

Danby Township Solar Energy Ordinance
August 17, 2017

Add the following definitions to Section 2.18 Definitions – S

SOLAR ENERGY

- A. **BUILDING-MOUNTED SOLAR ENERGY COLLECTOR** - A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.
- B. **COMMERCIAL SOLAR ENERGY SYSTEM** - A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm.
- C. **COMMERCIAL SOLAR ENERGY SYSTEM RESPONSIBLE PARTY** - The party responsible for construction, maintenance, and/or long-term operation of a commercial solar energy system. The responsible party may be the owner or leasee of the land on which the commercial solar energy system is established.
- D. **GROUND-MOUNTED SOLAR ENERGY COLLECTOR** - A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.
- E. **SOLAR ENERGY COLLECTOR** - A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located, or if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

Revise Section 3.08, Projections Into Yards

- A. **General Requirements.** Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, building-mounted solar energy collectors, and similar features may project no farther than four (4) feet into a required front, rear, or side yard.

Revise Section 3.09 Building Height Exceptions

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, building-mounted solar energy collectors not exceeding four (4) feet, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances.

Add uses to Section 5.03 Special Land Uses (AG)

- Ground-mounted solar energy collector as an accessory use to a dwelling or agricultural principal use.
- Commercial solar energy system as a principal use or accessory use to a dwelling or agricultural principal use.

Add use to Section 6.03 Special Land Uses (RR)

- Ground-mounted solar energy collector as an accessory use to a dwelling or agricultural principal use.

Add uses to Section 10.03 Special Land Uses (I-1)

- Ground-mounted solar energy collector as an accessory use.
- Commercial solar energy system as a principal use or accessory use.

Add Solar Energy Collector Requirements to Section 13.07

AA. Solar Energy Collectors

1. Applicability. This section applies to ground-mounted solar energy collectors and commercial solar energy systems. This section does not apply to smaller-scale solar energy collectors mounted on fences, poles, or on the ground, with collector surface areas less than five (5) square feet and less than five (5) feet above the ground.
2. General Requirements.
 - a. Applications. In addition to all other required application contents, equipment and unit renderings or plans shall be submitted for review.
 - b. Glare and Reflection. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
 - c. Location. Solar energy equipment shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
 - d. Installation.
 - i. A solar energy collector shall be permanently and safely attached to the ground. Solar energy collectors, and the installation and use thereof, shall comply with building codes and other applicable Township, County, State and Federal requirements.
 - ii. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
 - e. Power lines. On site power lines between solar panels and inverters shall be placed underground.

- f. **Abandonment.** Solar energy collection systems that cease to produce energy on a continuous basis for 12 months will be considered abandoned unless the responsible party (or parties) with ownership interest in the system provides substantial evidence every six (6) months after 12 months of no energy production to the Township of the intent to maintain and reinstate the operation of that facility. The responsible party shall remove all equipment and facilities and restore the site to its condition prior to development of the facility within one (1) year of abandonment.
3. **Ground-Mounted Solar Energy Collectors.** These systems may be established as accessory uses to principal dwellings. The following requirements apply:
 - a. **Location.**
 - i. The unit may be located in the rear yard and/or the side yard, but shall be subject to the setbacks for principal buildings.
 - ii. The unit may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use provided that the unit is no less than 150 feet from the front lot line.
 - b. **Maximum Number.** One (1) ground-mounted solar energy collector structure per whole acre.
 - c. **Maximum Size.** 1,500 square feet of collector panels per ground-mounted solar energy collector structure.
 - d. **Minimum Spacing.** 15 feet between ground-mounted solar energy collector structures, when multiple structures are established on a parcel.
 - e. **Maximum Height.** 16 feet, measured from the natural grade below the unit to the highest point.
 - f. **Minimum Acreage.** Two (2) acres.
 - g. **Screening.** Screening may be required in cases where ground-mounted units impact views from adjacent residential properties.
4. **Commercial Solar Energy System.** Commercial systems may be established as principal or accessory uses. The following requirements apply:
 - a. **Minimum Setbacks.** 100 feet minimum.
 - b. **Maximum Height.** 16 feet, measured from the natural grade below the unit to the highest point.
 - c. **Minimum Acreage.** Five (5) acres.
 - d. **Screening.** Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of materials, colors, textures, screening walls, and landscaping, that will blend the facility into the natural setting and existing environment.
 - e. **Decommissioning.** A decommissioning plan signed by the responsible party and the landowner (if different) addressing the following shall be submitted prior to approval:
 - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.)

- ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
- iii. Restoration of property to condition prior to development of the system.
- iv. The timeframe for completion of decommissioning activities.
- v. Description of any agreement (e.g. lease) with landowner regarding decommissioning, if applicable.
- vi. The entity or individual responsible for decommissioning.
- vii. Plans for updating the decommissioning plan.
- viii. A performance guarantee shall be posted in the form of a bond, letter of credit, cash, or other form acceptable to the Township, to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval.