

Memorandum

To: Butler Township Planning Commission
Date: December 16, 2016
From: Christopher Khorey, AICP, Principal Planner
Subject: Solar Farms

Township Zoning Administrator Jim Webb recently brought to my attention that Butler Township and several other communities in Branch County have been approached by companies wanting to build large-scale solar panel arrays. Mr. Webb and I have determined that these facilities can be approved as Special Uses, but the Township currently has no specific standards.

Below is potential language, based on standards used in nearby communities, to permit and regulate solar panel arrays in the Township.

SECTION 16.27 SOLAR ENERGY SYSTEMS

A. Definitions.

1. *Solar Energy System. A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.*
2. *Solar Storage Battery. A device that stores energy from the sun and makes it available in an electrical form.*

B. Rooftop Solar Energy Systems. Rooftop and building mounted solar energy systems are permitted in all zoning districts, subject to the following regulations:

1. *Roof mounted systems shall not extend more than 4 feet above the surface to which it is affixed.*
2. *No solar energy system may protrude beyond the edge of the roof.*
3. *A building permit shall be required for installation of rooftop and building mounted systems.*

C. Ground Mounted Solar Energy Systems. Ground mounted and freestanding solar energy systems are permitted in all zoning districts, except as described in Subsection 4, below, and subject to the following regulations:

1. *Location. The solar energy system may not be located in either the required front setback of any lot, and shall be set back a minimum of 7 feet from any side or rear property line.*

2. **Height.** *The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.*
 3. **Building Permit.** *A building permit shall be required for any ground mounted solar energy system.*
 4. **Area.** *Ground mounted solar energy systems exceeding 20% of the total lot area shall require Special Use Approval in all Zoning Districts. Special Use Approval shall not be required for ground mounted solar energy systems that do not exceed 20% of the total lot area.*
- D. **Batteries.** *When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, 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 for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12 month period.*
- F. **Solar Access.** *The Township makes no assurance of solar access other than the provisions of this Section. The applicant may provide evidence of covenants, easement or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy system.*

Please do not hesitate to contact McKenna or Mr. Webb with any questions.