

# City of Detroit

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October 10, 2024

## HONORABLE CITY COUNCIL

**RE:** Proposed text amendment to Chapter 50 of the 2019 Detroit City Code, Zoning, regarding the permissibility of solar generation stations. **(RECOMMEND APPROVAL)**

## BACKGROUND

### *2024 Solar Initiative Approvals*

On July 30, 2024, City Council approved a package of items related to the Administration's Solar Initiative. This approval included a Resolution of Necessity that provides for property acquisition in three solar neighborhoods: Gratiot-Findlay, State Fair (Penrose), and Van Dyke Lynch (Airport Sub). The Resolution of Necessity is required for public improvements under chapter 15 of the 2019 Detroit City Code and states:

*21. This Honorable Body hereby declares that the Solar Initiative is a governmental function and an essential service.*

In Michigan and most other states, the courts have recognized that a local government may expressly exempt certain government projects or functions from its zoning ordinance by writing the exemptions into the zoning ordinance (MSU Extension Land Use Series; Restrictions on Zoning Authority). In cases where an exemption is not written into a zoning ordinance, the legislative body may be asked on a case-by-case basis to decide whether development activity is exempt from zoning. The Michigan Court of Appeals provided the following rationale for why local government entities should not be bound by their own zoning and land use regulations:

*A governmental use, be it a police station, firehouse, school, or municipal office, serves the residents of a distinct, limited area, and, in order to be effective, must be located as close as possible to those persons. Further, a governmental use, by practical necessity, must be located somewhere within the boundaries of the governmental unit. As such, the governmental unit does not have the freedom to construct its structures wherever expedient, as does a private business. Nor does the governmental unit have any real freedom not to build essential government structures. Mainster, Id at 327.*

As the above states, “essential governmental structures” provide a unique and necessary service and, as such, should be considered for exemption from local zoning regulations. Municipal office buildings have been determined to be “essential governmental structures”, as have police stations, firehouses, schools, and structures related to waterworks systems (Taber, supra at 525-526). Courts have also concluded that when uses of a structure are “for the benefit of the general public”, it is a governmental function immune from zoning. Other court opinions have suggested that the grant of the power of eminent domain for a particular purpose implies an intent to exempt the land used from that purpose from zoning regulation (APA PAS Report 112).

The Administration and Council Member Benson have requested a zoning text amendment ratifying the exemption of city solar projects from the Zoning Ordinance (ZO) given City Council’s July approval that the Solar Initiative is a governmental function and an essential service. Part 1 of the proposed amendment is intended to provide an exemption from the ZO for solar generation stations that qualify as an essential government function.

### ***Zoning Ordinance***

Prior to 2016, the ZO was silent on solar or wind alternative energy production facilities. To facilitate the development of O’Shea Solar Park, parallel zoning amendments were approved by City Council. First, a map amendment rezoned the former O’Shea playfield and recreation center from R1 Single-family Residential to PR Parks and Recreation. Second, a text amendment added a new specific land use term of “solar generation station” as a Conditional Use in PR and permitted as a Planned Development. The PR district was targeted for alternative energy facilities as this district typically includes relatively large areas of publicly owned land, such as Belle Isle, Rouge Park, and Eliza Howell Park. The qualifications of a “solar generation station” as a principal use include that the facility is greater than one acre in area and includes ground-mounted devices. Ground-mounted devices could be photovoltaic panel or solar thermal collector (less common).

The 2016 amendments were specific to O’Shea and not intended to be comprehensive. The CPC staff report from 2016 states that the amendments were prepared to respond to a time-sensitive proposal and that additional research is appropriate for future zoning amendments relative to alternative energy facilities. The report also states, “in the future, it is anticipated that such facilities will be permitted by right or on a conditional basis in a variety of zoning districts.”

There are two additional city resources that support expanding the permissibility of solar beyond only the PR and PD districts. An April 2019 City Solar Policy Deployment Guide includes a recommendation to amend the ZO to promote solar energy systems. Zoning-specific recommendations include:

- *Principal Use Solar: Detroit should amend its ZO so that it is more facilitative of solar energy systems as a principal use. Many cities allow solar energy systems as a principal use in a variety of existing zoning districts.*
- *Accessory Use Solar: The ZO should expressly permit solar energy systems as an accessory use in all zoning districts.*

The specific recommendations of this guide have been incorporated into the proposed text amendment. Additionally, the in-progress Zone Detroit ZO update proposes to expand the permissibility of commercial solar throughout residential, business, and industrial districts.

## SUMMARY OF PROPOSED AMENDMENT

### ***Part 1 – Exempt City Solar (Article 1)***

Part 1 of the proposed amendment is intended to provide an exemption from the ZO for solar generation stations that qualify as an essential government function. This includes the 2024 Solar Initiative and future solar generation stations that comply with the proposed Section 50-1-3(b) on page two of the draft ordinance:

- b) Solar generation stations, developed by or on behalf of the City, located on land owned by the City or a local public authority, and approved by the City Council through adoption of a resolution, shall be considered an essential government function and shall be exempt from this chapter.*

Three qualifications are proposed to create the exemption, the first two being related. Requiring solar stations to be developed by or on behalf of the City and located on land owned by the City or a City agency ensures that the exemption is limited to city solar projects. The third qualification that the project be approved by City Council through adoption of a resolution is currently utilized in the ZO to administer other zoning functions, such as permitting commercial recreation facilities in the PR district. Requiring adoption of a resolution ensures there is an adequate level of City Council support for the project and provides for consideration of the project as part of a public meeting. A Resolution of Necessity under chapter 15 would qualify, but the resolution could also come as a standalone item.

Article 1, Section 50-1-3 currently includes a broad exemption statement intended to account for local zoning pre-emptions that may exist. These may include outright zoning pre-emptions that exist under the Michigan Zoning Enabling Act, other state or federal guidelines or laws, and case-by-case pre-emptions that may occur. The proposed language has been preliminarily reviewed by the Law Department and was found to adequately address the Solar Initiative and future qualified projects.

### ***Part 2 – Nonexempt Solar***

Part 2 of the proposed amendment is intended to address Council Member Benson’s additional request that a solar overlay district be drafted with new design standards for solar stations, and comments from other City Council members during the Solar Initiative discussion that they view solar stations as an industrial use. The proposed language in Articles 2 through 16 seeks to address these goals. Solar generation stations that do not qualify or pursue an exemption would be permitted as follows:

- Industrial (M1-M5) Districts: Permitted by-right subject to Development Standards
- Nonindustrial Districts: Permitted through the addition of an Overlay subject to Development Standards

### **Industrial Zoning Districts**

The proposed amendment would expand the permissibility of solar generation stations by adding it as a by-right use in the M1 through M5 Industrial Districts whereas the use is currently only permitted in the PR and PD districts. Stations developed in Industrial Districts would be subject to new Article 14 design and development standards that have been developed by the Planning and Development Department. Solar generation stations would be removed as a by-right use in the PR district as it is typically desirable to limit the area of structures that should occupy open park space.

### **Nonindustrial Zoning Districts (Overlay)**

For nonindustrial zoning districts, solar generation stations would be permissible through the addition of a Solar Station Overlay Areas policy. These areas would be designated by City Council through the zoning amendment process, with a defined boundary intended to capture unique solar stations operating as a principal use. One overlay area is proposed for the existing boundaries of the O’Shea Solar Park to account for solar generation stations being removed from the PR district. Benefits of an overlay approach include

that they can proactively indicate where a use is desired, versus most zoning requirements being reactionary to broad zoning district areas and other use regulations such as spacing requirements. Overlay zoning is also more limiting than if, for example, stations were permitted Conditionally in the R1 or R2 district as the establishment of a Solar Overlay Area would require a text amendment. This restriction can be countered by encouraging solar facilities that fall under the defined threshold or are considered an accessory use, either ground-mounted or roof-mounted. Overlay stations would be subject to the same design and development standards as those in Industrial Districts. An additional MSU Extension resource, Planning and Zoning for Solar Energy Systems: A Guide for Michigan Local Governments, includes overlay zoning as an optional approach to permitting small or large-scale solar energy systems.

#### Standards (Industrial or Overlay)

The proposed amendment would replace the current specific use standards that apply to solar generation stations with a new set of development standards proposed for Article 14. Additionally, the amendment would:

- Add that urban gardens or urban farms may be permitted as an accessory use to a principal use solar generation station
- Require site plan review for solar generation stations with additional submittal requirements
- Add that a performance guarantee may be required
- Amend and add Article 16 definitions to support the proposed solar standards

The Planning and Development Department (PDD) has led in the creation of new design and development standards that would follow zoning best practices for solar station development. These include provisions for massing and cross-access to provide for consideration of the public access network and amenities in the area, and a requirement that pedestrian through access be provided a minimum of every 1,320 feet (1/4 mile) in any direction. Additionally, a height maximum of 20 feet would be established for arrays and above-ground wiring, a minimum 15-foot setback would be required for any buildings or structures (arrays), anti-glare/reflection and noise provisions would be added, and screening requirements would be added for solar stations depending on their proximity to streets and zoning districts. Screening would be required adjacent to public streets and adjacent zoning districts as follows:

#### Adjacent to streets or Residential Districts

- **Buffer Depth:** 10 feet
- **Trees:** Min. 1 deciduous shade or ornamental tree and Min. 1 coniferous tree provided for each 25 linear feet of buffer
- **Fencing:** Max. height 8 feet; chain link, barbed wire, or razor wire is prohibited. Fencing may be added within the buffer strip provided it is at least 10 feet from the property line so that the plantings are located on the perimeter of the fencing, not the interior.

#### Adjacent to Business or Special Districts:

- **Buffer Depth:** 10 feet
- **Trees:** Min. 1 deciduous shade or ornamental tree provided for each 25 linear feet of buffer and Min. 1 coniferous tree provided for each 30 linear feet of buffer
- **Fencing:** Max. height 8 feet; chain link, barbed wire, or razor wire is prohibited. Fencing may be added within the buffer strip provided it is at least 10 feet from the property line so that the plantings are located on the perimeter of the fencing, not the interior.

#### Adjacent to Industrial Districts:

- **Buffer Depth:** 10 feet
- **Trees:** Min. 1 deciduous shade or ornamental tree provided for each 25 linear feet of buffer and Min. 1 coniferous tree provided for each 50 linear feet of buffer
- **Fencing:** Max. height 10 feet; chain link is prohibited.

## SEPTEMBER 19 CPC PUBLIC HEARING

On September 19, 2024, the CPC held a 7:00 P.M. public hearing on the subject text amendment request. Please see the public hearing notice containing a summary of the ordinance amendment as published for the September 19 public hearing. At this meeting, staff provided a presentation (attached) summarizing the need to amend current solar zoning standards as explained in this report. Below is a summary of public comments received and Commissioner discussion.

### ***Commissioner Discussion***

Commissioners discussed a timeline that would have the proposed amendment before City Council prior to its December recess, the amount of solar power that would be generated by the Solar Initiative (21 MW), the amount of city buildings this amount of energy could power (~90 buildings), and the city's use of eminent domain to acquire a limited number of properties in the solar neighborhoods.

One point of discussion was how the desire to encourage and expand solar as an accessory use, such as solar arrays attached to a building, would impact the Detroit Historic District Commission's review of applications for improvements within a historic district. Currently, the proposed amendment only seeks to address urban gardens or urban farms as a permissible accessory use to a solar generation station operating as a principal use. The amendment does not currently propose any specific zoning standards for accessory solar that could potentially conflict with the DHDC's review of applications within a historic district. Staff will continue researching the issue of accessory solar and historic districts and provide follow-up with CPC at a future meeting as a discussion item separate from the in-progress amendment. The HDC does have some basic guidelines in place and due to the growing popularity of solar installations the national Park Service is looking to develop Federal guidelines for state and local government to follow.

### ***Public Hearing Comments***

Four meeting attendees spoke during the public hearing. Below is a summary of comments:

- Speaker 1 expressed a desire for additional studies, a cost benefit analysis, and more time to consider, that rooftop solar should be encouraged, and a complaint about property owners mowing over trash
- Speaker 2 opposed the request and requested additional planning study and encouraged the city to find other ways to beautify
- Speaker 3 spoke in full support as a District 4 CAC member, and noted that the public decided to be included in the Solar Initiative
- Speaker 4 stated there has been neglect and aggressive real estate actors in the solar neighborhoods, that these areas are not necessarily dangerous, and that they oppose the Solar Initiative

## TEXT AMENDMENT APPROVAL CRITERIA

Per Sections 50-3-49 and 50-3-51, recommendations and decision on proposed text amendments shall be based on the following criteria (which are accompanied by CPC staff's analysis):

- 1) Whether the proposed amendment is consistent with the stated purposes of this chapter.  
*Staff comment: The proposed amendment would regulate the location, construction, reconstruction, alteration, and use of structures and land for solar generation stations that do not qualify as exempt from the ZO. The proposed amendment would establish reasonable standards to which non-exempt solar generation stations shall conform, including screening standards to promote a desirable visual environment.*
- 2) Whether the proposed amendment will protect the health, safety, or general welfare of the public.  
*Staff comment: The proposed amendment would remove the ability to develop solar generation*

*stations by-right in the PR district in favor of either industrial zoning or the addition of a zoning overlay area. This shift in permissibility from PR to Industrial/Overlay would support the expansion and development of renewable energy while providing for City Council review and approval of future solar generations stations in nonindustrial areas.*

- 3) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact.

*Staff comment: The proposed amendment would ratify the exemption for city solar projects from the ZO. This is a result of the fact that on July 30, 2024, City Council approved a Resolution of Necessity for phase one of the Solar Initiative that states, "this Honorable Body hereby declares the Solar Initiative is a governmental function and essential service."*

*Additionally, the proposed amendment seeks to address the trend of solar arrays being developed throughout Michigan as a key element to achieving renewable energy goals that have been established or encouraged by state or federal programs.*

- 4) Whether the problem or issue the proposed amendment is intended to address may be addressed in another, more appropriate, fashion.

*Staff comment: The proposed amendment seeks to ratify the exemption for city solar projects from the ZO and expand the permissibility and regulation of nonexempt solar projects. The expansion of permissibility has been proposed based on input previously received from City Council members alongside city and state level solar planning and zoning resources.*

- 5) Whether the proposed amendment is easily enforceable.

*Staff comment: The proposed amendment has been structured to easily find and understand the qualifications for exempt solar generation stations in Article 1, and design and development standards for non-exempt solar stations have been consolidated in Article 14 for ease of use.*

## **CPC RECOMMENDATION TO CITY COUNCIL**

Based on the above analysis and consistent with the approval criteria of Sections 50-3-49 and 50-3-51, the CPC voted 7 – 2 to recommend approval of this text amendment at its October 3 meeting. Commissioner Esparza included a statement that his support is with the understanding that there will be a greater level of citizen and stakeholder input through reaching a wider audience for open conversation. Commissioner Udabe also made a statement and prepared a written version, in association with her vote that is attached for City Council’s information. Also, attached, for Your consideration you will find the amendatory ordinance to effectuate this change.

