

1. Planning Commission Special Meeting Agenda

Documents: [01-FEB 10, 2016 AGENDA.PDF](#)

1.1. PC Packet 2-10-2016

Planning Commission Meeting Packet 02/10/2016

Documents: [2016-02-10\\_PC\\_MEETING\\_PACKET.PDF](#)

**Agenda**  
**Planning Commission Special Meeting**  
**Council Chambers**  
**Wednesday, February 10, 2016 – 7:00 P.M.**

**I. Call to Order**

**II. Roll Call**

Roderick Johnson, Chair	P	A
Cheryl Zuellig, Vice Chair	P	A
Anthony Bedogne	P	A
Phil Hollifield	P	A
Heidi Jugenitz	P	A
Liz Dahl MacGregor	P	A
Briana A. Mason	P	A

**III. Approval of Minutes**

- None

**IV. Audience Participation**

*Open for general public comment to Planning Commission on items for which a public hearing is not scheduled.*

**V. Presentations and Public Hearing Items**

- Text Amendment (Rezoning): Parks District

**VI. New Business**

- None

**VII. Old Business**

- None

**VIII. Future Business Discussion / Updates**

- None

**IX. Committee Reports**

- None

**X. Adjournment**

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5 February 2016

**Text Amendment  
Solar Farms in Parks District**

**GENERAL INFORMATION**

<b>Applicant:</b>	City of Ypsilanti
<b>Application Date:</b>	20 Jan 2016
<b>Action Requested:</b>	Zoning Ordinance Text Amendment to allow Solar Farms as a primary use, subject to Special Use, in the Parks zoning district.
<b>Staff Recommendation:</b>	Approval.

**BACKGROUND**

As a result of discussion around a proposed rezoning from Parks to Production, Manufacturing, and Distribution, Planning Commission noted that there may be potential for areas zoned Parks to host solar farm uses, as they are less intense than other power generation plants (and uses) as permitted in the PMD district, and may be well-suited for underutilized open space in the Parks district.

**MASTER PLAN**

Park uses are a subtype of the District future land use described in the Master Plan, further described as below:

“**Districts** are parts of the city dedicated to a single type of activity, like Eastern Michigan University, the office and medical area on Towner, and the industrial areas of the City in the south. The challenge is to use the street network design to integrate them into the City while assuring that students, faculty, workers and suppliers can reach their destinations easily.

- Eastern Michigan University's campus, which is not within the regulatory jurisdiction of the City, will be preserved and improved by joint planning and cooperation between the City and EMU, as part of a Campus master plan process. The confusing confluence of Cross and Washtenaw is proposed to become the front door for the EMU campus.
- The office and medical area clustered on Towner in the eastern part of the City is also an asset that can be better integrated into the physical environment. Future policies will aim to preserve and enhance the buildings, while making walking, biking and taking transit to these offices easier.
- The cemetery in the northern part of the City will be preserved.
- The industrial areas in the south of the City represent the best hopes for a revitalized employment area. The industrial park in the southwest corner of the city has no vacancies, but could be reconfigured to accommodate additional businesses. The industrial property in the southeast corner is vacant or underutilized. The former Motorwheel site is also a potential job

center. Industrial areas around the railroad provide jobs and could be places for additional workshops. Chapter 10 details plans and options to attract job centers to these properties. (p32-33)

The following section of the Master Plan speaks specifically to City-owned neighborhood parks. These standards are geared to apply to uses in more heavily trafficked areas. .

“Create “Eco-Districts” in neighborhood parks

Residents suggested that demonstration projects of community gardens with hoop houses, rain collection systems and renewable energy projects be clustered in eco-districts in neighborhood parks, in the Historic Downtown and other areas. Temporary events were also suggested in these areas. An existing example of a demonstration project is the Luna Lake rain garden in Prospect Park. While the City cannot take on development of these, partnerships with educational institutions and neighborhood groups may provide resources to establish them. The City should welcome these opportunities but also evaluate them with the following guidelines:

- The proposal be in the proper location of the park to complement existing activities, both active (sports areas and play grounds) and passive (walking or sitting areas)
- The proposal should be located in an area with appropriate lighting and visibility to assure safety of users and enough natural surveillance to be kept watch over by neighbors.
- Proposals should be part of an adopt-a-park effort
- Policies will need to be developed to ensure maintenance, both short and long term. (p 53)”

More information about the “District” figure land use classification is contained in Chapter 9, Districts, of the Master Plan, found from pages 60 to 63.

## **OTHER COMMUNITIES**

The American Planning Association released an educational reference packet in late 2014 regarding various solar energy considerations. Within this packet are the ordinances of many communities regarding photovoltaic as a primary use. This 83-page packet is included in this packet for your perusal, but the primary considerations I’ve been able to glean from it are outlined below:

Site design: height of 20’

Setbacks: generally defer to the underlying zoning district, sometimes specific ones up to 50’ front; 25’ sides & rear

Other factors: if use discontinued, must be removed

Occasionally (approximately 50%) panels are considered a conflicting land use or within a certain distance of a right-of-way must be screened or buffered.

Some codes may provide for dispute resolution; may call out that the installation would have to be removed upon ceasing operations; panels coated with a nonreflective/anti-glare surfacing; have a minimum lot size (40 acres in one case, 5 acres in another)

## **OTHER IMPLICATIONS**

The Parks district is based on the previous Public Lands district, which incorporated a much broader array of uses, from parks and schools to the DPW yard, City Hall, and the Fire and Police buildings. As such, its setbacks and height restrictions were constructed to reference “adjacent zoning districts.” The vast majority of parcels in the Parks district are in fact public parks, often quite large and embedded in or adjacent to residential areas. It makes more sense, with this far more limited scope of uses, to assign firm setbacks. Staff is currently recommending setback standards that echo those in PMD, which will set any building or structure off from the surrounding area and hopefully draw users into the park.

122-78 provides standards for solar farms, and is proposed to be applied to solar farms within the parks district. It reads as follows:

- “(c) *Solar farms.* On sites where the primary use is photovoltaic energy production, all structures must meet the height requirement of the zoning district.
- i. *Abandonment.* Any freestanding *photovoltaic system* which is not used for six (6) months will be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the municipality and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the municipality and request a three-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the municipality will have the removal and restoration done at the owner/applicant's expense. Removal will include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.”

Currently, the height restriction in Parks is equal to the height of the adjacent zoning district. In this case, the adjacent zoning district is PMD, with a permitted height of 60 feet. Staff has proposed allowing a height of 30', which echoes more closely the residential zones which largely surround Parks districts.

#### **TEXT AMENDMENT CONSIDERATIONS**

**§122-63(1)**

The following are generally accepted criteria for evaluating a text amendment request and staff responses to each:

- 1) *Is the proposed change consistent with the guiding values of the Master Plan?*  
**Yes.** See discussion above. The Master Plan clearly states the option to install solar and other “eco” improvements within the Parks District and parks in general.
- 2) *Is the rezoning is consistent with the description and purpose of the proposed district?*  
**Yes.** “The P Park district is designed to preserve publicly and privately owned green space, including parks and cemeteries. When embedded in R-1, CN-SF, CN-Mid, CN, MD and HHS districts, the district is intended to provide the essential green space for urban neighborhoods. When on the outskirts of the city, the district maintains large green spaces, such as cemeteries. Along the Huron River, the district provides recreation as well as environmental protections. Temporary uses may be allowed to encourage use and vitality of these areas.” This use will indeed maintain open, green space; although the area will not be forested nor will it be accessible to the public, it will provide “breathing room.” Staff recommends it as a special use, however, as the provision of energy infrastructure is not a primary goal of the existing Parks district.
- 3) *Is the proposed amendment consistent with the intent of this Zoning Ordinance?*  
**Yes.** The ordinance and master plan both aim to encourage preservation of open space, stewardship of natural resources, and fostering a “green” economy.
- 4) *Will the proposed amendment enhance the functionality, transportation network, or character of the future development of the City?*  
**Yes.** This aligns with the City's push to attract more “green” business to the community.
- 5) *Will the proposed amendment preserve the historic nature of the surrounding area and of the City?*  
**Yes.**

6) *Will the proposed amendment enhance the natural features and environmental sustainability of the City?*

**Yes.**

7) *Will the proposed amendment protect the health, safety, and general welfare of the public?*

**Yes.**

8) *Is the proposed amendment needed to correct and error or omission in the original text?*

**Yes.** The original text did not conceive of solar farms as potentially separate from other energy production possibilities, thus did not allow them in districts other than the industrial PMD. Their impact has been determined to be much less than other energy production plants, such as natural gas.

9) *Will the proposed amendment address a community need in physical or economic conditions or development practices?*

**Yes.**

10) *Will the proposed amendment result in the creation of significant nonconformities?*

**No.**

**PROPOSED CHANGED TEXT**

Removals are noted in strikethrough (~~strikethrough~~); additions are noted by underline (underline).

**“DIVISION 6.  
PARK DISTRICT**

*Sec. 122-301. Description and purpose.*

The P Park district is designed to preserve publicly and privately owned green space, including parks and cemeteries. When embedded in R-1, CN-SF, CN-Mid, CN, MD and HHS districts, the district is intended to provide the essential green space for urban neighborhoods. When on the outskirts of the city, the district maintains large green spaces, such as cemeteries. Along the Huron River, the district provides recreation as well as environmental protections. Temporary uses may be allowed to encourage use and vitality of these areas.

*Sec. 122-302. Permitted uses.*

The following uses are allowed in the park districts.

*P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted*

USES	P	NOTES
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>		
Park	P	
Outdoor and indoor education areas	P	
Outdoor recreation areas such as swimming pools, tennis courts, and performance venues	P	Privately owned.
Conservation areas, wildlife preserves, forests preserves, arboreta, botanical or zoological gardens, public tree or plant nurseries	P	

*P=Principal, A=Accessory, S=Special Land Use, -- = Not Permitted*

USES	P	NOTES
Privately owned or operated uses accessory to City parks	S	Includes but is not limited to permanently affixed concession stands, canoe or bicycle liveries.
<b>INFRASTRUCTURE</b>		
Essential Services	P	Section 122-637
Alternative Energy	A-S	Section 122-788
Stormwater Control	A	Section 122-789
<b>SERVICES</b>		
Cemetery	P	<del>All principal buildings and accessory buildings must be set back at least 75 feet from all property lines.</del>
Crematory	S	All principal buildings and accessory buildings must be set back at least 75 feet from all property lines.
<b>TEMPORARY USES</b>		
Food concession sales	P	Section 122-35 (7)
<b>URBAN AGRICULTURE</b>		
Community Gardens	P	Subject to 122-815
Passive solar structure (greenhouse, hoophouse, etc.)	P	

**Sec. 122-303. Area Regulations.**

All principal structures must comply with the following regulations in the special zoning districts:

REGULATIONS	P	NOTES
<b>Minimum Lot Width</b>		
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.		
<b>Minimum Lot Size</b>		
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.		
<b>Minimum Setbacks</b>		
Front yard		Equal to that of adjacent zoning district or building type along the same street. If different setbacks abut, the largest setback is required.
Side yard		
Street Side yard		
Rear yard		
Front yard	<u>25 feet</u>	Minimum setbacks must increase by one foot for each foot a building or structure exceeds
Side yard	<u>15 feet</u>	

REGULATIONS			P	NOTES
Street Side yard	25 feet	30 feet in height.		
Rear yard	20 feet			
Parking Setbacks				
Front & side street yard	10 feet			
Side and rear yards	10 feet			
Height				
Maximum height	<del>Equal to that of adjacent zoning district or building type along the property line. If different heights abut, the largest setback is required.</del> 30'	Chimneys, flagpoles, church spires, belfries, cupolas, domes, or other similar architectural embellishments; roof mounted communication antennas; water towers, observation towers, power transmission towers, radio towers, masts, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses; provided that they do not exceed the maximum height by more than ten feet."		

**STAFF RECOMMENDATION**

Staff recommends the Planning Commission recommend *approval* of the text amendment with the following findings:

1. The amendment is consistent with the guiding values of the Master Plan.
2. The amendment is consistent with the description and purpose of the district.
3. The proposed amendment is consistent with the intent of the zoning ordinance.
4. The proposed amendment will enhance the functionality and character of the future development in the City.
5. The proposed amendment will help preserve the historic nature of the City, and Highland Cemetery in particular.
6. The proposed amendment will enhance the environmental sustainability of the City and not negatively affect its natural features.
7. The proposed amendment will protect the health, safety, and general welfare of the public.
8. The proposed amendment corrects an oversight in the original text.
9. The proposed amendment will address a community need in economic conditions and energy infrastructure.
10. The proposed amendment will not result in the creation of significant nonconformities.

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Bonnie Wessler  
 City Planner, Community & Economic Development Division

c.c. File

# Primary-Use Solar Energy Systems

- Brunswick (North Carolina), County of. 2013. *Code of Ordinances*. Article 5, Permitted Uses; Section 5.2.3, Use Table. Part 5.3, Limited Use Standards; Section 5.3.4(P), Public and Civic Uses – Solar Farm. Also, Part 5.4, Accessory Structures and Uses; Section 5.4.10, Solar Collector (Accessory). Tallahassee, Fla.: Municipal Code Corporation.
- Erie (Pennsylvania), City of. 2012. *Zoning Ordinance for the City of Erie*. Article 3, General Regulations; Section 305, Conditional Uses, Special Exceptions and Special Regulation Criteria; part 305.54, Solar Collection Systems. Part 305.55, Urban Solar Farm. Also, Article 6, Definitions.
- Grundy (Illinois), County of. 2014. *County Code*. Title 8, Unified Development Code; Chapter 2, Permitted Uses; Part 8-2-2-1, Land Use Tables. Also, Section 8-2-4, Administrative Review Use Standards; Part 8-2-4-11, Solar Collector System. Also, Section 8-2-5, Special Use Standards; Part 8-2-5-30, Solar Farms. Coeur d'Alene, Id.: Sterling Codifiers, Inc.
- Iron (Utah), County of. 2013. *County Code*. Title 17, Zoning; Chapter 17.16, Establishment of Zoning Districts; Section 17.16.030, Table of Uses. Chapter 17.20, Use Definitions; Section 17.20.010, Definitions. Chapter 17.33, Solar Power Plants. Chapter 17.84, Section 17.84.010, Definitions. Tallahassee, Fla.: Municipal Code Corporation.
- Jackson (Ohio), Township of. 2014. *Zoning Resolution*. Article II, Definitions; Chapter 201, Section 201.2, Definitions. Also, Chapter 414, Solar Energy Systems; Section 414.2, Requirements for Solar Energy Production Facility.
- Lancaster (California), City of. 2014. *Code of Ordinances*. Title 17, Zoning; Chapter 17.04, General Provisions; Section 17.04.240, Definitions. Also, Chapter 17.08, Residential Zones; Article II, Non-Urban, Urban, Medium and High Density Residential Zones; Section 17.08.050, Uses and Permit Requirements. Article V, Solar, Wind, and Alternative Energy Uses. Tallahassee, Fla.: Municipal Code Corporation.
- Milwaukee (Wisconsin), City of. 2014. *Code of Ordinances*. Volume 2, Building and Zoning Code; Chapter 295, Zoning; Subchapter 2, Definitions and Rules of Measurement; Section 295-201, Definitions. Also, Subchapter 5, Residential Districts; Table 295-503-1, Residential Districts Use Table. Section 295-505, Design Standards; part 2(h), Building Height; subpart h(2)(i), Exceptions to Height Limitations. Part 3(o), Accessory Structure Standards – Solar Arrays. Etc.

- Port St. Lucie (Florida), City of. 2011. *Code of Ordinances*. Title XV, Land Usage; Chapter 158, Zoning Code; Article I, General Provisions; Section 158.006, Definitions. Article IV, General Use Districts; Section 158.060(C)(13), General Use Zoning District (GU) – Special Exception Uses. Article IX, Industrial Districts; Section 158.136(C)11, Industrial Zoning District (IN) – Special Exception Uses; Section 158.137(C)(4), Utility Zoning District (U) – Special Exception Uses. Article X, Supplementary Use Regulations; Section 158.230, Solar Energy. Tallahassee, Fla.: Municipal Code Corporation.
- Salisbury (Massachusetts), Town of. 2010. *Code of Ordinances*. Chapter 300, Zoning; Article XXIII, Solar Photovoltaic Installations Zoning Bylaw.
- San Antonio (Texas), City of. 2014. *Unified Development Code*. Article III, Zoning; Division 7, Supplemental Use Regulations; Section 35-398(b), Renewable Energy Systems – Solar Farms. Tallahassee, Fla.: Municipal Code Corporation.
- Santa Clara (California), County of. 2014. *Code of Ordinances*. Title C, Construction, Development And Land Use; Appendix I, Zoning; Article 2, Base Districts; Chapter 2.10. Definitions: Use Classifications; Section § 2.10.040, Non-Residential Use Classifications. Also, Chapter 2.20, Rural Base Districts; Table 2.20-2, Non-Residential Uses in Rural Base Districts. Also, Chapter 2.50, Special Purpose Base Districts; Table 2.50-1, Uses in Special Purpose Base Districts. Also, Article 4, Supplemental Standards and Regulations; Chapter 4.10, Supplemental Use Regulations; Section 4.10.345, Solar Energy Conversion Systems—Commercial. Tallahassee, Fla.: Municipal Code Corporation.
- Stearns (Minnesota), County of. 2014. *Land Use and Zoning Ordinance #439*. Section 3, Definitions. Also, Section 6, Performance Standards; Part 6.50, Solar Energy Systems.
- Straban (Pennsylvania), Township of. 2010. *Ordinance 2010-02*.

**Brunswick County, North Carolina  
Municipal Code (2013)  
Appendix E, Unified Development Ordinance**

**ARTICLE 5 PERMITTED USES  
Section 5.2.3 Use Table**

Utilities:

Solar Farm	S-BA							L	L	L		5.3.4.P.
Solar Collector (Accessory)	L	L	L	L	L	L	L	L	L	L		5.4.10.

"L" = Limited Use Standards (Section 5.3)

"S-BA" = Special Exception- Board of Adjustment Approval (Section 3.3)

**5.3 LIMITED USE STANDARDS**

**5.3.4. Public and Civic Uses**

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P. Solar Farm

A Solar Farm developed as a principal use shall be permitted in accordance with Section 5.2., subject to the following:

1. Setbacks  
Solar farms shall meet the minimum zoning setbacks for the zoning district in which located.
2. Height  
Twenty (20) feet maximum.
3. Visibility
  - a. Solar farms with panels located at least one hundred fifty (150) feet from an adjacent public street right-of-way, residentially zoned property, or residential use shall not require screening.
  - b. Solar farms with panels located less than one hundred fifty (150) feet from an adjacent public street right-of-way must meet the requirements of Section 7.2.8.B. Street Buffers and Section 7.2.9. Project Boundary Buffers.
4. Application Requirements
  - a. A site plan denoting the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines and location of the driveway(s). No portion of the system area may encroach into the required setbacks and any buffer area(s).
  - b. The site plan should also show any street buffer(s) and any project boundary buffer(s).

c. Horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property.

d. State and Local Storm Water permits may be required based upon ground cover.

e. If applicable, the applicant must apply and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the required use prior to final project approval.

#### 5. Installation and Design

##### a. Approved Solar Components

Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

##### b. Compliance with Building and Electrical Code

All solar farms shall meet all requirements of the International Building Code with North Carolina Amendments.

Commentary: Compliance with the International Building Code with North Carolina Amendments includes meeting the wind load requirements for Brunswick County, which are one hundred twenty (120) miles per hour on the western side of US 17 (Ocean Highway) and one hundred thirty (130) miles per hour on the eastern side of US 17.

## 5.4 ACCESSORY STRUCTURES AND USES

### 5.4.10. Solar Collector (Accessory)

Solar Collectors shall be permitted as an accessory use to existing structures or facilities in any zoning district under the following standards:

#### A. Roof-Mounted Solar Systems

The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

##### 1. Pitched Roof Mounted Solar Systems

For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

##### 2. Flat Roof Mounted Solar Systems

For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.

#### B. Ground-Mounted Solar Systems

Ground-mounted solar collectors (accessory) may not exceed six (6) feet in height and shall meet the minimum zoning setback for the zoning district in which located, except it may be located within the front yard setback. Screening shall be required consistent with Section 6.10.2.B.1. of the UDO.

#### C. Approved Solar Components

Electric solar system components must have a UL listing and must be designed with anti-reflective coating(s).

#### D. Application Requirements

Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the building for a roof-mounted system or on the property for a ground-mounted system, including the property lines.

#### E. Compliance with Building and Electrical Codes

All solar collector systems shall be in conformance with the International Building Code with North Carolina Amendments.

Commentary: Compliance with the International Building Code with North Carolina Amendments includes meeting the wind load requirements for Brunswick County, which are one hundred twenty (120) miles per hour on the western side of US 17 (Ocean Highway) and one hundred thirty (130) miles per hour on the eastern side of US 17.

## **Article 12 ENFORCEMENT AND PENALTIES**

### **Definitions**

*Grid-Tied Solar System:* A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

*Off-Grid Solar System:* A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

*Photovoltaic System:* An active solar energy system that converts solar energy directly into electricity.

*Solar Collector (Accessory):* Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use.

*Solar Energy:* Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

*Solar Energy System:* A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of several devices that absorb and collect solar radiation for use as a source of energy as an accessory use.

*Solar Farm:* An area of land designated use for the sole purpose of deploying photovoltaic power and generating electric energy.

# ZONING ORDINANCE FOR THE CITY OF ERIE

City of Erie Ordinance Number 80-2005



**CITY OF ERIE – Bureau of Code Enforcement  
626 State Street – Room 407  
Erie, Pennsylvania 16501**

**As amended:**

- Rev. A** July 5, 2006 – Map Revision: (18) 5012-100 & 102 rezoned to C-2 General Commercial
- Rev. B** January 3, 2007 – Map Revision: (14) 1023-204 rezoned to M-1 Light Manufacturing
- Rev. C** February 28, 2007 – Text Revision: Lot Area Per Family in C-3 Zoning District
- Rev. D** August 17, 2007 – Text Revision: Definition of Commercial Recreation and addition to Heavy Manufacturing District  
August 5, 2009 – Text Revision: Amending Definition of Dormitory, Revising Parking Requirements for Dormitories, Enacting Regulations for Massage Therapist, and Amending Communication Towers / Antennas Criteria
- Rev. E** January 21, 2010 & February 3, 2010 - Enacting Regulations for Wind Energy Conversion Systems, Small Wind Energy Systems, Commercial/Industrial Wind Energy Systems, Solar Collection System  
Revision

and Urban Solar Farm - May 2012 - Map

305.53 SMALL WIND ENERGY SYSTEMS (SWES) and COMMERCIAL/ INDUSTRIAL WIND ENERGY SYSTEMS (CIWES): A SWES may be permitted as a special exception in all zoning districts and a CIWES may be permitted as a special exception in all zoning districts, except R-1, R-1A and R-2, in accordance with the following regulations as approved by the Zoning Hearing Board of the City of Erie, or in Waterfront Zoning Districts by City Council.

- a. The maximum height of a SWES or CIWES shall be no taller than 160 feet in height.
- b. The minimum setback for a SWES or CIWES shall be 1.1 times the total height from the nearest occupied building, property line, or public or private street right of way.

NOTE: The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

- c. All applicable performance standards set forth in Section 305.52 of the Zoning Ordinance governing Wind Energy Conversion Systems, as the same may be amended in the future, shall apply to and govern use of Small Wind Energy Systems or Commercial/Industrial Wind Energy Systems. Applicable performance standards include those set forth in Section 305.52c(1)-(12) generally- except changing the fence height of 305.52c(10) to six and half (6.5) feet for SWES - and others if relevant to a given application. Proof of homeowner's insurance covering the SWES or other applicable insurance covering the CIWES shall be supplied to the City of Erie prior to the issuance of a permit.
- d. In addition to the submission requirements of 305.52d(1)-(3), an applicant for a SWES or CIWES shall also hold a Neighborhood Informational Meeting with the same requirements as outlined in 305.52e. However, instead of appearing before the Planning Commission, the evidence of the meeting will be provided to the Zoning Hearing Board.
- e. The requirements for the decommissioning of a SWES and CIWES include those set forth in Section 305.52f(1)-(2). Decommissioning shall include removal of all turbines, towers, and poles.

**305.54 SOLAR COLLECTION SYSTEMS:** Solar Collection Systems shall be considered an accessory use in all Zoning Districts in accordance with the following requirements:

- a. Freestanding solar panels shall only be permitted in the rear and side yard.
- b. Freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height above the ground.

- c. Freestanding solar panels shall be set back as required for accessory uses in the districts in which they are located.
- d. The total coverage of a lot with freestanding solar panels cannot exceed the greater of 50% lot coverage or the maximum allowable coverage for the district in which they are located.
- e. Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located.
- f. In addition to the requirements listed above, requirements for installation, structural certification, roof covering and so forth can be found in the "Solar Photovoltaic Installation Guideline" available in the Bureau of Code Enforcement. All panels must adhere to these guidelines.

**305.55 URBAN SOLAR FARM:** Urban Solar Farms shall be permitted in M-1, M-2, and 1-P Districts, and in W-M as a conditional use, in accordance with the following regulations:

- a. Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a height of eight and a half (8.5) feet.
- b. The manufacturers' or installers' identification and appropriate warning signage shall be posted at the site in a clearly visible manner.
- c. On-site power lines shall, to the maximum extent practicable, be placed underground.
- d. Solar farms shall adhere to the setback, height, and coverage requirements of the district in which they are located.
- e. The following requirements shall be met for permit applications:
  - 1. A descriptive plot plan including setbacks, panel sizes, locations of property lines, buildings, and road right of ways.
  - 2. No urban solar farm shall be installed until evidence has been given to the City of Erie that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
  - 3. An affidavit or evidence of agreement between lot owner and the facility's owner or operator confirming that the owner or operator has permission of the property owner to apply for necessary permits for construction and operation of the urban solar farm.

4. Any other relevant studies, reports, certificates and approvals as may be reasonably requested by the City of Erie, including but not limited to design review.
- f. The following requirements shall be met for decommissioning:
1. Solar farms which have not been in active and continuous service for a period of one (1) year shall be removed at the owners or operators expense.
  2. The site shall be restored to as natural condition as possible within six (6) months of the removal.

**306 CONDITIONAL USES - WATERFRONT DISTRICTS:** A building permit or zoning certificate for a use in the Waterfront Districts, Sections 204.20, 204.21 and 204.22 will be issued by the Zoning Officer only after receiving the recommendations of the Design Review Committee, Planning Commission and City Council approval. The Design Review Committee shall only meet and review projects where there is a modification to the existing structure or a new structure is proposed. City Council shall hold a public hearing subject to public notice on all such proposed developments. The development shall demonstrate compliance with Section 306, as well as Section 305, if applicable, and all other appropriate sections of this Ordinance. Building permits for accessory uses, interior alterations, and minor additions/alterations (20% or less than the total square footage of the structure) are exempt from this process. However, any expansion of pre-existing uses onto other properties or outside existing leased and utilized land, whether minor in nature or not, shall be considered a new use and must be reviewed by the City Planning Commission as detailed above. However, any new development that is located on the water's edge and is required to provide "public access" as defined, will be a Conditional Use and must be voted on by the Erie City Council after City Planning Commission review and a Public Hearing, as the process for Conditional Uses is set forth in the Pennsylvania Municipalities Planning Code.

**306.10 Public Access - Waterfront Districts:** A free public access way\* must be regarded as an essential component of all developments in all Waterfront Districts. Every proposed site development that has access to the Bayfront water's edge shall show on the plans a proposed free public access way, abutting and parallel to the water's edge. The free public access way shall be of sufficient width to comfortably handle the expected amount of pedestrians, but shall not be less than twelve (12) feet in width. The construction of the free public access way shall be of such material as to be aesthetically pleasing and in harmony with the site development, and shall not consist of gravel, stone, grass or other unapproved material. When the free public access way is abutting the water's edge, and an apparent danger exists, a safety barrier shall be installed. It shall be the responsibility of the developer and/or property owner to construct and maintain the public access way. In addition, said developer or property owner shall assume all liability. The public access way shall be made accessible to the handicapped. The free public access way shall have north/south access to a City of Erie Public Right-of-Way at maximum intervals of seven hundred sixty (760) feet. The issuance of a building permit shall be contingent upon the developer providing a performance bond in an amount equal to one hundred ten (110%) percent of the cost of the proposed free public access way.

replacement of fenders and similar external portions of motor vehicles are conducted. An auto body shop may also include Auto Sales of not more than four (4) vehicles, conditioned upon the fact that all Off Street Parking requirements are met.

**SETBACK LINE**

The line beyond which structures may not be erected.

**SMALL WIND ENERGY SYSTEMS:**

A wind energy conversion system consisting of a wind turbine, a tower, and associated control and conversion electronics which has a rated capacity of not more than one hundred (1 00) kilowatts (kW) and which is. designed and used to generate power solely to serve to offset utility costs of a principal and/or accessory building located on the lot on which said device is situated.

**SOLID WASTE TRANSFER FACILITY**

Land and/or structures where solid waste is received and temporarily stored at a location other than the site where the waste was generated, and which facilitates the bulk transfer of accumulated solid waste to a different site for disposal. A Transfer-Facility may also include separation and/or processing of recyclables.

**SOLAR COLLECTION SYSTEM:**

A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

**SPECIFIED ANATOMICAL AREAS:**

1. Less than completely and opaquely covered:
  - (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;

<b>URBAN SOLAR FARM:</b>	Energy generation facility or area of land principally used to convert solar energy to electricity.
USE	The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.
VARIANCE	A means of seeking relief from the requirements of this ordinance. The Zoning Hearing Board has the exclusive authority to vary the terms of this ordinance.
WAREHOUSE	A building designed for the storage of personal or commercial goods and materials.
WATERFRONT DISTRICT	Shall include the W-R, W-C, W-C2, W-C3, and W-M Districts
WHOLESALE DISTRIBUTION CENTER	A commercial dealing in the sale of items in large quantities. Retail sale of items is permitted as an accessory use up to 20% of the total floor area.
WIND ENERGY CONVERSION SYSTEM:	Any device such as a wind charger, wind turbine or Windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat for distribution, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities
WIND TURBINE:	A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.
YARD, FRONT:	An open, unoccupied space across the full width of the lot, extending from the front line of the building to the front property line of the lot.
YARD, REAR:	An open, unoccupied space across the full width of the lot extending from the rear line of the building to the rear property line of the lot.

**Grundy County, Illinois  
County Code (2014)**

**TITLE 8, UNIFIED DEVELOPMENT CODE  
CHAPTER 2, PERMITTED USES**

**SECTION 8-2-2-1, LAND USE TABLES**

**TABLE 8-2-2-1A  
AGRICULTURAL, RESIDENTIAL, AND INSTITUTIONAL USES**

P = Permitted use	S = Special use
A = Permitted use with administrative review	N = Prohibited use

Land Use	Zoning District							General Use Standard <sup>1</sup>	Admin. Review Or Special Use Standard
	A	AR	PR	R	CG	CI	I		
Miscellaneous uses:									
Solar collector systems	A	A	A	A	A	A	A		Sec. 8-2-4-11 of this chapter
Solar farm	S						S		Sec. 8-2-5-30 of this chapter

**TABLE 8-2-2-1B  
NONRESIDENTIAL USES**

P = Permitted use	S = Special use
A = Permitted use with administrative review	N = Prohibited use

Land Use	Zoning District							General Use Standard <sup>1</sup>	Admin. Review Or Special Use Standard
	A	AR	PR	R	CG	CI	I		
Miscellaneous uses:									
Solar collector systems	A	A	A	A	A	A	A		Sec. <a href="#">8-2-4-11</a> of this chapter
Solar farms	S						S		Sec. <a href="#">8-2-5-30</a> of this chapter

**8-2-4 ADMINISTRATIVE REVIEW USE STANDARDS**

**8-2-4-11: SOLAR COLLECTOR SYSTEMS**

**A. Purpose:** The purpose of this section is to provide regulations for the permitting of individual solar collector systems as an administrative use for all zoning districts. This section includes regulations for the construction of roof mounted, building integrated photovoltaic, pole mounted, and ground mounted solar collector units in regard to total height, setback provisions, and reflection. This section makes the distinction that individual solar collector systems shall be classified as accessory structures.

**B. Definitions:**

**INDIVIDUAL SOLAR COLLECTION SYSTEMS:** A panel or other solar device that is capable of collecting, storing, or transmitting at least twenty five thousand (25,000) btus. A solar collector may be a photovoltaic, plate type designed to convert solar energy into electric energy, or a structural element that is designed to collect solar energy and transmit it to internal spaces for heating. The following are definitions of the type of systems that this section will regulate:

**Building Integrated Photovoltaic Unit:** A system that is integrated into the structure of that building. Some examples of this are roofing tiles, carports, awnings, and curtain walls.

**Ground Mount:** A solar collector system in which an array is mounted onto the ground such as a wedge structure constructed from steel supports that are anchored into concrete footings. The structure itself is built from aluminum or galvanized steel.

**Pole Mount:** A solar collector system that consists of an array that is mounted on top of a single steel pole which is affixed to the ground. Pole mounted units have the capability of being pitched such that the angle of the array may be altered during the year to optimize the amount of solar energy collected.

**Roof Mount:** A solar collector system with an array of solar panels that are located on the roof of a structure. The solar collector system shall be installed such that it is attached directly to and supported by a structural member of the building.

**SOLAR ENERGY:** Radiant energy that is received through direct, diffuse, or reflected means from the sun.

**SOLAR RIGHT:** A property owner has the right to have an unobstructed line of sight path from a solar collector to the sun which permits radiation from the sun to be collected. The extent of the solar right is the amount of illumination provided by the path of the sun on a winter solstice day.

**WINTER SOLSTICE DAY:** On December 21 which marks the beginning of winter in the northern hemisphere when the sun reaches its most southern point.

**C. Solar Panel Requirements:** Certification of the solar collection system in accordance with the Solar Collector And Certification Corporation (SRCC) and all manufacturers' installation instructions shall be provided to the Grundy County building and zoning officer. All solar collection systems shall be limited to one hundred twenty percent (120%) of the electrical and/or thermal energy requirements of the structure as determined by a contractor licensed to install such systems. Solar collection systems connected to the electrical utility grid system may be installed once an interconnected customer-owner agreement is reached. This agreement shall be provided to the building and zoning officer at the time of building permit application submittal.

In the event of a power failure, solar collection systems that are interconnected to the grid system shall shut down until full power is restored by the electrical utility company. The solar collector electrical components need to be marked as such for emergency responders with an appropriate warning and guidance. Marking material shall be weather resistant in accordance with UL 969. An emergency shutoff mechanism shall be installed and notice of its location shall be provided for emergency responders. All solar collectors shall be certified by a third party and comply with all Grundy County building code requirements and manufacturer's installation instructions.

Owners of solar collector systems shall have solar rights to collecting solar energy from their property for their energy consumption.

Solar collector systems shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.

The following requirements shall be applied to all installations of individual solar collection systems:

1. Ground Mounted And Pole Mounted Solar Collection Systems:

- a. The parcel in which the ground mounted or pole mounted solar collection systems are to be installed shall be a minimum of one acre in size and shall not exceed twenty percent (20%) of the lot area.
- b. Setbacks for the installation of the solar collection system shall meet with the requirements of the zoning district in which it is located.
- c. Solar collectors shall be considered to be accessory to the main structure of the parcel.
- d. All pole mounted solar collection system installations shall be within the side and rear yard of the property and shall be limited in height to twenty feet (20').
- e. All exterior electrical or plumbing lines serving the solar collector system shall be buried below the surface of the ground in accordance with the requirements of the Grundy County building code.
- f. Ground mounted solar collectors (including framework) shall not exceed a height of six feet (6') above grade.
- g. Reflection angles from the solar collector systems' surfaces shall be oriented away from adjacent structures that are constructed on adjacent properties or roadways.
- h. All mechanical equipment of the solar collection system such as storage cells or batteries shall be enclosed with a minimum six foot (6') fence that is self-locking.

2. Roof Mounted And Building Integrated Photovoltaic Solar Collection Systems:

- a. All exterior electrical and plumbing lines and components that serve these systems shall be buried below the surface of the ground and comply with the requirements of the Grundy County building code.
- b. Conduit lines that run below the roof sheathing shall be installed such that they are below the roof deck by a depth of ten inches (10") and are not installed such that they are perpendicular to roof rafters.
- c. Reflection angles from collector surfaces shall be oriented away from adjacent structures constructed on adjacent properties.
- d. Roof mounted units or building integrated photovoltaic solar collection systems (tiles) shall be installed such that they do not exceed the height restrictions of the zoning district in which they are located. A path of three feet (3') shall be provided from any peak, eave or valley of the roof for emergency accessibility and ventilation opportunities for emergency responders.

**D. Application To The Building And Zoning Officer:** All submittals to the building and zoning officer shall contain the following information in addition to that included on the application form:

1. Standard drawings of the solar collector system, including design and dimensions of panels, base, mounting poles, footings, and anchors. Overall height from natural grade to

tip of the uppermost panel, and the square footage of the entire system structures shall be provided in the submittal.

2. Projected amount of energy created or offset of the solar collector shall be provided.

3. All manufacturer's installation and specification sheets shall be provided including all certifications. The installation instructions shall contain such items as the make, model, listing, size, weight, snow and wind load abilities of the solar collector system.

**E. Site Plan:** The following items shall be provided on the site plan submitted at the time of building permit application:

1. A scaled layout of the solar collector systems as proposed on the property or building. Site plans for the ground or pole mounted systems should include building envelope, base flood elevations (if necessary), location and footprint of the structures, adjacent roads and property lines.

2. The location of the panel installations, the main service location, and the locations of all equipment and disconnect.

