Plan Commission
REVISED Meeting Agenda July 25, 2017
6:30 p.m. Village Hall Court Room
3930 N. Murray Ave Village of Shorewood, WI 53211

1. Call to order.
2. Roll call.
3. Approval of June 27, 2017 meeting minutes.
5. Public Hearing for agenda items 6a and 6b:
   a. Consideration of conditional use application for installation of solar panels at residential property 4485 N. Woodburn St.
   b. Consideration of conditional use application for installation of solar panels at residential property 2415 E. Kensington Blvd.
6. Consent Agenda:
   a. Consideration of conditional use application for installation of solar panels at residential property 4485 N. Woodburn St.
   b. Consideration of conditional use application for installation of solar panels at residential property 2415 E. Kensington Blvd.
7. Further discussion and possible recommendation to Village Board for amending zoning requirements for porches in front setbacks and related structures.
8. Further discussion and possible recommendation to Village Board for amending zoning requirements for solar systems.

Dated at Shorewood, Wisconsin, this 19th day of July, 2017

Village of Shorewood
Tanya O’Malley, Village Clerk WCPC

PLEASE BE ADVISED THAT A REPRESENTATIVE OF THE APPLICANT FOR THE AGENDA ITEM MUST BE PRESENT AT THIS MEETING.
Should you have any questions or comments regarding any item on this agenda, please contact Ericka Lang, Planning Director, Planning & Development Department, at (414) 847-2640.
Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.
1. **Call to order.**

   The meeting was called to order at 6:33 p.m.

2. **Roll call.**

   Chair Tr. Guy Johnson  Aye  
   Tr. Michael Maher   No  
   Tim Hansmann   Aye  
   Eric Couto   Aye  
   Chris Gallagher   Aye  
   Barbara Kiely Miller  Aye  
   Nate Piotrowski   No  
   Leah Blankenship   Aye  
   Dan Wycklendt   Aye  

3. **Approval of May 23, 2017 meeting minutes.**

   Mr. Couto moved to approve the minutes, seconded by Mr. Hansmann. Vote 6-0 to approve.

4. **Statement of Public Notice.**

   Staff posted and publicly noticed according to local and state regulations.

5. **Village Attorney to review plan commissioners duties and obligations.**

   This item was discussed at the previous meeting.

6. **Public Hearing: Consideration of conditional use application for installation of solar panels at residential property 4339 N. Wildwood Ave.**

   Chair Johnson opened the public hearing at 6:35 p.m. With no public comments, the public hearing was closed immediately.

   Planning Director Ericka Lang introduced the item. On June 6, 2017 the Village received a conditional use application for installation of solar panels at residential property 4339 N. Wildwood Ave. The property owner is Erica Young and the applicant is Arch Electric Inc.

   The house faces southeast and the application is for 14 solar modules mounted on the south side of the detached garage located along the alley.

   Per Zoning Section 535-30D, installation and use of solar energy systems are a conditional use in all districts. It also says that your commission shall review the proposed system and may only restrict if one of the following conditions is satisfied:

   [1] Serves to preserve or protect the public health or safety.
[2] Does not significantly increase the cost of the system or significantly decrease its efficiency.


Mike Cornell from Arch Electric was present. The panels will be installed at the same slope of the garage roof.

Mr. Gallagher moved to approve, seconded by Mr. Couto. Vote 7-0 to approve.

7. **Schedule next meeting.**
   The next meeting is scheduled July 25, 2017.

8. **Future agenda items.**
   Staff conveyed that two more solar system conditional use applications have been received. Members and staff suggested further discussion about requiring conditional use approvals for solar panels. Staff intends for further discussions about porches in the front yard setback.

9. **Adjournment.**
   Mr. Couto moved to adjourn the meeting at 6:38 p.m. seconded by Mr. Hansmann. Vote to adjourn 7-0.

Recorded by,

[Signature]

Planning Director Ericka Lang
RE: Conditional Use for Solar Panel 2415 E. Kensington Blvd

On June 27, 2017 the village received a conditional use application for installation of solar panels at residential property 2415 E. Kensington Blvd. The property owner is Kathryn Kamm and the applicant is Arch Electric Inc.

Panel Description
The house faces north and the application is for 21 solar modules mounted on the south side of the house in two locations. Refer to the two aerial photos for location.

Zoning Code
Per 535-30D, installation and use of solar energy systems are a conditional use in all districts. The full code is attached. It also says that your commission shall review the proposed system and may only restrict if one of the following conditions is satisfied:

1. Serves to preserve or protect the public health or safety.
2. Does not significantly increase the cost of the system or significantly decrease its efficiency.
3. Allows for an alternative system of comparable cost and efficiency.

The review and approval criteria in 535-30D apply to solar and wind energy systems.
APPLICATION FOR
CONDITIONAL USE PERMIT

Village of Shorewood
Planning & Development Department
3930 N. Murray Avenue
Shorewood, WI 53211
Phone (414) 847-2640
Facsimile (414) 847-2648
www.villageofshorewood.org
PAD@villageofshorewood.org

<table>
<thead>
<tr>
<th>Office Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fee $125</td>
</tr>
<tr>
<td>Permit No. 17-1108</td>
</tr>
<tr>
<td>Zoning District R-5</td>
</tr>
<tr>
<td>CUP Reason solar panels</td>
</tr>
<tr>
<td>Code Reference 535-30</td>
</tr>
<tr>
<td>Plan Comm. Meeting 7/25/17</td>
</tr>
<tr>
<td>Outcome</td>
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</table>

CONDITIONAL USE APPLICATIONS ARE CONSIDERED BY THE PLAN COMMISSION. MEETINGS ARE THE 4TH TUESDAY EACH MONTH, AS NEEDED. APPLICATIONS ARE DUE 4 WEEKS BEFORE SCHEDULED MEETINGS AND ADDITIONAL MATERIALS AS IDENTIFIED BY THE PLANNING & DEVELOPMENT DEPARTMENT.

PROPERTY ADDRESS: 2415 KENSINGTON BLVD. SHOREWOOD, WI 53211

PROPERTY OWNER

Owner Name: KATHRYN KAMM
Owner Address: 2415 KENSINGTON BLVD.
SHOREWOOD, WI 53211

Phone Number: 414-617-5146
Email: KATHRYNKAMM@HOTMAIL.COM

APPLICANT/BUSINESS

Name: Arch Electric Inc.
Address: 1237 Pilgrim Rd. Ste 201
Plymouth, WI 53073

Phone Number: 920-893-8388
Email: jen@archelec.com

Check if prefer to receive Meeting Agenda by EMAIL: X PROPERTY OWNER X APPLICANT

BUSINESS INFORMATION

Name of Business Arch Electric Inc.
Max # Employees On-site 4

Is a survey attached? (if required) __________________________
Is a parking plan attached? (if required) ______________________
*Provide copy of business plan

What do you wish to do that will require a Conditional Use Permit?
Install a fixed roof mounted 21 panel 8.28 KW Solar PV System

Signature ____________________________________________ Date: 6/27/17

2/2016
PROJECT TITLE: KATHRYN KAMM
PROJECT ID: DFE16F00

Name: Kathryn Kamm
Address: 2415 E Kensington Blvd Shorewood Wi 53211
City, State: Milwaukee, WI, 53211
Module: Hanwha Solar Q-PLUS L-G4.2 345w
345 Watts

Designed by
Russel@archelec.com
SOLARMount
24 - 345 Watt Panels
4 ft²
8.3 kW

ENGINEERING REPORT

Plan review

Loads Used for Design
- Building Code: ASCE 7-06
- Wind Speed: 90 mph
- Ground Snow Load: 30 psf
- Seismic (Ss): 0.09
- Elevation: 650 ft
- Wind Exposure: B

Loads Determined by Zip
- City, State: Milwaukee, WI
- Wind Speed: 90 mph
- Ground Snow Load: 30 psf

Inspection

Product: SOLARMount
Module Manufacturer: Hanwha Solar
Model: Q-PLUS L-G4.2 345w
Module Watts: 345 watts
Module Length: 78.50 "
Module Width: 39.40 "
Module Thickness: 1.38 "

Expansion Joints: Every 40'
Rails Direction: EW
Building Height: 30 ft.
Roof Type: Shingle
Total Weight: 1269.60 lbs
## WORKSPACE 1

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<th>Parameter</th>
<th>Value</th>
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<td>EW Dimension:</td>
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**Selected Rail Data**

- Maximum Rail Span (Zone 1): 101"
- Selected Rail Span: 48"
- Maximum Rail Cantilever: 16.00 "
- Roof Pitch: 6:12

## WORKSPACE 2

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<td>~6.5 ft</td>
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<tr>
<td>EW Dimension:</td>
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**Selected Rail Data**

- Maximum Rail Span (Zone 1): 101"
- Selected Rail Span: 48"
- Maximum Rail Cantilever: 16.00 "
- Roof Pitch: 6:12
PROJECT TITLE: KATHRYN KAMM
PROJECT ID: DFE16F00

Name: Kathryn Kamm
Address: 2415 E Kensington Blvd Shorewood WI 53211
City, State: Milwaukee, WI, 53211
Module: Hanwha Solar Q-PLUS L-G4.2 345w
345 Watts

INSTALLED AND DESIGN PLAN

LAYOUT WORKSPACE 1

<table>
<thead>
<tr>
<th>Row</th>
<th>Modules</th>
<th>Zone</th>
<th>Rail Type</th>
<th>Splices</th>
<th>Roof Attachments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9</td>
<td>Zone 1</td>
<td>SM RAIL 168&quot; MILL</td>
<td>320168M</td>
<td>$70.75 ( 2 )</td>
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<tr>
<td>2</td>
<td>5</td>
<td>Zone 1</td>
<td>SM RAIL 240&quot; MILL</td>
<td>320240M</td>
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<td>4</td>
<td>Zone 1</td>
<td>SM RAIL 240&quot; MILL</td>
<td>320240M</td>
<td>$101.10 ( 2 )</td>
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</table>

Maximum Rail Span (Zone 1*):
Selected Rail Span:
Maximum Rail Cantilever:
Module Orientation:
Rail Direction:

*Zone 2 and 3 Rail Spans must be independently verified
RE:  Conditional Use for Solar Panel 4485 N. Woodburn St

On June 16, 2017 the village received a conditional use application for installation of solar panels at residential property 4485 N. Woodburn St. The property owner is Karl Wycklendt and the applicant is Arch Electric Inc.

Panel Description
The house faces north and the application is for 14 solar modules mounted on the south side of the detached garage. Refer to the two aerial photos for location.

Zoning Code
Per 535-30D, installation and use of solar energy systems are a conditional use in all districts. The full code is attached. It also says that your commission shall review the proposed system and may only restrict if one of the following conditions is satisfied:

[1] Serves to preserve or protect the public health or safety.
[2] Does not significantly increase the cost of the system or significantly decrease its efficiency.

The review and approval criteria in 535-30D apply to solar and wind energy systems.
APPLICATION FOR
CONDITIONAL USE PERMIT

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Facsimile (414) 847-2648
www.villageofshorewood.org
PAD@villageofshorewood.org

OFFICE USE ONLY

<table>
<thead>
<tr>
<th>General Fee $125</th>
<th>Solar Energy Fee $75</th>
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</thead>
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<tr>
<td>Permit No.</td>
<td>17-1025</td>
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<tr>
<td>Zoning District</td>
<td>R-6</td>
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<td>CUP Reason</td>
<td>solar panels</td>
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<tr>
<td>Code Reference</td>
<td>535-30</td>
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<tr>
<td>Plan Comm. Meeting</td>
<td>7-25-2017</td>
</tr>
</tbody>
</table>

CONDITIONAL USE APPLICATIONS ARE CONSIDERED BY THE PLAN COMMISSION. MEETINGS ARE THE 4TH TUESDAY EACH MONTH, AS NEEDED. APPLICATIONS ARE DUE 4 WEEKS BEFORE SCHEDULED MEETINGS AND ADDITIONAL MATERIALS AS IDENTIFIED BY THE PLANNING & DEVELOPMENT DEPARTMENT.

