

Port Huron Township  
Proposed Amendments to Section 40-669 of the Zoning Ordinance  
Ordinance #251 Solar Energy Systems

**40-669 Solar Energy Systems**

A. Purpose

The purpose of this Section is to provide a regulatory framework for the construction of solar energy systems subject to reasonable restrictions which will preserve public health, safety, and welfare, while also maintaining the character of the community.

B. Definitions

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.

Residential Solar Energy System – A solar energy system used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Business Scale Solar Energy System – A solar energy system where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Industrial Scale Solar Energy Systems – A solar energy system where the principal design, purpose, or use of such a system is to provide energy to off-site uses, often on a large scale.

Roof Mounted Solar Energy System – A Residential or Business Scale solar energy system attached to or mounted on any roof or exterior wall of any principal or accessory building.

Ground Mounted Solar Energy System – A Residential or Business Scale solar energy system that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

C. Regulations Pertaining to all **Residential Solar Energy Systems**

1. Residential Solar Energy Systems shall be permitted in all single-family, two-family, and multiple-family zoning districts, provided they conform to applicable township, county, state, and federal regulations and safety requirements, including the Michigan Building Code. A building permit shall be required for the installation of any Residential Solar

Energy System.

2. Only one interconnected solar energy system is permitted per lot or premises along with the primary principal use.
3. Residential ground-mounted solar systems are not allowed within a front yard. In the case of a corner lot, both street frontages are considered a front yard.
4. Residential ground-mounted solar systems shall be setback a minimum of five (5) feet from rear and side property lines.
5. In the case of a rear yard abutting a side yard of another property, the minimum setback shall be fifteen (15) feet.
6. Residential ground-mounted solar systems shall not exceed six (6) feet in height, measured from the grade to the panel's top.
7. Residential roof-mounted solar systems shall not extend higher than five (5) feet above a flat roof, and two (2) feet above all other roof types
8. All power transmission or other lines, wires, or conduits from a ground-mounted Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the ground-mounted Solar Energy System, they must be placed in a secured container or enclosure.
9. All residential ground-mounted solar systems shall be screened from adjacent residential properties and public rights-of-way by a greenbelt or six (6) foot high privacy fence.
10. The maximum ground area occupied by a solar system, including the principal structure, and all accessory structures, shall not exceed the maximum percentage of ground coverage allowed within the applicable zoning district.
11. No part of a Residential Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond its mounted wall.
12. No part of a Solar Energy System mounted on a roof shall be installed closer than three (3) feet from the roof's edges, the peak, eave, or valley to maintain pathways of accessibility.
13. All Residential Solar Energy Systems must have an emergency outside shut-off or disconnect.
14. If a roof or building-mounted Residential Solar Energy System has been abandoned

(meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months from the date of abandonment.

15. All building permit applications for a Residential Solar Energy System must be accompanied by:
  - a. A sketch plan which shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
  - b. Documentation that glare will be eliminated insofar as possible. This may include the manufacturer's specifications of the panels, proficient angling, adequate screening, or other means so as not to adversely affect neighboring properties.

D. Regulations Pertaining to all **Business Scale Solar Energy Systems**

1. Business Scale Solar Energy Systems shall only be permitted in the O-1, B-1, B-2, and B-3 zoning districts, subject to special land use approval by the Planning Commission.
2. The property owner or applicant for a Business Scale Solar Energy System shall provide the Planning Commission with proof of ownership of the subject property, a copy of any lease agreement for a Business Scale solar energy system, together with an operations agreement, which shall set forth the parameters of the operation, the name and contact information of the certified operator, inspection protocol, emergency procedures, and general safety documentation.
3. The Business Scale Solar Energy System shall meet the minimum front, side, and rear yard setbacks of the applicable zoning district.
4. Business Scale Solar Systems shall not exceed six (8) feet in height, measured from the grade to the panel's top.
5. The maximum ground area occupied by a Business Scale Solar System, including the principal structure, and all accessory structures, shall not be greater than the maximum percentage of ground coverage allowed within the zoning district.
6. All Business Scale roof-mounted solar systems shall not extend higher than five (5) feet above a flat roof and two (2) feet above all other roof types.
7. No part of a Business Scale Solar Energy System erected on a roof shall extend beyond the peak of the roof. In addition, if the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond its mounted wall.