Respectfully submitted,

DONOVAN SMITH, CHAIRPERSON



Marcell R. Todd, Jr., Director  
Eric Fazzini, City Planner

Attachments: Public Hearing Notice for Solar Text Amendment  
Solar Text Amd Presentation 09192024  
DRAFT Solar Text Amd Ord - CPC 10022024  
Public Comment Letters  
Statement of Commissioner Udabe

cc: Antoine Bryant, Director, PDD  
Dara O'Byrne, Deputy Director, PDD Karen  
Gage, PDD  
Greg Moots, PDD Khalil  
Ligon, PDD  
David Bell, Director, BSEED Trisha  
Stein, Chief Strategy Officer  
Raymond Solomon, Director Department of Neighborhoods Tepfirah  
Rushdan, Director of Sustainability  
Conrad Mallett, Corporation Counsel  
Bruce Goldman, Chief Assistant Corp. Counsel  
Daniel Arking, Assistant Corp. Counsel

## SUMMARY

This Ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, to exempt certain solar generation stations developed by or on behalf of the City from zoning regulation, to allow solar generation stations in industrial zoning districts and prohibit new solar generation stations in PR Parks and Recreation zoning districts, and to establish solar station overlay areas, in which solar generation stations may be permitted in non-industrial zoning districts:

by adding Article III, *Review and Approval Procedures (Part 1)*, Division 5, *Site Plan Review*, Subdivision B, *Submission Requirements*, Section 50-3-139, *Additional submittal requirements for solar generation stations*; Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 14, *Overlay areas*, Subdivision G, *Solar Station Overlay Areas*, Section 50-11-491, *Description*, Section 50-11-492, *Designated solar station overlay areas*, and Section 50-11-493, *Consistency with design standards required*; Article XII, *Use Regulations*, Division 5, *Accessory Uses and Structures*, Subdivision A, *In General*, Section 50-12-465, *Accessory urban gardens and urban farms*; and Article XIV, *Development Standards*, Division 3, *Architectural and Site Design Standards*, Subdivision F, *Solar Generation Station Development*, Section 50-14-481, *In general*, Section 50-14-482, *Massing and cross-access*, Section 50-14-483, *Setbacks*, Section 50-14-484, *Height*, Section 50-14-485, *Glare and reflection*, Section 50-14-486, *Noise*, Section 50-14-487, *Screening*, Section 50-14-488, *Vegetation*, and Section 50-14-489, *Maintenance plan*; and

by amending Article I, *Introductory Provisions*, Section 50-1-3, *Applicability and jurisdiction*; Article III, *Review and Approval Procedures (Part 1)*, Division 5, *Site Plan Review*, Subdivision A, *In General*, Section 50-3-113, *Applicability*; Article VII, *Zoning Districts (In General)*, Section 50-7-6, *Overlay areas*; Article X, *Industrial Zoning Districts*, Division 2, *M1 Limited Industrial District*, Section 50-10-15, *By-right public, civic, and institutional uses*, Division 3, *M2 Restricted Industrial District*, Section 50-10-45, *By-right public, civic, and institutional uses*, Division 4, *M3 General Industrial District*, Section 50-10-75, *By-right public, civic, and institutional uses*, Division 5, *M4 Intensive Industrial District*, Section 50-10-105, *By-right public, civic, and institutional uses*, and Division 6, *M5 Special Industrial District*, Section 50-10-135, *By-right public, civic, and institutional uses*; Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 7, *PR Parks and Recreation*, Section 50-10-151, *Conditional public, civic, and institutional uses*; Article XII, *Use Regulations*, Division 1, *Use Tables*, Subdivision C, *Public, Civic, and Institutional Uses*, Section 50-12-50, *Utility, basic*, and Division 3, *Specific Use Standards*, Subdivision B, *Public, Civic, and Institutional Uses*, Section 50-12-192, *Utilities, basic; utilities, major*; Article XIV, *Development Standards*, Division 8, *Performance Guarantee*, Section 50-14-612, *General requirements*; and Article XVI, *Rules of Construction and Definitions*, Division 2, *Words and Terms Defined*, Subdivision P, *Letter "S"*, Section 50-16-384, *Words and terms (Sm—Ss)*.



1 **BY COUNCIL MEMBER \_\_\_\_\_** :

2 AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, to exempt  
3 certain solar generation stations developed by or on behalf of the City from zoning regulation, to  
4 allow solar generation stations in industrial zoning districts and prohibit new solar generation  
5 stations in PR Parks and Recreation zoning districts, and to establish solar station overlay areas, in  
6 which solar generation stations may be permitted in non-industrial zoning districts:

7 by adding Article III, *Review and Approval Procedures (Part 1)*, Division 5, *Site Plan*  
8 *Review*, Subdivision B, *Submission Requirements*, Section 50-3-139, *Additional submittal*  
9 *requirements for solar generation stations*; Article XI, *Special Purpose Zoning Districts and*  
10 *Overlay Areas*, Division 14, *Overlay areas*, Subdivision G, *Solar Station Overlay Areas*, Section  
11 50-11-491, *Description*, Section 50-11-492, *Designated solar station overlay areas*, and Section  
12 50-11-493, *Consistency with design standards required*; Article XII, *Use Regulations*, Division 5,  
13 *Accessory Uses and Structures*, Subdivision A, *In General*, Section 50-12-465, *Accessory urban*  
14 *gardens and urban farms*; and Article XIV, *Development Standards*, Division 3, *Architectural and*  
15 *Site Design Standards*, Subdivision F, *Solar Generation Station Development*, Section 50-14-481,  
16 *In general*, Section 50-14-482, *Massing and cross-access*, Section 50-14-483, *Setbacks*, Section  
17 50-14-484, *Height*, Section 50-14-485, *Glare and reflection*, Section 50-14-486, *Noise*, Section  
18 50-14-487, *Screening*, Section 50-14-488, *Vegetation*, and Section 50-14-489, *Maintenance plan*;  
19 and

20 by amending Article I, *Introductory Provisions*, Section 50-1-3, *Applicability and*  
21 *jurisdiction*; Article III, *Review and Approval Procedures (Part 1)*, Division 5, *Site Plan Review*,  
22 Subdivision A, *In General*, Section 50-3-113, *Applicability*; Article VII, *Zoning Districts (In*  
23 *General)*, Section 50-7-6, *Overlay areas*; Article X, *Industrial Zoning Districts*, Division 2, *MI*

1 *Limited Industrial District, Section 50-10-15, By-right public, civic, and institutional uses,*  
2 *Division 3, M2 Restricted Industrial District, Section 50-10-45, By-right public, civic, and*  
3 *institutional uses, Division 4, M3 General Industrial District, Section 50-10-75, By-right public,*  
4 *civic, and institutional uses, Division 5, M4 Intensive Industrial District, Section 50-10-105, By-*  
5 *right public, civic, and institutional uses, and Division 6, M5 Special Industrial District, Section*  
6 *50-10-135, By-right public, civic, and institutional uses; Article XI, Special Purpose Zoning*  
7 *Districts and Overlay Areas, Division 7, PR Parks and Recreation, Section 50-10-151, Conditional*  
8 *public, civic, and institutional uses; Article XII, Use Regulations, Division 1, Use Tables,*  
9 *Subdivision C, Public, Civic, and Institutional Uses, Section 50-12-50, Utility, basic, and Division*  
10 *3, Specific Use Standards, Subdivision B, Public, Civic, and Institutional Uses, Section 50-12-*  
11 *192, Utilities, basic; utilities, major; Article XIV, Development Standards, Division 8,*  
12 *Performance Guarantee, Section 50-14-612, General requirements; and Article XVI, Rules of*  
13 *Construction and Definitions, Division 2, Words and Terms Defined, Subdivision P, Letter "S",*  
14 *Section 50-16-384, Words and terms (Sm—Ss).*

15 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**  
16 **THAT:**

17 **Section 1.** Chapter 50 of the Detroit City Code, *Zoning*, is amended by adding Article III,  
18 Division 5, Subdivision B, Section 50-3-139; Article XI, Division 14, Subdivision G, Section 50-  
19 11-491, Section 50-11-492, and Section 50-11-493; Article XII, Division 5, Subdivision A, Section  
20 50-12-465; and Article XIV, Division 3, Subdivision F, Section 50-14-481, Section 50-14-482,  
21 Section 50-14-483, Section 50-14-484, Section 50-14-485, Section 50-14-486, Section 50-14-487,  
22 Section 50-14-488, and Section 50-14-489; and by amending Article I, Section 50-1-3; Article III,  
23 Division 5, Subdivision A, Section 50-3-113; Article VII, Section 50-7-6; Article X, Division 2,

1 Section 50-10-15, Division 3, Section 50-10-45, Division 4, Section 50-10-75, Division 5, Section  
2 50-10-105, and Division 6, Section 50-10-135; Article XI, Division 7, Section 50-10-151; Article  
3 XII, Division 1, Subdivision C, Section 50-12-50, and Division 3, Subdivision B, Section 50-12-  
4 192; Article XIV, Division 8, Section 50-14-612; and Article XVI, Division 2, Subdivision P,  
5 Section 50-16-384 as follows:

6 **CHAPTER 50. ZONING**

7 **ARTICLE I. INTRODUCTORY PROVISIONS**

8 **Sec. 50-1-3. Applicability and jurisdiction.**

9 (a) The provisions of this chapter shall apply to all land within the City, including land  
10 owned by local, County, state, or federal agencies, except where such land is determined to be  
11 exempt from local zoning regulations.

12 (b) Solar generation stations, developed by or on behalf of the City, located on land  
13 owned by the City or a local public authority, and approved by the City Council through adoption  
14 of a resolution, shall be considered an essential government function and shall be exempt from this  
15 chapter.

16 **ARTICLE III. REVIEW AND APPROVAL PROCEDURES (PART 1)**

17 **DIVISION 5. SITE PLAN REVIEW**

18 **Subdivision A. In General**

19 **Sec. 50-3-113. Applicability.**

20 Applications for proposed developments that meet any one or more of the applicability  
21 criteria in this section shall be reviewed through the site plan review process. Developments that  
22 do not meet any of the applicability criteria in this section shall be reviewed by the Buildings,  
23 Safety Engineering, and Environmental Department through its permitting process, provided, that

1 a site plan review is not required for the construction or alteration of an individual single- or two-  
2 family dwelling.

3 (1) New construction that involves any one of the following:

4 a. Any new development that has more than 20,000 square feet of gross floor  
5 area, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for  
6 industrial uses shall be 50,000 square feet of gross floor area;

7 b. Projects with multiple principal structures on one zoning lot;

8 c. Any multiple-family residential or loft development with more than 12  
9 dwelling units;

10 d. Site condominium developments;

11 e. Projects in a 100-year floodplain;

12 f. Any parking structure as defined in Section 50-16-341 of this Code; or

13 g. Projects located in the portion of the MKT Market and Distribution District  
14 described in Section 50-13-157(a) of this Code.

15 (2) Additions or major structural alterations that involve any of the following:

16 a. Any development that has not more than 20,000 square feet of gross floor  
17 area where the addition or alteration results in a cumulative total of more  
18 than 20,000 square feet of gross floor area, considering existing floor area  
19 and proposed additions, except that, on land zoned M1, M2, M3, M4 or M5,  
20 the threshold for industrial uses shall be 50,000 square feet of gross floor  
21 area;

22 b. An increase of 25 percent or more in gross square footage to an existing  
23 building that contains more than 20,000 square feet of gross floor area,

1                   except that, on land zoned M1, M2, M3, M4 or M5, the threshold for  
2                   industrial uses shall be 50,000 square feet of gross floor area;

3                   c.     Projects in a 100-year floodplain; or

4                   d.     Projects located in the portion of the MKT Market and Distribution District  
5                   described in Section 50-13-157(a) of this Code.

6                   (3)    Any development with a lot area of more than one acre in cumulative total  
7                   considering existing lot area and any proposed additional lot area, except that, on  
8                   land zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall be three  
9                   acres.

10                  (4)    Substantial changes in use within any building that has more than 20,000 square  
11                  feet of gross floor area or of any use with a lot area of more than one acre, except  
12                  that, on land zoned M1, M2, M3, M4, or M5, the threshold for industrial uses shall  
13                  be 50,000 square feet of gross floor area and three acres. For purposes of site plan  
14                  review, a substantial change in use is one that involves the establishment of a use  
15                  from one of the major land use classifications that are set out in Article XII of this  
16                  chapter, which are residential, public/civic/institutional, retail/service/commercial,  
17                  manufacturing/industrial, and other, where the use immediately preceding the new  
18                  use was from a different major land use classification.

19                  (5)    Any conditional, regulated, or controlled land use and any case before the Board of  
20                  Zoning Appeals as the body of first jurisdiction.

21                  (6)    Any use that has drive-up or drive-through facilities or a walk-up component.

22                  (7)    Projects within any PD, SD1, SD2, or SD5 District, provided that in the SD1, SD2,  
23                  and SD5 Districts, alterations to an existing structure that do not involve additions

1 or major structural alterations qualify for “expedited review” as provided for in  
2 Section 50-3-131(b) of this Code.

3 (8) Projects within the SD4 District that involve the following four utility uses: electric  
4 transformer station; gas regulator station; telephone exchange building; water  
5 works, reservoir, pumping station, or filtration plant.

6 (9) Projects seeking approval under the Alternative Residential Development Options  
7 provisions of Article XIII, Division 3 of this chapter.

8 (10) Urban farms and all other agricultural uses specified as conditional use in Section  
9 50-12-109 of this Code.

10 (11) Any new or newly established motor vehicle salesroom or sales lot for the sale of  
11 used vehicles.

12 (12) Development projects which meet the post-construction stormwater management  
13 applicability thresholds described at Sec. 48-2-101 of this Code.

14 (13) Any type of medical marijuana facility or adult-use marijuana establishment.

15 (14) Solar generation stations.

#### 16 **Subdivision B. Submission Requirements**

#### 17 **Sec. 50-3-139. Additional submittal requirements for solar generation stations.**

18 In addition to the submittal requirements listed in this subdivision, solar generation station  
19 applications shall include the following:

20 (1) Equipment and unit renderings;

21 (2) Elevation drawings showing the height of all existing and proposed buildings and  
22 structures, as well as solar arrays and panels at maximum tilt in their most vertical  
23 position;

- 1        (3) Location of power lines and all equipment;
- 2        (4) Maintenance plan;
- 3        (5) Decommissioning plan, which shall include the following:
  - 4            a. Anticipated life of the project;
  - 5            b. At least one cost estimate from a qualified contractor for full removal and  
6            disposal of equipment, foundations, and structures associated with the  
7            system, stated in current dollars, which must be updated every tenth year  
8            after commencement of operations;
  - 9            c. Signature of an authorized representative of the party responsible for  
10           decommissioning;
  - 11           d. The conditions upon which decommissioning will be initiated, such as for  
12           example the termination of land lease or failure to provide power generation  
13           or storage for 12 months;
  - 14           e. Certification that all equipment, conduit, structures, fencing, roads,  
15           foundations, and other associated improvements will be removed to a depth  
16           of three feet by the end of the decommissioning period;
  - 17           f. Certification that the property be restored, to the extent feasible, at least to  
18           its preexisting condition prior to the development of the system, not  
19           including restoration of any improvements previously on the property or  
20           vegetation planted pursuant to this chapter;
  - 21           g. Description of the timeframe for completion of decommissioning activities,  
22           which shall not exceed 12 months;

1 h. Copies of the terms of any lease or other agreement with the landowner  
2 regarding decommissioning.

3 i. Identification of the party responsible for decommissioning,

4 j. Description of any plans or circumstances that would trigger an update of  
5 the decommissioning plan, and

6 k. A recorded copy of the Memorandum of Decommissioning Plan.

7 (6) Preliminary Fire Response Plan that satisfies Section 225(q) of the Clean and  
8 Renewable Energy and Energy Waste Reduction Act, being MCL 460.1225(q), as  
9 amended;

10 (7) A Groundcover and Vegetation Establishment and Management Plan. Vegetation  
11 must include native species and natural seed mixes, except for areas containing  
12 urban agriculture uses, and must not include invasive plant species or noxious  
13 weeds;

14 (8) Equipment specification sheets for the system components, if available;

15 (9) Site plan showing distances from all existing and proposed structures, buildings,  
16 and fencing on the site to all lot lines, to all boundaries of a leased site, if applicable,  
17 and to all structures and buildings located on adjacent properties; and

18 (10) Anticipated life expectancy of the system components, including the estimated  
19 schedule for battery replacement as necessary to maintain power generation and  
20 storage capacity over the system's lifetime.

