

<u>Planning Commission Agenda</u> <u>September 20, 2023</u>

I. Call to Order 5:30 pm

- A. Pledge of Allegiance
- B. Roll Call

II. Public Comment Any agenda item – 3 min. limit

III. Consent Items

- A. Approval of agenda
- B. Approval of Planning Commission 8/16/2023 minutes

IV. Old Business

A. Sec. 36-436 Accessory Structure Ordinance

V. New Business

- A. Sec. 36-438 Accessory Dwelling Unit Ordinance
- B. Rezoning 3005 W Carleton

VI. Zoning Administrator Report

- VII. Commissioners' Comments
- VIII. Public Comment Any Commission related item – 3 min. limit

IX. Adjournment

Next meeting: Wednesday, October 18, 2023 at 5:30 pm



Planning Commission Meeting Minutes Hillsdale City Hall Council Chambers August 16, 2023 5:30 pm

I. Call to Order

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

II. <u>Members Present</u>

- A. Members Present: Chairman Eric Moore, Commissioner Roma Rogers, Commissioner Ron Scholl, Vice Chair Kerry Laycock, Commissioner William Morrisey
- B. Public Present: Zoning Administrator Alan Beeker, Mike West, John Lovely, Brian Farkas
- C. Members Absent: Commissioner Penny Swan, Secretary Elias McConnell

III. <u>Public Comment</u>

No public comment.

IV. Consent Agenda and Minutes

Motion to approve the Consent agenda as presented made by Commissioner Morrisey, seconded by Commissioner Laycock, motion approved unanimously. Commissioner Morrisey asked for minor changes to the minutes from the July meeting, he moved to approve the minutes as amended, Commissioner Rogers seconded. Motion approved.

V. Site Plan Review:

- A. 440 Hidden Meadows Hidden Meadows Housing Development
 - Green Development Ventures LLC is proposing a new residential development on Hidden Meadows Drive. The project will entail 4 semi-detached units. Each unit will consist of two, two-story, 1600 + s.f. units with two-car garages. The City Department heads reviewed the project with the developer on August 8, 2023.
 - Commissioner Morrisey asked if all of the department head issues had been resolved.
 - Mike West also added that test digs indicated undesirable soil on the west side of the lot that would make construction more expensive.

Commissioner Morrisey moved to approve, Commissioner Scholl seconded. Motion approved.

VI. Old Business

No old business.

VII. <u>New Business</u>

No new business

VIII. Zoning Administrator Report

• Discussed amending Sec. 36-431 in order to add definitions and allowances for Accessory Dwelling Units (ADU).



- Gave a brief overview and discussion of the Keefer House Hotel project.
- IX. <u>Commissioners' Comments</u> No Commissioners' comment.
- X. <u>Public Comment</u> No public comment.

XI. <u>Adjournment</u>

Commissioner Scholl moved to adjourn the meeting, Commissioner Laycock seconded. Motion passed unanimously. Meeting adjourned at 6:10 pm.

XII. Next meeting: September 20, 2023 at 5:30 pm.



TO: Planning Commission

FROM: Zoning Administrator

DATE: August 16, 2023

RE: Secs. 36-431 & 36-432

Background: The ordinances for Accessory Structures was amended to include solar energy systems. The ordinance was close to being sent to Council for adoption when definition questions paused the process. After reviewing zoning definitions and determining there was no need for further amendments, the Zoning Administrator is re-submitting the original amendments to the ordinance for public hearing review. The Zoning Administrator is asking the Commission to set the public hearing for the October regular meeting.

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.

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

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.

<u>ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on</u> 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.

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

- 1. <u>Ground-Mounted SES shall not exceed 15 feet measured from the</u> 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. <u>A Small Principal-Use SES is a permitted use in all zoning districts</u> <u>subject to site plan review and shall meet all of the following</u> <u>requirements:</u>
 - a. <u>Total height shall not exceed 15 feet measured from the ground to the top of</u> <u>the system when oriented at maximum tilt.</u>
 - b. <u>Setback distance shall be measured from the property line or road right-of-</u> way to the closest point of the solar array at minimum tilt or any SES <u>components and as follows:</u>
 - c. <u>A Ground-Mounted SES shall follow the setback distance for primary</u> <u>buildings or structures for the district in which it is sited.</u>

