

**CITY OF GROSSE POINTE WOODS, MICHIGAN**  
**20025 Mack Plaza Dr.**  
**Planning Commission Meeting**  
**Tuesday, July 27, 2021**  
**7:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ACCEPTANCE OF AGENDA**
5. **RECOGNITION OF COUNCIL REPRESENTATIVE/s**
6. **APPROVAL OF MINUTES:**  
Planning Commission – 4/27/21
7. **GENERAL DISCUSSION: SOLAR PANELS:**  
COW Excerpt 6/14/21  
Proposed Revisions Sec #50-539
8. **GENERAL DISCUSSION: OUTDOOR PATIOS:**  
Commissioner Vitale's Email 6/30/21
9. **BUILDING OFFICIAL'S MONTHLY REPORT/s**  
Building Department Reports – May & June 2021
10. **COUNCIL REPORT/s**  
May 3, 2021 – Profeta  
May 17, 2021 – Gilezan  
June 7 & 12, 2021 – Profeta  
July 12 & 19, 2021 – Fuller
11. **INFORMATION ONLY: COUNCIL REPRESENTATIVE FOR NEXT MEETING**  
August 2, 2021 – Gilezan  
August 16, 2021 – Vacant
12. **NEW BUSINESS: Subcommittees:**
  - a. 2020 Plan
  - b. Crosswalk/Pocket Park
  - c. Streetscape
13. **PUBLIC COMMENT:**
14. **ADJOURNMENT:**

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT) POSTED  
AND COPIES GIVEN TO NEWSPAPERS

Notice: The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to said meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or calling the A.D.A. Coordinator or the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2445; or Telecommunications Device for the Deaf (TDD) (313) 343-9249.



**THE CITY OF GROSSE POINTE WOODS PLANNING COMMISSION**  
**UNAPPROVED MINUTES: APRIL 27, 2021, 7:00 P.M.**  
**HELD REMOTELY VIA ZOOM**

Chair Bailey called the meeting to order at 7:02 p.m.

The facilitator's statement was provided.

Roll Call: Chair Bailey

Planning Commissioners: Fuller, Gilezan, Hamborsky, Profeta, Vitale

Absent: None

Also Present: Council Member McConaghy, Council Member Vaughn, Building Official Tutag,  
Administrative Assistant Josie Modrack, Deputy City Clerk/Facilitator Paul Antolin

**MOTION** by Fuller, seconded by Gilezan, that all items on tonight's agenda be received, placed on file, taken in order of appearance as presented.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Hamborsky, Profeta, Vitale

NO:

ABSENT:

The Chair recognized Council Members McConaghy and Vaughn who were both in attendance. Council Member McConaghy stated it would be his last meeting as the Planning Commission Council Representative. Council Member Vaughn is now the Planning Commission Council Representative.

**MOTION** by Vitale, seconded by Fuller, that the March 23, 2021 Planning Commission Minutes be received and placed on file as presented.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Hamborsky, Vitale

OBSTAIN: Profeta

NO:

ABSENT:

**MOTION** by Profeta, seconded by Gilezan, that Mike Fuller takes on the role for the remainder of 2021 as Vice-Chair and Secretary for the Planning Commission.

The next item was a **Sign Variance Requests: Starbucks, 20861 Mack Avenue**. The Building Official presented an overview of the application and letter of appeal submitted by LaVanway Sign Co. The Building Official then presented the reason for the sign application denial as it relates to Chapter 32, Signs, of the City Code. Applicant, Jonathan Rollens, was present on behalf of LaVanway Sign Co., to speak about their application and variance requests. Discussion ensued among Commissioners.

**MOTION** by Gilezan, seconded by Fuller, that the Planning Commission recommend to Council the denial of the sign variance requests for Starbucks at 20861 Mack Avenue.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Hamborsky, Vitale

NO: Profeta

Absent:

The next item was a **Façade Change Request: Lou's Pet Shop, 20779 Mack Avenue**. The Building Official presented an overview of the request. Applicant and storeowner, Donnie Cook, was present to speak about the project before the Planning Commission. Discussion ensued among Commissioners.

**MOTION** by Vitale, seconded by Profeta, that the façade change request for Lou's Pet Shop at 20779 Mack Avenue be approved with the following conditions:

- 1) The profile of the siding proposed has been reviewed and approved by the Building Official,
- 2) That eyebrow awnings over the windows and entry door are installed within 12 months of construction,
- 3) That the height of the new façade is the same as the existing roof.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Hamborsky, Profeta, Vitale

NO:

ABSENT:

The next item was the **Building Official's Monthly Report**, and the following items were presented for the month of March 2021:

- Clearzoning software for our city ordinance is going to Council for Budget approval;
- New Code Enforcement Officer has been hired, proactive approach throughout the city;
- Update on Legacy Oaks;
- Tall grass and related violations expected to increase given the time of year.

Commissioner Hamborsky reported on the April 12 and 19, 2021 City Council Meetings, respectively.

Commissioner Profeta will be reporting on the May 3, 2021 Council Meeting, and Planning Commissioners will email Josie Modrack their availability for the vacant Council Meetings ahead.

Under **Subcommittees**, the following was discussed:

- A. 2020 Plan – Commissioner Hamborsky reported the plans to reconvene the committee in regards to a better-fit title. Reported there are plans to provide an updated document on what has been done and what is to come.
- B. Crosswalk/Pocket Park – Commissioner Fuller reported he would like to update the previous document with an overlay of where the streetscapes occur. Chair Bailey stated he would get that information over to Commissioner Fuller. Otherwise, no real update on Crosswalk as that is still being worked out through with the schools and the county. Reports regarding the current state of Chene-Trombly Park; presented and met with City Administration, pre-liminary draft of the park master plan, projects including gazebo structure, picnic areas, new gateway identification, tot equipment, fencing, lighting, walkways, etc. Those items will be prioritized but a presentation to Council and further procedure is to happen before that.
- C. Streetscape – Chair Bailey reported DPW has ordered all materials with a slight modification. Benches, trashcans, bike racks and planters were all approved by Council and are to be placed along each block in the Streetscape Plan. The timeline is on track. Going to follow the procedure in place with the City currently on going forward with name plaques, etc.

Under **New Business**, the following was discussed:

- Inquiries regarding Blade Sign Permits;
- City Attorney Tomlinson to meet with Building Official regarding the review of particular sections of the ordinance;
- Council Representative Vaughn touched on updates from recent Council Meetings, Beautification Commission Meetings, and the Recreation Commission Meetings.

No Public Comment.

**MOTION** by Vitale, seconded by Gilezan to adjourn at 9:05 p.m.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Hamborsky, Profeta, Vitale

NO:

ABSENT:

Respectfully Submitted,

Josie Modrack

Administrative Assistant to the Building Official





Next, the **solar ordinance was discussed – An Ordinance to Adopt Article XVII Solar Energy Systems, Chapter 8, Buildings and Building Regulations, Sec. 8-501 to eliminate the requirement that panes be located within 4’ of any peak, eve or valley, to provide that the installation of the solar energy system shall comply with the Michigan Residential Code, and to provide for appeals to the City Council.** The Building Official provided an overview regarding the solar ordinance. This ordinance has been discussed with the Planning Commission and City Council regarding panels, location, and setbacks on the roof. When the ordinance was drafted twelve years ago, the state building code did not have regulations regarding setbacks or placement of the panels. The 2018 building code established provisions and are in conflict with the current fire code. He recommended providing the Building Official and Director of Public Safety some latitude to make modifications and it will eliminate the need for variances. One concern from the past is 80% of homes are located on an east/west street. If a home is located on the south side, panels can be placed on the southern exposure/rear. If a home is located on the north side, the northern exposure does not get enough sun. The proposed ordinance indicates that you can have a solar installation if it is visible from the street if you use solar shingles or some product that is not clearly a solar installation visible from the street. One problem is the technology is lagging behind. It is expensive to install solar shingles making it a large cost difference dependent upon which side of the street the house is located. He recommended the ordinance move to a first reading, remove it from Chapter 50, and place it into Section 8 of the City Code.

Council Member Koester wants to see an ordinance that applies the same to all houses including cost and is therefore against this amendment. The Chair concurred. Council Member Granger concurred and stated the cost is a concern. Council Member Vaughn stated he has not given northern exposure enough study, believes he does not have enough information, and he would be interested in seeing what other surrounding communities are doing. Council Member McConaghy concurred.

The City Attorney stated the ordinance would be removed from Chapter 50 - Zoning and moved to Chapter 8 – Building, which is another component to discuss. The Committee might want to send this item back to the Planning Commission for additional study.

Motion by Granger, seconded by McConaghy, regarding solar ordinance amendment, that the Committee-of-the-Whole refer this item to the Planning Commission for further study, particularly in light of Mr. Vaughn’s comments, with recommendations to come back to City Council.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Vaughn

No: None

Absent: None



## SECTION R323 STORM SHELTERS

**R323.1 General.** This section applies to storm shelters where constructed as separate detached buildings or where constructed as safe rooms within buildings for the purpose of providing refuge from storms that produce high winds, such as tornados and hurricanes. In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with ICC/NSSA-500.

## SECTION 324 SOLAR ENERGY SYSTEMS

**R324.1 General.** Solar energy systems shall comply with the provisions of this section.

**R324.2 Solar thermal systems.** Solar thermal systems shall be designed and installed in accordance with Chapter 23 and the *International Fire Code*.

**R324.3 Photovoltaic systems.** Photovoltaic systems shall be designed and installed in accordance with Sections R324.3.1 through R324.7.2.5 and NFPA 70. Inverters shall be *listed* and *labeled* in accordance with UL 1741. Systems connected to the utility grid shall use inverters listed for utility interaction.

**R324.3.1 Equipment listings.** Photovoltaic panels and modules shall be listed and labeled in accordance with UL 1703.

**R324.4 Rooftop-mounted photovoltaic systems.** Rooftop-mounted photovoltaic panel systems installed on or above the roof covering shall be designed and installed in accordance with Section R907.

**R324.4.1 Roof live load.** Roof structures that provide support for photovoltaic panel systems shall be designed for applicable roof live load. The design of roof structures need not include roof live load in the areas covered by photovoltaic panel systems. Portions of roof structures not covered by photovoltaic panels shall be designed for roof live load. Roof structures that provide support for photovoltaic panel systems shall be designed for live load,  $L_R$ , for the load case where the photovoltaic panel system is not present.

**R324.5 Building-integrated photovoltaic systems.** Building-integrated photovoltaic systems that serve as roof coverings shall be designed and installed in accordance with Section R905.

**R324.5.1 Photovoltaic shingles.** Photovoltaic shingles shall comply with Section R905.16.

**R324.6 Ground-mounted photovoltaic systems.** Ground-mounted photovoltaic systems shall be designed and installed in accordance with Section R301.

**R324.6.1 Fire separation distances.** Ground-mounted photovoltaic systems shall be subject to the *fire separation distance* requirements determined by the local *jurisdiction*.

**R324.7 Access and pathways.** Roof access, pathways and spacing requirements shall be provided in accordance with Sections R324.7.1 through R324.7.2.5.

### Exceptions:

1. Detached garages and accessory structures to one- and two-family *dwelling*s and *townhouses*, such as parking shade structures, carports, solar trellises and similar structures.
2. Roof access, pathways and spacing requirements need not be provided where an alternative ventilation method *approved* by the code official has been provided or where the code official has determined that vertical ventilation techniques will not be employed.

