

**ORDINANCE NO. 112 - 30**  
**Deerfield Township, Livingston County, Michigan**

An Ordinance to amend Ordinance No. 112, as amended, commonly referred to as the 2002 Deerfield Township Zoning Ordinance, to provide for the authorization and regulation of accessory dwelling units and solar energy systems including applicable definitions.

**SECTION 1**

The Deerfield Township 2002 Zoning Ordinance is amended by the insertion of the following phrases and corresponding definitions into Article 2, Definitions:

“Accessory Dwelling Unit: See Section 17.29 for the definition of accessory dwelling unit and regulations regarding the same.”

“Solar Energy Systems (SES): See Section 17.30 for definitions pertaining to solar energy systems and regulations regarding the same.”

**SECTION 2**

The Deerfield Township 2002 Zoning Ordinance is amended by the insertion of Section 17.29 into Article 17, to read as follows:

**“Section 17.29 Accessory Dwelling Units (ADU)**

**A. Definitions:** For the purpose of this Section, the following terms and phrases shall have the corresponding definitions.

1. **Accessory Dwelling Unit (ADU):** A second dwelling unit on the same lot as an existing single-family dwelling, where the physical character of such second dwelling unit is clearly subordinate to the existing single-family dwelling and the second dwelling unit functions in an accessory manner to the existing single-family dwelling. The existing dwelling on the lot is commonly referred to as the principal dwelling.
2. **Attached:** The sharing of a common wall between an ADU and the principal dwelling for a minimum length of ten (10) feet, or a fully enclosed corridor between an ADU and principal dwelling that does not exceed ten (10) feet in length.

**B. Authorization:** No ADU shall be established prior to the issuance of a land use permit for the ADU. The Zoning Administrator shall be the approving body for all ADUs. A land use permit for an ADU shall terminate at such time that the ADU does not conform to one (1) or more of the standards and requirements of this Section and the ADU has not been brought into compliance within the time period specified by the Zoning Administrator, but no greater than ninety (90) days. In the case of an ADU in a separate building from the principal dwelling, and which has not been brought into compliance with the period specified by the Zoning Administrator, the ADU shall be removed from the lot within sixty (60) days thereafter and the ground shall be returned to its pre-construction condition. No ADU shall be occupied upon termination of the land use permit for the ADU.

**C. General Regulations and Standards:** The following requirements shall apply to all accessory dwelling units (ADUs) except where provided otherwise:

1. **Principal Dwelling Required:** An ADU shall be established only on a lot on which a principal dwelling exists. The splitting of a lot that results in an ADU on a different lot than the principal dwelling to which it is accessory is prohibited.
2. **Ownership, Occupancy and Bedrooms:**
  - a. An ADU shall be established only on a lot owned by the occupant of the principal dwelling though upon construction of the ADU, the lot owner shall reside in the principal dwelling or the ADU.
  - b. A maximum of two (2) persons shall reside within an ADU.
  - c. An ADU shall have no more than one (1) bedroom except in an Agricultural District in which case the number of bedrooms shall not exceed two (2).
  - d. An ADU shall not be rented by or otherwise be made available to any one (1) or more persons for periods less than thirty (30) days.

3. Relationship to Principal Dwelling: An ADU shall be located in or be otherwise attached to the building containing the principal dwelling except that an ADU may be a separate accessory building or portion thereof when located in an Agricultural District provided the lot on which it is located is not a lakefront lot.
4. Prohibited Forms of ADUs: An ADU shall not be comprised of a mobile home or any device designed for regular or periodic movement including vehicles and cargo containers.
5. Number and Mailing Address: No lot shall have more than one (1) ADU on such lot and the lot shall maintain one (1) mailing address that shall service the ADU and principal dwelling.
6. Design Character: An ADU, and modifications to the principal dwelling to accommodate an ADU, shall be of similar or better workmanship as the principal dwelling, shall not detract from the appearance of the lot as a place of one (1) residence, and shall be aesthetically compatible in appearance with other single-family dwellings in the immediate area based on architectural design and exterior materials.

