



REQUEST FOR LEGISLATION
(March 1, 2016)

From: Bonnie Wessler, City Planner

Subject: Parks Zoning District text amendment

SUMMARY & BACKGROUND

During the 2014 zoning ordinance update, the "Park" zoning district was created. This district primarily encompasses City parks; however, it also contains two privately-owned cemeteries; St John's and Highland. Highland Cemetery has been approached by DTE and other stakeholders about the possibility of placing a solar farm in the northernmost area of the cemetery, currently unused, and they are interested in constructing such. However, the Park district does not currently allow for a detached solar farm, only attached ("rooftop") solar. Further review indicated that solar farms were only permitted under "Energy, electricity and heat generation plants" by special use in the Production, Manufacturing, and Distribution (PMD) District. As such, a rezoning to PMD was applied for, but Planning Commission felt that it would be more appropriate to allow solar farms as a special use in the Parks district than to rezone the area of consideration. At a subsequent meeting, Planning Commission developed language that would enable solar farms to be placed in Park districts, subject to special use approval and certain setbacks.

Planning Commission recommends that City Council add "Solar Farm" as a Special Use in the P, Park District; allow "Alternative Energy" to remain as an accessory use; and add standard setbacks for buildings in the Park district.

RECOMMENDED ACTION: Approval

ATTACHMENTS: Ordinance
Planning Commission minutes 2/10/2016
Staff report 2/10/2016

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: 03/01/2016

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2016 - 034
March 1, 2016

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The City of Ypsilanti is a leader in alternative energy production in Michigan; and

Whereas, the City has seen success with solar installations throughout the City wishes to encourage future successes; and

Whereas, the amendment to the Zoning Ordinance will help to implement the Master Plan goals of encouraging environmental sustainability and green business in Ypsilanti;

Now therefore be it resolved that the Ypsilanti City Council approve the amendments to Chapter 122, Article VII, Division 6 of the City's Code of Ordinances on FIRST READING.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

An ordinance entitled, "SOLAR FARMS IN PARK DISTRICT"

An ordinance to AMEND the Zoning Ordinance of the City of Ypsilanti, Section 122-8, to Revise "Violations and Penalties."

THE CITY OF YPSILANTI HEREBY ORDAINS:

1. THE CITY OF YPSILANTI ORDAINS that Section 122-302 and Section 122-303 of the Ypsilanti City Code be amended as follows:

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
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES		
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	
Privately owned or operated uses accessory to City parks	S	Includes but is not limited to permanently affixed concession stands, canoe or bicycle liveries.
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Solar Farms	S	Section 122-788
Alternative Energy	A	Section 122-788
Stormwater Control	A	Section 122-789
SERVICES		
Cemetery	P	All principal buildings and accessory buildings must be set back at least 75 feet from all property lines.
Crematory	S	All principal buildings and accessory buildings must be set back at least 75 feet from all property lines.
TEMPORARY USES		
Food concession sales	P	Section 122-35 (7)
URBAN AGRICULTURE		
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
Minimum Lot Width			
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.			
Minimum Lot Size			
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.			
Minimum Setbacks			
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	25 feet	Minimum setbacks must increase by one foot for each foot a building or structure exceeds 30 feet in height.	
Side yard	15 feet		
Street Side yard	25 feet		
Rear yard	20 feet		
Parking Setbacks			
Front & side street yard	10 feet		
Side and rear yards	10 feet		
Height			
Maximum height	Equal to that of adjacent zoning district or building type along the property line. If different heights abut, the largest setback is required.	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.	

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. **Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, repealed.
4. **Saving Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date of this ordinance.
5. **Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.
6. **Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the newspaper of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2016

FRANCES MCMULLAN, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the Ypsilanti Courier on the ____ day of _____, 2016.

FRANCES MCMULLAN, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the ____ day of _____, 2016.

FRANCES MCMULLAN, City Clerk

Notice Published: _____
 First Reading: _____
 Second Reading: _____
 Published: _____
 Effective Date: _____

**PLANNING COMMISSION
Special Meeting
MEETING MINUTES
February 10, 2016
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Present: R. Johnson, H. Jugenitz, A. Bedogne, B. Mason, L. MacGregor, C. Zuellig

Absent: P. Hollifield (excused)

Staff: Bonnie Wessler, Planner II
Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES

None

IV. AUDIENCE PARTICIPATION

None

V. PRESENTATIONS AND PUBLIC HEARING ITEMS

1. Text Amendment (Rezoning): Parks District

Chairman Johnson stated that this is an attempt to clarify the last meeting where there was a request for a zoning change to a piece of property that was located in the parks area. The board requested staff to look at text amendments that might allow solar panels in the parks.

Ms. Wessler, City Planner, presented the staff report stating that in the zoning code, it does provide for a method of accessing potential changes to the text of the zoning code – Sec 122-63. She referred to the text amendment consideration on whether the proposed change is consistent with the guiding values of the Master Plan. She recommended “tweaking” her staff

report under "Uses – Infrastructure" reverting Alternative Energy back as an Accessory use and also adding another line "Solar Farm" as a special use, Section 122-788.

Planning staff recommended approval of this request and stated their findings.

Commissioner Jugenitz moved to open the public portion of the hearing (Support: C. Zuellig) and the motion carried unanimously. Since there was no input by audience members, Commissioner Mason moved to close the public portion of the hearing (Support: H. Jugenitz) and the motion carried unanimously.

Chairman Johnson commended staff on the report stating that it was concise and thorough.

Commissioner Bedogne moved that the Planning Commission recommend to City Council 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.

The motion was supported Commissioner MacGregor. A roll call vote was taken and carried unanimously.

VI. NEW BUSINESS

None

VII. OLD BUSINESS

None

VIII. FUTURE BUSINESS

None

IX. COMMITTEE REPORTS

None

IX ADJOURNMENT

Since there was no further business, Commissioner Zuellig moved to adjourn the meeting (Support: H. Jugenitz). The meeting adjourned at 7:15 p.m.



5 February 2016

**Text Amendment
Solar Farms in Parks District**

GENERAL INFORMATION

Applicant:	City of Ypsilanti
Application Date:	20 Jan 2016
Action Requested:	Zoning Ordinance Text Amendment to allow Solar Farms as a primary use, subject to Special Use, in the Parks zoning district.
Staff Recommendation:	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
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES		
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.
INFRASTRUCTURE		
Essential Services	P	Section 122-637
Alternative Energy	A-S	Section 122-788
Stormwater Control	A	Section 122-789
SERVICES		
Cemetery	P	All principal buildings and accessory buildings must be set back at least 75 feet from all property lines.
Crematory	S	All principal buildings and accessory buildings must be set back at least 75 feet from all property lines.
TEMPORARY USES		
Food concession sales	P	Section 122-35 (7)
URBAN AGRICULTURE		
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
Minimum Lot Width		
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.		
Minimum Lot Size		
Determined by the use and the required off-street parking, loading, screening, and yard setbacks.		
Minimum Setbacks		
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	<p>Equal to that of adjacent zoning district or building type along the property line. If different heights abut, the largest setback is required.</p> <p>30'</p>	<p>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."</p>		

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.

Bonnie Wessler
 City Planner, Community & Economic Development Division

c.c. File



Resolution No. 2016 - 035
March 1, 2016

THAT, the public hearing on *Ordinance No. 1261*: Amendment to Chapter 122, Article VII, Division 6 of the Ypsilanti City Code to add "Solar Farm" as a Special Use in the P, Park District; allow "Alternative Energy" to remain as an accessory use; and add standard setbacks for buildings in the Park district be official closed.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE: