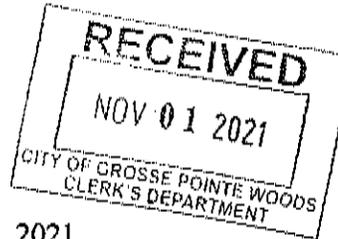


YORK, DOLAN & TOMLINSON, P.C.

Attorneys and Counselors at Law
22600 Hall Road, Suite 205
Clinton Township, Michigan 48036
586-263-5050
Fax 586-263-4763

John A. Dolan (jdolan@yorkdolanlaw.com)
Timothy D. Tomlinson (ttomlinson@yorkdolanlaw.com)



Fred A. York (1930-1989)

November 1, 2021

Via Email

Honorable Mayor & City Council
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE: Solar Energy Ordinance

Dear Mayor & Council:

Pursuant to the direction of the Committee of the Whole ("COW"), the enclosed revised Solar Energy Ordinance eliminating the proposed changes to paragraph (3) is provided for your review and first reading. After second reading and adoption, the Zoning Ordinance will be amended to repeal the provisions pertaining to Solar Energy.

In the interim, should you have any questions regarding same, please do not hesitate to contact me. We remain,

Very truly yours,

YORK, DOLAN & TOMLINSON, P.C.

A handwritten signature in black ink, appearing to read "Timothy D. Tomlinson".

Timothy D. Tomlinson

TDT/jabh
Enclosure

cc: Bruce Smith (Via Email w/Enclosure)
Lisa K. Hathaway (Via Email w/Enclosure)
Gene Tutag (Via Email w/Enclosure)
Lisa Anderson (Via Email w/Enclosure)

ORDINANCE NO. - _____

**AN ORDINANCE TO ADOPT
ARTICLE XVII SOLAR ENERGY
SYSTEMS,
CHAPTER 8, BUILDINGS AND
BUILDING REGULATIONS, SEC. 8-501
TO ELIMINATE THE REQUIREMENT
THAT
PANELS BE LOCATED WITHIN 4
FEET OF ANY PEAK,
EAVE OR VALLEY, TO PROVIDE
THAT THE
INSTALLATION OF THE SOLAR
ENERGY SYSTEM SHALL
COMPLY WITH THE MICHIGAN
RESIDENTIAL CODE,
AND TO PROVIDE FOR APPEALS TO
THE CITY COUNCIL.**

**THE CITY OF GROSSE POINTE
WOODS ORDAINS:**

**ARTICLE XVII
SOLAR ENERGY SYSTEMS**

Sec. 8-501. - *Solar energy systems.*

Solar Energy System means an accessory to a main structure, or accessory structure, or use, which is comprised of a combination of solar collector(s) and ancillary solar equipment used to generate electricity primarily for consumption on the property on which the system is located. A Solar Energy System can include a photovoltaic or solar thermal system that uses the sun's energy to produce electricity or heat.

Solar Panel means a grouping, module, or array of photovoltaic cells that produce electricity from sunlight.

A *solar energy system* is permitted in any city zoning district. However, it shall be unlawful for any person to install or operate

a *solar energy system* unless all of the following conditions are met:

(1) A building permit and any necessary mechanical, plumbing and electrical permits shall be secured prior to the start of the installation of a *solar energy system*. Dimensioned plans are required with the building permit application.

(2) Only rooftop *solar energy systems* are permitted. Freestanding or wall-mounted *solar energy systems* are not permitted.

(3) The *solar energy system* installation shall be configured to the degree practicable to have a minimal visual impact as seen from the street. Systems that are visible from the street must be either composed of building-integrated components (such as *solar shingles*) that are not readily evident, or be designed and mounted to match the shape, proportions, and slope of the roof.

(4) Installation of *solar energy system* equipment, including the rails and panels, are subject to the height limitations of the specific zoning district where they are being installed.

(5) The placement and installation of roof top solar energy systems shall comply with the Michigan Residential Code in effect at the time the building permit application for the system is received by the city.

(6) *Solar panels* shall not project more than one foot above the roof deck.

(7) The following additional design standards shall apply:

a. *Solar panels* shall be arranged so that the panels do not reflect sunlight or glare onto adjacent buildings, properties or roadways.

b. The system shall use materials and colors that are visually compatible with the existing roof or wall design.

c. The system shall include high quality mesh to enclose the space between the roof surface and the *solar* panels to deter animal nesting.

(8) If a system is defective or not in operation for a period of 12 months, the system shall be deemed a nuisance. The current owner of the property shall be required to either remove the system or repair it at the owner's expense.

(9) Denials of an application may be appealed to the city council after review and recommendation by the planning commission. An applicant seeking an exception to the provisions of this article shall pay a hearing notice fee set by council resolution. The city shall mail a notice of the hearing to adjacent property owner(s) and property owners located directly across the street from the applicant (as determined by the Building Official), at least seven (7) days prior to the hearing date.

(10) On appeal, the planning commission and city council may consider the following along with other information:

a. Balancing relative hardships between the property owner and adjacent property owners.

b. Whether special circumstances or conditions exist.

c. General health, safety, and welfare of the neighborhood.

AFFIDAVIT OF LEGAL PUBLICATION

Grosse Pointe News

16980 Kercheval Pl
Grosse Pointe, Michigan 48230
(313)882-3500



COUNTY OF WAYNE
STATE OF MICHIGAN, SS.

Melanie Mahoney

being duly sworn deposes and says that attached advertisement of

City of Grosse Point Woods

was duly published in accordance with instructions, in the GROSSE POINTE NEWS on the following date:

November 18, 2021

#1 GPW 11/18 2nd READ CHAP 8

and knows well the facts stated herein, and that she is the Administrative Assistant of said newspaper.

Melanie Mahoney

Dawn M LoPiccolo

Notary Public

Dawn m LoPiccolo
Notary Public - State of Michigan
County of Macomb
My Comm. Exp. 06-02-2024 Acting
in County of Wayne Date 11/17/2021

City of Grosse Pointe Woods, Michigan
NOTICE IS HEREBY GIVEN that the City Council will be considering the following proposed ordinance for a second reading at its meeting scheduled for Monday, December 6, 2021, at 7:00 p.m. in the Council Chambers/Chief Room of the Roman F. Nurosky Municipal Center. The proposed ordinance is available for public inspection in the Municipal Center, 30225 Mack Plaza, between 8:30 a.m. and 5:00 p.m., Monday through Friday. The Council meeting is open to the public. All interested persons are invited to attend.
An Ordinance to Adopt Article XVII Solar Energy Systems, Chapter 8, Buildings and Building Regulations, Sec. 8-301 To Eliminate the Requirement that Panels be Limited Within 4 Feet of Any Peak, Eave or Valley, to Provide that The Installation of the Solar Energy System Shall Comply with the Michigan Residential Code, and To Provide for Appeals to the City Council.
Lisa Kay Hathaway
City Clerk
N.P.N. 11/16/2021