3. Depiction and explanation of the main use of the property and the location of the adjacent buildings, trees, parking lot (if applicable) and landscaping. (Ord. 2012-016, 4-10-2012)

## **8-2-5 SPECIAL USE STANDARDS**

### **8-2-5-30: SOLAR FARMS:**

**A. Purpose:** The purpose of this section is to provide regulations for the permitting of solar farms as a special use for A agricultural and I industrial zoning districts. This section provides for the preservation, protection of natural resources such as forests, tributaries, and habitat while also providing restrictions for the development to aid in the quality of life for the adjacent property owners and general aesthetic qualities for the county while preventing detriment to the public health, safety and welfare of the county as a whole.

#### **B. Definitions:**

**LARGE SOLAR ENERGY SYSTEM:** Energy generated from multiple solar panels over a large parcel in which this would be the primary land use. Poles and racks of multiple solar panels would be used that would generate direct current (DC) rated capacity greater than one hundred (100) kilowatts.

**SOLAR ARRAY:** A number of photovoltaic modules or panels connected together to provide a single electrical output.

**SOLAR COLLECTOR TOTAL HEIGHT:** The height of the solar collector system from grade to the highest point of the system that may be achieved when in operation.

**TRACKING SOLAR ARRAY:** A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device.

**C. Filing Requirements For A Special Use Of A Solar Farm:** Submittal packets for a special use for the construction of a solar farm shall contain the following:

1. Application: The applicant for a solar farm special use shall file twenty five (25) copies of application, including ten (10) full size copies of exhibits and fifteen (15) reduced copies of all exhibits, with the land use department of the county, together with the appropriate site review application fee. The applicant is to provide up to ten (10) additional copies of the application to the county upon request.

2. Land Use Department: The land use department of the county, upon receiving said application, shall do the following:

a. Accept for filing, and date stamp as filing, any application that is filed. The date stamp of the land use department should be considered the official filing date for all time limit purposes. Receipt and acceptance of an application by the department is pro forma, and does not constitute an acknowledgment that the applicant has complied with the county ordinances.

b. The land use department shall make available a copy of the application and public record concerning the application for public inspection during the normal business hours of the department. Additionally, the department shall provide to any person so requesting, copies of the application or the public record, upon payment by such persons for the actual cost of reproduction in accordance with the county FOIA requirements.

3. Form Of Applications:

a. All applications shall be in writing on paper of eight and one-half inches by eleven inches (8 1/2" x 11"), eight and one-half inches by fourteen inches (8 1/2" x 14"), or eleven inches by seventeen inches (11" x 17").

b. The pages of the application shall be consecutively numbered, and all exhibits clearly marked and identified.

c. The text portion of the application (not including exhibits or graphic presentations) shall be furnished in an electronic format. The exhibits or graphic representations may also be furnished in electronic format.

**D. Content of The Solar Farm Application:** Every solar farm application shall include the following information and documentation:

1. Host Agreement: An executed host agreement must be appended to, and included as part of, any solar farm special use application filed with the county.

2. Applicant Information: The applicant shall describe itself, its legal standing as to whether it is a corporation, limited liability company, individual, or other legal entity and shall identify its officers and directors, shareholders, and members. It shall also identify its parent and subsidiary companies. The same information shall be provided for all owners and operators of the solar farm system. In addition, the applicant shall identify the property owners that have entered into leases or agreements with the applicant and proof must be included that the applicant has the legal authority to bring this application in the name of such property owners.

3. Project Description: The applicant shall provide a general description of the project, including its total generating capacity; the equipment manufacturer, the type and model of solar collectors proposed, the number of solar collectors, the nameplate generating capacity of each solar collector, the proposed height of each solar collector and overall dimensions thereof.

4. Site Plan:

- a. All proposed setback dimensions.
- b. All proposed structures on the property, including, but not limited to, solar collectors, substations, and service roads.
- c. Topographic site information for the subject property and the adjacent properties within a quarter mile of the property line of the subject property indicating contours in five foot (5') intervals.
- d. Existing structures on subject property and properties within a quarter mile of the property.
- e. All existing and proposed underground and aboveground utilities.
- f. All rights of way, wetlands, wooded areas, and public conservation lands.
- g. Ingress and egress from the site as proposed during construction and thereafter, which indicates:
  - (1) Proposed road surface and cover.
  - (2) Dust control.
  - (3) Width and length of access route and location of ingress.
  - (4) Road maintenance progress or schedule for proposed use of land.
- h. Certified easements, contracts, waivers, and option agreements for proposed use of the land.
- i. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- j. Fire protection plan for the construction and the operation of the facility, and emergency access to the site.
- k. Revegetation or reclamation plan of the areas that will be disturbed.
- l. Drainage plan and erosion control plan.
- m. Description of hours of operation for construction and maintenance of the facility, numbers of employees and type of traffic expected to be generated from the site.
- n. Public road routes.

## **E. Design and Installation Requirements:**

1. Height: The total height of the solar collectors shall not exceed twenty feet (20') in height when oriented at a maximum tilt position unless specifically allowed by the Grundy County board.
2. Setbacks:
  - a. Yard Setback Requirements: The setback for the rear, front and side of the solar array and components of the solar collector system shall conform to the requirements of a structure for the zoning district in which the solar farm is located.
  - b. Public And Private Roads: Components of the solar collector system shall be located such that they are one hundred fifty feet (150') from public and private roads.
  - c. High Water Mark: High water mark of navigable waterways/public parks/public conservation lands: One hundred fifty feet (150').
  - d. Waiver: Any waiver of any setback requirement shall only be considered an effective compliance with this subsection if said waiver runs with the land and is recorded as part of the chain of title and the deed of the subject property.
3. Electrical Components: All electrical components of a solar farm shall conform to all applicable local utility standards and national electric codes. All electrical wires and lines that are used in conjunction with the solar farm shall be installed underground.
4. Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including wetlands and other fragile ecosystems, historical or cultural sites and antiquities, and adjacent agricultural uses such as rotating crops. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any effects or concerns that will remain after mitigation efforts. In addition a water usage or impact study shall be completed that will indicate any impact that the solar farm will have on county water resources.
5. Avian And Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take the appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
6. Warning Signage: Signs warning of the high voltage associated with the solar farm shall be posted at every entrance to the facility, at the base of all pad mounted transformers and substations. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building.
7. Landscaping: Applicant shall minimize the disruption of natural environment, retain existing vegetation and native plant species to the maximum extent feasible and replant with native vegetation if existing vegetation is disturbed during construction. Landscaping shall be used as part of screening from adjacent properties or public view. All landscape shall comply with the requirements set forth in chapter 9 of this title.

8. Federal And State Requirement Compliance: The solar collecting system shall meet or exceed any standards and regulations of any agency of the state or federal government with the authority to regulate solar farms.

9. Power Lines: All electrical control wiring and power lines shall be wireless or not aboveground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

10. Access Roads: The applicant shall minimize the number and width of access roads, minimize cut and fill on sloping terrain and use natural terrain where feasible for these access points.

11. Roads: All routes on either county or township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the Grundy County highway engineer in coordination with the township road commissioners. The developer shall provide and complete a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer applicant shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the developer. The developer applicant shall provide a letter of credit or a surety bond in an amount and form approved by the highway/roadway official(s).

12. Property Value Protection Plan: The developer shall provide within the application a plan to protect the property values of any nonparticipating real property owner within two (2) miles of the boundaries of the solar farm.

13. Complaint Resolution: The applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the solar farm. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The applicant shall provide to the nearby residents a phone number of the project manager during the construction of the facility if a problem should arise.

14. Waste Disposal: All solid waste generated from supplies, equipment, parts, packaging or operation of the facility shall be removed from the site immediately and disposed of in an appropriate manner. Any hazardous waste that is generated by the facility, including, but not limited to, lubricating materials, shall be removed consistent with all local, state and federal rules and regulations.

15. Drainage: The plan shall state that any damage to waterways, drainage ditches, field tiles or any other infrastructures caused by the construction or maintenance of the solar farm shall be completely repaired to near original condition and so as not to impede the natural flow of water. All repairs shall be completed within a reasonable amount of time. The solar farm owner is to notify the county engineer that the construction of any part of the project encounters any underground field drainage tiles. A plan sufficient to provide remediation shall be submitted, reviewed and subject to the approval of the county engineer. All existing drainage tiles that will be crossed by private access roads shall be removed and replaced with load resistant tiles as specified by the county engineer. This shall be done before the private access roads are used for construction purposes. The load resistant tiles shall extend a minimum of thirty feet (30') across the private access roads

and shall be of the same diameter of the existing tiles. To ensure that all drainage tiles are located, reasonable measures shall be made to locate all existing tiles in the vicinity of the private access roads by exploratory trench or other appropriate methods. All drainage tiles that are encountered during construction shall be noted on the site plan. Financial assurances in the form of cash or an escrow account, surety bond or a letter of credit in a form and amount acceptable to the county engineer shall be posted to assure compliance with this section.

16. Conformance To Industry And Code Standards/Engineer Certification: The solar farm shall comply with all applicable local and county codes for the electrical, mechanical and structural components of the facility. All documents provided for review shall be stamped and signed by a professional engineer. All solar collection system panels shall be certified by the Solar Collector And Certification Corporation (SRCC).

17. Operation And Maintenance: Each applicant or successor in interest shall have the facility inspected annually by third party qualified wind power professionals at their own expense. The third party qualified wind power professional shall be subject to the approval of the Grundy County land use department. Within fifteen (15) days of the inspection a copy of all reports shall be provided to the Grundy County land use department. The solar farm shall not operate unless a certificate is provided to the Grundy County land use department indicating that the annual maintenance has been completed and the facility is in good working condition. Failure to provide this annual certification may cause the revocation of the special use as issued by Grundy County.

18. Fencing: Perimeter fencing having a maximum height of eight feet (8') shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.

19. Reflective Coating: Solar energy system components shall be designed with an antireflective coating. Verification shall be provided that verifies that the components of the solar energy system have this quality.

20. Lot Area: Solar farms and components thereof shall be located on a parcel that is a minimum of forty (40) acres in size. The lot or parcel shall have a minimum width of six hundred feet (600').

21. Vegetation Control: A vegetation and weed control plan shall be provided that protects against the creation of a prey habitat and/or aesthetic impacts to the surrounding area.

22. Antiperching Protection: Antiperching protection devices shall be used to prevent negative environmental impacts.

23. Airport And Airport Control Zones: Solar farms shall not be located adjacent to or within a control zone of any airport.

24. Cleaning Supplies And Solvents: Cleaning chemicals and solvents used during the operation or maintenance of the solar farm facility shall consist of biodegradable products and shall be low in volatile organic compounds.

25. Reflection Angles: Reflection angles for solar collectors shall be oriented such that they do not direct glare toward residential users on adjacent properties.

**F. Decommissioning Or Abandonment Of The Solar Farm:** Prior to receiving a special use of the solar farm, the operator/owner shall provide for a decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of nine (9) months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan provided and approved. The decommissioning plan shall have the following information provided:

1. Removal of the following within nine (9) months:
  - a. All solar collectors and components, aboveground improvements and outside storage.
  - b. Foundations, pads and underground electrical wires and reclaim the site to a depth of four feet (4') below the surface of the ground.
  - c. Hazardous material from the property and dispose of in accordance with federal and state law.
  - d. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. The decommissioning cost shall be made by cash, surety bond or irrevocable letter of credit before any construction commences.
  - e. A restoration plan shall be provided for the site.

**G. Liability Insurance:** The owner or operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name Grundy County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

**H. Administration And Enforcement:** The zoning officer shall enforce the provisions of this section through an inspection of the solar farm every year. The zoning officer is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section shall, upon conviction, be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each tower, nacelle, or any other component of the solar farm shall be the subject of a separate violation and further each week that a violation is permitted to exist shall constitute a separate offense. Other actions may be taken by law or in equity to prevent or to remedy any violation of this section and these remedies shall be in addition to any other remedies, damages or penalties. (Ord. 2012-015, 4-10-2012)

**Iron County, Utah  
County Code (2013)  
Title 17 ZONING**

**Chapter 17.16 ESTABLISHMENT OF ZONING DISTRICTS**

**17.16.030 Table of uses. [excerpt]**

USES	ZONE DISTRICTS								
	A-20	R-5	R-2	R-1	R-1/2	C	L I	I	IA
Accessory solar energy system, concentrated solar thermal	C	C	C	C	C	C	C	C	C
Accessory solar energy system, photovoltaic or hot water	P	P	P	P	P	P	P	P	P
Solar power plant--Concentrated solar thermal	C (6)	X	X	X	X	X	X	X	C (6)
Solar power plant--Photovoltaic solar	C (6)	C (6)	X	X	X	C (6, 8)	C (6,8)	C (6)	C (6)

\* \* \*

(6) See also Chapter 17.33.

\* \* \*

(8) Photovoltaic solar power plants may only be located in the commercial and light industrial zones in conjunction with commercial or light industrial development of the site, and in a manner that preserves the primary purpose(s) of the zone.

**Chapter 17.20 USE DEFINITIONS**

**17.20.010 Definitions.**

\* \* \*

"Accessory solar energy systems" include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

\* \* \*

"Solar power plant" means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal (CST) devices, or various experimental solar technologies, with the primary purpose of wholesale or retail sales of generated electricity.

\* \* \*

**Chapter 17.33 SOLAR POWER PLANTS\***

**17.33.010 Purpose.**

The purpose of this Chapter 17.33 is to establish minimum requirements and regulations for the placement, construction and modification of solar power plants, as defined herein, while promoting the safe, effective and efficient use of such energy systems.  
(Ord. No. 2010-4, § 3, 4-26-2010)

**17.33.020 Definitions.**

A. "Accessory Solar Energy Systems," include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs. Accessory Solar Energy Systems may be permitted as described in Section 17.16.030, Table of Uses, and are not subject to this Chapter 17.33.

B. "Concentrating Solar Thermal Devices," also known as "Concentrated Solar Thermal Power (CST)," are systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a sterling engine. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish and solar power tower.

C. "Photovoltaics (PV)," is a technology that converts light directly into electricity. PV solar panels have been around for several years, although concentrated photovoltaic (CPV) technologies are now being developed. Both PV systems and CPV systems are included within this definition.

D. "Solar Power Plant," means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

(Ord. No. 2010-4, § 3, 4-26-2010)

**17.33.030 Regulations and design standards--Solar power plants.**

All solar power plants shall comply with the following minimum regulations and design standards.

A. Permitted Locations. A solar power plant that complies with the provisions of this section may be permitted as described in Section 17.16.030, Table of Uses, Iron County Zoning Ordinance.

B. Design Standards.

1. Minimum Lot Size. No concentrated solar thermal power plant shall be erected on any lot less than forty acres in size. No photovoltaic solar power plant shall be erected on any lot less than five acres in size.

2. Maximum Height. The maximum height for all structures shall be established through the conditional use permit process, provided a structure height of thirty feet or less shall always be permitted.

3. Setbacks. Solar power plant structures shall be set back from all property lines and public road rights-of-way at least thirty feet, or one and one-half times the height of the structure, whichever is greater. In addition, solar power plant structures must be located at least one hundred feet from all residentially zoned lots and existing residences. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.

4. Safety/Access.
  - a. An appropriate security/livestock fence (height and material to be established through the conditional use permit process) shall be placed around the perimeter of the solar power plant. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
  - b. Appropriate warning signage shall be placed at the entrance and perimeter of the solar power plant project.
5. Noise. No operating solar power plant shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.
  - a. Fifty dBA, as measured at the property line of any neighboring residentially-zoned lot;
  - b. Forty-five dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
  - c. Sixty dBA, as measured at the property lines of the project boundary, unless the owner of the affected property and the planning commission agree to a higher noise level, as follows.

The owner of a neighboring property that would otherwise be protected by the sixty dBA noise limitation may voluntarily agree, in writing, to a higher noise level. Any such agreement must specifically state the noise standard being modified, the extent of the modification, and be in the form of a legally binding contract or easement between the landowner (including assignees in interest) and the solar power plant developer, effective for the life of the project. Notwithstanding any such voluntary noise agreement between the affected landowner and the solar power plant developer, the agreement shall only be effective and reflected in the County's authorization of the project when it has been reviewed and determined acceptable to the County. The County shall consider the likely impacts and consequences of the modified noise limit requested, based on the specific circumstances of the situation, in determining whether to grant the request. Any such noise agreement must be submitted with the conditional use permit application and if authorized by the County, must be filed with the County Recorder upon issuance of the conditional use permit.

6. Visual Appearance.
  - a. Solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
  - b. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences.
  - c. No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is required by FAA, it shall be the red, intermittent, glowing-style,

rather than the white, strobe-style, unless disclosed and justified through the application review process. Aircraft sensor systems to turn the lights on only when low-flying aircraft are in the area may be required.

d. Lighting of the solar power plant and accessory structures shall be limited to the minimum necessary and full cut-off lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts.

e. No solar power plant shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.

7. Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

8. Fire Protection. All solar power plants shall have a defensible space for fire protection in accordance with the Iron County Wildland-Urban Interface Code.

C. Local, State and Federal Permits. A solar power plant shall be required to obtain all necessary permits from the Utah Department of Environmental Quality, including the Utah Division of Air Quality and the Utah Division of Water Quality, applicable permits required by Iron County, and applicable Federal permits.

D. Agreements/Easements. If the land on which the project is proposed is to be leased, rather than owned, by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the conditional use permit.  
(Ord. No. 2010-4, § 3, 4-26-2010)

#### **17.33.040 Permit applications.**

An application for a conditional use permit to establish a solar power plant shall include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in Section 17.33.030 will be met. Supporting documentation for addressing the review criteria of Sections 17.33.050 and 17.28.050(A) is also to be provided. The land use authority may require any information reasonably necessary to determine compliance with this chapter.

It is preferred that any related conditional use permit applications for substations or transmission lines be considered in conjunction with the conditional use permit application for the solar power plant; however, if the details of those improvements are not available at the time of application for the solar power plant, they may be considered later, through subsequent conditional use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the solar power plant.

Due to the complexity of large-scale solar power plant projects, the county may require a development agreement or other appropriate instrument to address taxing, land use,

property assessment, and other issues related to the project. For example, the county is interested in preventing large tax shifts that may otherwise be incurred by county residents each year a centrally-assessed solar power plant is depreciated; therefore, cooperation to establish an agreement for payment in lieu of taxes (PILT), or other acceptable solution, may be necessary. A development agreement may be required as a condition of the permit, and must be approved by the board of county commissioners prior to commencing construction.

