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**Hamburg Township  
Planning Commission  
Wednesday, March 17, 2021 7:00 P.M.**

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**AGENDA**

- 1. Call to order**
- 2. Pledge to the Flag**
- 3. Approval of the Agenda**
- 4. Approval of Minutes**  
**January 20, 2021 Planning Commission Meeting Minutes**
- 5. Call to the Public**
- 6. Old Business: none**
- 7. New Business**
  - a) Draft ZTA20-008 Alternative Energy Regulations**
  - b) Draft ZTA 21-002 code clarification and cleanup of multiple sections:**
    - Section 7.3.2., minimum house size;
    - Section 7.5.1., cutting and filling on floodplains;
    - Section 7.6.1. footnote 3, alternative front yard setbacks and footnote 4, reduced setback from a waterbody;
    - Section 7.7.1., horses and chickens on vacant sites;
    - Section 7.7.9.1.(E), historic buildings in the VC and VR districts;
    - Section 8.3.10, accessory structures on rear lots;
    - Section 8.18.1 and 8.18.2, non-contiguous wind breaks.
- 8. Zoning Administrator's Report**
- 9. Adjournment**



FAX 810-231-4295  
PHONE 810-231-1000

P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139

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**Hamburg Township  
Planning Commission  
Virtual Meeting using GoToMeeting platform  
Wednesday, January 20, 2021 7:00 P.M.  
7:00 P.M.**

**1. CALL TO ORDER:**

The meeting was called to order by Chairman Muck

Present:           Bohn, calling in from Hamburg Township, Michigan  
                  Hamlin, calling in from Hamburg Township, Michigan  
                  Hughes, calling in from Hamburg Township, Michigan  
                  Leabu, calling in from Hamburg Township, Michigan  
                  Muck calling in from Hamburg Township, Michigan  
                  Muir calling in from Hamburg Township, Michigan  
                  Priebe calling in from Hamburg Township, Michigan

Absent:           None

Also Present: Scott Pacheco, Township Planner & Amy Steffens, Planning & Zoning Administrator

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Priebe, supported by Hughes

To approve the agenda as presented

Voice Vote: Ayes: 7                   Nays: 0                   MOTION CARRIED

**4. APPROVAL OF MINUTES:**

a) November 18, 2020 Planning Commission Meeting Minutes

Motion by Hughes, supported by Muir

To approve the minutes of the November 18, 2020 meeting with the amendment to New Business Item a) to remove the last two sentences which are for items b & c for the minutes which are address later in the minutes

Voice Vote: Ayes: 7                   Nays: 0                   MOTION CARRIED

**5. CALL TO THE PUBLIC:**

Chairman Muck opened the call to the public. Hearing no comment, the call was closed.

**6. OLD BUSINESS:**

**7. NEW BUSINESS:**

a. Public hearing to consider Preliminary Site Plan review for a Mixed Planned Unit Development (SPA20-002 and MPUD20-001) to allow a 47-51 unit single family housing development on the property at 4715-35-300-044 (48.79

Acres). This development proposes a unique mix of housing types that will be clustered on the site allowing 31.75 acres of the site to remain undeveloped. Twenty of the single-family housing units will be reserved for elderly housing and will meet the regulations in the Elderly Housing Cottage Opportunity Planned Unit Development regulations.

Chairman Muck opened the public hearing.

Mr. Ryan Parrott of 11946 Merrill Road expressed his concern regarding the Thompson Pond Drive and the location in relation to the wetlands and natural features of the property as well as the neighborhood design does not align with current development's wetlands. He stated that the homes in the development within Webster Township maintain the two-acre lot size with 200 feet width. He discussed the number of homes allowed in the parallel plan versus the proposed number. He stated that even though this site plan is still at the preliminary stage, they are harvesting trees within the property which may have not been on the original tree plan. He discussed the increase in traffic due to the number of homes within the development and allowing residents access from the Mystic Creek development to US-23 significantly increasing traffic on Thompson Pond, Merrill and Sheldon. He would hope that a development or alternative development could be considered to expand upon the Thompson Pond community, which is low density, residential homes.

Malvina Stolyar of 6346 Thompson Pond asked why people were not notified sooner. She expressed concern about her property value going down because of the type of community being built as well as difficulty in selling property during road construction. She further questioned and expressed her frustrations regarding road maintenance, other designs using Centennial Drive and then back to this subdivision, why they were not notified when the project was introduced, etc.

Scott Thompson of 6384 Thompson Pond Drive explained how they determined where to purchase their property and their ability to enjoy the beauty that Michigan has to offer. This type of development changes that significantly. He discussed his concerns with increase traffic, additional roads for the Township to manage including a bridge. He stated that when he purchased this property, none of these items were addressed in his disclosures. There needs to be a better way to grow as a community and not turn Hamburg Township into a bedroom community for surrounding areas.

Mike Reardon of 6435 Thompson Pond Drive and first to purchase his property in his development, discussed what they were told at that time about what could be built on this proposed development and his understandings at that time. Further, if this was to be a re-zoning, then people should have been notified and given opportunity to speak at other meetings. He expressed his concerns with this becoming rental properties, the definition of "elderly" as well as who would keep record of that qualification, maintenance of the roads and finally his thoughts about paying his taxes versus what his property value will become. He stated that seeing that they are cutting down trees, that tells him that this was already a "done deal".

Chad Hall stated that he is the current owner of the Thompson Farm that the family sold off this property. He discussed the original plan that included 16 2-acre lots and not connected to Mystic Ridge. He expressed his opinion of anyone who would vote to approve this property. He discussed the construction of Thompson Pond, the continual maintenance and the increase in need with additional traffic. He discussed the additional revenue that the Township will receive with additional permits, etc. and feels that it does nothing for the people who live here. He discussed the history of Mystic Ridge. Finally, he discussed the notifications to surrounding properties regarding this property and proposed development.

John Swift of 11754 Merrill Road stated that there are some serious issues with this development including densities, traffic and degradation of the wetlands. He further discussed using this as a cut-through road at the current owner's expense. He further discussed his concerns with regards to the possibility of Hamburg Township facing litigation with the decrease in property values.

Rich Hall of 11742 Centennial Drive stated he shares the concerns regarding the density and traffic, especially with the potential additional development of Mystic Ridge. Further, he stated that he is one of the homeowners that did not get notified and he is on the edge of this development.

Doreen Reardon of 6435 Thompson Pond discussed past maintenance of this property and asked if these developers intended to maintain their roads knowing that was in the clause. She discussed the reason they moved here including the natural features and relaxing atmosphere that they do not want taken away from them.

A resident at 5425 Seney Circle stated that many people this evening have mentioned Mystic Ridge and wanted to state that she as well as her neighbors were not notified that this was happening. They noted that trees were being removed and were wondering, but they found out about this last night.

Sue McKenney of 11742 Centennial Drive stated that they are connected to this property and it is hard to see the development. They knew what was going on when the previous owners developed Thompson Pond and thought that was where it would end. They never thought that it would be connected to Mystic Ridge. She voiced her objection to what is being proposed simply because they have all enjoyed the serenity of this area.

Hearing no further comment, Chairman Muck closed the public hearing.

Jeff Wilkerson and Doug Selby of CL 48 Properties LLC/Volta Homes were present as the applicants as well as their designer Kristin Snyder. Mr. Wilkerson stated that they hope to demonstrate their passion for the community. They have spent a considerable amount of time and it has gone through many designs. They are working to preserve the natural features and character of the parcels. The logging is preliminary and they are taking select trees and overgrown trees that were nearing the end of their life cycle. He presented a slide show presentation representing their plans for this development and its site characteristics and location, site access, extension of utilities, lot numbers and density, site design, fire safety, wetland preservation and impact, architecture, home design and who they are as a company and their values and philosophy. He discussed the proposed timeline.

Mr. Selby discussed the Hamburg Master Plan Goals, need for diverse housing types, and preservation of natural resources.

Mr. Selby and Mr. Wilkerson discussed the location of the development they have named Murie Glen as well as their plans for ingress and egress. They discussed their goals to respect the privacy of the current residents. They will make every effort to minimize any intrusive construction activities.

Mr. Selby described their utilities which will be accessed from Sagebrush Trail as well as their utility easements with Mystic Ridge. They discussed the Parallel Plan and their base of 47 units and the result of clustering. Mr. Selby stated that they feel that this design will promote increase in property values over a long term. He described the Exemplary Development Bonus Standards per Hamburg Township MPUD that they have met. He further described the maximum Density Bonus and the 15% maximum they would receive. This pushes their total number of units to 51 of which 20 are smaller units which should have far less impact on the traffic and other things in surrounding neighborhoods. Mr. Wilkerson discussed the location of the additional 4 units from the density bonus. They discussed the location of their proposed buffer between the property edge and the nearest structure and the proximity of the buffer in the Mystic Ridge development.

Mr. Selby stated that their design was primarily focused around the preservation of open space. He highlighted the 27.9 acres of open space they are going to preserve as well as their projected layout. He discussed the connection to existing walking trails which will be five foot to help with the elderly. Discussion was held on the fire safety plans which were developed in coordination with the Hamburg Fire Department. He stated that they are aware of the potential to impact the wetland and are working with EGLE toward final approval and will also include their final engineering calculations as they determine the water detention and storm water management.

Mr. Wilkerson highlighted what is important to them and their design principles including pedestrian friendly streets, parks and walkways, generous front porches, small setbacks between homes and sidewalks, garages behind homes, net-zero energy and all-electric homes and houses built to "Passive House" standards. He stated the connection to the natural features of the area are important to them. Every lot backs up to forest or wetland and would have ample open space and views. They do not want to impact the neighbors in other communities. He stated that their decision to mingle the ECHO units within the neighborhood was to create a diversity of age ranges as well as types of housing creating interesting architecture. ECHO housing is a need everywhere. They feel that this would create a beautiful neighborhood that would enhance property values rather than detract. He presented views of the neighborhood and their desire to keep as many mature trees to help make it look like it is a community that has been there for some time. The houses are meant to be traditional in nature, yet not everyone needs to be. He presented views of the various models, which is a mixture of small and larger homes. He stated that they understand that this represents a big change to a lot of people, especially those people along Thompson Pond. He discussed the need for smaller type, high-quality housing. He discussed the architectural interest and how they want to provide park land and trails that will also benefit others by providing access to areas.

Scott Pacheco, Township Planner, stated that we are here to review the preliminary site plan for the mixed, planned unit development. He explained the process including submission, review of application and plans, plan submittal to EAGL, Fire Department and Public Works Department, Township Engineers, Road Commission, and Health Department for comment. Those comments have been attached for the Commissions review. If the Commission determines that the concepts of this plan are adequate and approves the Preliminary Site Plan Review, then the applicants would then need to come back and go through final site plan review. That is when they would complete the final documents including engineering. At that time, if the

Commission feels it necessary, they could request traffic studies, etc. The mixed PUD includes a mixture of Echo Housing and Open Space PUDs. He discussed the requirements of the RAA zoning district. He discussed the calculations using parallel plan. They are requesting that the Commission review the project and approve an Exemplary Project bonus. He discussed the Exemplary Project bonus and the calculations used to achieve an additional 4 homes. He has provided his review of the request for the bonus. He further discussed with the commission the discretionary standards that the Commission will use for the preliminary MPUD site plan review. For those residents that expressed concern, he explained the notice procedure and timeline as well as the next steps moving forward and requests for approval to the Planning Commission as well as the Township Board. He further stated that there is nothing in our code that prevents the cutting of trees on vacant property. He discussed the developer's timeline. He stated that after preliminary approval, they cannot start building roads, etc. without first going through final review. Prior to any construction on the site, we would require that all federal, state and local regulations are met.

Pacheco stated that in his staff report he does go through the development compliance table which tells you what the requirements are in the zoning ordinance and how this project would meet those requirements. His review also includes the eligibility criteria for open space projects including the standard and his comments on that standard and finally his suggested conditions of approval if the Commission decides to recommend approval of the project. A lot of these things are things that would have to be done anyway but he likes to add them as conditions so that the developer is reminded. The other issue that the Commission will review tonight is the Exemplary Project Bonus, and he has provided his review on that as well. This project is doing a lot in its design of the project including preserving a lot more open space than what is required by the code and meeting the setback from wetlands that we require. They have provided a list of all of those items they feel make this an exemplary project.

Commissioner Bohn stated the presentation was thorough, in depth and complete, and staff did an excellent job giving this a very thorough review. He asked the status of the EAGL application. He asked what level of impact in acreage this would have. He stated that by virtue of the agreements with Mystic Ridge and Shadbush Trail for both road as well as extension of water, sewer and trail, he would assume that the developer would have to adopt their road requirements or contribute to their road. How do you address the concerns of neighbors on Thompson Pond regarding the maintenance or use of their existing road?

Mr. Selby stated that they do have reciprocal agreements with Mystic Ridge for water and sewer as well as access. He stated that once they complete their final engineering, there will likely be a resubmission of their application to EAGL which could re-set the timeline. Right now they are looking at impacting less than one-third of an acre. They are more than open to contributing to the maintenance of Thompson Pond through their Homeowner's Association as they develop.

Pacheco stated that the applicants will need to provide all their legal documents prior to approval showing that they have legal rights to access through Mystic Ridge and over the existing Thompson Pond roadway. Also, as part of a PUD agreement, all road maintenance agreements are required.

Discussion was held on current road maintenance agreements for Thompson Pond.

Discussion was held on access to the site through Merrill Road.

Commissioner Muir stated that the plan shows things that are sustainable including gardens, parks and trails and the architecture is unique. He would be in favor of a density bonus based on what has been presented.

Commissioner Leabu further discussed the access to Merrill. He stated that this is a very complete development and meets the eligibility requirements. They have gone past what we would ask as far as architecture. They are setting a high standard and he would be in support of the bonus.

Commissioner Hamlin stated that he does not feel that the parallel plan meets compliance. He discussed the intent section of the Elderly Cottage PUDs. He discussed the open-space eligibility section. He stated that we need to remember that this plan allows for up to 51 homes and will become a throughfare for the Mystic Ridge development and has the potential for accessory dwelling units. This area is master planned and zoned for low-density development. This development is 150% greater than what zoning would allow. He further stated that we might want to consider that the ECHO units be owner-occupied. Finally, he stated that there have been some comments that the developer should be required to be involved with the paving of Merrill and/or Sheldon.

Commissioner Priebe stated that the purpose of an open-space development is to preserve the natural features and keep the rural atmosphere. If you own the land, you have the right to develop it. It looks like they have taken a lot of care including a great deal of open space. She would be in favor of moving forward.

Chairman Muck stated that when he first reviewed this, he did have concern about the Thompson Pond connection. He does feel that there are some concerns about the impact to Merrill and Sheldon roads.

Commissioner Hughes asked for clarification on the exemplary projects. Pacheco stated that those items could be used to determine eligibility for the bonus, you do not have to include all of those items to receive a bonus.

Discussion was held on setback and buffer from the property line.

Discussion was held on the comment made regarding increasing the width of the sidewalks. Pacheco stated that he would be concerned that it would decrease the rural nature. We do not require sidewalks, but a sidewalk is appropriate. We care talking about accommodating the elderly. He further discussed these being private roadways, sidewalks, etc.

Chairman Muck explained that this is a recommendation to the Township Board so there will be additional time for public input.

Discussion was held on the density bonus.

Motion by Muir, supported by Priebe

The Planning Commission recommends approval of the preliminary MPUD site plan with a 15 percent density bonus, as shown on plan page AS-06, to the Township Board because the project as conditioned is consistent with the requirements of the open space, elderly cottage housing opportunity, and mixed planned unit development regulations under Article 14 and will be able to meet site plan review standards under article 4 of the zoning ordinance as discussed at the meeting tonight and presented in the staff report with the following conditioned of approval:

1. As a part of the final site plan review the project plan shall include the location of the road right-of-ways and how the property will be split under the proposed use. All information required by the Township Accessor will be required prior to issuance of a land use permit.
2. A more detailed landscape plan shall be included as part of the final site plan submittal. This plan shall address the required street trees and transition area landscaping (Section 9.4)
3. A sign plan for the proposed project signs shall be included as a part of the final site plan submittal.
4. A development agreement including master deeds and bylaws will be submitted for this project. This agreement will be reviewed by the Township Attorney. Hamburg Township Planning Commission January 20, 2021 30 | P a g e This agreement shall address the items regarding the dedicated open space for the project under Section 14.1.4 (H) 6, 7 and 8.
5. The applicant shall work with staff and an architectural committee made up of one or two PC members if deemed necessary, to prepare a more detailed guide book and finalize the home designs prior to final site plan approval.
6. Prior to the final MPUD the applicant will submit documentation for review by the Township Attorney provides legal access, for the use of the roadways and utilities, through the Mystic Ridge Development and Thompson Pond Drive. Documentation of the ability to utilize the common well and water treatment facility of the Mystic Ridge Development for this project will also be required prior to the final MPUD approvals.
7. A road maintenance agreement shall be included within or as a separate document attached to the final development agreement. Also a cross access agreement that allows public use of the private roadways within the project will be required as a part of the final development agreement.
8. Prior to final site plan approval the property owner shall work with the schools and postal service to determine if a community bus stop or mail kiosk will be required. If they are required the applicant shall show them as a part of the final site plan. Also a cross access agreement that allows public use of the trails and sidewalks will be required as a part of the final development agreement.
9. The applicant shall work with the township engineer on review of the sidewalk width. The developer may wish to consider the possibility of making the sidewalk out of a decomposed granite or another material that allows a more rural appearance and provides better drainage solutions, prior to the final site plan review.
10. Because the MPUD project include 20 ECHO units park benches shall be include along the trail systems to offer rest areas for the senior population of the project.
11. As a part of the final site plan approval, if it is not already, the applicant shall consider at least a four-foot wide shoulder on one side be included on the roadway that is extended over the wetlands to Thompson Pond Road to allow safer pedestrian traffic.
12. Prior to review of the final MPUD site plan the applicant shall submit a final MPUD site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance and any required approvals from

all appropriate local, county, state and federal agencies including, but not limited to, Hamburg Township Fire, Assessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health Department; and the Michigan Department of Environment, Great Lakes and Energy. Some agency approvals are not required until prior to the issuance of the land use permit.

Roll Call Vote: Bohn Aye  
Hamlin Nay  
Hughes Aye  
Leabu Aye  
Muck Aye  
Muir Aye  
Priebe Aye

MOTION CARRIED

Discussion was held on requiring a traffic study. Pacheco stated that it can be required based on Planning Commission recommendation.

Motion by Priebe, supported by Muir

To add as a condition of approval of the MPUD that a traffic study will be required prior to final approval

Roll Call Vote: Bohn Aye  
Hamlin Aye  
Hughes Aye  
Leabu Aye  
Muck Aye  
Muir Aye  
Priebe Aye

MOTION CARRIED

**8. ZONING ADMINISTRATOR'S REPORT:**

Planning & Zoning Administrator Steffens reminded the Commission of the joint meeting on February 24. If there are any topics of concern or zoning text amendments you would like discussed, please let her know so that it may be included in their reports. This will set the Commission's work schedule for 2021.

**9. ADJOURNMENT**

Motion by Priebe, supported by Muir

To adjourn the meeting

Voice Vote: Ayes: 7                      Nays: 0                      MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 9:06 p.m.

Respectfully submitted,

\_\_\_\_\_  
Julie C. Durkin  
Recording Secretary

The minutes were approved as presented/Corrected: \_\_\_\_\_

\_\_\_\_\_  
Jeff Muck, Chairperson

PHONE: 810-231-1000  
FAX: 810-231-4295



P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139-0157

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**To:** Planning Commissioners  
**From:** Scott Pacheco, AICP  
**Date:** November 18, 2020  
**Agenda Item:** 7 b  
**Re:** ZTA20-008 Alternative Energy Regulations

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**PROJECT HISTORY:**

The Township Board directed staff at the 2020 joint meeting in February to propose an ordinance amendment that would add requirements for alternative energy systems.

Michigan has seen a recent growth of renewable energy partially due to Public Act 295 of 2008 and Public Act 342 of 2016. The 2008 Act required Michigan's energy providers to maintain at least 10% of their energy from renewable energy sources. The 2016 Act increases this requirement, mandating that an energy provider's portfolio be 12.5% renewable energy by 2019, with a later increase to 15% in 2021 and the goal is to have 35% of electric needs met through energy waste reduction and renewable energy by 2025. To meet these requirements, utility companies have undertaken a rapid expansion in developing Michigan's renewable energy sources, including wind and solar power. This expansion has increased the development pressures for these types of uses within local municipalities.

