

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-265-A

TEXT AMENDMENT TO ZONING ORDINANCE

(Alternative Energy Devices)

An Ordinance to amend the Accessory buildings and structures section of the Zoning Ordinance, codified in Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, to allow for the installation of solar and wind energy systems.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Section 26-28, Accessory buildings and structures, in Article II of the Zoning Ordinance, codified in Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, is amended by amending subsections (a) and (b) and adding subsections (h) and (i) to read as follows:

Sec. 26-28 Accessory buildings and structures

- (a) Accessory buildings or structures are permitted in the R-10, R-12.5, R-15, R-30, RM-6, RM-9 and RM-12 districts subject to the limitations specified for each district except as provided for in this section. Detached accessory buildings and structures in all other districts may be permitted only with zoning board of appeals review and approval except as provided for in this section.
- (b) Where an accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all yard and height regulations of this chapter applicable to main buildings except as provided for in this section.
- (c) through (g) [Unchanged]
- (h) Solar energy systems that only service the energy needs of the property where the structure is located shall be allowed as an accessory structure subject to the following requirements:
 - (1) Roof-mounted solar panels are permitted on buildings and structures in all zoning districts and may include solar panels integrated as part of the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush mounted solar panels attached to the roof.
 - (2) All solar energy systems shall obtain a building permit, along with any other permits required by federal, state and local agencies, prior to erecting a system.

- (3) Separate, flush-mounted solar panels that are not integrated as part of the roof surface shall be located on a roof that does not face any public street or township recognized or approved private road, unless such installation is proven to be ineffective or impractical due to the orientation of the structure to the sun. In such instances the Community Development Department may permit the panels to be located on other roof faces if not visible to any such street or road.
 - (4) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation.
 - (5) Solar panels shall not project higher than the permitted building height in the zoning district in which it is located.
 - (6) All solar panels shall consist of a color designed to blend with the surrounding environment as much as possible.
 - (7) Existing non-residential uses may replace existing light fixture poles with poles that use solar or a hybrid (multiple energy sources that include solar and/or wind) system provided they meet the regulations of section 26-35.
 - (8) Any solar energy system not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the property owner, at the property owner's expense.
 - (9) Upon request, the Planning Commission may grant waivers of the requirements of this section, upon determining that the waiver will not present any undue hardships on adjoining properties. The Planning Commission shall take into consideration the support or opposition of adjacent property owners in granting waivers.
 - (10) Prior to making a determination on the waiver, the Planning Commission shall conduct a public hearing, at least thirty (30) days notice of which shall be given by publishing in a newspaper of general circulation in the township and by mail or personal delivery to the owner of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property considered, to occupants of all structures within three hundred (300) feet of that boundary, and to the subdivision association if applicable. The notice shall describe the nature of and indicate the property which is the subject of the request, give the date, time and place of the hearing and indicate where written comments can be received concerning the request.
- (i) Wind energy conversion systems (WECS) that only service the energy needs of the property where the structure is located shall be allowed as an accessory structure subject to the following requirements:
- (1) WECS are permitted on buildings and structures in all zoning districts and may include a tower, body, rotor, and blades.
 - (2) WECS shall not be erected or commenced without first obtaining a building permit as provided in this subsection and chapter and any other permits or approvals required by federal, state and other governmental laws or agencies.
 - (3) Notification of the WECS request shall be provided by mail or personal delivery to the owner of property for which approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property

considered, to occupants of all structures within three hundred (300) feet of that boundary, and to the subdivision association if applicable. The notice shall describe the nature of and indicate the property which is the subject of the request, indicate where and how any written objections to the request may be submitted and that if no written objections are received by the Community Development Department by a specified date that is at least thirty (30) days after the notice is given, that a building permit may be issued. If any timely objections are received by the Community Development Department, the request shall be forwarded to the Planning Commission for review and approval after a public hearing is held. At least fifteen (15) days notice of the public hearing shall be given by publishing in a newspaper of general circulation in the township and by mail or personal delivery to the same persons that were required to be notified of the request as provided in this subsection. The notice shall describe the nature of and indicate the property which is the subject of the request, give the date, time and place of the hearing and indicate where written comments can be received concerning the request.