**R324.7.1 Roof access points.** Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors, and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires or signs.

**R324.7.2 Solar photovoltaic systems.** Solar photovoltaic systems shall comply with Sections R324.7.2.1 through R324.7.2.5.

**R324.7.2.1 Size of solar photovoltaic array.** Each photovoltaic array shall be limited to 150 feet by 150 feet (45 720 by 45 720 mm). Multiple arrays shall be separated by a clear access pathway not less than 3 feet (914 mm) in width.

**R324.7.2.2 Hip roof layouts.** Panels and modules installed on *dwelling*s with hip roof layouts shall be located in a manner that provides a clear access pathway not less than 3 feet (914 mm) in width from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

**Exception:** These requirements shall not apply to roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) and less.

**R324.7.2.3 Single ridge roofs.** Panels and modules installed on *dwelling*s with a single ridge shall be located in a manner that provides two, 3-foot-wide (914 mm) access pathways from the eave to the ridge on each roof slope where panels or modules are located.

**Exception:** This requirement shall not apply to roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) and less.

**R324.7.2.4 Roofs with hips and valleys.** Panels and modules installed on *dwelling*s with roof hips or valleys shall not be located less than 18 inches (457 mm) from a hip or valley where panels or modules are to be placed on both sides of a hip or valley. Where panels are to be located on one side only of a hip or valley that is of equal length, the 18-inch (457 mm) clearance does not apply.

**Exception:** These requirements shall not apply to roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) and less.

**R324.7.2.5 Allowance for smoke ventilation operations.** Panels and modules installed on *dwelling*s shall



## BUILDING PLANNING

not be located less than 3 feet (914 mm) below the roof ridge to allow for fire department smoke ventilation operations.

**Exception:** Where an alternative ventilation method approved by the code official has been provided or where the code official has determined that vertical ventilation techniques will not be employed, clearance from the roof ridge is not required.

### SECTION R325 MEZZANINES

**R325.1 General.** Mezzanines shall comply with Section R325.

**R325.2 Mezzanines.** The clear height above and below mezzanine floor construction shall be not less than 7 feet (2134 mm).

**R325.3 Area limitation.** The aggregate area of a mezzanine or mezzanines shall be not greater than one-third of the floor area of the room or space in which they are located. The enclosed portion of a room shall not be included in a determination of the floor area of the room in which the *mezzanine* is located.

**R325.4 Means of egress.** The means of egress for mezzanines shall comply with the applicable provisions of Section R311.

**R325.5 Openness.** Mezzanines shall be open and unobstructed to the room in which they are located except for walls not more than 42 inches (1067 mm) in height, columns and posts.

#### Exceptions:

1. Mezzanines or portions thereof are not required to be open to the room in which they are located, provided that the aggregate floor area of the enclosed space is not greater than 10 percent of the mezzanine area.
2. In buildings that are not more than two stories above *grade plane* and equipped throughout with an automatic sprinkler system in accordance with NFPA 13R or NFPA 13D, a mezzanine having two or more means of egress shall not be required to be open to the room in which the mezzanine is located.

### SECTION R326 SWIMMING POOLS, SPAS AND HOT TUBS

**R326.1 General.** The design and construction of pools and spas shall comply with the *International Swimming Pool and Spa Code*.

Motion by Gafa, seconded by Bryant, regarding **First Reading: An Ordinance to Adopt Article XVII Solar Energy Systems, Chapter 8, Buildings and Building Regulations, Sec. 8-501 to eliminate the requirement that panels be located within 4 feet of any peak, eave or valley, to provide that the installation of the solar energy system shall comply with the Michigan Residential Code, and to provide for appeals to the City Council**, that the City Council concur with the amendment of this ordinance, to set a date of September 14, 2020, for a second reading and final adoption, and to publish same by title in the Grosse Pointe News.

