

# ∞ AGENDA ∞

**MARQUETTE CITY PLANNING COMMISSION**  
**Tuesday, March 19, 2024, at 6:00 p.m.**  
**Commission Chambers at City Hall – 300 W. Baraga Ave.**

## MEETING CALLED TO ORDER

- 1) ROLL CALL
- 2) APPROVE AGENDA
- 3) APPROVE MINUTES: **Minutes of 02-06-24**
- 4) CONFLICT of INTEREST



1. PUBLIC HEARINGS
2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS
3. OLD BUSINESS
4. NEW BUSINESS

### **A. Election of Officers**

### **B. Presentation – Cultural Trail Project**

By Tiina Morin, City of Marquette Arts and Culture Division Manager

5. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS
6. CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES
7. TRAINING
8. WORK SESSION ON REPORTS/PLANS/ORDINANCES

### **A. Land Development Code 2024 Amendments**

9. COMMISSION AND STAFF COMMENTS
10. ADJOURNMENT

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## PUBLIC COMMENT

A member of the audience speaking during the public comment portion of the agenda shall limit his/her remarks to 3 minutes. Time does not need to be reserved for an item of business listed on the agenda, or otherwise addressed under Item #2, as time is provided for public comment for each item of business.

## PUBLIC HEARINGS

The order of presentation for a public hearing shall be as follows:

- a. City Staff/Consultants
- b. Applicant
- c. Correspondence
- d. Public Testimony
- e. Commission Discussion (Commissioners must state any Ex-Parte contact or Conflicts of Interest prior to engaging in any discussions), if it occurred, prior to entering into discussion or voting on a case).

**OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY PLANNING  
COMMISSION  
February 6th, 2024**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, February 6, 2024, in the Commission Chambers at City Hall.

**ROLL CALL**

Planning Commission (PC) members present: W. Premeau, K. Clegg, C. Gottlieb, S. Lawry, M. Rayner, Chair S. Mittlefehldt.

PC Members absent: A. Andres, D. Fetter, Vice-Chair N. Williams.

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

**AGENDA**

*It was moved by S. Lawry, seconded by M. Rayner, and carried 7-0 to approve the agenda as presented.*

**MINUTES**

The minutes of 1-16-24 were approved as presented.

**CONFLICT OF INTEREST**

There were no conflicts of interest stated.

**PUBLIC HEARINGS**

**A. 01-REZ-02-24 756 W. Washington St. – Request to Rezone from Gen. commercial to Mixed Use**

Chair S. Mittlefehldt said that we will now conduct a public hearing for 01-REZ-02-24, property at 756 W. Washington St., which is a request to rezone the property from General Commercial to Mixed Use. She asked staff to provide the background information.

Zoning Official A. Landers stated:

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property at 756 W. Washington St. to Mixed Use, and that it is currently zoned as a General Commercial district.

She said that attached to the agenda is the Staff Report and referenced the report contents and showed on-screen the report and said that it provides the existing conditions of the site, the current zoning district and its standards, the proposed zoning district and its standards, the zoning ordinance amendment procedures information, the attachments of the application submitted by the applicant, the area map, block map, and existing zoning map – all with the parcel outlined in blue; photos of the site; and proof of publication of this hearing as a legal advertisement. She also referenced in the staff report the Future Land Use Map and the Proposed Zoning Map from the Community Master Plan (CMP) showing the parcel as General Commercial on both maps. And she said that there was an excerpt from a draft of the Future Land Use chapter of the Community Master Plan update that is being completed by consultants Beckett and Raeder currently, which the Planning Commission had on their agenda as a work session item recently and said that Dave might want to discuss that.

D. Stensaas said:

I just wanted to make sure that you're aware of this. We went over this before, and our Community Master Plan is looking at changing how we look at this area to allow for mixed uses. I also sent minutes from the discussion that we had in late December on this particular piece of property and this concept that we're probably going to see adopted into our Community Master Plan soon.

A. Landers also said there were rezoning and spot zoning considerations for the Planning Commission to consider, and she showed that, and the correspondence received before posting the agenda, and said that staff had not received any additional correspondence since then.

S. Mittlefehldt stated that the applicant can now come up and speak to this, and you can come to the podium and give your name, address, and maybe give us a little explanation or context for your request.

Eric Berg, of 613 Lake St. in Negaunee, stated:

Hello. You've seen this before. I'm hoping to move to Marquette. I'd like to live where I work. It's a convenient location and (inaudible). I'm excited to do more of the same, more efficiently. Anything else?

S. Mittlefehldt asked if any of the members had any quick questions for Mr. Berg. Nobody spoke.

S. Mittlefehldt opened the public hearing.

Jean Temple, of 93 Cedar Lane in Negaunee, stated:

I have a business down the street. She asked where exactly the subject property is. It was shown by staff using the location map, in the room monitor. She said she was just curious about the type of business it is. Mr. berg spoke to Ms. Temple directly and said it will be a bakery. Ms. Temple said, "that will be good on that side of town".

S. Mittlefehldt said that if there were any more comments to please use the microphone. She asked if anyone else wished to make a comment or had questions. Seeing none she closed the public hearing and said it was time for Commission discussion and asked the other members if anyone wanted to make a motion.

*It was moved by K. Clegg, seconded by C. Gottlieb and carried 6-0 to suspend the rules for discussion.*

K. Clegg stated:

It appears that this is not consistent with our Future Land Use Map, but it is consistent with our future Future Land Use Map – the proposed one, so it's going to take some thinking on our part to change how we've done business. The future Future Land Use Map is intentionally vague.

S. Mittlefehldt said:

Okay, so thinking about all the things that are allowed in Mixed-Use, our questions about rezoning are all the different permitted uses that are allowable in Mixed-Use, like I hope the bakery is very successful, but...are we good with all of the uses that are allowed in Mixed-Use?

S. Lawry stated:

I think most of the uses that would be allowed under Mixed-Use are already under General Commercial, there are only a few differences.

S. Mittlefehldt said:

Is everyone good with that? What about other factors to consider. Would rezoning be consistent with the area? It does have a residential area just to the north of it, commercial on either side. That seems good to me. Anything else on that?

S. Lawry said:

This is slightly removed the nearest Mixed-Use are, which I think was on Ridge and Morgan (streets), or thereabouts, but it's still a known type of development – creating a walk-in type of business, which is what we were trying to accomplish with those [Mixed-Use] nodes.

S. Mittlefehldt said:

Any other thoughts, comments, or further discussion? It looks like the correspondence that we did receive was very positive.

S. Lawry stated:

I went through the current Community Master Plan recommendations and tried to identify those recommendations that this is consistent with. So, I can go through those.

- Encourage development of higher density housing in close proximity to downtown, in established neighborhoods.
- Modify zoning provisions to allow for diversity of housing types, densities, and mixed uses.
- Facilitate and incentivize development of housing near downtown as well as more working-class housing options.
- encourage a diversity of new housing options.
- Create incentives for the development of affordable, sustainable, and infill housing projects as alternatives to greenfield development.
- Craft or amend guiding and regulatory documents so the community can support the strengthening of the local food system after evaluating existing policies and regulations that are obstacles to that support. Right now, there seems to be an obstacle that we can try to remove.
- This is in the recommendations section but not a recommendation – “Commercial and residential uses can be compatible and complimentary and mixing those uses is an age-old practice that can boost urban activity and walkability. Downtown and N. Third St. corridors are areas where there is generally healthy mixing of residential and commercial uses.

So, I think all of those recommendations support an action to change this, even if it isn't consistent with the existing Future Land Use Map, there is plenty of support within the recommendations to justify the change.

S. Mittlefehldt said:

Excellent. Thank you, Commissioner Lawry, I appreciate that. Any other comments?

D. Stensaas stated:

I might add that referring to those items that commissioner Lawry outlined is a good finding of fact for a motion.

S. Mittlefehldt said:

With that, would anybody like to make a motion?

*It was moved by C. Gottlieb, seconded by K. Clegg, and carried 6-0 that after conducting a public hearing and review of the application and Staff Report for 01-REZ-02-24, the Planning Commission finds that the proposed rezoning is consistent with recommendations of the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City commission approve 01-REZ-02-24 as presented.*

#### **PUBLIC COMMENT ON AGENDA ITEMS**

No comments were provided.

#### **PUBLIC COMMENT ON NON-AGENDA ITEMS**

No comments were provided.

#### **TRAINING**

**A. Article – *Making sound and Defensible Land Use Decisions* (Mich. Assoc. of Planning, Nov./Dec. 2023)**

Staff and the Planning commission discussed the article. D. Stensaas said this is mainly intended as a refresher and I think Sarah, you went to a course with me a few years ago that had the same title as the

article. What we just talked about – finding of facts in your motions is very important and making thorough findings like “not consistent with the map but consistent with many recommendations of the Plan” – those are important. Another thing to keep in mind is that when you’re having these kinds of zoning deliberations is not bring up personal opinions. At this level of importance, with rezoning, it changes the laws that apply to the property so keep your personal opinions out of it, like good bread is something everybody likes, but it’s not related to your approving it or not. And when talking to the media, and we had a member speak with the media about a month ago and said something along the lines of “we approved this because we think this is a good use of the property”. Well, that’s not why you approved it – you approved it because it met all the standards of the Land Development Code and you basically at that point don’t have a choice because you have to approve site plans that meet all of the standards. It’s a bonus that you think it’s a great use of this property, but it’s not accurate to say that you approved it because you all think it’s a great use of the property. That’s not how it works for the Planning Commission, and you shouldn’t give the public the impression that the board makes decisions based on opinions.

## **WORK SESSION**

### **A. Land Development code 2024 Amendments**

The Planning commission and staff continued work on a comprehensive update to the Land Development Code (LDC) by discussing several items from the LDC that staff has annotated and prepared for amendments. The items discussed were:

- Specific Use standards that staff drafted for Day Care Group Homes, covering licensing and permit requirements, caregiver parking and child drop off, noise, and signage for such facilities. Amendments to Articles 6 (54.608) and 9 (54.903).
- Specific Use standards that staff drafted for Day Care Centers (commercial use/buildings), covering licensing and permit requirements, caregiver parking and child drop off, noise, signage, and allowance for such facilities to be an accessory use to “institutional” uses like churches. Amendments to Articles 6 (54.609) and 9 (54.903).
- Amendment to Section 54.706 for fences in the M-U and CBD districts to allow a wall or fence in the side or rear yard of an approved commercial outdoor Alcoholic Beverage Service use and for outdoor Entertainment and Community Events may be up to eight (8) feet in height for the purposes of visual and noise screening of that particular use. And to allow a wall or fence in the front or side yard that has a commercial off-street parking lot abutting a residential use to be up to six feet (6) in height.
- Amendment of Section 54.332C.4 (iv): A solid/screening fence along the lot line that has a commercial off-street parking lot abutting a residential use – may be up to six (6) feet in height in the side yard.
- Amending the definition (54.202) of Family to state that no more than five (5) unrelated persons may live together as a single housekeeping unit. A decision on this was postponed, pending requested data to support such a change, which is a recommendation of the Draft Community Master Plan Update.
- Amendment of Section 54.708 – Solar Energy Ground-Mounted Solar Energy Systems (Less than 20kw). To potentially allow ground-mounted and freestanding solar energy systems of less than 20kw for on-site use to be placed in front yard areas. Conditions for this “exception” to the current requirement that such accessory structures cannot be placed in a front yard area were requested and will be proposed at a later time.

- Revisiting the subject of commercial parking lots as a new Special Land Use. The use does not exist in the LDC and the Draft Community master Plan Update recommends only allowing parking lot development on private land as a Special Land Use in commercial, industrial, Third St. Corridor, and multiple-family zoning districts, and some Downtown Marquette Waterfront subdistricts.
- Amendment of Section 54.306 to include a new category of land use, for *Restaurants, Outdoor Food and Alcohol Service* to allow this as a Permitted Use in the Third St. Corridor and Mixed-Use districts. It is already a permitted use in other zoning districts. The Planning Commission does not want to extend the allowance to Mixed-Use districts but recommends to extend the option to the Third St. Corridor district in consideration of precedents and the Social District application there.
- Amendment of Section 54.306 to allow Accessory Uses as a Permitted Use in several non-single-family residential zoning districts where this is currently a Special land Use. Examples are outdoor recreation facilities at a restaurant in the CBD, and pool/clubhouse facilities in a multi-family housing development.
- Amendment of Section 54.1003 to relax the screening/enclosure standards that currently apply to dumpsters, and to allow more options for material used to construct enclosures, and to make gates for enclosures optional.

A consensus was reached on some of these issues and others will require more research and/or study.

#### **COMMISSION AND STAFF COMMENTS**

W. Premeau said he had a question for D. Stensaas, and he asked for clarification about a situation that could be construed as an unannounced meeting, where four Planning commission members were in attendance at an event at the same time in one room.

D. Stensaas stated that it would be a meeting if you were all sitting together talking about Planning commission business, otherwise just being present in the same room at the same time is not a problem.

D. Stensaas said that due to an unusual calendar this month, the City Commission is meeting on the same night as the scheduled second Planning Commission (PC) meeting, and since the presentation of the completed draft of the entire Community Master Plan is going to be the focus of that PC meeting, staff and Russ Soyering from Beckett & Raeder have made arrangements to move the PC meeting to Wednesday, February 21<sup>st</sup>, at the Citizens Forum in Lakeview Arena. He said that the meeting will begin at 6:00 p.m. and it is important that City Commission members are able to attend that presentation and staff wanted to make sure we have a large room for what hopefully will be a large public turnout.

#### **ADJOURNMENT**

The meeting was adjourned by Chair S. Mittlefehldt at 7:30 p.m.



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## **MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Dave Stensaas, City Planner and Zoning Administrator  
**DATE:** March 15, 2024  
**SUBJECT:** **New Business – Election of Officers and PC representative to the BZA**

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In accordance with the Planning Commission Bylaws, officers of the Commission are to be elected annually, at the first meeting in March. Planning Commission members shall nominate and vote to elect a Chairman and Vice-Chairman, with the positions to be effective upon an affirmative vote for each officer.



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## **MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Dave Stensaas, City Planner and Zoning Administrator  
**DATE:** March 15, 2024  
**SUBJECT:** **New Business – The Cultura Trail Project**

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Tiina Morin will provide a presentation regarding the Cultural Trail Project that the City of Marquette has begun planning and will begin implementing later this year. Per the Michigan Planning Enabling Act (P.A. 33 of 2008), the Planning Commission should render a vote of approval or disapproval of certain public projects within their jurisdiction. Please see the relevant text of the law, below. The Planning Commission should receive the presentation and then determine if they should motion to recommend approving the project or if they would like more information on specific capital improvements that are in preliminary planning stage but which do not have funding yet and will be undertaken in a later phase of the project.

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### **MICHIGAN PLANNING ENABLING ACT (EXCERPT) Act 33 of 2008**

#### **125.3861 Construction of certain projects in area covered by municipal master plan; approval; initiation of work on project; requirements; report and advice.**

*Sec. 61. (1) A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.*



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## **MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Dave Stensaas, City Planner and Zoning Administrator  
**DATE:** March 15, 2024  
**SUBJECT: Work Session – Land Development Code Amendments for 2024**

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Staff and the Planning Commission will continue to work on amendments to the Land Development Code (LDC). This effort will continue until all known issues that need to be addressed have been completed and then a joint meeting with the City Commission will be scheduled to discuss the completed work and a potential date for public hearings on the proposed changes. A document containing some of the items to be discussed follows, but staff will continue to work on LDC amendments up to the day of the meeting, ergo more content will be presented at the meeting.

# Land Development Code language for Discussion at the March 19, 2024, Planning Commission meeting

The proposed amendments to the **Land Development Code** are formatted in the following way:

1. New subsections and/or language is shown underlined and highlighted, as the example below indicates:

Example) H. Light Manufacturing

2. A subsection or language that is to be eliminated is indicated by strikethrough lines in the font, as the example below indicates:

Example) ~~F. Dwelling units must be located above the first floor.~~

Other text that is neither highlighted or lined-through is included for context.

Some text is highlighted in green to explain features of the amended text.

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## Clarification for one row and one-way 75 to 90 degree parking spaces

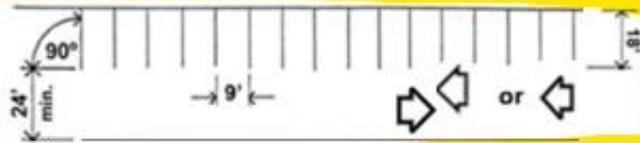
### Section 54.905 Parking Layout, Design, Construction, and Maintenance

Figure 45. Minimum Parking Layout Dimension Requirements (Text)

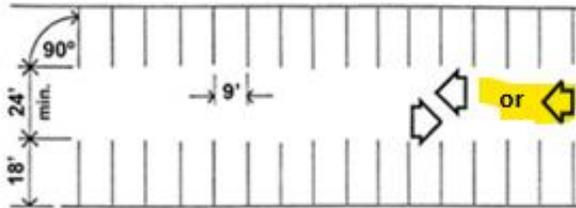
Angle (In Degrees)	Min. Stall Length	Min. Stall Width	Min. Maneuvering Lane Width
0 (parallel)	23 ft.	9 ft.	12 ft. (one way)
30-53	18 ft.	9 ft.	15 ft. (one way)
54-74	18 ft.	9 ft.	18 ft. (one way)
75-90	18 ft.	9 ft.	24 ft. (one and two way)

Figure 46. Minimum Parking Layout Dimension Requirements (Graphic)

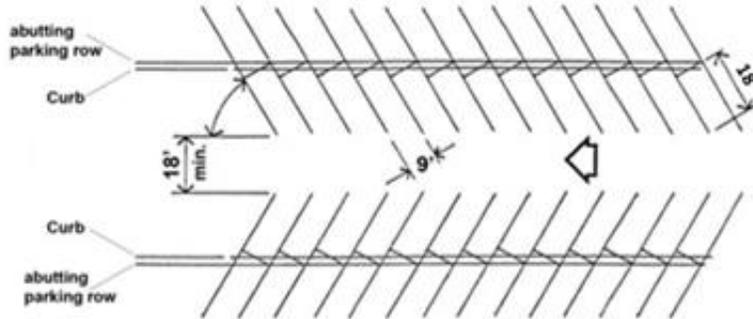
75 to 90 degree



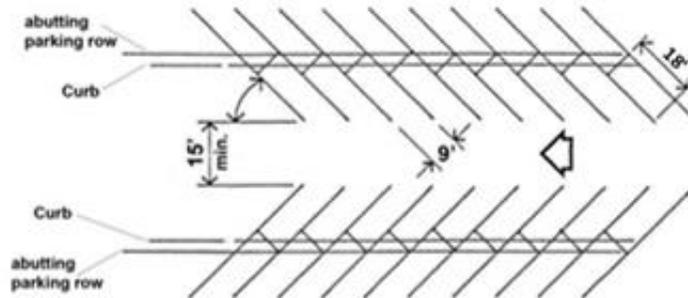
75 to 90 degree



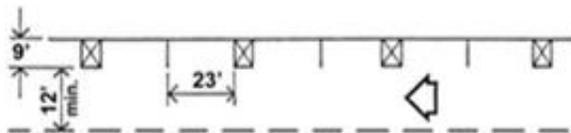
54 to 74 degree



30 to 53 degree



0 degree (parallel parking)



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## ADD LANGUAGE

### Article 4 Schedule of Regulations

#### Section 54.403 Footnotes to Schedule of Regulations

**(H) Separation Distance of Multiple-Family Structures in the MFR District.** In the MFR, Multiple Family Residential District, the minimum distance between any two (2) buildings on the same site shall be one and one-half (1.5) times the average height of the two (2) buildings. For example purposes only, the separation distance between a 36-foot high multiple-family building and a 30-foot high multiple-family building shall be 49.5 feet (i.e., 1.5 times 33 feet, which is the average height of the two buildings). The proposed separation distance between buildings must be determined to comply with the Michigan Building Codes and meet all other requirements for fire safety and maintenance of structures. These requirements must be established before submitting preliminary or final site plans for City approval.

#### Section 54.616 Dwelling, Multiple Family and Apartments

**(A) Separation Distances in the MFR District.** Multiple Family Dwellings and Apartment Buildings in the MFR District must meet the separation distance requirements of [Section 54.403\(G\)](#).

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## ADD LANGUAGE

### Article 2 Definitions

#### Section 54.202 Specific Terms

**Agriculture:** A land use which includes all of the following: (1) a farm operation, (2) producing a farm product, and (3) commercial activity. Agricultural operations in which the production of a farm product is conducted completely within an enclosed building are not considered a farm operation and are regulated instead as a manufacturing activity (light or heavy manufacturing).

**(13) Alterations:** Any change, addition or modification to a structure or type of occupancy or use of structure or land or any change in the structural members of a building, such as walls or partitions, columns, beams or girders; in doors and/or windows; the enlargement or diminution of a building; the moving of a building or structure, the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed".

**Applicant**

**Awning**

**Building Frontage**

**Business**

**Duplex**

**Light Manufacturing**

## Quadplex

**Solar Energy System (SES)** – An assemblage of components designed to convert solar energy into electrical, thermal, or chemical energy. The major components of an SES are solar array panels/modules, an inverter, a battery system, racking, and wiring. Other “balance of system” components may be present, including electrical components, a weather station, and monitoring equipment. An SES may be roof-mounted and/or ground-mounted. Buildings themselves also may be part of an SES or integrate an SES, as a solar greenhouse or where expanses of windows gather sunlight for energy conversion.

## Triplex

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## ADD LANGUAGE

### Section 54.647 Solar Energy Systems (SES) $\geq 20$ kW (0.02 MW) to $< 2$ MW - Principal Use or Accessory Use

The purpose of this section is to reasonably allow Solar Energy Systems (SES) of 20 kW energy-generation capacity or greater, as either the principal use of the property or an accessory use, where allowable per [Section 54.306](#).

#### **(A) Roof-mounted and Building-integrated SES $\geq 20$ kW to $< 2$ MW**

- (1) Height:** Roof-mounted SES shall not exceed 5 feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening requirements and shall be allowed to exceed building height requirements provided that the building itself conforms with height standards.
- (2) Non-conformities:** A Roof-mounted SES or Building-integrated SES installed on a non-conforming building shall not be considered an expansion of the nonconformity (structural or use non-conformity).
- (3) Building-integrated SES** are subject only to Land Development Code regulations applicable to the structure or building and not to accessory ground-mounted or roof-mounted SES permits, provided there are no roof or ground-mounted solar panels/arrays as part of the Building-integrated SES.
- (4) Application:** All SES application proposals must include a site plan (commercial, accessory or principal use). Applications for roof-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.

