



# Livingston County Department of Planning

## LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, May 15, 2019 – 6:30 p.m.

Administration Building, Board of Commissioners Chambers

304 East Grand River, Howell, MI 48843

### Agenda

1. Call to Order
2. Pledge of Allegiance
3. Roll and Introduction of Guests
4. Moment of Silence in Memory of Jim Sparks
5. Approval of Agenda – May 15, 2019
6. Approval of Meeting Minutes – April 17, 2019
7. Call to the Public
8. Zoning Reviews
  - A. Z-16-19 Genoa Charter Township, Zoning Ordinance Amendment, Article 3 Residential and Agricultural Districts, Sections 3.02 Listing of Residential Districts and 3.04 Dimensional Standards
  - B. Z-17-19 Handy Township, Zoning Ordinance Amendment, Chapter 16 Special Uses, Section 16.6 BBB Solar Facilities Energy Ordinance
9. Old Business
  - A. Report on APA Award Submissions
  - B. Schedule of Visits
10. New Business
  - A. Review and Adoption of 2020-2025 Livingston County Capital Improvement Plan
  - B. Planning Commission Posting
  - C. Certificate of Service to the Family of Jim Sparks
11. Reports
  - A. Staff Report
12. Commissioners Heard and Call to the Public
13. Adjournment

**Kathleen J. Kline-Hudson**  
AICP, PEM  
Director

**Robert A. Stanford**  
AICP, PEM  
Principal Planner

**Scott Barb**  
AICP, PEM  
Principal Planner

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# Livingston County Department of Planning

## MEMORANDUM

**TO:** Livingston County Planning Commissioners and the  
Genoa Charter Township Board of Trustees

**FROM:** Kathleen Kline-Hudson, Director

**DATE:** May 7, 2019

**SUBJECT:** Z-16-19  
Article 3. Residential and Agricultural Districts, Section 3.02 Listing of  
Residential Districts and Section 3.04 Dimensional Standards

**Kathleen J. Kline-Hudson**  
AICP, PEM  
Director

**Robert A. Stanford**  
AICP, PEM  
Principal Planner

**Scott Barb**  
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Principal Planner

This proposed text amendment is to address a gap in residential density between the recommendations of the Master Plan and the district regulations of the Zoning Ordinance. The Genoa Charter Township Planning Consultant describes the situation as follows:

The Small Lot Single Family Residential category in the Master Plan calls for single-family residential development of 2 to 3 dwelling units per acre of land. However, the comparable zoning districts of SR Suburban Residential and UR Urban Residential allow for a density of 2 to 2.4 units per acres respectively (when public sanitary sewer is available). The next zoning district in terms of density is MDR Medium Density Residential, which allows for just over 4 units per acre.

There is currently nothing in the Zoning Ordinance that properly addresses the density gap between 2 and 4 units per acre.

Therefore, the Genoa Charter Township Planning Consultant recommends an amendment to the existing UR Urban Residential District lot area requirements to remedy this residential density gap.

Proposed additions to existing text are noted in **bold red underline**, deletions in ~~strikethrough~~, and staff comments are noted in **bold, italic underline**.

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**Article 3. Section 3.02 Listing of Residential Districts**

<b>Table 3.02 Residential and Agricultural Districts</b>	
<b>District</b>	<b>Minimum Lot Area Per Dwelling Unit</b>
Agricultural (AG)	10 acre lot area
Country Estate (CE)	5 acre lot area
Rural Residential (RR)	2 acre lot area
Low Density Residential (LDR)	43,560 sq. ft. lot area
Suburban Residential (SR)	21,780 sq. ft. lot area with public sanitary sewer 43,560 sq. ft. lot area without public sanitary sewer
Urban Residential (UR)	<del>48,000</del> <b>14,500</b> sq. ft. lot area; must have public water and sanitary sewer
Lakeshore Resort Residential (LRR)	12,800 sq. ft. lots of record in existence on 1/1/1991. 43,500 sq. ft. lots created after 1/1/1991 without public sanitary sewer 21,780 sq. ft. lots created after 1/1/1991 with public sanitary sewer
Medium Density Residential (MDR)	10,000 sq. ft. lot area with public sanitary sewer Duplexes and townhouses up to 5 units per acre
High Density Residential (HDR)	Duplexes, attached townhouses and apartments up to 8 units per acre

**Article 3. Section 3.04 Dimensional Standards**

It is proposed that subsection 3.04.01 **Residential Schedule of Area and Bulk Requirements** (table) be amended to reflect proposed minimum lot area changes in the UR District (see full table on page 3.)

<b>District</b>	<b>Min. Lot Area, Max. Units Per Acre</b>	<b>Width</b>	<b>Stories</b>	<b>Feet</b>	<b>Front</b>	<b>Smaller Side</b>	<b>Total 2 Sides</b>	<b>Rear</b>	<b>Max. Lot Coverage</b>	<b>Floor Area</b>
Urban Residential (UR)	<del>48,000</del> <b>14,500</b> square feet per unit, requires public sewer and water	90 ft.	2	25	35	10 (j)	25 (j)	50	35% bldg.. 50% imp. Sur.	980 sq. ft.



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GENOA TOWNSHIP ZONING ORDINANCE

Sec. 3.04 DIMENSIONAL STANDARDS

3.04.01 Residential Schedule of Area and Bulk Requirements. All lots, buildings, and structures shall comply with the area height and bulk requirements in Table 3.04.01:

District	Minimum Lot Size <sup>(m)</sup> or Maximum Density		Width <sup>(e)(d)</sup>	Maximum Building Height		Principal Structure Minimum Yard Setback <sup>(g)(h)(i)</sup>			Max Lot Coverage	(Per Unit) Floor Area	
	Min. Units Per Acre <sup>(a)(b)</sup>	Max. Units Per Acre <sup>(a)(b)</sup>		Stories	Feet <sup>(c)</sup>	Front <sup>(j)</sup>	Smaller Side	Total 2 Sides			Rear
Agricultural (AG)	40 acres for farms, 10 acres for non-farm dwellings			2	35	75	40	80	60	NA	980 sq. ft.
Country Estate (CE)	5 acres		220 ft	2	35	75	40	80	60	NA	1500 sq. ft.
Rural Residential (RR)	2 acres		200 ft	2	35	50	30	60	60	NA	1200 sq. ft.
Low Density Residential (LDR)	1 acre		150 ft	2	35	50	30	60	60	NA	980 sq. ft.
Suburban Residential (SR)	21,780 sq. ft., with public sewer; 1 acre without public sewer		100 ft	2	35	40	20	40	50	20% bldg, 35% imp. sur.	980 sq. ft.
Urban Residential (UR)	18,000 square feet per unit, requires public sewer and water		90 ft	2	25	35	10 <sup>(k)</sup>	25 <sup>(l)</sup>	50	35% bldg, 50% imp. sur.	980 sq. ft.
Lakeshore Resort Residential (LRR)	12,800 square feet lots of record in existence on 1/1/91, requires public sanitary sewer 1 acre lots created after 1/1/91 without public sanitary sewer. 21,780 square foot lots created after 1/1/91 with public sanitary sewer.		80 ft	2	25	35	10 <sup>(k)</sup>	20 <sup>(k)</sup>	40	35% bldg, 50% imp. sur.	900 sq. ft.
Medium Density Residential (MDR)	10,000 sq. ft. per single family lot 5 units per acre for duplexes and attached townhomes Requires public sewer and water		75 ft	2	35	25 <sup>(l)</sup>	5 <sup>(l)</sup>	20 <sup>(l)</sup>	30	35% bldg footprint, max 50% impervious surface	900 sq. ft.
High Density Residential (HDR)	8 units per acre assuming all setbacks and other requirements can be met, min 21,780 sq. ft. per building Requires public sewer and water		165 ft	3	40	35 <sup>(l)</sup>	15 <sup>(l)</sup>	30 <sup>(l)</sup>	30	35% bldg footprint, max 50% impervious surface (bldg plus paved areas)	efficiency = 450 sq. ft. 1 bedroom = 600 sq. ft. 2 bedroom = 750 sq. ft. 3 bedroom = 900 sq. ft. each addl = 150 sq ft Ground floor = 500 sq ft/unit