(4) All WECS shall be constructed, operated and maintained in a manner that is safe, reasonably minimizes adverse visual impacts and protects against adverse environmental impacts. A building permit shall not be issued by the Community Development Department or approved by the Planning Commission unless the WECS complies with all requirements in this subsection (i) and all other provisions in this chapter. In considering a request, the following standards shall be considered and may be a basis for denying the request or imposing conditions based on specifically identified individual facts or features of the WECS and/or property upon which it will be located:

- a. Whether the proposed location on the lot creates adverse aesthetic, safety or environmental impacts that could be avoided or minimized in a different location.
- b. Whether any evidence of specifically identified and likely adverse effects to lawful existing uses in the immediately surrounding area has been presented.
- c. Whether any evidence of specifically identified and likely hazards to people, property or animals from the use has been presented.

(5) A plot plan in accordance with Section 26-303 shall be submitted in addition to the following information:

- a. An elevation drawing of the proposed WECS and all necessary equipment superimposed in the proposed location.
- b. Specification sheets for all equipment, identifying all parts of the system, including, but not limited to, the manufacturer and model, turbine, tower height and type, rotor diameter, foundation, any accessory equipment, and the manufacturers electrical plans and specifications.
- c. Any other information or evidence required by the Township to confirm compliance with the requirements of this chapter.

(6) Only one (1) WECS shall be permitted on a lot, which must be at least one (1) acre in size. Additional WECS may be permitted by the Planning Commission provided they meet all requirements specified in this section and their number and placement is

appropriate for the site and is architecturally and visually compatible with the surrounding area.

(7) Existing non-residential uses may replace existing light fixture poles with poles that use WECS or a hybrid (multiple energy sources that include solar and/or wind) system provided they meet the regulations of section 26-35.

(8) Height

- a. The height of the WECS shall not exceed twice the maximum permitted height for principal structures in the zoning district in which it is located. The total system height shall include the height above grade of the fixed portion of the tower to the heights vertical extension of any blades or rotors.
- b. Roof-mounted wind energy facilities may exceed the tallest part of the roof to which it is attached by no more than ten (10) feet.

(9) Location

- a. WECS shall not be located within a yard facing a public street or township recognized or approved private road in any residential zoning district.
- b. WECS shall be set back a distance at least equal to the height of the WECS from all lot lines. The height shall be measured to the top of the blade at its highest point.
- c. Clearance from any moving parts shall be at least twenty (20) feet above ground level and at least twenty (20) feet from any overhead utility lines or vegetation.

(10) Noise emissions from the operation of a WECS shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest lot line or road right of way.

(11) Screening of ground mounted mechanical equipment through the use of evergreen trees and/or shrubs is required to mitigate aesthetic impacts.

(12) All WECS shall consist of a neutral, non-reflective exterior color designed to blend with the surrounding environment.

(13) WECS shall not be illuminated.

(14) Signage on WECS shall be limited to those necessary to identify the owner, provide a 24-hour emergency contact phone number, warn of any danger, and educational signs providing information about the facility and the benefits of renewable energy. WECS shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

(15) All utility connections for and from the WECS shall be located underground. Electrical transformers for utility interconnections may be above ground if required by utility provider but must be screened according to the Zoning Ordinance.

(16) The WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within eighty percent (80%) of design limits of the rotor.

(17) All WECS shall be designed and installed so as to prevent unauthorized access to electrical and mechanical components and shall be secured or locked at all times when

service personnel are not present. To prevent unauthorized climbing, the WECS must provide an anti-climb device.

- (18) The applicant shall be required to secure and maintain sufficient liability insurance covering loss or damage to persons or property from the WECS and provide written proof of that insurance before a permit is issued, and thereafter annually on the anniversary of the date the permit was issued.
- (19) The applicant shall be required to provide a maintenance plan that ensures the upkeep and maintenance for the WECS, compliance with which will be a permit condition.
- (20) Any WECS not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the owner of the WECS, at the property owner's expense.

Section 2 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any other parts not invalidated.

Section 3 of Ordinance

Except as expressly set forth above, the Zoning Ordinance shall remain in full force and effect.

Section 4 of Ordinance

This Ordinance shall take effect upon the expiration of seven (7) days after publication, unless otherwise provided by law.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by Board of Trustees of the Charter Township of West Bloomfield at a meeting of the Board held on _____.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: _____
Catherine Shaughnessy, Township Clerk

INTRODUCED:
ADOPTED:
PUBLISHED: