



## Solar Energy: A “Hot” Topic at the Local Level

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By the end of 2015, it is estimated that approximately 10 percent of Michigan’s power will come from renewable sources. Solar power, in particular, has been growing in Michigan in recent years due to new technological improvements, decreasing costs of installation and equipment, and a variety of regulatory and financial incentives including a 30 percent federal tax credit that expires in 2016 for any size project. Now, more than ever, is the time for municipalities to plan ahead, set goals and create policies for regulating this emerging field.

There are several ways a municipality may regulate, or possibly incentivize, the use and installment of solar energy systems for public and private entities through its local zoning ordinance. Zoning standards for such systems generally include considering the following factors:

- **Solar Access** – Property owners have the right to solar access and to make use of the sun’s energy that is accessible to their property. Regulations could prohibit neighbors from blocking a solar resource or provide for development guidelines so lots have adequate access to solar resources.
- **Siting and Setbacks of New Construction** – Municipalities may wish to adopt solar setbacks for new development when determining the appropriate buildable area to minimize harmful impacts on neighboring properties. Factors to consider when developing setback restrictions include the property’s latitude, the height of the structure, slope of the property and sun angles.
- **Permitting** – How will solar energy systems be approved on a property relative to other existing uses? A municipality may wish to handle solar energy systems as either an accessory use/structure or a principal use/structure and specify guidelines for certain zoning districts. Further, a municipality may require property owners to obtain a building permit or solar access permit and provide a process for reviewing and obtaining such permits.

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- **Aesthetics** – Local regulations may attempt to address impacts and safety concerns on neighboring property owners and public roads like glare and reflection. Some municipalities may also wish to place regulations on constructing solar energy systems on certain buildings, like historic structures and landmarks.

A municipality should first identify its long-term goals and vision regarding solar energy use in its community. Foster Swift's municipal attorneys can help your community identify these goals.

If your municipality wishes to revisit its zoning ordinance or if you have questions about local regulation of solar energy, please contact one of Foster Swift's municipal attorneys.