(as amended 3/5/10)



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**Township Planning Commission Recommendation: Approval.** The Genoa Charter Township Planning Commission recommended Approval of the Zoning Ordinance Text amendment to Article 3 at their April 8, 2019 meeting. There were no public comments at the April 8, 2019 public hearing for the proposed text amendment.

**Staff Recommendation: Approval.** The proposed amendment to a minimum lot area of 14,500 sq. ft. in the UR Urban Residential District results in a density of 3 units per acre which better coordinates with the corresponding Small Lot Single Family Residential category in the Genoa Township Master Plan.



# 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 Handy Township Board of Trustees

**FROM:** Scott Barb, Principal Planner

**DATE:** May 8, 2019

**SUBJECT:** Z-17-19. Amendments to Zoning Ordinance: Chapter 2 General Provisions, Section 2.36 Private Solar Energy Systems; Chapter 16 Special Uses, Section 16.6 BBB Solar Energy Facilities Ordinance.

The Handy Township Planning Commission is proposing to amend the Township Zoning Ordinance by creating a new section for private solar energy systems and new special use standards for solar energy facilities. Staff has reviewed the proposed additions to the Handy 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**.

### **Chapter 2. Section 2.36 Private Solar Energy Systems**

A new section 2.36 will be created to read as follows:

#### **Section 2.36 Private Solar Energy Systems**

**Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts, provided that:**

- A. No part of a Private Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the Private Solar Energy System is mounted on a building in an area other than the roof, no part shall extend beyond the wall on which it is mounted.**
- B. Prior to the installation of a ground-mounted Private Solar Energy System, the property owner shall submit for a land use permit and a site plan, along with all appropriate fees to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of the property lines, buildings, fences, greenbelts, and road right of ways. Setbacks shall conform to the current setback requirements for the underlying zoning district. The site plan must be drawn to scale.**
- C. A ground-mounted Private 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 system exceed twenty-five (25) feet above the ground when oriented to maximum tilt.**

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- D. A ground mounted Private Solar Energy System shall be located in the rear yard or side yard and shall meet the rear and side yard setback requirements set forth in the underlying zoning district.
- E. All power transmission lines, wires or conduits from a ground mounted Private Solar Energy System to any building or structures shall be located underground. If batteries are used as part of the ground mounted Private Solar Energy System, they must be placed in a secured container or enclosure. Signs will be provided with disconnection procedures for emergency first responders in case of fire or other emergency.
- F. A Township land use permit and building permits shall be required for the installation of any Private Solar Energy System.
- G. BIVP's, Ground Mounted or Roof Mounted Private Solar Energy Systems as defined in Section 16.6 BBB shall conform to applicable State, County, and Federal Regulations, and safety requirements including Michigan Building Codes.
- H. In the event that a Private Solar Energy System has been abandoned for a period of one (1) year, it shall be removed by the property owner within six (6) months from the date of abandonment.

Staff comments: This new section address smaller, private solar energy systems that are typically placed on homes and small businesses. Dimensional requirements, placement of transmission lines, abandonment, and permitting have all been addressed. These are the typical elements that are considered with small scale solar energy systems.

### **Chapter 16, Section 16.6 BBB**

A new Section 16.6 BBB will be created that reads as follows:

#### ***Section 1 Purpose and Intent***

This section establishes the purpose and intent of the Solar Facilities Ordinance which includes: 1) standards for the siting, installation, operation, repair, decommissioning, and removal of Solar Energy Systems; 2) a special use permit for industrial solar energy facilities development in Handy Township; 3) procedures for the review and permitting of such facilities, to protect the health, safety, welfare, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities.

Staff comments: Industrial solar energy systems shall be ground mounted arrays of photovoltaic panels and private solar energy systems shall be permitted as an accessory use in all zoning districts.