PROPERTY ADDRESS: 4485 NTH WOODBURN ST. SHOREWOOD, WI 53211

PROPERTY OWNER

Owner Name: KARL WYCKLENDT          Owner Address: 4485 NTH WOODBURN ST.
Phone Number: 414-788-7696
Email: KGW247@GMAIL.COM

APPLICANT/BUSINESS

Name: Arch Electric Inc.
Phone Number: 920-893-8388
Email: jen@archelec.com

Check if prefer to receive Meeting Agenda by EMAIL: X PROPERTY OWNER  X APPLICANT

BUSINESS INFORMATION

Name of Business Arch Electric Inc.
Max # Employees On-site 4

Is a survey attached? (if required) 
Is a parking plan attached? (if required) 
*Provide copy of business plan

What do you wish to do that will require a Conditional Use Permit?
Install a fixed roof mounted 14 panel 4.69 KW Solar PV System

Signature: [Signature]
Date: 4/15/17

2/2016
### INSTALLATION AND DESIGN PLAN

#### LAYOUT WORKSPACE 1

<table>
<thead>
<tr>
<th>Row</th>
<th>Modules</th>
<th>Zone</th>
<th>Rail Type</th>
<th>Splices</th>
<th>Roof Attachments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7</td>
<td>Zone 1</td>
<td>SM RAIL 168&quot; MILL</td>
<td>320168M</td>
<td>$70.75 (4)</td>
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<tr>
<td>2</td>
<td>7</td>
<td>Zone 2</td>
<td>SM RAIL 168&quot; MILL</td>
<td>320168M</td>
<td>$70.75 (4)</td>
</tr>
</tbody>
</table>

**Maximum Rail Span (Zone 1):**

- Selected Rail Span: 48.00'
- Maximum Rail Cantilever: 16.00'
- Module Orientation: Portrait
- Rail Direction: EW

*Zone 2 and 3 Rail Spans must be independently verified*
PROJECT TITLE: KARL WYCKLENDT
PROJECT ID: DC124950

Name: Karl Wyckendt
Address: 4465 Woodburn Shorewood WI 53211
City, State: Milwaukee, WI, 53211
Module: Seraphim SRP-345-6MA 40mm
345 Watts

Plan review

Loads Used for Design
- Building Code: ASCE 7-05
- Wind Speed: 90 mph
- Ground Snow Load: 30 psf
- Seismic (Sa): 0.09
- Elevation: 650 ft
- Wind Exposure: B

Loads Determined by Zip
- City, State: Milwaukee, WI
- Wind Speed: 90 mph
- Ground Snow Load: 30 psf

Inspection
Product: SOLARMount
Module Manufacturer: Seraphim
Model: SRP-345-6MA 40mm
Module Watts: 345 watts
Module Length: 76.99 "
Module Width: 39.06 "
Module Thickness: 1.57 "
Expansion Joints: Every 40'
Rails Direction: E-W
Building Height: 30 ft
Roof Type: Shingle
Total Weight: 709.80 lbs
### WORKSPACE 1

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<tr>
<td>Roof Point Load Down:</td>
<td>177 lbs</td>
</tr>
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<tr>
<td>Maximum Rail Span (Zone 1):</td>
<td>105&quot;</td>
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<tr>
<td>Selected Rail Span:</td>
<td>48&quot;</td>
</tr>
<tr>
<td>Maximum Rail Cantilever:</td>
<td>16.00&quot;</td>
</tr>
<tr>
<td>Roof Pitch:</td>
<td>6.12</td>
</tr>
</tbody>
</table>
SRP-6MA SERIES 6 INCH 72 CELLS

330-345W

MANAGEMENT SYSTEM
ISO 9001: Quality management system
ISO 14001: Standard for environmental management system
OHSAS 18001: International standard for occupational health and safety assessment system

PRODUCT CERTIFICATES

INSURANCE

WARRANTY

Safety
- Safety for salt mist corrosion (IEC61701, tested in TÜV SÜD)
- Safety for ammonia corrosion (IEC62716, tested in TÜV SÜD)
- Safety for fire risk (Class C, tested in TÜV SÜD and Rheinland)

Reliability
- PID free products, passing TÜV SÜD system voltage durability test
- World 1st company to pass "Thresher Test" and "On-site Power Measurement Validation" certificate
- Bankable products

Performance
- Outstanding power output capability at low irradiance
- Triple 100% Electroluminescence (EL) tests minimize breakage rate
- Top rank in Photon yield measurement

Specifications are subject to change without further notice. SRP-03-EN-2017V1.0 © Copyright 2017 Seraphim

SERAPHIM SOLAR SYSTEM CO., LTD. www.seraphim-energy.com info@seraphim-energy.com

SHIFT·THE FUTURE
StorEdge™ Features:

- Smart Energy Management - export control, time-of-use shifting, maximized self-consumption, demand response and peak shaving capabilities
- Backup power - automatically provides power to backed-up loads in the event of grid interruption
- All-in-one solution uses a single DC optimized phase inverter to manage and monitor both PV generation and energy storage
- Compatible with Tesla Powerwall Home Battery

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| SolarEdge StorEdge™ Solutions for North America - Product Selector |
|---|---|---|
| Grid-tied solar, backup power and smart energy management | Grid-tied solar and backup power | Grid-tied solar and smart energy management |
| Single Phase StorEdge™ Inverter | ✓ | ✓ | ✓ |
| Auto-transformer | ✓ | ✓ |
| SolarEdge Electricity Meter | ✓ | | ✓ |
| Battery | ✓ | ✓ | ✓ |
June 17, 2017

To: Plan Commission
cc: Village Attorney Nathan Bayer

From: Planning Director Ericka Lang

RE: Proposed Zoning Amendment allowing porches in front yard setback

**Introduction**

On May 23rd, plan commissioners briefly discussed the staff proposal to amend the zoning code to allow porches into the zoning front yard setbacks. Staff is proposing this zoning amendment to allow some flexibility with porch renovations and new porches that the current code restricts. The current language is vague lending to greater staff interpretation.

**Meeting Material Exhibits**

A. Amended zoning ordinance, markup
B. City of Milwaukee front zoning setback code sections
C. Front setback calculation example graphic
D. Photo collage of existing porches/patios

**Background**

In September and October of 2015, the Plan Commission discussed staff proposal to amend the zoning code to allow porches within eight feet of the front yard zoning setback. Commissioners agreed with staff recommendation to allow porches in the front yard setback and requested further staff review and Shorewood’s Design Review Board input to ensure all porches within the setback will look appropriate. They agreed that deeper porches would be compatible with neighborhood designs and context and would be beneficial to residents.

Since 2015, staff formed an ad hoc committee to create residential design guidelines which includes language on porches. Shorewood’s existing design guidelines are only for commercial properties. Staff expects the residential design guidelines complete draft will begin discussions with the Village Board by September this year.

**Proposed zoning amendments:**

The packet contains a marked up document of code section 535-9F Site Restrictions, showing proposed changes to patios and porches. In summary, the proposed changes:

1. Further refine street side yard patio language per 5/23/17 commission meeting recommendation
2. Adds new Porch section under §535-9F site restrictions
3. Adds front setback range (see EXH C)
4. Allows front yard setback flexibility for incongruous blocks
5. Allows exceptions to these requirements by the plan commission
6. Contains prohibited language per the Ad Hoc Residential Design Guidelines Committee
7. Revises definitions porch and deck.
Existing Codes and Policies
A common residential exterior improvement is porch improvements, replacement, or desired expansion. Zoning codes dictate front yard setbacks which essentially prevents an addition or expansion of a porch for most properties.

Shorewood’s Related Zoning Code Sections:
- section 535-32 states that uncovered stairs and landings may project into any yard not more than 6 feet and shall not be closer than 3 feet to any lot line.
- section 535-9F allows patios in front yard setbacks, up to 30% of the front yard area.
- section 535-19 Residence Districts R-5 and R-6 states that front yard setbacks minimum is 25-feet or the average or existing setbacks on the side of the street where the property is located between the two closest intersections streets, whichever is greater.

