

NOTICE OF REGULAR MEETING
COVERT TOWNSHIP PLANNING COMMISSION

Wednesday, February 21, 2024

6:30 P.M. – COVERT TOWNSHIP HALL

AGENDA

1. Call to Order / Roll Call / Pledge of Allegiance
2. Approval of Agenda
3. Approval of Minutes
 : January 17, 2024
4. Public Comments Concerning Non-Agenda Items
5. Public Hearings
 - A. Zoning Ordinance Amendments related Lake Access Regulations (Keyhole Development/Anti-Funneling)
 - Section 2.02 – Definitions (*P.H. Notice Item 1.*)
 - Section 15.01 – Schedule of Regulations: Table of Dimensions (*P.H. Notice Item 2.*)
 - Section 15.02 – Schedule of Regulations: Notes (*P.H. Notice Item 3.*)
 - Article 18 – General Provisions (*P.H. Notice Item 4.*)
6. Ongoing Business
 - A. 2023 Planning Commission Annual Report
 - B. 2024 Planning Commission Work Plan
 - C. Text Amendments – Solar Energy Systems
 - *Revised Recommended Amendments*

PLANNING COMMISSIONERS: *Please notify the Planning Commission Chair no later than the day before the scheduled meeting if you are unable to attend the meeting. In the event of a lack of a quorum, the meeting will be canceled.*

7. New Business

A. Battery Storage Facilities

- Informational Articles
- Sample Ordinances

8. Communications

- MP/CMP Update

9. Adjournment

PLANNING COMMISSIONERS: *Please notify the Planning Commission Chair no later than the day before the scheduled meeting if you are unable to attend the meeting. In the event of a lack of a quorum, the meeting will be canceled.*

COVERT TOWNSHIP

PLANNING COMMISSION

MINUTES OF THE JANUARY 17, 2024 REGULAR MEETING

6:30 P.M., COVERT TOWNSHP HALL

Call to Order / Roll Call / Pledge of Allegiance

Chair Rendell called the meeting to order at 6:30 p.m.

Members Present: Lenard Berry, Robert Brown, Luke Dennison, Austin Harding, Jenna Johnson, Wayne Rendell, Lonzey Taylor

Members Absent: None

Others Present: Rebecca Harvey, Township Planning Consultant

Chair Rendell introduced and welcomed new Planning Commission members Luke Dennison and Jenna Johnson.

Approval of Agenda

Motion by Taylor, seconded by Chair Rendell, to approve the agenda of the January 17, 2024 regular meeting, as presented. Motion carried unanimously.

Approval of Minutes – November 15, 2023 Regular Meeting

Motion by Brown, seconded by Harding, to approve the minutes of the November 15, 2023 regular meeting, as presented. Motion carried unanimously.

Public Comment on Non-Agenda Items

Tyler Augst, MSU Extension, renewed introductions and provided an overview of the educational/outreach programs available through the Extension, specifically to Covert

Township and within Van Buren County generally. He distributed informational flyers on upcoming workshops and the MSU Citizen Planner Program.

No further public comment was offered on non-agenda items.

New Business

Election of Officers

Motion by Brown, seconded by Taylor, to nominate/elect Wayne Rendell as Planning Commission Chair; Lenard Berry as Planning Commission Vice-Chair; and, Austin Harding as Planning Commission Secretary. Motion carried unanimously.

2023 Planning Commission Annual Report

Harvey explained the statutory requirement and purpose behind the annual report. She then provided an overview of the content of the draft 2023 Planning Commission Annual Report and the significant work accomplished by the Commission in 2023, noting that the complete written report would be provided for approval at the February meeting.

Taylor expressed his thanks to the Planning Commission for the quality and depth of work completed in 2023, especially given the changes in membership throughout the year.

2024 Planning Commission Work Plan

Harvey presented the draft Work Plan for 2024, noting that the work plan items completed in 2023 have been removed and the work plan items in progress noted with status updates. The remaining work plan items reflected are updates needed for consistency with State law or best practices . . . and Zoning Ordinance amendments needed for consistency with the Master Plan.