Currently the Township zoning regulations do not address solar or wind energy facilities. Zoning Department Staff has been addressing these type of uses as follows; if the wind turbine or solar panels are used to support the energy needs of the structures on a residential property and does not create more energy than needed for the structure on the subject site than solar or wind energy systems are considered either an accessory structure if they are not attached to another structure or as part of the structure if they are attached to a structure. These items can be approved with a Land Use Permit as long as all the regulations for accessory structure or the main structure are met depending on the location of the item. If the wind turbines or solar arrays are created to provide more energy than needed on the subject property, they are considered a commercial use and are only allowed in industrial districts.

**ANALYSIS:**

The following are some of the Benefits and Concerns of Alternative Energy Systems:

**Both Wind and Solar:**

**Benefits**

- Cleaner Energy Source than Fossil Fuels
- Tax Payments to the Community
- Creation of Jobs Both to Install and Maintain

### **Concerns**

- Visual Impacts

### **Solar:**

#### **Benefits**

- Can be used on unwanted land and landowners can still make money.
  - Brownfield sites
  - Large parking areas
  - Large industrial or commercial roof tops
- No drainage concerns
- Allows for pollinator potential of site
- Cost of solar is currently most viable clean energy source

#### **Concerns:**

- Amount of property necessary for large scale projects
- Glare
- Use of land
  - Not much opportunity for dual use of land

### **Wind:**

#### **Benefits**

- Can be used to support farm operations in a community allows farmers to make extra income.
- Has a small footprint compared to the amount of energy created.

#### **Concerns**

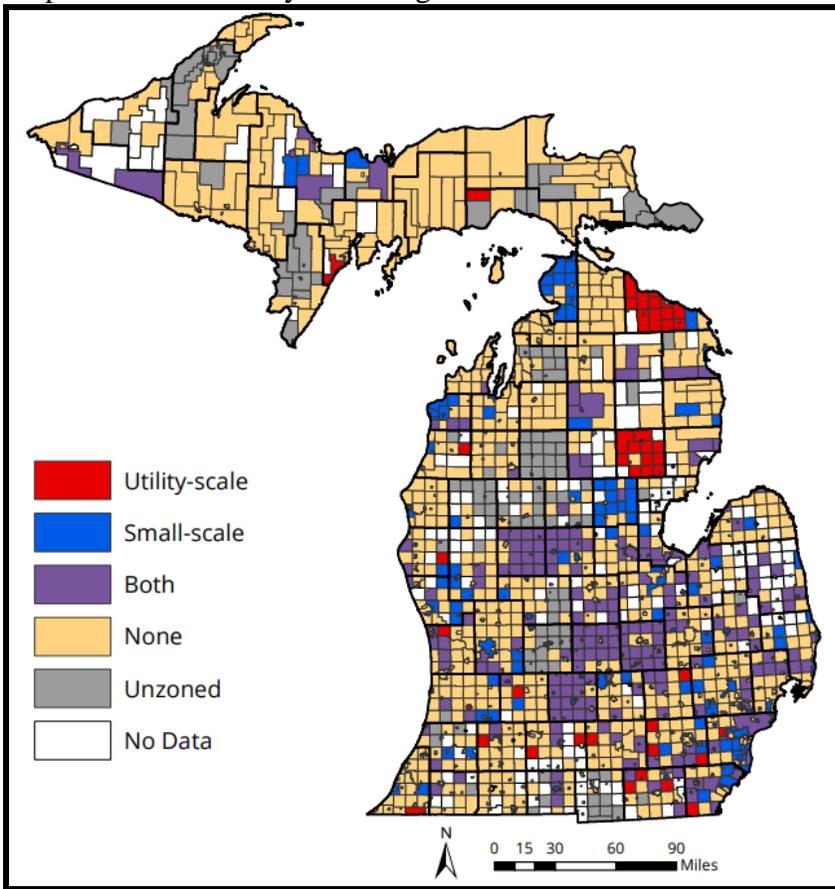
- Very tall structures
- Noise
- Wildlife impacts
- Light flicker
- Impacts on property values

To learn more about planning for wind and solar energy systems, on the Living County Planning Commission website the Planners Brown Bag Lunch and Learn Series from October of 2019 was “Planning for Renewable Energy” presented by Sarah Mills with the University of Michigan Sustainability Institute. This presentation was very helpful when considering Planning for Renewable Energy. I have included the presentation materials for this Series as Exhibit E. Also if you would like to watch a presentation from Sarah Mills on this issues prior to the meeting contact me at [spacheco@hamburg.mi.us](mailto:spacheco@hamburg.mi.us) and I will direct you to an online presentation by Dr. Mills.

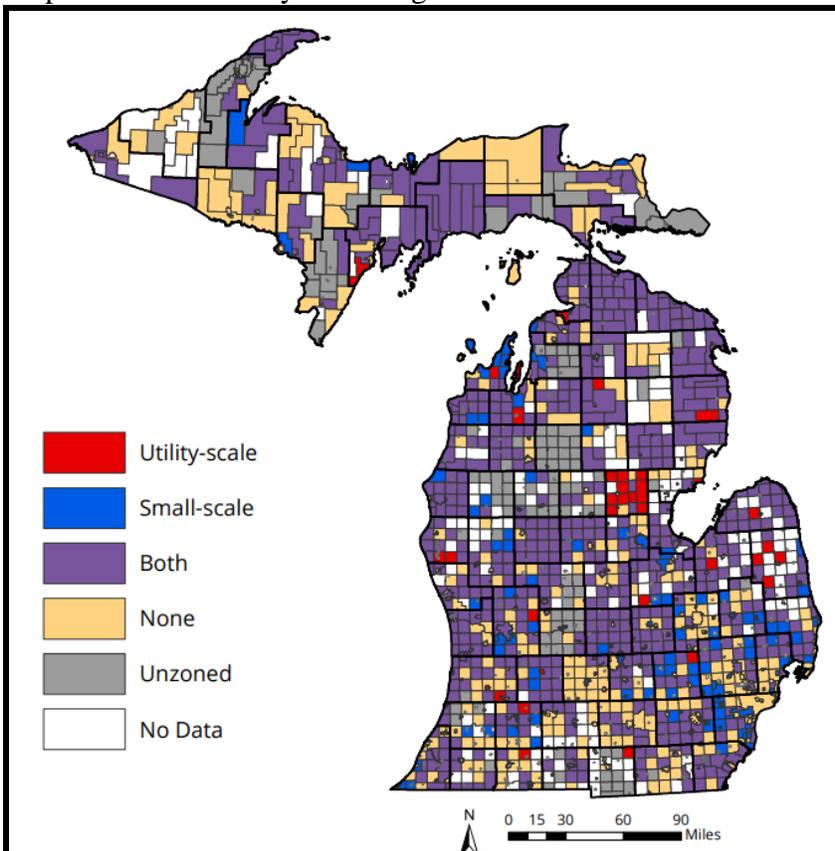
### **Michigan Municipalities with Alternative Energy Regulations:**

As you can see in Map 1 and 2 many municipalities within Michigan already have regulations for solar and wind power systems:

Map 1: Solar Power Systems Regulations



Map 2: Wind Power Systems Regulations



I have review and collected some of the surround municipality regulations regarding solar and wind power system and have included them as Exhibits to this report for Planning Commission review. Below is a summary of the surrounding municipality regulations:

- 1) Putnam Township: Alternative Energy Systems (340-39 approved in 2018) Exhibit A
  - a. Includes regulations for both wind and solar power systems.
  - b. Wind Energy Systems (WES):
    - i. Only allow WES that supply power to the site where they are located, WES with a primary purpose of providing power to the utility grid are not permitted.
    - ii. Includes regulations for ground mounted and building mounted WES.
  - c. Solar Energy Systems (SES):
    - i. Breaks the regulations into two categories; Private and Commercial SES.
    - ii. Private SES are allowed in all zoning districts and are approved with approval of a Zoning Permit by the Zoning Administrator.
    - iii. Commercial SES are allow in the Agricultural/Open Space zoning District and require approval of a Special Use Permit by the Planning Commission and Township Board.
  
- 2) Deerfield Township: Solar Energy Systems (17.30 approved 2020) Exhibit B
  - a. Includes regulations for solar power systems only.
  - b. Breaks SES down to Small, Medium and Large
    - i. Small SES allowed in all districts, allowed with ZA approval
    - ii. Medium SES allowed in all district on properties where the principle use is not residential allowed with site plan approval
    - iii. Large SES allowed in A-1 district and allowed with a Special Use Permit approval.
    - iv. Excepts self-contained solar systems and roof mounted solar that function as roof shingles
  
- 3) Green Oak Township: Wind Energy Conservation Systems (WECS) (Secs. 38-200 approved \_\_\_\_\_) Exhibit C
  - a. Include regulations for Wind Energy Systems
  - b. Breaks WECS down to Private, Commercial and Temporary Systems
    - i. Private WECS serve the needs of the principal use on the property and has a rated power output of 100kw or less. Permitted with a building permit and 1 per lot is allowed unless the lot is greater than 40 acres than an additional WECS is allowed.
    - ii. Commercial WECS are built to provide electricity for commercial use. Permitted with approval of a Special Use Permit.
    - iii. Temporary WECS are not permanently affixed to a structure or the ground and will serve a need for no more than three hundred and sixty-five (365) days. Permitted with approval of a building permit.
  
- 4) Lyndon Township: Large Solar Energy Systems (LSES) (Section 3. Approved 2018) Exhibit D
  - a. Only regulates LSES which are defined as *“A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW).”*

- b. Requires a Special Use Permit and Site Plan approval for approvals of a LSES.

All of the attached ordinances have many regulations in place to mitigate the potential impacts of the different Alternative Energy Systems allowed by the municipality. The Planning Commission should review these requirements and we can discuss these items at the meeting.

However, prior to creating regulations to address possible concerns the first items to consider are the Type and Location of Alternative Energy Systems that are appropriate in Hamburg Township. Once we have a better understanding of the first items we can create regulations that specifically address the allowed Alternative Energy Systems for Hamburg Township.

**RECOMMENDATION:**

Staff suggests that the Planning Commission review and discuss the surrounding communities Wind and Solar Energy System regulations and the Benefits and Concerns of Wind and Solar Energy Systems. The Planning Commission should then make suggestions on what type of regulations would be appropriate for Hamburg Township and direct staff to prepare draft regulations in ZTA20-008 and bring them back to a future Planning Commission meeting for further review.

**EXHIBITS**

**Exhibit A:** Putnam Township Alternative Energy Ordinance

**Exhibit B:** Deerfield Township Solar Energy Ordinance

**Exhibit C:** Green Oak Wind Energy Ordinance

**Exhibit D:** Lyndon Township Solar Energy Ordinance

**Exhibit E:** Planning for Renewable Energy Presentation



FAX 810-231-4295  
PHONE 810-231-1000

P.O. Box 157  
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Hamburg, Michigan 48139

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**Hamburg Township  
Planning Commission  
Wednesday, November 18, 2020 7:00 P.M.  
7:00 P.M.**

**1. CALL TO ORDER:**

The meeting was called to order by Chairman Muck

Present: Bohn, Hamlin, Leabu, Muck, Muir & Priebe

Absent: (1 Vacancy)

Also Present: Scott Pacheco, Township Planner & Amy Steffens, Planning & Zoning Administrator

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Chairman Muck stated that New Business 7b needs to be struck from the agenda.

Motion by Muir, supported by Leabu

To approve the agenda with the removal of New Business 7b

Voice Vote: Ayes: 6                      Nays: 0                      Absent: 0                      1 Vacancy                      MOTION CARRIED

**4. APPROVAL OF MINUTES:**

a) October 21, 2020 Planning Commission Meeting Minutes

Motion by Hamlin, supported by Bohn

To approve the minutes of the October 21, 2020 Planning Commission Meeting Minutes as presented

Voice Vote: Ayes: 6                      Nays: 0                      Absent: 0                      1 Vacancy                      MOTION CARRIED

**5. CALL TO THE PUBLIC:**

Chairman Muck opened the call to the public. Hearing no comment, the call was closed.

**6. OLD BUSINESS**

a) Public hearing for Zoning Ordinance Text Amendment (ZTA 20-006) proposes revisions to Section 9.6., Regulation of Floodplain Areas. The proposed amendment would clarify the NFIP requirements; identify the special flood hazard area the township administers; and require a one-foot freeboard, including for equipment

or mechanical items, for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage throughout the floodplain area.

Chairman Muck stated that this was discussed at the October meeting and given back to staff with suggestions. Staff has provided comments from the Livingston County Building Department and State NFIP Coordinator.

Amy Steffens, Planning & Zoning Administrator, stated these proposed changes are essentially required if the Township would like to remain a Class 8 community under the CRS program. If we do not make these changes, we will be moved to a Class 9. Our residents would lose an extra 5% on their flood insurance premiums. She is recommending that we incorporate the changes suggested by the EAGL NFIP Coordinator. She included in the packet his email that outlines his changes. He also comments that our ordinance is not “up to snuff”, and she does agree with that statement. She did explain to him that we are going to re-do our entire Floodplain Ordinance next year. However, these changes need to be in place as soon as possible. The other changes will be discussed at a later date as they are very complicated. She is asking the Commission tonight for a recommendation for approval.

Commissioner Bohn stated that there were comments from both individuals regarding the extent of enforcement and issues relative to the Building Code. He would suggest that the Township Attorney look at that issue. There were also comments regarding the distinction between the State Building Code and our Ordinance relating to our standards. He believes that it is stated correctly in our ordinance that flood proofing is not an acceptable alternative to raising mechanical devices. Steffens stated that is correct and stated that the Township has adopted a resolution and a companion general ordinance that lays out the floodplain regulations. It is stated in the ordinance it does state that the Livingston County Building Department is the enforcement authority for the residential building code. This situation does create some problems because now they need to remember that we have a higher standard than what the residential building code requires. We have to have those elevation certificates prior, during and after construction.

Commissioner Muir stated that we are requiring a minimum one-foot freeboard. He questioned if we make sure that a house does not dump water on the neighbor. Steffens stated that you can raise the building envelope to get it out of the floodplain so that the lowest grade is at base flood elevation. We do not have a lot in our ordinance that speaks about residential drainage. Drainage is a civil matter in the State of Michigan. However, we have a requirement that you cannot increase the flow or velocity onto neighboring properties above pre-construction conditions. You can also just raise the house, which does not do anything to the grade itself.

Commissioner Muck asked if the grade certificate requirements are only for those within the flood zone. Steffens stated that it is required if you are doing any construction within the FEMA's identified floodplain.

No public was in attendance to comment on this zoning text amendment.

Motion by Bohn, supported by Muir

To recommend to the Township Board approval of Zoning Ordinance Text Amendment (ZTA 20-006) - revisions to Section 9.6., Regulation of Floodplain Areas.

Voice Vote: Ayes: 6                      Nays: 0                      Absent: 0                      1 Vacancy                      MOTION CARRIED

## 7. NEW BUSINESS

- a) Public hearing for Zoning Ordinance Text Amendment (ZTA 20-007) proposes revisions to Article 14 Planned Units Development (PUD). The proposed amendment includes revising wording for clarification purposes, amending the area, height, bulk and layout regulations for ECHO and CHPUD projects, adding regulations to allow more than one type of PUD to be in a single project, and consolidating the review standards for all PUD projects. b) Draft zoning text amendment ZTA 20-008 for alternative energy regulations c) Adoption of 2021 Planning Commission meeting calendar

Chairman Muck stated that he understands that this was brought forward by a developer, but this could impact future building township-wide.

Scott Pacheco, Township Planner explained that on October 12, 2020 the applicant applied for the text amendment. What he wanted was to mix two types of PUD into a single project being ECHO Housing Units with an Open-space PUD. He felt that this was a reasonable request and would benefit Hamburg Township as long as there were regulations in place. They discussed the request, made some modifications and is now before the Commission for consideration. He reviewed both what the applicant needed to change as well as what the Township needed to do as far as changing the text. The attorney has seen this ordinance, has reviewed it and has no problems with it. The only thing she thought that it would be clearer to developers if they saw what project characteristics were and if they knew that they had to meet the open space requirements also in their parallel plan. Pacheco further reviewed the language of the ordinance.

The question was asked if we should be adding other types of units into this as well such as Cottage. Pacheco discussed where Cottage units are allowed. He gave examples within certain zoning districts. He stated that a mixed development community may only be approved within a zoning district in which all the proposed planned unit developments utilized are allowed. Only the permitted uses of the planned unit development utilized are allowed in the mixed unit development.

Pacheco explained the dwelling density and parallel plan. Further explanation continued on the development standards. He stated that with a PUD, everything is discretionary. A PUD is a subdivision that the Planning Commission reviews all of the requirements and has discretionary approval on anything.

Mr. Jeff Wilkerson, applicant discussed their proposal and stated that they felt that this design would benefit greatly by interspersing ECHO units throughout the development. They increased the setback to create continuity in the designs and make more of an inclusive community that they felt was not available. He further discussed other aspects such as shared driveway opportunities, etc. They want to control affordability and accessibility and retain the natural characteristics.

Pacheco stated that we want to make sure that we are not addressing this project here tonight. We are just addressing the zoning text amendment.

Discussion was held on mixing the ECHO housing with the older population amongst families with small children. Discussion was held on market studies showing that these would be marketable and people would buy them. Mr. Wilkerson stated that from their market research, people are looking for more inclusive communities. They do have some clustering of the ECHO units so that those residents would have some camaraderie, but now you have an opportunity where a young family can have their aging parents within the same community.

Discussion was held on some details such as minimum square footage and story height. Discussion was held on limiting the amount of ECHO units. Pacheco stated that the language does address this, and this has always been the case with the ECHO housing. He stated that we can always create language that addresses it better and address it during the 2021 Zoning Ordinance amendments to limit the number of ECHO units in a specific area.

Discussion was held on architectural aspects. Discussion was held on roof pitch.

Discussion was held on the acreage requirements. It was stated that if we are going to have a minimum acreage, then it would have to be adjusted for each underlying zoning. The consensus of the Commission was to eliminate the 30 acre requirement.

Discussion was held on eliminating the minimum house size of the ECHO units. It was stated that one could not imagine anyone building anything less than 400 square feet, but eliminating that requirement would make it more consistent with the rest of our codes.

The consensus of the Commission was to eliminate the roof pitch requirement. It was further stated that the height of a story should be addressed at some point in the future as well.

Discussion was held on Section 14.5.4. It was determined to eliminate both paragraphs A & B.

No public was in attendance to comment on this zoning text amendment.

Motion by Bohn, supported by Priebe

To recommend approval to the Township Board ZTA 20-007 as discussed at tonight's meeting with the following changes:

- Striking any minimum floor area
- Striking any requirement regarding roof pitch
- Striking Paragraphs A & B under Section 14.5.4 – Development Standards retaining the text “A mixed development community shall comply with the Development Standards of all of the Planned Unit Development types utilized in the project.”
- Striking “not allowed elsewhere in the regulations.” Under 14.3.4 F-Project Setbacks with the balance to read “10 ft. separation between roof overhangs on a habitable building”
- Incorporate the Township Attorney's recommended language

As presented in the Staff Report, the proposed amendment will allow additional flexibility in new developments without increasing any impacts on the community and still requiring the same review and approval requirements that currently exist. This Zoning text amendment is consistent with the goals and objectives of the Township's Master Plan. Staff has the authority to interpret the Commission's discussions regarding project setbacks and details as discussed at tonight's meeting.

Voice Vote: Ayes: 6                      Nays: 0                      Absent: 0                      1 Vacancy                      MOTION CARRIED

- b) Draft zoning text amendment ZTA 20-008 for alternative energy regulations – Removed from the agenda
- c) Adoption of 2021 Planning Commission meeting calendar

Motion by Leabu, supported by Muir

To adopt the 2021 Planning Commission meeting calendar as presented

Voice Vote: Ayes: 6                      Nays: 0                      Absent: 0                      1 Vacancy                      MOTION CARRIED

**8. ZONING ADMINISTRATOR'S REPORT:**

Amy Steffens, Planning & Zoning Administrator, stated that we are planning our 2021 Joint meeting which is tentatively scheduled for February 24, 2021. It would be helpful if the Commission could start thinking about items to discuss at that joint meeting such as items in the ordinance that need to be clarified, Zoning text amendments, any training events you may be interested, etc. Any comments should be directed to her.

A brief discussion was held on the intensity of the brightness of the Advanced Water Treatment Sign on M-36. Steffens stated that she would let our Code Ordinance Enforcement Officer know of this concern.

**9. ADJOURNMENT**

Motion by Bohn, supported by Muir

To adjourn the meeting

Voice Vote: Ayes: 6                      Nays: 0                      Absent: 0                      1 Vacancy                      MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 8:18 p.m.

Respectfully submitted,

\_\_\_\_\_  
Julie C. Durkin  
Recording Secretary

The minutes were approved as presented/Corrected:\_\_\_\_\_

\_\_\_\_\_  
Jeff Muck, Chairperson

Township of Putnam, MI  
Monday, November 2, 2020

## Chapter 340. Zoning

### Article III. General Provisions

#### § 340-39. Alternative energy systems.

[Added 8-19-2009; amended 6-16-2010 by Ord. No. 46; 5-16-2018 by Ord. No. Z-92]

##### A. Wind energy conversion systems.

- (1) Purpose. This section establishes requirements and procedures by which the installation and operation of an on-site service WECS shall be governed within Putnam Township.
- (2) Definitions. As used in this section, the following terms shall have the meanings indicated:

##### **ON-SITE SERVICE WECS**

A single WECS placed upon a lot or parcel with the primary intent to service the energy needs of only the structures and uses on the same lot or parcel.

##### **WECS HEIGHT**

The distance measured between the ground (at normal grade) and the highest point of a WECS (for a horizontal axis WECS, the measurement shall be to the tip of the rotor blade when the blade is in the full vertical position).

##### **WIND ENERGY CONVERSION SYSTEM (WECS)**

A combination of:

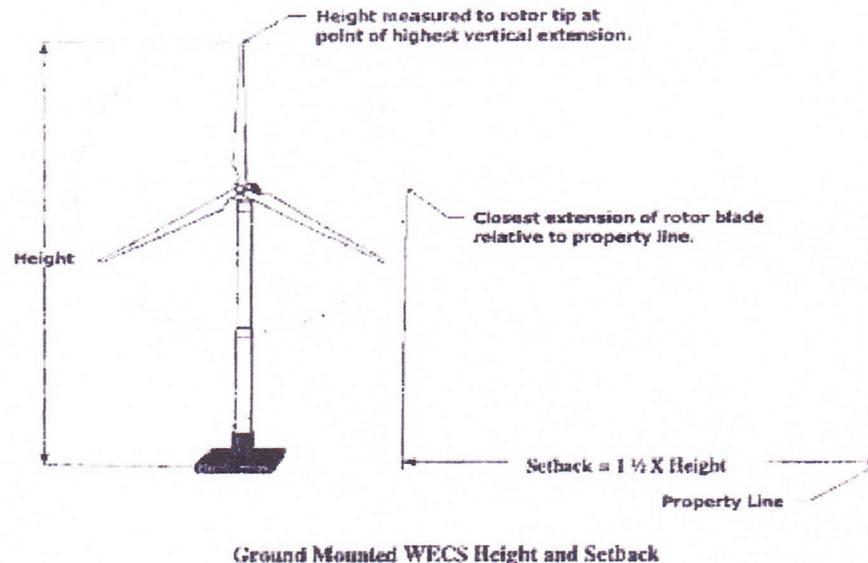
- (a) A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power;
  - (b) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
  - (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, generally housed in a nacelle;
  - (d) The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted; and
  - (e) Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.
- (3) Only on-site service WECS shall be allowed. A WECS with the primary purpose of providing power to the utility grid is not permitted.
  - (4) Review requirements. All WECS shall be subject to the plot plan requirements of Article XIV of this chapter.

- (5) Test equipment. The Zoning Administrator may issue a permit to erect a test tower containing anemometer equipment for testing if adequate wind potential exists on the site proposed for a WECS, provided that the tower does not exceed the height maximum allowed for a WECS on the same site. The test tower permit shall be valid for a period of up to one year.
- (6) On-site service WECS general requirements:
  - (a) Except as may otherwise be required by this chapter, an on-site service WECS shall be allowed as an accessory use in any zoning district, subject to the requirements of this section.
  - (b) Power rating of the WECS turbine shall not be greater than 50 kW.
  - (c) The WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property; however, this does not prevent the distribution to the local utility company of any power that is generated beyond the needs of the structures or uses on the property. Except for the local utility company, power generated by the WECS may not be provided to any other property or entity.
  - (d) No sound attributed to the WECS in excess of 55 dBA shall be discernible at the property line.
  - (e) There shall be no signs on the WECS other than the name of the manufacturer, which may only be affixed to the base of the tower or to the nacelle. No sign shall exceed three square feet in area.
  - (f) There shall be no lighting on or directed to the WECS, unless a beacon is required by the Federal Aviation Administration.
  - (g) The WECS shall be painted in a neutral matte color, such as gray or light blue, to blend into the background. A building-mounted WECS may be painted in similar colors to those on the building.
  - (h) A WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over-speeding.
  - (i) A WECS shall not be installed in any location where its proximity to existing fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or personal communication systems would produce electromagnetic interference with signal transmission or reception.
  - (j) The applicant shall provide written evidence that the WECS complies with all applicable federal, state and county requirements, in addition to Township ordinances.
  - (k) All WECS installations shall comply with applicable ANSI (American National Standards Institute) standards.
  - (l) A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months.
  - (m) An existing and approved WECS may be repaired and maintained. Any new or replacement WECS must be approved via the plot plan review process. For the purposes of this subsection, a "new or replacement WECS" shall mean all of the WECS, excluding the tower or support structure.

- (n) A performance bond or letter of credit, in favor of the Township, in an amount equal to the estimated costs of the WECS removal, as determined by an engineer, shall be required prior to the erection of a WECS. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

(7) Ground-mounted on-site service WECS.

- (a) There shall be no more than one ground-mounted WECS per parcel or lot.

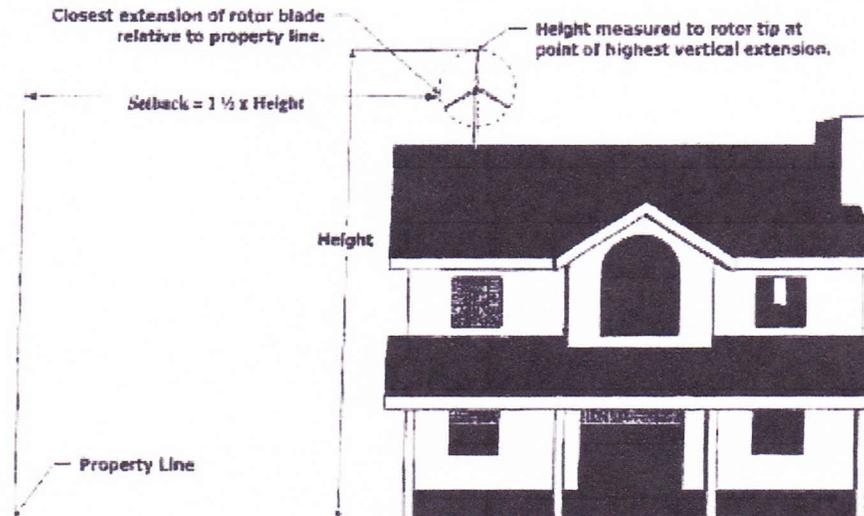


- (b) The WECS shall be located on the property so that it is set back from the nearest property line(s) a distance equal to 1 1/2 times the WECS height. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic). No part of a single WECS shall be located within or above any required setback.
- (c) Lot area. The WECS height shall be limited by available setbacks as required in Subsection **A(7)(a)** above; however, no WECS height shall exceed 50 feet on a property less than one acre in area; 75 feet on a property at least one acre but less than three acres in area; or 100 feet on a property three acres in area or greater.
- (d) The minimum rotor blade tip clearance from grade shall be 20 feet.
- (e) The minimum rotor blade tip clearance from any structure shall be 20 feet.
- (f) The diameter of the rotor shall be dependent upon maximum WECS height and rotor blade tip clearance, but in no case shall it exceed 50 feet.
- (g) The tower used to support a WECS shall be adequately anchored meeting ANSI standards, as certified by an engineer.
- (h) The first six feet of the WECS shall employ an anticlimbing device or be designed to prevent climbing and unauthorized access. A fence may be required around the base of the WECS to further restrict access.
- (i) Guy wires, including guy anchors, must be located at least five feet from any property line. Guy wires are not permitted in front yard or required side or rear yard setbacks. Guy

wires must be provided with a conspicuous protective sleeve, at least three inches in diameter, to a height of eight feet above ground.

(8) Building-mounted on-site service WECS.

- (a) There may be more than one WECS mounted on a single building; however, each individual WECS shall meet all of the requirements in this subsection, and each WECS shall be separated from any other WECS no less than 10 feet, measured between the maximum extension of the rotors.



Building Mounted WECS Height and Setback

- (b) The diameter of the rotor shall not exceed 20 feet.
- (c) The WECS height shall not exceed the maximum height for principal buildings in the district, plus 25 feet, including a minimum of five feet between the roof surface and any part of the WECS, except for the support structure.
- (d) The WECS shall be mounted so that it is set back from the nearest property line(s) a distance equal to  $1 \frac{1}{2}$  times the combined height of the WECS and the height of the portion of the structure on which it is mounted. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic).

B. Solar energy systems.

- (1) Purpose. This Subsection B establishes requirements and procedures by which the installation and operation of an on-site solar energy system shall be governed within Putnam Township.
- (2) Definitions. As used in this Subsection B, the following terms shall have the meanings indicated:

**BUILDING-INTEGRATED PHOTOVOLTAICS (BIPVs)**

A private or commercial solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

**COMMERCIAL 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.

#### **GROUND-MOUNTED SOLAR ENERGY SYSTEM**

A private or commercial solar energy system that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

#### **PRIVATE 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.

#### **ROOF- OR BUILDING-MOUNTED SOLAR ENERGY SYSTEM**

A private or commercial solar energy system attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIPVs.

#### **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.

- (3) General requirements. All solar energy systems are subject to the following general requirements:
- (a) All solar energy systems must conform to the provisions of this chapter and all county, state, and federal regulations and safety requirements as well as applicable industry standards.
  - (b) Solar energy systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.
- (4) Private solar energy systems.
- (a) Private solar energy system BIPVs. Private solar energy system BIPVs shall be permitted in all zoning districts, provided such BIPVs conform to applicable county, state and federal regulations and safety requirements, including the Michigan Building Code. A Putnam Township zoning compliance permit and Livingston County building permit shall be required for the installation of any BIPVs.
  - (b) Roof- or building-mounted private solar energy systems. Roof- or building-mounted private solar energy systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
    - [1] No part of the 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 the wall on which it is mounted.
    - [2] No part of a solar energy system mounted on a roof shall be installed closer than three feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
    - [3] No part of a solar energy system mounted on a roof shall extend more than two feet above the surface of the roof.
    - [4] In the event that a roof- or building-mounted solar energy system has been abandoned (meaning not having been in operation for a period of one year), it shall be removed by the property owner within six months from the date of abandonment.

- [5] A Putnam Township zoning compliance permit and Livingston County building permit shall be required for installation of roof- or building-mounted private solar energy systems.
- (c) Ground-mounted private solar energy systems. Ground-mounted private solar energy systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
- [1] Prior to the installation of a ground-mounted solar energy system, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road rights-of way. The site plan must be drawn to scale.
- [2] A ground-mounted solar energy system shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground-mounted solar energy system exceed 15 feet above the ground when oriented at maximum tilt.
- [3] A ground-mounted solar energy system shall be located in the rear yard and shall meet the side and rear yard setback requirements applicable in the zoning district in which the solar energy system will be located.
- [4] 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.
- [5] There shall be greenbelt screening around any ground-mounted solar energy systems and equipment associated with the system to obscure the solar energy system from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other noninvasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence (meeting the requirements of this chapter applicable to fences) may be used.
- [6] No more than 20% of the total lot area may be covered by a ground-mounted solar energy system.
- [7] In the event that a ground-mounted solar energy system has been abandoned (meaning not having been in operation for a period of one year), it shall be removed by the property owner within six months from the date of abandonment.
- [8] A Putnam Township zoning compliance permit and Livingston County building permit shall be required for installation of a ground-mounted solar energy system.
- (5) Commercial solar energy systems. Commercial solar energy systems shall only be allowed in the A-O Agricultural/Open Space Zoning District as a special land use approved by the Planning Commission and the Township Board. In addition to any other requirements for special land use approval, commercial solar energy systems shall be ground-mounted and are subject to the following requirements:
- (a) The property owner or applicant for a commercial solar energy system shall provide the Planning Commission with proof of ownership of the subject property, a copy of any lease agreement for a commercial solar energy system, together with an operations agreement which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.

- (b) Commercial solar energy systems shall be located on parcels of land no less than 20 acres in size.
- (c) The commercial solar energy system shall meet the minimum front, side and rear yard setbacks of the zoning district.
- (d) The height of the commercial solar energy system and any mounts shall not exceed 15 feet when oriented at maximum tilt.
- (e) Landscaping and/or decorative fencing (meeting the requirements of this chapter applicable to fences) shall be provided to screen the system from view on all sides.
- (f) Prior to installation, the applicant shall submit a site plan in accordance with Article **XIV**, Site Plan and Plot Plan Review, of this chapter, to the Planning Commission which includes where and how the commercial solar energy system will connect to the power grid.
- (g) No commercial 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.
- (h) To ensure proper removal of a commercial solar energy system upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing removal of the system, which must be posted with the Township within 15 days after approval or before a Putnam Township zoning compliance permit is issued for the facility. The financial security shall be: a cash bond; or an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.
- (i) A Putnam Township zoning compliance permit and Livingston County building permit shall be required for installation of a commercial solar energy system.
- (j) If the owner of the facility or the property owner fails to remove or repair the defective or abandoned commercial solar energy system, the Township, in addition to any other remedy under this chapter, may pursue legal action to abate the violation by seeking to remove the solar energy system and recover any and all costs, including attorneys' fees.



# Livingston County Department of Planning

## MEMORANDUM

Kathleen J. Kline-Hudson  
AICP, PEM  
Director

Robert A. Stanford  
AICP, PEM  
Principal Planner

Scott Barb  
AICP, PEM  
Principal Planner

**TO:** Livingston County Planning Commission and the Deerfield Township Board of Trustees

**FROM:** Scott Barb, Principal Planner

**DATE:** September 9, 2020

**SUBJECT:** Z-16-20. Amendments to Zoning Ordinance: Article 2 Definitions, Section 2.02 Definitions; Article 12 Agricultural Districts, Section 12.01 General Agriculture District; Article 17 Standards for Specific Land Uses, Section 17.29 Accessory Dwelling Units and Section 17.30 Solar Energy Systems (SES).

The Deerfield Township Planning Commission is proposing to amend the Township Zoning Ordinance by creating new definitions and corresponding sections for Accessory Dwelling Units (ADU's) and Solar Energy Systems (SES). Staff has reviewed the proposed additions to the Deerfield Township Ordinance for accuracy and compatibility with the existing ordinance language and offers the following summary for your review. Staff comments are written in *italic and underlined* with additions and changes to the Ordinance written in red.

### Article 2, Section 2.02 Definitions

New definitions will be created in this section that read as follows:

**Accessory Dwelling Unit:** See Section 17.29 for the definition of accessory dwelling unit and regulations regarding the same.

**Solar Energy Systems (SES):** See Section 17.30 regarding definitions pertaining to solar energy systems.

*Staff comment: Definitions for the proposed uses will be deferred to Section 17.29 and 17.30 accordingly.*

### Article 12, Section, Section 12.01 General Agriculture District

A new use will be added to Section 12.01(D) (23) that reads as follows:

**Large solar energy systems (Large SES).**

#### Department Information

Administration Building  
304 E. Grand River Avenue  
Suite 206  
Howell, MI 48843-2323

(517) 546-7555  
Fax (517) 552-2347

Web Site  
[www.livgov.com](http://www.livgov.com)

**Article 17, Section 17.29 Accessory Dwelling Units (ADU)**

A new section will be created that will read as follows:

**Section 17.29 Accessory Dwelling Units (ADU)**

**A. Definitions:** For the purpose of this Section, the following terms and phrases shall have the corresponding definitions.

1. **Accessory Dwelling Unit (ADU):** A second dwelling unit on the same lot as an existing single-family dwelling, where the physical character of such second dwelling unit is clearly subordinate to the existing single-family dwelling and the second dwelling unit functions in an accessory manner to the existing single-family dwelling. The existing dwelling on the lot is commonly referred to as the principal dwelling.
2. **Attached:** The sharing of a common wall between an ADU and the principal dwelling for a minimum length of ten (10) feet, or a fully enclosed corridor between an ADU and principal dwelling that does not exceed ten (10) feet in length.

**B. Authorization:** No ADU shall be established prior to the issuance of a land use permit for the ADU. The Zoning Administrator shall be the approving body for all ADUs. A land use permit for an ADU shall terminate at such time that the ADU does not conform to one (1) or more of the standards and requirements of this Section and the ADU has not been brought into compliance within the time period specified by the Zoning Administrator, but no greater than ninety (90) days. In the case of an ADU in a separate building from the principal dwelling, and which has not been brought into compliance with the period specified by the Zoning Administrator, the ADU shall be removed from the lot within sixty (60) days thereafter and the ground shall be returned to its pre-construction condition. No ADU shall be occupied upon termination of the land use permit for the ADU.

**Staff comment: The Zoning Administrator will be the approving authority for all ADU's within the Township and reserves the authority to enforce non-compliance if needed.**

**C. General Regulations and Standards:** The following requirements shall apply to all accessory dwelling units (ADUs) except where provided otherwise:

1. **Principal Dwelling Required:** An ADU shall be established only on a lot on which a principal dwelling exists. The splitting of a lot that results in an ADU on a different lot than the principal dwelling to which it is accessory is prohibited.
2. **Ownership, Occupancy and Bedrooms:**
  - a. An ADU shall be established only on a lot owned by the occupant of the principal dwelling though upon construction of the ADU, the lot owner shall reside in the principal dwelling or the ADU.
  - b. A maximum of two (2) persons shall reside within an ADU.
  - c. An ADU shall have no more than one (1) bedroom except in an Agricultural District in which case the number of bedrooms shall not exceed two (2).
  - d. An ADU shall not be rented by or otherwise be made available to any one (1) or more persons for periods less than thirty (30) days.

3. Relationship to Principal Dwelling: An ADU shall be located in or be otherwise attached to the building containing the principal dwelling except that an ADU may be a separate accessory building or portion thereof when located in an Agricultural District provided the lot on which it is located is not a lakefront lot.

*Staff comment: ADU's may be a separate structure in agricultural zoning districts and if not located on a lakefront lot.*

4. Prohibited Forms of ADUs: An ADU shall not be comprised of a mobile home or any device designed for regular or periodic movement including vehicles and cargo containers.
5. Number and Mailing Address: No lot shall have more than one (1) ADU on such lot and the lot shall maintain one (1) mailing address that shall service the ADU and principal dwelling.
6. Design Character: An ADU, and modifications to the principal dwelling to accommodate an ADU, shall be of similar or better workmanship as the principal dwelling, shall not detract from the appearance of the lot as a place of one (1) residence, and shall be aesthetically compatible in appearance with other single-family dwellings in the immediate area based on architectural design and exterior materials.

**D. Site Development Standards:** The following standards and requirements shall apply to all accessory dwelling units (ADUs) except where provided otherwise:

1. Lot Size: The minimum size of a lot containing an ADU shall be five thousand (5,000) sq. ft., except that the minimum size of a lot containing an ADU in a separate accessory building shall be two (2) acres.
2. Floor Area: An ADU shall not exceed six hundred (600) sq. ft. in gross floor area except that an ADU in an Agricultural District shall not exceed eight hundred (800) sq. ft. in gross floor area, but in no case shall the ADU's gross floor area exceed fifty (50%) of the gross floor area of the principal dwelling excluding the principal dwelling's basement.
3. Height: In the case of an ADU that is not part of or attached to the principal dwelling, the maximum height of the ADU shall be eighteen (18) feet or the principal dwelling's height, whichever is less.
4. Lot Coverage: An ADU shall be subject to the maximum lot coverage standards of the district in which the ADU is located.
5. Yard and Setback Restrictions:
  - a. In the case of an ADU that is not attached to the principal dwelling, the ADU shall be located in the rear yard only.
  - b. An ADU shall comply with the setback standards as required for the principal dwelling.
  - c. An ADU that is not part of or attached to the principal dwelling shall be located closer to the principal dwelling than to any non-ADU dwelling on another lot.
6. Doors: In the case of an ADU that is part of or otherwise attached to the principal dwelling, access to the ADU shall rely on doors in the side or rear yard only or otherwise rely on the shared use of a door of the principal dwelling facing the front door.

7. Driveway and Parking:

- a. An ADU and principal dwelling shall be served by the same driveway.
- b. An ADU shall be provided one (1) parking space in addition to the minimum two (2) spaces required for the principal dwelling.
- c. In the case of the conversion of a garage to an ADU, a decrease in parking spaces for the principal dwelling below the minimum required two (2) spaces shall be replaced elsewhere on the lot.

8. Utilities: An ADU shall be connected to potable water and sanitary facilities approved by the County Health Department. Utility service to an ADU shall rely on the same metering and service panel as those that serve the principal dwelling except as may be otherwise required by the building inspector according to the State Construction Code. Separate utility billings for an ADU by the utility provider are prohibited.

**Article 17, Section 17.30 Solar Energy Systems (SES)**

A new section 17.30 will be added to the Ordinance that reads as follows:

**Section 17.30 Solar Energy Systems (SES)**

**A. Definitions:** For the purpose of this Section, the following phrases shall have the following corresponding definitions.

1. Solar Energy System (SES): A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area and are sometimes referred to as “concentrated solar power” systems or “CSP” systems.
2. Small Solar Energy System (Small SES): A SES located on the same lot as the use served by the SES and which relies on roof mounted and/or ground mounted collection systems that occupy no more than two thousand (2,000) sq. ft. of roof and/or land area, including access aisles between solar panels. A Small SES is typically intended to serve a single residential unit, agricultural operation or other business.
3. Medium Solar Energy System (Medium SES): A SES located on the same lot as the use served by the SES and which relies on roof mounted and/or ground mounted collection systems that occupy more than two thousand (2,000) sq. ft. but not more than ten thousand (10,000) sq. ft. of roof and/or land area, including access aisles between solar panels. A Medium SES is typically intended to produce energy for use in association with multiple dwellings and/or businesses on a single lot.
4. Large Solar Energy System (Large SES): A solar energy system that relies on roof mounted and/or ground mounted collection systems that occupy more than ten thousand (10,000) sq. ft. of roof and/or land area, including access aisles between solar panels. A Large SES is typically intended to produce energy for use principally in association with multiple dwellings and/or businesses on a single lot on which the system is located and/or for use by off-lot properties and persons including in association with energy utility providers. A Large SES may be commonly referred to as a “solar farm.”

5. Solar Collection Panels: Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

Staff comment: The definitions appear to be compatible with the Ordinance and differentiate between small, medium, and large solar energy systems.

#### **B. Authorization, Review and Approval Procedures**

1. Small SES: Small SES are permitted as accessory uses and structures only, and are authorized in all districts. Small SES shall be subject to Zoning Administrator approval. An application for a Small SES shall be accompanied by a plot plan prepared according to Section 3.04(B), including the delineation of all SES structures and equipment.
2. Medium SES: Medium SES are permitted as accessory uses and structures only, and are authorized in all districts provided the principal use of the lot is not residential. Medium SES shall be subject to site plan approval according to Article 4 except that if the principal use constitutes a special land use, the approval process for the Medium SES shall be subject to the special land use review and approval provisions of Article 5.
3. Large SES: Large SES are permitted as accessory and principal uses and structures, constitute a special land use, and are authorized in the A-1 District only. Large SES are subject to the special land use review and approval provisions of Article 5.

Staff comments: Small SES's will be approved by the Zoning Administrator while medium and large SES's will require site plan approval. Large SES's will also require special land use review and approval.

#### **C. General Standards**

1. Buildings: Unless provided elsewhere in this Section, all buildings shall comply with Section 10.09 unless the approving body determines a building functions in an accessory manner, in which case the standards of Section 19.11 shall apply.
2. Structures: Unless provided elsewhere in this Section, all structures that do not constitute buildings shall comply with the accessory structure standards of Section 19.11.
3. Glare/Radiation: SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the reviewing body may require a report from a registered civil engineer or other professional deemed qualified by the Zoning Administrator, attesting to the glare and radiation impact on nearby properties and public roads.
4. Panel Setbacks and Heights: Ground mounted SES panels shall be set back a minimum of twenty-five (25) feet from lot lines and shall not exceed fifteen (15) feet in height as measured from the ground below. In the case of a Medium or Large SES, the minimum setback shall be increased to fifty (50) feet.
5. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to solar collection panels. Any other regulated structures on the lot are subject to maximum lot coverage restrictions.

6. Yard Restrictions: No ground mounted SES panels, and support equipment that exceeds twenty (20) sq. ft. in area or six (6) feet in height, shall be located in a front yard unless such panels and equipment are set back a minimum distance of seventy-five (75) feet from the front lot line and screening is provided according to the landscape screening height and spacing provisions of subsection (8) (a) – (c). In the case of a lot that does not include a building not otherwise part of the SES, the front yard shall be construed to extend from the front lot line to a distance of seventy-five (75) feet.
7. Lighting: No SES exterior lighting shall be erected except upon satisfactory evidence that such lighting is necessary for the proper operation or security of the facility. No light may adversely affect adjacent lots. All lighting shall be shielded from adjoining lots, and light poles are restricted to eight (8) feet in height from the ground except upon satisfactory evidence that a greater height is necessary, no reasonable alternatives are available, and the greater height shall not create nuisance conditions.
8. Screening: In the case of Medium and Large SES ground mounted solar collection panel(s) located on a lot that is adjacent to a lot in an Agricultural or Residential District, where the panels are to be located within one hundred (100) feet of a shared lot line with such lot, the panels shall be screened from view from such lot.
  - a. Screening shall be comprised of trees and shrubs, with a minimum of fifty percent (50%) of the trees to be of evergreen species, and all trees shall be a minimum of six (6) feet in height at the time of planting, have a projected growth rate of a minimum of six (6) inches per year, and have a minimum projected growth height of at least fifteen (15) feet. The screening shall consist of a minimum of one (1) evergreen tree and one (1) low-branching deciduous tree per forty (40) linear feet of perimeter panel length, and one (1) shrub per twenty (20) linear feet of perimeter panel length. Shrubs shall be of a dense growth habit and shall be a minimum of two and one-half (2.5) feet in height at the time of planting.
  - b. The approving body may permit a maximum fifty percent (50%) reduction in the number and size of tree plantings where the adjacent property is vacant and not likely to be developed within the next three (3) years based on nearby development trends during the preceding three (3) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), and/or where other conditions may be present that make the normally required screening requirements ineffective or otherwise unnecessary.
  - c. Required screening shall be located and configured to encourage a natural appearance such as clustering and non-linear plantings, and need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line.
  - d. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.

- e. The screening requirements of this Section shall replace the screening provisions of Article 23 except as the Township Board may determine otherwise appropriate.
- f. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size, and the selected plant material shall be predominantly species native to Michigan.

Staff comments: The screening regulations for solar energy systems are extensive and appropriate for the use.

9. Roof-Mounted Systems: Roof-mounted SES may exceed the maximum height standard for the structure to which it is attached according to the District in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached directly below.
  10. Abandonment: If a ground mounted SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.
- D. Self-Contained Solar Energy Systems:** Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, intended to provide energy to operate a device to which such panel is attached such as in the case of a panel powering an exterior light or an attic fan, are permitted in all districts and may be erected without the issuance of a zoning permit.
1. Setbacks: Self-contained solar energy systems shall comply with the setback restrictions applicable to accessory structures in the respective District.
  2. Heights: Self-contained solar energy systems shall comply with the height restrictions applicable to accessory structures in the respective District except that in the case of a roof-mounted system, no portion of the system attached to the roof shall exceed three (3) feet above the roof surface below.
- E. Exempt Solar Energy Systems:** The following are exempt from the regulations of this Section and are not subject to the issuance of a zoning permit.
1. Roof-mounted solar energy systems that function as shingles or are otherwise shingle-like in general character.
- F. Additional Submittal Requirements for Medium and Large SES:** In the case of an application for a Medium or Large SES, the following information shall be provided in addition to the information required by Article 4 for site plan review and Article 5 for special land use applications.
1. Project Description and Rationale: The type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the

generated energy, and possible future expansions.

2. Operator's Agreement: The operator's agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency proceedings and general safety documentation.
3. Analysis of Traffic: An assessment of anticipated traffic to the SES during construction phases and once the CSES is operational, including the anticipated daily vehicles by frequency and type such as construction workers' and employees' personal vehicles, earth moving and clearing vehicles, and other construction vehicles.
4. Visual Impacts: A presentation of the visual impact using photos or renditions of the project with consideration given to the tree plantings and setback requirements and shall include setbacks, panel size, location of the property lines, buildings, fences, greenbelts and road right of ways.
5. Wildlife: A review of the real and potential impacts on wildlife on the site and in the surrounding area.
6. Lighting: Indicate the extent of exterior lighting to be installed including locations, heights, fixture specifications, light levels along property lines, and the frequency of lights to be illuminated.
7. Transportation Plan: An access plan during construction and operation phases including the proposed SES service road system and ingress and egress onto public roads.
8. Public Safety: A description of the public health and safety risks the SES may present and measures to address such risks including emergency and standard shutdown procedures, and any security measures that may be employed to manage access to the facility by the general public.
9. Telecommunications Interference: Provide a description of the extent to which the SES may interfere with wireless communications within one (1) mile of the SES, or otherwise alter electromagnetic field conditions.
10. Power: Identify how the SES will connect to the power grid.
11. Glare: Provide a report prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this Section.
12. Project Duration, Decommissioning, and Reclamation: Provide a detailed decommissioning plan addressing the project's estimated duration period, the manner in which all SES features shall be removed, and the manner in which the site shall be reclaimed to its former condition. The decommissioning plan shall include a detailed description of the financial security guaranteeing removal of the system and which shall be posted at the time of receiving a construction permit for the facility. The security shall be in a form as required by Section 3.06. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer, shall present a detailed basis for the estimate

including estimated hours and costs for labor and equipment, and shall be subject to approval by the Township.

Staff Comment: Large solar energy systems will be required to undergo a more extensive review process and adhere to more stringent regulations due to their size and operation. We believe the ordinance amendments for solar energy systems are adequate and are well written to accommodate the use and to also protect the Township with the appropriate amount of regulation.

**TOWNSHIP PLANNING COMMISSION RECOMMENDATION: APPROVAL.** Comments at the August 20, 2020 public hearing were limited to Township Planning Commission discussion of the proposed amendments.

**RECOMMENDATION: APPROVAL.** We believe the proposed ordinance amendments for Accessory Dwelling Units (ADU)'s and Solar Energy Systems (SES) are well constructed and are an appropriate addition to the Deerfield Township Zoning Ordinance.

# Green Oak: Wind Energy Regulations

## Definitions:

Utility Scale wind farm means all wind farms that produce greater than fifty (50) kilowatts of energy

Wind Energy Conversion System (WECS) means any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of electrical energy greater than one (1) kilowatt.

a. Private WECS means any WECS that is accessory to a principal non-residential or residential use located on the same lot, and is designed and built to serve the needs of the principal use and has a rated power output of 100kw or less.

b. Commercial WECS means any WECS that is designed and built to provide electricity for commercial use.

c. Temporary WECS means any WECS not permanently affixed to a structure or the ground and will serve a need for no more than three hundred and sixty-five (365) days.

## Secs. 38-200. Wind Energy Conversion Systems.

(a) Intent. It is the intent of Green Oak Charter Township to promote the effective and efficient use of Wind Energy Conversion Systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee the wind rights or establish access to the wind.

(b) Approval Required. Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Green Oak Charter Township unless approval for a:

(1) Private WECS. A permit has been obtained from the Building Department as an accessory use and subject to Section 38-171 and the height restrictions of Section 38-185 and this Section. Only one (1) Private WECS shall be permitted per lot, and the private WECS shall not be allowed within either a required or non-required front yard area. Two (2) Private WECS shall be permitted on a lot if the lot is greater than forty (40) acres in size and meets all requirements of this Ordinance.

(2) Commercial WECS. A special land use has been obtained pursuant to Section 38-44 and this Section.

(3) Temporary WECS. A permit has been obtained from the Building Department.

(c) General Standards. The following standards shall apply to wind energy conversion systems in Green Oak Charter Township:

(1) Design Safety Certification. The safety of the design of all WECS structures shall comply with all current applicable State of Michigan guidelines and standards.

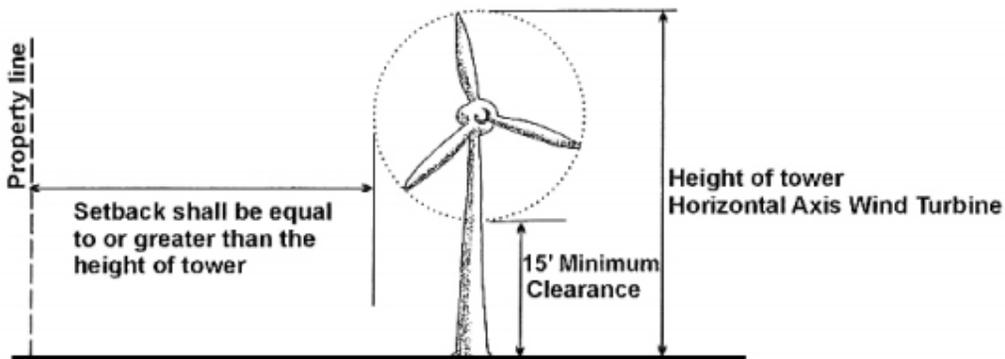
(2) Setbacks. All private and commercial WECS structures (Horizontal axis or vertical axis wind turbines) must be setback from property lines at a distance equal to or greater than the height of the structure, measured from the base of the structure to the highest reach of its blade. (See Figure 38-200-1)

(3) Utility Notification. No grid-tied WECS shall be installed until evidence has been submitted that the applicant's utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

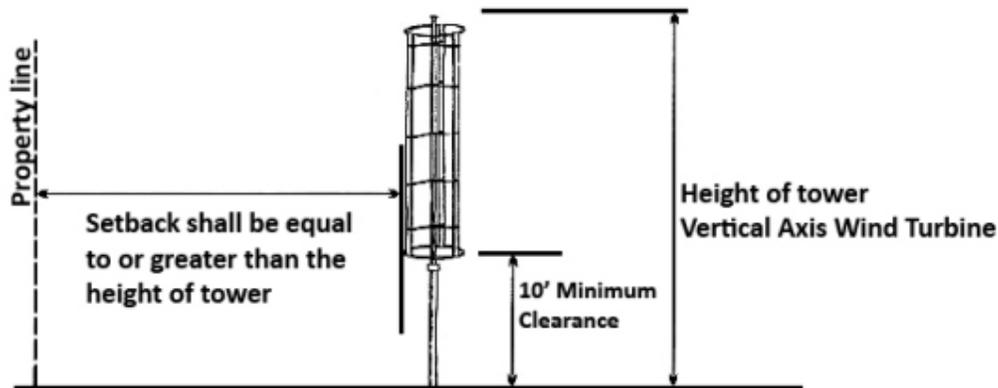
(4) Construction Code. All WECS shall meet or exceed all requirements of the State of Michigan Construction Codes.

(5) Applications for roof-mounted (or other non-traditionally mounted) WECS must include a wet stamped structural engineering analysis for the roof WECS mounting system and for the suitability of the building to which the WECS is to be mounted.

*Figure 38-200A*



*Figure 38-200B*



(6) Interference. All WECS structures shall be certified by the manufacturer to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.

(7) Noise. The sound pressure level shall not exceed 60 dB(A) (A-weighted Decibels) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 60 dBA, the standard shall be ambient dBA plus 5 dBA.

(8) Safety. All moving parts including blades or rotating cylinders shall be located at least fifteen (15) feet above ground for horizontal axis wind turbines (Figure 38-200A) and ten (10) feet above ground for vertical axis wind turbines (Figure 38-200B) in order to provide a safe distance from human interference. The support system, footings and tower shall be constructed in accordance with all applicable building codes governing structural integrity and wind loads.

(9) Height. All private and commercial WECS structures shall be subject to the height restrictions of this Section and Section 38-185.

(d) Additional Standards for Commercial WECS Structures. The following additional standards shall apply to all commercial wind energy conversion systems in Green Oak Charter Township:

(1) Color. Towers and blades shall be a non-reflective, non-obtrusive neutral color such as white, off-white, or gray.

(2) Controls and Brakes. All commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. Wind cut out speed rotation governors are required. The Professional Engineer must certify that the rotor and over speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.

(3) Compliance with FAA. It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the WECS structure, or to obtain a determination of no significant impact to air navigation from the FAA.

(4) Climb Prevention. All commercial WECS structures must be protected by anti-climbing devices.

(5) Shadow Flicker. The facility owner or operator shall minimize shadow flicker by orienting and placing a commercial WECS away from occupied buildings. The Planning Commission may require a shadow flicker analysis and methods of mitigation such as revised location, landscape buffer, or other methods to minimize adverse impacts.

(6) Warnings. A visible warning sign of High Voltage as required by the State Construction Code shall be placed at the base of all commercial WECS structures. The sign must have at a minimum six-inch letters with 1/8-inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.

(7) Performance Guarantee. All commercial WECS shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or (3) other security arrangement accepted by the Township Board.

(8) Removal. A condition of every approval of a commercial WECS shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

a. When the facility has not been used for one hundred and eighty (180) days or more. For purposes of this section, the removal of equipment from the facility, or the cessation of operations (transmission of

electrical power or prolonged periods of no movement of the WECS) shall be considered as the beginning of a period of nonuse.

b. The situations in which removal of a facility is required, as set forth in paragraphs 1 and 2 above, may be applied and limited to portions of a facility.

c. Upon the occurrence of one (1) or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, proceed with, and complete the demolition/removal.

d. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted (Section 38-200(d)7) at the time of application.

# Exhibit D: Lyndon Township LSES Regulations

## II. Large Solar Energy Systems.

1. In addition to the site plan requirements outlined in Chapter 15 of the Lyndon Township zoning ordinance, all site plans for Large Solar Energy Systems shall include the following:

a. Names of owners of each lot or parcel within Lyndon Township that is proposed to be within the Large Solar Energy System.

b. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.

c. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.

d. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 100 feet of all exterior property lines of the Large Solar Energy System.

e. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System. f. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of 5' contours.

g. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Washtenaw County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose.

h. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.

i. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.

j. Planned lightening protection measures.

k. Additional information as required by the Special Land Use requirements of the Lyndon Township Zoning Ordinance, or as required by the Planning Commission.

1. Abandonment and decommissioning plan

2. Application Escrow Account: In addition to the requirements set forth in Section 15.06, an escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a Large Solar Energy System.

3. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission

# Exhibit D: Lyndon Township LSES Regulations

equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.

4. Lot Size: A Large Solar Energy System shall be located on one or more adjacent parcels with an aggregate area of one hundred (100) acres or greater.

5. Setbacks: A minimum setback distance of seventy-five (75) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays. Where the use is adjacent to or abuts a residential use or residential zone, a setback distance of seventy-five (75) feet.

6. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.

7. Security: A Large Solar Energy System shall be completely enclosed by a six (6) foot tall perimeter security fence to restrict unauthorized access. As permitted in Section 3.11 (E.), barbed wire cradles, not to exceed one (1) foot in height, may be placed on top of fence in the interests of public safety. Such fencing shall not be permitted less than twenty-five (25) feet from the property boundary of a residential zoning districts or residential use. Electric fencing is not permitted.

8. Screening: The perimeter of Large Solar Energy Systems shall be screened and buffered by installed evergreen trees or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential zoning districts or residential uses, subject to the following requirements:

a. The Large Solar Energy Systems shall be in conformance with the landscape requirements of Chapter 3.

b. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.

c. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee. d. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.

9. Signage: In addition to the requirements set forth in Chapter 17, no advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required

# Exhibit D: Lyndon Township LSES Regulations

by authorities having jurisdiction for electrical operations and the safety and welfare of the public.

10. Lighting: All lighting shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Section 3.21.

11 . Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original or similar adjacent topography within three hundred sixty-five (365) days of abandonment or decommissioning.

12. Approval Time Limit and Extension: Subject to the regulations and standards of Section 14.02 G.

13. Inspection: The Township shall have the right at any reasonable time and shall provide day of inspection notice to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense.

14. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times.

15. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads.

16. Continuing Security: If any Large Solar Energy System is approved for construction under this section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

## Exhibit D: Lyndon Township LSES Regulations

a. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.

17. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.