8. All Business Scale Solar Energy Systems must have an emergency outside shut off or disconnect.
9. All Business Scale Solar Systems shall be screened from adjacent residential properties and public rights-of-way by a greenbelt or up-to (8) foot high privacy fence. Screening requirements may be waived by the Planning Commission when existing vegetation accomplishes the same.
10. The applicant shall provide documentation that glare will be eliminated insofar as possible. This may include the manufacturer's specification of the panels, proficient angling, adequate screening, or other means so as to not adversely affect neighboring properties.
11. All power transmission or other lines, wires, or conduits from a ground-mounted Business Scale Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the ground-mounted Solar Energy System, they must be placed in a secured container or enclosure.
12. Before installation, the applicant shall submit a descriptive site plan to the Planning Commission, including where and how the Business Scale Solar Energy System will connect to the power grid.
13. No Business Scale Solar Energy System shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. Any such agreement shall be furnished to the Planning Commission.
14. A condition of every approval of a Business Scale Solar Energy System shall be adequate provision for removing the system whenever it ceases to be used for one (1) year or more. If a system has been abandoned (meaning not having been in operation for a period of one (1) year), the property owner and developer/applicant shall notify the Township and shall remove the system within six (6) months from the date of abandonment. Removal includes the proper receipt of a demolition permit from the Building Official. The site shall then be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation.
15. To ensure proper removal of a Business Scale Solar Energy System upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing the removal of the system, which must be posted with the Township within fifteen (15) days after approval or before a construction permit is issued for the facility. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of creditor a performance bond, in a form approved by the Township. The amount of such a guarantee shall be no less than the estimated removal cost and may include a provision for inflationary cost adjustments. The engineer shall prepare the estimate for the developer

and shall be approved by the Township. The applicant shall be responsible for paying any costs or attorney fees incurred by the Township in securing removal.

16. If the owner of the facility or the property owner fails to remove or repair the defective or abandoned Business Scale Solar Energy System, the Township, in addition to any other remedy under this Section, may pursue legal action to abate the violation by seeking to remove the Solar Energy System and recover all costs, including attorney fees.

E. Regulations Pertaining to **Industrial Scale Solar Energy Systems**

1. Industrial Scale Solar Energy Systems shall only be permitted in the IL and IH zoning districts, subject to special land use approval by the Planning Commission.
2. The property owner or applicant for an Industrial Scale Solar Energy System shall provide the Planning Commission with proof of ownership of the subject property, a copy of any lease agreement for an Industrial Scale solar energy system, together with an operations agreement, which shall set forth the parameters of the operation, the name and contact information of the certified operator, inspection protocol, emergency procedures, and general safety documentation.
3. The Industrial Scale Solar Energy System must maintain a minimum 30-foot side and rear yard and a 30-foot front yard setback. In no case can an Industrial Scale Solar Energy System be located closer than 50 feet to any residential district.
4. The applicant shall provide documentation that glare will be eliminated insofar as possible. This may include the manufacturer's specification of the panels, proficient angling, adequate screening, or other means so as to not adversely affect neighboring properties.
5. The maximum height of Industrial Scale Solar Systems will be established by the Planning Commission as part of Special Land Use Approval.
6. The maximum ground area occupied by an Industrial Scale Solar System and associated paved surfaces shall be determined by the Planning Commission based on the circumstances of each Industrial Scale Solar System application.
7. If more than 2,000 square feet of impervious surface is proposed, a drainage plan prepared by a registered civil engineer is required.
8. All Industrial Scale Solar Energy Systems must have an emergency outside shut-off or disconnect.
9. Before installation, the applicant shall submit a descriptive site plan to the Planning Commission, including where and how the Industrial Scale Solar Energy System will

connect to the power grid.

10. No Industrial Scale Solar Energy System shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. Any such agreement shall be furnished to the Planning Commission.
11. A condition of every approval of an Industrial Scale Solar Energy System shall be adequate provision for removing the system whenever it ceases to be used for one (1) year or more. If a system has been abandoned (meaning not having been in operation for a period of one (1) year), the property owner and developer/applicant shall notify the Township and shall remove the system within six (6) months from the date of abandonment. Removal includes the proper receipt of a demolition permit from the Building Official. The site shall then be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation.
12. To ensure proper removal of an Industrial Scale Solar Energy System upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing the removal of the system, which must be posted with the Township within fifteen (15) days after approval or before a construction permit is issued for the facility. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of creditor a performance bond, in a form approved by the Township. The amount of such a guarantee shall be no less than the estimated removal cost and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for paying any costs or attorney fees incurred by the Township in securing removal.
13. If the owner of the facility or the property owner fails to remove or repair the defective or abandoned Industrial Scale Solar Energy System, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the Solar Energy System and recover all costs, including legal fees.

F. **REPEALS.** All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

G. **PUBLICATION.** This ordinance shall take immediate effect after legal publication and in accordance with the provisions of the Act governing same.

This ordinance was approved on December 19, 2022, at a regular meeting of the Charter Township of Port Huron Township Board of Trustees in a motion by Dudas and seconded by Livingston, the vote as follows:

YEAS: Dudas, Livingston, Riehl, Reno, Shonka, Davis, Lewandowski

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED:

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By: Benita Davis, Clerk  
Charter Township of Port Huron

**CERTIFICATION**

I hereby declare that the above is a true copy of an Ordinance adopted by the Charter Township of Port Huron Board at a board meeting held on December 19, 2022, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

DATED: \_\_\_\_\_

Respectfully submitted,

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By: Benita Davis, Clerk  
Charter Township of Port Huron