Staff Code Interpretation & Implementation

Porch Applications Staff Review. The Design Review Board considers a porch ‘a porch’ only if it has a covering as is defined as “a covered entrance to building.”

Porch renovations must keep the original footprint, exempting review of front yard zoning setbacks. When a house has a covered entrance along a portion of the front, staff interprets the code to allow an extension of a platform across the remaining front facade. Staff limits the depth of the expansion to the existing depth of the front entrance, unless it is a patio. Even though section 535-9F(1) states that decks cannot be located in the front yard, the Design Review Board has approved on occasion deck extensions along the front facade, made of decking materials.

Stoop Application Staff Review. A stoop is an above-grade small landing in front of an exterior entry door, required to be three feet by three feet. It cannot project into the front yard setback more than 6 feet.

Residents comment that limiting a deck to only the depth of the existing covered entry porch does not provide enough room to utilize the outdoor space to its fullest, allowing for small group conversations and a shared table. Many front small covered entries are 4 to 6 feet out from the house. Per blog Key Measurements to Help You Design the Perfect Front Porch (enclosed), “The porch allows a gracious and practical transition from public to private – a place where one can soak up the late-summer sun, visit with neighbors, watch a thunderstorm pass, greet arriving guests or just shake off the umbrella and remove dirty shoes.” Residential architecture in Shorewood is diverse and bungalow and most duplex style houses have porches, often times up to 8 feet in depth.
Proposed Language
Staff reviewed many zoning codes and found different language by the City of Milwaukee for porches and front setback. Staff used Milwaukee’s to model the proposed code changes.

Explanation of each proposed section:
5a. Setback average range. The amendments keep the same front setback language and adds a setback range. Staff applied the proposed zoning setback range changes to a fictitious block, illustrating where a new or altered porch could be constructed to. The examples shows what the 10% variation could be. Refer to Exhibit C for discussion.

5b. Required setback section provides specific language in response to various building foot prints.

5c. Setback intrusion was added to clarify that enclosed porches are not included in this section.

5d. Prohibits green treated materials and enclosed porches, per the Ad Hoc Residential Design Guidelines Committee.

5e. 50% Open. Prevents solid porch walls, where would usually have railings, per the Ad Hoc Residential Design Guidelines Committee.

5f. Special exception language is proposed for patios and porches if the requirements cannot be met, which would go to the plan commission. The commission already may grant exceptions for parking requirements, that was adopted in 2007, removing as a variance request to the board of appeals.

Staff Recommendation
The proposed zoning ordinance provides some flexibility to property owners to improve a front porch outdoor space and provides staff better language to interpret the code; therefore, staff recommends the proposed amendments.

If in your favorable opinion, suggested motion
“Move to recommend proposed zoning ordinance to the Village Board, amending requirements under section 535-9 for porches, patios, and decks.”
EXHIBIT A
ZONING CODE PROPOSED AMENDMENTS
- MARKUPS -

535-14 DEFINITION, ZONING FLOODPLAIN REGULATIONS

DECK. An unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation.

535-6 DEFINITIONS, ZONING REGULATIONS

DECK A flat-floored or surfaced structure on a lot adjacent to a building usually supported above grade. An unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation

PATIO An outdoor living area, usually on grade, located on a lot that is adjacent to a building and which has a surface composed of flagstone, concrete, brick, pavers or similar material.

PORCH A covered entrance to a building. An elevated structure attached to the entrance of a building without side walls, forming a covered approach or vestibule to a doorway.

FRONT SETBACK The minimum horizontal distance between the property line adjacent to the street upon which the building or structure fronts and the nearest point of the principal building or side of the principal structure facing such street, provided that the roof overhang does not exceed 18 inches.

FRONT YARD A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the property line parallel and nearest to the existing or proposed street and a line parallel thereto through the nearest point of the principal or accessory structure, excluding the roof overhang unless it exceeds 18 inches. On a corner street lot, the front yard shall be the side on which the lot’s address is assigned.

