

**VALLEY TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

**AMENDMENT TO THE VALLEY TOWNSHIP ZONING
ORDINANCE FOR SOLAR ENERGY EQUIPMENT**

Ordinance No. **248**

ADOPTED: September 11, 2012

EFFECTIVE: September 28, 2012

SECTION 11-20: Solar Energy Equipment

The purpose of the Solar Energy Ordinance is to provide standards for the use of solar energy equipment as accessory uses within Valley Township and to ensure that all solar equipment constructed in Valley Township meets all township, county, state and federal safety guidelines. This ordinance seeks to protect properties from incompatible uses and to conserve and enhance property values, while promoting the use of alternative energy sources, where appropriate. This ordinance provides a process to facilitate the use of solar power in a manner that minimizes visual impacts of solar energy equipment and the potential for nuisance.

SECTION I: Definitions

1. **"Solar energy equipment"** is defined as a solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.
2. **"Solar collectors"** are defined as a device or combination of devices, structures or parts thereof, that collect, transfer or transform direct or solar, radiant energy into thermal, chemical or electrical energy and that contribute significantly to a structure's energy supply.
3. **"Freestanding solar collectors"** are defined as solar collectors not attached to and separate from any existing structures on the site. Freestanding solar collectors are considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.
4. **"Structurally attached solar collectors"** are defined as solar collectors attached to an existing structure's roof or wall or serving as a structure's roof, wall, window or other

structural member. Structurally attached solar collectors are a permitted accessory use in all districts and subject to administrative review and approval. Structurally attached solar collectors are not included in the height requirements listed in Section I (c). Structurally attached solar collectors installed on a building with a sloped roof shall not project vertically above the peak of the roof.

5. **“Co-location”** refers to more than one installation on the same pole. Co-location is not permitted.
6. **“Height”** means the distance measured from the preexisting grade level to the highest point on the Solar equipment or structure, even if said highest point is an Antenna or lightning protection device.
7. **“Modification”** or **“Modify”** means, the addition, removal or change of any of the physical and visually discernible components or aspects of a solar equipment structure. Site as a co-location is a modification. A Modification shall not include the replacement of any components where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a solar structure without adding, removing or changing anything.
8. **“Repairs”** and **“Maintenance”** means the replacement of any component of a solar equipment structure where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of the equipment without the addition, removal or change of any of the physical or visually discernible components that will add to the visible appearance of the equipment as originally permitted.
9. **“Screened Installation”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding and in generally the same area as the requested location of Solar energy equipment, which shall mean using the least visually and physically intrusive equipment that is not technologically or commercially impracticable under the facts and circumstances.

SECTION II: ZONING APPLICATION AND INSTALLATION

Solar energy equipment shall be permitted as an accessory use in any zoning district upon receipt of a permit from the Valley Township Zoning Administrator. Repair and replacement of

existing solar energy equipment, provided there is no expansion of the size or coverage of the solar energy equipment shall be excluded from the zoning permit requirement.

A. RESIDENTIAL INSTALLATION

1. Any and all solar equipment must comply with Michigan State building codes.
2. Proper permits must be applied for and issued by Valley Township prior to any construction.
3. All drawings, sketches or any additional material that indicates the entire scope of the solar equipment must be submitted to the Township Zoning Administrator for purposes of local plan review.
4. The plans of the solar equipment construction shall be certified by a registered structural engineer. The useful life of the equipment shall be included in the certification.
5. Any Zoning variance must be approved by the Zoning Board of Appeals.
6. The Solar energy equipment shall not be altered in any way without approval from the Planning Commission.
7. The Township may hire a consultant and/or expert necessary to assist the Township in reviewing and evaluating an application. The cost of the consultation will be the responsibility of the applicant.
8. Solar panels are not permitted in any front yard or on any face of a building facing a street. Installations in a side or back yard must be integrated with the ordinary construction of the building or structure and be fully screened from view of the adjacent street (except roof-mounted solar panels as set forth below).
9. Ground-mounted solar panels shall:
 - a. be located in a side or rear yard only except in the case of lake front property where further review may be required
 - b. not exceed ten (10) feet in height above the ground
 - c. be fully screened at all times from public view at adjacent property lines and street lines by structures, fencing, plantings or a combination thereof to be determined by the Township Zoning Administrator.