(Ord. No. 2010-4, § 3, 4-26-2010)

### **17.33.050 Provisions for conditional use permit review.**

Following the provisions of Chapter 17.28, Iron County Code, additional or more thorough consideration shall be given to the following as the County determines whether the project needs to be approved, denied, or conditionally approved:

- A. **Project Rationale.** Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
- B. **Siting Considerations.** Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as wilderness study areas, areas of environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds, or scenic areas designated by the county; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.
- C. **Site and Development Plans.** Site and development plans, which identify and/or locate all existing and proposed structures; setbacks; access routes; proposed road improvements; any existing inhabitable structures and residentially zoned lots within one-quarter mile of a photovoltaic solar project or one-half mile of a concentrated solar project; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and other relevant items identified by the county staff or planning commission. All maps and visual representations need to be drawn at an appropriate scale.
- D. **Analysis of Local Economic Benefits.** Analysis of local economic benefits, describing estimated: Project cost, generated taxes, percent of construction dollars to be spent locally, and the number of local construction and permanent jobs.
- E. **Visual Impacts, Appearance, and Scenic Viewsheds.** Potential visual impacts may be caused by components of the project such as mirrors, solar towers, cooling towers, steam plumes, aboveground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. Those projects that are within a sensitive viewshed, utilize reflective components (e.g., exposed mirrors), or that propose structures taller than thirty feet must provide a viewshed analysis of the project, including visual simulations of the planned structures and analysis of potential glare impacts. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be from no less than four vantage points that together provide a view from all sides of the project. More visually sensitive proposals (e.g., solar power towers or exposed mirrors in sensitive viewsheds) may require analysis from significantly more vantage points, such as different distances and sensitive locations. The planning commission may also require a Zone of Theoretical Visibility/Zone of Visual Impact (ZVI) Analysis, which

is a three hundred sixty degree computer analysis to map the lands within a defined radius of a location that would likely be able to see an object. Significant visual impacts that cannot be adequately mitigated are grounds for denial.

F. Wildlife Habitat Areas and Migration Patterns. Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with United States Fish and Wildlife Service (USFWS) will be necessary.

G. Environmental Analysis. In the absence of a required state or federal agency environmental review for the project (e.g., NEPA), the planning commission may require an analysis of impacts to historic, cultural and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.

H. Solid Waste or Hazardous Waste. As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.

I. Height Restrictions and FAA Hazard Review. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.

J. Transportation Plan for Construction and Operation Phases. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surfacing and condition. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (both the construction and O&M periods)--remember to identify needed bridges, culverts, livestock fence crossings (gates and cattle guards), etc. Also identify all areas where modification of the topography is anticipated (cutting/filling) to construct or improve the roadways. Address road improvement, restoration or maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of the project. Provide projected traffic counts for the construction period, broken down by the general type/size of vehicles, and identify approximately how many trips will have oversized or overweight loads. If significant impacts to the transportation system are anticipated, the County may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction or dismantling of the project. In such case, the "before" conditions of the roadways and other infrastructure must be documented through appropriate methods such as videos, photos, and written records, to provide a proper reference for restoration.

K. Public Safety. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.

L. Noise limitations. Submit sufficient information regarding noise, so as to demonstrate compliance with Section 17.33.030(B)(5).

M. Decommissioning Plan. Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (county, any lessor or property owner, etc.) that ensure proper final reclamation of the solar energy

project. Among other things, revegetation and road repair activities should be addressed in the plan.

N. Other probable and significant impacts, as identified through the review process.  
(Ord. No. 2010-4, § 3, 4-26-2010)

**Chapter 17.84 DEFINITIONS**

**17.84.010 Definitions.**

\* \* \*

"Solar access" means the ability to receive sunlight across real property for any solar energy device.

"Solar energy device" means a device which converts the sun's radiant energy into thermal, chemical, mechanical or electric energy.

\* \* \*

Note:  
Amendments Effective January 16, 2014 in Red.



# JACKSON TOWNSHIP ZONING RESOLUTION BOOK

Amended  
**December 17, 2013**

Effective  
**January 16, 2014**

**\$15.00**

Jackson Township Zoning and Planning Department  
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*Jackson Township Zoning Resolution*

**ARTICLE II  
DEFINITIONS**

**Chapter 201  
Definitions**

**201.1 General Rules of Interpretation**

**201.2 Definitions**

**SECTION 201.1 GENERAL RULES OF INTERPRETATION**

For the purpose of this Resolution, certain terms or phrases used herein shall be interpreted as follows:

- A. Words used in the present tense shall include the future;
- B. The singular number shall include the plural and the plural the singular;
- C. Use of the word “shall” indicates a mandatory requirement; the word “may” is a permissive standard; the word “should” is a preferred standard.
- D. The word “used” shall include the words “arranged,” “designed,” “constructed,” “altered,” “converted,” or “intended to be used”;
- E. A “person” shall, in addition to an individual, mean a firm, corporation, association, or any legal entity that may own and/or use land or buildings.

**SECTION 201.2 DEFINITIONS**

- A. Words used in this resolution are used in their ordinary English usage unless specifically defined in Subsection 201.2B below.
- B. For the purpose of this resolution the following terms, whenever used in this resolution, shall have the meaning herein indicated:
  - 1. **ACCESSORY BUILDING, STRUCTURE OR USE:** A subordinate building, structure or use customarily incidental to, and located upon the same lot occupied by the principal building or use.
  - 2. **ACCESSORY SOLAR ENERGY:** A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to ten (10) kilowatts (for electricity) or rated storage volume of less than or equal to two hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feet (for thermal), and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
  - 3. **ADULT ARCADE:** Any place to which the public is permitted or invited where either or both (i) motion picture machines, projectors, video or laser disc players, or (ii) other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images so displayed are distinguished or characterized by the depicting or describing of nudity or semi-nudity or where the images shown and/or live

*Jackson Township Zoning Resolution*

123. **PARKING LOT:** An area of a parcel made up of parking spaces, also known as a parking area.
124. **PARKING SPACE:** An area outside the public right-of-way for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods. Parking spaces for uses other than single-family shall be arranged to allow ingress and egress of a motor vehicle without the need to move any other vehicle.
125. **PERMITTED USE CERTIFICATE:** A certificate required to be obtained from the Zoning Inspector before the occupancy or change of occupancy of any nonresidential use permitted or conditionally permitted in any district in Jackson Township. (Previously called a Certificate of Compliance Permit).
126. **PERSONAL SERVICES:** Any business enterprise which primarily offers services to the general public, such as shoe repair, watch repair, barber and beauty shop and similar activities.
127. **PLAN REVIEW:** The reviewing of a specific site plan “PR”.
128. **PLANNED BUSINESS OR OFFICE COMPLEX:** Two (2) or more primary business or office use structures placed on one lot.
129. **PLANNED UNIT DEVELOPMENT (PUD):** An area of land in which a variety of housing types and subordinate commercial and other nonresidential facilities are accommodated under more flexible standards, including lot sizes, setbacks, and density and requires a percentage of common open space. A PUD may consist entirely of single family detached, single family attached, two-family, and/or multi-family units and is designed as a planned residential community. Commercial uses may only be included as part of an R-6 PUD.
130. **PROJECT AREA:** Any contiguous or abutting areas being developed for non-farm, commercial, industrial, residential, or other non-farm purposes which meets the minimum required area for development. All separate parcels of land within a project area shall be in common ownership.
131. **PRINCIPALLY PERMITTED USE:** The main permitted use for which the land or building is primarily occupied.
132. **PRINCIPAL SOLAR ENERGY PRODUCTION FACILITY:** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than ten (10) kilowatts (for electricity) or a rated storage volume of the system of more than two hundred forty (240) gallons or that has a collector area of more than one thousand (1,000) square feet (for thermal).
133. **PROCESSING:** The production of a product or technology that results through a series of actions, changes, or functions as it relates to research and technology.

***Jackson Township Zoning Resolution***

**POWER CENTER:** Serves as the central connection point for the electrical components in the system and provides a number of necessary control functions.

**ROTOR:** The rotating part of the turbine, including the blades.

**TOWER:** The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.

**TOWER HEIGHT:** The height of the tower, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position along the vertical axis of the tower.

**WIND TURBINE:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, power center and rotor with two or more blades.

160. **SOLAR ENERGY EQUIPMENT:** Items including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundation used for or intended to be used for the collection of solar energy.
161. **SOLAR PHOTOVOLTAIC (PV):** The technology that uses a semiconductor to convert light directly into electricity.
162. **SPECIAL EVENT VENDOR PERMIT:** A permit issued for a temporary place of business for the sale of goods or services at Fairs or Festivals within the township.
163. **SPECIFIED SEXUAL ACTIVITIES:** (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or (c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above; or (d) performing or appearing nude or semi-nude by employees or patrons.
164. **SPOIL BANK:** Refuse removed from an excavation.
165. **STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
166. **STORY HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.
167. **STREET, ARTERIAL:** A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways.
168. **STREET, COLLECTOR:** A street providing for traffic movement between arterial and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.
169. **STREET, PRIVATE:** A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easement.

*Jackson Township Zoning Resolution***CHAPTER 414****SOLAR ENERGY SYSTEMS****414.1 Requirements for Accessory Solar Energy Systems****414.2 Requirements for Solar Energy Production Facility**


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It is the purpose of this regulation to promote the safe, effective and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the zoning inspector.

**SECTION 414.1 REQUIREMENTS FOR ACCESSORY SOLAR ENERGY SYSTEMS**

All accessory solar energy systems shall meet the following requirements:

1. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
4. A roof/structure mounted solar energy system:
  - a) Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
  - b) Shall not extend beyond the perimeter (or edge of roof) of the structure on which it is located.
  - c) May be mounted to a principal or accessory structure.
  - d) Combined height of the solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.
5. A ground/pole mounted solar energy system:
  - a) Shall not exceed the maximum height allowed in that zoning district for accessory buildings.
  - b) Shall be permitted in the rear or side yard only.
  - c) The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
  - d) The minimum setback distance from the property lines for solar energy systems and their related equipment shall be at least one hundred ten (110) percent of the height of the solar energy system or at least twenty (20) feet from the nearest property line, whichever is greater.

***Jackson Township Zoning Resolution***

6. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
7. Solar energy systems shall not be constructed until all applicable zoning and building permits have been approved and issued.
8. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.
9. A site plan shall be submitted at the time of application and shall include:
  - a) Property lines and physical dimensions of the site.
  - b) Location of solar energy system(s) and all related equipment, setbacks from property lines, and any structures on the property.
  - c) Letter from the Stark County Health Department or Stark County Sanitary Engineers office stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.
  - d) Location of any required signage.
  - e) Elevation of the proposed solar energy system(s) at it maximum tilt.
  - f) Manufacturer's specification, including make, model and picture.
  - g) Scaled drawing no smaller than 1"-100'.

**SECTION 414.2            REGULATIONS FOR PRINCIPAL SOLAR ENERGY PRODUCTION FACILITIES**

It is the purpose of this regulation to promote the safe, effective and efficient use of the utility-scale solar energy production facilities principally designed to produce greater levels of electrical energy, either for consumers with higher energy demand levels such as farms or industrial uses, or designed primarily to produce energy to be supplied directly to the electrical grid. A principal solar energy production facility shall be considered a permitted use in the I-1 Industrial District, provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of a principal solar energy production facility without first having obtained a zoning permit from the zoning inspector.

All principal solar energy production facilities shall meet the following requirements:

1. The proposed solar energy project must be located on at least five (5) acres of land.
2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious. Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified with the underlying zoning district.
3. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
4. All solar energy systems shall be designed and located in order to prevent reflective glare towards any inhabited building on adjacent properties as well as adjacent street right of ways.

***Jackson Township Zoning Resolution***

5. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
6. The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
7. All mechanical equipment of solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provide screening in accordance with section 411.9(c)(2) of the zoning resolution.
8. Setback requirements from property lines and adjacent zoning districts shall be the same as set forth in the zoning district in which the solar energy project is located per Schedule 411.5.
9. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within twelve (12) months from the date they are not producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days.
10. A site plan shall be submitted at the time of application and shall include:
  - a) Property lines and physical dimensions of the site.
  - b) Location of solar energy system(s) and all related equipment, setbacks from property lines and any structures on the property.
  - c) Letter from the Stark County Health Department or Stark County Sanitary Engineers office stating location will not interfere with the septic or sewer system, whichever is applicable, on the property.
  - d) Location of any required signage.
  - e) Elevation of proposed solar energy system(s) at its maximum tilt.
  - f) Manufacturer's specifications, including make, model and picture.
  - g) Scaled drawing no smaller than 1"=100'.

**City of Lancaster, California  
Code of Ordinances (2014)  
Title 17 ZONING**

**Chapter 17.04 GENERAL PROVISIONS  
17.04.240 Definitions.**

"Solar energy system" means either of the following depending upon the context of the ordinance:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage and distribution of solar energy lot space heating or cooling, or for water heating, or generation of electricity; or
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, or for water heating.

**Chapter 17.08 RESIDENTIAL ZONES**

**Article II. Non-urban, Urban, Medium and High Density Residential Zones  
17.08.050 Uses and permit requirements.**

<b>Residential Zones – Uses Matrix</b>			
<b>USES</b> P = permitted use / D = director's review C = conditional use / N/A = not allowed	<b>ZONES</b>		
	<b>RR-2.5</b>	<b>R-15,000</b>	<b>MDR HDR</b>
	<b>RR-1</b>	<b>R-10,000</b>	
	<b>SRR</b>	<b>R-7,000</b>	
B. Accessory uses.			
Non-commercial solar energy systems, including building and ground-mounted photo-voltaic (PV) panels	P	P	P
D. Other uses.			
Commercial solar electrical generation facilities <sup>4</sup>	C	N/A	N/A

<sup>4</sup> RR-2.5 zones only

**Article V. Solar, Wind, and Alternative Energy Uses**

**17.08.270 Purpose.**

The purpose of the solar, wind, and alternative energy uses section of this Code is to encourage investment in alternative energy uses in the city, while providing regulations and guidelines for the installation of these uses. The regulations and guidelines shall ensure that solar, wind, and alternative energy uses, whether as primary or accessory uses, are functionally effective and efficient, aesthetically pleasing in design, and complements the structures they are attached to, and the surrounding environment that they are located in. (Ord. No. 989, § 1, 4-9-2013)

**17.08.280 Applicability.**

All solar farms (solar photovoltaic electric generation facilities) shall comply with all applicable provisions of the city codes, the state building and utility codes, and the standards of this section.

(Ord. No. 989, § 1, 4-9-2013)

**17.08.290 Solar Farms.**

A. Purpose and applicability. The purpose of the solar farm (solar photovoltaic electric generation facility) standards is to encourage investment in solar energy on parcels zoned RR-2.5 in the city, while providing guidelines for the installation of solar facilities that complement the surrounding environment. All solar farms shall comply with all applicable provisions of the city codes and the standards of this section.

B. Approvals required. As allowed only on properties zoned RR-2.5, the applicant shall submit for and receive approval of a conditional use permit and building permit prior to construction of a solar farm.

C. Design requirements.

1. No unscreened outdoor storage of any kind would be allowed on the site.
2. Barbed wire is acceptable on the top of the perimeter fence to provide site security, but razor wire is prohibited.
3. Restroom facilities shall be provided on the project site for use by maintenance staff.
4. Per the direction of the planning director, the applicant shall install landscaping along the perimeter of the project site for screening purposes.
5. Per the direction of the director of public works, the applicant shall dedicate right-of-way for all necessary street improvements.

D. Findings.

1. The solar farm will be in conformance with the general plan land use designation of non-urban residential and with general plan policy 3.6.6, which states, "consider and promote the use of alternative energy such as wind energy and solar energy."
2. The requested use at the location proposed will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons living in the surrounding area because the proposed use will be buffered from the surrounding residential zones by vegetation, berms, or other means and the panels and trackers generate minimal amounts of noise.
  - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site because the proposed panels are within the height regulations of the rural residential zones and are designed with adequate setbacks from the adjacent street.

c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare because adequate sewer, water, drainage, and improvements will be part of the project.

3. The solar farm will not adversely affect other nearby uses because all aesthetic, noise, and other environmental concerns will be mitigated through various design features, including landscaping and screening, and the use of silent or low-noise equipment.

4. The proposed site is adequate in size and shape that accommodate the solar photovoltaic electric generation facility, landscaping, and other development features prescribed in the zoning ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.

5. The proposed site is adequately served by the surrounding streets, which are of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and by other public and private service facilities, including sewer, water, fire, and police services as required.

6. The proposed use will not result in a significant effect on the environment because all potential impacts have been found to be less than significant with the inclusion of mitigation measures, or are determined to be acceptable due to overriding considerations.

(Ord. No. 989, § 1, 4-9-2013)

### **17.08.300 Solar Energy Systems.**

A. Purpose and applicability. The purpose of the solar energy system standards is to encourage investment in solar energy on all parcels in the city, while providing guidelines for the installation of those systems that are consistent with the architectural and building standards of the city. All solar energy systems shall comply with all applicable provisions of the city codes and the standards of this section.

B. Approvals required. The applicant shall submit for and receive approval of a building permit prior to installation of any solar energy system.

C. Ground-mounted solar energy systems.

1. All ground-mounted solar energy systems shall not be located within the required front, side, or rear building setbacks, or front yard area, and shall comply with all applicable height restrictions.

2. To the extent possible, without compromising the solar energy system's access to the sun, ground-mounted solar energy systems shall be screened from view at-grade from all adjacent streets and adjacent properties.

D. Roof-mounted solar energy systems.

1. Solar panels and accessory equipment shall be designed and located on a house in a manner that minimizes the detrimental impact to the aesthetic appearance of a house.

2. All solar energy system appurtenances such as, but not limited to, water tanks, supports, wiring and plumbing shall be screened to the maximum extent possible

without compromising the effectiveness of the solar collectors, and shall be painted a color similar to the color of the surface upon which they are mounted. Solar collectors are exempt from the screening and color provisions of this subsection.

3. All roof-mounted solar collectors can be mounted at an optimum angle to the sun for maximum energy production. The maximum height of a solar collector shall be two feet, measured perpendicular to the roof surface, and may not exceed the maximum overall building height. The remainder of the solar energy system shall be below the level of the solar collector(s).

(Ord. No. 989, § 1, 4-9-2013)

[Solar energy systems are allowed as accessory uses for most other nonresidential districts and are excepted from district height limits.]

**Zoning 295-201-591**

**591.** SIGN, PORTABLE means a sign, sandwich board, mobile reader board, merchandise display or other advertising device which is not installed in accordance with the provisions of s. 244-7-4. A vehicle carrying advertising, parked at a curb for other than normal transportation purposes, shall be considered a portable sign.

**593.** SIGN, PROJECTING means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property.

**595.** SIGN, REAL ESTATE means a temporary sign that relates to the sale, lease or rental of property or buildings.

**597.** SIGN, ROOF means a sign erected, constructed and maintained on or above the roof of any building.

**599.** SIGN, TEMPORARY BANNER means a sign made of flexible materials and supported along one or more sides or at 2 or more corners by staples, tape, wires, ropes, strings or other materials that are not fixed or rigid.

**601.** SIGN, TETHERED means a sign which is anchored by a rope, wire, chain or similar method.

**603.** SIGN, WALL means a sign painted on or affixed to a building face, parallel to and not extending more than 12 inches from the surface.

**605.** SIGN, WINDOW means a sign placed in or painted on a window, or placed within 3 feet of a window or building opening, which is clearly visible and readable from a street or public place.

