

“HOT” GREEN TOPICS IN LOCAL REGULATIONS

57TH ANNUAL MICHIGAN TOWNSHIPS ASSOCIATION CONVENTION

GRAND RAPIDS

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8:30 – 9:45 a.m.

Presented by:

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I. Introduction

- A. The green theme
 - (1) Formal mandates
 - (2) General awareness
- B. Not only environmental considerations, but energy usage also
- C. Ordinance options
 - (1) Police power
 - (2) Zoning

II. The “Pause”

- A. Zoning and planning is slow
- B. A perfect time to update the master plan, zoning ordinance, and other ordinances

III. Wind generating towers

- A. Large versus small
 - (1) Large commercial systems for off-site electricity generation
 - (2) Smaller on-site electrical generation
 - (a) Residential
 - (b) Farm
 - (c) Commercial or industrial
- B. The preemption issue
- C. MTA website – a great resource
- D. Sample regulations
 - (1) “Special use” approval versus permitted “as of right”
 - (2) Definitions
 - (3) Temporary uses (anemometers)
 - (4) Height

- (5) Setbacks
- (6) Permits
- (7) Site plans
- (8) Rotor or blade clearance
- (9) Lighting
- (10) Maintenance program
- (11) Decommissioning plan
- (12) Inspections
- (13) Insurance
- (14) Performance guarantee
- (15) Sound pressure level
- (16) Shadow flickers
- (17) Code requirements
- (18) Fences, security, etc.
- (19) Signage
- (20) Electromagnetic interference
- (21) Access roads
- (22) Maintenance

E. The lease

IV. Green cemeteries

A. In general

B. See the new MTA book – *Township Cemetery Management*

V. Composting

A. Residential

B. Commercial

- (1) What zones should it be allowed in—industrial, commercial, etc.?
- (2) Should it be permitted as of right or with special use approval?
- (3) Farm use
 - Probably preempted by the Michigan Right to Farm Act

VI. “LEED certified”

- A. What does it mean? (“Leadership in Energy and Environmental Design”)
 - A green building rating system
 - Certified individuals
- B. Township regulations/codes

VII. Form-based zoning – generally

VIII. Enforcement

- A. Blight
- B. Dangerous and dilapidated buildings ordinances
- C. Junk ordinances
- D. Junk and inoperable vehicle ordinances
- E. The MTA book – *Municipal Civil Infractions – the Process*

IX. Outdoor wood burning stoves

- A. MTA web page – a resource
- B. Zoning ordinance versus police power ordinance?
- C. Sample regulations
 - (1) Definitions
 - (2) Minimum lot size requirements
 - (3) Minimum stack heights
 - (4) Setbacks from roads, property lines, other dwellings, etc.
 - (5) Storage of fuel, firewood, etc.
 - (6) Must be kept in good repair and maintenance

(7) Lawful nonconforming structures

D. Possible preemption issue

X. Farming

A. The Michigan Right to Farm Act and preemption

B. Boutique farming operations

(1) Harvest festivals, corn mazes, etc.

(2) Weddings and receptions

(3) Farm classes

(4) Crafts

XI. General zoning ordinance provisions

A. Waterfront regulations

B. Greenbelts

C. Setbacks from bodies of water

D. Steep slopes

E. Lot coverage maximums (impervious surfaces)

F. Parking lot catch basins

XII. Local Sand Dune Protection Ordinances

XIII. Local wetlands regulations

XIV. Other Ordinances

A. Regulating lawn fertilizer use near bodies of water

B. Water withdrawal regulations

C. Septic inspections

D. Septic waste application to fields

E. Stormwater runoff

F. Land divisions

G. Subdivisions and condominiums

XV. Zoning escrow fees

XVI. Township hall grounds

A. Wetlands

B. Rain gardens

C. Natural plants

XVII. General hot topics in zoning regulation

A. Medical marijuana dispensaries

B. Adult uses

C. Billboards – digital

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