

**COVERT TOWNSHIP  
VAN BUREN COUNTY, MICHIGAN**

**Ordinance No. 119**

**Adopted: June 11, 2024**

**Effective: June 24, 2024**

An Ordinance to amend the Township of Covert Zoning Ordinance to add provisions regarding waterfront access lots; to add provisions regarding solar energy systems; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF COVERT  
COUNTY OF VAN BUREN, MICHIGAN  
ORDAINS:**

**SECTION 1  
AMENDMENT TO SECTION 2.02 OF THE  
COVERT TOWNSHIP ZONING ORDINANCE**

Article 2, Section 2.02, “Construction of Language and Definitions” of the Covert Township Zoning Ordinance is hereby amended to add the following uses and to revise the following definitions as noted herein:

**Add these definitions:**

**Access Lot** – A type of waterfront lot providing for private or common (semi-private) access to a waterway for one or more access lot beneficiaries. An access lot includes any buffer strips required herein.

**Access Lot Beneficiary** – The owner/occupant of a waterfront lot and any other person with a right of access to a waterway and/or use of a waterway through a waterfront lot, in whole or in part by fee ownership, easement, lease, license, gift, business invitation, or any other written form of conveyance, dedication, permission or access/use rights. Members of the same family as defined herein shall be collectively considered as one access lot beneficiary.

**Waterfront Lot** – Any lot or parcel of land, whether or not improved, and whether or not platted, any portion of which:

- a. Abuts the shoreline of any waterway; or
- b. Abuts a promenade, walkway, or other property which itself abuts the shoreline of any waterway and which provides access and/or use rights to the waterway.

**Waterway** – A natural or man-made lake, river, stream, channel, pond, equal or greater than two (2) acres, or other natural or artificial watercourse.

**Solar Energy System (SES)** – a photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

**Accessory Use SES** – a solar energy system with the purpose primarily of generating electricity for the principal use on the site.

- **Accessory Ground-Mounted SES:** A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.
- **Building-Integrated SES:** A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
- **Roof-Mounted SES:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure

**Maximum Tilt** - the maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

**Minimum Tilt:** The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

**Solar Energy System (SES)** – a photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

**Amend these definitions to read as follows:**

**Setback, Waterfront** – For all waterways, the waterfront setback distance shall be the distance measured from the water's edge to the nearest point of the facing wall of the principal structure or accessory structure.

**Water’s Edge** – The line of typical separation between the waterway and the immediately adjacent land. Where there is disagreement as to the location of this line or it is difficult to clearly determine, the Township may use the Ordinary High-Water Mark.

**Waterfront Lot Line** – See Water’s Edge

**SECTION 2**  
**AMENDMENT TO ARTICLE 15, SECTIONS 15.01 and 15.02**  
**OF THE COVERT TOWNSHIP ZONING ORDINANCE**

Article 15, Section 15.01, “Table of Dimensions” of the Covert Township Zoning Ordinance is hereby amended to re-label Column “Minimum Frontage (feet)” to read as follows:

“Minimum Street Frontage- Minimum Waterway Frontage-Minimum Lot Width-(feet)”

Article 15, Section 15.02, “Notes to Schedule of Regulations,” Subsection 4.d. of the Covert Township Zoning Ordinance is hereby amended to read as follows:

For lots with frontage on other waterways besides Lake Michigan, the Minimum Waterfront Setback shall be the same as the Minimum Rear Yard Setback in the subject zoning district.

**SECTION 3**  
**AMENDMENT TO ARTICLE 18, “GENERAL PROVISIONS” OF**  
**THE COVERT TOWNSHIP ZONING ORDINANCE**

Article 18, General Provisions of the Covert Township Zoning Ordinance is hereby amended so that Item 3 to add a new Section 18.33 Accessory Use Solar Energy Systems (SES), which shall read as follows:

**Section 18.33      Accessory Use Solar Energy System (SES)**

Accessory Ground-Mounted SES, Building-Integrated SES, and Roof-Mounted SES shall be allowed in all zoning districts as accessory uses, subject to the following requirements:

A. Accessory Ground-Mounted SES:

1. *Location:* Accessory Ground-Mounted SES shall be located in the side or rear yard to minimize visual impacts from the public rights-of-way. Ground-Mounted SES shall also be allowed within the front yard if located at least 250 feet from the abutting public right-of- way.