**607.** SINGLE-FAMILY DWELLING means a building containing one dwelling unit.

**609.** SITE means a premises.

**611.** SITE WORK means any of the following:

- a. Physical expansion of any principal or accessory building.
- b. Alteration, replacement, addition or removal of exterior building features such as, but not limited to, porches, railings, balconies, gables, awnings, signs, bay windows, fire escapes, cornices, capitals, lintels, sills and pediments.
- c. Alteration of the size, number or location of curb cuts.
- d. Alteration of loading or unloading facilities.
- e. Alteration of existing off-street parking spaces or installation of new off-street parking spaces.
- f. Modification of landscaping.
- g. Relocation of an existing freestanding sign or installation of a new freestanding sign.

**612.** SMALL WIND ENERGY SYSTEM means a wind energy system that is used to generate electricity, has a nameplate capacity of 100 kilowatts or less and has a total height of 170 feet or less, where "total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. A wind energy system that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet shall be classified as a power generation plant.

**613.** SOCIAL CENTER. See COMMUNITY CENTER.

**615.** SOCIAL SERVICE FACILITY means a facility operated by an organization which provides services such as training, counseling, health or the distribution of food or clothing. This term includes, but is not limited to, a facility offering life skills training, substance abuse counseling, housing services or a neighborhood recovery center. This term does not include an emergency residential shelter.

**615.5.** SOLAR ARRAY means an accessory system or device that is roof-mounted or ground-mounted with poles or racks that are used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process.

**616.** SOLAR COLLECTOR means a device, structure or part of a device, the substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

**616.5.** SOLAR FARM means an array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.

**617.** SORORITY means a building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.

**619.** SPECIAL USE means a use which is generally acceptable in a particular zoning district but which, because of its characteristics and the characteristics of the zoning district in which it would be located, requires review on a case-by-case basis to determine whether it should be permitted, conditionally permitted or denied.

**621.** SPECIALTY SCHOOL. See SCHOOL, SPECIALTY OR PERSONAL INSTRUCTION.

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- b-5. Manufacturing of agricultural, construction or mining machinery.
  - b-6. Motor vehicle manufacturing.
  - b-7. Lumber milling.
  - b-8. Ship or boat construction.
  - b-9. Permanent concrete/batch plant.
  - c. "Manufacturing, intense" means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, where such activity involves the use or production of explosives, highly flammable liquids or gases, or toxic or hazardous materials or produces toxic, hazardous or noxious odors, fumes or dust. This term includes, but is not limited to:
    - c-1. Animal or poultry slaughter or auction facility.
    - c-2. Leather tannery.
    - c-3. Distillery of products for finishes.
    - c-4. Explosives manufacturer.
    - c-5. Sawmill.
    - c-6. Paper or pulp mill.
    - c-7. Steel mill.
    - c-8. Petroleum refinery.
    - c-9. Petrochemical plant.
    - c-10. Ore smelting facility.
  - d. "Research and development" means an establishment which conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.
  - e. "Processing or recycling of mined materials" means a mine site or the mining or quarrying of stone. This term includes a facility engaged in crushing, grinding, washing, screening, pulverizing, sizing or recycling stone, concrete, asphalt or similar materials.
  - f. "Contractor's shop" means an establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.
  - g. "Contractor's yard" means an establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials.
- 14. AGRICULTURAL USES.** a. "Plant nursery or greenhouse" means an establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.
- b. "Raising of crops or livestock" means the growing of crops, including any farm, orchard, community garden or other premises or establishment used for the growing of crops, or the use of land or buildings for the keeping of cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of ch. 78.
- 15. UTILITY AND PUBLIC SERVICE USES.** a. "Broadcasting or recording studio" means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.
- d. "Transmission tower" means a structure designed to support one or more reception/transmissions systems. This term includes, but is not limited to, a radio tower, television tower, telephone exchange/microwave relay tower or cellular telephone transmission/personal communications systems tower.
  - e. "Water treatment plant" means an establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts or distribution mains. The water may be used for drinking, irrigation or other uses.
  - f. "Sewage treatment plant" means a facility which operates a sewerage system and sewage treatment facilities that collect, treat and dispose of human waste.
  - g. "Power generation plant" means a facility that converts one or more energy sources, including but not limited to water power, wind power, fossil fuels or nuclear power, into electrical energy or steam. This term does not include a small wind energy system. A power generation plant may also perform either of the following:

**Zoning 295-205**

g-1. Operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system.

g-2. Operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

h. "Small wind energy system" means a wind energy system that is used to generate electricity, has a nameplate capacity of 100 kilowatts or less and has a total height of 170 feet or less, where "total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. A wind energy system that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet shall be classified as a power generation plant.

i. "Solar farm" means an array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.

j. "Substation/distribution equipment, indoor" means a facility, other than a transmission tower and contained entirely within a building, which performs either of the following functions:

j-1. Aids in the distribution of a utility, including but not limited to electric power or telephone service.

j-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

k. "Substation/distribution equipment, outdoor" means a facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:

k-1. Aids in the distribution of a utility, including but not limited to electric power or telephone service.

k-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

**16. TEMPORARY USES.** a. "Seasonal market" means a temporary facility used to conduct retail trade for a period not exceeding 180 days in a calendar year.

b. "Temporary real estate sales office" means a temporary office, including a manufactured building, for marketing, sales or rental of residential, commercial or industrial development for a maximum period of one year from the date of permit approval.

c. "Concrete/batch plant, temporary" means a temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

d. "Live entertainment special event" means a concert, carnival, circus, fair or similar event lasting less than 15 days.

**295-205. Rules of Measurement.** The following rules of measurement shall be used in the administration and enforcement of this chapter:

1. **BUILD-TO LINE.** The build-to line shall be measured so that the accuracy of the building placement shall be within one foot, except that no encroachment into public rights-of-way shall be permitted unless allowed or authorized pursuant to the provisions of ch. 245.

3. **BUILDING HEIGHT.** Building height shall be measured from finished grade to the highest point of the building. Where a building is located on a sloping lot, the building height shall be the average of the building height on each building elevation, measured at the mid-point of the elevation.

5. **DISPLAY AREA.** The display area of a sign shall be measured as the area, in square feet, of the smallest rectilinear polygon, with a maximum of 8 sides, that describes the portion of the sign which encloses all lettering, wording design, or symbols together with any background that, through the use of illumination, color or other techniques, helps the sign stand out from its surroundings. The following rules shall also be used in measuring display area:

a. Where a sign has multiple display surfaces and any 2 of these display surfaces are parallel and face in opposite directions, only one of the parallel display surfaces shall be included when calculating display area.

## Zoning 295-503-2

Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE								
Y = Permitted Use S = Special Use	L = Limited Use N = Prohibited Use		Zoning Districts					
Uses	RS1-RS5	RS6	RT1-RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
Raising or crops or livestock	Y	Y	Y	Y	Y	Y	Y	Y
<b>UTILITY AND PUBLIC SERVICE USES</b>								
Broadcasting or recording studio	N	N	N	N	N	N	N	N
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S
Sewage treatment plant	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	L	L	L	L	L	L	L	L
Solar farm	Y	Y	Y	Y	Y	Y	Y	Y
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L
<b>TEMPORARY USES</b>								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

**2. LIMITED USE STANDARDS.** a. Two-Family Dwelling. The premises was legally established and occupied as a 2-family dwelling as of October 1, 2002. If this standard is not met, a 2-family dwelling is a prohibited use.

b. Multi-Family Dwelling. b-1. In an RT1 to RT3 district, the premises was legally established and occupied as a multi-family dwelling as of October 1, 2002. If this standard is not met, a multi-family dwelling is a prohibited use.

b-2. In the RT4 district, not more than 4 dwelling units shall be permitted in a single building. If this standard is not met, a multi-family dwelling is a prohibited use.

c. Attached Single-Family Dwelling. c-1. In an RT1 to RT3 district, not more than 2 dwelling units may be attached to each other. If this standard is not met, an attached single-family dwelling is a prohibited use.

c-2. In the RT4 district, not more than 4 single-family dwellings may be attached to one another.

d. Live-work Unit. d-1. The activity and work area shall be accessory to the residential use of the dwelling unit.

d-2. The occupant of the unit shall be the primary person involved in the business or activity. Not more than 2 other full-time employees may use the live-work space.

d-3. Only goods produced in the live-work unit may be sold there.

d-4. No detached garage, shed or exterior space shall be used for the live-work activity.

d-5. Signage shall be limited to one non-illuminated wall sign of not more than 2 square feet in area.

e. Family Day Care Home. e-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located. If this standard is not met, the facility is classified as a day care center and subject to the limited use standards for day care centers.

e-2. For a facility licensed by the state of Wisconsin, there shall be no other family day care home in the building as of April 6, 2001.

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g. Intrusions Into Public Right-of-way. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

h. Building Height. h-1. Compliance with Minimum Height Requirement. At least 50% of a structure's roof shall meet the minimum height requirement. In the case of a pitched roof, this standard shall be applied to the ridge of the roof. In the case of a flat roof, this standard shall apply to the entire surface area of the roof.

h-2. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, except the following:

h-2-a. Chimneys and flues.

h-2-b. Water towers or tanks other than those located on the roof of a building.

h-2-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

h-2-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

h-2-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or bellfries for ornamental purposes and not used for human occupancy.

h-2-f. Churches, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is set back from side lot lines a distance equal to one-half the height of the building or portion thereof.

h-2-g. Transmission towers which are in compliance with the height-related standards of s. 295-503-2-r.

h-2-h. Buildings in the RM7 district which have a floor area ratio of less than 4:1.

h-2-i. **Solar farms and solar arrays.**

h-3. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

i. Lot Coverage. The lot coverage standards set forth in table 295-505-2 relate to the proportion of a lot occupied by principal buildings. Accessory structures shall not be included when determining principal building lot coverage. Table 295-505-2-i provides minimum building height and minimum front facade width requirements that are to be applied in place of the lot coverage standards in certain zoning districts. These standards apply only to single-family, two-family and multi-family dwellings.

j. Multiple Principal Buildings. j-1. Intent. Standards for properties with more than one principal building are established to recognize the various contexts in which this type of development occurs and to allow practical use and improvement of such properties. More than one principal residential building shall be permitted on a lot only as provided in table 295-505-2. Multiple principal non-residential buildings shall be permitted in all residential zoning districts. The standards of this paragraph apply to both multiple principal residential buildings and multiple principal non-residential buildings.

j-2. Distance Between Buildings. The front-to-back minimum distance between 2 principal residential buildings shall be 10 feet. The side-to-side minimum distance between 2 principal residential buildings shall be 5 feet. There shall be no required minimum distance between 2 principal non-residential buildings.

j-3. Side Setback. The minimum side setback shall be as specified in table 295-505-2.

j-4. Rear Setback. Where the rear of a property abuts an alley, the minimum rear setback shall be 4 feet, regardless of the requirement specified in table 295-505-2.

j-5. Lot Coverage. On a lot having multiple principal residential buildings, maximum lot coverage may be increased by up to an additional 15% as long as the accessory building lot coverage is reduced by a corresponding amount.

k. Conversion of Non-Residential Buildings to Residential Use. A non-residential building may be converted to residential use. The density regulations of table 295-505-2 shall be applicable to any such conversion. Where the conversion would otherwise be prohibited by these density regulations, each existing non-residential unit may be converted to one residential unit.

L. Design Features. L-1. Intent. The standards of this paragraph are intended to enable a residential building to be compatible with its context, as well as to encourage pedestrian-oriented residential development.

**295-505-4 Zoning**

L. Mechanical Equipment. L-1. Permitted Equipment. Mechanical equipment such as, but not limited to, air-conditioning condensers and utility boxes shall be permitted in portions of side yards and rear yards outside required setback areas. Air conditioning condensers may also be placed in the required setback areas of a principal building to the extent allowed by table 295-505-2-f.

L-2. Wood-burning Furnaces. Because of their potential to create adverse off-site effects, outdoor wood-burning furnaces are prohibited in all residential districts.

m. Portable Moving and Storage Containers. No portable moving and storage container shall be placed on a lot in a residential zoning district for more than 30 days.

n. Chicken Coops. Chicken coops, under s. 78-6.5, shall not be subject to any of the regulations of this subsection if the covered portion of the coop is 50 square feet or less in size and 10 feet or less in height

o. **Solar Arrays.** A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

p. Other Accessory Structures. Miscellaneous accessory structures shall meet the requirements applicable to the most similar accessory building or site feature for which requirements have been established.

4. SITE STANDARDS. a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all residential and non-residential uses.

b. Parking Spaces. b-1. General. Off-street parking spaces for uses in residential zoning districts shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces provided for a use in a residential zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Location of Parking Spaces. Parking spaces may be located in a rear yard or the portion of a side yard that is beyond the required setback. Parking spaces shall not be located within the front yard or in the side setback, rear street setback or side street setback of the principal building.

b-4. Maximum Number of Vehicles. Not more than 4 motor vehicles may be parked outdoors on a lot containing a single-family or 2-family dwelling.

b-5. Commercial Vehicles. Not more than one commercial vehicle may be parked on a lot in a single-family, 2-family or multi-family zoning district.

b-6. Recreational Vehicles. Not more than one recreational vehicle, other than a motorcycle or snowmobile, may be parked on a lot in a single-family, 2-family or multi-family district.

b-7. Maximum Vehicle Length, Vehicle Height and Number of Wheels. No vehicle in excess of 22 feet in length, or in excess of 10 feet in height or with more than 6 wheels may be parked on a lot in a single-family, 2-family or multi-family district.

b-8. Tow Trucks. No tow truck may be parked on a lot in a single-family, 2-family or multi-family zoning district unless the tow truck is parked inside a building.

b-9. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Location. An access drive leading to parking spaces in a permitted rear-yard or side-yard location may be located in a required setback area. An access drive which leads to permitted parking spaces may also be used for parking, but any such parking shall not count toward the parking-space requirements of s. 295-403-2. An access drive may be placed directly adjacent to an interior side property line.

c-2. Configuration. An access drive shall generally traverse the front property line at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-3. Width. An access drive traversing the side yard to a permitted parking area of a residential building shall not exceed 18 feet in width. An access drive leading to an overhead garage door facing the street shall be not more than 2 feet wider, on each side, than the door being served.

c-4. Shared Drives. For any single-family or 2-family dwelling, an access drive to the abutting public street may be shared with an adjoining single-family or 2-family dwelling provided there exists a recorded legal instrument which guarantees access to the drive for occupants of each dwelling served by the shared drive and which assigns responsibility for maintenance of the drive.

## 295-603-2 Zoning

Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE								
USES	Y=Permitted Use S=Special Use		L=Limited Use N=Prohibited Use		Zoning Districts			
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	Y	Y	Y	Y	Y	Y
Sewage treatment plant	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	Y	Y	Y	Y	Y	Y	Y	Y
Solar farm	S	S	S	S	S	S	S	Y
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L
<b>TEMPORARY USES</b>								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

**2. LIMITED USE STANDARDS.** a. Family Day Care Home. a-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.

a-2. There shall be no other family day care home in the building as of April 30, 2004.

a-3. The family day care home shall not operate between the hours of 10 p.m. and 6 a.m.

a-4. Signs shall not be permitted.

a-5. Any family day care home that does not meet one or more of these standards shall be classified as a day care center.

b. Adult Family Home or Small Group Shelter Care Facility.

b-1. Adult Family Home. All residents of the adult family home, other than the operator or care provider and the operator and care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

c. Small Foster Home. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

d. Group Home, Group Foster Home or Community Living Arrangement. d-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

d-2. Not more than 15 clients shall reside on the premises.

**Zoning 295-605-2-d**

c-2. Setback Averaging. When setback averaging is required, the average setback shall be determined using the formula described in s. 295-505-2-b-4.

c-3. Building Placement. c-3-a. New Buildings. At least 70% of the front façade of any newly constructed principal building shall be located within the range of the minimum and maximum front setbacks established by table 295-605-2. The remaining 30% or less of the front façade may be set back farther from the front lot line than the maximum front setback, but shall not be located closer to the front lot line than the minimum front setback.

c-3-b. Additions and Alterations. Where portions of an existing building are closer to the front lot line than are the front facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the front lot line as the portion of the building closest to the front lot line. Where an existing building is set back farther from the front lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the front lot line as the minimum front setback.

c-3-c. Removal of Portion of Building. No building may be altered by removing a portion of the building such that the front façade of the building will no longer be within the required setback range, or will be even farther from the required range than it already is.

c-3-d. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no front setback requirements unless stipulated by the board.

c-3-e. Exception for Maximum Setbacks. Notwithstanding any other provision of this subchapter, when averaging is used to determine the maximum front setback, a maximum setback of 2 feet shall always be permitted.

c-4. Exception for All Non-Residential Uses. There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

d. Side Street Setback Standards. d-1. Intent. Side street setback standards are intended to ensure that the façade or other elements of new construction or additions maintain relationships to the secondary street in a manner similar to the corresponding setbacks for buildings of similar use in the immediate vicinity.

d-2. Building Placement. d-2-a. New Buildings. At least 70% of the side street façade of any newly constructed principal building shall be located within the range of the minimum and maximum side street setbacks established by table 295-605-2. The remaining 30% or less of the side street façade may be set back farther from the side street lot line than the maximum side street setback, but shall not be located closer to the side street lot line than the minimum side street setback.

d-2-b. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no side street setback requirements unless stipulated by the board.

e. Intrusions Into Public Right-of-way. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

f. Building Height. f-1. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, except the following:

f-1-a. Chimneys and flues.

f-1-b. Water towers or tanks other than those located on the roof of a building.

f-1-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

f-1-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

f-1-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

f-1-f. Churches, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

f-1-g. Transmission towers which are in compliance with the height-related standards of s. 295-603-2-v.

f-1-h. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

f-1-i. **Solar farms and solar arrays.**

f-2. Exceptions to Minimum Height Requirement. f-2-a. Motor Vehicle-Related Uses. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

**Zoning 295-605-3**

i-3-c. **Transparent Glass.** Glass in windows or doors used to meet the glazing requirement shall not obscure clear vision and shall transmit at least 65% of visible daylight (visible transmittance  $\geq .65$ ), regardless of whether the glass is tinted integrally or with applied film. Spectrally selective low-e coatings can meet this requirement.

i-3-d. **Interior Spaces.** Interior walls parallel to required glazing shall be not less than 6 feet from the plane of the glazing.

i-3-e. **Window Coverings.** Operable interior window coverings may be used. Such coverings include, but are not limited to, blinds and draperies. No window covering may be permanently affixed or adhered to the window such that the window becomes permanently opaque.

i-3-f. **Display Racks and Fixtures.** In no case shall display racks and fixtures, in combination with permitted signs, obscure more than 50% of the glazing area.

i-3-g. **Structural Elements.** Structural elements of a glazing system that are less than 6 inches in width shall be counted as part of the clear glazing.

i-3-h. **Sill Height Exception.** In NS1, LB1, RS1 and CS districts, the maximum sill height may be raised to not more than 4 feet 6 inches above the finished floor level.

i-3-i. **Rear Street Exception.** When a rear street frontage is determined to be a secondary street frontage and the building façade facing that street frontage is more than 25 feet from the rear street property line, there shall be no requirement for glazing.

i-4. **Alternatives to Glazing.** The following alternative window or wall treatments may be used to meet the glazing requirements of subd. i-3:

i-4-a. **Other First-floor Windows Outside the Area of Required Glazing.** Clerestory windows or low windows that are at least 3 feet in height may be used to meet the requirements of subpar. i-3-b, and shall only be counted at half the rate of regular windows.

i-4-b. **Display Cases.** Display cases that are located in the area of required glazing and are at least 4 feet in height may be used to meet the requirements of subpar. i-3-b, but shall only be counted at half the rate of regular windows.

i-4-c. **Wall Design.** On secondary street frontages, walls that are designed to avoid long, flat facades may be used to meet the requirements of subpar. i-3-b, subject to approval by the commissioner. In order to be counted towards the glazing requirement, the entire wall shall be designed in this manner and individual sections of flat, blank wall surface shall not exceed 25 feet in length.

i-4-d. **Windows not Meeting Transparency Standards.** Windows that do not meet the transparency standards of subpar. i-3-c shall be counted at 25% of the rate of regular windows. Spandrel glass shall not be counted when determining compliance with transparency requirements, even at the reduced 25% rate.

i-4-e. **Other Elements.** Subject to approval by the commissioner, other elements that are integrated into the façade of a building may be used to meet the requirements of subpar. i-3-b and shall be counted at the same rate as regular windows. Such integrated elements include, but shall not be limited to, bus shelters and automatic teller machines.

i-5. **Overhead Garage Doors Facing Streets.** For any new building or addition constructed in the NS2, LB2, or RB2 district, an overhead garage door which faces the street shall be set back at least 4 feet from the front façade of the main building mass.

i-6. **Metal Building Walls.** The use of corrugated metal, a metal panel-and-batten system or any other pre-engineered metal building technology on any front façade or street façade located within 100 feet of a street shall be prohibited for any new building construction, addition, or substantial improvement as of November 20, 2004. This provision shall not preclude the use of metal panels or siding in detailing soffits, fascia, dormers, coping, cupolas and similar architectural features, provided the metal materials cover not more than 15% of the total façade, nor shall it preclude the use of metal building walls on additions to existing buildings constructed of similar materials.

**3. ACCESSORY STRUCTURE STANDARDS.** a. **General Requirements for Accessory Buildings.**

a-1. The minimum front setback shall not be less than that of the principal building.

a-2. The minimum side street setback shall not be less than that of the principal building.

a-3. No side setback shall be required.

a-4. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required. Otherwise, no setback shall be required.

a-5. Maximum building height shall not exceed the district height limit found in table 295-605-2.

a-6. The number of accessory buildings shall not be limited.

b. **Structures Accessory to Single-family and Two-family Dwellings.** Any structure accessory to a single-family or 2-family dwelling shall meet the requirements set forth in table 295-505-3.

**295-605-4 Zoning**

c. Deck Skirting. Skirting to screen the area underneath the deck shall be provided for any deck that is more than 2 feet above grade. Skirting shall not be required if any of the following are true:

c-1. The deck is more than 30 feet from any property line.

c-2. The deck is located within 3 feet of a property line and an opaque fence at least 4 feet high is present or is constructed along that property line such that the view of the deck from the neighboring property or public way is obscured.

c-3. The area adjacent to the deck is landscaped with plantings that obscure the view of the underside of the deck from the neighboring property or public way.

d. Mechanical Equipment. Mechanical equipment such as, but not limited to, air-conditioning condensers and utility boxes shall be permitted in portions of side yards and rear yards outside required setback areas.

e. **Solar Arrays.** A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

4. SITE STANDARDS a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all residential and non-residential uses.

b. Parking Spaces. b-1. General. Off-street parking spaces for uses in commercial zoning districts shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces provided for a use in a commercial zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Location of Parking Spaces. The location of parking spaces shall be in accordance with table 295-603-1 and any corresponding limited use standards.

b-4. Maximum Number of Vehicles. Not more than 4 motor vehicles may be parked outdoors on a lot containing a single-family or 2-family dwelling.

b-5. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Pedestrian Access. d-1. General. Where a lot is adjacent to a public sidewalk, each principal building on the lot shall be served by a clearly identifiable walkway leading from the public sidewalk to the entrance to the building. The presence of an access drive does not fulfill this requirement.

d-2. Paving. All required pedestrian access ways shall be paved with non-asphalt materials.

d-3. Width. All required pedestrian access ways shall be at least 5 feet in width.

e. Landscaping. e-1. Intent. Landscaping shall be designed as an integral part of any development in a commercial zoning district. As in residential and industrial zoning districts, parking lots, dumpsters and similar site features shall be screened such that they are not visible from public streets and neighboring residential properties.

e-2. Parking Lots. All uses, with the exception of single-family and 2-family dwellings, shall provide parking lot landscaping in accordance with s. 295-405.

e-3. Dumpsters. A dumpster storage area for a non-residential building constructed after October 1, 2002, or a residential building containing more than 4 dwelling units and constructed after October 1, 2002, shall be screened with type "G" landscaping, as described in s. 295-405, or shall be incorporated into the structure it serves.

f. Truck Berths. f-1. Size. Every truck berth shall be at least 60 feet in depth by 12 feet in width, except that the width of each truck berth may be reduced to 10 feet where there is more than one berth side-by-side with no intervening obstruction. Each enclosed berth shall be at least 14 feet high.

f-2. Location. To eliminate interference with the public use of sidewalks, streets or alleys, every truck berth shall be located on the same lot as the principal structure it serves.

f-3. Screening. Where berths for more than 2 truck bays are in a yard facing and visible from a public street or a non-industrial district, the truck berths shall be screened with type "G" landscaping, as described in s. 295-405. This requirement may be waived in whole or in part, or compliance with it may be delayed, if visibility of the truck berths is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

## 295-703-1 Zoning

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use		Zoning Districts					
Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
<b>INDUSTRIAL USES</b>								
Manufacturing, light	N	L	L	N	L	L	Y	Y
Manufacturing, heavy	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N
Research and development	N	Y	Y	N	Y	Y	Y	Y
Processing or recycling of mined materials	N	N	N	N	N	N	N	N
Contractor's shop	N	N	N	N	N	N	S	Y
Contractor's yard	N	N	N	N	N	N	S	Y
<b>AGRICULTURAL USES</b>								
Plant nursery or greenhouse	N	N	N	N	N	N	N	S
Raising of crops or livestock	N	N	N	N	N	N	N	N
<b>UTILITY AND PUBLIC SERVICE USES</b>								
Broadcasting or recording studio	N	Y	Y	Y	L	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S
Sewage treatment plant	S	S	S	S	S	S	S	S
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	Y	Y	Y	Y	Y	Y	Y	Y
Solar farm	S	S	S	S	S	S	S	S
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	Y
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	Y
<b>TEMPORARY USES</b>								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

**295-705-3 Zoning**

b-2. Additions and Alterations. Where portions of an existing building are closer to the front, side street or rear street lot line than are the corresponding facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the lot line as the portion of the building closest to the lot line. Where an existing building is set back farther from the lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the lot line as the required setback specified in table 295-705-1.

b-3. Removal of Portion of Building. No building may be altered by removing a portion of the building such that the front, side street or rear street façade of the building will no longer meet the setback requirements of table 295-705-1, or will be even less in conformance with those requirements than it already is.

c. **Solar Arrays.** A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

3. INTRUSIONS INTO PUBLIC RIGHT-OF-WAY. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

4. CALCULATION OF PERMITTED FLOOR AREA. a. Variables. As indicated in the permitted floor area standards in table 295-705-1, one or more of the following 4 variables may be used to determine how much building floor area will be allowed for any development project:

- a-1. The size of the development site (W).
- a-2. The amount of surface open space (X).
- a-3. The amount of qualifying roof top open space (Y).
- a-4. The size of an interior atrium or mall (Z).

b. Formulas. Exact formulas vary from district to district. In general, the larger the development site and the more surface open space, roof top open space or atrium space provided, the more floor area permitted. Paragraphs c to f describe how to calculate each of the 4 variables.

c. Size of the Development Site (W). c-1. In most cases, the size of the development site equals the gross area of the primary building site. However, when a lot separated from the primary building site will be developed or utilized in conjunction with development of the primary building site, the gross area of such lot may be counted as part of the development site if:

c-1-a. The separate lot is under the same ownership as the primary building site.

c-1-b. The separate lot is or will be physically connected to the primary building site in a manner allowing human passage.

c-1-c. The property owner files an overall development plan with the commissioner of city development indicating the total floor area to be constructed on the development site; and

c-1-d. The property owner files a deed restriction indicating that the total floor area shown on the development plan will not be increased without the express approval of the common council.

c-2. Any portion of the primary building site and any portion of a qualifying separate lot which is dedicated to the public for open space use may be counted as part of the development site.

d. Amount of Surface Open Space (X). The city encourages the creation of surface open space and permits construction of additional building floor area when it is provided. The amount of surface open space equals the size of the development site (W) less:

d-1. The area of the development site covered by structures at grade.

d-2. The area underneath cantilevered portions of such structures where the cantilevered portions are less than 24 feet above grade; and

d-3. The area of the development site designed for surface vehicular use.

e. Amount of Qualifying Roof Top Open Space (Y). Sometimes plazas or other open space amenities can be created on the roof of structures. The city encourages development of roof top open space and permits construction of additional building floor area when roof top open space meets the following criteria:

e-1. It will be improved in such a way that it can be classified as a walkway, plaza, courtyard or other open space amenity.

e-2. Its average length and width will each exceed 10 feet.

e-3. It will be open to the sky.

e-4. It will be designed and intended primarily for use by the public or by the employees, residents or patrons of the development site's principal building. Improved roof top areas designed primarily for maintenance activities do not qualify.

**Zoning 295-705-5**

f. Size of an Interior Atrium or Mall (Z). f-1. The city encourages the creation of qualifying interior atrium or mall space which is designed in such a way that it either will or eventually could be connected to the downtown skywalk system. In certain zoning districts development of additional building floor area is permitted when such space is provided. Qualifying atrium or mall space shall:

f-1-a. Be 2 or more stories in height.

f-1-b. Have a volume of at least 10,000 cubic feet.

f-2. The size of qualifying interior atrium or mall space shall be the volume of said space measured in cubic feet.

**5. BUILDING HEIGHT.** a. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, if any, except the following:

a-1. Chimneys and flues.

a-2. Water towers or tanks other than those located on the roof of a building.

a-3. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

a-4. Parapet walls or cornices extending above the height limit not more than 5 feet.

a-5. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

a-6. Churches, convents, schools, dormitories, colleges, libraries and museums. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

a-7. Transmission towers which are in compliance with the height-related standards of

s. 295-703-2-p.

a-8. **Solar farms and solar arrays.**

b. Exception to Minimum Height Requirement. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

**5.5. GLAZING.** The glazing requirements applicable to the LB3 district, as specified in s. 295-605-2-i-3, shall apply to all properties in downtown zoning districts, except properties in the C9A and C9H districts, which shall meet the glazing requirements of the LB2 district.

**6. FENCES.** a. General. Fences shall be permitted anywhere on a lot in a downtown zoning district, including placement along property lines. For the purposes of this subsection, the term "fence" shall include a wall or other similar structure.

b. Fences along Streets. Fences along streets shall not exceed a height of 4 feet, with the following exceptions:

b-1. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless a special privilege allowing such fence has been granted by the common council pursuant to ch. 245.

b-2. An ornamental metal fence may be erected to a height of 8 feet. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 8 feet and the portion of the wall/fence structure above 6 feet high is at least 50% open.

c. Fences along Side and Rear Lot Lines. A fence located along a side lot line or a rear lot line shall not exceed a height of 8 feet.

d. Barbed Wire. Barbed wire shall not be permitted except in the C9H district, where it may be used for fence purposes provided that it is located not less than 6 feet above the grade directly below the wire. Razor wire and concertina wire are prohibited in all circumstances.

e. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

f. Fence Gates and Trellises. At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.

g. Public-Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, the provisions of ss. 245-4.5 and 245-4.6 or a special privilege granted by the common council pursuant to s. 245-12.

h. Fences at Construction Sites. Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.

## Zoning 295-803-1

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use S=Special Use		L=Limited N=Prohibited		Zoning Districts	
Uses		I01/ I02	IL1/ IL2	IM	IH
Indoor		Y	Y	Y	Y
Outdoor		N	Y	S	Y
Hazardous materials		N	N	N	S
Hazardous materials		N	N	N	S
<b>TRANSPORTATION USES</b>					
Ambulance service		Y	Y	S	Y
Ground transportation service		S	Y	S	Y
Passenger terminal		Y	Y	Y	Y
Helicopter landing facility		S	S	S	S
Airport		N	Y	N	N
Ship terminal or docking facility		N	Y	N	Y
Truck freight terminal		N	S	S	L
Railroad switching, classification yard or freight terminal		N	Y	Y	Y
<b>INDUSTRIAL USES</b>					
Manufacturing, light		Y	Y	Y	Y
Manufacturing, heavy		N	S	S	Y
Manufacturing, intense		N	N	N	S
Research and development		Y	Y	Y	Y
Processing or recycling of mined minerals		N	N	N	S
Contractor's shop		Y	Y	Y	Y
Contractor's yard		Y	Y	Y	Y
<b>AGRICULTURAL USES</b>					
Plant nursery or greenhouse		Y	Y	Y	Y
Raising of crops or livestock		Y	Y	Y	Y
<b>UTILITY AND PUBLIC SERVICE USES</b>					
Broadcasting or recording studio		Y	S	Y	S
Transmission tower		L	L	L	L
Water treatment plant		Y	Y	Y	Y
Sewerage treatment plant		N	Y	N	Y
Power generation plant		N	S	N	Y
Small wind energy system		Y	Y	Y	Y
Solar farm		Y	Y	Y	Y
Substation/distribution equipment, indoor		S	Y	S	Y
Substation/distribution equipment, outdoor		L	Y	L	Y
<b>TEMPORARY USES</b>					
Seasonal market		L	L	L	L
Temporary real estate sales office		L	L	L	L
Concrete/batch plant, temporary		L	L	L	L
Live entertainment special event		L	L	L	L

**Zoning 295-805**

b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted.

b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Industrial Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit to accommodate the home occupancy and the existence of the home occupation shall not be apparent beyond the boundaries of the site except for signage as stated in subd. 7.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more than 2 visitors may visit at one time.

c-7. A maximum of one non-illuminated wall sign shall be permitted not to exceed 6 square feet in size.

c-8. The home occupation shall not involve explosives, fireworks, repair of motor vehicles including body work, motor vehicle sales, storage, recycling and wholesale trade uses or any use which requires a special use or variance for the specific zoning district.

c-9. The operation of the home occupation, as it is apparent to adjacent residential uses shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

e. Retail Sales. Accessory retail sales shall be permitted provided such activity does not occupy more than 10% of the gross floor area of the use.

f. Accessory Parking. The location of accessory off-street parking spaces, including parking for 4 or fewer vehicles, shall comply with all applicable parking location standards set forth in par. 2-q.

**295-805. Industrial Design Standards. 1. PURPOSE.** The objective of the design standards of this section is to reduce or eliminate potential adverse effects and nuisances often associated with industrial activities and structures, particularly as these activities and structures impact surrounding residents and businesses. The standards set forth in this section include setbacks, screening/buffering, height transitions and noise limitations.

**2. PRINCIPAL BUILDING STANDARDS. a. Introduction.** Table 295-805-2 indicates the design requirements for all buildings that are located in industrial districts. Table 295-805-2 also specifies which commercial or residential design standards of subchs. 5 and 6 apply to non-industrial buildings located in industrial zoning districts. The provisions of this subsection explain, qualify or specify exceptions to the design standards set forth in table 295-805-2.

b. Conversion of Industrial Buildings. Industrial buildings may be converted to non-industrial uses as permitted by table 295-803-1 or as approved by the board. The design standards for non-industrial and residential buildings specified in table 295-805-2 shall apply to new construction only. Converted buildings shall not be subject to these design standards.

c. Exception to Height Limitations. **Solar farms and solar arrays** shall not be subject to any height limitations established by table 295-805-2.

**Zoning 295-805-3**

**3. ACCESSORY STRUCTURE STANDARDS.** a. Accessory Industrial Buildings. Accessory industrial buildings shall comply with the following standards:

a-1. The front setback of an accessory industrial building shall not be less than the front setback of the principal building.

a-2. No side setbacks shall be required.

a-3. The side street setback shall not be less than the side street setback of the principal building.

a-4. The rear setback shall not be less than the rear setback of the principal building.

a-5. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required.

Otherwise, there shall be no setback requirement.

a-6. The rear street setback shall not be less than the rear street setback of the principal building.

a-7. The number of accessory structures shall not be limited.

a-8. If the building is located adjacent to a residential district, it shall be subject to the height limitations of sub. 4-e.

b. Accessory Commercial Structures. Structures accessory to commercial buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

c. Accessory Residential Structures. Structures accessory to residential buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

d. **Solar Arrays.** A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

**4. SITE STANDARDS.** a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all industrial uses. For commercial and residential uses, the site design standards applicable to the zoning district referenced in table 295-805-2 shall apply.

b. Parking. b-1. General. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces required for a use in an industrial zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Landscaping. Parking lots shall be landscaped in accordance with the applicable provisions of s. 295-405.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Residential Buffers. d-1. When Required. A transition buffer shall be required when a site in the IO1, IO2, IL1, IL2 or IH district is used for a storage, recycling or wholesale trade use, a transportation use or an industrial use, either principal or accessory, and is adjacent to or across a street or alley from a residential, institutional, parks or non-industrial planned development district. The purpose of such buffers is to screen unsightly activities or buildings, and to reduce significant scale changes between industrial districts and surrounding neighborhoods. While setbacks, landscaping and fences are the primary methods used to achieve this objective, architectural techniques or features such as masonry walls may also be used to provide the buffer. The buffer area shall only include fences, walls, berms, landscaping, and access drives that traverse the buffer at right angles. Table 295-805-4-d contains setback and tree-planting requirements that shall be met whenever a residential buffer is required. Required evergreen trees shall be located and planted in a manner that most effectively obstructs views of industrial activities.

**295-903-2-b Zoning**

<b>Table 295-903-2-a PARKS DISTRICT USE TABLE</b>		<b>Zoning District</b>
Y=Permitted Use	L=Limited Use	
S=Special Use	N=Prohibited Use	
<b>Uses</b>		PK
Sewerage treatment plant		N
Power generation plant		N
Small wind energy system		Y
<b>Solar farm</b>		Y
Substation/distribution equipment, indoor		S
Substation/distribution equipment outdoor		L
<b>TEMPORARY USES</b>		
Seasonal market		L
Temporary real estate sales office		N
Concrete/batch plant, temporary		L
Live entertainment special event		L

b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

b-1-d. For any day care center other than an adult day care center, if the day care center is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-2. Cultural Institution, Community Center, Religious Assembly, Assembly Hall, Theater, Passenger Terminal, Plant Nursery or Greenhouse. The facility shall be owned and operated by a governmental agency or entity.

b-3. General Retail Establishment or Fast-Food/Carry-Out Restaurant. b-3-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-3-b. The establishment shall be located in a structure owned by a governmental entity.

b-3-c. The establishment shall be ancillary to park and recreational uses.

b-3-d. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This provision shall not apply to convenience stores and fast-food/carry-out restaurants open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

b-4. Sit-down Restaurant. b-4-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-4-b. The establishment shall be located in a structure owned by a governmental entity.

b-4-c. The establishment shall be ancillary to park and recreational uses.

b-5. Marina. Indoor sales or storage shall not be permitted.

b-6. Transmission Tower. b-6-a. The tower shall comply with the applicable provisions of s. 295-413.

b-6-b. The tower shall not exceed 60 feet in height.

b-7. Substation/Distribution Equipment, Outdoor. b-7-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-7-b. No structures associated with the use shall be located within 25 feet of a property line.

b-8. Seasonal Market. b-8-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-8-b. If flowers, plants or Wisconsin-grown farm constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute

## 295-905-2-b Zoning

<b>Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE</b>		<b>Zoning District</b>
Y=Permitted Use	L=Limited Use	
S=Special Use	N=Prohibited Use	
<b>Uses</b>		TL
<b>AGRICULTURAL USES</b>		
Plant nursery or greenhouse		S
Raising of crops or livestock		S
<b>UTILITY AND PUBLIC SERVICE USES</b>		
Broadcasting or recording studio		Y
Transmission tower		L
Water treatment plant		Y
Sewerage treatment plant		Y
Power generation plant		S
Small wind energy system		Y
Solar farm		Y
Substation/distribution equipment, indoor		Y
Substation/distribution equipment, outdoor		L
<b>TEMPORARY USES</b>		
Seasonal market		L
Temporary real estate sales office		L
Concrete/batch plant, temporary		L
Live entertainment special event		L

b. Limited Use Standards. b-1. Group Home or Group Foster Home. b-1-a. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home, community living arrangement or another group home or group foster home.

b-1-b. The department has received notification from the state of Wisconsin of application for licensure of the facility as a group home or group foster home.

b-1-c. Prior to initial licensure of the group home or group foster home by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home or group foster home, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4), Wis. Stats., with the local government representative being the local common council member or the council member's designee.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of an adult family home, community living arrangement, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

b-3. Community Living Arrangement. b-3-a. All residents of the community living arrangement, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home, group home, group foster home or another community living arrangement.

b-3-b. Not more than 15 clients shall reside on the premises.

b-3-c. The department has received notification from the state of Wisconsin of application for licensure of the facility as a community living arrangement.

**City of Port St. Lucie, Florida  
Code of Ordinances (2014)**

**TITLE XV LAND USAGE  
CHAPTER 158. ZONING CODE  
ARTICLE I. GENERAL PROVISIONS  
Sec. 158.006. Definitions.**

\* \* \*

SOLAR ACCESS. The access of a solar energy system to direct sunlight

SOLAR ENERGY SYSTEM. Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in the heating or cooling of a structure or building, the heating or pumping of water, or the generation of electricity. A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of the roof of a building or structure and serving as a window or wall. A solar energy system may be mounted on the building or on the ground and is not the principal use of the property.

SOLAR GENERATION STATION. An energy generation facility comprised of one or more freestanding, ground mounted devices that capture solar energy and convert it to electrical energy for use in locations other than where it is generated. Solar generation stations typically utilize photovoltaic solar cells, but can also be combinations of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar power plant, solar generation plant solar farm, solar power plant or solar thermal power plant.

**ARTICLE IV. GENERAL USE DISTRICTS  
Sec. 158.060. - General Use Zoning District (GU).**

\* \* \*

(C) Special Exception Uses. The following uses may be permitted only following review and specific approval thereof by the City Council:

\* \* \*

(13) Solar generation station subject to the requirements of section 158.230

**ARTICLE IX. INDUSTRIAL DISTRICTS  
Section 158.136 Industrial Zoning District (IN)**

\* \* \*

C. Special Exception Uses. The following uses may be permitted following the review and specific approval by the City Council and serve to implement heavy industrial land uses as contemplated in the Comprehensive Plan:

\* \* \*

11) Solar generation station subject to the requirements of section 158.230

## **Section 158.137 Utility Zoning District (U)**

\* \* \*

(C) Special Exception Uses. The following uses may be permitted following the review and specifically approval thereof by the city council:

\* \* \*

(4) Solar generation station subject to the requirements of section 158.230

## **ARTICLE XI. SUPPLEMENTARY USE REGULATIONS**

### **Sec. 158.230. - Solar Energy.**

The following provisions are intended to facilitate the commercial generation and distribution of solar power and the use of on-site solar energy systems to meet the energy demands of buildings and support facilities in the City. All solar equipment and devices shall comply with Florida Statutes and shall be certified by the Florida Solar Energy Commission.

(A) Solar Generation Station. In addition to other applicable sections of this Code, a solar generation station shall be subject to the following provisions:

(1) Solar generation stations shall require submittal of a site plan application concurrent with a special exception use application. The development shall be subject to the following supplemental criteria:

- a. Physical access to a solar generation station shall be restricted by fencing or walls. Razor wire is prohibited. All fencing and wall details shall be shown on the required site plan.
- b. The devices that capture energy and convert it to electricity shall not be placed in wetlands, environmentally sensitive resources or habitats, imperiled and critically imperiled habitats as defined by the Florida Natural Areas Inventory, and buffers. The development shall comply with the requirements of Chapter 157: Natural Resource Protection of the City Code.
- c. All devices that capture and convert energy to electricity shall be located at least fifty (50) feet from any lot line under separate ownership, unless otherwise approved by the City Council.
- d. All solar generation station sites must comply with the landscaping requirements of Chapter 153: Landscaping and Land Clearing of the City Code.
- e. On-site power lines shall be placed underground to the maximum extent possible.

(B) Solar Energy System. In addition to other applicable sections of this Code, a solar energy system shall be subject to the following provisions:

(1) All solar panels and devices are considered structures and subject to the requirements for such, together with all other applicable building codes and ordinances, unless otherwise provided for in this Code. Solar panels installed on roofs are exempt from the building height requirements. Solar panels installed on rooftops shall be located two (2) feet from the roof edge.

(2) Ground or pole mounted systems shall be limited to a height of ten (10) feet above the finished floor elevation of the principle structure.

(3) Solar energy systems shall not be located in front or side corner yards of any parcel unless the following are met: 1) the conditions of the side and back yards prohibit the installation of a system, and 2) adequate buffering along the adjacent roadway is provided and 3) the location is approved by the Director of Planning and Zoning.

(4) Solar ground and pole mounted systems may be located no closer than six (6) feet to any side lot line and ten feet to any rear lot line.

(5) Solar collectors may be co-located on communication towers, and parking lot and street light poles, in which case the height and setback requirements for said tower/pole shall apply.

(6) All new exterior electrical lines and utility wires connecting a ground or pole mounted solar system to the building it serves shall be buried underground.

(7) The City Council may allow for modification of these accessory use provisions when the solar energy system will serve buildings within a planned unit development project. The modification shall be identified in the PUD Document adopted by the ordinance granting approval to the planned unit development.

(8) Waiver. In the event any of the provisions in section 158.230 have the effect of prohibiting the installation of a solar energy system, the applicant shall have the right to apply for a waiver from these provisions to the Director of Planning and Zoning. The Director may grant a waiver upon determining that a strict application of the Code would result in prohibiting the installation of a solar energy system.

(9) Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system. The approval of any solar energy system granted by the City of Port St. Lucie shall not create any future liability or infer any vested rights to the owner and/or property owner of the solar energy system on the part of the City for any future claims against said issuance of approval of the solar energy system that result from reliance on this section or any administrative decision lawfully made thereunder.

(Ord. No. 11-14, § 1, 3-14-11)

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**ARTICLE XXIII**  
**Solar Photovoltaic Installations Zoning Bylaw**

**§300-144. Purpose**

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on scenic, natural and historic resources.

The provisions set forth in this section shall apply to the construction, operation, modification and/or removal large-scale ground-mounted solar photovoltaic installations.

**§300-144.1. Applicability**

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

Nothing in this article should be construed to prevent the installation of accessory roof mounted solar photovoltaic installations.

**§300-145. General Requirements for all Large Scale Solar Power Generation Installations**

The following requirements are common to all large-scale solar photovoltaic installations to be sited in designated locations.

**§300-145.1. Compliance with Laws, Ordinances and Regulations**

The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale solar photovoltaic installation shall be constructed in accordance with the State Building Code.

**§300-145.2. Permitting Process**

**A. Building Permit and Building Inspection**

No large-scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

**B. Fees**

The application for a building permit for a large-scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

**C. Site Plan Review**

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Large-scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. A large-scale solar photovoltaic installation shall require site plan review as a major project under Article XVIII. An on-site photovoltaic installation shall require site plan review as a minor project under Article XVIII. The site plan review application shall be filed in accordance with Article XVIII.

The applicant shall demonstrate to the Planning Board's satisfaction that the following design process was followed in determining the layout of a proposed solar photovoltaic installation:

- (1) Understanding the development site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
- (2) Evaluating site context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g. road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.

### **§300-146. Submission Requirements**

**§300-146.1.Required Documents** All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

**A.** Pursuant to the site plan review process, the project proponent of a Large Scale Solar Voltaic Installation shall provide the following documents:

- (a)** A site plan showing:
  - i.** Property lines and physical features, including roads, for the project site;
  - ii.** Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures;
  - iii.** Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures or vegetation
  - iv.** One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
  - v.** Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
  - vi.** Name, address, and contact information for proposed system installer;
  - vii.** Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
  - viii.** The name, contact information and signature of any agents representing the project proponent; and

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- (b) Documentation of actual or prospective access and control of the project site (see also §300-146.7.A);
- (c) An operation and maintenance plan (see also §300-146.3);
- (d) Landscape plan (see also Section §300-146.7.B
- (e) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (f) Proof of liability insurance; and
- (g) Description of financial surety that satisfies §300-146.8.C.3

The Planning Board may waive documentary requirements as it deems appropriate.

### **§300-146.2. Site Control**

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large-scale solar photovoltaic installation.

### **§300-146.3. Operation & Maintenance Plan**

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.

### **§300-146.4. Utility Notification**

No large-scale solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

### **§300-146.5. Dimension and Density Requirements**

#### **A. Setbacks**

The purpose of setbacks is to mitigate adverse impacts on abutting properties. For large-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- a. Minimum of 50 feet
- b. Every abutting property shall be visually screened from the project through any one or combination of the following location, distance, plantings, existing vegetation and fencing (not to exceed 6 feet)

#### **B. Appurtenant Structures**

All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations adopted by the Planning Board after a public hearing concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant

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structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shielded from view by existing vegetation or plantings and/or joined or clustered to avoid adverse visual impacts.

### **C. Frontage**

The Planning Board may grant a waiver from the frontage requirements of the underlying zoning district if the applicant can demonstrate: (1) that failing to do so would render the siting of the large scale solar ground-mounted photovoltaic system unfeasible; and (2) that such waiver will not impede access or egress for maintenance personnel or emergency responders.

## **§300-146.6. Design Standards**

### **A. Lighting**

Lighting of large-scale ground-mounted solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

### **B. Signage**

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with the town's sign bylaw. A sign consistent with the town's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.

### **C. Utility Connections**

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

## **§300-146.7. Safety and Environmental Standards**

### **A. Emergency Services Plan**

Prior to issuance of a building permit, the large-scale solar photovoltaic installation owner or operator shall provide a plan including but not limited to the project summary, electrical schematic, and site plan to the town's local safety officials including the Police Chief, Fire Chief and Building Inspector. Upon request the owner or operator shall cooperate with local safety officials in developing an

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emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

### **B. Land Clearing, Soil Erosion and Habitat Impacts**

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation and per practices of best management of natural areas or good husbandry of the land or forest otherwise prescribed by applicable laws, regulations, and bylaws.

Applicant shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting and screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

## **§300-146.8. Monitoring and Maintenance**

### **A. Solar Photovoltaic Installation Conditions**

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

### **B. Modifications**

All material modifications to a large-scale ground-mounted solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board through site plan review.

### **C. Abandonment or Decommissioning**

#### **1. Removal Requirements**

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with the Abandonment section of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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- (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

## **2. Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than two year without the written consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation

## **3. Financial Surety**

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

## **§300-147. Severability**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

**City of San Antonio, Texas  
Unified Development Code (2014)**

**ARTICLE III - ZONING**

**DIVISION 7. - SUPPLEMENTAL USE REGULATIONS**

**Section 35-311. - Use Regulations**

TABLE 311-2 NONRESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1 & O-1.5	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Utilities	Solar Farm, Photovoltaic, subject to § 35-398(b)	S	S	S	S	S	S	S	P	P	P	S	

**Section 35-398. - Renewable Energy Systems**

**b. Solar Farms:**

**1. Applicability.** The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms consisting of ground-mounted solar panels that capture energy from the sun and convert it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels that support the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, the City of San Antonio finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in non-urbanized, low-density areas with other agricultural and scattered industrial uses.

**2. Site Development Standards:**

- a. Lot coverage: No more than one (1) percent of the gross site area shall be occupied by enclosed buildings and structures.
- b. Setbacks: A thirty-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district or the two districts are separated by a public right-of-way.
- c. Height: The average height of the solar panel arrays shall not exceed twelve (12) feet. The height regulations for all other structures are included in the Unified Development Code, Article III Zoning, Table 310-1.
- d. Landscaping Buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered agricultural for the purposes of buffer requirements. There is no requirement for screening from public streets.

- e. Stormwater Management: Fixed panel solar arrays shall be considered pervious and any fee in lieu of detention shall be considered based on impervious cover. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.
- f. Subdivision: A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required. Outside of the city limits the county fire marshal shall make the determination of required fire access.
- g. Signage: Signage shall conform to Chapter 28 of the Municipal Code as well as any sign limitations of the zoning district.
- h. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
- i. Fencing: Due the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing up to eight (8) feet in height is permitted provided the fencing material is predominantly open as defined in Appendix A.
- j. All Municipal Code provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

**3. Permitted Use.** Ground-mounted fixed-panel photovoltaic solar farms shall be permitted ("P") by right in the following zoning districts: L, I-1, I-2, MI-1, MI-2, ED, RD, FR, QD and SGD. Ground-mounted fixed-panel photovoltaic solar farms shall require a specific use authorization ("S") in the following zoning districts: NC, C-1, C-2, C-3, O-1, O-1.5, O-2, UD, MH, MXD, FBZD and TOD. Ground-mounted fixed-panel photovoltaic solar farms are prohibited in all other residential base zoning districts, neighborhood preservation districts and the D Downtown District.

**4. Submittal Requirements:** Building permits are required for solar farms. Plans shall contain the following:

- a. A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines. The plot plan shall include any roads, electric lines and/ or overhead utility lines.
- b. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with CPS Energy.
- c. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant.
- d. Structural engineering analysis for a solar panel, array and its foundation, as applicable.
- e. Manufacturer's recommended installations, if any.
- f. Documentation of land ownership and/or legal authority to construct on the property.

**5. Compliance With Other Regulations:**

1. Building permit applications for solar farms shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the city's adopted electrical code and that has been pre-approved by CPS Energy as meeting their Distribution Generation Requirements and Guidelines.

2. Within the city limits, an executed interconnection agreement with CPS Energy is required prior to certificate of occupancy. In the ETJ the interconnection agreement shall be provided prior to utility connection.

This subsection does not waive any requirements of the city's building code, electrical code or other technical codes as applicable.

**6. Discontinuation.** A solar farm shall be considered abandoned after one (1) year without energy production. The property owner shall remove all solar farm equipment and appurtenances within ninety (90) days of abandonment.

(Ord. No. 2010-11-18-0985, § 2, 11-18-10)

**Santa Clara County, California  
Code of Ordinances (2014)  
TITLE C CONSTRUCTION, DEVELOPMENT AND LAND USE  
APPENDIX I ZONING**

**ARTICLE 2. BASE DISTRICTS  
CHAPTER 2.10. DEFINITIONS: USE CLASSIFICATIONS**

**§ 2.10.040. Non-residential use classifications.**

\*\*\*

*Solar energy conversion systems—Commercial. (Infrastructure).* Facilities used for the conversion of solar energy for the commercial sale of electricity. Does not include systems that are used primarily to supply energy to an on-site residential, agricultural or other permitted use(s), and which are regulated as accessory uses (see § 4.20.020).

[Criteria/Findings § 4.10.345] All uses within this classification shall fit within one of the following subcategories:

1. Minor. Facilities covering eight acres or less, and involving only minor structures other than energy conversion equipment. Structures must be 35 feet or less in height. Land coverage calculations shall include the gross land area utilized by the systems (whether enclosed or unenclosed by security fences) including all areas covered by access roadways and parking used exclusively to support the facility. Multiple facilities proposed in conjunction that cover greater than eight acres shall not meet this definition.
  
2. Major. Facilities that do not meet the definition of Solar energy conversion systems—Commercial—Minor.

**CHAPTER 2.20. RURAL BASE DISTRICTS**

**TABLE 2.20-2. NON-RESIDENTIAL USES IN RURAL BASE DISTRICTS**

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Solar Energy Conversion Systems - Commercial</b>					
Minor	A	U	U	A	§ 4.10.345, Notes 4, 13
Major	U	U	U	U	§ 4.10.345, Notes 4, 13

A ASA (Chapter 5.40)  
 U Use permit/ASA (Chapters 5.65, 5.40)

NOTES:

4. Not a permitted use in areas with the "Agriculture—Large Scale" land use plan designation of the general plan.
13. Not a permitted use in areas with the -d1 (Santa Clara Valley Viewshed) or -d2 (Milpitas Hillsides) Design Review Combining Zoning Districts.

**CHAPTER 2.50. SPECIAL PURPOSE BASE DISTRICTS**

**TABLE 2.50-1. USES IN SPECIAL PURPOSE BASE DISTRICTS**

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Solar Energy Conversion Systems - Commercial</b>				
Minor	A	—	—	§ 4.10.345
Major	U	—	—	§ 4.10.345

- A ASA (Chapter 5.40)
- U Use permit/ASA (Chapters 5.65, 5.40)

**ARTICLE 4. SUPPLEMENTAL STANDARDS AND REGULATIONS**  
**CHAPTER 4.10. SUPPLEMENTAL USE REGULATIONS**

**§ 4.10.345. Solar energy conversion systems—Commercial**

This section refers to uses classified as "Solar energy conversion systems—Commercial," as described in Section 2.10.040. Commercial solar energy conversion systems shall comply with all of the requirements of this section.