21 **Secs. 50-3-140 — 50-3-150. Reserved.**



1                                   **ARTICLE VII. ZONING DISTRICTS (IN GENERAL)**

2   **Sec. 50-7-6. Overlay areas.**

3                   As provided for in Article XI, Division 14, of this chapter, certain areas of the City, while  
4   classified within certain zoning districts, are geographically subclassified as overlay areas. Overlay  
5   areas include the following:

- 6           (1)   Gateway Radial Thoroughfare Overlay Areas;
- 7           (2)   Traditional Main Street Overlay Areas;
- 8           (3)   Major Corridor Overlay Areas;
- 9           (4)   Grand Boulevard Overlay Area;
- 10          (5)   Downtown and Riverfront Overlay Areas;~~and~~
- 11          (6)   Development Improvement Area~~;~~ and
- 12          (7)   Solar Station Overlay Areas.

13                                   **ARTICLE X. INDUSTRIAL ZONING DISTRICTS**

14                                   **DIVISION 2. M1 LIMITED INDUSTRIAL DISTRICT**

15   **Sec. 50-10-15. By-right public, civic, and institutional uses.**

16                   By-right public, civic, and institutional uses within the M1 Limited Industrial District are  
17   as follows:

- 18          (1)   Armory.
- 19          (2)   Auditoriums, public.
- 20          (3)   Electric transformer station.
- 21          (4)   Fire or police station, post office, courthouse, and similar public building.
- 22          (5)   Gas regulator station.
- 23          (6)   Governmental service agency.

- 1 (7) Library.
- 2 (8) Museum.
- 3 (9) Neighborhood center, non-profit.
- 4 (10) Outdoor entertainment facility.
- 5 (11) Outdoor recreation facility.
- 6 (12) Power or heating plant with fuel storage on site.
- 7 (13) Religious institution.
- 8 (14) Solar generation station.
- 9 (15) Stadium or sports arena.
- 10 (16) Substance abuse service facilities.
- 11 (17) Telephone exchange building.
- 12 (18) Water works, reservoir, pumping station, or filtration plant.

### **DIVISION 3. M2 RESTRICTED INDUSTRIAL DISTRICT**

#### **Sec. 50-10-45. By-right public, civic, and institutional uses.**

15 By-right public, civic, and institutional uses within the M2 Restricted Industrial District  
16 are as follows:

- 17 (1) Armory.
- 18 (2) Auditoriums, public.
- 19 (3) Electric transformer station.
- 20 (4) Fire or police station, post office, courthouse, and similar public building.
- 21 (5) Gas regulator station.
- 22 (6) Governmental service agency.
- 23 (7) Library.

- 1 (8) Museum.
- 2 (9) Neighborhood center, non-profit.
- 3 (10) Outdoor entertainment facility.
- 4 (11) Outdoor recreation facility.
- 5 (12) Power or heating plant with fuel storage on site.
- 6 (13) Religious institution.
- 7 (14) Solar generation station.
- 8 (15) Stadium or sports arena.
- 9 (16) Substance abuse service facility.
- 10 (17) Telephone exchange building.
- 11 (18) Water works, reservoir, pumping station, or filtration plant.

12 **DIVISION 4. M3 GENERAL INDUSTRIAL DISTRICT**

13 **Sec. 50-10-75. By-right public, civic, and institutional uses.**

14 By-right public, civic, and institutional uses within the M3 General Industrial District are  
15 as follows:

- 16 (1) Armory.
- 17 (2) Electric transformer station.
- 18 (3) Fire or police station, post office, courthouse, and similar public building.
- 19 (4) Gas regulator station.
- 20 (5) Governmental service agency.
- 21 (6) Power or heating plant with fuel storage on site.
- 22 (7) Solar generation station.
- 23 (8) Telephone exchange building.

1           (9)     Water works, reservoir, pumping station, or filtration plant.

2                                   **DIVISION 5. M4 INTENSIVE INDUSTRIAL DISTRICT**

3   **Sec. 50-10-105. By-right public, civic, and institutional uses.**

4           By-right public, civic, and institutional uses within the M4 Intensive Industrial District are  
5 as follows:

6           (1)     Armory.

7           (2)     Electric transformer station.

8           (3)     Fire or police station, post office, courthouse, and similar public building.

9           (4)     Gas regulator station.

10          (5)     Governmental service agency.

11          (6)     Power or heating plant with fuel storage on site.

12          (7)     Solar generation station.

13          (8)     Steam generating plant.

14          (9)     Telephone exchange building.

15          (10)    Water works, reservoir, pumping station, or filtration plant.

16                                   **DIVISION 6. M5 SPECIAL INDUSTRIAL DISTRICT**

17   **Sec. 50-10-135. By-right public, civic, and institutional uses.**

18          By-right public, civic, and institutional uses within the M5 Special Industrial District are  
19 as follows:

20          (1)     Electric transformer station.

21          (2)     Gas regulator station.

22          (3)     Power or heating plant with fuel storage on site.

23          (4)     Solar generation station.

- 1           (5)     Steam generating plant.
- 2           (6)     Telephone exchange building.
- 3           (7)     Water works, reservoir, pumping station, or filtration plant.

4           **ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS**

5                           **DIVISION 7. PR PARKS AND RECREATION**

6           **Sec. 50-10-151. Conditional public, civic, and institutional uses.**

7                    Conditional public, civic, and institutional uses within the PR Parks and Recreation District  
8           are as follows:

- 9           (1)     Outdoor entertainment facility.
- 10          ~~(2)     Solar generation station.~~
- 11          (2)     Water works, reservoir, pumping station, or filtration plant.

12                           **DIVISION 14. OVERLAY AREAS**

13                           **Subdivision G. Solar Station Overlay Areas**

14           **Sec. 50-11-491. Description.**

15                   (a)     Solar Station Overlay Areas allow for the development of solar generation stations  
16           as a principal use in nonindustrial zoning districts. Solar Station Overlay Areas are listed in Section  
17           50-11-492 of this Code.

18                   (b)     Solar Station Overlay Areas are subject to the development standards set forth in  
19           Sections 50-14-481 through 50-14-489 of this Code, which address development-related aspects  
20           of solar generation stations, such as placement, design, construction, operation, monitoring,  
21           modification, and removal in the interest of public safety, to minimize negative impacts on  
22           adjacent and nearby properties and neighborhoods.

1 **Sec. 50-11-492. Designated solar station overlay areas.**

2 The following areas are designated as Solar Station Overlay Areas: *O’Shea Solar Station.*

3 All zoning lots within the area bounded by the Jeffries Freeway (I-96) to the north; Greenfield  
4 Road to the east; Capitol Street to the south; and Rutherford Street, extended to I-96, to the west.

5 **Sec. 50-11-493. Consistency with design standards required.**

6 Upon receipt of a permit application for the development of a solar generation station  
7 within a Solar Station Overlay Area, the Buildings, Safety Engineering, and Environmental  
8 Department shall forward such application to the Planning and Development Department. The  
9 Buildings, Safety Engineering, and Environmental Department must not approve a permit  
10 application for development of a solar generation station within a Solar Station Overlay Area  
11 unless the Planning and Development Department has verified that such work is consistent with  
12 the development standards set forth in Sections 50-14-481 through 50-14-489 of this Code.

13 **Secs. 50-11-494 – 50-11-500. Reserved.**

14 **ARTICLE XII. USE REGULATIONS**

15 **DIVISION 1. USE TABLES**

16 **Subdivision C. Public, Civic, and Institutional Uses**

1 **Sec. 50-12-50. Utility, basic.**

2 Regulations regarding basic utility uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)		
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	M K T	S D 1	S D 2		S D 4	S D 5
Utility, basic	Electric transformer station					C	C	C	C	C	C	R	R	R	R	R	R	L					R	R		C	C	C	R		Section 50-12-192
	Gas regulator station					C	C	C	C	C	C	R	R	R	R	R	R	L					R	R		C	C	C	R		Section 50-12-192
	Residential-area utility facilities, public	C	C	C	C													L						R							Section 50-12-192
	Solar generation station															R	R	R	R	R	L				C						Section 50-12-192
	Telephone exchange building					C	C	C	C	C	C	R	R	R	R	R	R	L					R	R			C	C	R		Section 50-12-192
	All other																		L					R					C		Section 50-12-192

3

1 **DIVISION 3. SPECIFIC USE STANDARDS**

2 **Subdivision B. Public, Civic, and Institutional Uses**

3 **Sec. 50-12-192. Utilities, basic; utilities, major.**

4 Basic utility facilities and major utility facilities shall be subject to the following  
5 requirements:

6 (1) Service or storage yards for any electric transformer station, gas regulator station,  
7 telephone exchange building, water work, reservoir, pumping station, or filtration  
8 plant, shall not be permitted, except in the B5, B6, M1, M2, M3, M4, M5 and TM  
9 Districts;

10 (2) In the R1, R2, R3, R4, R5, R6, residential PD, PR and SD1 Districts:

11 a. Basic utilities shall be permitted only when operating requirements mandate  
12 that they be located within the district in order to serve the immediate  
13 vicinity; and

14 b. Outdoor service or storage yards shall not be permitted;

15 (3) In the SD4 District, the following uses shall be subject to site plan review as  
16 provided for in Section 50-3-113(8) of this Code, and subject to review as to the  
17 appropriateness of exterior design:

18 a. Electric transformer stations;

19 b. Gas regulator stations;

20 c. Telephone exchange buildings; and

21 d. Water works, reservoirs, pumping stations, and filtration plants.

22 (4) In the PR District, the only major utility that shall be permitted is a pumping station  
23 without on-site employees.



1 (5) Solar generation stations are limited to the PD and ~~PR~~ industrial zoning districts;  
2 ~~reasonable and appropriate conditions relative to the following factors may be~~  
3 ~~attached to any approval, except if located in a designated Solar Station Overlay~~  
4 Area. Solar generation stations are subject to the development standards set forth  
5 in Sections 50-14-481 through 50-14-489 of this Code.

6 a. ~~Height of installation;~~

7 b. ~~Setback from rights of way and adjacent properties and uses;~~

8 c. ~~Screening from rights of way and adjacent properties and uses;~~

9 d. ~~Landscaping;~~

10 e. ~~Glare mitigation;~~

11 f. ~~Noise;~~

12 g. ~~Safety/access; site security;~~

13 h. ~~Location of on-site power lines;~~

14 i. ~~Lighting;~~

15 j. ~~Notice for the purpose of identification and warning;~~

16 k. ~~Removal requirements upon abandonment/decommissioning;~~

17 l. ~~Stormwater management;~~

18 m. ~~Construction period impacts;~~

19 n. ~~General site maintenance;~~

20 o. ~~Off street parking.~~

21 **DIVISION 5. ACCESSORY USES AND STRUCTURES**

22 **Subdivision A. In General**

1 **Sec. 50-12-465. Accessory urban gardens and urban farms.**

2 Urban gardens or urban farms are permissible as an accessory use to any solar generation  
3 station.

4 **Secs. 50-12-466 — 50-12-480. Reserved.**

5 **ARTICLE XIV. DEVELOPMENT STANDARDS**

6 **DIVISION 3. ARCHITECTURAL AND SITE DESIGN STANDARDS**

7 **Subdivision E. Large Retail Centers**

8 **Secs. 50-14-477 — 50-14-480. Reserved.**

9 **Subdivision F. Solar Generation Station Development**

10 **Sec. 50-14-481. In general.**

11 The design standards of this subdivision apply to every solar generation station  
12 development that is subject to this chapter.

13 **Sec. 50-14-482. Massing and cross-access.**

14 (a) To permit public access through large, contiguous solar generation stations without  
15 need for pedestrians to walk excessive distances, solar generation stations must provide public  
16 access a minimum of every 1,320 feet in any direction.

17 (b) Points of public access must be located in the context of the solar generation  
18 station’s surroundings, including in consideration of the existing vehicular or pedestrian network,  
19 connectivity to nearby amenities, such as schools, recreation centers, and business areas, and any  
20 paths of desire that may exist that would otherwise be disrupted by the solar generation station.

21 **Sec. 50-14-483. Setbacks.**

22 Solar panel arrays shall be setback at least the 15 feet, as depicted by measurement “B” in  
23 Figures 50-14-487(a), (b), and (c).

1 **Sec. 50-14-484. Height.**

2 Solar panel arrays, including above-ground wiring, shall not exceed 20 feet in height,  
3 measured from the ground to the highest point of the array structure or wiring support structure,  
4 as applicable, when positioned at maximum height.

5 **Sec. 50-14-485. Glare and reflection.**

6 The exterior surfaces of solar panels shall be generally neutral in color and substantially  
7 non-reflective of light. Panels shall be designed, installed, located, and oriented to avoid the  
8 direction of glare into adjacent dwellings.

9 **Sec. 50-14-486. Noise.**

10 Noise generated by solar generation stations shall not exceed an hourly average of 65  
11 decibels, as modeled utilizing the American National Standards Institute “A-weighted scale” at the  
12 nearest outer wall of the nearest dwelling located on an adjacent property.

13 **Sec. 50-14-487. Screening.**

14 (a) Solar generation stations that are adjacent to a public street or are across an alley or  
15 adjacent to a zoning lot zoned R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5,B6, residential PD,  
16 PC, PCA, PR, W1, MKT, SD1, SD2, SD4, or SD5 shall include a landscape buffer adjacent to  
17 such public street or zoning lot. The buffer shall have a width of at least 10 feet, as depicted by  
18 measurement “A” in Figures 50-14-487(a) and (b). Such landscape buffers are subject to the  
19 following standards:

- 20 (1) *Trees:* Trees shall be planted in the landscape buffer. At least one deciduous shade  
21 or ornamental tree and at least one coniferous tree shall be planted not more than  
22 every 25 linear feet of landscape buffer, as depicted by measurements “C” for  
23 deciduous trees and “D” for coniferous trees in Figures 50-14-382(a) and (b). Each

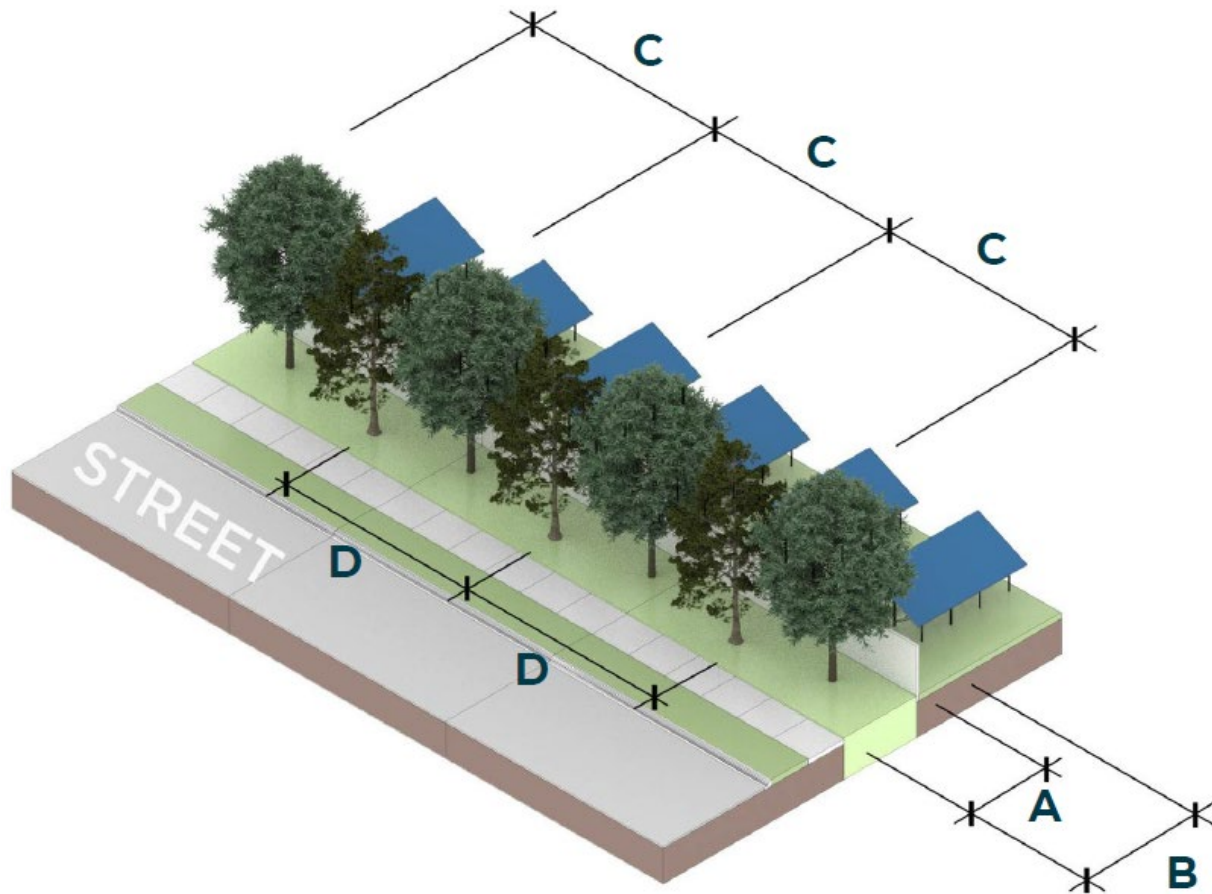
1 tree must have a minimum nonpaved planting area of 18 square feet. If there is an  
2 existing pattern of trees along the street, new deciduous trees shall, to the greatest  
3 extent possible, be the same species and planted according to the spacing and  
4 pattern as the existing trees, except if the species of existing trees is included in the  
5 list of prohibited tree species in Section 50-14-324 of this Code or if the species,  
6 spacing, or pattern of existing trees will block solar access to the solar generation  
7 station.

