** The applicant for a utility-scale SES shall provide a form of surety, either through an escrow account or bond, to cover the cost of removal in the event Saline Township must remove the installation; the amount of surety shall be determined by the Planning Commission, but shall not exceed more than 125 percent of the cost of removal. The applicant shall submit a fully-inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs associated with inflation.

E. Standards for all Building-Mounted SES

Personal-scale and utility-scale building-mounted SES shall be subject to the following standards:

1. **Height.** SES that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof and, in any circumstance, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
2. **Weight.** SES mounted on the roof of a building shall be only of such weight as can be safely supported by

the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township Zoning Administrator prior to installation.

3. **Attachment.** SES 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. Proof of the safety and reliability of the means of attachment shall be submitted to the Zoning Administrator prior to installation.
4. **Wall-Mounted SES.** SES that are wall-mounted shall not exceed the height of the building wall to which they are attached.
5. **Installation and Maintenance.** SES 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 Township Zoning Administrator prior to installation.
6. **Visual Impact.** The SES shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways. SES that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or shall be designed and mounted to match the shape, proportions, and slope of the roof.
7. **Compliance with Additional Codes.** SES, and the installation and use thereof, shall comply with the Township/State construction code, the electrical code, and other applicable Township and State codes. Installation of a SES shall not commence until all necessary permits have been issued.

F. Solar Access

The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy system.

Section 2. Severability.

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

YEAS: 3
NAYS: 0
ABSENT: 2 Clark Marion Justin L. Linton

Ordinance declared adopted on August 14, 2017

James C. Marion
James Marion
Township Supervisor for the
Township of Saline

Certificate of Adoption and Publication

I, Kelly Marion, the duly elected Clerk of the Township of Saline certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Saline on August 14, 2017 and published in the Saline Reporter, a newspaper circulated in the Township of Saline on August 21, 2017.

Kelly Marion
Kelly Marion
Township Clerk for the
Township of Saline