Lengthy Planning Commission discussion ensued wherein the following work plan items were prioritized for consideration:

Priority #1:

- Completion of Z.O. Amendments - Solar Energy Systems
- Completion of Z.O. Amendments - Keyholing (Anti-Funneling)

- Completion of MP/CMP Update Process (w/ McKenna)
- Z.O. Amendments – Battery Storage Facilities
- Joint TB/PC/ZBA Meeting

Priority #2:

- Review of Zoning Ordinance for Consistency with Updated MP/CMP
- Z.O. Amendments - Principal Use Wind/Solar Energy Systems (given recent legislation and new MP/CMP guidance)
- Z.O. Amendments - Shipping/Storage Containers as Accessory Buildings and/or Dwellings
- Expanded Discussion - Affordable Housing

It was noted that the discussion of ‘affordable housing’ within the Township and potential gaps in the Zoning Ordinance related to same would be a good joint meeting topic.

Harvey was requested to update the draft 2024 Work Plan per the Planning Commission’s discussion for approval in February.

2024 Planning Commission Meeting Schedule

Motion by Harding, seconded by Chair Rendell, to adopt by resolution the proposed 2024 meeting schedule of the Planning Commission, noting the addition of the January 15, 2025 meeting date. Motion carried unanimously.

Ongoing Business

Text Amendment: Lake Access Regulations (Keyhole Development/Anti-Funneling)

Chair Rendell reminded that the topic of ‘Keyhole Development/Anti-Funneling’ is a Work Plan Item and that general discussion of same was held in October and November, 2023. He noted that Harvey was subsequently requested to prepare draft text using the Prairieville Township Zoning Ordinance provision as a template for Planning Commission consideration in January.

Harvey presented Draft #1 (dated 1.17.24) of proposed amendments to Article 2 – Definitions, Article 15 – Schedule of Regulations, and Article 18 – General Provisions (including a schematic) related to Waterfront Access Lot Regulations.

Planning Commission discussion ensued wherein it was noted that the draft text was developed as requested and effectively addresses ‘keyhole development’ through ‘waterfront access lot regulations’ similar to those in effect in other area communities, specifically Prairieville Township.

In review of Section 18.34 of the draft text, it was agreed that ‘minimum waterway frontage’ and ‘minimum lot width’ standards should be established (equal to existing ‘minimum road frontage’ standards) and applied to ‘waterfront access lots’ as suggested in Section 18.34 A. and B.

Harvey was directed to revise the draft text to include an amendment of Section 15.01 – Table of Dimensions to re-label ‘Minimum Frontage’ to read ‘Minimum Road/Waterway Frontage – Minimum Lot Width (feet)’ and to schedule the proposed amendments for public hearing in February, 2024.

Text Amendment: Solar Energy Systems

Taylor advised that the Township Board considered the Planning Commission’s recommended amendments related to ‘solar energy systems’ in November, 2023 and acted to return the proposed text to the Planning Commission for consideration of the following questions:

- Q1 Section 18.32 A.1. – This refers to restrictions on where accessory ground-mounted SES may be installed for residential districts. How will the Ordinance address other districts? Also – how is the “front yard” defined.
- Q2 Section 18.32 E. – What constitutes a “secure” enclosure for the battery systems?

Referencing the memo prepared by Harvey, Chair Rendell led the Commission through a discussion of the questions raised, with the following conclusions and points of consensus noted:

Q1 – As drafted, ‘accessory ground-mounted SES’ are limited to the side or rear yard only within the RR, LD-1, LD-2, MD and HD Districts. No locational limitations are proposed to apply within the non-residential districts, which include the AG, REC, VMU, HC, NC, CC, I ESA, and PUD Districts. (See Section 3.01)

Revise Section 18.32 A.1. to:

- remove ‘in residential districts’, so that the side/rear yard locational requirement applies to all districts; and
- allow location within the front yard if at least 250 ft from the abutting roadway

Section 2.02 defines ‘front yard’ as ‘*an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and nearest point of the principal use, building or structure. A lot has two front yards if a corner lot.*’

Section 2.02 defines ‘front lot line’ as ‘*that line separating said lot from the property line abutting the public right-of-way.*’

Q2 – A ‘secure’ location requirement is intended to prevent damage to the battery system . . . which can result in safety concerns regarding ventilation, fire resistance, and/or explosion. ‘Secure location’ is generally interpreted to mean within a garage, utility closet/space or mechanical enclosure.

With that said, the National Fire Protection Association (NFPA) has created minimum requirements to mitigate hazards associated with energy storage. Additionally, installation considerations are recommended by the manufacturer, which must be followed to keep the warranty valid.

This provision may not be necessary given recent installation rules and regulations. Revise Section 18.32 E. to remove the requirement for ‘location within a secure temperature-controlled enclosure’.

Harvey was requested to revise the recommended amendments related to ‘solar energy systems’ per the Planning Commission’s discussion for review in February.

Leroy Morris, Township resident, posed questions regarding the Township’s position on solar energy facilities. He noted his support for allowing such facilities in Covert Township in recognition of the jobs and opportunities it would present to local residents.

Communications

Harvey reported on the status of the Master Plan/Coastal Management Plan project. She noted the survey reminder postcards were mailed in the first part of December and, accordingly, the survey period has been extended to the end of January. She advised that the development of

the preliminary draft plan remains on schedule for submission to the Planning Commission in February.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Respectfully Submitted,
Rebecca Harvey, AICP, PCP
(McKenna)
Township Planning Consultant

**COVERT TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

NOTICE OF PUBLIC HEARING AND PLANNING COMMISSION MEETING

To: The residents and property owners of Covert Township, Van Buren County, Michigan, and any other interested persons:

PLEASE TAKE NOTICE that the Covert Township Planning Commission will hold a public hearing and meeting on Wednesday, February 21, 2024 at 6:30 p.m. at the Covert Township Hall, 73943 Lake Street, Covert, Michigan within the Township. The items to be considered at this public hearing/meeting include the following:

1. Zoning Ordinance text amendments to Section 2.02, Definitions, to add new definitions and terms.
2. Zoning Ordinance text amendments to Section 15.01, Schedule of Regulations, to amend the table of dimensions regarding minimum frontage.
3. Zoning Ordinance text amendments to Section 15.02, Schedule of Regulations, to amend subsection 4.d to revise the existing language
4. Zoning Ordinance text amendments to Article 18, General Provisions, to add new Section 18.34, titled, "Non-Public Waterfront Access Lot Regulations" and to regulate the same.
5. Such other matters as may properly come before the Planning Commission at this public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the full text of each proposed Zoning Ordinance amendments may be obtained by contacting the Township Clerk at the phone number set forth below.

PLEASE TAKE FURTHER NOTICE that the Planning Commission reserves the right to recommend approval of, denial of, or modifications to the proposed amendments and will make its recommendation to the Township Board accordingly.

Written comments concerning the above matter(s) may be submitted to the chairperson of the Covert Township Planning Commission, or to the Clerk of Covert Township, at any time prior to the public hearing/meeting, and may further be submitted to the Planning Commission at the public hearing/meeting.

Covert Township will provide necessary, reasonable auxiliary aids and services at the hearing/meeting to individuals with disabilities, such as signers for the hearing impaired and audiotapes of printed materials being considered, upon five (5) days notice to the Township Clerk of the need for the same.

COVERT TOWNSHIP
Wende Pritchard, Clerk
73943 Lake Street
PO Box 35
Covert, MI 49043-0035
269-764-8986
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Zoning Ordinance Amendment – Waterfront Access Lot Regulations

Article 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.02 Definitions

Add:

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.

Amend:

Setback, Waterfront – For all ~~waterbodies and watercourses~~ **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.

Covert Township

Planning Commission

Water's Edge – The line of typical separation between the ~~body of water~~ **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: Setback, waterfront~~ See: **Water's Edge**

Article 15 SCHEDULE OF REGULATIONS

Amend:

Section 15.01 Table of Dimensions

Re-label Column 'Minimum Frontage – (feet)' to read '**Minimum Street Frontage – Minimum Waterway Frontage – Minimum Lot Width – (feet)**'

Section 15.02 Notes to Schedule of Regulations

4.d. For lots with frontage on other ~~water bodies or watercourses~~ **waterways** besides Lake Michigan, the Minimum Waterfront ~~Yard~~ Setback shall be the same as the Minimum Rear Yard Setback in the subject zoning district. ~~as measured from the water's edge along the water body or watercourse~~