#### **(B) Accessory-Use Ground-mounted SES $\geq 20$ kW to $< 2$ MW**

- (1) Height:** A Ground-mounted SES shall not exceed 20 feet measured from the average grade across the supports to the top of the system when oriented at maximum tilt (tallest, most vertical position of a solar array).
- (2) Non-conformities:** An SES attached to a non-conforming building shall not be considered an expansion of the nonconformity (structural or use non-conformity).

**(3) Application:** All SES application proposals must include a site plan (commercial, accessory or principal use). Applications for roof-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.

**(4) Visibility (Residential):** The SES shall be located in the side or rear yard and screened to minimize visual impacts from the public right-of-way(s).

**(a)** Screening of the SES from the view of surrounding streets shall be accomplished to the maximum extent feasible without compromising the ability to effectively use solar collectors, by use of vegetation, fences and or walls as permitted in the zoning district.

**(i)** Landscaping consisting of trees and shrubs as approved in Section 54.1004, and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.

**(ii)** Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.

**(b)** The SES may be placed in a front yard with administrative approval, where the applicant can demonstrate that placement of the SES in the rear or side yard will:

**(i)** Substantially decrease the efficiency of the SES to the point of making the investment unreasonable, due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots, or for other demonstrable reasons;

**(ii)** Interfere with underground utilities, accessory uses; or

**(iii)** Require the SES to be placed on a waterfront side of the building housing the primary use (where applicable).

**(5) Non-conformities:** A roof-mounted SES or Building-integrated SES installed on a non-conforming building shall not be considered an expansion of the nonconformity (structural or use non-conformity).

**(6) Application:** All SES application proposals must include a site plan (commercial, accessory or principal use). Applications for roof-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.

### **(C) Principal-Use Ground-mounted SES $\geq 20$ kW to $< 2$ MW**

**(1) Height:** A Ground-mounted SES shall not exceed 24 feet measured from the average grade across the supports to the top of the system when oriented at maximum tilt (tallest, most vertical position of a solar array).

**(2) Setbacks:** Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt (lowest, least vertical position of a solar array) or any SES components as follows:

**(a)** A Ground-mounted SES shall follow the setback distance for primary buildings or structures for the district in which it is cited.

**(b)** A Ground-mounted SES is not subject to the property line setbacks for common property lines of two or more participating lots, except that street/road right-of-way setbacks shall apply.

**(3) Fencing:** The SES may be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of eight (8) feet in height. Wildlife-friendly fencing materials and with openings to allow passage for small animals should be used where appropriate. Barbed wire is prohibited. Fencing is not subject to setbacks.

**(4) Landscaping/Screening:** The SES shall be designed to follow the landscaping standards for the zoning district of the project site, as well as screening along streets and adjoining lots with residential and public uses. Any required screening and landscaping shall be placed outside the perimeter fencing.

**(a)** Screening of the SES from the view of surrounding streets shall be accomplished to the maximum extent feasible without compromising the ability to effectively use solar collectors, by use of vegetation, fences and or walls as permitted in the zoning district.

**(i)** Landscaping consisting of trees and shrubs as approved in Section 54.1004, and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.

**(ii)** Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.

**(b)** Where buffer/greenbelt screening is required along the side and rear yard property lines, per Section 54.1003(D), these shall only be required where an adjoining, non-participating lot has an existing residential or public use.

**(i)** Landscaping consisting of trees and shrubs as approved in Section 54.1004, and existing vegetation may be used for screening. Berms of natural material, up to three (3) feet above grade may be used in addition to vegetation, provided runoff does not create ponding or flow to adjacent properties.

**(ii)** Screening shall achieve an opacity of approximately 80 percent of the SES up to either six (6) feet above grade or 60 percent of the maximum tilt (vertical) height of the solar array(s), whichever is more.

**(c)** The Planning Commission (PC) or Zoning Administrator (ZA), whichever has authority for application approval, may waive some screening and/or landscaping requirements if such an adjustment is in keeping with intent of the Land Development Code and rationale for the decision is appropriately documented. Likewise, the PC or ZA may require substitute screening consisting of native deciduous trees planted  $\geq 30$  feet on

center and native conifer trees planted  $\geq 15$  feet on center along existing, non-participating residential uses.

**(5) Ground Cover:** An SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.

**(6) Lot Coverage:** The SES shall not count towards the maximum lot coverage standards for the district.

**(7) Land Clearing:** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure all-season access. Topsoil disturbed during site preparation (grading) on the property shall be retained on site unless a higher authority requires removal due to contamination.

**(8) Access Drives:** New access drives with the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises.

**(9) Wiring:** SES wiring may be buried per relevant codes. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.

**(10) Lighting:** Lighting shall be limited to inverter and/or substation locations. Light fixtures shall be shielded and downcast and otherwise comply with Article 8.

**(11) Signage:** Signage must comply with zoning district standards per Article 11.

**(12) Sound:** The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate that sound pressure levels are acceptable for neighboring properties, and a narrative explaining the anticipated sound level effects in simple language must be provided.

**(13) Repowering:** In addition to repairing or replacing SES components to maintain the system, this type of principal-use SES may at any time be repowered by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing project footprint.

**(a)** A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the Land Development Code standards in effect at time of the application.

**(14) Decommissioning:** Upon application, a decommissioning plan that indicates the anticipated manner in which the project will be decommissioned shall be submitted. This plan must include a description of which above-grade and below-grade improvements will be removed (e.g. lights, wiring), retained (e.g. fencing), or restored for viable reuse of the property consistent with the zoning district.

**(a)** SES owner may at any time:

**(i)** Proceed with the decommissioning plan approved by the Planning Commission or Zoning Administrator, and remove the system as indicated in the most recent approved plan; or

- (ii) Amend the decommissioning plan with Planning Commission or Zoning Administrator approval, and proceed according to the revised plan.
- (b) Decommissioning an SES must commence when the soil is dry to prevent soil compaction and be complete within 18 months after abandonment. An SES that has not produced energy for 12 consecutive months will prompt a hearing to determine if the project has been abandoned.
- (c) An SES found to be abandoned and with no plan for restoration in a reasonable timeframe shall be decommissioned beginning promptly by the property owner, per the decommissioning plan.

## **Section 54.708 Solar Energy Systems (SES) <20 kW (0.02 MW) – Principal or Accessory Use**

**(C) Roof-Mounted and Wall-Mounted Solar Energy Systems:** Roof-mounted and wall-mounted solar energy systems for on-site use are permitted accessory structures in all zoning districts, with the exception of solar collectors/panels that are built into roof shingles, are subject to the following regulations:

- (1) **Height.** Roof-mounted systems shall not extend more than three (3) feet above the surface of the roof. Wall-mounted systems shall not exceed the height of the wall.
- (2) **Location.** Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure, and may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line per [Section 54.702\(B\)](#), but shall not protrude beyond the edge of the roof. However, a solar panel may function as a roof element, such as an awning or carport. Shingles that incorporate solar panels, which do not require brackets and thus do not protrude from the roof, are not required to obtain a permit as an accessory structure. Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.

**(3) Non-conformities:** A Roof-mounted or Building-integrated SES installed on a non-conforming building shall not be considered an expansion of the structural or use nonconformity.

**(D) Ground-Mounted or Building-integrated Solar Energy Systems <20 kW.** Ground mounted and freestanding and building-integrated SES of less than 20 kW for on-site use, are permitted accessory structures in all zoning districts subject to the following regulations:

- (1) **Location and Setbacks.** Ground-mounted solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall be located at least five (5) feet from a side lot line and/or rear lot line. Solar panels shall not be installed in Riparian Overlay areas or locations that are subject to annual flooding.

**(a) Exception:** For commercial or industrial-manufacturing land uses, if it can be documented that the most optimal location on the property for a solar array is in a front yard area, the Zoning Administrator or Planning Commission (per level of review required by Sec. 54.1402) may approve the location for the solar energy system in a front yard if there is at least 5 feet of separation between the energy system components and the front property line, if the system is also not in a required side yard setback, and if nuisance and/or safety concerns (such as glare) can be adequately mitigated.

**(2) Height.** The height of the solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt and within ten (10) feet of a residential lot line; and shall not exceed sixteen (16) feet on a residential property or within twenty (20) feet of a residential lot line.

**(3) Area.** Ground-mounted solar energy systems are not classified as lot coverage and are therefore not subject to the maximum lot coverage standards of the zoning district.

**(4) Power Lines.** All power lines between solar panels and inverters must be placed underground.

**(5) Non-conformities:** A Ground-mounted or Building-integrated SES installed on a non-conforming building shall not be considered an expansion of the structural or use nonconformity.

**(6) Application.** All accessory use SES application proposals must include a plot plan (residential, accessory use) or a site plan (commercial or industrial/manufacturing use, accessory use). Applications for roof-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.

**(7) Exemptions:**

**(a)** A SES used to power a single device or specific piece of equipment such as lights, a weather station, a vehicle charger, thermometer, well pump, or other similar device may qualify as a structural amenity and be administratively exempted from the requirements above, but shall meet all standards of [Section 54.702 \(H\)](#).

**(b)** A Building-integrated SES is subject only to Land Development Code regulations applicable to the structure or building and not to accessory ground-mounted or roof-mounted SES permits, provided there are no roof or ground-mounted solar panels/arrays as part of the Building-integrated SES.