**D. Site Development Standards:** The following standards and requirements shall apply to all accessory dwelling units (ADUs) except where provided otherwise:

1. Lot Size: The minimum size of a lot containing an ADU shall be five thousand (5,000) sq. ft., except that the minimum size of a lot containing an ADU in a separate accessory building shall be two (2) acres.
2. Floor Area: An ADU shall not exceed six hundred (600) sq. ft. in gross floor area except that an ADU in an Agricultural District shall not exceed eight hundred (800) sq. ft. in gross floor area, but in no case shall the ADU's gross floor area exceed fifty (50%) of the gross floor area of the principal dwelling excluding the principal dwelling's basement.
3. Height: In the case of an ADU that is not part of or attached to the principal dwelling, the maximum height of the ADU shall be eighteen (18) feet or the principal dwelling's height, whichever is less.
4. Lot Coverage: An ADU shall be subject to the maximum lot coverage standards of the district in which the ADU is located.
5. Yard and Setback Restrictions:
  - a. In the case of an ADU that is not attached to the principal dwelling, the ADU shall be located in the rear yard only.
  - b. An ADU shall comply with the setback standards as required for the principal dwelling.
  - c. An ADU that is not part of or attached to the principal dwelling shall be located closer to the principal dwelling than to any non-ADU dwelling on another lot.
6. Doors: In the case of an ADU that is part of or otherwise attached to the principal dwelling, access to the ADU shall rely on doors in the side or rear yard only or otherwise rely on the shared use of a door of the principal dwelling facing the front door.
7. Driveway and Parking:
  - a. An ADU and principal dwelling shall be served by the same driveway.
  - b. An ADU shall be provided one (1) parking space in addition to the minimum two (2) spaces required for the principal dwelling.
  - c. In the case of the conversion of a garage to an ADU, a decrease in parking spaces for the principal dwelling below the minimum required two (2) spaces shall be replaced elsewhere on the lot.
8. Utilities: An ADU shall be connected to potable water and sanitary facilities approved by the County Health Department. Utility service to an ADU shall rely on the same metering and service panel as those that serve the principal dwelling except as may be otherwise required by the building inspector according to the State Construction Code. Separate utility billings for an ADU by the utility provider are prohibited."

### **SECTION 3**

The Deerfield Township 2002 Zoning Ordinance is amended by the addition of Section 12.01(D)(23) authorizing large solar energy systems in the A-1 District by special land use approval, to read as follows:

"23. Large solar energy systems (Large SES)."

## SECTION 4

The Deerfield Township 2002 Zoning Ordinance is amended by the insertion of Section 17.30 into Article 17, to read as follows:

### **Section 17.30 Solar Energy Systems (SES)**

**A. Definitions:** For the purpose of this Section, the following phrases shall have the following corresponding definitions.

1. **Solar Energy System (SES):** A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area and are sometimes referred to as "concentrated solar power" systems or "CSP" systems.
2. **Small Solar Energy System (Small SES):** A SES located on the same lot as the use served by the SES and which relies on roof mounted and/or ground mounted collection systems that occupy no more than two thousand (2,000) sq. ft. of roof and/or land area, including access aisles between solar panels. A Small SES is typically intended to serve a single residential unit, agricultural operation or other business.
3. **Medium Solar Energy System (Medium SES):** A SES located on the same lot as the use served by the SES and which relies on roof mounted and/or ground mounted collection systems that occupy more than two thousand (2,000) sq. ft. but not more than ten thousand (10,000) sq. ft. of roof and/or land area, including access aisles between solar panels. A Medium SES is typically intended to produce energy for use in association with multiple dwellings and/or businesses on a single lot.
4. **Large Solar Energy System (Large SES):** A solar energy system that relies on roof mounted and/or ground mounted collection systems that occupy more than ten thousand (10,000) sq. ft. of roof and/or land area, including access aisles between solar panels. A Large SES is typically intended to produce energy for use principally in association with multiple dwellings and/or businesses on a single lot on which the system is located and/or for use by off-lot properties and persons including in association with energy utility providers. A Large SES may be commonly referred to as a "solar farm."
5. **Solar Collection Panels:** Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

### **B. Authorization, Review and Approval Procedures**

1. **Small SES:** Small SES are permitted as accessory uses and structures only, and are authorized in all districts. Small SES shall be subject to Zoning Administrator approval. An application for a Small SES shall be accompanied by a plot plan prepared according to Section 3.04(B), including the delineation of all SES structures and equipment.
2. **Medium SES:** Medium SES are permitted as accessory uses and structures only, and are authorized in all districts provided the principal use of the lot is not residential. Medium SES shall be subject to site plan approval according to Article 4 except that if the principal use constitutes a special land use, the approval process for the Medium SES shall be subject to the special land use review and approval provisions of Article 5.
3. **Large SES:** Large SES are permitted as accessory and principal uses and structures, constitute a special land use, and are authorized in the A-1 District only. Large SES are subject to the special land use review and approval provisions of Article 5.