STRUCTURE As specifically regulated by this chapter, anything which is constructed or erected and which is fastened, anchored or rests on a permanent foundation or on the ground for any occupancy or use whatsoever, excluding fences, provided that for the purpose of determining lot coverage, the following, if uncovered, shall not be considered structures: decks, patios, driveways, parking slabs and the like.
535-9 SITE RESTRICTIONS
F. DECKS, PATIOS, PORCHES AND DRIVEWAYS

(1) No deck, patio, or driveway shall be constructed unless a Village building permit is applied for and issued by the Village in accordance with the requirements of the Village Code.

(1) Decks.
   (a) Decks shall not be located in the front yard or the side or rear setback of a lot, and patios shall not be located in the side or rear setback of a lot.

(2) Patios:
   (a) Patios shall not be located in the side or rear setback of a lot
      (1) Exception: at-grade patios in residence districts R-5 Single-Family Residence District No. 1. & R-6 One- and Two-Family Residence District No. 1 are allowed within the interior side and rear zoning setbacks.
   (b) On grade patios may be located in the front yard or street side yard only when constructed within the following parameters:
      1) (a) No more than 30% of any front yard may be covered by a patio.
      2) (b) One entire side of a patio must be directly adjacent to the principal structure of the lot.
      3) (c) Front yard patios and street side yard patios shall not be more than three feet from the property front yard and street side yard lot line.
      4) (d) A scale drawing of the proposed layout of a new front yard patio must be completed, along with a list of proposed materials to be used in construction, all of which shall be submitted to the Design Review Board for review and approval. All materials must be of high quality, such as cut stone, Lannon or blue stone, or decorative concrete. In addition the stone surface shall be screened from public view by natural vegetation. No fences shall serve as the primary screening materials.
      5) Patios may not exceed six inches above grade in front yard setbacks.
   (c) Special exceptions.
      1) Patios in front and street side yards that exceed six inches above grade shall meet zoning setbacks. The Plan Commission, upon application as required herein, may grant a special exception to the provisions and requirements under §535-51B.
      2) Application for a special exception permit may be obtained from the planning and zoning administrator upon the payment of a fee as provided by the Village Fee Schedule, which shall not be refundable.

(3) Driveways shall not be constructed unless they lead to a garage, except that circular driveways may be located in the front yard, provided that there is a garage or a garage is being constructed on the lot contemporaneously and provided that:
   (a) An applicant for a permit to construct a circular driveway must submit a sketch of
the proposed layout and landscape screening in addition to any other information that the Building Inspector or the Design Review Board may reasonably require in order to comply with this section;

(b) The design and materials used are aesthetically compatible with the surrounding neighborhood;

(c) The width of the lot at the front property line is at least 60 feet to allow for an adequate turning radius;

(d) There is landscaping necessary to adequately screen it from street view that does not impair the vision triangle; and

(e) The plans, including the landscaping, have been reviewed and approved by the Design Review Board.

(4) Newly constructed or reconstructed driveways shall have a minimum width of eight feet. In cases of reconstruction of driveways the Building Inspector may waive the minimum width where it is not practically possible to reconstruct an existing driveway to that width, but the reconstructed driveway may not be narrower than it was prior to reconstruction.

(5) Porches.

(a) Setback average and range. Residential districts R-5 and R-6 specify that the minimum front setback for a principal building in a residential district shall be 25-feet or the average of existing setbacks on the side of the street where the property is located between the two closest intersecting streets, whichever is greater. The front setback may be anywhere in the range of the average setback minus 10% to the average setback or plus 10%.

(b) Required setback for addition or alteration.

1) In a case where portions of the existing structure are closer to the front street lot line than the nearest adjacent buildings, a new porch or alteration to a porch may come up to the portion of the structure closest to the front property line, excluding porch steps.

2) Where the existing structure is set back farther from the front property line than the nearest adjacent buildings, a new porch or alteration to a porch shall be permitted within the front setback range or may be placed up to any point between the existing front setback and the setback range.

3) No structure may be altered by removing a portion of the structure such that the front of the building will no longer be within the allowed setback range, or will be even farther from the permitted range than it already is.