Article 18 GENERAL PROVISIONS

Add:

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:

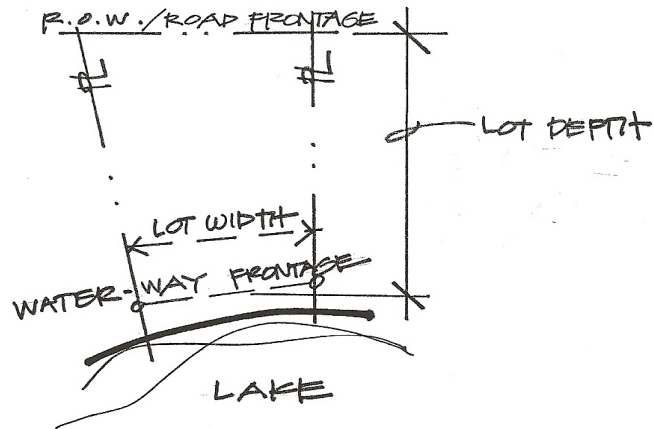
Covert Township

Planning Commission

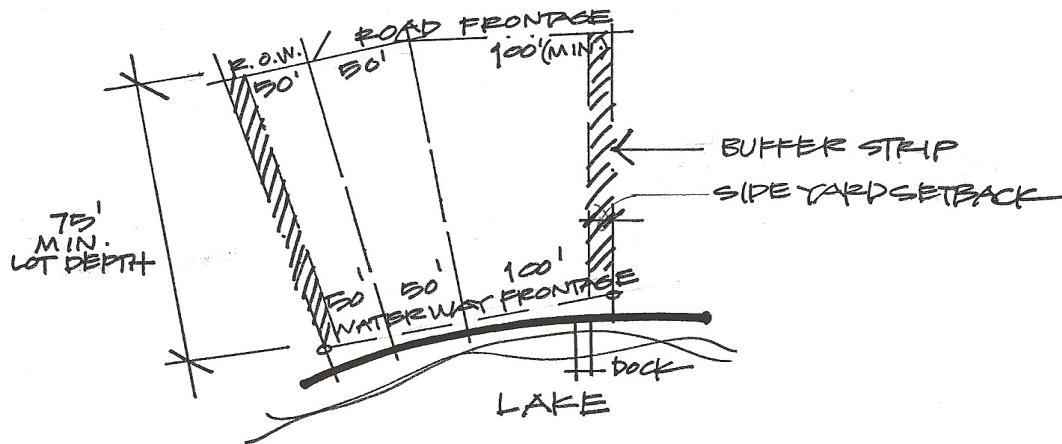
- A. An access lot shall have a minimum waterway frontage, a minimum lot width, a minimum road frontage, and a minimum lot area corresponding to the minimum waterway frontage, lot width, road frontage, and lot area requirements for a lot in the zoning district in which the access lot is situated.
- B. 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.

Covert Township

Planning Commission



ACCESS LOT FOR ONE (1) BENEFICIARY



ACCESS LOT FOR THREE (3) BENEFICIARIES

2023 Planning Commission Annual Report

Planning Commission:

Chair Wayne Rendell
Vice Chair Leonard Berry
Secretary Austin Harding

Robert Brown
Joe Frabotta
Keneisha Harrington
Lonzey Taylor, Trustee

Township Staff:

Planning Consultant McKenna: Rebecca Harvey, AICP, PCP
Zoning Administrator Alton Neal, Safebuilt

Planning Commission:

- **Eleven (11) regular meetings** and **1 special meeting** of the Planning Commission were held in 2023, in compliance with the Michigan Planning Enabling Act (MPEA).
- **One (1) application** was considered and acted upon by the Planning Commission in 2023: *Site Plan Review – Government Services Building (M-140 Hwy)*
- The **2023 Planning Commission Annual Report** was prepared/accepted as required in January, 2023.

2023 Planning Commission Annual Report

- The Planning Commission developed and approved a **2023-24 Work Plan** in March, 2023 wherein **6 - Priority #1 work items** and **4 - Priority #2-#4 work items** were identified.