8 (2) *Fencing:* Fencing may be located within the landscape buffer at least 10 feet from  
9 the property line, as depicted by measurement “A” in Figures 50-14-382(a) and (b).  
10 If a fence is provided, the height of such fence must not exceed eight feet. Fence  
11 materials may include decorative wrought-iron -style, vinyl or PVC-coated mini-  
12 mesh, expanded metal mesh, or wire mesh fencing, but must not include chain link,  
13 barbed wire, or razor wire.

14 **Figure 50-14-487(a)**

15 **Isometric View of Public Street Screening**

16 (For Informational Purposes Only)



1

2

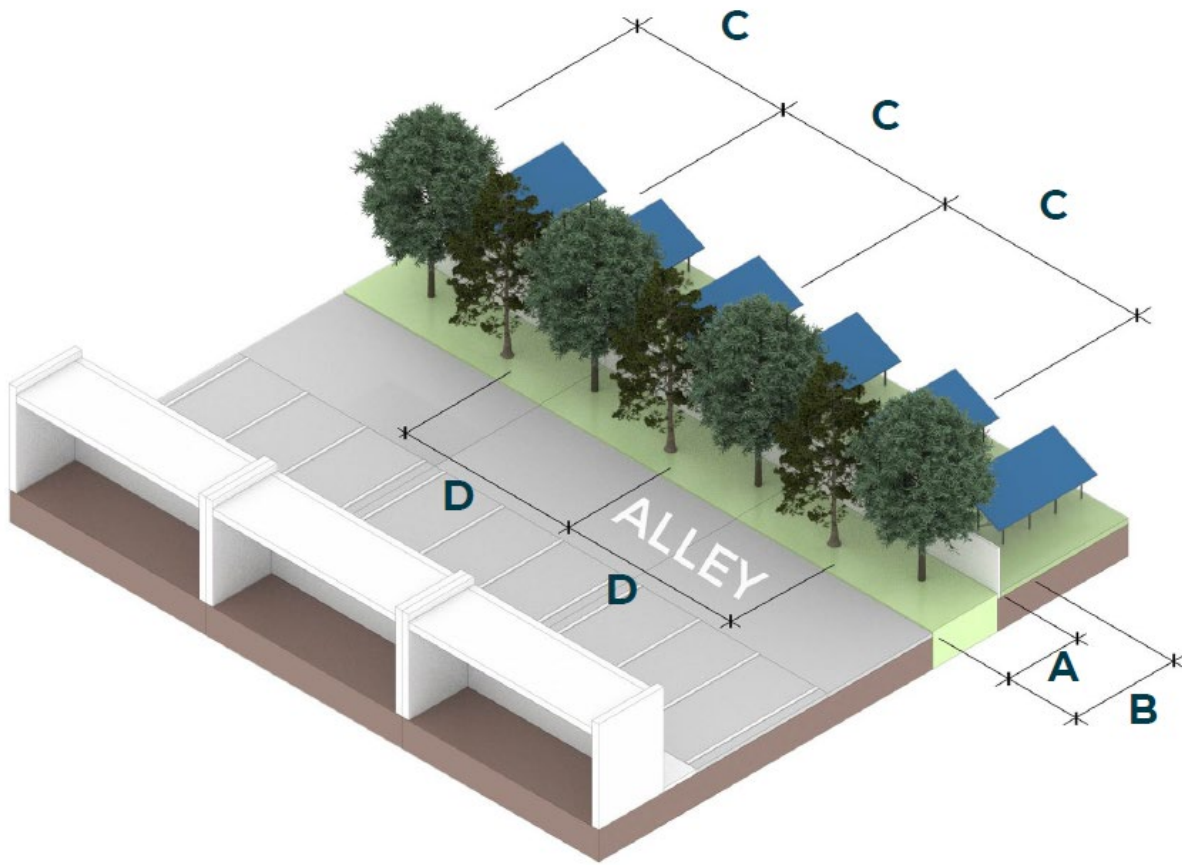
3

4

**Figure 50-14-487(b)**

**Isometric View of Alley-Adjacent Residential, Business or Special District Screening**

**(For Informational Purposes Only)**



1  
 2 (b) Solar generation stations that are adjacent to a railroad right-of-way, freeway, or  
 3 freeway ramp or are across the alley from or adjacent to a zoning lot zoned M1, M2, M4, M5, TM,  
 4 industrial PD shall include a landscape buffer adjacent to such right-of-way or zoning lot. The  
 5 buffer shall have a width of at least 10 feet, as depicted by measurement “A” in Figure 50-14-  
 6 487(c). Such landscape buffers are subject to the following standards:

7 (1) *Trees:* Trees shall be planted in the landscape buffer. At least one deciduous shade  
 8 or ornamental tree shall be planted not more than every 25 linear feet of landscape  
 9 buffer, as depicted by measurement “C” in Figure 50-14-382(c), and at least one  
 10 coniferous tree shall be shall be planted not more than every 50 linear feet of  
 11 landscape buffer, as depicted by measurement “D” in Figure 50-14-382(c). Each  
 12 tree must have a minimum nonpaved planting area of 18 square feet. If there is an

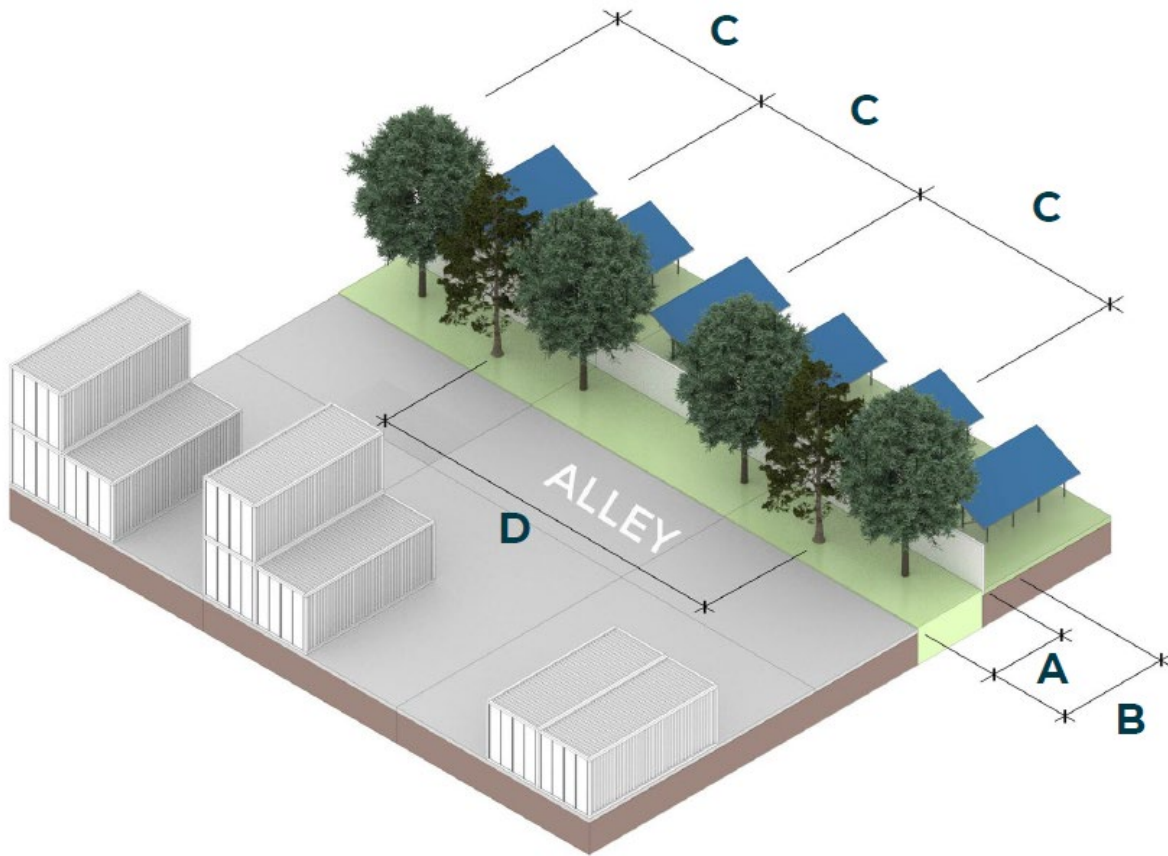
1 existing pattern of trees along the street, new deciduous trees shall, to the greatest  
2 extent possible, be the same species and planted according to the spacing and  
3 pattern as the existing trees, except if the species of existing trees is included in the  
4 list of prohibited tree species in Section 50-14-324 of this Code or if the species,  
5 spacing, or pattern of existing trees will block solar access to the solar generation  
6 station.

7 (2) *Fencing*: Fencing may be located within the landscape buffer at least 10 feet from  
8 the property line, as depicted by measurement “A” in Figure 50-14-382(c). If a  
9 fence is provided, the height of such fence must not exceed 10 feet. Fence materials  
10 may include decorative wrought-iron style, vinyl or PVC-coated mini-mesh,  
11 expanded metal mesh, or wire mesh fencing, but must not include chain link.

12 **Figure 50-14-487(c)**

13 **Isometric View of Industrial District Screening**

14 (For Informational Purposes Only)



1

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2 (c) All ground treatment within the landscape buffer area shall be in accordance with  
3 Sections 50-14-326 and 50-14-327 of this Code.

4 **Sec. 50-14-488. Vegetation.**

5 All non-tree vegetation within a solar generation station, with the exception of vegetation  
6 grown for urban agriculture, shall be properly maintained at a height not to exceed 24 inches so as  
7 to not block access to solar arrays or create a nuisance. Trees planted within the landscape buffer  
8 area shall be maintained so as not to block or otherwise interfere with operation of the solar  
9 generation station.

10 **Sec. 50-14-489. Maintenance plan.**

11 All equipment utilized by a solar generation station shall be properly maintained in  
12 accordance with manufacturers' recommendations and so as to be operable as designed. Scheduled



1 maintenance activities shall be evidenced by a maintenance plan, which must be submitted as part  
2 of the site plan review submissions for the solar generation station. If the maintenance plan  
3 includes the use of detergents or other inorganic substances to clean the solar array panels or any  
4 other equipment, then the maintenance plan must identify the type of product, the frequency of use  
5 and quantity to be used, and the soil and water quality protection measures to be utilized.

## 6 **DIVISION 8. PERFORMANCE GUARANTEE**

### 7 **Sec. 50-14-612. General requirements.**

8 The performance guarantee shall meet the following requirements:

9 (1) The performance guarantee shall be in the form of a certified check, surety bond,  
10 or performance bond which names the property owner as the obligor and the City  
11 as the obligee;

12 (2) The performance guarantee shall be submitted at the time of issuance of the permit  
13 that authorizes the activity or project. Where appropriate, based on the type of  
14 performance guarantee that is submitted, the City shall deposit the funds in an  
15 interest-bearing account in a financial institution where the City regularly conducts  
16 business;

17 (3) The amount of the performance guarantee shall be sufficient to cover the estimated  
18 cost of the improvements for which the performance guarantee is required. The  
19 applicant shall provide an itemized schedule of estimated costs to complete all such  
20 improvements;

21 (4) A performance guarantee may also be required for junkyards, solar generation  
22 stations, towing service storage yards, and those waste-related uses that are  
23 specified in Section 50-12-84 of this Code in an amount sufficient to abate any

1 nuisances which remain in the event of abandonment. The exact amount of the  
2 performance guarantee shall be determined by the Buildings, Safety Engineering,  
3 and Environmental Department;

4 (5) The entire performance guarantee, including interest accrued, shall be returned to  
5 the applicant following inspection by the Buildings, Safety Engineering, and  
6 Environmental Department and a determination that the required improvements  
7 have been completed satisfactorily. The performance guarantee may be released to  
8 the applicant in proportion to the work that is completed on various elements,  
9 provided, that a minimum of ten percent shall be held back on each element until  
10 satisfactory completion of the entire project, provided further, that in the case of a  
11 performance guarantee which is required under Subsection (4) of this section, the  
12 performance guarantee may be retained by the City until the use is changed or  
13 abandoned, and the Buildings, Safety Engineering, and Environmental Department  
14 has determined that any nuisances that remain on the property have been abated.

15 **ARTICLE XVI. RULES OF CONSTRUCTION AND DEFINITIONS**

16 **DIVISION 2. WORDS AND TERMS DEFINED**

17 **Subdivision P. Letter "S"**

18 **Sec. 50-16-384. Words and terms (Sm—Ss).**

19 For the purposes of this chapter, the following words and phrases beginning with the letters  
20 "Sm" through "Ss," shall have the meaning respectively ascribed to them by this section:

Term	Definition
Small distillery	A facility operated by a manufacturer of spirits licensed by the Michigan Liquor Control Commission as a small distiller, annually manufacturing in Michigan not more than 60,000 gallons of spirits, of all brands combined.

Term	Definition
Small lot	Any residential lot less than 50 feet in width and 5,000 square feet in area.
Small winery	A facility operated by a small winemaker licensed by the Michigan Liquor Control Commission for the manufacturing or bottling of not more than 50,000 gallons of wine in one calendar year.
Smoking lounge, cigar	An establishment or area within an establishment that constitutes a “cigar bar” as defined by Section 12601 of the Michigan Smoke-Free Indoor Air Law, PA 188 of 2009, being MCL 333.12601. Smoking lounge, cigar, does not include smoking lounge, other, medical marijuana facilities, or adult-use marijuana establishments as defined by this article.
Smoking lounge, other	A retail establishment that constitutes a “tobacco specialty retail store” as defined by Section 12601 of the Michigan Smoke-Free Indoor Air Law, PA 188 of 2009, being MCL 333.12601 and that is designated wholly or in part for the on-premises smoking of tobacco products or nontobacco smoking products or substances, which may include the on-premise use of hookah as defined by this article. Smoking lounge, other, does not include tobacco retail store, smoking lounge, cigar, medical marijuana facilities, or adult-use marijuana establishments as defined by this article.
Snack food	Prepared and commercially prepackaged non-potentially hazardous food.
Solar array	A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.
Solar generation station	<p><del>An energy generation facility in excess of one acre 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. (Also known as "solar farm.")</del></p> <p><u>A ground-mounted solar energy system utilizing a solar array to generate more than two megawatts of electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market. (Also known as a “solar farm or solar park.”)</u></p>
Solid waste	Includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a re-user of slag or slag products.