- d. <u>A Ground-Mounted SES is not subject to property line setbacks for common</u> property lines of two or more participating lots, except road right-of-way setbacks shall apply.
- e. <u>A Small Principal-Use SES shall be secured with perimeter fencing to restrict</u> <u>unauthorized access. If installed, perimeter fencing shall be a maximum of 6</u> <u>feet in height. Additional screening may be required upon review.</u>
- 3. <u>Roof-Mounted SES shall not exceed the combined height of the building and the</u> 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 or 25 feet to ridge.
- 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. <u>Ground-Mounted Solar Energy System shall meet the requirements</u> <u>listed in Sec. 36-431.</u>
- 12. <u>Roof-Mounted Solar Energy System shall meet the requirements listed in Sec.</u> <u>36-431.</u>
- 13. No wind generating energy system shall be permitted.



TO: Planning Commission

FROM: Zoning Administrator

DATE: September 20, 2023

RE: Accessory Dwelling Unit (ADU) Ordinance

Background: Accessory dwelling units (also known as 'accessory apartments', 'guest apartments', 'in-law apartments', 'family apartments' or 'secondary units') provide units that can be integrated into existing single family neighborhoods to provide low priced housing alternatives that have little or no negative impact on the character of the neighborhood.

The regulatory approach used by most municipalities for accessory dwelling units is a zoning bylaw that permits an accessory unit, thereby allowing certain improvements to be made to the existing dwelling. Provisions can address certain restrictions based on whether the dwelling existed as of a certain date, the maximum allowed building and site modifications, the options for choosing inhabitants, whether the main unit needs to be owner occupied, and minimum lot sizes. However, the greater the number of restrictions, the fewer options there are available to homeowners for adding the units.

The ordinance submitted is for review and discussion.

Chapter 36 – Zoning

Section 36-438. – Accessory Dwelling Unit (ADU)

- 1. Purpose and Intent: The intent of permitting accessory dwelling units is to:
 - a. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
 - b. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
 - c. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
 - d. Provide housing units for persons with disabilities;
 - e. Protect stability, property values, and the residential character of a neighborhood.

2. Definitions:

<u>Accessory Dwelling Unit</u>: An Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling (not within accessory structures, except with a Special Permit) that is clearly a subordinate part of the single-family dwelling and complies with each of the criteria stated below.

Building, Attached: A building having any portion of one or more walls in common or within five feet of an adjacent building.

Building, Detached: A building having a five feet or more of open space on all sides.

Dwelling, **Single-Family**: A building designed or used exclusively as a residence and including only one dwelling unit.

Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This definition does not include a trailer, however mounted.

<u>Primary Residence</u>: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

3. Use and Dimensional Regulations:

The Zoning Administrator may issue a Zoning Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling or use of an accessory dwelling unit in a detached structure on a single-family home lot only when the following conditions are met:

- a. An ADU shall be subject to and must conform to all yard regulations of this title, applicable to the main buildings.
- b. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
- c. Only one accessory dwelling unit may be created within a single-family house or house lot.
- d. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences.
- e. Any new separate outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building.

- f. The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than nine hundred (900) square feet.
- g. Once an accessory dwelling unit has been added to a single-family residence or lot, the accessory dwelling unit shall never be enlarged beyond the nine hundred (900) square feet allowed by this ordinance.
- h. An accessory dwelling unit may not be occupied by more than three (3) people nor have more than two bedrooms.
- i. The construction of any accessory dwelling unit must be in conformity with the Michigan Residential Building Code and other local ordinances and regulations.
- j. Off-street parking spaces should be available for use by the owner-occupant(s) and tenants.

In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Zoning Administrator may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons. Modifications to the dimensional standards to facilitate access and mobility for disabled persons will not exceed those standards by more than ten (10) percent. Approval for an ADU requires that the owner must occupy one of the dwelling units. Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

4. Administration and Enforcement

- a. No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, converted, enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the zoning administrator for such building, structure, or land.
- b. The Zoning Administrator shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance granted by the Board of Appeals or its agent.
- c. The Zoning Administrator shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
- d. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this chapter.



- TO: Planning Commission
- FROM: Zoning Administrator
- DATE: September 20, 2023
- RE: Rezoning 3005 W Carleton

Background: The owner of the property located at 3005 W Carleton Rd has submitted an application for rezoning. The property is currently zoned B-3 General Business District but the owner is requesting the parcel be rezoned to PRD Planned Redevelopment District. The Zoning Administrator is requesting the Commission set a public hearing for the November regular meeting.



