

**TOWNSHIP OF SANILAC  
SANILAC COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE SANILAC TOWNSHIP ZONING ORDINANCE TO ESTABLISH RULES AND REGULATIONS FOR THE CONSTRUCTION, ALTERATION, OPERATION, AND LOCATION OF SOLAR ENERGY SYSTEMS, TO PROVIDE SEVERABILITY OF ANY PROVISIONS DECLARED INVALID TO REPEAL ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES AND TO ESTABLISH AN EFFECTIVE DATE.

THE TOWNSHIP OF SANILAC ORDAINS:

1. Article 6 (Special Provisions) of the Sanilac Township Zoning Ordinance is amended to provide:

**Section 6.52 Solar Energy System**

**(a) Intent and Purpose.** It is the intent and purpose of this section to establish rules and regulations for the construction, alteration, and operating of solar energy systems while protecting the health, welfare, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. The provisions of this section shall supplement other provisions of this ordinance regarding special land uses for solar energy facilities. In the event of a conflict between the provisions of this section and any other section of this ordinance the provisions of this section shall apply.

**(b) Definitions.** The following definitions are applicable to Section 6.52:

- Building Integrated Photovoltaics (BIPV): A personal scale or Utility Scale Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles but excluding Roof or Building Mounted Solar Energy Systems.
- Ground Mounted Solar Energy System (GMSES): A Personal Scale or Utility Scale Solar Energy System that is not attached or mounted on any roof or exterior wall of any principal or accessory building, but excluding a BIPV.
- Personal Scale Solar Energy system (PSSES): A Solar system used primarily for the production of energy for consumption on the premises where the system is located and not for the sale of energy to be consumed off the site where the system is located except for the sale of surplus electrical energy back to the grid.
- Roof or Building Mounted Solar Energy System (Roof or Building System): A personal Scale or Utility Scale Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building.
- Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy including, but not limited to, the collection and transfer of heat created by solar energy to any other medium by any means.
- Utility Scale Solar Energy System (USSES): A Solar Energy System the principal design, purpose, or use of which is to provide energy for consumption off the site where the system is located or the sale of generated electricity to any person or entity.

**(c) Prohibited Activity**

No Solar Energy System shall be located, constructed, erected, or altered in Sanilac Township until the Owner/Operator shall have obtained a land use permit or a special land use permit, as the case may be and thereafter no solar Energy System shall be operated except in complete compliance with the provisions contained herein.

**(d) General Requirements**

All Solar Energy Systems are subject to the following general requirements:

- (1) All Solar Energy Systems must conform to the provisions of this Ordinance, all county, state and federal regulations and requirements and all applicable industry standards;
- (2) Solar Energy Systems shall be located and constructed in a manner which does not cause glare onto any other property or roadway at any time;
- (3) If any Solar Energy System does not operate as designed and intended for a period of 12 consecutive months, it shall be completely removed and the site restored to its original condition or, in the case of a USSES, in accordance with the decommissioning plan.

**(e) Personal Scale Solar Energy Systems (PSSES)**

(1) PSSESs shall be a Permitted Land Use in all zoning districts subject to the following requirements based on the type of system.

A. Roof or Building Mounted Personal Scale Solar Energy systems (Roof or Building Mounted Systems)

- (i) No part of a roof mounted system shall extend closer than three feet from any peak, valley, edge or eave nor shall it extend more than two feet from the surface of the roof;
- (ii) No part of a wall mounted system shall extend beyond the wall on which it is mounted and shall not extend away from the wall on which it is mounted.

B. Ground Mounted Systems

- (i) A Ground Mounted Solar System shall not exceed 20 feet in height above the ground at its maximum tilt;
- (ii) In Agricultural Residential, Commercial and Industrial Districts, Ground Mounted Solar Systems shall be located in the rear yard or side yard. In the Lakefront Residential District, Ground Mounted Solar Systems shall be located between the principal building on the lot and the road.

The minimum setback from the property line shall be:

Agricultural Residential District – 20 feet from rear property line, 25 feet from side property line

Commercial District – 40 feet from rear property line, 25 feet from side property line

Industrial District – 40 feet from rear property line, 25 feet from side property line

Lakefront Residential – from the center line of a right of way of an abutting street shall be 108 feet on unpaved roads and 150 feet on State Highways and 3' from the side property line.

- (iii) All power transmission or other lines, wires, or conduits shall be located underground. If batteries are used as part of the system, they must be contained in a secured container.

**(f) Utility Scale Solar Energy Systems**

(1) Special Use

Utility Scale Solar Energy Systems shall be allowed as a special land use in the agricultural/residential, commercial, and industrial districts.

(2) Application

In addition to the requirements for an application for a special land use provided in Section 3.5 of this ordinance an application for a special land use for a Utility Scale Solar Energy System shall include all of the following:

- (A) proof of ownership of the property on which the system will be located;
- (B) a copy of any lease or other agreement with the electric utility company for the purchase of electricity produced by the facility. The agreement may only be contingent on the successful construction of the system;
- (C) a copy of any operations agreement;
- (D) the name and contact information of the proposed operator;
- (E) inspection protocol, emergency procedures, and general safety documentation for the system;
- (F) a description of how and where the system will be connected to the power grid;
- (G) a copy of a decommissioning plan as required herein;
- (H) a copy of the screening plan as required herein;
- (I) the location, size, and height of all system components.

(3) Minimum Parcel Size

No Utility Scale Solar Energy System shall be located on a parcel of land less than 5 acres in size.

(4) Maximum Height

No solar panels shall exceed 20 feet in height above the ground at maximum tilt.

(5) Screening

When a Utility Scale Solar Energy System is 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 the site plan review.

If lighting is desired, it shall be of a fully shielded and downcast type where light does not spill onto the adjacent parcel or the night sky.

(6) Setbacks

All Utility Scale Solar Energy Systems shall be set back at least 25 feet from the nearest property line. The setback from the center line of a right of way on an abutting street shall be 108 feet on paved or unpaved local roads and 150 feet on state highways or primary roads.

(7) Decommissioning Plan

The applicant shall prepare a decommissioning plan which shall include:

- (A) the anticipated life of the project;
- (B) the estimated decommissioning costs, net of salvage value, in current dollars;
- (C) the manner in which the project will be decommissioned and removed and the site restored;
- (D) the method of ensuring that funds will be available for decommissioning, removal, and site restoration.

(8) Decommissioning, Removal and Restoration Security

The owner/operator of a Utility Scale Solar Energy System shall provide security to the township to insure the complete decommissioning and removal of the system and the restoration of the site. The security shall be provided in one of the following methods:

- (A) a cash bond posted with the Township;
- (B) an irrevocable letter of credit in favor of the township from a bank or other financial institution approved by the Township;
- (C) a surety bond issued in favor of the Township issued by a surety approved by the Township;

Any method of providing security shall remain in effect until the system is decommissioned and removed and the site restored. The amount of the security shall not be less than the estimated cost of decommissioning, removal and restoration, and shall include a reasonable inflation factor. The security shall be provided after approval of a special use permit but before the issuance of a special use permit. If the owner/operator fails to decommission and remove the system and restore the site within the time limits set forth herein, the Township may use funds provided as security to decommission and remove they system and restore the site and refund any unused funds to the owner/operator.

**Section 8. Severability**

Should any portion of this ordinance be found invalid for any reason such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

**Section 9. Repealer**

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

**Section 10. Effective Date**

This Ordinance shall be published and take effect seven days after publication as provided by law.

2. Except as specifically amended herein the Sanilac Township Zoning Ordinance shall remain in full force and effect.

3. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

4. This ordinance shall take effect upon publication.

Copies available at the Township Hall upon request. For additional questions, contact the clerk at 810-622-8178.

MOTION MADE BY: Kelly

SECONDED BY: Shagena

AYES: Kelly, Basler, Shagena, Schlichting, Lyall

NAYS: 0

ABSENT: 0

Motion carried: February 11, 2020

SUZANNE SHAGENA, Clerk