GRAHAM  
SUSTAINABILITY INSTITUTE  
UNIVERSITY OF MICHIGAN

# Planning for Renewable Energy

Sarah Mills, PhD

Livingston County

October 30, 2019

# My Background, Perspective

- PhD in rural land use planning
  - Investigate claims of wind as farmland preservation tool
  - Surveys of 4,000+ Michiganders near windfarms
- Research on renewable energy policy, public opinion
- Funding from Office of Climate & Energy
  - Facilitate planning & zoning
  - Provide state-based data
  - Present pros and cons

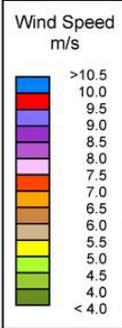
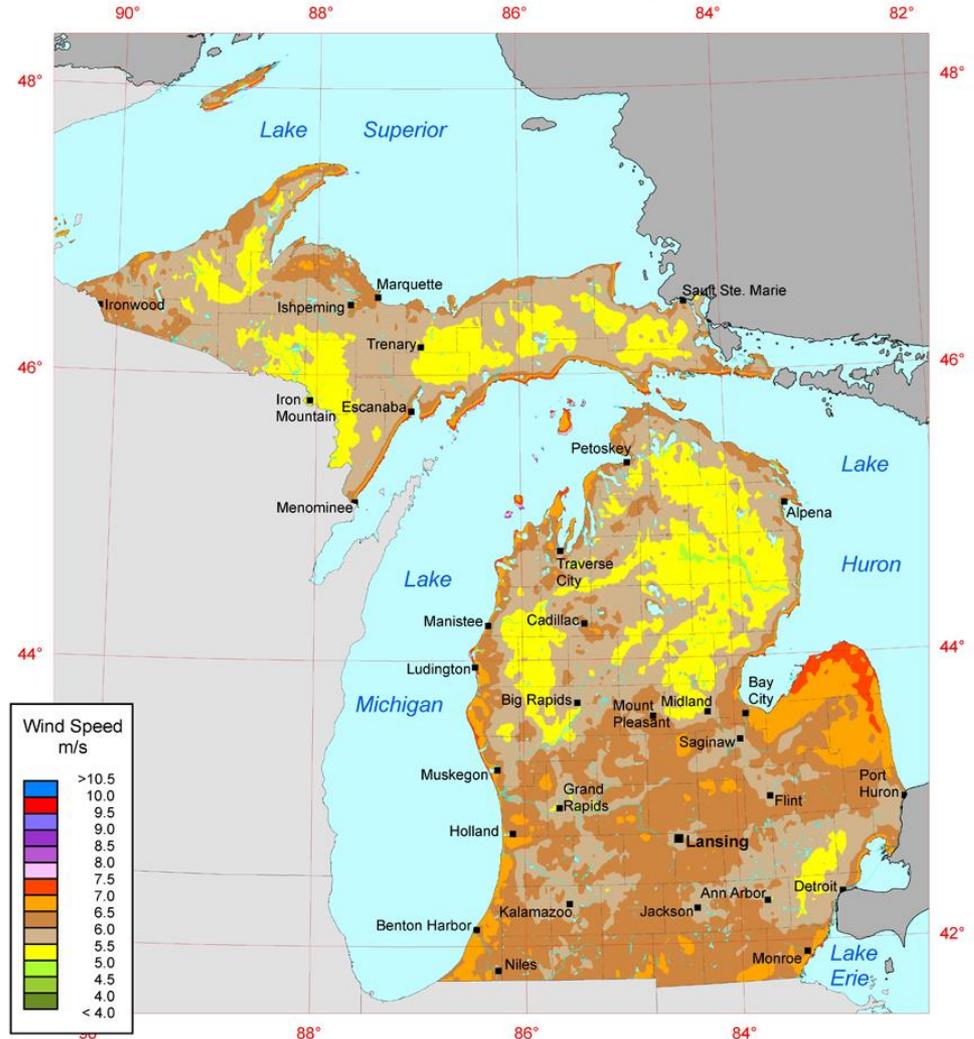


# Overview

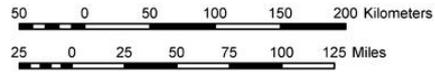
- Why plan for renewable energy?
- Pros & Cons of Wind
- Pros & Cons of Solar
- Planning and zoning resources

# WHY PLAN FOR RENEWABLE ENERGY?

# Michigan - Annual Average Wind Speed at 80 m

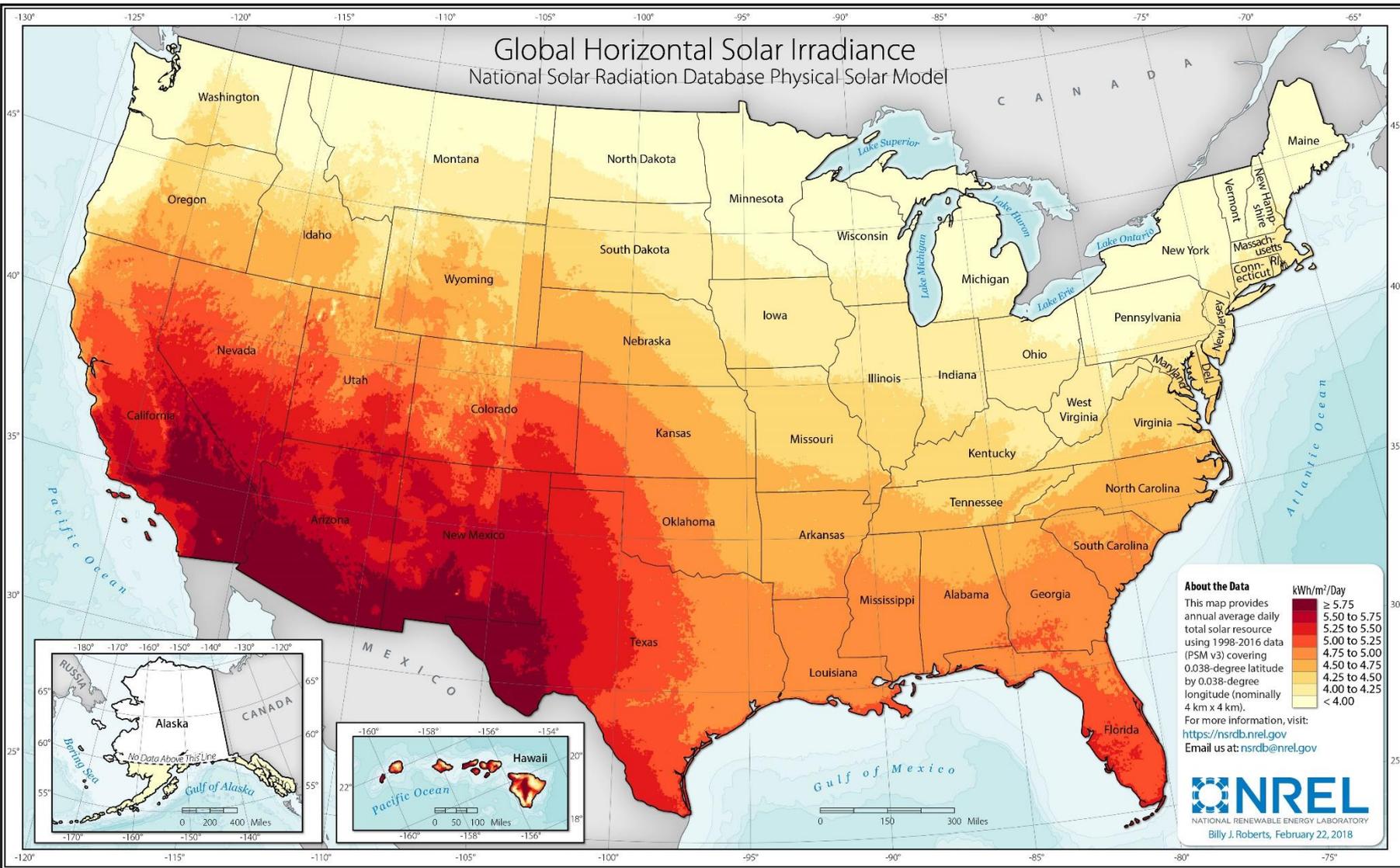


Source: Wind resource estimates developed by AWS Truepower, LLC for windNavigator®. Web: <http://www.windnavigator.com> | <http://www.awstruepower.com>. Spatial resolution of wind resource data: 2.5 km. Projection: UTM Zone 16 WGS84.



# Global Horizontal Solar Irradiance

## National Solar Radiation Database Physical Solar Model

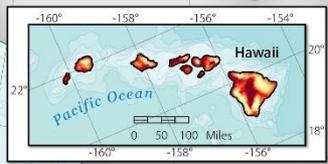


**About the Data**

This map provides annual average daily total solar resource using 1998-2016 data (PSM v3) covering 0.038-degree latitude by 0.038-degree longitude (nominally 4 km x 4 km).

kWh/m <sup>2</sup> /Day
≥ 5.75
5.50 to 5.75
5.25 to 5.50
5.00 to 5.25
4.75 to 5.00
4.50 to 4.75
4.25 to 4.50
4.00 to 4.25
< 4.00

For more information, visit:  
<https://nswdb.nrel.gov>  
 Email us at: [nsrdb@nrel.gov](mailto:nsrdb@nrel.gov)

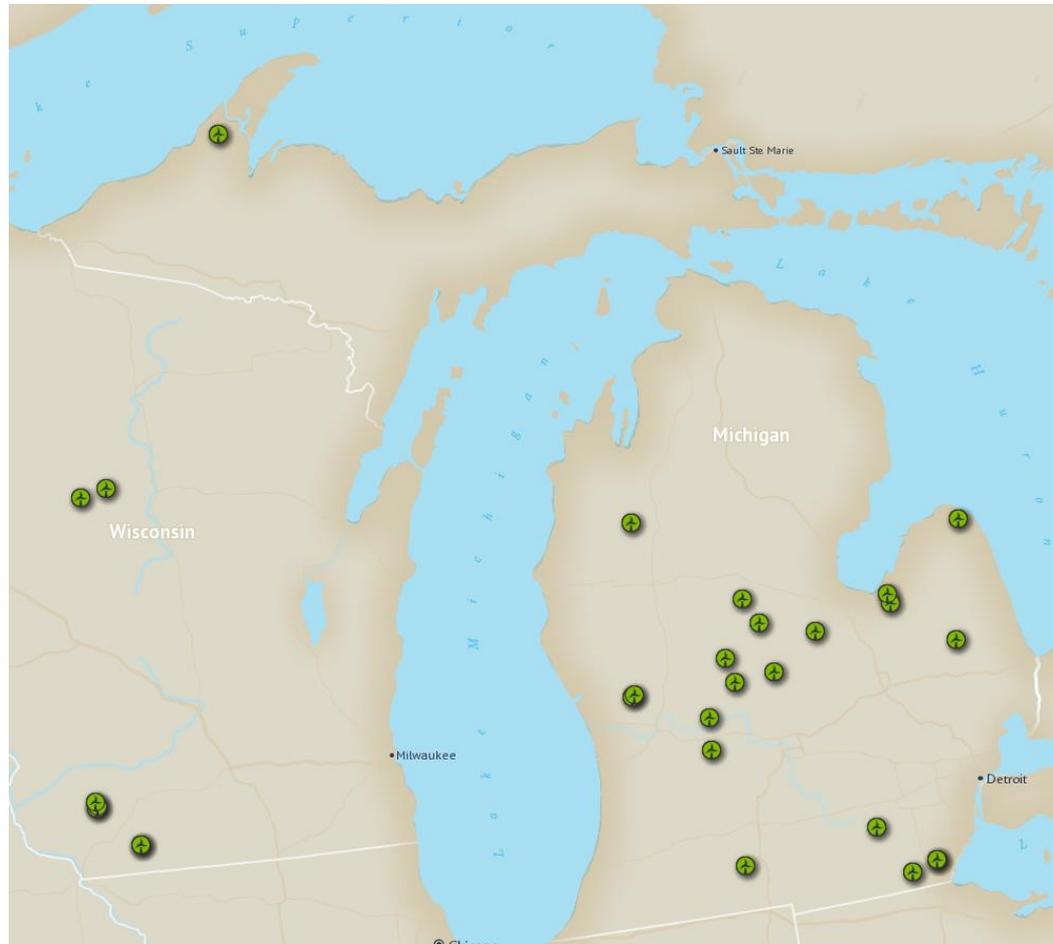


# Existing Utility-scale Solar & Wind 2,185 MW



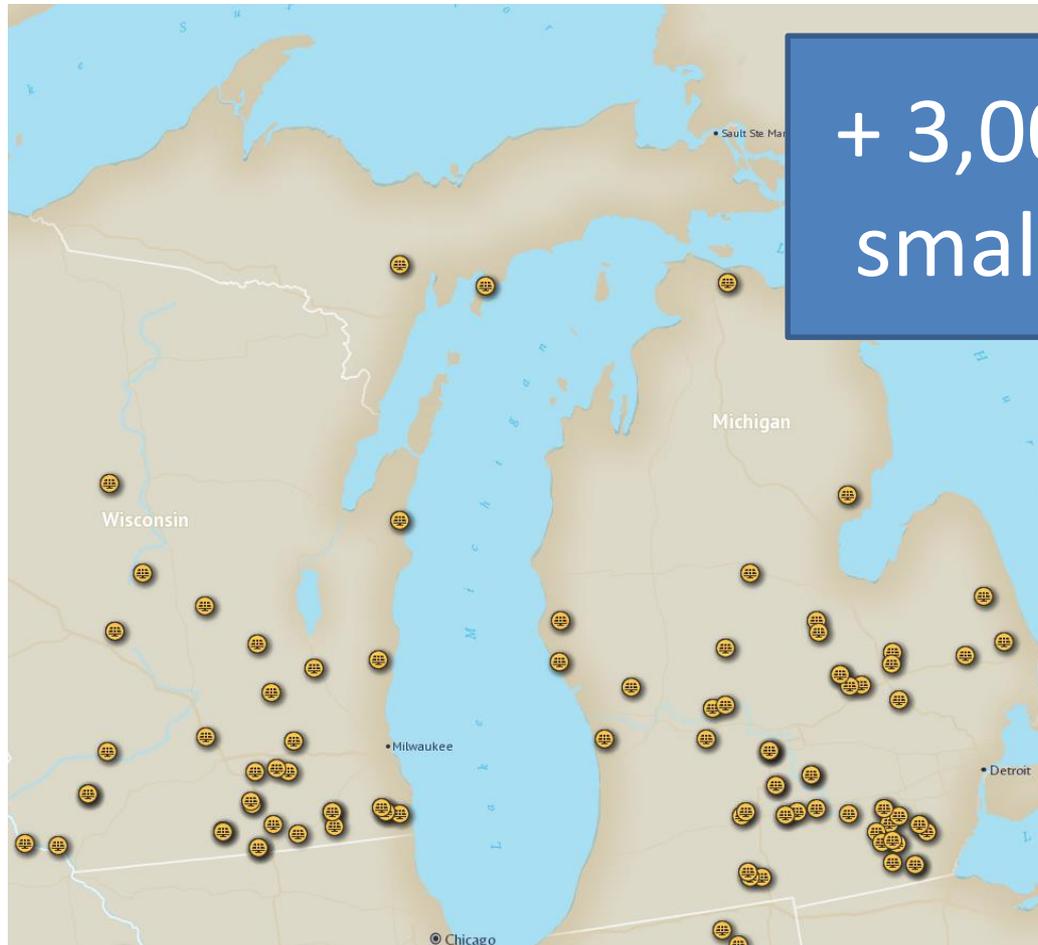
Source: U.S. Energy Mapping System,  
<https://www.eia.gov/state/maps.php>

# Wind being considered 20 projects, 3,000 MW



- Source: MISO Queue, Sept 2, 2019
- <https://api.misoenergy.org/PublicGiQueueMap/index.html>

# (Large) Solar being considered 56 projects, 7,000 MW



+ 3,000 MW of  
small projects

- Source: MISO Queue, Sept 2, 2019
- <https://api.misoenergy.org/PublicGiQueueMap/index.html>

# Not all—but lots—will be built

The Detroit News

HOME

NEWS

SPORTS

BUSINESS

AUTOS

LIFE + HOME

ENTERTAINMENT

OPINION

MORE



## DTE to request bids for solar and wind projects

ter, The Detroit News Published 9:59 p.m. ET Sept. 16, 2019

775MW by 2023

## Michigan PURPA Settlement Set to More Than Triple State's Solar Capacity

### Michigan has its first massive solar contract

Consumers:  
+584 MW by  
Sept 2023

Consumers Energy has agreed to a deal with Ranger Power to purchase the output of 100 MW of Ranger's planned 149 MW River Fork Solar project, the first deal of its kind known to pv magazine in the state.

# Why so much activity?

Demand from consumers, cities, corporations

Technology (wind), cost reductions (solar) making renewables possible statewide



# Why Plan Now?



All communities  
will be approached  
within 10 years

- Best before proposal is on the table
  - Time
  - Fewer conflicts of interest
  - Strategize
- Send message
  - “Open for business”
  - “Don’t bother here”



# PROS & CONS OF WIND ENERGY

# Wind Energy

## Local Benefits

- Landowner payments
  - Farm succession
  - Farm reinvestment
  - Not JUST farmers
- Tax payments, developer donations
  - ~\$3M value / turbine
- Jobs (maybe)

## Local Concerns

- Noise / health
- Wildlife
- Visual Impacts
  - Outright
  - On property values
- “Not why I moved here”

# Bottom Line on Wind

- Wind = economic development
- If goal is to sustain agriculture, wind can fit
- If goal is for substantial residential development or growth of tourism, wind may not be right



# PROS & CONS OF SOLAR ENERGY

# What's 800 MW of solar?

1 MW = 5-7 acres



6 - 8.5  
square miles

Photo: <https://inovateus.com/portfolio-items/lapeer-michigan-solar/>

# Solar Energy

## Local Benefits

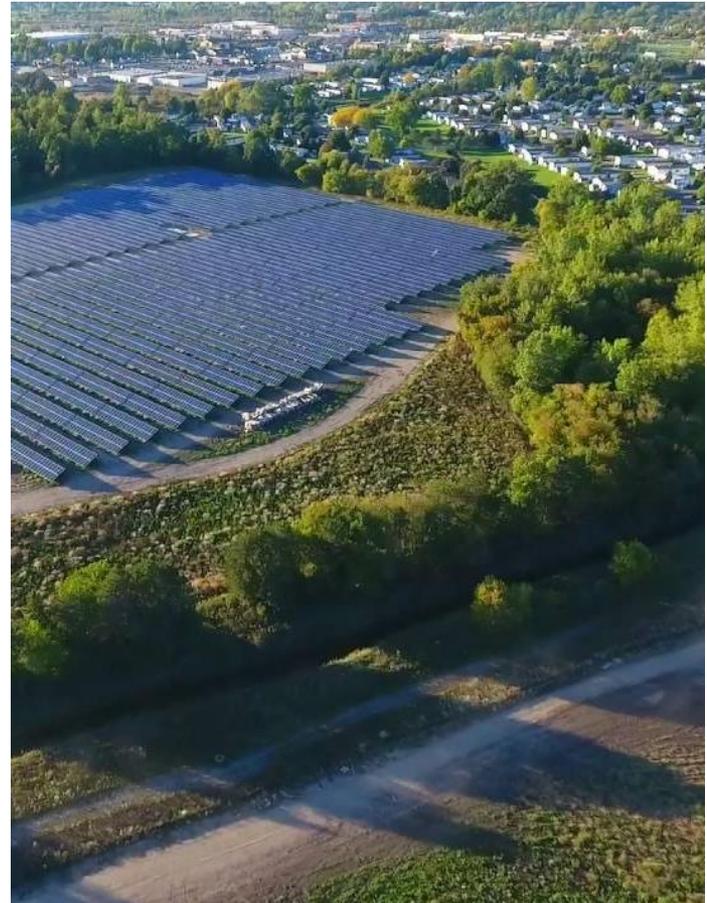
- Landowner payments
  - Opportunity for brownfields!
- Tax payments (?)
- Water quality, pollinator potential
- Jobs (maybe)

## Local Concerns

- Wildlife (?)
- Impact on farm economy for very large projects(?)
  - Rental land
  - Supply chain
- Visual Impacts
  - “Not why I moved here”

# Lapeer Solar Facility

- 48 MW on 250 acres
- Land owned by City of Lapeer
  - Formerly farmed
- Benefit:
  - Lease: \$500k/year (\$887/acre)
  - Taxes: \$4.5M school; \$.75M county
  - \$10M spending during construction



# Coldwater Solar Field

- 1.3MW on 7 acres
- Owned by former foundry
- Ballasted
- Gravel cover
- Benefit:  
Aesthetic  
improvement



Images from [Coldwater Board of Public Utilities Website](#)

# East Lansing Solar Park



*Photo: Nick King/Lansing State Journal*

- 0.3MW on 1 acre
- Retired city-owned landfill
- Ballasted
- Pollinators, native grasses planned
- Benefit:
  - “Community Solar”
  - \$0 lease
  - 10-year tax exemption

# Bottom Line on Solar

- Solar = economic development OR further other environmental goals
- Where land is ample or of marginal quality, **no-brainer**
  - May work on smaller parcels
- Where ag-based economy, think more carefully through pros/cons, particularly for very large projects



# PLANNING AND ZONING FOR ENERGY

# Step 1: Plan first!

- How does energy fit with your long-term plan?
  - For local economic development
  - For land use
- What sort of energy, at what scale, and in which part of community?