### **C. General Standards**

1. **Buildings:** Unless provided elsewhere in this Section, all buildings shall comply with Section 10.09 unless the approving body determines a building functions in an accessory manner, in which case the standards of Section 19.11 shall apply.
2. **Structures:** Unless provided elsewhere in this Section, all structures that do not constitute buildings shall comply with the accessory structure standards of Section 19.11,
3. **Glare/Radiation:** SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the reviewing body may require a report from a registered civil engineer or other professional deemed qualified by the Zoning Administrator, attesting to the glare and radiation impact on nearby properties and public roads.

4. Panel Setbacks and Heights: Ground mounted SES panels shall be set back a minimum of twenty-five (25) feet from lot lines and shall not exceed fifteen (15) feet in height as measured from the ground below. In the case of a Medium or Large SES, the minimum setback shall be increased to fifty (50) feet.
5. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to solar collection panels. Any other regulated structures on the lot are subject to maximum lot coverage restrictions.
6. Yard Restrictions: No ground mounted SES panels, and support equipment that exceeds twenty (20) sq. ft. in area or six (6) feet in height, shall be located in a front yard unless such panels and equipment are set back a minimum distance of seventy-five (75) feet from the front lot line and screening is provided according to the landscape screening height and spacing provisions of subsection (8)(a) – (c). In the case of a lot that does not include a building not otherwise part of the SES, the front yard shall be construed to extend from the front lot line to a distance of seventy-five (75) feet.
7. Lighting: No SES exterior lighting shall be erected except upon satisfactory evidence that such lighting is necessary for the proper operation or security of the facility. No light may adversely affect adjacent lots. All lighting shall be shielded from adjoining lots, and light poles are restricted to eight (8) feet in height from the ground except upon satisfactory evidence that a greater height is necessary, no reasonable alternatives are available, and the greater height shall not create nuisance conditions.
8. Screening: In the case of Medium and Large SES ground mounted solar collection panel(s) located on a lot that is adjacent to a lot in an Agricultural or Residential District, where the panels are to be located within one hundred (100) feet of a shared lot line with such lot, the panels shall be screened from view from such lot.
  - a. Screening shall be comprised of trees and shrubs, with a minimum of fifty percent (50%) of the trees to be of evergreen species, and all trees shall be a minimum of six (6) feet in height at the time of planting, have a projected growth rate of a minimum of six (6) inches per year, and have a minimum projected growth height of at least fifteen (15) feet. The screening shall consist of a minimum of one (1) evergreen tree and one (1) low-branching deciduous tree per forty (40) linear feet of perimeter panel length, and one (1) shrub per twenty (20) linear feet of perimeter panel length. Shrubs shall be of a dense growth habit and shall be a minimum of two and one-half (2.5) feet in height at the time of planting.
  - b. The approving body may permit a maximum fifty percent (50%) reduction in the number and size of tree plantings where the adjacent property is vacant and not likely to be developed within the next three (3) years based on nearby development trends during the preceding three (3) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), and/or where other conditions may be present that make the normally required screening requirements ineffective or otherwise unnecessary.
  - c. Required screening shall be located and configured to encourage a natural appearance such as clustering and non-linear plantings, and need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line.
  - d. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.
  - e. The screening requirements of this Section shall replace the screening provisions of Article 23 except as the Township Board may determine otherwise appropriate.
  - f. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size, and the selected plant material shall be predominantly species native to Michigan.
9. Roof-Mounted Systems: Roof-mounted SES may exceed the maximum height standard for the structure to which it is attached according to the District in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached directly below.
10. Abandonment: If a ground mounted SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

**D. Self-Contained Solar Energy Systems:** Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, intended to provide energy to operate a device to which such panel is attached such as in the case of a panel powering an exterior light or an attic fan, are permitted in all districts and may be erected without the issuance of a zoning permit.

1. **Setbacks:** Self-contained solar energy systems shall comply with the setback restrictions applicable to accessory structures in the respective District.
2. **Heights:** Self-contained solar energy systems shall comply with the height restrictions applicable to accessory structures in the respective District except that in the case of a roof-mounted system, no portion of the system attached to the roof shall exceed three (3) feet above the roof surface below.

**E. Exempt Solar Energy Systems:** The following are exempt from the regulations of this Section and are not subject to the issuance of a zoning permit.

1. Roof-mounted solar energy systems that function as shingles or are otherwise shingle-like in general character.

**F. Additional Submittal Requirements for Medium and Large SES:** In the case of an application for a Medium or Large SES, the following information shall be provided in addition to the information required by Article 4 for site plan review and Article 5 for special land use applications.

1. **Project Description and Rationale:** The type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions.
2. **Operator's Agreement:** The operator's agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency proceedings and general safety documentation.
3. **Analysis of Traffic:** An assessment of anticipated traffic to the SES during construction phases and once the CSES is operational, including the anticipated daily vehicles by frequency and type such as construction workers' and employees' personal vehicles, earth moving and clearing vehicles, and other construction vehicles.
4. **Visual Impacts:** A presentation of the visual impact using photos or renditions of the project with consideration given to the tree plantings and setback requirements and shall include setbacks, panel size, location of the property lines, buildings, fences, greenbelts and road right of ways.
5. **Wildlife:** A review of the real and potential impacts on wildlife on the site and in the surrounding area.
6. **Lighting:** Indicate the extent of exterior lighting to be installed including locations, heights, fixture specifications, light levels along property lines, and the frequency of lights to be illuminated.
7. **Transportation Plan:** An access plan during construction and operation phases including the proposed SES service road system and ingress and egress onto public roads.
8. **Public Safety:** A description of the public health and safety risks the SES may present and measures to address such risks including emergency and standard shutdown procedures, and any security measures that may be employed to manage access to the facility by the general public.
9. **Telecommunications Interference:** Provide a description of the extent to which the SES may interfere with wireless communications within one (1) mile of the SES, or otherwise alter electromagnetic field conditions.
10. **Power:** Identify how the SES will connect to the power grid.
11. **Glare:** Provide a report prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this Section.
12. **Project Duration, Decommissioning, and Reclamation:** Provide a detailed decommissioning plan addressing the project's estimated duration period, the manner in which all SES features shall be removed, and the manner in which the site shall be reclaimed to its former condition. The decommissioning plan shall include a detailed description of the financial security guaranteeing removal of the system and which shall be posted at the time of receiving a construction permit for the facility. The security shall be in a form as required by Section 3.06. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer, shall present a detailed basis for the estimate including estimated hours and costs for labor and equipment, and shall be subject to approval by the Township."

**SECTION 5**

The remaining provisions of Ordinance No. 112, and all amendments thereto, are hereby ratified and reaffirmed.

**SECTION 6**

In the event that any provision of this amending ordinance is held to be unconstitutional or void for any reason by a court of competent jurisdiction, that provision shall be struck from the amendment and severed and the remaining provisions shall be enforced according to their terms and provisions.

**SECTION 7**

This amendment ordinance shall be effective eight (8) days after adoption and publication as provided by law.

**CLERK'S CERTIFICATION**

I, Garry Johnston, the duly appointed, qualified and acting Clerk of the Township of Deerfield, Livingston County, Michigan, hereby certify that the foregoing Deerfield Township Zoning Ordinance No. 112-30 (Ordinance to amend the 2002 Deerfield Township Zoning Ordinance, Ordinance No. 112) was adopted at a regular meeting of the Township Board, held at 4492 Center Road, Linden, Michigan on the 12<sup>th</sup> day of November, 2020, at which a quorum was present and voted. I further certify that \_\_\_\_\_ moved the adoption of the ordinance, supported by \_\_\_\_\_, and that the vote on the said proposed ordinance was: Yeas \_\_\_\_\_ Nays \_\_\_\_\_ .

\_\_\_\_\_  
Garry Johnston, Deerfield Township Clerk

\_\_\_\_\_  
Date