Priority #1 Work Items

- Text Amendment – ‘child care facilities’ (consistency w/ MZEA)
- Text Amendment – ‘solar energy systems’
- Text Amendment – agricultural related standards (consistency w/ RTFA)
- Text Amendment – ‘mineral removal’ (consistency w/ MZEA)
- Text Amendment – ‘self-storage facilities’ (missing use option)
- Text Amendment – Section 18.15 – temporary storage (per ZA)

Priority #2-#4 Work Items

- (#2) Text Amendment – ‘conditional rezoning’ (questions of clarity)
- (#3) Text Amendment – Opt Out Provision – ‘marihuana businesses’
- (#4) Update Master Plan
- (#4) Update Coastal Management Plan

- ✓ All Priority #1 Work Items were completed in 2023.
- ✓ The Priority #2 Work Item was completed in 2023.
- ✓ Work on the Priority #4 Work Items was initiated in June, 2023 and is in progress.

- **Work Summary**

1. *Amendments related to ‘state licensed residential facilities; child care homes; foster care homes; and residential care facilities . . . for consistency with recent amendments to the MZEA.*

The Planning Commission initiated discussion in September, 2022. Consideration of draft amendments continued from November, 2022 through January, 2023. The public hearing was held on April 19, 2023 . . . and the amendments were recommended for approval.

2023 Planning Commission Annual Report

2. *Amendments to Article 2 – Definitions and Article 18 – General Provisions related to ‘solar energy systems’.*

The Planning Commission initiated discussion in early 2022 and began work in the study of sample ordinances and reference material/guidance provided through MSU Extension. Consideration of draft amendments continued from June, 2022 through February, 2023. The public hearing was held on April 19, 2023 . . and the amendments were recommended for approval.

The proposed amendments were considered by the Township Board in November, 2023 and returned to the Planning Commission with questions of clarification.

3. *Amendments to Section 18.15 – Temporary Construction Offices and Storage Facilities Permitted . . initiated at the request of the Zoning Administrator to clarify the prohibition of the use of temporary construction offices as dwellings.*

The Planning Commission initiated review in April, 2023 and continued discussion and review of draft amendments through June, 2023. The requested clarification was completed, as well as amendments made to allow the temporary use of a recreational vehicle on a construction site as a dwelling. The public hearing was held on July 19, 2023 . . and the amendments were recommended for approval.

4. *Amendments to allow ‘self-storage facilities’ as a special land use within the CC, HC and I Districts.*

The Planning Commission recognized ‘self-storage facilities’ as a missing use option in April, 2023 and continued with the review/development of draft amendments through June, 2023. The public hearing was held on July 19, 2023 . . and the amendments were recommended for approval.

5. *Amendments to Article 2 – Definitions and the AG and RR Districts for consistency with the Right to Farm Act (RTFA).*

The Planning Commission initiated discussion in May, 2023 and received legal review for RTFA-compliance in June, 2023. Consideration of draft amendments and legal guidance of same continued from July, 2023 through October, 2023. The public hearing was held on November 15, 2023 . . and the amendments were recommended for approval.

2023 Planning Commission Annual Report

6. *Amendments to Article 21 – Mineral Removal for consistency with the Michigan Zoning Enabling Act (MZEA).*

The Planning Commission initiated discussion in March, 2023. Planning and legal review for MZEA-consistency occurred from April, 2023 through September, 2023. Consideration of draft amendments and legal guidance of same continued from September, 2023 through October, 2023. The public hearing was held on November 15, 2023 . . and the amendments were recommended for approval.

7. *Amendments to Article 25 – Conditional Rezoning to improve/clarify applicable procedural requirements.*

The Planning Commission initiated discussion/review in August, 2023. Consideration of draft amendments continued from September, 2023 through October, 2023. The public hearing was held on November, 15, 2023 . . and the amendments were recommended for approval.

8. *The Township Board retained McKenna, Township Planning Consultant, to update the Covert Township Master Plan and Covert Township Coastal Management Plan.*

The project Kick-Off Meeting was held with the Township Board and Planning Commission on June, 7, 2023. Public engagement efforts were initiated in July, 2023 . . and included the launch of a Community Survey in August, 2023 and a Focus Group/Stakeholder Roundtable event in October, 2023. The Community Survey will remain open through the end of January, 2024. Presentation of a preliminary draft of the MP/CMP is scheduled for February/March, 2024.