Ground-Mounted SES may be placed in the front yard with Planning Commission approval where the applicant can demonstrate that placement of the SES in the rear or side yard



will:

- a. Decrease the efficiency of the SES due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots;
  - b. Interfere with septic system, accessory structures, or accessory uses; or
  - c. Require the SES to be placed on the waterfront side of the principal building.
2. *Setbacks:* Accessory Ground-Mounted SES shall be subject to the setback requirements applicable to accessory buildings established by Section 18.12, measured from the property line to the leading edge of the SES at minimum tilt.
  3. *Height:* Accessory Ground-Mounted SES shall be subject to the height requirements applicable to accessory buildings established by Section 18.12, measured from the ground to the top of the system when oriented at maximum tilt.
  4. *Lot Coverage:* The surface area covered by the Ground-Mounted SES shall be included in the lot coverage calculations for the lot, unless it is sited over an existing impervious surface.
  5. *Exemption:* Accessory Ground-Mounted SES used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump or other similar singular device is exempt from this Section.
  6. *Installation:* Accessory Ground-Mounted SES shall be permanently and safely attached to the ground. Proof thereof shall be submitted to the Township Building Official prior to installation and shall be subject to the Building Official's approval.
  7. *Utilities:* All related power transmission lines shall be placed underground.

B. Roof-Mounted SES:

1. Roof-Mounted SES installed on a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
2. Roof-Mounted SES installed on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.



3. Roof-Mounted SES shall be only of such weight as can safely be supported by the roof. Proof thereof shall be submitted to the Township Building Official prior to installation and shall be subject to the Building Official's approval.

C. Building-Integrated SES:

1. Building-Integrated SES shall be subject to the same zoning regulations applicable to the building or structure.



- D. The exterior surfaces of Accessory SES shall be generally neutral in color and substantially non-reflective of light.
- E. Accessory SES-related battery systems no longer in use shall be disposed of in accordance with applicable laws and regulations.
- F. Accessory SES shall conform to applicable industry standards and shall be installed, maintained and used only in accordance with the manufacturer's directions. The Building Official may inspect the completed installation to verify compliance.
- G. Accessory SES shall comply with all applicable Township construction-related codes and permitting requirements.
- H. Accessory SES installed on a nonconforming lot or building/structure or to serve a nonconforming use shall not be considered an expansion of the nonconformity.
- I. A Zoning Compliance Permit is required and shall be obtained from the Township Zoning Administrator for an Accessory SES in accordance with Section 27.05, except:
1. Applications for Ground-Mounted SES must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to property lines.
  2. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.
  3. Applications that meet the ordinance requirements shall be granted administrative approval.
  4. Applications failing to meet the height, setback, location or lot coverage requirements set forth herein may be allowed as a special use, in accordance with Article 24.

- J. Any Accessory SES that becomes inoperable or is not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

**SECTION 4**  
**AMENDMENT TO ARTICLE 18, "GENERAL PROVISIONS" OF**  
**THE COVERT TOWNSHIP ZONING ORDINANCE**

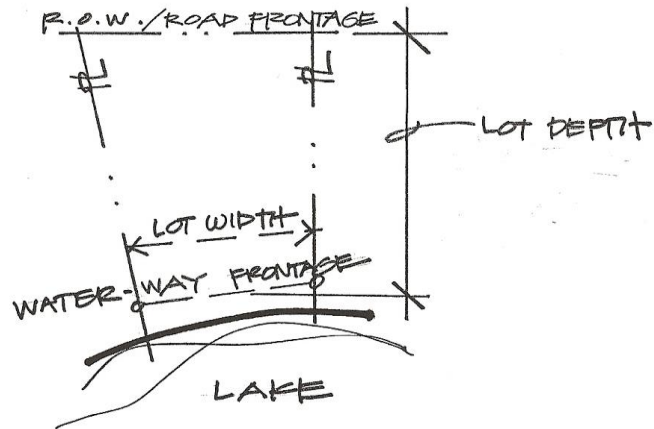
Article 18, General Provisions of the Covert Township Zoning Ordinance is hereby amended so that Item 3 to add a new Section 18.34 Non-Public Waterfront Access Lot Regulations, which shall read as follows:

Section 18.34            Non-Public Waterfront Access Lot Regulations

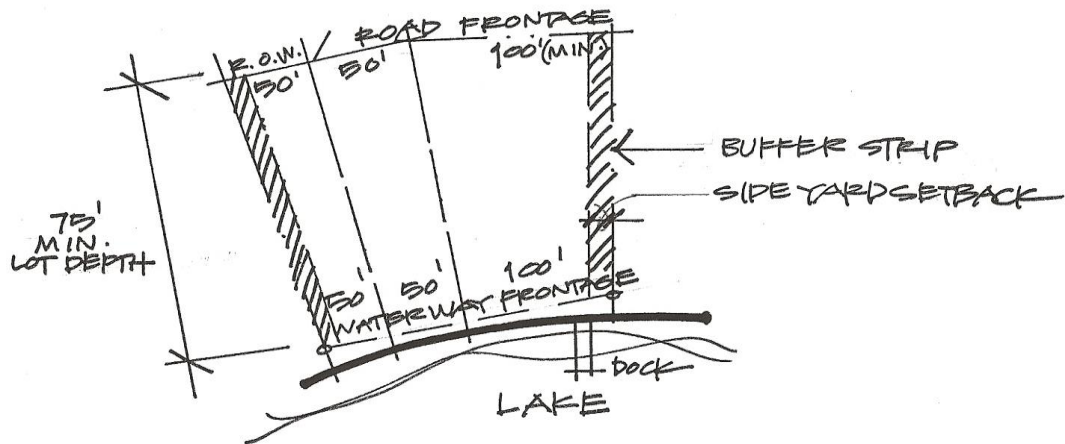
No waterfront lot in any zoning district shall be used as an access lot unless it complies with all of the following requirements:

- A. An access lot shall have a minimum waterway frontage, a minimum lot width, a minimum road frontage, and a minimum lot area corresponding to the minimum waterway frontage, lot width, road frontage, and lot area requirements for a lot in the zoning district in which the access lot is situated.
- B. An access lot providing waterway access to more than one access lot beneficiary shall have a minimum lot depth of at least 75 feet and at least an additional 50 feet of waterway frontage, lot width, and road frontage for each additional access lot beneficiary.
- C. Waterway frontage shall be measured by a straight line which intersects each side line of the access lot at the Ordinary High-Water Mark. Areas consisting of swamp, bog, marsh, or other type of wetland, as commonly defined, shall not be counted towards the minimum waterway frontage required herein, but may be used to meet minimum buffer strip requirements.
- D. An access lot providing access to two (2) or more access lot beneficiaries shall include a buffer strip on each side of the access lot, parallel with each boundary that extends from the waterway frontage. Each buffer strip shall have a minimum width for the entire depth of the access lot corresponding with the amount of minimum side yard setback required for a principal building in the zoning district in which the access lot is situated.
- E. No building or structure of any kind other than fencing shall be constructed or erected upon a required buffer strip. Required buffer strips shall not be used for any motorized vehicular traffic, parking, boat ramps or for storage purposes (including junk, waste or garbage) or other development purpose of any kind, and shall be preserved to provide a natural barrier between the usable portion of an access lot and adjacent lots.

- F. No portion of any dock shall be located within the minimum side setback area required for the zoning district in which the access lot is situated, as measured from the boundaries of the lot as projected into a waterway.
- G. Adequate off-street parking for each access lot beneficiary shall be provided on each access lot.
- H. Site plan review shall be required for all access lots providing access to more than one (1) access lot beneficiary.
- I. An access lot created as part of a plat or condominium development shall be dedicated at the time of recording of the plat/condominium for use solely by the owners/occupants of lots contained within the plat/condominium, or a specified lesser number thereof, consistent with all applicable laws and ordinances.



ACCESS LOT FOR ONE (1) BENEFICIARY



ACCESS LOT FOR THREE (3) BENEFICIARIES



**SECTION 5**  
**SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

**SECTION 6**  
**REPEAL OF CONFLICTING ORDINANCES/EFFECTIVE DATE**

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

COVERT TOWNSHIP  
Wednesday Pritchard, Clerk  
73943 Lake Street  
PO Box 35  
Covert, MI 49043-0035  
269-764-8986  
[www.covertwp.com](http://www.covertwp.com)