



Planning Commission  
97 North Broad Street  
Hillsdale, Michigan 49242-1695  
(517) 437-6440 Fax: (517) 437-6450

## **Planning Commission Agenda** **April 19, 2023**

### **I. Call to Order 5:30 pm**

- A. Pledge of Allegiance
- B. New Member Welcome
- C. Roll Call

### **II. Public Comment**

Any agenda item – 3 min. limit

### **III. Consent Items**

- A. Approval of agenda
- B. Approval of Planning Commission 3/15/2023 minutes

### **IV. Communications**

- A. R2PC April Packet

[https://www.cityofhillsdale.org/sites/default/files/fileattachments/planning\\_commission/meeting/14369/april\\_13\\_2023\\_pkt.pdf](https://www.cityofhillsdale.org/sites/default/files/fileattachments/planning_commission/meeting/14369/april_13_2023_pkt.pdf)

### **V. Public Hearing**

- A. Sec. 36-431 and Sec. 36-432

### **VI. Old Business**

- A. No old business

### **VII. New Business**

- A. No new business

### **VIII. Zoning Administrator Report**

### **IX. Commissioners' Comments**

### **X. Public Comment**

Any Commission related item – 3 min. limit

### **XI. Adjournment**

Next meeting Wednesday, May 17, 2023 at 5:30 pm

**Planning Commission Meeting Minutes**  
**Hillsdale City Hall**  
**Council Chambers**  
**March 15, 2023**  
**5:30 pm**

**I. Call to Order**

Meeting opened at 5:30 pm followed by the Pledge of Allegiance, and Roll Call.

**II. Members Present**

- A. Members Present: Chairman Eric Moore, Vice Chair Kerry Laycock, Commissioner William Morrissey, Commissioner Elias McConnell, Commissioner Penny Swan, Commissioner Roma Rogers
- B. Public Present: Zoning Administrator Alan Beeker
- C. Members Absent: Commissioner Ron Scholl

**III. Public Comment**

No public comment

**IV. Consent Agenda and Minutes**

Motion to approve the consent items with change to Vice Chair title from Commissioner Scholl to Commissioner Laycock made by Commissioner Swan, seconded by Commissioner Morrissey, unanimous

**V. Communications**

None from Alan Beeker

**Old Business**

- Section 36-431 and 36-432 motion to set public hearing for approval by Commissioner Morrissey, seconded by Commissioner Swan, unanimous
- Master Plan Review pp. 78-97 Alan shares current developments throughout city

**VI. New Business**

None

**VII. Zoning Administrator Report**

- Keefer: basement excavation is complete and waterproofed, waiting for concrete for pouring
- ISD plans to turn lock haven into single family development

**VIII. Commissioner's Comments**

None

**IX. Public Comment**

- Questions on Chase building occupancy permit
- Code enforcement for city versus county brought up

**X. Adjournment**

Commissioner Swan moved to adjourn the meeting, Commissioner Morrissey seconded.  
Unanimous. Meeting adjourned at 6:17 PM.

**Next meeting Wednesday, April 19, 2023 at 5:30 pm**



**TO: Planning Commission**

**FROM: Zoning Administrator**

**DATE: April 19, 2023**

**RE: Accessory Structure Ordinance Amendment**

**Background:** At the March meeting, the Commission set a public hearing date for the regular April meeting to review the proposed amendments to Secs. 36-431 and 36-432. The City Attorney has also returned his review of the ordinance with minor revisions.

## PUBLIC HEARING

PLEASE TAKE NOTICE that the Hillsdale City Planning Commission has set a Public Hearing for April 19, 2023 at 5:30 p.m. in the Council Chambers, Hillsdale City Hall, to consider the proposed amendments to Secs. 36-431 and 36-432 Accessory Structures. You may view the proposed amendments in their entirety at [www.cityofhillsdale.org](http://www.cityofhillsdale.org). Printed documents are available upon request at the Hillsdale City Hall Clerk's Office.

Sec. 36-431. - Accessory buildings.

**Definitions:**

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM:** A solar energy system that is an integral part of a primary or accessory building or structure (rather than 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.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system mounted on support posts, like a rack or pole that are attached to or rest on the ground.

**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.

**PRINCIPAL-USE SOLAR ENERGY SYSTEM:** A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

**ROOF-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

**SOLAR ARRAY:** A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

**SOLAR CARPORT:** A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

**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 buildings and accessory structures shall be subject to the following regulations, which shall apply in all zone districts:

1. All accessory buildings and accessory structures are permitted in all zone districts subject to compliance with all of the following:
  - a. The accessory building and/or accessory structure is customarily and clearly incidental to a use that is permitted under this chapter and/or is a permitted use in the zone district in which it is to be located;
  - b. The accessory building and/or accessory structure does not create a nuisance or hazard; and

- c. The accessory building and/or accessory structure meets and is in accordance with all applicable limitations, requirements and provisions of this article and the applicable zone district.
2. No accessory buildings or accessory structures shall be established until the principal use to which it is an accessory has been established or a building, placement or construction permit for the principal use has been obtained.
3. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all yard regulations of this title, applicable to the main buildings.
4. Accessory buildings or other accessory structures shall not be erected, placed or established in any required yard, unless otherwise permitted by this chapter.
5. No detached accessory building or other accessory structure shall be located closer than ten feet to any main building or structure, unless it can conform to all other yard regulations as required for the main building or structure. It shall not be located any closer than three feet to any side or rear lot line, unless otherwise permitted by this chapter. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building or accessory structure shall be no closer than one foot to such rear lot line. In no instance shall an accessory building or accessory structure be located within a dedicated easement right-of-way.
6. When an accessory building or accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the accessory building or accessory structure shall not project beyond the front line of the existing main structure on the lot in rear of such corner lot. An accessory building or accessory structure shall not be located within ten feet of a street right-of-way line.