9. *Amendments to Article 2 – Definitions and Article 18 – General Provisions related to ‘waterfront lot access’ regulations (keyholing/anti-funneling).*

In September, 2023, the Planning Commission added a discussion on the need for ‘keyholing’ or ‘anti-funneling’ regulations to the Work Plan. Reference material and sample ordinances were reviewed in October and November, 2023 . . and draft amendments considered in January, 2024. A public hearing is scheduled to be held in February, 2024.

2023 Planning Commission Annual Report

- The Planning Commission conducted a review/update of the Planning Commission Bylaws, originally adopted in 2009, for compliance with the Planning Commission Ordinance and the Michigan Planning Enabling Act (MPEA) . . as well as for consistency with best practices.

Planning/Zoning Department:

- The Township Planning Consultant and Township Zoning Administrator effectively worked together throughout 2023 to maintain consistency in zoning ordinance interpretation and application.

DRAFT

2023 Planning Commission Annual Report

• **Work Summary Table**

WP Item	1.23	2.23	3.23	4.23	5.23	6.23	7.23	8.23	9.23	10.23	11.23	12.23
T.A. - Child Care Facilities												
T.A. - Solar Energy Systems												
T.A. - Section 18.15												
T.A. - Self-Storage Facilities												
T.A. – RTFA												
T.A. – Mineral Removal												
T.A. – Conditional Rezoning												
MP/CMP Update												
T.A. – WF Lot Access (Keyholing)												
Update – PC ByLaws												
PC Annual Report/WP												

2024 Work Plan

Covert Township Planning Commission

PRIORITY	WORK ITEM	SUPPORTING MASTER PLAN POLICY or FOUNDATION FOR REVIEW	STATUS
ZONING ORDINANCE AMENDMENTS FOR CONSISTENCY W/ MASTER PLAN			
	AG District vs RR District	AG, Rural Res, Natural Features policies	
	RR – SF (1 unit/2.5 acres) LD – SF (2 units/acre) MD – SF-2F (3.5 units/acre) HD – SF-2F-MF (5 units/acre) VMU – SF-2F-MF	Need for additional housing options/variety of housing	
	Accessory Dwelling Unit (ADU)/Mobile Home as Accessory Use	Need for additional housing options / variety of housing	
	Short Term Rentals	Rural quality of life; Residential environment; Economic development that maintains character of community	
1	Solar Energy Systems	Natural feature preservation	4.19.23 Public Hearing – PC Recommendation 2.21.24 – PC Reconsidered Recommendation TB Action Pending
	Opt-Out Provision (Adult Use Marihuana Establishments)	MRTMA	

2024 Work Plan

Covert Township Planning Commission

	TB Review of SLU/ Site Plans	RRC Recommendation	
1	Keyholing (Anti-Funneling) Provisions	Sensitive natural features protection	2.21.24 Public Hearing
1	Update Coastal Management Plan – Adopted 2004	Alignment w/ Updated Master Plan	Update Initiated April, 2023 - McKenna
1	Update Master Plan – Updated 2020	Alignment w/ Updated Coastal Management Plan	Update Initiated April, 2023 - McKenna
2	Review Zoning Ordinance for Consistency w/ Updated MP/CMP	2040 Master Plan/Coastal Management Plan	Following MP/CMP Adoption
2	Alternative Energy Facilities (including principal use wind/solar energy systems)	TBD	Following MP/CMP Adoption
ZONING ORDINANCE UPDATES			
1	Battery Storage Facilities	Missing Use Option	
2	Shipping/Storage Containers as Accessory Buildings and/or Dwellings	Township Supervisor Request	
TRAINING/EDUCATION			
	In-House PC Training Session		
1	Joint TB/PC/ZBA Meeting		

Covert Township

Planning Commission

Zoning Ordinance Amendment – Solar Energy Systems

Article 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.02 Definitions

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.

Covert Township

Planning Commission

Article 18 GENERAL PROVISIONS

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.



Covert Township

Planning Commission

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.

Covert Township

Planning Commission

- 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.