**(E) Ground-Mounted Solar Energy Facilities – Utility-Grade (over 20 kW or more, operated by a public utility, government entity, or on-site business only).** Ground mounted and freestanding solar energy systems over 20 kW capacity are permitted for public utilities, government entities, and on-site businesses only, subject to special land use approval in the C, I-M, CR, and BLP zoning districts and subject to the following regulations:

**(1) Location and Setbacks.** The solar energy system shall not be located closer to the street than any portion of the principal building, and shall meet the minimum front, side and rear yard setbacks of the zoning district.

- (2) **Height.** The height of the solar energy system and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
- (3) **Area.** Ground-mounted solar energy systems are not classified as lot coverage and are therefore not subject to the maximum lot coverage standards of the zoning district.
- (4) **Power Lines.** All power lines between solar panels and inverters must be placed underground.
- (5) **Application.** All SES application proposals must include a site plan (commercial, accessory or principal use). Applications for roof-mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES.

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## ADD LANGUAGE

### Section 54.710 Storage of Recreational Vehicles

Unless prohibited elsewhere in the Code of Ordinances, the storage of recreational vehicles is subject to the following requirements:

- (A) **Personal Storage by City Residents.** Residents of the City may store their own recreational vehicles on their own property for an indefinite period of time, provided the vehicles meet the following requirements:
  - (1) The recreational vehicle must be in operable condition if parked in the *front area*.
  - (2) The recreational vehicle must be parked in the rear yard if the registration is not current, and if parked behind the front area, the recreational vehicle must meet the same side and rear setback requirements of *Article 4*, as that of an accessory structure, per *Article 54.705*.
  - (3) A recreational vehicle is not to be used as a dwelling unit in residential zoning districts.

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## ADD LANGUAGE

### Article 14 Administrative Procedures

#### Section 54.1402 Site Plan Review

Figure 51. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
Special land uses	●		
Planned Unit Developments	●		
New building construction totaling more than either 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.	●		
New construction for multi-family residential units that contain or will contain more than twenty (20) dwelling units.	●		
Site Condominium development – New, amendment, or expansion	●		
<b>Additions, alterations, non-residential and multi-family accessory structures, and renovations that are more than 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.</b>	●		
Filling a parcel of land to an elevation above the established grade of adjacent developed land.		●	
New construction, additions, alterations, or site improvements for multi-family residential units that contain or will contain five (5) to twenty (20) dwelling units, and for multi-family residential additions, alterations, or site improvements that are not otherwise exempt (as stated below) , unless site plan review is required due to size criteria being met.		●	
Conversion of an existing building or part thereof from a residential use to a non-residential use, including site improvements that result from a change in the use of the building or part thereof from residential use to nonresidential use.		●	

Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
Additions, alterations, <b>non-residential and multi-family accessory structures</b> , and renovations that are <b>more than 10 percent</b> less than 20% of the size of the original commercial or multi-family residential building footprint or <b>less than 2,500 more than 500</b> square feet, unless otherwise exempt.		●	
<b>Relocation of a building approved via Site Plan Review, with associated utilities</b>		●	
Any expansion or change in an existing land use if more parking in addition to that already provided is required		●	
Any earthwork greater than 20,000 square feet in size for a non-residential use; or earthwork that is more than half the size of the parcel upon which commercial, industrial, mixed-use or multi-family land use is occurring or intended.		●	
Site improvements of more than 2,000 square feet that include landscaping, site access, and parking lot grading, layout, and new off-street parking, unless the activity is exempt		●	

Commercial and non-residential buildings less than 16,000 square feet, unless the activity requires site plan review		•	
Condominium development – New, amendment, or expansion		•	
If only adding a new driveway to an existing off-street parking lot and not affecting the parking lot.			•
Single-family dwellings and their accessory facilities on individual parcels			•
Two-family dwellings and their accessory facilities on individual parcels			•
Multi-family residential units that contain or will contain three (3) or four (4) dwelling units.			•
Additions, alterations, <b>non-residential and multi-family</b> accessory structures, and renovations that are <del>less than</del> <b>up to</b> 10% of the size of the original industrial, commercial or multi-family residential building footprint or <del>less than</del> <b>up to</b> 500 square feet.			•
<b>Relocation of a building approved via a site or plot plan, no corresponding utilities</b>			•
Interior remodeling or interior construction			•
Landscaping that is less than 25% of the parcel size or 2,000 square feet			•
Site improvements that are less than 2,000 square feet, and site lighting, unless the activity requires site plan review or minor site plan review			•
Alterations to exterior walls such as window openings, façade changes, etc., provided there is no change to the building footprint			•
Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout			•