**An On-site Ground-Mounted Solar Energy System is an accessory use which shall meet the following standards:**

1. **Ground-Mounted SES shall not exceed 15 feet measured from the ground to the top of the system when oriented at maximum tilt. Ground mounted SES may not be placed in the front yard. Ground mounted SES shall be subject to and must conform to all yard regulations of this title, applicable to the main buildings as measured when oriented at minimum design tilt.**
2. **A Small Principal-Use SES is a permitted use in all zoning districts subject to site plan review and shall meet all of the following requirements:**
  - a. **Total height shall not exceed 15 feet measured from the ground to the top of the system when oriented at maximum tilt.**
  - b. **Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:**
  - c. **A Ground-Mounted SES shall follow the setback distance for primary buildings or structures for the district in which it is sited.**

- d. A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.
  - e. A Small Principal-Use SES shall be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of 6 feet in height. Additional screening may be required upon review.
3. Roof-Mounted SES shall not exceed the combined height of the building and the roof mounted SES, when oriented at maximum tilt, for principal structures in any zoning district. A Roof-Mounted SES or Building-Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.

All Ground mounted SES applications must include a site plan and drawings that show the height and dimensions of the SES. 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. All SES drawings shall include dimensions of the minimum and maximum tilt. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties. Any connection to the public utility grid shall be inspected and approved by the appropriate public utility.

All solar energy equipment shall be maintained and kept in good working order. If it is determined by the Zoning Administrator or other City Staff that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended function for six consecutive months, the property owner shall be given 30 day notice for removal of unit and all equipment. If the solar energy system is not removed within 30 days, any person, or anyone acting in behalf of the person, violating any of the provisions of this section shall be guilty of a misdemeanor. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.



Sec. 36-432. - Accessory buildings in residential districts.

Accessory buildings and accessory structures located in any residential zone districts shall be subject to the following regulations except as otherwise permitted in this chapter:

1. No detached accessory building or accessory structure in an R-1, RD-1, or RM-1 district shall exceed one story or 15 feet in height.
2. No accessory building or accessory structure inclusive of the main structure may exceed the required density requirements of section 36-411.
3. Playhouses, greenhouses and gazebos may not be located in side and rear yards within three feet of the property line.
4. Swimming pools shall be regulated by the Michigan Residential Building Code. Swimming pools, excepting inflatable swimming pools having a length or diameter of less than five feet and/or a depth of less than 18 inches, shall be placed in the rear yard only. Inflatable swimming pools having a length or diameter of five feet or more and/or a depth of 18 inches or more shall be located within the rear or side yards only. No hot tub or swimming pool shall be located within three feet of the property line.
5. Porches and decks must conform to all yard setback, bulk and height requirements. Construction of new porches and decks and the reconstruction of existing porches and decks shall be subject to compliance with the requirements of sections 36-411 and 36-787.
6. Game courts, as defined in section 36-6, excepting basketball hoops, are allowed within the rear and side yards only. Notwithstanding anything herein to the contrary, basketball hoops may be located in the driveway to the main residential building or to an accessory building, to an attached or detached accessory building or accessory structure. No game courts, playground or other recreational equipment may be located within three feet of the property line.
7. Garbage and trash containers are allowed in the side and rear yards only, except at designated times of pickup, during which they may be located at the property line in accordance with and subject to the provisions of chapter 28 of this Code.
8. Clothes lines, supporting poles and similar natural laundry drying equipment are allowed within the side or rear yard but shall not be located within three feet of the property line.
9. Pet shelters, pens, cages and runs are allowed only in the rear yard but shall not be located within three feet of the property line.
10. The use of semi-trailers, enclosed trailers, trucks, rail cars or vehicles as storage buildings or structures or as accessory buildings or structures is prohibited.
11. **Ground-Mounted Solar Energy System shall meet the requirements listed in Sec. 36-431.**
12. **Roof-Mounted Solar Energy System shall meet the requirements listed in Sec. 36-431.**
13. **No wind generating energy system shall be permitted.**

Sec. 36-431. - Accessory buildings.

**Definitions:**

**ACCESSORY STRUCTURE:** a subordinate to a principal structure on the same lot.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM:** A solar energy system that is an integral part of a primary or accessory building or structure (rather than 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.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system mounted on support posts, like a rack or pole that are attached to or rest on the ground.

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  - b. The accessory building and/or accessory structure does not create a nuisance or hazard; and
  - c. The accessory building and/or accessory structure meets and is in accordance with all applicable limitations, requirements and provisions of this article and the applicable zone district.
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only. Inflatable swimming pools having a length or diameter of five feet or more and/or a depth of 18 inches or more shall be located within the rear or side yards only. No hot tub or swimming pool shall be located within three feet of the property line.

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