

TUSCOLA TOWNSHIP
TUSCOLA COUNTY, STATE OF MICHIGAN

ORDINANCE NO. 2023-2

ADOPTED: February 21, 2023

EFFECTIVE: April 15, 2023

An ordinance to amend Tuscola Township’s Zoning Ordinance, Chapter 9, to add new Section 9.16, authorizing Small Scale Solar Energy Systems as a special use; to provide standards for approval of the same; to rename Chapter 9 of the Ordinance to Alternative Energy Systems; to repeal conflicting ordinance provisions, and to provide an effective date.

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ORDAINS:

SECTION I
AMENDMENT TO TITLE OF CHAPTER 9

The title of Chapter 9 is amended from “Wind Energy” to “Alternative Energy Systems.”

SECTION II
AMENDMENT TO CHAPTER 9

Chapter 9 of the Tuscola Township Zoning Ordinance is amended to add a new Section 9.16 titled “Small Scale Solar Energy Systems” to read as follows:

SECTION 9.16 SMALL SCALE SOLAR ENERGY SYSTEMS

1. **Purpose:** It is the purpose of this sub-section to promote the safe, effective, and efficient use of private or residential (non-commercial) solar energy systems to generate electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for solar energy systems.

2. **Findings:** The Township recognizes that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents and utility companies would like to make use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the Township's energy supply.

3. **Definitions:**

- i. A "solar energy system," in the context of this Ordinance, means the solar panels and associated technology needed to harness the sun's energy and make it usable.
- ii. A "solar panel" is a flat panel that uses arrays of photovoltaic cells to convert sunlight into electricity.
- iii. A "Small Scale" solar energy system is one that produces less than 1 megawatt of electricity per day.

4. **Solar Energy Systems – On-Site Use:**

A. **Roof-Mounted Solar Energy Systems:** Roof- and building-mounted solar energy systems for residential use are permitted accessory structures in all zoning districts, subject to the following regulations:

- i. **Height:** Roof-mounted systems shall not extend more than four (4) feet above the roofline, as measured from the area of the roof where the panel is mounted. Solar energy systems shall not protrude beyond the edge of the roof.
- ii. **Building Permit:** Roof- and building-mounted systems shall require the property owner to obtain all permits required by statute from the US Federal Government, State of Michigan, Tuscola County, and Tuscola Township. The Owner must also comply with all standards of the State of Michigan adopted codes. The addition of solar panels to an existing system will require additional permits.
- iii. **Area:** Roof- and building-mounted systems shall not be subject to maximum lot coverage standards.

B. Ground-Mounted Solar Energy Systems: Ground-mounted and freestanding solar energy systems are permitted accessory structures in all zoning districts, subject to the following regulations:

- i. **Location and Setbacks:** Where feasible, in all zoning district classifications except Medium Density Residential and Mixed Development, ground-mounted solar energy systems shall be located in the rear or the side-yard of the dwelling unit. In Medium Density Residential and Mixed Development districts, ground-mounted solar energy systems shall be located only in the rear yard. Solar energy systems shall also meet the minimum setbacks of the zoning district in which they are located.
- ii. **Height:** In all zoning district classifications except Medium Density Residential and Mixed Development, the height of the solar energy system and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt, measured from the natural grading of the property. In Medium Density Residential and Mixed Development zoning district classifications, the height of the solar energy system and any mounts shall not exceed ten (10) feet, measured from the natural grading of the property.
- iii. **Building Permit:** Ground-mounted systems shall require the property owner to obtain all permits required by statute from the US Federal Government, State of Michigan, Tuscola County, and Tuscola Township. The Owner must also comply with all standards of the State of Michigan adopted codes. The addition of solar panels to an existing system will require additional permits.
- iv. **Area:** Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district, but in no case shall exceed two acres of land used for solar panels. Such structures shall be subject to the applicable limitations for accessory buildings.

C. Glare and reflection:

- i. Glare- and reflection-limiting solar panels shall be used where possible. Further, solar energy systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.
- ii. Where it is not feasible for a property owner to direct glare or reflection away from neighboring properties or the roadway, the owner shall erect

landscaping or other zoning-compliant barriers to minimize glare or reflection onto neighboring properties or roadways.

- D. **Batteries:** When solar storage batteries exceeding one (1) kWh per hour are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use subject to Fire Chief approval, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- E. **Removal:** If a solar energy system ceases to perform its intended function (generating electricity) for more than twelve (12) consecutive months, the property owner shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township's actual cost and reasonable administrative charges to be placed as a lien on the property.

SECTION III

REPEAL

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV

SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

SECTION V

EFFECTIVE DATE

This Ordinance shall become effective eight (8) days after its publication following final adoption.

TUSCOLA TOWNSHIP
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