#### ***Section 2. BBB Industrial Solar Energy Facilities***

A. Definitions. As used in this subsection, the following terms shall have the following definitions:

**Abandonment:** Any facility that is left in a state where it is no longer producing power.

**Building Integrated Photovoltaics (BIVPs):** A private or industrial solar energy system that is integrated into the structure of a building, such as solar roof tiles or shingles.

**Decommission:** To remove or retire from service.

**Ground Mounted Private Solar Energy System:** A private or industrial solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.

**Height:** The height of the Industrial Solar Energy Facility to its highest point at maximum tilt.

**Industrial Solar Energy Facility:** 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.

**Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

**IEC, International Electro technical Commission:** The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic, and related technologies.

**ISO, International Organization for Standardization:** ISO is an international standard setting body composed of representatives from various national standards organizations.

**Non-Participating Parcel:** A property that is not subject to an Industrial Solar Energy Facility lease or easement agreement at the time an application is submitted for a special use for the purposes of constructing an Industrial Solar Energy Facility.

**Participating Parcel:** A property that participates in a lease or easement agreement, or other contractual agreement with an entity submitting a special use permit application for the purpose of developing an Industrial Solar Energy Facility.

**Peak:** The extreme top of any structure.

**Planning Commission:** The Handy Township Planning Commission.

**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 industrial solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

**Township:** Handy Township, MI.

**Township Board:** The Handy Township Board.

**Staff comments:** *The definitions are complete and serve to clarify the new ordinance language.*



B. Standards. The Planning Commission shall have the power to grant a special use permit to allow an Industrial Solar Energy Facility in the “AR” Agricultural Residential, “RD” Research and Development, “I-1” Prime Industrial, and “I-2” General Industrial, subject to the restrictions contained in this Ordinance. The special use permit, if denied by the Planning Commission, may be appealed in the same manner as any special use permit.

Staff comments: Industrial Solar Energy Systems will only be permitted in the established zoning districts including AR, RD, I-1, and I-2 districts with special land use approval.

The following standards will be used when preparing, submitting and reviewing a special use permit application for an Industrial Solar Energy Facility:

**1. Avian/Wildlife Analysis:** This subsection requires a third party professional to conduct an analysis to identify and assess any potential impacts on wildlife or endangered species. The applicant is required by this subsection to take the appropriate measures to minimize or eliminate any adverse impacts that may be identified. The analysis could include a survey of existing wildlife in the immediate area and the potential effects on any species protected by the federal Endangered Species Act or Michigan’s Endangered Species Law. Any above ground lines and/or transformers should follow avian guidelines established by the Avian Power Line Interaction Committee.

**2. Environmental Impact:** This subsection again requires a third party professional to evaluate any impacts upon the natural environment as a result of the Industrial Solar Energy Facility. The Michigan Natural Resources and Environmental Protection Act, Water Resource Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Wetlands, Shoreland Protection and Management, Great Lakes Submerged Lands, and Sand Dunes Protection and Management are all referenced as compliance to these public acts is required. The applicant shall make repairs to any public roads, drains, or infrastructure damaged by the construction of the industrial solar energy facility.

**3. Setbacks, Separation, and Security:** A summary of these requirements are as follows:

- All fences and improved areas on-site shall comply with the applicable setbacks for the district in which it is located. Any structures or other improved areas located within the fence shall be at least thirty (30) feet from the fence line.
- An Industrial Solar Energy Facility shall be located at least two hundred (200) feet from any residential dwellings, churches, schools, family or group homes, bed and breakfasts establishments, or any other residential facilities.
- Must be located at least one hundred (100) feet from any non-participating property line.
- All access roads and storage areas shall be established on a thirty-three (33) ft. minimum easement to a public right-of-way, which shall be paved or graveled in a manner sufficient to provide a solid, dust free base throughout the year.
- All Industrial Solar Energy Facilities shall have a minimum landscape buffer of twenty (20) feet. The buffer must contain evergreen trees or bushes planted no more than eight (8) feet apart and at least four (4) feet tall at time of planting. The buffer shall obtain a height of ten (10) feet within three growing seasons.