- d. all exterior electrical and/or plumbing lines must be placed in a conduit and buried below the surface of the ground.
- e. Solar energy equipment shall not block any required parking areas, sidewalks or walkways.

10. Roof-mounted solar panels are permitted and may include "integrated" solar panels that are either integrated architecturally as part of the roof structure or as part of the surface layer of the roof structure causing no apparent change in relief or projection, as well as separate "flush" and "tilt mounted" solar panel systems attached to the roof surface as follows.

- a. an integrated solar panel may not cause the height of a building or structure to exceed the height limitations of the district in which the building or structure is located.
- b. "Flush" and "tilt mounted" solar panels shall be located on a rear-yard or side-yard facing roof as viewed from any adjacent street.
- c. "Flush" and "tilt mounted" solar panels installed on a pitched roof surface shall not project vertically above the ridgeline of the roof to which it is attached.
- d. "Flush" or tilt mounted" solar panels located on a mansard or flat-roofed building shall be set back at least 6-feet from the edge of the deck or roof on all elevations and shall be exempt from district height limitations provided the panels do not project more than 5 feet above the roof surface of a flat roof or the deck of a mansard roof.
- e. All exterior electrical and/or plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and the materials adjacent to the lines. Electric and plumbing lines must be in metal conduit.

B. COMMERCIAL INSTALLATION

In addition to the residential installation requirements stated above, the following requirements also apply to commercial installations.

1. Solar energy equipment shall be located in the least visibly obstructive location where panels would be functional.
2. Solar energy equipment must comply with all setback and height requirements for the zoning district in which the property is located.
3. In some instances, site conditions and characteristics may warrant a reduction or modification to the setback requirements stated above. An engineering study shall be completed to ensure the reduction of setback would not impact adjacent properties to any greater extent than without the reductions. The use of screening design techniques may make a reduction in the setback distance more reasonable or acceptable. These modifications must be approved by the Valley Township Zoning Board of Appeals.
4. Non-functioning solar energy equipment must be repaired, replaced or removed within three months of becoming nonfunctional.
5. For industrial installations, hours of operation, emergency contacts (posted onsite) and noise levels during operations shall be provided.
6. To ensure adjacent property and township protection the following insurance and damage requirements will be in effect for commercial installations:
 - a. Should any damage occur from solar panel equipment, the owner shall reimburse any and all costs associated with said damage including damage that occurs outside the boundaries of the owner's property.
 - b. Performance Security: The Applicant and the owner of record of any proposed Solar Panel construction shall, at its cost and expense, be jointly required to execute and file with the Township a bond, or other form of security acceptable to the Township, to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any permit approval pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect and kept up

to date throughout the life of the solar construction and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the original approval.

c. The Township shall be notified at least ninety (90) days prior to the discontinued use of an industrial solar panel(s). When an industrial solar panel structure has not been used for a period of ninety (90) consecutive days, all parts of the structure shall be removed within one hundred and sixty (160) days. The Valley Township Board may secure the removal of the structure if it is still standing thirty (30) days after the Valley Township Board has sent a notice to the operator stating the need to remove the structure. All costs associated with the discontinued use of the Solar Panel equipment shall be the sole responsibility of the Owners/Operators of said equipment.

- Any damage caused by the "tear down" of the Solar Panel equipment shall be reimbursed by the Owners/Operators of the equipment.
- All materials remaining after discontinued use of Solar Panel equipment must be removed from the site including all electrical and plumbing conduit.

SECTION III: Repeal and Effective Date

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.