

## Section 4.23

(A) *Small solar energy facility.* Notwithstanding other provisions of this subsection, small roof-mounted or ground-mounted solar energy facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A small solar energy facility (as defined in Article 15, Section 15.1) shall be required to have appropriate building permits.

(1) All small solar energy facilities are subject to the following minimum requirements:

(a) A small solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

(b) A small solar energy facility connected to the utility grid shall provide written authorization from the local utility company to Napoleon Township acknowledging and approving such connection.

(c) A roof-mounted facility may be mounted on a principal building or accessory building. A roof-mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the small solar energy facility extend beyond the edge of the roof.

(d) A ground-mounted facility shall not exceed a height of 12 feet.

(e) The surface area of the solar panels of a ground-mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

(f) A ground-mounted facility or roof-mounted facility attached to an accessory building shall not be located within the required front yard setback.

(g) The minimum ground-mounted small solar energy facility setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district or the setback of the principal structure, whichever is greater.

(h) All mechanical equipment associated with and necessary for the operation of the small solar energy facility shall comply with the following:

1. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least 50% of plants must be evergreen. In lieu of a planting screen, a decorative fence that meets the requirements of Article 4, Section 4.3, and is at least 50 percent opaque may be used.

2. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.

3. Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal structures in the underlying zoning district.

- i. All solar energy components shall be placed such that concentrated solar glare does not project onto nearby inhabited structures or roadways and be considered a nuisance.
- ii. The applicant has the burden of proof that any glare produced does not have an adverse effect on neighboring or adjacent uses through siting and mitigation. If the solar panel systems do produce a glare, the applicant shall be responsible for mitigation, and will provide a mitigation plan.
- iii. The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations.

(j) All power transmission lines from a ground-mounted small solar energy facility to any building or other structure shall be located underground.

(k) A small solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign ordinance.

(l) 1. The design of the small solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility shall be taken into consideration when applying for a small solar energy facility permit.

2. All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an engineer registered in the State of Michigan.

(m) The small solar energy facility shall comply with all applicable township ordinances and codes so as to ensure the structural integrity of such facility.

(n) Before any construction can commence on any small solar energy facility the property owner must acknowledge that he or she is the responsible party for owning/leasing and maintaining the solar energy facility.

(2) If a ground-mounted small solar energy facility is removed, any earth disturbance as a result of the removal of the ground-mounted facility shall be graded and reseeded.

(3) If a ground-mounted small solar energy facility has been abandoned (meaning not having been in operation for a period of 180 consecutive days), is defective, or is deemed to be unsafe by a township official, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards or be removed by the property owner within the time period allowed by the township official. If the owner fails to remove or repair the defective or abandoned small solar energy facility, the township may pursue a legal action to have the facility removed at the owner's expense.

(4) *Solar access.* The township makes no assurance of solar access other than the provisions contained within this subsection. The applicant shall provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

Penalties for noncompliance, see Article 12, Section 12.5.4.