Substitute Motion by Gafa, seconded by Koester, regarding First Reading: An Ordinance to Adopt Article XVII Solar Energy Systems, Chapter 8, Buildings and Building Regulations, Sec. 8-501 to eliminate the requirement that panels be located within 4 feet of any peak, eave or valley, to provide that the installation of the solar energy system shall comply with the Michigan Residential Code, and to provide for appeals to the City Council, to refer this item to the Committee-of-the-Whole.

Motion carried by the following vote:

Yes:	Bryant, Gafa, Granger, Koester, McConaghy, McMullen, Novitke
No:	None
Absent:	None



ORDINANCE NO. - \_\_\_\_\_

AN ORDINANCE TO ADOPT ARTICLE XVII SOLAR ENERGY SYSTEMS,  
CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, SEC. 8-501  
TO ELIMINATE THE REQUIREMENT THAT  
PANELS BE LOCATED WITHIN 4 FEET OF ANY PEAK,  
EAVE OR VALLEY, TO PROVIDE THAT THE  
INSTALLATION OF THE SOLAR ENERGY SYSTEM SHALL  
COMPLY WITH THE MICHIGAN RESIDENTIAL CODE,  
AND TO PROVIDE FOR APPEALS TO THE CITY COUNCIL.

THE CITY OF GROSSE POINTE WOODS ORDAINS:

ARTICLE XVII  
SOLAR ENERGY SYSTEMS

Sec. 8-501. - *Solar energy systems.*

*Solar Energy System* means an accessory to a main structure, or accessory structure, or use, which is comprised of a combination of solar collector(s) and ancillary solar equipment used to generate electricity primarily for consumption on the property on which the system is located. A Solar Energy System can include a photovoltaic or solar thermal system that uses the sun's energy to produce electricity or heat.

*Solar Panel* means a grouping, module, or array of photovoltaic cells that produce electricity from sunlight.

A *solar* energy system is permitted in any city zoning district. However, it shall be unlawful for any person to install or operate a *solar* energy system unless all of the following conditions are met:

(1) A building permit and any necessary mechanical, plumbing and electrical permits shall be secured prior to the start of the installation of a *solar* energy system.

Dimensioned plans are required with the building permit application.

(2) Only rooftop *solar* energy systems are permitted. Freestanding or wall-mounted *solar* energy systems are not permitted.

(3) The *solar* energy system installation shall be configured to the degree practicable to have a minimal visual impact as seen from the street. Accordingly, systems that are visible from the street must be either composed of solar shingles building-integrated components (such as solar shingles) that are not readily evident, or be designed and mounted to match the shape, proportions, and slope of the roof.

(4) Installation of *solar* energy system equipment, including the rails and panels, are subject to the height limitations of the specific zoning district where they are being installed.

(5) ~~Solar panels shall not be located within four feet of any peak, eave or valley to maintain adequate accessibility. The placement and installation of roof top solar energy systems shall comply with the Michigan Residential Code in effect at the~~

time the building permit application for the system is received by the city.

(6) *Solar* panels shall not project more than one foot above the roof deck.

(7) The following additional design standards shall apply:

a. *Solar* panels shall be arranged so that the panels do not reflect sunlight or glare onto adjacent buildings, properties or roadways.

b. The system shall use materials and colors that ~~blend into~~ are compatible with the existing roof or wall design.

c. The system shall include high quality mesh to enclose the space between the roof surface and the *solar* panels to deter animal nesting.

(8) If a system is defective or not in operation for a period of 12 months, the system shall be deemed a nuisance. The current owner of the property shall be required to either remove the system or repair it at the owner's expense.

(9) Denials of an application may be appealed to the city council. An applicant seeking an exception to the provisions of this article shall pay a hearing notice fee set by council resolution. The city shall mail a notice of the hearing to adjacent property owner(s) and property owners located directly across the street from the applicant (as determined by the Building Official), at least seven (7) days prior to the hearing date.

(10) On appeal, the council may consider the following along with other information:

a. Balancing relative hardships between the property owner and adjacent property owners.

b. Whether special circumstances or conditions exist.

c. General health, safety, and welfare of the neighborhood.

**CHARLES T. BERSCHBACK**

ATTORNEY AT LAW

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blbwlaw@yahoo.com

CHARLES T. BERSCHBACK

DON R. BERSCHBACK  
OF COUNSEL

August 12, 2020

The Honorable Mayor and City Council  
City of Grosse Pointe Woods  
20025 Mack Plaza  
Grosse Pointe Woods, MI 48236

RE: Solar Energy Ordinance / First Reading

Dear Mayor and Council:

Based on review by the Building Department and Public Safety, Mr. Tutag and I have been working on revisions to the Solar Panel Ordinance. The main change involves eliminating a requirement that the panels be located within four feet of any peak, eve, or valley, and instead adopting the Michigan Residential Code regarding those conditions. This will provide homeowners with a bit more flexibility under the circumstances. In addition, Mr. Tutag and I are recommending that this ordinance be taken out of the Zoning Chapter and placed into Chapter 8.

Accordingly, provisions have been added that would still allow the City Council to handle any variances or exceptions. Finally, Section 8-501 has been clarified to continue to allow solar systems that are visible from the street to be composed of solar shingles, a relatively new and less intrusive product. The Planning Commission has reviewed this twice and conducted their required public hearing on the zoning repealer ordinance.

Procedurally, this is scheduled for a first reading. At the time of the second reading, administration will publish a notice prior to that time relating to removal of the Solar Panel Ordinance from the Zoning Chapter. This will allow Council, if it chooses to do so, to adopt the repealer ordinance relating to the zoning chapter, and adopt the Solar Panel Ordinance at a second reading possibly on September 21, 2020.

If you have any questions, please call.

Very truly yours,

CHARLES T. BERSCHBACK

CTB:nmg

Enclosures

cc: Bruce Smith  
Lisa K. Hathaway  
Gene Tutag



The meeting was thereupon opened at 7:33 pm for a **Public Hearing** under the provisions of mcl, sections 125.3101 through 125.3702 as amended, to consider amendments to chapter 50, zoning, and chapter 8, buildings and building regulations, an ordinance to repeal chapter 50 zoning, section 50-539 solar energy systems to relocate this section into article xvii, chapter 8, sec. 8-501 buildings and building regulations; and, an ordinance to add article xvii, chapter 8, building and building regulations section 8-501 to eliminate the requirement that panels be located within 4 feet of any peak, eave, or valley, to provide that the installation of the solar energy system shall comply with the Michigan residential code, and to provide for appeals to the city council.

For purposes of the public hearing the following items were received and placed on file:

- A. PC Excerpt – 06/23/20
- B. Letter – 07/17/20 – City Atty. Berschback  
with Proposed Ordinance
- C. Memo – 07/20/20 – Building Inspector Tutag
- D. Affidavit of Legal Publication – 07/09/20 (2 pgs)
- E. Affidavit of Utility Companies Notified –  
07/02/20 (2 pgs)

The Building Official provided an overview of the recommended amendments, and recommended the Planning Commission adopt the resolution repealing Section 50-539.

The Chair asked if anyone from the audience wished to speak in favor of the proposed request. Nobody wished to be heard.

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. Nobody wished to be heard.

Motion by Hamborsky, seconded by Bailey, that the public hearing be closed at 7:42 p.m.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Hamborsky, Ketels, Profeta, Vaughn,  
NO: None  
ABSENT: Rozycki, Vitale

Motion by Fuller, seconded by Vaughn, regarding the Solar Panel Ordinance that the Planning Commission recommend to the City Council that the Solar Energy System Ordinance be amended by eliminating it from the Zoning Chapter, and that the proposed revised ordinance be inserted into Chapter 8.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Hamborsky, Ketels, Profeta, Vaughn,  
NO: None  
ABSENT: Rozycki, Vitale



**CHARLES T. BERSCHBACK**

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CHARLES T. BERSCHBACK

DON R. BERSCHBACK  
OF COUNSEL

July 17, 2020

Planning Commission  
City of Grosse Pointe Woods  
20025 Mack Plaza  
Grosse Pointe Woods, MI 48236

RE. Solar Energy Ordinance Public Hearing  
Agenda Item July 28, 2020

Dear Planning Commission Members:

At the June 23, 2020 meeting, we reviewed amendments to the Solar Energy System Ordinance.

Technically, the public hearing in front of you on July 28<sup>th</sup> only relates to your recommendation to the Council to eliminate the ordinance from Chapter 50 Zoning. The new Ordinance will be placed in Chapter 8 Buildings and Building Regulation. The Planning Commission also recommended that last phrase (2 lines) of Sec. 8-501(3) be eliminated. I have attached a new version of the new ordinance.

After the public hearing is open to elicit any comments from the floor, I would request a motion to recommend to the City Council that the Solar Energy System Ordinance be eliminated from the Zoning Chapter, and that the proposed revised Ordinance be inserted into Chapter 8.

If you have any questions please call.

Very truly yours,



CHIP BERSCHBACK

CTB:gm

Enclosures

cc: Gene Tutag  
Sue Stewart  
Lisa Hathaway

ORDINANCE NO. - \_\_\_\_\_

AN ORDINANCE TO ADOPT ARTICLE XVII SOLAR ENERGY SYSTEMS,  
CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, SEC. 8-501  
TO ELIMINATE THE REQUIREMENT THAT  
PANELS BE LOCATED WITHIN 4 FEET OF ANY PEAK,  
EAVE OR VALLEY, TO PROVIDE THAT THE  
INSTALLATION OF THE SOLAR ENERGY SYSTEM SHALL  
COMPLY WITH THE MICHIGAN RESIDENTIAL CODE,  
AND TO PROVIDE FOR APPEALS TO THE CITY COUNCIL.

THE CITY OF GROSSE POINTE WOODS ORDAINS:

ARTICLE XVII  
SOLAR ENERGY SYSTEMS

Sec. 8-501. - *Solar* energy systems.

*Solar Energy System* means an accessory to a main structure, or accessory structure, or use, which is comprised of a combination of solar collector(s) and ancillary solar equipment used to generate electricity primarily for consumption on the property on which the system is located. A Solar Energy System can include a photovoltaic or solar thermal system that uses the sun's energy to produce electricity or heat.

*Solar Panel* means a grouping, module, or array of photovoltaic cells that produce electricity from sunlight.

A *solar* energy system is permitted in any city zoning district. However, it shall be unlawful for any person to install or operate a *solar* energy system unless all of the following conditions are met:

(1) A building permit and any necessary mechanical, plumbing and electrical permits shall be secured prior to the start of the installation of a *solar* energy system.

Dimensioned plans are required with the building permit application.

(2) Only rooftop *solar* energy systems are permitted. Freestanding or wall-mounted *solar* energy systems are not permitted.

(3) The *solar* energy system installation shall be configured to the degree practicable to have a minimal visual impact as seen from the street. Accordingly, ~~systems~~ Systems that are visible from the street must be either composed of solar shingles building-integrated components (such as ~~solar shingles~~) that are not readily evident, or be designed and mounted to match the shape, proportions, and slope of the roof.

(4) Installation of *solar* energy system equipment, including the rails and panels, are subject to the height limitations of the specific zoning district where they are being installed.

(5) ~~Solar panels shall not be located within four feet of any peak, eave or valley to maintain adequate accessibility. The~~ placement and installation of roof top solar energy systems shall comply with the Michigan Residential Code in effect at the

time the building permit application for the system is received by the city.

(6) *Solar* panels shall not project more than one foot above the roof deck.

(7) The following additional design standards shall apply:

a. *Solar* panels shall be arranged so that the panels do not reflect sunlight or glare onto adjacent buildings, properties or roadways.

b. The system shall use materials and colors that ~~blend into~~ are compatible with the existing roof or wall design.

c. The system shall include high quality mesh to enclose the space between the roof surface and the *solar* panels to deter animal nesting.

(8) If a system is defective or not in operation for a period of 12 months, the system shall be deemed a nuisance. The current owner of the property shall be required to either remove the system or repair it at the owner's expense.

(9) Denials of an application may be appealed to the city council. An applicant seeking an exception to the provisions of this article shall pay a hearing notice fee set by council resolution. The city shall mail a notice of the hearing to adjacent property owner(s) and property owners located directly across the street from the applicant (as determined by the Building Official), at least seven (7) days prior to the hearing date.

(10) On appeal, the council may consider the following along with other information:

a. Balancing relative hardships between the property owner and adjacent property owners.

b. Whether special circumstances or conditions exist.

c. General health, safety, and welfare of the neighborhood.

PUBLISH ONCE: 07-09-20

PLANNING COMMISSION NOTICE  
CITY OF GROSSE POINTE WOODS, MICHIGAN

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Grosse Pointe Woods will hold a remote (Zoom) public hearing under the provisions of Michigan Compiled Laws, Sections 125.3101 through 125.3702 as amended, to consider amendments to Chapter 50, *Zoning*, AND Chapter 8 Buildings and Building Regulations, at a meeting scheduled for Tuesday, July 28, 2020, at 7:00 p.m. A link to the remote meeting will be published with the agenda on the City's website at [www.gpwmn.us](http://www.gpwmn.us), as well as the proposed ordinances for inspection by the public. All interested persons are invited to attend and will be given opportunity for public comment. The public may appear in person or be represented by counsel. Written comments will be received by the City Clerk at [cityclerk@gpwmn.us](mailto:cityclerk@gpwmn.us), up to the close of business preceding the hearing. A group spokesperson is encouraged on agenda items concerning organized groups.

AN ORDINANCE TO REPEAL CHAPTER 50 ZONING, SEC. 50-539 SOLAR ENERGY SYSTEMS TO RELOCATE THIS SECTION INTO ARTICLE XVII, CHAPTER 8, SEC. 8-501 BUILDINGS AND BUILDING REGULATIONS; AND,

AN ORDINANCE TO ADD ARTICLE XVII, CHAPTER 8, BUILDING AND BUILDING REGULATIONS, SEC. 8-501 TO ELIMINATE THE REQUIREMENT THAT PANELS BE LOCATED WITHIN 4 FEET OF ANY PEAK, EAVE OR VALLEY, TO PROVIDE THAT THE INSTALLATION OF THE SOLAR ENERGY SYSTEM SHALL COMPLY WITH THE MICHIGAN RESIDENTIAL CODE, AND TO PROVIDE FOR APPEALS TO THE CITY COUNCIL.

Lisa Kay Hathaway  
City Clerk





John Vitale <jvitale@stuckyvitale.com>

Wednesday, June 30, 2021 4:42 PM

Josephine Modrack; Gilezan, Grant; Gretchen Miotto

Douglas Hamborsky; Gene Tutag; George Bailey; Michael Fuller; JIM PROFETA; Marguerite Kelpin  
OutDoor Seating

Planning

Commission and Gene

Gentlemen, I was thinking our commission may want to consider creating a standard for outdoor seating.( I noticed the picnic tables outside of Ferlito's and I think they are making a mistake with this type seating for their restaurant.) It occurred to me we should perhaps consider a better standard for everyone , I suggest a "Bistro" type theme for chairs and tables. This will provide for a more elevated look on Mack Ave. Perhaps this is something we should act on quickly.

Regards,

John Vitale

JOHN A. VITALE, AIA, NCARB

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