# Step 2: Make zoning match your plan

- Specifics matter about ability to realize plan
- Unlikely to satisfy everyone
- Doesn't have to be all or nothing
- Beware of zoning out
  - But making really hard is ok

# Zoning Considerations

- Setbacks
- Which districts
- Noise, flicker, visual impacts analysis & mitigation (wind)
- Decommissioning plan / financial assurance
- Think permanent or temporary use?
  - Screening, stormwater retention

# Resources under Development (Thanks to EGLE)

- Curated repository of templates, guidance
- Answers to FAQs
  - Do you have any now?
- March-April 2020 issue of Planning & Zoning News



# Example zoning ordinances

## Wind

- [Sample Zoning for Wind Energy Systems](#) (2017)
- [Michigan Land Use Guidelines for Siting Wind Energy Systems](#) (2007)
- [Shiawassee County review of ordinances](#) (2017)

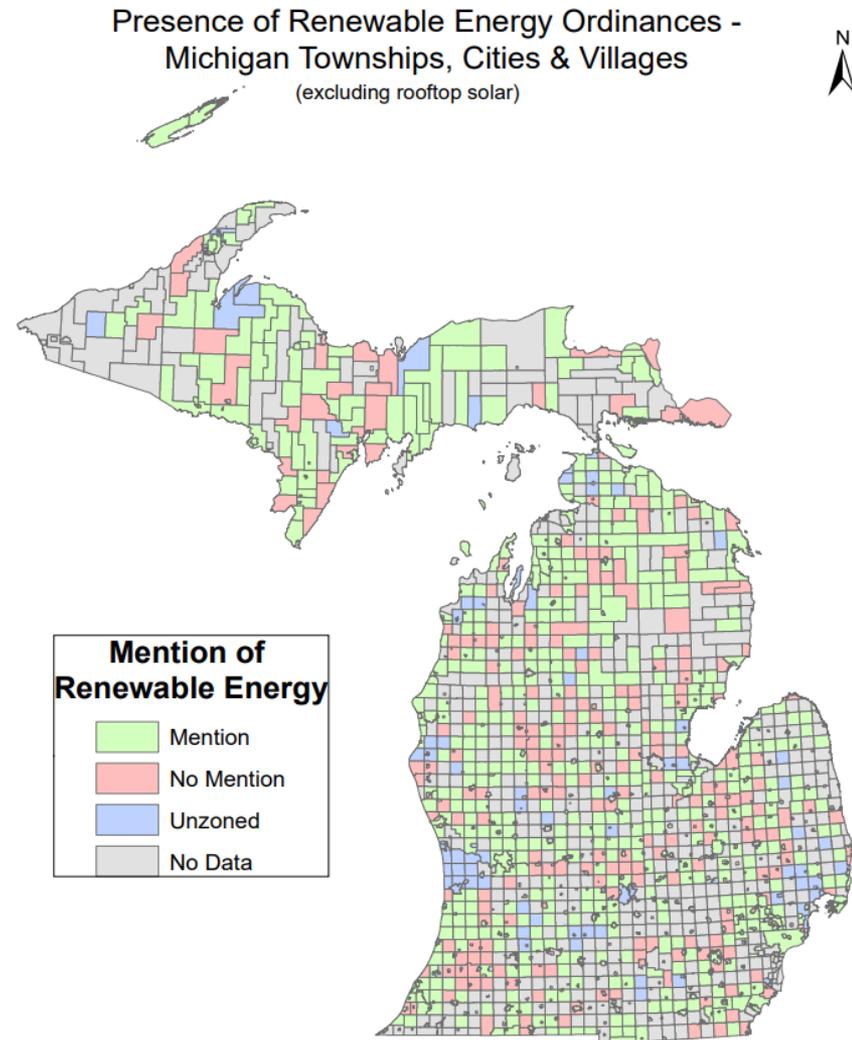
## Solar

- [National Renewable Energy Lab](#) (2017)
- [APA Report](#) (2014) includes planning
- [Mass. Ordinance](#) (2014)

Consider whether  
peer communities  
do or do not  
have energy projects

# Resources under Development (Thanks to EGLE)

- Database of all zoning ordinances in the state; which have wind/solar content
- Expected: January 2020



# Real-time Resources

- Reach out to me
  - Answer questions
  - Give presentation
  - Connect you to MSU-Extension, other communities



**Sarah Mills, PhD**

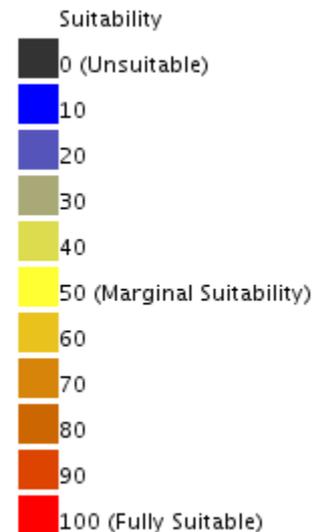
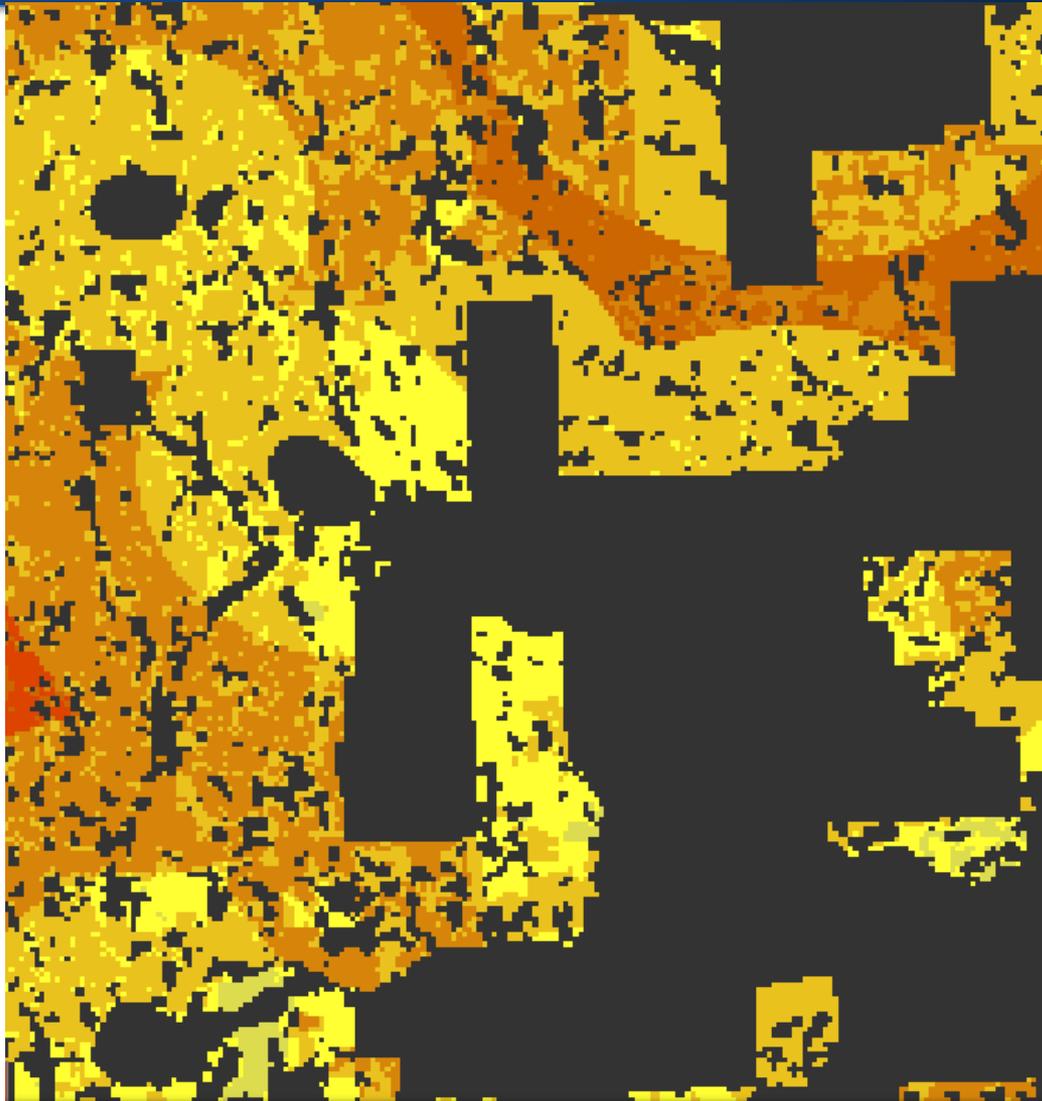
Senior Project Manager, University of Michigan

[sbmills@umich.edu](mailto:sbmills@umich.edu)

(734) 615-5315

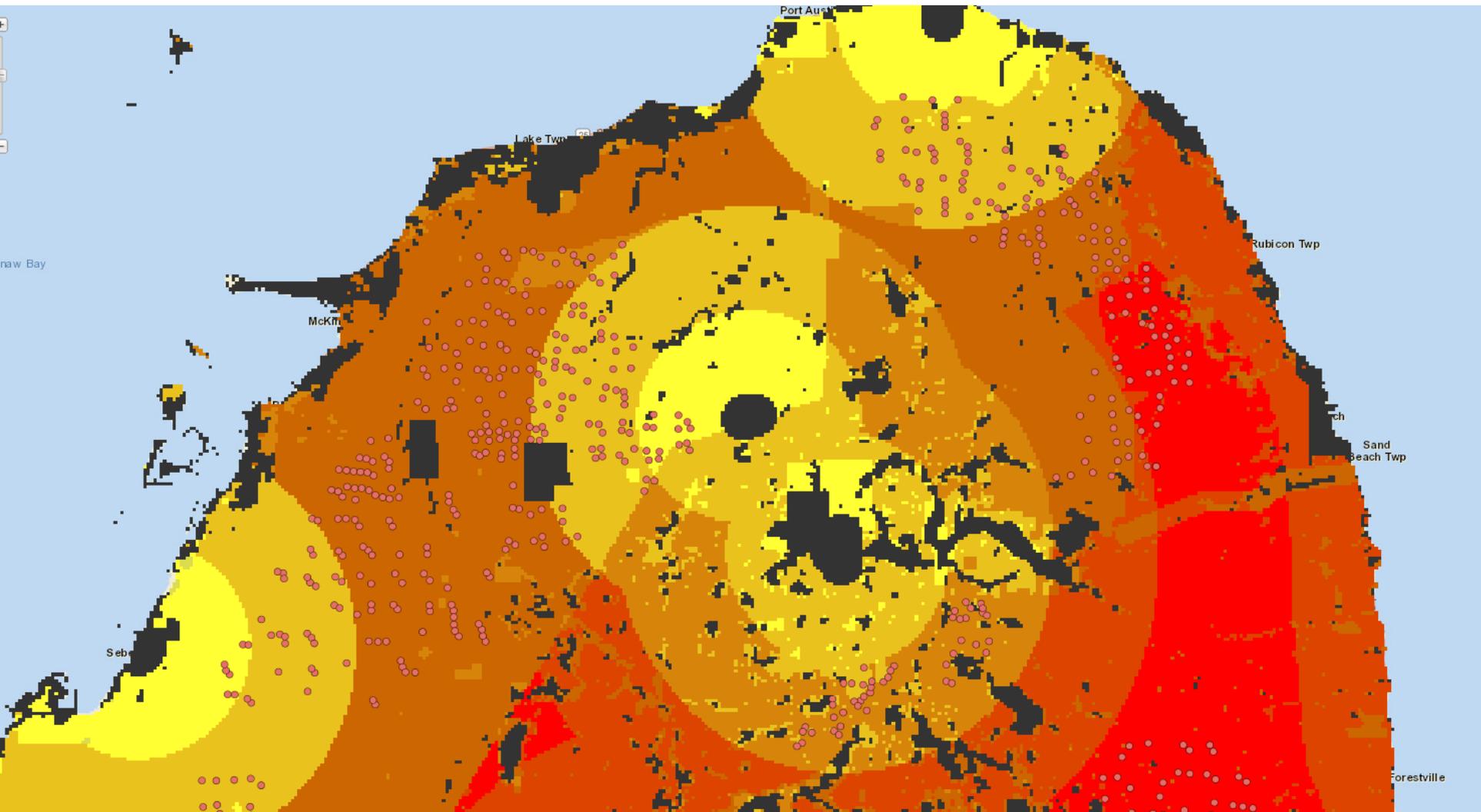
[www.closup.umich.edu](http://www.closup.umich.edu)

# Wind Suitability in Livingston County

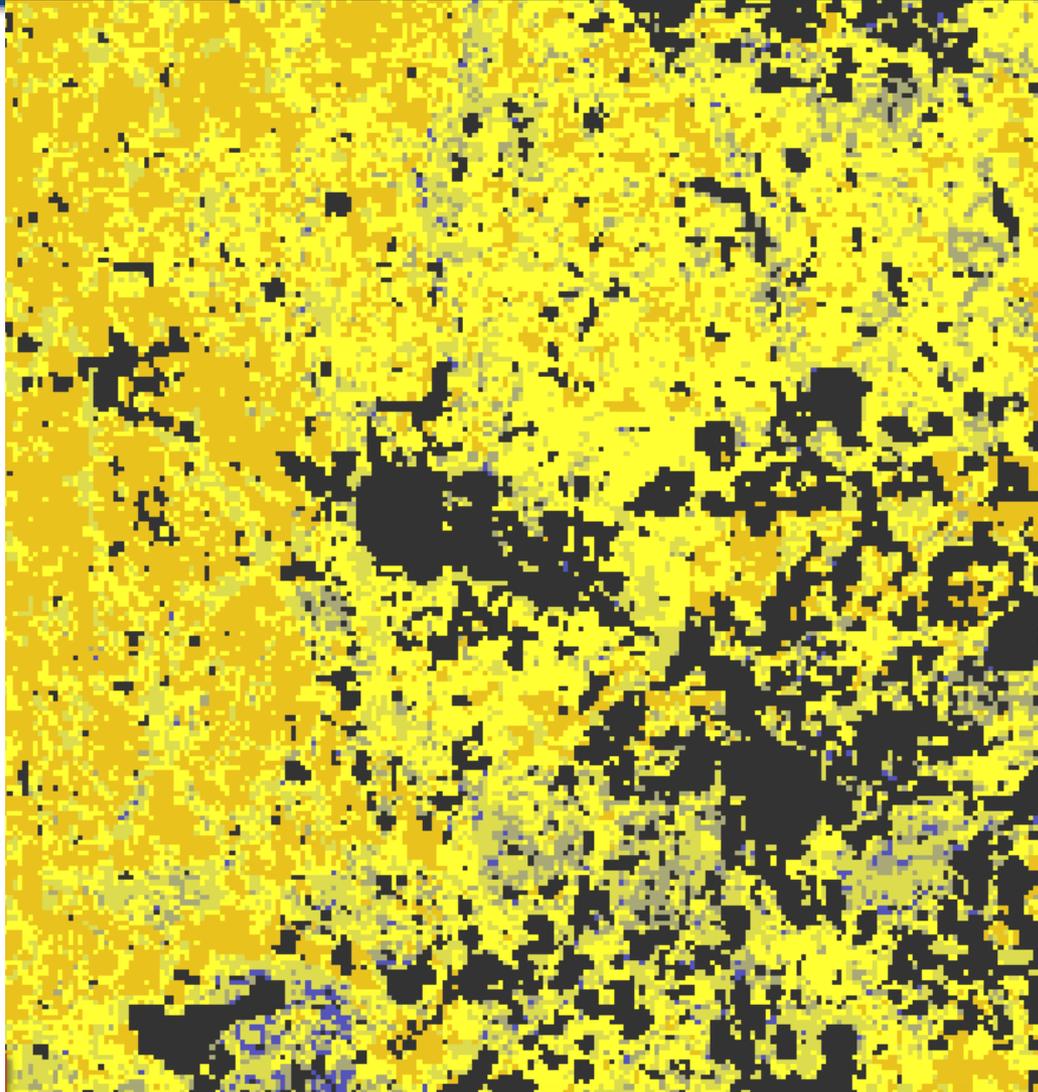


[https://ezmt.  
anl.gov/mapping/viewer](https://ezmt.anl.gov/mapping/viewer)

# Wind suitability in Huron County

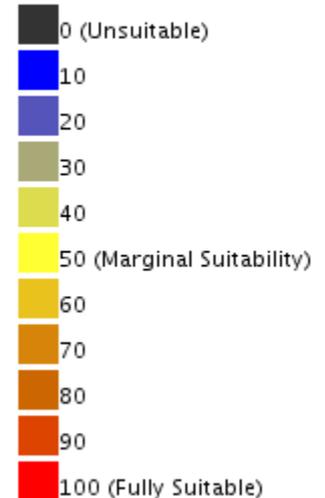


# Solar Suitability in Livingston County



Utility-scale Photovoltaic (PV) (default)

Suitability



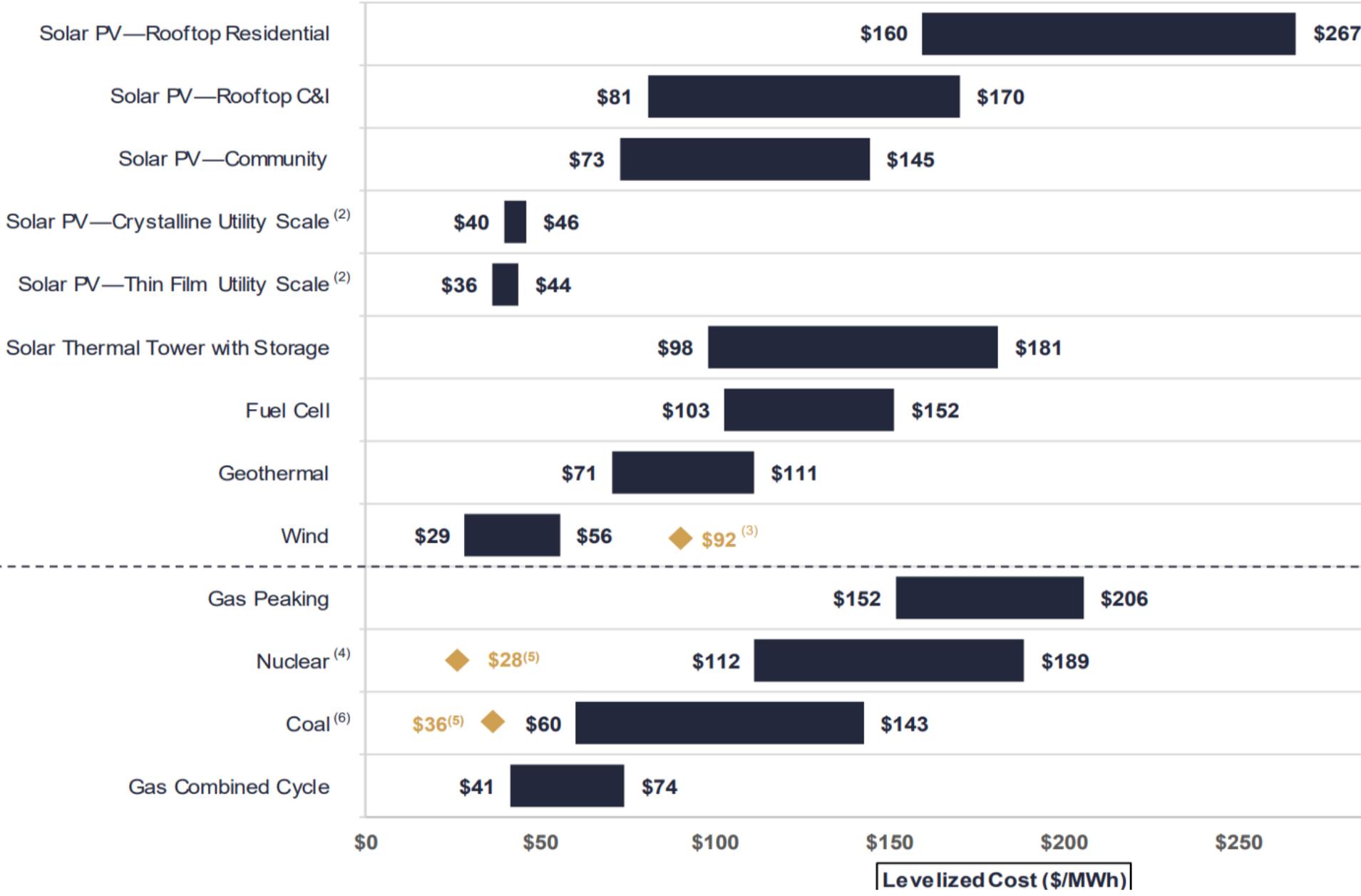
# Criteria for Suitability Analysis

**Land-Based Wind Turbine (100m - Lower 48) (modified)**

		5		Wind Turbine Gross Capacity Factor (100m)
		2		Habitat
		3		Protected Lands
		3		Distance to Transmission (>345 kV)
		2		Distance to Airport Runway
		1		Distance to Major Road
		1		Population Density
		2		Land Cover Area

**Utility-scale Photovoltaic (PV) (default)**

Actions	Weight	Name		
		4		Tilted Photovoltaic Potential
		2		Slope
		1		Land Cover Area
		2		Landscan Population Density
		1		Distance to Transmission (>345 kV)
		2		Protected Lands
		2		Habitat



PHONE: 810-231-1000  
FAX: 810-231-4295



P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139-0157

**To: Planning Commissioners**

**From: Scott Pacheco, AICP**

**Date: March 17, 2021**

**Agenda**

**Item: 7a**

**Re: ZTA21-002: 2021 Code Clarification and Cleanup (multiple code sections)**

**PROJECT HISTORY:**

The Township Board directed staff at the 2021 joint meeting in February to propose an ordinance amendment that would clarify, streamline and/or clean up multiple sections of the current code regulations based on information provided by zoning staff on the inefficiencies of these regulations gathered through implementing the code regulations either when processing new applications or code enforcement cases.