CITY OF

HILLSDALE

For Office Use Only Date Received: Received By: Amount Paid/Check #

Fee: \$500.00

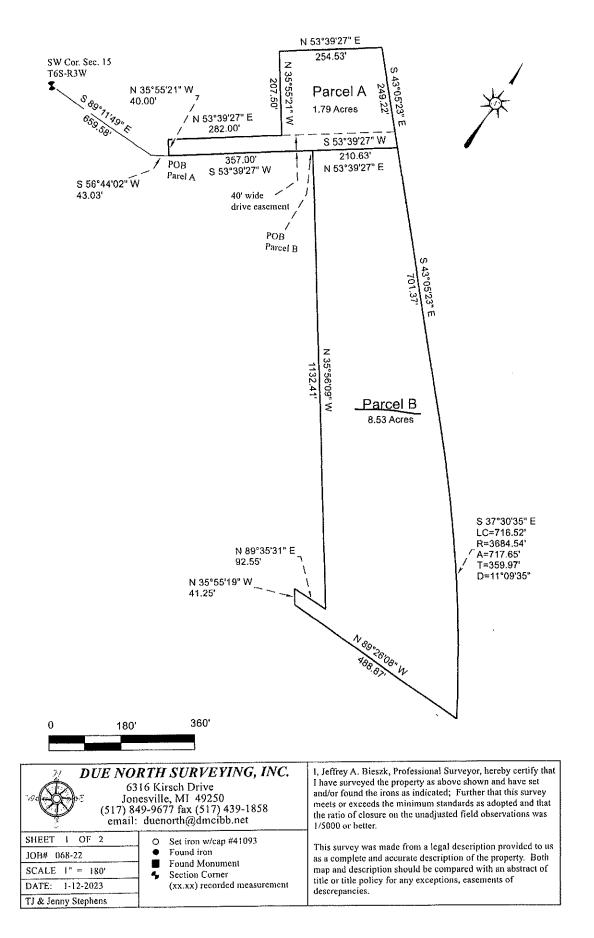
REZONING REQUEST PETITION FORM

Re-zoning may be requested by the property owner or at the request of Planning Commission. A public hearing must be set to be heard at the regular session of the City of Hillsdale Planning Commission, which meets on the third Tuesday of each month at 5:30 p.m. A \$500.00 filing fee must accompany the application. Return application to: City Clerk, City Hall, 97 N. Broad St. Hillsdale, Michigan 49242 or email to: <u>abeeker@cityofhillsdale.org</u>

Applicant's Name Terry Stephens JR	Owner's Name Terry Stephens Jr
Mailing Address 3007 W Carleton Rd, 49242	Mailing Address
City, State, Zip 517-462-1184	City, State, Zip
Telephone Number	Telephone Number

IF APPLICANT IS NOT THE PROPERTY OWNER, WHAT IS THE APPLICANT'S INTEREST IN THE PROPERTY? (LAND CONTRACT, LEASE, OPTION, ETC.)

3005	
Property Address: 3007 W Carleton Rd, parcel B	
Property Address:	_
Current Zoning District: B-3	
Proposed Zoning District: PRD	
Explain the nature of the Practical Difficulty or Hardship with the current zoning: Rezone to allow storage units	
(Attach additional sheets, as needed) $8 \cdot 24 - 33$	
Signature Date BELOW FOR OFFICE USE ONLY	
Signature of City Clerk Signature of City Clerk Deputy Date of Hearing	
Disposition of Planning Commission	4



MAP OF SURVEY

Parcel A:

Land in the Southwest Quarter, Section 15, Township 6 South, Range 3 West, City of Hillsdale, Hillsdale County, Michigan, described as follows:

Commencing at the Southwest Corner of said Section 15; Thence South 89° 11' 49" East along the South Line of said Section 15 a distance of 659.58 feet to the intersection of South Section line with centerline of West Carleton Road (State Highway M-99); Thence North 56° 44' 02" East 43.03 feet to the Northeasterly Line of said West Carleton Road and the Point of Beginning of this description; Thence North 35° 55' 21" West along said Northeasterly Line 40.00 feet; Thence North 53° 39' 27" East 282.00 feet; Thence North 53° 55' 21" West 207.50 feet; Thence North 53° 39' 27" East 254.53 feet to the Southwesterly right of way Line of Indiana Northeastern Railroad; Thence South 43° 05' 23" East along said right of way 249.22 feet; Thence South 53° 39' 27" West 567.63 to the Point of Beginning, containing 1.79 Acres more or less.

Subject to the a 40 foot wide casement for ingress and egress from West Carleton Road described as follows: Commencing at the Southwest Corner of said Section 15; Thence South 89° 11' 49" East along the South Line of said Section 15 a distance of 659.58 feet to the intersection of South Section line with centerline of West Carleton Road (State Highway M-99); Thence North 56° 44' 02" East 43.03 feet to the Northeasterly Line of said West Carleton Road and the Point of Beginning of this easement description; Thence North 35° 55' 21" West along said Northeasterly Line 40.00 feet; Thence North 53° 39' 27" East 562.60 feet to the Southwesterly right of way Line of Indiana Northeastern Railroad; Thence South 43° 05' 23" East along said right of way 40.28 feet; Thence South 53° 39' 27" West 567.63 to the Point of Beginning Also subject to any easements and restrictions of record.

Parcel B:

Land in the Southwest Quarter, Section 15 and the Northwest Quarter, Section 22, Township 6 South, Range 3 West, City of Hillsdale, Hillsdale County, Michigan, described as follows:

Commencing at the Southwest Corner of said Section 15; Thence South 89° 11' 49" East along the South Line of said Section 15 a distance of 659.58 feet to the intersection of South Section line with centerline of West Carleton Road (State Highway M-99); Thence North 56° 44' 02" East 43.03 feet to the Northeasterly Line of said West Carleton Road; Thence North 53° 39' 27" East 357.00 feet to the Point of Beginning of this description; Thence North 53° 39' 27" East 210.63 feet to the Southwesterly right of way Line of Indiana Northeastern Railroad; Thence South 43° 05' 23" East along said right of way 701.37 feet; Thence South 43° 05' 23" East along said right of way 701.37 feet; Thence Southeasterly along said right of way 717.65 feet on the arc of a curve to the right, with a radius of 3684.54 feet, a central angle of 11° 09' 35", and a chord which bears South 37° 30' 35" East 716.52 feet to fount concrete monument at the intersection of centerline of vacated Montgomery Street and said Railroad right of way; Thence North 89° 26' 08" West along said vacated Montgomery Street as monumented 488.87 feet; Thence North 35° 55' 19" West 41.25 feet to Northerly of said vacated Street; Thence North 89° 35' 31" East along said Northerly Line 92.55 feet; Thence North 35° 56' 09" West 1132.41 feet to the Point of Beginning, containing 8.53 Acres more or less.

Together with a 40 foot wide easement for ingress and egress from West Carleton Road described as follows: Commencing at the Southwest Corner of said Section 15; Thence South 89° 11' 49" East along the South Line of said Section 15 a distance of 659.58 feet to the intersection of South Section line with centerline of West Carleton Road (State Highway M-99); Thence North 56° 44' 02" East 43.03 feet to the Northeasterly Line of said West Carleton Road and the Point of Beginning of this easement description; Thence North 35° 55' 21" West along said Northeasterly Line 40.00 feet; Thence North 53° 39' 27" East 562.60 feet to the Southwesterly right of way Line of Indiana Northeastern Railroad; Thence South 43° 05' 23" East along said right of way 40.28 feet; Thence South 53° 39' 27" West 567.63 to the Point of Beginning Subject to any easements and restrictions of record.

DUE NORTH SURVEYING, INC. 6316 Kirsch Drive Jonesville, MI 49250 (517) 849-9677 fax (517) 439-1858 email: duenorth@dmcibb.net		1, Jeffrey A. Bieszk, Professional Surveyor, hereby certify that I have surveyed the property as above shown and have set and/or found the irons as indicated; Further that this survey meets or exceeds the minimum standards as adopted and that the ratio of closure on the unadjusted field observations was 1/5000 or better.
SHEET 2 OF 2 JOB# 068-22 068-22 068-22 068-22 068-22 07 07 068-22 08 068-22 08 07 07 08 08 07 08 07 08 06 08 02 08	 Set iron w/cap #41093 Found iron Found Monument Section Corner (xx.xx) recorded measurement 	This survey was made from a legal description provided to us as a complete and accurate description of the property. Both map and description should be compared with an abstract of title or title policy for any exceptions, easements of descrepancies.