Term	Definition
Special effects	A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere, and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.
Specially designated distributor's (SDD) establishment	A retail establishment, consisting of less than 15,000 square feet of gross floor area, licensed by the Michigan Liquor Control Commission to distribute alcoholic liquor in the original package for consumption off the premises, which alcoholic liquor is other than beer and other than wine under 20 percent alcohol by volume; an SDD is also any retail establishment, regardless of size, where more than ten percent of the usable retail space is utilized for the display or distribution of alcoholic liquor other than beer and other than wine under 20 percent alcohol by volume, for consumption off the premises.
Specially designated merchant's (SDM) establishment	A retail establishment, consisting of less than 15,000 square feet of gross floor area, utilized for the distribution of alcoholic liquor, licensed by the Michigan Liquor Control Commission to sell beer and/or wine for consumption off the premises; an SDM is also any retail establishment, regardless of size, where more than ten percent of the usable retail space is utilized for the display or distribution of alcoholic liquor and is licensed to sell beer and/or wine for consumption off the premises.
Specified anatomical areas	Specified anatomical areas means and includes less than completely and opaquely covered: (1) Female breasts below a point immediately above the top of the areola; (2) Male or female buttocks; (3) Male or female genitals and pubic area; and (4) A penis in a discernibly erect state, even if completely and opaquely covered.
Specified sexual activity	Specified sexual activity means any of the following: (1) Intercourse, oral copulation, masturbation or sodomy; or (2) Excretory functions as a part of or in connection with any of the activities described in Subsection (1) of this definition.

1

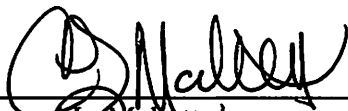
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1           **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

2           **Section 3.** This ordinance is declared necessary for the preservation of the public peace,  
3 health, safety, and welfare of the people of the City of Detroit.

4           **Section 4.** This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication  
5 in accordance with Section 401(6) of Public Act 110 of 2006, as amended, MCL 125.3401(6), and  
6 Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to Form:

  
\_\_\_\_\_  
Conrad L. Mallett  
Corporation Counsel

**Donovan Smith**  
Chairperson  
**Melanie Markowicz**  
Vice Chair/Secretary

**Marcell R. Todd, Jr.**  
Director

# City of Detroit

**CITY PLANNING COMMISSION**  
208 Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 224-6225 Fax: (313) 224-4336  
e-mail: [cpc@detroitmi.gov](mailto:cpc@detroitmi.gov)

**Adrian-Keith Bennett**  
**Kenneth R. Daniels**  
**David Esparza, AIA, LEED**  
**Ritchie Harrison**  
**Gwen Lewis**  
**Frederick E. Russell, Jr.**  
**Rachel M. Udabe**

## **NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Detroit City Planning Commission in the Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226 at the date and time listed below. Both in-person and virtual attendance are options to participate. Pursuant to public health guidelines and limited room capacity, if anyone has a cold, flu, COVID symptoms or other contagious condition, virtual attendance is strongly encouraged. To attend virtually, please use the link toward the end of this notice.

### **THURSDAY, SEPTEMBER 19, 2024 AT 7:00 PM**

The public hearing will consider a proposed text amendment to Chapter 50 of the 2019 Detroit City Code, Zoning, regarding the permissibility of solar generation stations. The regulatory effect of the proposed amendment is summarized below:

- To exempt solar generations stations developed by or on behalf of the City, located on land owned by the City or a City agency, and approved by City Council through adoption of a resolution, from the zoning requirements of Chapter 50 (Article I, Introductory Provisions, Section 50-1-3, Applicability and jurisdiction).
- For non-exempt solar generation stations, to:
  - Remove solar generation station as a conditional use in the PR Parks and Recreation District (Article XI, Special Purpose Zoning Districts and Overlay Areas, Division 7, PR Parks and Recreation, Section 50-11-151, Conditional public, civic, and institutional uses; Article XII, Use Regulations, Division 1, Use Table, Subdivision C, Public, Civic and Institutional Uses, Section 50-12-50, Utility, basic).
  - Add solar generation station as a by-right use in the M1, M2, M3, M4, and M5 Industrial Districts (Article X, Industrial Zoning Districts, Division 2, M1 Limited Industrial District, Section 50-10-15, By-right public, civic, and institutional uses; Division 3, M2 Restricted Industrial District, Section 50-10-45, By-right public, civic, and institutional uses; Division 4, M3 General Industrial District, Section 50-10-75, By-right public, civic, and institutional uses; Division 5, M4 Intensive Industrial District, Section 50-10-105, By-right public, civic, and institutional uses; Division 6, M5 Special Industrial District, Section 50-10-135, By-right public, civic, and institutional uses).
  - Amend the specific use standards for solar generations stations (Article XII, Use Regulations, Division 3, Specific Use Standards, Section 50-12-192, Utilities, basic; utilities, major).
  - Add Solar Station Overlay Areas for the development of solar generation stations as a principal use in nonindustrial zoning districts (Article VII, Zoning Districts (In General), Section 50-7-6, Overlay Areas; Article XI, Special Purpose Zoning Districts and Overlay

Areas, Division 14, Overlay Areas, a new Subdivision G, Solar Station Overlay Areas, Section 50-11-491, Description). Add overlay for the existing O'Shea Solar Park (Section 50-11-492, Boundaries).

- Add design and development standards for solar generation stations (Article XI, Special Purpose Zoning Districts and Overlay Areas, Division 14, Overlay Areas, a new Subdivision G, Solar Station Overlay Areas, Section 50-11-493, Consistency with design standards required, and Section 50-11-494, Applicability of design standards; Article XIV, Development Standards, Division 3, Architectural and Site Design Standards, a new Subdivision F, Solar Generation Station Development, Section 50-14-481, In general, Section 50-14-482, Massing and cross-access, Section 50-14-483, Setbacks, Section 50-14-484, Height, Section 50-14-485, Glare and reflection, Section 50-14-486, Noise, Section 50-14-487, Screening, Section 50-14-488, Vegetation, Section 50-14-489, Maintenance Plan).
- Add that a performance guarantee may be required for solar generation stations (Article XIV, Development Standards, Division 8, Performance Guarantee, Section 50-14-612, General requirements)
- Add that urban gardens or urban farms may be permitted as an accessory use to any solar generation station (Article XII, Use Regulations, Division 5, Accessory Uses and Structures, Subdivision A, In General, Section 50-12-465, Accessory urban gardens or farms).
- Require site plan review and additional submittal requirements for solar generation stations (Article III, Review and Approval Procedures (Part 1), Division 5, Site Plan Review, Subdivision A, In General, Section 50-3-113, Applicability; Subdivision B, Submission Requirements, Section 50-3-139, Additional submittal requirements for solar generation stations; Article XI, Special Purpose Zoning Districts and Overlay Areas, Division 14, Overlay Areas, a new Subdivision G, Solar Station Overlay Areas, Section 50-11-495, Site plan review).
- Amend and add definitions related to solar generation stations (Article XVI, Rules of Construction and Definitions, Division 2, Words and Terms Defined, Subdivision M, Letters "N" Through "O", Section 50-16-322, Words and terms (Nn-Nz); Subdivision N, Letter "P", Section 50-16-341, Words and terms (Pa-Pg); Subdivision P, Letter "S", Section 50-16-384, Words and terms (Sm-Ss).
- Including all other sections within Chapter 50 as may be necessary to facilitate this amendment.

Citations to specific sections of the zoning ordinance are for reference purposes and are subject to change as necessary to effectuate the proposed amendments, as listed above.

This text amendment is being considered by the City Planning Commission in accordance with the provisions of Article III, Review and Approval Procedures (Part 1), Division 2, Text Amendments, of the Detroit Zoning Ordinance. Zoning Ordinance text amendments require the approval of the City Council following a public hearing and after receipt of a report and recommendation by the City Planning Commission.

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies, for the record, to the City Planning Commission via U.S. Mail at the above address or e-mail at [cpc@detroitmi.gov](mailto:cpc@detroitmi.gov). Public comment/testimony may be given at the appropriate times when called for during the meeting. If you desire to speak and are attending the meeting online, press the "raise your hand" icon at the bottom

of the screen or press ALT-Y for a PC or OPT-Y for a MAC to raise your hand virtually. If attending by phone press \*-9 to raise your hand.

If interpretation or translation services are needed, including for the hearing impaired, call the Department of Civil Rights, Inclusion & Opportunity at 313-224-4950. For further information on this proposal or the public hearing, please call (313) 224-6225.

To participate virtually in the CPC meeting, please use the following options.

Online:

<https://cityofdetroit.zoom.us/j/96355593579?pwd=TTloMzN5M3pmU1RKNXp1MjJlczN3UT09>

Or iPhone one-tap:

US: +12678310333,96355593579# or +13017158592,,96355593579#

Or by Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 267 831 0333 or +1 301 715 8592 or +1 312 626 6799 or +1 213 338 8477 or +1 253 215 8782 or +1 346 248 7799 Webinar ID: 963 5559 3579

CPC Webpage: <https://detroitmi.gov/government/commissions/city-planning-commission>



# **SOLAR TEXT AMENDMENT**

## **7:00 PM PUBLIC HEARING**

to consider a proposed text amendment to Chapter 50 of the 2019 Detroit City Code, Zoning, altering the permissibility of solar generation stations providing exemption language, establishing an overlay and creating standards to regulate this use

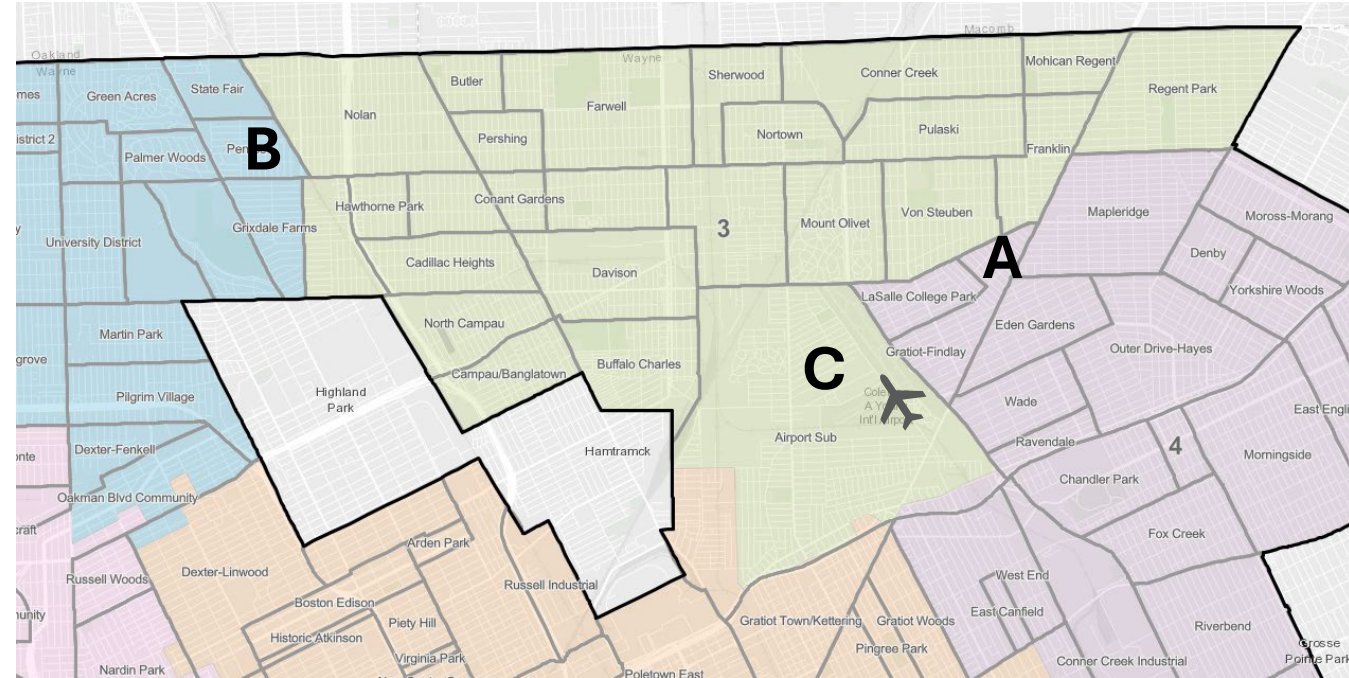
# Presentation Outline

1. Introduction
2. 2024 Solar Initiative Approvals & Maps (CPC)
3. Current ZO & O'Shea Solar Park
4. Policy Background & Addressing Zoning
5. Amd Part 1 – Solar Initiative
6. Amd Part 2 – Nonindustrial Districts & Overlay
7. Screening Standards & General Provisions (PDD)
8. Community Engagement (in-progress)

# 2024 “Solar Initiative” Approvals

July 30 Formal City Council approved:

1. Resolution of Necessity (ph. 1)
  - A. Gratiot-Findlay**
  - B. State Fair (Penrose)**
  - C. Van Dyke-Lynch (Airport Sub)**
2. Contract for DTE to provide solar energy
3. Contract for Lightstar Renewables
4. Solar Equity Fund (future)



Resolution of Necessity (public uses/purposes):

“WHEREAS, the City finds that the Solar Initiative is a governmental function”

**21. This Honorable Body hereby declares the Solar Initiative is a governmental function and essential service.**

# Current Zoning Ordinance & O'Shea

## 2016 Amendments

- Prior to 2016, ZO was silent on solar/wind
- Parallel amendments submitted:
  - Map rezoned former playfield to PR
  - Text added “Solar generation station” as a CU in PR, also permitted via PD
  - >1 ac., ground-mounted, Principal Use
- **Text amendment was specific to O'Shea and not intended to be comprehensive**
- **Staff report states the permissibility of facilities should be expanded in future**



Source: <https://graham.umich.edu/activity/17755>

# Policy Background

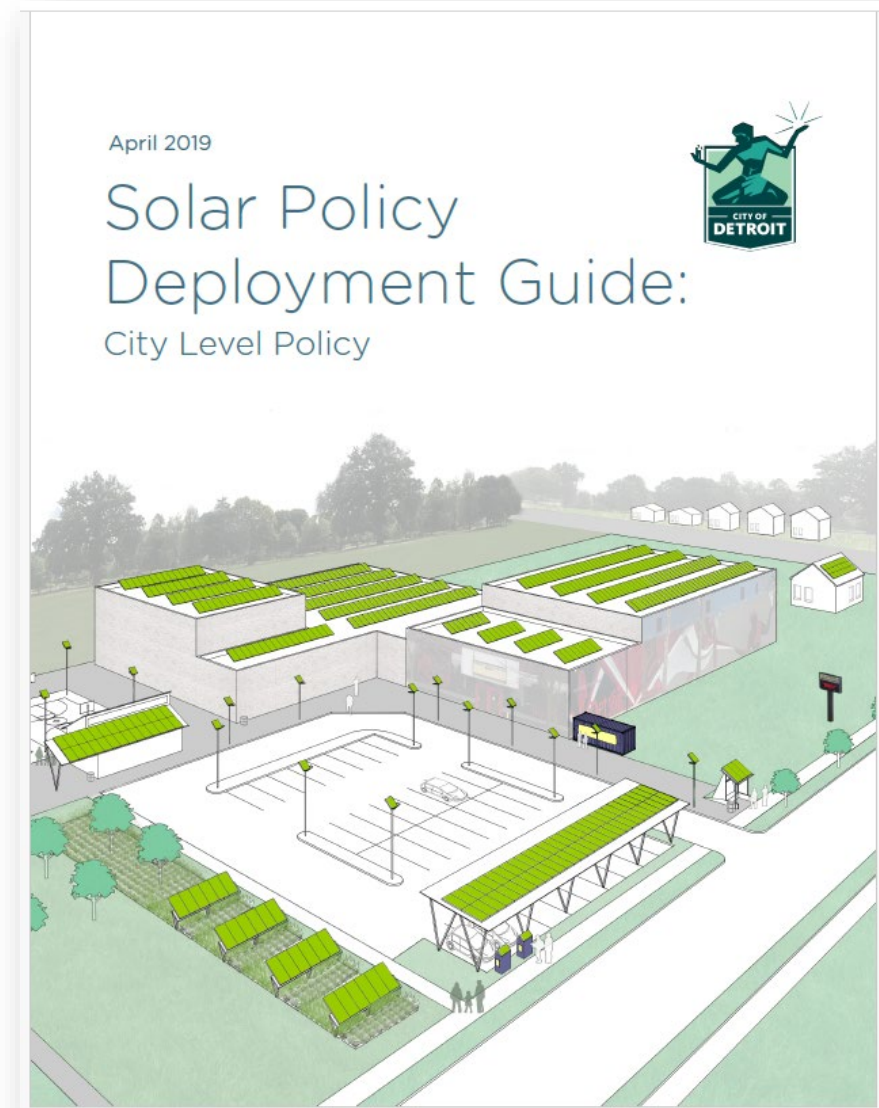
## 2019 City Solar Policy Deployment Guide