The draft regulations would revise Section 7.3.2 (E) regarding the minimum space required in a dwelling unit, Section 7.5.1 (G) F.1 regarding the approvals required for dredging and fillings of fish and wildlife ponds within 500 feet of a river, Section 7.6.1 Footnote 3 regarding restrictions for front yard setbacks, Section 7.6.1 Footnote 4 regarding reduced the setbacks from a natural river if there is an elevation change between the edge of the river and the proposed improvement, Section 7.7.1 (B) and (C) regarding the keeping of horses and chickens on vacant properties, Section 7.7.9.1 regarding review of historic buildings, Section 8.3.10 regarding accessory structure on vacant rear lots around Lakes and Rivers, and Section 8.18.1 and 8.18.2 regarding regulations for non-contiguous wind breaks, visual screens and walls around Decks, Terraces, Patios, Elevated Decks and Balconies.

Staff has prepared a draft revised ordinance (Exhibit A) that includes all the sections that a proposed to be revised. The wording in **red** is proposed to be added the wording that is **stricken** ~~out~~ is proposed to be removed.

**ANALYSIS:**

**Section 7.3.2 (Minimum house size):** In September of 2020 Hamburg Township approved ZTA20-001 that removed the requirements for minimum house sizes in residential zoning districts throughout the Township. The regulations in section 7.3.2 (E) below references the minimum house size regulations that have been removed and staff believes that item (E) should also be eliminated.

*7.3.2. No building shall hereafter be erected or altered except by appeal as herein described by this*

*Ordinance, to:*

*E. ~~Provide less living space per dwelling unit than is specified for the district in which such~~*

~~building is located.~~

**Section 7.5.1 (Cutting and Filling on Flood Plains):** Section 7.5.1 (G) F Land Alterations in the NR district. The Public Act 346 of 1972 repealed in 1995 by Act 59. To reduce the need to change the zoning regulations when the state changes its laws a more generic reference to a state permit requirement is proposed for this section.

**F. Land Alteration**

1. **Cutting and Filling.** Cutting or filling for building (including appurtenances) on the flood plain is prohibited. Cutting and filling for building on the upland shall meet all state, county and township regulations. ~~Permits are required from the State of Michigan for Dredging and filling for the construction of fish or wildlife ponds within 500 feet of the river requires a permit under Public Act 346 of 1972, as amended.~~ However, no lake shall be constructed within the Natural River District.
2. **Stormwater Runoff.** A stormwater runoff management system shall be intact for all stormwater runoff prior to the runoff reaching the ordinary high water mark of the Huron River or its tributaries to ensure the protection of the water courses from erosion and unnecessary degradation due to sedimentation.
3. **Earth Changing Activities.** All earth changes, including dredging, damming, cutting, filling and grading, within five hundred feet of the river's edge shall be done in accordance with the requirements of a permit issued by the local soil erosion and sedimentation control enforcement agency ~~pursuant to Public Act 346 of 1972, as amended.~~ In addition, commercial mining and an extraction of topsoil or subsurface sand, gravel, or minerals is not permitted within three hundred feet of the river's edge.
4. **Dredge and Fill Activities.** All dredge and fill activities and construction of permanent structure, including docks, lying below the ordinary high water mark of the river are subject to the provisions ~~required by the state of Michigan of Public Act 346 of 1972, as amended.~~

**Section 7.6.1**

**Footnote 3 (Alternative Front Yard Setbacks):** Township Planning and Zoning Staff have never utilized this alternative front yard setback regulations in Section 7.6.1 Footnote 3. The regulation regarding the alternative minimum front yard setback is confusing and should be eliminated. The corner lots requirements are frequently referenced and should remain.

*Section 7.6.1*

*Footnote 3. ~~Minimum front yard setbacks are required as shown except where established buildings on adjacent lots vary from this minimum. In such case, a new building shall be constructed with a front yard of no less depth than the average front yards of buildings located on each side of the proposed building. In no case shall this provision be interpreted to allow a front yard of more than forty (40) feet or less than twenty (20) feet. On corner lots, both street yards shall provide the minimum front yard setback. The size of corner lots shall be large enough to accommodate both front yard setbacks and a building of a similar size to those on non-corner lots.~~*

**Footnote 4 (Reduced Setback from a waterbody):** Under section 7.6.1 Footnote 4 there is a provision that allows a reduction in the required waterbody setback in the Natural River District. Because of the definition of a bank in the Zoning Ordinance staff would suggest changing the term **Bank Height** to **Elevation** to clarify this regulation. Also to provide further clarification the addition 125 foot to the sentence will clarify what setback may be decreased.

#### *Section 7.6.1*

*Footnote 4. In any District, a principal building, all attached structures, fences, and accessory structures shall not be permitted within fifty (50) feet of the ordinary high water mark of any body of water unless otherwise stated as in Section 8.3.11 Accessory Structures. In the Natural River Residential (NR) zoning district in addition to required front, side, and rear yard setbacks, all new buildings and structures shall be required to be setback a minimum of 125 feet from the ordinary high water mark, or if the ordinary high water mark cannot be determined, the setback shall be from the river's edge. The 125 foot setback may be decreased ten (10) feet for every ten (10) foot rise in ~~elevation bank height~~ to a minimum of seventy-five (75) feet from the ordinary high water mark.*

**Section 7.7.1 (Horses and Chickens on Vacant Sites):** Section 7.7.1 (B) and (C) allows for the raising and keeping of Horses and Poultry with regulations in single family zoning districts (CE, RAA, RA, WRF, NR). This section currently does not restrict the raising and keeping of horses or poultry on vacant sites.

Staff has received some complaint about the keeping of chickens on vacant sites. The problems with allowing someone to raise or keep horses or poultry on a vacant site is that the property owner is not around to manage the horses or birds if there is a problem and there for all of the impacts may be on the adjacent property owners. The intent of section 7.7.1 (B) and (C) was to allow residents to have a small number of horses or chicken at their property for personal enjoyment and to allow small urban farming.

Staff would suggest that the following regulation be added to both these sections that restricts the keeping and raising horses or poultry as an ancillary use to the single family residential use of a property.

- **Must be ancillary to a permitted primary use of the property.**

**Section 7.7.9.1 (E) (Historic Building in the VC and VR district):** Section 7.7.9.1 (E) of the code includes a provision to preserve the appearance buildings over 50 years old that have a historic, architectural and cultural importance in the Village Center and Village Residential Zoning Districts. The requirements of this section are already addressed in the Special Use Permit and Site Plan Review Standards under Article 4 and Section 3.5 of the zoning ordinance. The special use permit standards require that project be harmonious with the regulations of the Master Plan, Surrounding Area and Adjacent Improvement. The Site Plan review standard have stringent design standards for commercial, office, industrial and multifamily development including “*development shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape and meet the objectives the Township Master Plan. New buildings, additions and renovations shall be designed to preserve or complement the design character of existing development, provide visual harmony between old and new buildings, and create a positive image for the Township's various commercial shopping nodes.*” “*Buildings within the area designated on the Master Plan and Village Center Master Plan as the "Hamburg Village" shall be compatible with the historic character of the unincorporated place commonly referred to as the "Old Hamburg Village."*” “*Building materials and colors shall relate well and be harmonious with the surrounding area. Roof shape and materials shall be architecturally compatible with*

*adjacent buildings and enhance the predominant streetscape.” “Buildings shall possess architectural variety, but enhance the overall cohesive community character.”*

The first paragraph of section 7.7.91 (E) is applicable to project that require site plan review or a special use permit in the Village Center or Village Residential Zoning districts:

*On sites which contain commercial structures over fifty (50) years old, no exterior portion of any commercial building or structure (including walls, fences, light fixtures, steps, pavement, or other appurtenant features), or above ground utility structures shall be erected, altered, restored, moved or demolished without the review of the Planning Commission prior to the issuance of a land use permit. The purpose of the Planning Commission-review is to advise on actions which may or may not be compatible with the desirable historic, architectural or cultural aspects of the District. The Planning Commission may consider-Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings prepared by the U.S. Department of Interior for reviewing actions within the Old Hamburg Village. Such standards are made part of this Ordinance.*

Staff believes this paragraph can be removed because the requirements for a project that requires a special use permit or site plan review in the VC or VR district to be compatible with the desirable historic, architectural or cultural aspects of the District is already required as part of the discretionary review standards in section 3.5 and Article 4 making this requirement redundant.

The second paragraph under section 7.7.9.1 (E)(6) is applicable to project that do not require site plan review or special use permit and therefor only require administrative approval of a land use permit. This would be general maintenance project such as small additions, residing, adding new windows, repainting, replacing fixtures, addition new fences, and other small projects. Staff believe these regulations are still needed to preserve existing historic, architectural interest and culturally important structures, however requiring Planning Commission review is not development friendly due to the timing of the review. Staff believe that the zoning administrator could review these project during the land use permitting process to make sure the integrity of the important structures within the VC and VR districts are maintained.

6. ~~For proposed alterations to commercial structures for which site plan review is not required under Article 4.00 o~~ On sites which contain commercial structures over fifty (50) years old, no exterior portion of any commercial building or structure (including walls, fences, light fixtures, steps, pavement, or other appurtenant features), or above ground utility structures shall be erected, altered, restored, moved or demolished without the review ~~by the Zoning Administrator. of the Planning Commission prior to the issuance of a land use permit.~~ The purpose of the Zoning Administrator ~~Planning Commission~~ review is to advise on actions which may or may not be compatible with the desirable historic, architectural or cultural aspects of the District. The Zoning Administrator ~~Planning Commission~~ may consider Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings prepared by the U.S. Department of Interior ~~for reviewing actions within the Old Hamburg Village.~~ Such standards are made part of this Ordinance.

~~For proposed alterations to commercial structures for which site plan review is not required under Article 4.00, the review of the Planning Commission shall be advisory to the Zoning Administrator in the issuance of a land use permit. The provisions of this section shall not be construed to prevent the ordinary maintenance or repair of any exterior feature. Further, the provisions of this~~

section shall not prevent the construction, alteration, restoration or demolition of any feature which the Building Inspector certifies is required because of a threat to public safety.

The Zoning Administrator may direct the review under this section to the Planning Commission if deemed necessary.

**Section 8.3.10 (Accessory Structures on Rear Lots):** The Township Planning and Zoning Departments would suggest that the regulations under section 8.3.10 be eliminated from the zoning ordinance. It is current Township practice to require that these rear lots be combined with the front (lake side property) in order to allow construction of an accessory building. The reason that combining these lots is more beneficial to the Township is that the lots are easier to track moving forward. If a lot is developed under section 8.3.10 with an 800 sq ft garage, the Township needs to make sure this lot is not sold as a separate site in the future. The Assessor Office does not inform the Planning and Zoning Department every time a lot is sold within the Township. Also during the housing bubble in the mid 2000 banks foreclosed on some homes within the Township, if a home was taken by a bank and the mortgage was only on the lake front parcel, the bank did not take the rear property. This left some rear properties with garages under independent ownership, creating non-conforming situation. If the Township requires that the lots be combined the two lots cannot be sold separately in the future, without township approval of a lot split.

~~8.3.10. Accessory Buildings, Structures and Uses in Waterfront Districts. In the Waterfront Residential District (WFR) and the Natural River Residential District (NR), accessory garage structure(s) may be placed on a separate lot of record than the principal structure if the following provisions are met and a permit has been issued by the Zoning Administrator:~~

~~A. The lot upon which the principal building is located must be a waterfront or riparian lot.~~

~~B. The garage can only be constructed on a non waterfront lot.~~

~~C. The accessory structure(s) can be used only for a garage or storage facility. Garages or storage facilities may not exceed a combined total of 800 square feet of ground floor area. One shed may be permitted in addition to the 800 square feet of accessory buildings.~~

~~D. There shall be common ownership between the principal building or residence and lot being used for the garage.~~

~~E. The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the garage.~~

~~F. The accessory structure(s) shall maintain all required front, side, rear yard setbacks and lot coverage regulations associated with a principal structure as specified in Section 7.6.1. Height shall conform with Section 8.3.8.~~

**Section 8.18.1 and 8.18.2 (Non-Contiguous Wind Breaks):** Section 8.18.1 and 8.18.2 allows decks, terraces, patios ,elevated decks and balconies to project into a required yard with regulations and also allows these structure to include non-continuous windbreaks, visual screens, or walls not exceeding eight (8) feet in height in a rear yard, or four (4) feet in height in a front or side yard, and not enclosing more than one-half the perimeter of said deck, terrace, patio, elevated deck, balcony, or similar structure.

The wording of these sections are confusing as non-contious windbreaks, visual screens or walls (For this conversations these items will be called windbreaks) could all be considered fences, screens and walls under section 18.15 of the zoning ordinance. The fence regulations allow fences up to 6 feet to be located in the side and rear yards and up to 4 feet and 50% open in the front yard. Therefore the provisions under 8.18.1 (D) are both more permissive than the fence

regulations for windbreaks in the rear yard by allowing the height to be 8 feet and allowing windbreaks in the front yard to be 4 feet but not restricting them to 50% open, and more restrictive by only allowing windbreaks to be 4 feet in height in the side yard where fences would be allowed to be 6 feet in height. Staff believe to make the regulations more consistent that windbreaks should also be allowed to be 8 feet in the side yard and that windbreaks should also not be allowed within the required setbacks from a waterbody.

**8.18.1.** *Decks, Terraces and patios may project into a required yard provided that such structures are:*

- A. *Unroofed and without walls or other continuous enclosure.*
- B. *That no such structure shall be permitted nearer than five (5) feet to any lot line.*
- C. *That such areas and structures may have open railings or fences not exceeding three (3) feet in height.*
- D. *That such structures may have non-continuous windbreaks, visual screens, or walls not exceeding eight (8) feet in height in a **side or** rear yard, or four (4) feet in height in a front ~~or side~~ yard, and not enclosing more than one-half the perimeter of said deck, terrace, patio, or similar structure. **A non-continuous windbreaks, visual screens, or walls may not encroach into a require setback from a waterbody.***

**8.18.2.** *Elevated decks and balconies may project into a required yard a distance not to exceed six (6) feet, provided:*

- A. *That such structure shall not be permitted within eight (8) feet of any lot line.*
- B. *That no building shall have more than one (1) such elevated deck or balcony in any one (1) yard.*
- C. *That such areas and structures may have open railings or fences not exceeding three (3) feet in height.*
- D. *That such structures may have non-continuous windbreaks, visual screens, or walls not exceeding eight (8) feet in height in a **side or** rear yard, or four (4) feet in height in a front ~~or side~~ yard, and not enclosing more than one-half the perimeter of the elevated deck or balcony. **A non-continuous windbreaks, visual screens, or walls may not encroach into a require setback from a waterbody.***

#### **RECOMMENDATION:**

Staff suggests that the Planning Commission review and discuss the proposed changes to the zoning regulations. The Planning Commission should than provide comments and suggestions on these amendments and direct staff to notice this items for a future Planning Commission public hearing.

#### **EXHIBITS**

**Exhibit A:** Draft Zoning Text Amendment (ZTA21-002)

**ARTICLE 7.00**  
**DISTRICT REGULATIONS**

**ZTA 21-002: Section 7.3.2 (Minimum house size)**

**Section 7.3.2:**

**7.3.2.** No building shall hereafter be erected or altered except by appeal as herein described by this Ordinance, to:

- A. Exceed the height limit specified for the district in which such building is located.
- B. Occupy a greater percentage of lot area than is specified for the district in which such building is located.
- C. Intrude upon the required front, rear, or side yards, as specified for the district in which such building is located.
- D. Accommodate or house a greater number of families than is specified for the district in which such building is located.
- ~~E. Provide less living space per dwelling unit than is specified for the district in which such building is located.~~

## ZTA 21-002: Section 7.5.1 (Cutting and Filling on Flood Plains)

### Section 7.5.1 (G) NR- Natural Rivers District:

#### F. Land Alteration

1. **Cutting and Filling.** Cutting or filling for building (including appurtenances) on the flood plain is prohibited. Cutting and filling for building on the upland shall meet all state, county and township regulations. ~~Permits are required from the State of Michigan for Dredging and filling for the construction of fish or wildlife ponds within 500 feet of the river requires a permit under Public Act 346 of 1972, as amended.~~ However, no lake shall be constructed within the Natural River District.
2. **Stormwater Runoff.** A stormwater runoff management system shall be intact for all stormwater runoff prior to the runoff reaching the ordinary high water mark of the Huron River or its tributaries to ensure the protection of the water courses from erosion and unnecessary degradation due to sedimentation.
3. **Earth Changing Activities.** All earth changes, including dredging, damming, cutting, filling and grading, within five hundred feet of the river's edge shall be done in accordance with the requirements of a permit issued by the local soil erosion and sedimentation control enforcement agency ~~pursuant to Public Act 346 of 1972, as amended.~~ In addition, commercial mining and an extraction of topsoil or subsurface sand, gravel, or minerals is not permitted within three hundred feet of the river's edge.
4. **Dredge and Fill Activities.** All dredge and fill activities and construction of permanent structure, including docks, lying below the ordinary high water mark of the river are subject to the provisions ~~required by the state of Michigan of Public Act 346 of 1972, as amended.~~

## **ZTA 21-002: Section 7.6.1: Footnote 3 (Alternative Front Yard Setbacks)**

### **Section 7.6.1. Schedule of Area, Height, and Bulk Regulations Footnotes:**

1. Minimum lot areas are for all uses within District unless otherwise specified in Section 7.5.1., Schedule of Use Regulations. Minimum lot areas are exclusive of public street right-of-way or private road access easements.
2. Minimum lot widths are required along the street upon which lot principally fronts. On cul-de-sacs or where a curvilinear street pattern results in irregularly shaped lots with non-parallel side lot lines, the following minimum lot widths shall apply:

<u>District</u>	<u>Minimum Lot Width at Right-of-Way</u>	<u>Minimum Lot Width at Building Line</u>
RAA	64 feet	106 feet
RA, WFR	64 feet	100 feet
RB	60 Feet	70 Feet
RC	100 Feet	150 Feet
NR	80 Feet	150 Feet

3. ~~Minimum front yard setbacks are required as shown except where established buildings on adjacent lots vary from this minimum. In such case, a new building shall be constructed with a front yard of no less depth than the average front yards of buildings located on each side of the proposed building. In no case shall this provision be interpreted to allow a front yard of more than forty (40) feet or less than twenty (20) feet.~~

On corner lots, both street yards shall provide the minimum front yard setback. The size of corner lots shall be large enough to accommodate both front yard setbacks and a building of a similar size to those on non-corner lots.