A. Exclusive agriculture zoning district. Such uses shall be subject to all of the following provisions in the A, Exclusive agriculture zoning district:

1. Prohibited in Agriculture—Large scale. Such uses are not allowed on any land designated Agriculture—Large scale by the general plan;
2. Agriculture—Medium scale lands. Such uses may be allowed on lands with a general plan designation of Agriculture—Medium scale, provided that the subject lot is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses. Projects must also demonstrate consistency with the provisions of Section 2.20.050, A districts: Agricultural preservation criteria.

B. Prohibited in certain design review combining districts. Not allowed on any land located within the -d1 (Santa Clara Valley Viewshed) and -d2 (Milpitas Hillside) design review combining districts.

C. Criteria. Commercial solar energy systems are subject to all of the following provisions:

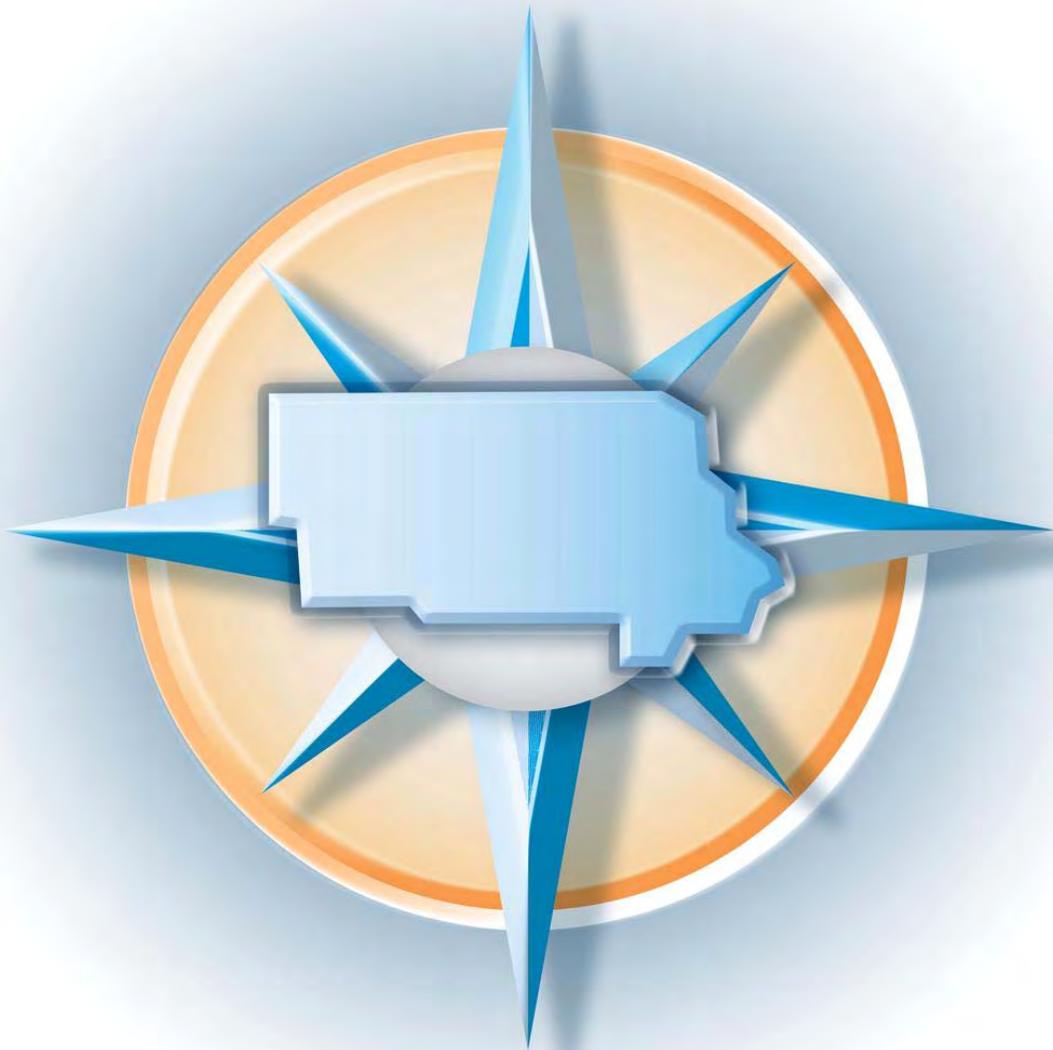
1. Setbacks. All structures shall have a minimum setback of 30 feet.
2. Signage. Signs visible from a public road shall only identify the manufacturer, installer, or owner of the system, or public health and safety information applicable to the installed systems. A facility shall be limited to two signs and aggregate sign area shall be no greater than 200 square feet.
3. Wildlife passage. In areas identified as containing important wildlife habitat, the facility shall be designed, to the maximum extent feasible, to allow continued use of the site for wildlife habitat and migration across the site.

4. Construction and operation. The design, construction and operation of the facility shall minimize soil disturbance to the maximum extent possible, and shall not substantially alter drainage from the site.

D. Williamson Act Limitation. No system shall be allowed on lands subject to a California Land Conservation Act (Williamson Act) contract unless permitted as a compatible use.

E. Termination and decommissioning. Solar energy conversion systems and all related equipment and accessory structures shall be removed following cessation of use as defined in either Section 5.40.070 or Section 5.65.050 of the Zoning Ordinance. Prior to the issuance of any building permits for the establishment of commercial solar energy conversion systems, a Closure and Rehabilitation Plan shall be submitted to the Planning Office for review and approval. The Plan shall provide for the removal, recycling and disposal of all aboveground structures and facilities to a depth of three feet below grade, the restoration of graded areas to original contours, and re-vegetation of all disturbed areas. To the greatest extent possible, facilities shall use materials that can be recycled following decommissioning.

(Ord. No. NS-1200.331, § 4, 11-9-10; Ord. No. NS-1200.332, § 9, 11-22-11)



## **LAND USE AND ZONING ORDINANCE #439**

**Printed January 28, 2014**

Effective: June 22, 2010

**Significant Historic Site**

Any archaeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of *Minnesota Statutes, section 307.08; or successor statutes*. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**Single Family Dwelling Unit**

A residential building containing one residential dwelling unit.

**Ski Areas and Lodges**

An area developed for snow skiing, with trails and lifts, including ski rentals and sales, instruction and eating facilities.

**Solar Energy Systems – Accessory**

A solar panel or array mounted on a building, pole or rack that is secondary to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary use.

**Solar Farms**

A solar array composed of multiple solar panels on ground-mounted rack or poles which is the primary land use for the parcel on which it is located.

**Solid Manure**

Animal manure that does not flow and which can be effectively stacked or handled using a loader equipped with forks. This shall not include frozen liquid manure.

**Solid Waste**

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under *Section 402 of the Federal Water Pollution Control Act, as amended*, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by *The Atomic Energy Act of 1954, as amended*.

**Solid Waste Composting Facility**

A site used to compost or co-compost solid waste, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste and residuals resulting from the composting process.

- G. All parking areas, bus loading and unloading areas, delivery areas and access roads to any of these areas shall be hard surfaced.
- H. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- I. All accessory residential or day care uses are subject to the provisions of this Ordinance.
- J. Signs shall meet the requirements of *Section 7.24 of this Ordinance*.

## **6.50 Seasonal Produce Sales Stands, Accessory**

### **6.50.1 Performance Standards**

Seasonal produce sales stands shall comply with the following standards:

- A. Seasonal produce stands shall be an accessory use to a principle agricultural use.
- B. Operation of produce stands shall be limited to the growing season in Minnesota.
- C. No sale of product shall take place in the public right-of-way of any Federal, State, County or Township roadway unless approved by the road authority.
- D. Off-street parking shall be provided outside of any road right-of-way.
- E. Any temporary structure placed on the property for seasonal produce sales shall be removed at the end of the selling season. The size of the temporary structure shall not exceed one hundred twenty (120) square feet.
- F. All structures, including temporary structures, shall meet the minimum setback requirements of the district in which it is located.
- G. Signs shall meet the requirements of *Section 7.24 of this Ordinance*.

## **6.51 Solar Energy Systems**

### **6.51.1 Comprehensive Plan Reference**

The purpose of this Section is to set forth standards for large and small solar energy systems. Stearns County has determined that development of solar energy is in the public interest and consistent with the Comprehensive Plan, including the following goals:

- A. Natural Resource Plan, Goal 2, Objective 4: Encourage use of renewable energy systems, including wind energy and solar energy, which reduce the footprint of development on local and global natural systems.
- B. Economic Development Plan, Goal 3, Objective 3: Encourage and promote the use of “green” architecture design principles that minimize impacts to the natural and cultural environments and reduce long-run risk to business.

### **6.51.2 Standards for Solar Farms**

Solar Farms shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. Solar farms are the primary land use for the parcel on which the array is located and are distinguished from solar arrays that are a secondary or accessory use. Solar farms are composed of multiple solar panels on multiple

mounting systems (poles or racks), and generally have a Direct Current (DC) rated capacity greater than one hundred (100) kilowatts.

- B. Stormwater management shall meet the requirements of *Section 7.25 of this Ordinance*.
- C. Erosion and sediment control shall meet the requirements of *Section 7.10 of this Ordinance*.
- D. **Foundations.** The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- E. **Other standards and codes.** All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
- F. **Power and communication lines.** Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- G. **Application requirements.** The following information shall be provided to the Department prior to issuance of the conditional use permit:
  - (1) A site plan of existing conditions showing the following:
    - (a) Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties
    - (b) Existing public and private roads, showing widths of the roads and any associated easements
    - (c) Location and size of any abandoned wells, sewage treatment systems and dumps
    - (d) Existing buildings and any impervious surface
    - (e) Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the Department. A contour map of the surrounding properties may also be required
    - (f) Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
    - (g) Waterways, watercourses, lakes and public water wetlands
    - (h) Delineated wetland boundaries
    - (i) The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation, if available
    - (j) Floodway, flood fringe and/or general flood plain district boundary, if applicable
    - (k) The shoreland district boundary, if any portion of the project is located in a shoreland overlay district
    - (l) In the shoreland overlay district, the ordinary high water level and the highest know water level
    - (m) In the shoreland overlay district, the toe and top of any bluffs within the project boundaries

- (n) Mapped soils according to the Stearns County Soil Survey
  - (o) Surface water drainage patterns
  - (p) LESA score for the parcel, if located within an agricultural zoning district.
- (2) Site Plan of Proposed Conditions
    - (a) Location and spacing of solar panels
    - (b) Location of access roads
    - (c) Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load
    - (d) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm
    - (e) Proposed erosion and sediment control measures as required in *Section 7.10 of this Ordinance*.
    - (f) Proposed stormwater management measures as required under *Section 7.25 of this Ordinance*
    - (g) Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any);
  - (3) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;
  - (4) The number of panels to be installed;
  - (5) A description of the method of connecting the array to a building or substation;
  - (6) A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;
  - (7) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of *Stearns County Solid Waste Ordinance Number 171; or successor ordinance*. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

**6.51.3 Standards for Solar Energy Systems, Accessory.** Solar energy systems are a permitted accessory use in all zoning districts, subject to the following standards.

- A. Accessory Building Limit. Solar systems, either roof or ground-mounted, do not count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per residential lot or the coverage limits, as set in *Section 6.2 of this Ordinance*.
- B. Height. Active solar systems are subject to the following height requirements:

- (1) Building or roof-mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed.
  - (2) Ground or pole-mounted solar systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
- C. Location within Lot. Solar systems must meet the accessory structure setback for the zoning district. If the lot is located in agricultural zoning districts or a Natural Resource Conservation Overlay the solar system must be placed within the designated building envelope or obtain a conditional use permit as specified in *Section 7.32 of this Ordinance*.
- (1) Roof-mounted Solar Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
  - (2) Ground-mounted Solar Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
  - (3) Large Ground-mounted Systems. Ground-mounted solar systems that result in the creation of one (1) or more acres of impervious surface must comply with *Sections 7.10 and 7.25 of this Ordinance*.
- D. Maximum Coverage. Roof or building mounted solar systems, excluding building-integrated systems, shall not cover more than eight (80) percent of the south-facing or flat roof upon which the panels are mounted. The total collector surface area of pole or ground mount systems in non-agricultural districts shall not exceed one percent of the lot area.
- E. Approved Solar Components. Electric solar system components must have a Underwriters Laboratory (UL) listing.
- F. Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.
- G. Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

ORDINANCE NO. 2010 - 02

AN ORDINANCE OF STRABAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 140 (Zoning) OF THE STRABAN TOWNSHIP CODE OF ORDINANCES TO: AMEND SECTION 140-5 (Definitions) TO ADD DEFINITIONS FOR THE TERMS "SOLAR ELECTRIC SYSTEM" AND "SOLAR ELECTRIC FACILITY"; AMEND SECTIONS 140-7 AND 140-8 TO PROVIDE THAT SOLAR ELECTRIC FACILITIES ARE USES PERMITTED BY RIGHT IN THE RESIDENTIAL RURAL DISTRICT (RR) AND THE RESIDENTIAL LOW DENSITY DISTRICT (R-1); AMEND SECTION 140-21 (Public or Utility Uses) TO ADD A SUBSECTION D. (Solar Electric Facility) PROVIDING STANDARDS FOR AND REGULATION OF SOLAR ELECTRIC FACILITIES; AND AMEND SECTION 140-61.B. (Zoning Hearing Board; Hearings) BY ADDING A NEW SUBPARAGRAPH (15) TO PROVIDE THAT THE GRANT OF A SPECIAL EXCEPTION OR A VARIANCE SHALL NOT BE DEEMED TO SUPERCEDE ANY APPLICABLE SUBDIVISION AND LAND DEVELOPMENT REQUIREMENTS. THE AMENDMENTS SHALL BECOME EFFECTIVE IMMEDIATELY.

The Board of Supervisors of Straban Township hereby ordains as follows:

Section 1. **§ 140-5. Definitions** is amended to add the following:

SOLAR ELECTRIC SYSTEM - The components and subsystems that, in combination, convert solar energy into electric energy suitable for use. The term includes, but is not limited to, photovoltaic and concentrated solar power systems.

SOLAR ELECTRIC FACILITY - An electric generating facility whose main purpose is to generate and supply electricity and which consists of one or more solar electric systems and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Section 2. **§ 140-7. Residential Rural District (R-R)** is amended to add the following as a Public/Transportation/Utility Uses in §140-7B(1):

Type of Use		Use Regulations
Solar Electric Facility	P	§140-21D

Section 3. **§ 140-8. Residential Low Density Districts (R-1)** is amended to add the following as a Public Transportation/Utility Uses in §140-8B(1):

Type of Use		Use Regulations
Solar Electric Facility	P	§140-21D

Section 4. §140-21. Public or Utility Uses is amended to add the following as §140-21D:

D. Solar Electric Facility.

(1) The design of the solar electric system shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant for a building permit and land use permit shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), IEEE, Solar Rating and Certification Corporation (SRCC), BTL, or other similar certifying organizations.

(2) The solar electric facility and the solar electric system shall be constructed to and comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor & Industry as they relate to the Uniform Construction Code except where an applicable standard has been approved by the Department of Labor & Industry under its regulatory authority.

(3) The solar electric facilities shall not be artificially lighted except to the extent required by safety or by any applicable federal, state or local authority.

(4) Solar electric facilities shall not display advertising except for reasonable identification of the panel, inverter, or other equipment manufacturer, and the facility owner.

(5) On-site power collection lines shall, to the maximum extent practical, be placed underground.

(6) The solar electric facility shall be enclosed by a fence, barrier, or other appropriate means with a maximum height of eight (8) feet to prevent or restrict unauthorized persons or vehicles from entering the property.

(7) Clearly visible warning signs shall be placed on the fence, barrier, or facility perimeter to inform individuals of potential voltage hazards.

(8) A solar electricity facility shall be sited in such a way that it presents minimal impact to traffic and no impact to public health and safety.

(9) The solar electric facility or individual solar electric system shall be completely decommissioned by the facility owner within twelve (12) months after the end of the useful life of such facility or system. Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses. Disturbed earth shall be graded and

re-seeded unless the land owner requests in writing that the access roads or other land surface areas not be restored. The owner of the facility shall secure the costs of decommissioning by appropriate Bond, Letter of Credit, or Escrow Agreement satisfactory to Straban Township. Such estimate of costs shall be submitted by the owner and subject to approval by Straban Township prior to issuance of any permits required.

(10) Other provisions of this Ordinance and the Straban Township Subdivision and Land Development Ordinance notwithstanding, for a solar electric facility permitted under this Ordinance, the following regulations shall apply:

(A) Minimum setback requirements shall be:

Front	50 feet
Side	25 feet
Rear	25 feet

(B) There shall be no requirement for a minimum amount of open space.

(C) In calculating the maximum impervious surface coverage, no surface of undisturbed turf to which storm water runoff has access shall be considered impervious.

(D) Any identification sign of maximum of six (6) square feet/sign side shall be permitted.

(E) The structures comprising the solar electric facility shall be constructed and located in a manner so as to minimize the necessity to remove existing trees upon the lot, and in no event shall wooded acreage comprising more than 2% of the deeded acreage of the lot or portion of the lot devoted to the solar electric facility use be removed without demonstrating that such removal is necessary for the reasonable construction and efficient performance of the use.

Section 5. Subsection B. (Hearings) of §140-61. (Zoning Hearing Board) of Article IX (Administration and Enforcement) of Chapter 140 (Zoning) of the Code of Ordinances of Straban Township is hereby amended to add a new sub-paragraph (15) which shall read as follows:

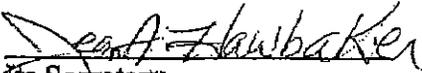
(15) The decision by the Zoning Hearing Board to grant a special exception or a variance shall not in any way be deemed to affect the applicability of any provision of the Subdivision and Land Development Ordinance or any other non-zoning land use ordinance applicable to the applicant's plan or project. If the application of provisions of any other land Use ordinance significantly changes the plan or application submitted to the Zoning Hearing Board and upon which the special exception and/or variance was granted, the variance and/or special exception shall be deemed inoperative and must be reviewed again by the Zoning Hearing Board to determine if the special exception and/or variance is justified. The term "significantly changes" means such a

change in the plan or application (including but not limited to: new lot lines; different access points; number of lots; location of structures; availability of water, sewer, or utilities; a change in proposed use) as is determined by the Zoning Officer to require a new presentation to the Zoning Hearing Board.

Section 6. This Ordinance shall take effect immediately (meaning 5 days after adoption pursuant to the law of the Commonwealth).

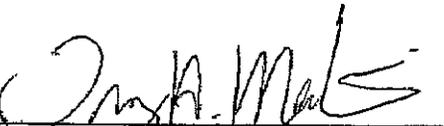
ENACTED AND ORDAINED this 2 day of August, 2010.

Attest:

  
\_\_\_\_\_  
Its Secretary

STRABAN TOWNSHIP

  
\_\_\_\_\_  
Its Chair

  
\_\_\_\_\_  
Supervisor