- Recommendation 2: Amend ZO to promote solar energy systems**
  - “Many cities allow in a variety of districts”
  - ZO should expressly permit when accessory

## Zone Detroit Drafts

- In-progress ZO update effort would expand renewable energy uses (variety of districts)

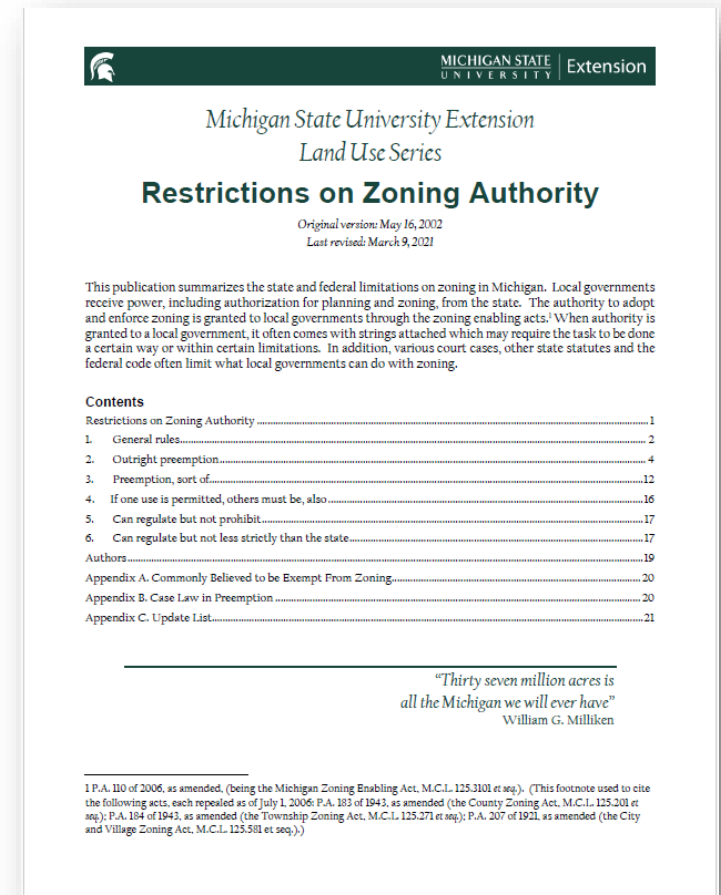
Use Category Specific Use	RESIDENTIAL								BUSINESS			MIXED USE				INDUSTRIAL				SPECIAL								
	R1	R1A	R1B	R2	R2A	R2B	R3	R4	R6	B2	B4	B6	MX0	MX1	MX2	MX5	I0	I2	I3	I4	CIV	PR	MKT	RVR	CAS	PC	P1	
General religious assembly																												
0-4,000 SF	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	-	-	P	P	P	-	-	-	-	-
4,001-50,000 SF	C	C	C	C	C	C	P	P	P	P	P	-	P	P	P	P	P	C	C	-	-	-	C	P	-	-	-	-
50,000+ SF	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Utility Service																												
Utilities, basic	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	-	
Utilities, major	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	C	-	C	-	
Commercial solar																												
0-2 acres	-	-	P*	-	-	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	P*	P*	P*	C*	P*	C*	-	C*	-	-	-	
2+ acres	-	-	P*	-	-	P*	C*	C*	C*	C*	C*	P*	-	-	-	-	P*	P*	P*	C*	C*	C*	-	-	-	-	-	
Commercial wind	-	-	P*	-	-	P*	C*	C*	C*	C*	C*	C*	-	-	-	-	P*	P*	P*	C*	-	-	-	-	-	-	-	
Electric or gas substation	-	-	-	-	-	-	-	-	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	C*	C*	-	-	-	



# Addressing the Solar Initiative in Zoning

The courts have recognized that a local government may expressly exempt certain government projects or functions from its zoning ordinance by writing the exemptions into the zoning ordinance. (MSUE Land Use Series; Restrictions on Zoning Authority)

- The Administration and Councilmember Benson have requested an amendment ratifying the exemption for city solar projects from the ZO
- Given City Council’s July approval that the project is a governmental function and an essential service
- **Part 1 of the proposed amendment**



# Pt. 1 Addressing the Solar Initiative

- CPC staff has provided draft exemption language within Article 1
- Intended to address the Solar Initiative and future solar stations with qualifications:
  1. Developed by or on behalf of the City
  2. Located on City or City agency owned land
  3. Approved by City Council resolution
- **Requiring adoption of a resolution ensures there is adequate City Council support**

8 **ARTICLE I. INTRODUCTORY PROVISIONS**

9 **Sec. 50-1-3. Applicability and jurisdiction.**

10 (a) The provisions of this chapter shall apply to all land within the City, including land owned

11 by local, County, state, or federal agencies, except where such land is determined to be

12 exempt from local zoning regulations.

13 (b) The development of solar generation stations by or on behalf of the City, located on land

14 owned by the City or a City agency, and approved by City Council through adoption of a

15 resolution, shall be considered an essential government function exempt from this chapter.

# Pt. 2 Amendment

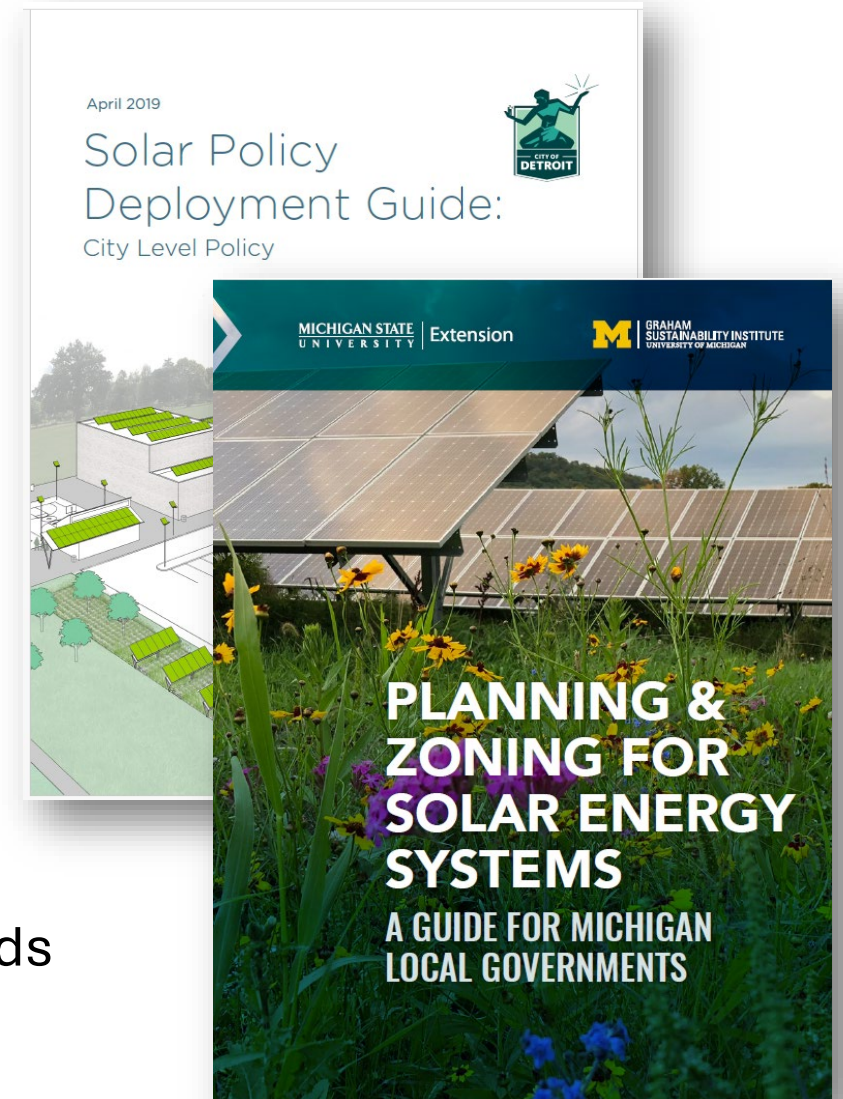
For nonexempt solar stations:

- Councilmember Benson has also requested that a solar overlay district be drafted with new design standards for solar stations
- City Council members have also stated that they view solar stations as an industrial use
- The second part of the amendment (beyond Article I) seeks to address these to goals

Proposed development paths

**Industrial Districts:** By-right with Development Standards

**Nonindustrial Districts:** Overlay with Development Standards





# Pt. 2 Industrial Districts

- Remove Solar generation station as a Conditional Use in the PR District (structures in parks)
- Add Solar generation station as a By-right use in the M1 – M5 Industrial Districts
- Add design and development standards to Article 14

1 Sec. 50-12-50. Utility, basic.

2 Regulations regarding basic utility uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)			
		R 1	R 2	R 3	R 4	R 5	R 6	B 1	B 2	B 3	B 4	B 5	B 6	M 1	M 2	M 3	M 4	M 5	P D	P 1	P C	P C A	T M	P R	W 1	M K T	S D 1	S D 2		S D 4	S D 5	
Utility, basic	Electric transformer station					C	C	C	C	C	C	R	R	R	R	R	R	L					R	R		C	C	C	R		Section 50-12-192	
	Gas regulator station					C	C	C	C	C	C	R	R	R	R	R	R	L					R	R		C	C	C	R		Section 50-12-192	
	Residential-area utility facilities, public	C	C	C	C													L					R								Section 50-12-192	
	Solar generation station																	R	R	R	R	R	L									Section 50-12-192
	Telephone exchange building					C	C	C	C	C	C	R	R	R	R	R	R	L					R	R			C	C	R		Section 50-12-192	
	All other																	L						R					C		Section 50-12-192	

# Pt. 2 Nonindustrial Districts

- Add Solar Station Overlay Areas
  - Overlay = Area designated by CC with a boundary defined in the ZO for each station
  - Addition of O'Shea Solar Station Overlay Area would replace the removed by-right in PR
- Same design and development standards

General benefits of zoning overlays:

- Proactively indicate where desired
- Overlay is more limiting than CU
- Establishing, or expanding would require a text amendment



Source: <https://graham.umich.edu/activity/17755>

# Pt. 2 Additional Standards (Ind/Overlay)

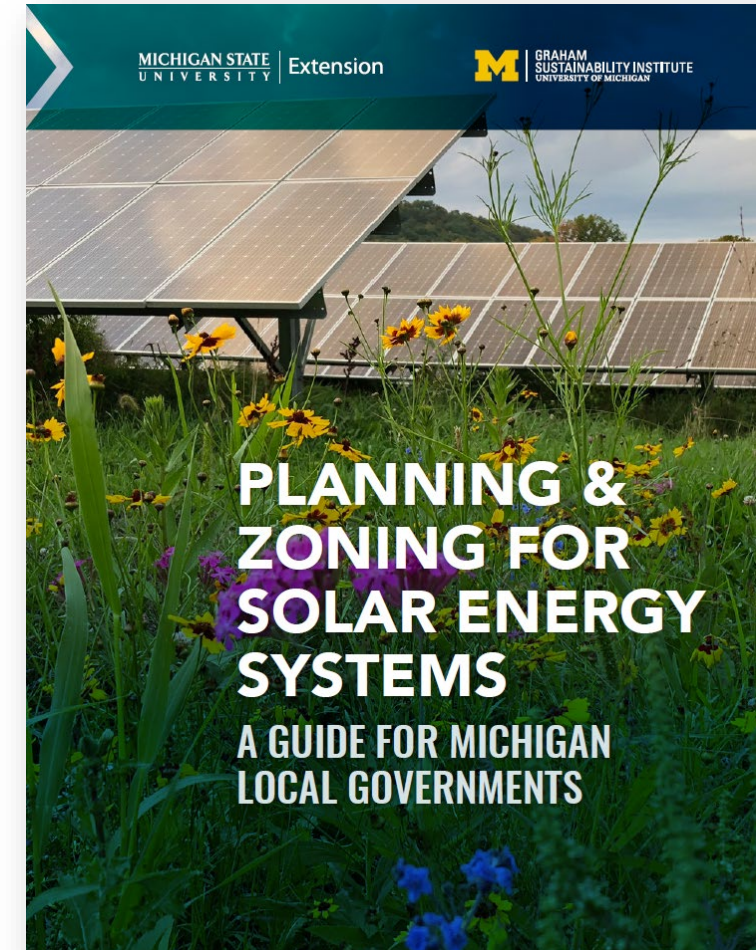
- Add design and development standards to replace current specific use standards
- Add that urban gardens or urban farms may be permitted as an accessory use
- Require site plan review (currently unclear) and additional SPR submittal requirements
- Add performance guarantee option
- Amend and add definitions: >1 acre replaced with >2 Megawatts for Principal use



Source: <https://www.agrisolarclearinghouse.org/case-study-jacks-solar-garden/>

# Pt. 2 Additional Standards (Ind/Overlay)

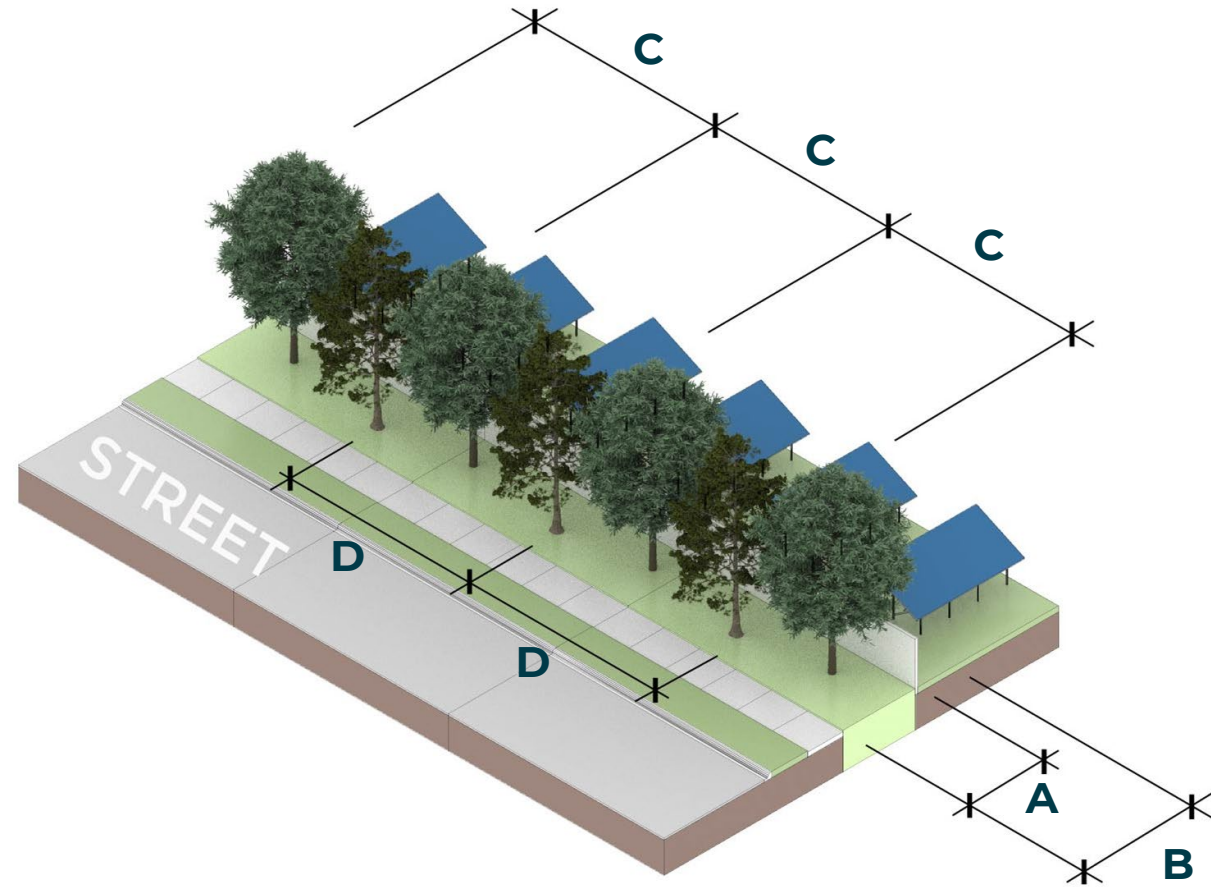
- Massing and cross-access
  - Consideration of public access network
  - Provide through access a min. of every 1,320 ft
- Height maximum of 20 ft (arrays and wiring)
- Minimum setback of 15 ft (solar arrays)
- Anti-glare and reflection provisions
- Noise maximums adjacent to dwellings
- Screening requirements adjacent to streets or zoning districts (P&DD)



# STREET EXAMPLE

MINIMUM DESIGN GUIDELINES:

ROADS, RESIDENTIAL, SPECIAL, AND BUSINESS DISTRICTS BUFFER



A – Buffer Depth: 10' (15'/12')

B - Solar Equipment Setback: 15'

C - 1 Deciduous Shade Every 25'

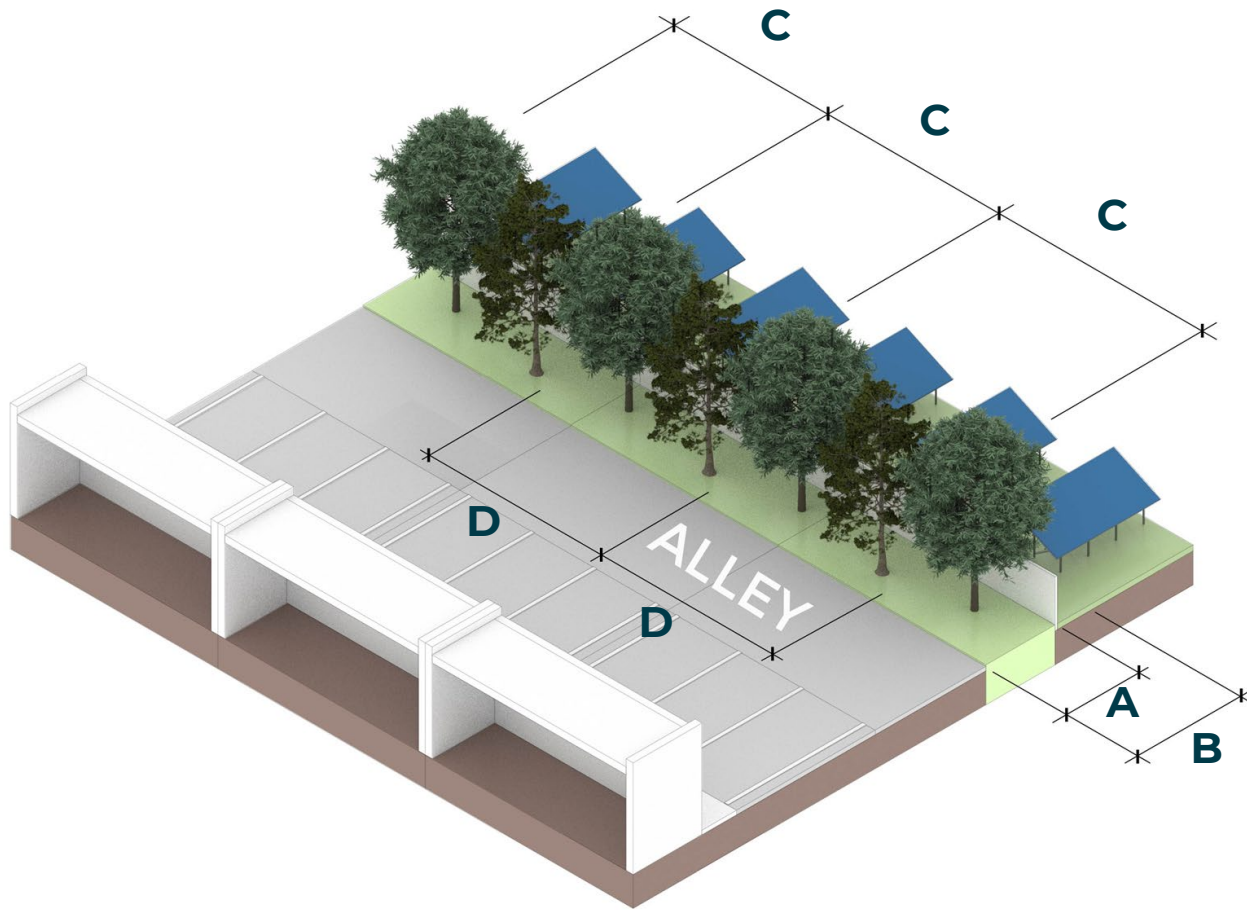
D - 1 Evergreen Tree Every 25'

Fence Max: 8'

# ALLEY EXAMPLE

## MINIMUM DESIGN GUIDELINES:

### ROADS, RESIDENTIAL, SPECIAL, AND BUSINESS DISTRICTS BUFFER



A - Buffer Depth: 10'

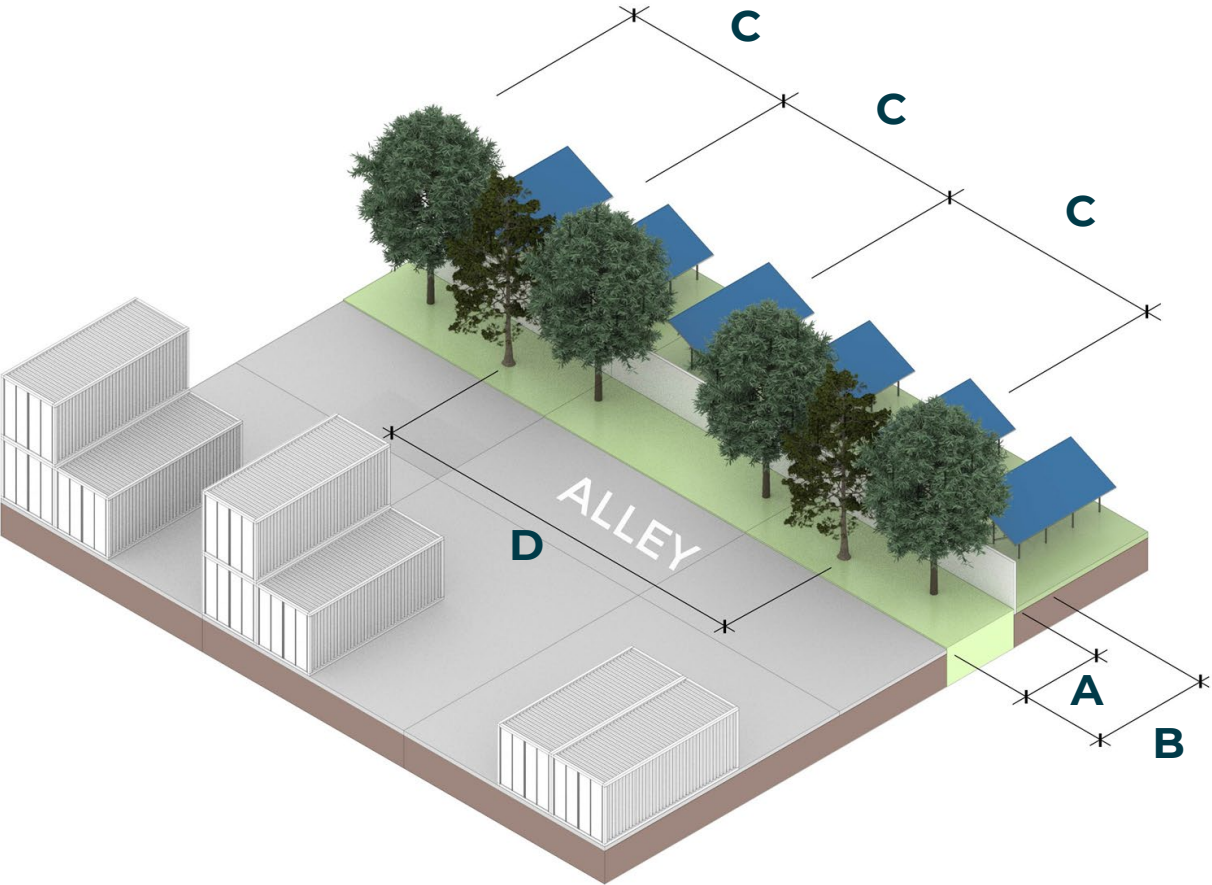
B - Solar Equipment Setback: 15'

C - 1 Deciduous Shade Tree Every 25'

D - 1 Evergreen Tree Every 25'

Fence Max: 8'

# MINIMUM DESIGN GUIDELINES: INDUSTRIAL, RR, FREEWAY OR RAMP BUFFER



A - Buffer Depth: 10'

B - Solar Equipment Setback: 15'

C - 1 Deciduous Shade Tree Every 25'

D - 1 Evergreen Tree Every 50' (40')

Fence Max: 10'

# General provisions

- Chain link fence is prohibited.
- All ground treatment within the above setback areas shall be in accord with Sec. 50-14-326 (max 25% mulch, 10% rocks) and 50-14-327 (landscaping installed according to sound nursery practices and maintained).



# **CITY SOLAR PROJECT: COMMUNITY ENGAGEMENT UPDATE**

## **3 Meetings for Each Solar Project Community**

- 1. Design Your Solar Project (Fence, Buffer, Groundcover) and Meet the Developer**
- 2. Refine the Design and Learn About Energy Efficiency Upgrades**
- 3. Finalize Design and Learn About Energy Efficiency Upgrades**

# DESIGN GUIDELINES

## What's Your Type?



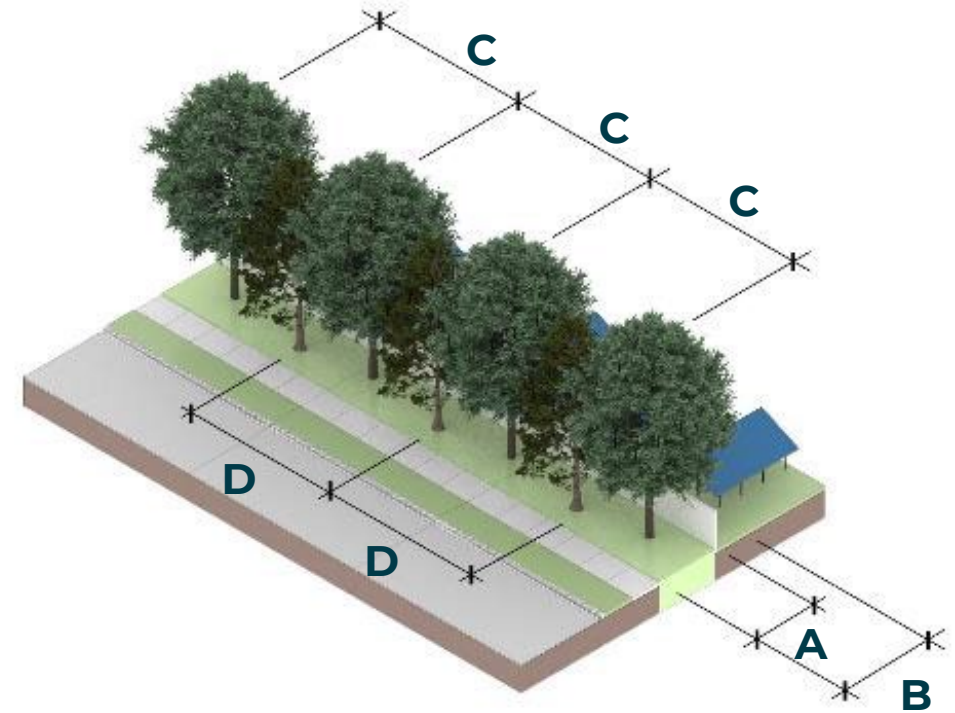
**FENCING**



**LANDSCAPE BUFFERS**



**GROUND COVER**



**A** - Buffer Depth: 10'

**B** - Solar Equipment Setback: 15'

**C** - 1 Deciduous Shade Every 25'

**D** - 1 Evergreen Tree Every 25'

Fence Max: 8'



# SOLAR PROJECT COMMUNITY ENGAGEMENT

# QUESTIONS



**Honeybee Hive Partnership at O'Shea Solar**

DTE & Bees in the D partnered to bring bee hives on site in 2021

Honeybees are important pollinators and benefit the local ecosystem, gardens, and farming

~100 jars of honey is created by the bees each year and collected by bees in the D

Donovan Smith  
Chairperson  
Melanie Markowicz  
Vice Chair/Secretary

Marcell R. Todd, Jr.  
Director  
Christopher Gulock, AICP  
Deputy Director

**City of Detroit**  
**CITY PLANNING COMMISSION**  
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Gwen Lewis  
Frederick E. Russell, Jr.  
Rachel M. Udabe

**STATEMENT OF CITY PLANNING COMMISSIONER**  
**RACHEL UDABE**  
**CONCERNING THE PROPOSED SOLAR TEXT AMENDMENT**  
**TO THE DETROIT ZONING ORDINANCE**

October 3, 2024

Dear Honorable City Council,

My name is Rachel Udabe, and I am an at-large Detroit City Planning Commissioner writing to you about the Solar Initiative zoning request. Our Commission's purpose includes reviewing proposals for community development and zoning amendments and then sharing recommendations to you, City Council. Although the Commission voted by majority to pass the amendment on October 3, 2024, ***I reject the principle that solar projects would be exempt from zoning and the specific request for a zoning text amendment ratifying a formal exemption of city solar projects from the Zoning Ordinance.*** I am aware that the Council deemed the Solar Initiative a governmental function and essential service on July 23, 2024.

I preface with my concern about the climate crisis and my belief in the imperative to reduce our reliance on fossil fuel consumption. I believe the transition to clean energy sources and the reduction of energy consumption is necessary as soon as possible.

**However, the zoning exemption request for the Solar Initiative does not create a comprehensive solution to green energy generation, and it also disrespects Detroit residents.** I argue that the Solar Initiative disregards residents' goals, produces a concerning precedent for the city's land use, wastes taxpayer money, and imposes a plan many oppose.

On July 11, 2024, the City Planning Commission received a presentation from Dara O'Byrne and Julie Connochie on the community engagement responses from the Master Plan update. Their survey of Detroit residents showed residents hoping for more **transit, people, and housing** in a **thriving, vibrant, and inclusive** city. Residents said their most important issues were neighborhood safety, improved city services, walkability, reliable childcare, and maintained streets.

Residents' opinions echo my own intention to use my role on the Commission to promote healthy, equitable, community-driven, and thoughtful development in the city of Detroit. When any proposal comes in front of the Commission, I work to understand the requests along with their implications and impacts today and in the future. My understanding informs my vote and therefore the recommendation to you, City Council.

In my judgment, with utmost consideration of Detroiters' vision of Detroit, **I deem this Solar Initiative incompatible with the vibrant, safe, and walkable neighborhoods residents desire.** Solar fields are not walkable and have the potential to be unsafe and unsightly. The current plan's solar fields (and future

expansion plans) are placed inside neighborhoods; regardless of the neighborhoods' vacancy rates, these plans do not give room for potential development that would achieve residents' dreams.