4. In any District, a principal building, all attached structures, fences, and accessory structures shall not be permitted within fifty (50) feet of the ordinary high water mark of any body of water unless otherwise stated as in Section 8.3.11 Accessory Structures.

In the Natural River Residential (NR) zoning district in addition to required front, side, and rear yard setbacks, all new buildings and structures shall be required to be setback a minimum of 125 feet from the ordinary high water mark, or if the ordinary high water mark cannot be determined, the setback shall be from the river's edge. The 125 foot setback may be decreased ten (10) feet for every ten (10) foot rise in elevation bank height to a minimum of seventy-five (75) feet from the ordinary high water mark.

5. In the Water Front Residential (WFR) zoning district lots that have less than or equal to 60 feet lot widths shall be provided a reduced minimum side yard setback of 5 feet with an aggregate side yard setback of 15 feet.

In Neighborhood Service (NS) and Community Service (CS) Districts, a principal building may be constructed on or near the property line provided that the combination of the two side yards shall total twenty (20) feet and the building's side wall be a fire wall meeting building code. In all cases, one side yard shall be provided which is sufficient to permit the access of emergency vehicles to the rear of the building.

6. Lots shall contain a sufficient buildable site exclusive of any wetlands meeting the minimum zoning setback regulations plus off-street parking, septic disposal fields, well location and accessory building provisions.
7. The maximum lot coverage values are for the following:
  - a. Building Lot Coverage; the total footprint of buildings, divided by the site, excluding water bodies and wetlands.
  - b. Total Impervious Surface; the total footprint of buildings, parking, paved and gravel storage yards, driveways, streets, roads, and sidewalks, divided by the size of the site, excluding water bodies and wetlands.

Single family or two family residential lots may have up to an additional ten (10) percent lot coverage after approval of a grading and drainage plan, prepared by a registered engineer or a registered Landscape Architect and approved by the Township Engineer.

8. For multiple family dwellings with sanitary sewer, the following maximum densities shall be allowed:

Housing type	Maximum dwelling units per acre	
	Village Center	Village Residential
Apartments	10	8
Townhouses	8	6
Duplexes	6	5

9. The minimum lot area for residential (single and multiple family) may be reduced by up to twenty five (25) percent, provided that at least half the total area by which residential lots are reduced below the minimum lot size be provided as common open space, meeting the requirements of Section 7.7.9.
10. The minimum lot area for residential (single and multiple family) with sanitary sewer may be reduced to the sanitary sewer minimum lot size.
11. No building shall be greater than thirty thousand (30,000) square feet gross floor area except for a group of uses, each with individual pedestrian entrances.

12. Buildings shall be placed no more than twenty (20) feet from the front lot line. A lesser setback may be required by the Planning Commission where the established setbacks of adjacent buildings is less than twenty (20) feet. Where the average front yard setbacks for the adjacent buildings on either side of the proposed use is greater than twenty (20) feet the Planning Commission may permit a front yard setback above twenty (20) feet but not to exceed the average front yard setbacks for the adjacent buildings. For a structure with a garage door facing a public street or private road, the accessory garage building, or the front wall of the attached garage, shall be setback a minimum of five (5) feet behind the front building line of the principal structure.
13. The side yard setback shall be a minimum ten (10) feet except a zero (0) foot setback may be permitted where the building abuts another building which is separated by an approved fire wall.

**ZTA 21-002: Section 7.6.1: Footnote 4 (Reduced Setback from a waterbody)**

**Section 7.7. Additional District Regulations**

**7.7.1. PPRF – Public and Private Residential Facilities; CE – Country Estate Single-Family Residential; RAA – Low Density Rural Residential; RA – Medium Density Residential; WFR –Waterfront Residential; and NR – Natural River Residential.**

- A. General and specialized farming and agricultural activities shall be subject to the following conditions:
  - 1. Minimum lot size shall be ten (10) acres.
  - 2. No building housing animals shall be located nearer than seventy-five (75) feet from any property line.
  
- B. Raising and keeping of horses and other domestic animals shall be subject to the following conditions:
  - 1. **Must be ancillary to a primary use on the property.**
  - 2. Minimum lot size shall be two (2) acres.
  - 3. Two (2) horses or large domestic animals are permitted on parcels meeting the minimum lot size. For each additional horse or large domestic animal, two (2) additional acres shall be required.
  - 4. Animals must be kept within a fenced area which shall be located no nearer than one hundred (100) feet from any water body. This requirement shall not apply to a water body which is located entirely within the subject property and is not connected to any water body off the subject property.
  - 5. The setback standards per section 9.9, Natural Features Setback Requirements, shall apply to all districts.
  - 6. No building housing animals shall be located nearer than seventy-five (75) feet from any property line.
  - 7. Animals shall be maintained and accommodated in a manner so as not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare. Where necessary to protect water quality and public health, safety and welfare, the Zoning Administrator may require additional setbacks or buffer strips from property lines or adjacent water bodies.
  
- C. Raising and keeping of poultry shall be subject to the following conditions:

1. **Must be ancillary to a primary use on the property.**
2. In the Waterfront Residential (WFR) or Natural River (NR) zoning districts the raising and keeping of poultry shall only be permitted on lots greater than 2.0 acres.
3. Animals must be kept within a fenced area which shall be located no nearer than one hundred feet (100) from any water body. This requirement shall not apply to a water body which is located entirely within the subject property and is not connected to any water body off the subject property.
4. On parcels two (2) acres or less, a maximum of eight (8) poultry animals are permitted.
5. On parcels greater than two (2) acres, 16 poultry animals are permitted. For each additional one (1) acre over two acre, 16 additional poultry animals are permitted.
6. Roosters shall only be permitted on parcels greater than two (2) acres.
7. Poultry must be located within the required rear yard in an enclosed structure.
8. The setback standards per Section 9.9, Natural Features Setback Requirements, shall apply to all districts.
9. Animals shall be maintained and accommodated in a manner so as not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare. Where necessary to protect water quality and public health, safety and welfare, the Zoning Administrator may require additional setbacks or buffer strips from property lines or adjacent water bodies.
10. Poultry must be kept and cared for under sanitary conditions; poultry shall not become excessively noisy, odorous, dangerous, or in any way disruptive to the character of the area in which they are kept, or otherwise become a public nuisance.
11. On lots over ten (10) acres additional poultry may be permitted with approval of a Special Use Permit per section 3.5.
12. Private restrictions on the use of property shall remain enforceable and take precedence over these additional district regulations. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation of private restrictions is the sole responsibility of the private parties involved.

## **ZTA 21-002: Section 7.7.9.1 (E) (Historic Building in the VC and VR district)**

### **7.7.9. VC and VR Village Center and Village Residential Districts.**

**7.7.9.1. Design Standards.** The following design standards shall apply to all site plans reviewed under Article 4.00, Site Plan Review, special uses reviewed under Section 3.5, Special Use Permits, subdivision plats reviewed under the Subdivision Control Ordinance, and condominium projects reviewed under the Condominium Ordinance.

A. **General:** The overall design and mixture of uses shall be consistent with the intent of this district. Compatibility of uses shall be determined by the following:

1. The uses shall not create noise, dust, odors, fumes or other nuisances that will have an obnoxious effect on surrounding residences.
2. Traffic volumes generated by the use shall not have a negative impact on surrounding residential character.
3. Architecture shall meet the requirements of Section 4.5.7.
4. Location and use of yards shall contribute to the continuation of open space areas within the immediate vicinity.
5. Location and design of landscaping and pedestrian areas shall be compatible with and enhance the area pedestrian and open space network.
6. Location, size and types of architectural projections such as porches or awnings shall be compatible with other structures along the same block.
7. Location, scale and design of signs shall be consistent with the character of other signs, street elements structures and uses located along the same street.
8. Residential development shall be designed to be compatible with surrounding land uses, while providing a mixture of housing types to meet the varied needs of Township residents.

B. **Sidewalks/Pedestrian Circulation**

1. Site design shall demonstrate a special sensitivity to pedestrian circulation and safety.
2. Sidewalks at least five (5) feet wide and at least seven (7) feet wide where abutting parking shall be provided along public streets and private roads; bikepaths shall be required in locations designated in the Hamburg Village Master Plan or to provide linkages with existing or planned bikepaths.

3. All developments shall provide pedestrian linkages between public sidewalks and the building entrances.

C. **Common Open Space:** For any development which includes ten (10) or more dwelling units, 1,500 square feet of common open space shall be provided per dwelling unit. Such open space may be counted towards meeting open space requirements for minimum lot size reductions provided that it meets all of the following requirements:

1. Open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
  - recorded deed restrictions,
  - covenants that run perpetually with the land, or
  - a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
2. The common open space shall be used for social, recreational and/or natural preservation. Common open space within the village shall be of a distinct geometric shape, generally rectilinear or square. The common open space shall include landscaping, sidewalks, pedestrian benches and pedestrian scale lamp posts. Open space at the edges of the village, as shown on the Hamburg Village Master Plan shall be left in a natural state, with the exception of trails or boardwalks.

D. **Parking/Loading Areas**

1. The amount of parking for nonresidential uses required under Article 10 "Parking and Loading" may be reduced by the Planning commission by up to fifty percent (50%) upon a finding that patrons will be able to walk to the use from nearby residential areas, patrons are parked at other uses and visiting several uses, and/or on-street parking is available.
2. Off street parking lots shall be located behind the front line of the principal building. Where this is not feasible or practical, the Planning Commission may permit off street parking within the front yard. Parking lots must be setback from any front lot line a minimum of twenty (20) feet.
3. All off street parking spaces or loading areas must be screened from view of any public road or pedestrian path right-of-way, or private road or pedestrian path easement by an evergreen hedge row or masonry wall, which is consistent with building architecture and site design, at least three (3) feet in height.
4. Where parking or loading areas abut a residential use, a six (6) foot tall masonry wall, which is consistent with building architecture and site design, shall be constructed between the parking lot or loading area and the adjacent residential use.

The Planning Commission may substitute the masonry wall with one or more rows of six (6) foot tall evergreens.

5. Loading/unloading from secondary streets may be permitted by the Planning Commission rather than the required on-site loading, upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted.

#### E. **Architecture**

1. Buildings shall possess architectural variety, but enhance the overall cohesive and historic village character.
2. Building architecture shall meet the standards of Section 4.5.7.
3. The first floor of front facades shall include at least thirty percent (30%) windows. The approximate size, shape, orientation and spacing shall match that of buildings on adjacent lots.
4. The mass and proportion of structures shall be similar to structures on adjacent lots and on the opposite side of the street. Larger buildings may be broken-up with varying building lines and roof lines to provide a series of smaller scale sections which are individually similar in mass and proportion to surrounding structures.
5. Buildings located on corner lots shall provide distinct and prominent architectural features or site elements which reflect the importance of the building's corner location and creates a positive visual landmark. An entry feature or site landmark shall be required at corners designated for such a feature in the Hamburg Village Master Plan. The architectural feature or site element shall be subject to Planning Commission approval.
6. ~~For proposed alterations to commercial structures for which site plan review is not required under Article 4.00 o~~ On sites which contain commercial structures over fifty (50) years old, no exterior portion of any commercial building or structure (including walls, fences, light fixtures, steps, pavement, or other appurtenant features), or above ground utility structures shall be erected, altered, restored, moved or demolished without the review ~~by the Zoning Administrator. of the Planning Commission prior to the issuance of a land use permit.~~ The purpose of the Zoning Administrator ~~Planning Commission~~ review is to advise on actions which may or may not be compatible with the desirable historic, architectural or cultural aspects of the District. The Zoning Administrator ~~Planning Commission~~ may consider Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings prepared by the U.S. Department of Interior ~~for reviewing actions within the Old Hamburg Village.~~ Such standards are made part of this Ordinance.

~~For proposed alterations to commercial structures for which site plan review is not required under Article 4.00, the review of the Planning Commission shall be advisory to the Zoning Administrator in the issuance of a land use permit. The provisions of this section shall not be construed to prevent the ordinary maintenance or repair of any exterior feature. Further, the provisions of this section shall not prevent the construction, alteration, restoration or demolition of any feature which the Building Inspector certifies is required because of a threat to public safety.~~

~~The Zoning Administrator may direct the review under this section to the Planning Commission if deemed necessary.~~

- F. **Signs:** Signs shall be designed to be compatible with the principal building's architecture and materials.
- G. **Street and Access Design:** Streets shall meet the following, with the acknowledgment that for any public streets, any more stringent standards of the Livingston County Road Commission or the Michigan Department of Transportation shall apply.
1. Access points to M-36 shall be spaced at least five hundred (500) feet apart
  2. Access points along streets or driveways intersecting with M-36 shall be setback at least sixty (60) feet from the M-36 right-of-way line.
  3. The Township may require shared access or connections between adjacent uses as a means to limit conflict points and preserve capacity along M-36.
  4. The maximum length of blocks shall be seven hundred (700) feet.
  5. Street connections to adjacent parcels shall be provided where the Master Plan identifies a future street connection or there is the possibility to create future street connections. Road stubs for future connections shall be improved to the parcel line.
- H. **Landscaping:** All landscaping shall meet the minimum requirements of Section 9.4, Landscape Standards. Because of the higher density of development permitted in the VC and VR districts, the following standards shall apply to frontage landscaping in place of the standards contained in Section 9.4:
1. At least an eighty (80) foot wide landscaped greenbelt shall be provided along undeveloped areas of M-36, as designated on the Hamburg Village Master Plan, with at least two (2) rows of trees spaced no greater than twenty five (25) feet on center. Trees shall be a mixture of evergreen and canopy trees meeting the minimum plant size requirements of Section 9.4. Provision of this landscaped greenbelt may be counted towards the common open space requirements of paragraph C above.

2. Along all road frontages, other than M-36 section identified in paragraph 1 above, one canopy street tree shall be planted within 5 feet of the front lot line for each forty (40) linear feet of frontage.

I. **Lighting.**

1. A consistent type of pedestrian scale ornamental lighting shall be provided along all sidewalks, within any off street parking lots and along road frontages.
2. Parking lot lighting shall not be greater than twenty (20) feet in height.

**ARTICLE 8.00**  
**SUPPLEMENTARY PROVISIONS**

**ZTA 21-002: Section 8.3.10 (Accessory Structures on Rear Lots)**

**Section 8.3. Accessory Buildings and Structures**

Accessory buildings and structures, except as otherwise provided for in this Ordinance, shall be subject to the following provisions:

**8.3.1.** Authorized accessory buildings may be erected as part of the principal building; may be connected to the principal building by a roofed porch, breezeway, or similar structure; or may be completely detached from the principal building.

**8.3.2.** All accessory buildings shall meet front and side yard requirements, except where such accessory buildings are detached and located completely to the rear of the principal building, in which case an accessory building may be located no nearer than five (5) feet to any side lot line.

On a lot that abuts a water bodies if an accessory building is located between the principal structure and the front property (the property line that abuts the street) the accessory building may be located no nearer than fifteen (15) feet from the lot line which abuts the street and ten (10) feet from one side lot line and five (5) feet from the opposite side lot line.

If the existing structure on a lot that abuts a water body has non-conforming side yard setbacks and a side yard setback less than ten (10) feet is utilized for the accessory building, the smallest side yard setback on the accessory building shall be on the same side as the smallest side yard setback on the existing structure.

**8.3.3.** No accessory building shall be located nearer than five (5) feet to any rear lot line or occupy more than thirty (30) percent of any rear yard area.

**8.3.4.** An accessory building which is detached from the principal building shall not be located nearer than ten (10) feet to any separate building or structure on the lot.

**8.3.5.** On a corner lot in any Residential District, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot. In all cases, the garage entrance shall be located to allow adequate sight distance and off-street parking. When the rear lot line forms a part or all of a side lot line of an adjacent lot, a garage shall be no nearer than five (5) feet to the rear lot line.

**8.3.6.** In Residential Districts, private swimming pools are permitted as an accessory use, provided that:

- A. They are accessory to an existing dwelling;
- B. The pool, including all connections and appurtenances, is located either:
  - 1. Entirely within a rear yard, maintains a minimum setback of five (5) feet from the rear and side property lines and pump and filter installations are located a minimum of ten (10) feet from the adjoining property lines; or

2. Entirely within a side yard or partially within a side yard and rear yard and maintains a minimum setback from any property line equal to or greater than the required minimum rear yard setback as stated in Section 7.6.1., including footnotes, for the zoning district in which it is located;
- C. A masonry wall or approved fence between four (4) and six (6) feet in height shall enclose the pool. All openings in the wall or fence shall be equipped with self-closing, self-latching gates or doors.

**8.3.7.** In Residential Districts abutting a water body, docks are permitted on legal lots of record that have improved roadway access and spaces for onsite parking. Such docks may be located in the water but not nearer than five (5) feet from any side lot line where the land and dock intersect.

**8.3.8.** Detached accessory buildings located within Residential Districts which have a roof pitch less than 8:12 shall not exceed 14 feet in height, as defined. Detached accessory buildings located within Residential Districts which have an 8:12 pitched roof or greater shall not exceed 17 feet in height, as defined. This provision shall not apply to parcels of land containing five acres or more.

**8.3.9.** No accessory building or structure shall be permitted prior to the construction of the main building or structure.

~~**8.3.10.** Accessory Buildings, Structures and Uses in Waterfront Districts. In the Waterfront Residential District (WFR) and the Natural River Residential District (NR), accessory garage structure(s) may be placed on a separate lot of record than the principal structure if the following provisions are met and a permit has been issued by the Zoning Administrator:~~

~~A. The lot upon which the principal building is located must be a waterfront or riparian lot.~~

~~B. The garage can only be constructed on a non-waterfront lot.~~

~~C. The accessory structure(s) can be used only for a garage or storage facility. Garages or storage facilities may not exceed a combined total of 800 square feet of ground floor area. One shed may be permitted in addition to the 800 square feet of accessory buildings.~~

~~D. There shall be common ownership between the principal building or residence and lot being used for the garage.~~

~~E. The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the garage.~~

~~F. The accessory structure(s) shall maintain all required front, side, rear yard setbacks and lot coverage regulations associated with a principal structure as specified in Section 7.6.1. Height shall conform with Section 8.3.8.~~

**8.3.11.** On lots that abut a water body in any zoning district other than Natural Rivers District, accessory structures are permitted within fifty (50) feet of the ordinary high water mark of any body of water if they meet the following requirements:

- A. They are less than 144 square feet in size.
- B. They are no greater than ten (10) feet in height; and
- C. Provided all other regulations in the zoning ordinance are met.

**8.3.12.** All structures located within the Natural River District shall also comply with the requirements of Section 7.5.1. (G), Natural River District.

## **ZTA 21-002: Section 8.18.1 and 8.18.2 (Non-Contiguous Wind Breaks)**

### **Section 8.18. Yard Encroachments**

The following shall apply to all buildings and structures, whether temporary or permanent.

**8.18.1.** Decks, Terraces and patios may project into a required yard provided that such structures are:

- A. Unroofed and without walls or other continuous enclosure.
- B. That no such structure shall be permitted nearer than five (5) feet to any lot line.
- C. That such areas and structures may have open railings or fences not exceeding three (3) feet in height.
- D. That such structures may have non-continuous windbreaks, visual screens, or walls not exceeding eight (8) feet in height in a **side or** rear yard, or four (4) feet in height in a front ~~or side~~ yard, and not enclosing more than one-half the perimeter of said deck, terrace, patio, or similar structure. **A non-continuous windbreaks, visual screens, or walls may not encroach into a require setback from a waterbody.**

**8.18.2.** Elevated decks and balconies may project into a required yard a distance not to exceed six (6) feet, provided:

- A. That such structure shall not be permitted within eight (8) feet of any lot line.
- B. That no building shall have more than one (1) such elevated deck or balcony in any one (1) yard.
- C. That such areas and structures may have open railings or fences not exceeding three (3) feet in height.
- D. That such structures may have non-continuous windbreaks, visual screens, or walls not exceeding eight (8) feet in height in a **side or** rear yard, or four (4) feet in height in a front ~~or side~~ yard, and not enclosing more than one-half the perimeter of the elevated deck or balcony. **A non-continuous windbreaks, visual screens, or walls may not encroach into a require setback from a waterbody.**