- Dead or diseased vegetation must be removed and replaced as needed. No grasses above 12 inches is allowed.
- Industrial Solar Energy Facilities will be surrounded by an eight (8) ft. high chain link fence with green opaque material to restrict the view of the facility. The fence will be designed to restrict unauthorized access.
- Appropriate warning signs shall be affixed to the fence panels in a clearly visible manner.
- Industrial Solar Energy Facilities shall not be located on parcels of land less than twenty (20) acres in size.

**4. Responsibility for Erosion and Flooding:** The subsection addresses responsibility for erosion and flooding and is the responsibility of the developer/owner of the structures.

**5. Safety:** This subsection requires all wiring to comply with all safety and voltage standards and have access points to the facility lockable and kept secure at all times. Emergency contact information is to be posted clearly near the entrance to the facility and be operated in compliance with all local, state, and federal laws.

**6. Complaint Resolution:** This subsection addresses the complaint resolution process between the Township and any applicants of an Industrial Solar Energy Facility. Applicants are required to deposit \$2,500 into escrow to reimburse the Township for any expenses incurred during the process. Fees could include costs for meetings, experts, and attorneys.

**C. Application Procedures:** The procedure for acquiring a special use permit for industrial solar energy facilities is explained in this section. The Planning Commission will review requests for special use permits by posting a public meeting as outlined in the Michigan Zoning Enabling Act (PA 110 of 2006, as amended). A public hearing will be held on the proposed facility and a decision rendered.

**D. Application Requirements:** This subsection details the requirements for a special use permit for industrial solar energy facilities. The requirements are typical of any site plan requirements that are found in other community ordinances.

**E. Application Fee:** An applicant for an industrial solar energy facility shall submit fees for a land use permit, special use permit, site plan, and escrow. Escrow accounts are to be set up at time of application for any review expenses and should be renewed within fourteen (14) days after receiving notice of insufficient funds.

**F. Abandonment and Decommissioning:** This subsection details the abandonment and decommissioning of industrial solar energy facilities.

**1. Abandonment:** An Industrial Solar Energy Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned. It is the responsibility of the responsible party or parties to remove all equipment and facilities and completely restore the parcel to its original condition prior to the installation of the solar facility.

- a. Upon determination of abandonment, the Zoning Administrator shall notify the party or parties responsible that they must remove the Industrial Solar Energy Facility and restore the site to its condition prior to the development of the facility within six (6) months of notice by the Planning Commission or its designee.
- b. If the responsible party or parties fail to comply, the landowner is then responsible for removal of the facility.
- c. If the facility is not removed and the land restored to its prior condition within the six (6) month time period, the Township or its designee may remove the solar facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover costs required to remove the solar facility and restore the site to a non-hazardous pre-development condition.
- d. Some type of metering system approved by the Planning Commission must be part of the project showing that the system is operational.

2. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to issuance of the zoning permit which shall include:

- a. The anticipated life of the project;
- b. The estimated decommissioning costs net of salvage value in current dollars;
- c. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations. Complete restoration of the property to its original condition prior to the Industrial Solar Energy Facility construction; and
- d. The anticipated manner in which the project will be decommissioned and the site restored.

Staff comments: The proposed language for private and industrial solar energy systems has been well written and is compatible with the Township Ordinance. Abandonment and decommissioning of the industrial facilities has been provided within the ordinance language and care has been taken to address all local, state, and federal laws that might pertain to the construction and operation of such facilities. The proposed language has been reviewed by the Township Attorney and staff believes the additions are a compliment to the Township Zoning Ordinance.

**TOWNSHIP PLANNING COMMISSION RECOMMENDATION: APPROVAL.** There were no comments at the April 25, 2019 public hearing on the proposed text amendments.

**RECOMMENDATION: APPROVAL.** The proposed text amendments are compatible with the Handy Township Zoning Ordinance.