Furthermore, the precedent that all future city solar projects would be exempt from the zoning ordinance is extremely concerning overreach by the city. Detroit has a disgraceful history of purchasing and taking private homes and destroying neighborhoods for developments from factories to freeways. I fear that the Solar Initiative could be another example looked back upon with disappointment and disdain.

Additionally, the Solar Initiative will incur high startup costs and will not save the city money on energy, because the city will still have to pay market rate for the energy collected from the land. Although our local utility corporation could transition to clean energy alternatives on their own accord in empty land away from Detroit neighborhoods, this plan places solar fields close to residents, at high taxpayer expense. According to the plan, residents would see no benefits to their own electricity bills from the solar fields' energy generation, but they would have to live with these fields in their backyards for decades.

At previous Commission meetings, many residents gave public comment in opposition to the Solar Initiative. Residents commented that they were not provided multiple clean energy proposals to consider; they were only informed about the Solar Initiative and how their neighborhoods could apply for the program. Residents did not have a voice in co-creating what Detroit's clean future could look like, and instead we have been stuck with this Solar Initiative that will establish passive, industrial, and unsafe solar fields in the middle of our neighborhoods.

***In conclusion, I reject the request to exempt city solar projects from the zoning ordinance.*** Honorable City Council, I implore you to protect Detroit neighborhoods and the friends and neighbors within them. Please reject this zoning ordinance exemption and encourage new and collaborative ideas for clean energy generation and the revitalization of Detroit's cherished neighborhoods. Thank you for your consideration.

Best Regards,

Rachel Udabe, City Planning Commissioner

**From:** [CPC Mailbox](#)  
**To:** [Eric Fazzini](#); [Christopher Gulock](#)  
**Subject:** FW: Comments on Proposed Solar Text Amendment  
**Date:** Tuesday, September 17, 2024 9:33:41 AM

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**From:** Kyara Yarber <dz7519@wayne.edu>  
**Sent:** Tuesday, September 17, 2024 8:17 AM  
**To:** CPC Mailbox <CPC@detroitmi.gov>; Marcell Todd <marcell@detroitmi.gov>  
**Subject:** [EXTERNAL] Comments on Proposed Solar Text Amendment

Dear Director Todd and City Planning Commissioners,

I am asking that you **reject the proposed zoning amendment** to Chapter 50 of the 2019 Detroit City Code, Zoning, regarding the permissibility of solar generation stations being reviewed on Thursday, September 19, 2024. Specifically, I ask that you **deny the city's request** "to exempt solar generations stations developed by or on behalf of the City, located on land owned by the City or a City agency, and approved by City Council through adoption of a resolution, from the zoning requirements of Chapter 50 (Article I, Introductory Provisions, Section 50-1-3, Applicability and jurisdiction)." The city should be required to comply with the overlay proposed in your hearing notice.

Before any regulatory measures that will exempt public or private development of solar in residential zoned areas are considered, a planning study should be completed by the city's planning department or other qualified experts trained in landscape design, planning, and development to help identify land-based alternatives to solar, as well as a variety of complementary design solutions that ensure solar is integrated properly according to the currently zoned residential use and character of the neighborhood. The city should also be required to activate a formal community benefits process through City Council and do the following in any residential area where they will impose industrial solar uses:

- Provide amenities like walking paths or improved sidewalks around solar arrays installed along residential streets and abutting open businesses & institutions.
- Integrate art, green stormwater infrastructure, and manicured landscaping around the perimeter of solar installed along residential streets for the life of the solar project.

- Install quality of life elements that will make visible portions of the solar project palatable to passersby/adjacent occupied residences.
- Offer buyouts to residents within any designated solar area, where panels will be installed within 2 square miles (whichever is greater) who do not want to live in an industrial solar district.
- Conduct and publish public health studies evaluating the impacts of long-term exposure to solar radiation.
- Offer property owners who elect to remain in residential-zoned areas that are converted to industrial solar districts the following benefits:
  - Property tax abatement renewable every 10 years after solar project is approved/constructed (whichever occurs first)
  - Amnesty for unpaid property taxes up to \$5,000
  - 0% home repair loan up to \$50,000, forgivable after 5 years of residency once solar project is approved/constructed (whichever occurs first)
  - Free design consultation and estimate with qualified solar panel contractor for residential installation + subsidy on any installed solar services
  - Repair/replacement of all public infrastructure on streets with occupied property (e.g. sidewalks, lighting, streets, vacant lots)
  - Keep side streets open and maintained where occupied residences remain

There are much more thoughtful and creative ways to beautify neighborhoods and improve quality of life. Since the city has not fully explored those options for the proposed solar neighborhoods, I implore you to issue a recommendation to deny any exemptions to your proposed solar overlay. This is the only way to compel the city to host a more inclusive, transparent process and deliver property owners benefits on par with the proposed land use changes and impacts of these solar developments.

Sincerely,

K. Yarber

Concerned Detroit Resident



**From:** [CPC Mailbox](#)  
**To:** [Eric Fazzini](#); [Christopher Gulock](#)  
**Subject:** FW: PUBLIC COMMENT: Opposition to Solar Text Amendment  
**Date:** Tuesday, September 17, 2024 9:34:16 AM

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**From:** luke skywalker <grapesuperman@hotmail.com>  
**Sent:** Monday, September 16, 2024 9:45 PM  
**To:** CPC Mailbox <CPC@detroitmi.gov>  
**Cc:** Marcell Todd <marcell@detroitmi.gov>  
**Subject:** [EXTERNAL] PUBLIC COMMENT: Opposition to Solar Text Amendment

Dear Honorable City Planning Commission,

I am writing in response to the proposed text amendment regarding the permissibility of solar generation stations to be considered by your commission on Thursday, September 19, 2024.

This entire solar project feels very much like a regulatory taking. The city should not be permitted to build this industrial project in residential zoned neighborhoods without any procedural oversight. These solar projects will change residential neighborhoods into industrial zones, without properly compensating residents for the land use change. To protect the residents left behind to live in proximity to these industrial projects, solar generation fields installed either by a public or private entity should be made to comply with all zoning and design requirements mandated through the city's current master plan of policies and advice of planning & zoning officials. The overlay proposed in your public notice should apply to any solar generation project implemented non-industrial zoned areas, city included. Any other decision puts residents at the mercy of a process that has not been fair or clear.

To date the city has failed to do any of the following:

- State in writing how property owners will be compensated for any loss of property value/diminished quality of life after the solar project is implemented
- Conduct public health assessments to measure impacts of long term exposure to solar panels
- Publish studies or outline what will be done to monitor for adverse effects (e.g. public health, real estate) once solar is installed
- Secure 100% opt-in for all property owners in entire solar field area boundaries
- Extend buyouts to anyone that doesn't want to live in/near the solar field

- Perform a planning study to evaluate other improvement alternatives other than this light industrial use
- Initiate a community benefits process to ensure impacted residents are engaged in proper negotiations for benefits commensurate with the duration and intensity of the solar project
- Implement a relocation program for property owners in the solar boundary (like the one done in Southwest Detroit around the Marathon Plant and Gordie Howe Bridge)

If the city has neglected to do any of the above, why should residents trust that they will build these solar projects with our best interests in mind absent regulatory oversight? And more importantly: would you buy a home in the middle of a solar field? I ask that you will deny this exemption and subject all solar to the regulatory guidelines in your proposed overlay for private solar stations.

Thank you for your attention to this matter and the opportunity to submit my comments into the public record.

Interested Person and Concerned Lifelong Detroit Resident, District 3

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**From:** [Eric Fazzini](#)  
**To:** [Marcell Todd](#); [Dolores Perales](#); [Willene Green](#); [Greg Moots](#)  
**Subject:** FW: [EXTERNAL] Please submit for the record re: Proposed Text Amendment re: Permissibility of Solar Generation Stations-Chapter 50 of 2019 City Code, Zoning, Proposed Text Amendment, 7pm.hearing  
**Date:** Thursday, September 19, 2024 6:01:00 PM

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**From:** Warwick Joanne <[warwick\\_joanne@yahoo.com](mailto:warwick_joanne@yahoo.com)>  
**Sent:** Thursday, September 19, 2024 5:26 PM  
**To:** CPC Mailbox <[CPC@detroitmi.gov](mailto:CPC@detroitmi.gov)>  
**Subject:** [EXTERNAL] Please submit for the record re: Proposed Text Amendment re: Permissibility of Solar Generation Stations-Chapter 50 of 2019 City Code, Zoning, Porposed Text Amendment, 7pm.hearing

Dear Detroit Planning Commission:

Please submit my objection to the hearing being held today, and to the proposed text amendment to Detroit's zoning ordinance to be discussed at the 7pm today, Thursday, September 19, 2024.

First, I respectfully request, as a concerned resident of the City of Detroit, that today, the Detroit City Planning Commission not take action at this time on this proposed text amendment. Please postpone this matter to allow for more public information dissemination and notification of this public hearing, especially to get out written notification to current City solar plan-impacted residents and/or property owners, likely/possibly impacted residents and/or property owners.

Also, I would ask that this body not approve this matter in this form until the City of Detroit the following matters are studies and reported on:

1. Environmental Impact of what is possible under this text amendment
2. An Alternatives Study regarding the City of Detroit's solar approach and need for this text amendment
3. A Cost Benefit Analysis of the City's Solar Plan being pursued

Please ask that the City exercise further due diligence by doing/having completed the above mentioned studies and reports to present to this Commission and also make available to Detroit residents for review prior to moving forward on this proposed text amendment. .

I thank you in advance for your consideration of these requests.

Joanne Warwick, Esq. tel.415-724-3124 ===== This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected. =====

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**From:** [CPC Mailbox](#)  
**To:** [Christopher Gulock](#); [Eric Fazzini](#)  
**Subject:** FW: [EXTERNAL] Comment for Solar Text Amendment hearing record  
**Date:** Thursday, October 3, 2024 5:09:20 PM

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**From:** Warwick Joanne <warwick\_joanne@yahoo.com>  
**Sent:** Thursday, October 3, 2024 5:06 PM  
**To:** CPC Mailbox <CPC@detroitmi.gov>  
**Subject:** [EXTERNAL] Comment for Solar Text Amendment hearing record

Dear City Planning Commission:

I am writing again to oppose the Solar Text Amendment being proposed by the City of Detroit.

Last week, at the hearing on this proposal, I was shocked to hear Corporation Counsel Conrad Mallett ask this body to "ratify" the Council decisions by passing this text amendment. But that is not the job of the CPC. Rather under the Detroit Charter., the CPC's role is to advise the Detroit City Council, not to rubber stamp other actions along the way that the Council took by passing this proposed amendment.

I urge you to deny this request and send it back to the City to do their due diligence on this solar initiative. What the City is seeking to do, is to effectively take away property owners' and residents' due process rights with this amendment--by taking away their right to object to solar installations in the zoning process.

I know this is the case, given I heard Councilmember Latisha Johnson ask repeatedly "What about the zoning?" at Council meetings. Then Mr. Mallett told the Council that they would seek this text amendment.

Before you even vote up or down on this proposed amendment, I highly suggest that you too get a presentation from the Perkins Law Group as to their findings about the legal strength of what the City is looking to do.

Then, I hope that the CPC would have a rigorous discussion about all of the aspects of this proposed initiative, and what is lacking.

Here what is lacking in my opinion is more due diligence--including doing independent alternatives study--to look at what kinds of solar installations would be the best way to go--and how to go solar without using eminent domain, e.g, smaller installations vs. solar farms, environmental impact studies ,including the possible impacts of the different solar possibilities (for example, what happens if a hail storm hits solar farms? would we then be left with solar trash? What about possible heat island effect of the solar farms?) and cost benefit analyses of the different solar possibilities.

Without that prior due diligence, I believe that the City could be sued not only for a wrongful attempt to use eminent domain, but also for Conspiracy to Violate Civil Rights--especially with the solar text amendment given its effect would be to take away the right of property owners to have due process in a Zoning hearing. And so, that means in the future that the City could try and take people's property for solar farms, and they would have no recourse--unless challenges to this currently ill-advised solar initiative

stop this solar train needing more sunshine. I kept asking to see the solar contracts to understand the set up here--and see if this is a proper public purpose. And they were never produced for resident review -- that I am aware of.

So, please send this proposal back and ask the City to do its due diligence.

Thank you.

Joanne Warwick, Esq. tel.415-724-3124 ===== This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected. =====

**From:** [CPC Mailbox](#)  
**To:** [Eric Fazzini](#)  
**Cc:** [Christopher Gulock](#)  
**Subject:** FW: Comments on Public Hearing 9/19/2024 regarding Solar Text Amendment  
**Date:** Thursday, October 3, 2024 9:37:14 AM

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**From:** Kyara Yarber <dz7519@wayne.edu>  
**Sent:** Wednesday, October 2, 2024 9:57 PM  
**To:** CPC Mailbox <CPC@detroitmi.gov>; Marcell Todd <marcell@detroitmi.gov>  
**Subject:** [EXTERNAL] Comments on Public Hearing 9/19/2024 regarding Solar Text Amendment

Dear Director Todd & City Planning Commissioners,

I thank you for another opportunity to comment on the matter brought before your honorable body on 9/19/2024. I was disheartened to hear some of the responses made by city officials at the hearing. Many times, it seemed to conflict with information shared at the public meetings hosted about the solar projects. Mostly, they failed to clearly answer many questions posed by the commission and scant number of citizens speaking out on this crucial issue.

In response to the testimony offered by the corporation council and chief strategy officer at the public hearing on 9/19/24:

1. Corporation counsel stated that “they would do the project anyway.” So why is an exemption to the zoning ordinance even necessary?
2. The city has NOT made fair market value+ offers to ALL impacted property owners! They have only extended offers for the property owners within the solar panel installation footprint. These are the only residents being counted towards “opt-in” or “supporters” for this solar project. Of course they can be excited about it when they will not have to live near it! Those with buyout offers are also the property owners who nominated the neighborhoods and designated solar boundaries. To claim otherwise is untrue. The total number of people impacted – residents in the buyout footprint and those on the periphery are two different groups. The comments offered conflate the two classes of property owners. The buyout offers do not extend and have not been offered to any resident who will be forced to reside in the new solar industrial zone. This is problematic.
3. The city’s engagement results center around the property owners that reside on parcels the city will lease, NOT the entire impacted neighborhood.

4. The city has not offered remaining property owners on the periphery of the solar field the community benefits commensurate with the 35-year land use lease and re-classification (i.e. residential to industrial). \$15,000-\$25,000 for windows and thermostats is not proportionate with the use. It does not equate to the loss of residential character, future neighborhood development, or profits the developers will make selling the power that will not be directly used for or by taxpayers.
5. The chief strategist did not directly answer the question: how much will the city save for this effort? The exact dollar amount the city would save was not made clear. Not only is the city NOT having its municipal buildings powered directly by these utilities (as claimed in public meetings), but property owners within the target area will also not have access to use the power generated. So how precisely will this add dollars to the city's coffers? The public good that is the basis of this taking has not been proven. Ask for the reported figures / estimates to be published on the city's website for public review.
6. DTE is notorious for inconsistent billing, frequent power failures, and inconsistent service delivery. It is egregious that they have been selected as a vendor for this initiative.

Granting an exemption to zoning for this and any solar project will allow the city a pathway to circumvent property owners' rights to remedy against eminent domain. Denying the exemption will not prevent the project from occurring; rather, it will provide some protection for the neighborhoods where these projects are planned but not necessarily welcomed in totality.

If this commission rebuffed city officials' desire to rush this project along with unfounded urgency and did even a cursory poll of all the property owners (excluding those who have been compensated to serve as "solar champions"), you might learn that things are not as they've been described by city officials at this hearing.

Please deny the city's exemption request and subject every phase of solar to the overlay proposed by city planning commission staff.

Sincerely,  
K. Yarber  
Concerned Detroit Resident