4) When determining the required setback, the planning and zoning administrator shall exclude any building with a setback that is at least 25% less than the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

5) Atypical properties. When determining the required setback, the planning and zoning administrator shall exclude any building with a setback that exceeds the average setback of other buildings on the
blockface by more than 25 percent.

(c) Permitted setback intrusions.
   1) General. In order for buildings to have various features that provide variety, articulation and unique character, standards are established to allow certain elements of modest size to be placed in setback areas.
   2) Porches. The term “porch” refers to a covered, open-sided protrusion from the principal building. It does not refer to an enclosed porch, which is considered part of the principal building, or to an uncovered porch, which is considered a deck or patio.

(d) Prohibited:
   1) Green treated materials is prohibited for all finish materials.
   2) Porches may not be enclosed more than 30% of the porch floor area; screened porches are allowed.
   3) Porches may not be used for living purposes, three/four-season rooms, greenhouses, sunrooms, solariums (glass roof) or other like structures.

(e) At least 50% of the exterior wall area shall be open. (This does not mean that a property owner can enclose 50% of the property porch; it means that 50% of the total wall area around a porch must be open).

(f) Special exceptions.
   1) The Plan Commission, upon application as required herein, may grant a special exception to the provisions and requirements under §535-51B.
   2) Application for a special exception permit may be obtained from the planning and zoning administrator upon the payment of a fee as provided by the Village Fee Schedule, which shall not be refundable.

G. At least 30% of each lot shall be planted with grass, shrubs, trees or other forms of vegetation.

Article VI. Modifications

535-32 Yards.
A. The yard requirements stipulated elsewhere in this chapter may be modified as follows:
   (1) Uncovered stairs and landings may project into any yard not more than 6 feet and shall not be closer than 3 feet to any lot line.
   (2) Architectural projections, such as eaves and building ornamentation, may project into any required yard, but such projection shall not exceed 18 inches.

535-19 RESIDENCE DISTRICTS
E. R-5 SINGLE-FAMILY RESIDENCE DISTRICT NO. 1
   (5) Setback:
      (a) Front, minimum: 25-feet or the average or existing setbacks on the side of the street where the property is located between the two closest intersecting streets, whichever is greater.
(b) Rear, minimum: three feet
(c) Side:
   [1] Interior, minimum: three feet
   [2] Street side: 25% of the width of the lot but not less than 10 feet
       provided that the buildable width of the lot shall not be less than 20 feet.
z-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

z-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

3. ACCESSORY USES. a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

   b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot.
   b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.
   b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted.

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

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

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

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation.

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

c-4. There shall be no external alteration of the dwelling unit and the existence of the home occupation shall not be apparent beyond the boundaries of the site.

c-5. No more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. The home occupation shall create no additional traffic and require no additional parking above that normally associated with a dwelling unit.

c-7. No signs relating to the home occupation shall be permitted.

c-8. The home occupation shall not involve explosives, fireworks or repair of motor vehicles including body work.

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

e. Roomers. Not more than 2 roomers shall be permitted in any dwelling unit.

295-505. Design Standards. 1. INTRODUCTION. The purposes of the design standards of this section are to:

a. Maintain Compatibility with Neighborhood Context. An objective of these design standards is to ensure that buildings in residential districts fit within the context in which they are built. Lot sizes, lot coverages, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

b. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.
c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the “Principles of Urban Design” adopted by the city plan commission as part of the city’s comprehensive plan and maintained on file in the office of the commission and in the legislative reference bureau. Residential development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Principal building standards are established to ensure that new construction of principal buildings in residential districts, as well as additions and alterations to existing buildings, is appropriate for the surrounding context in terms of size, placement, height and design characteristics. The design standards for principal buildings are set forth in table 295-505-2. These standards apply to non-residential buildings as well as residential buildings. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Front Setback Standards. b-1. Intent. Front setback standards are intended to ensure that the front façade or elements of new construction or additions maintain relationships to the front lot line that are similar to the corresponding relationships for buildings of similar use in the immediate vicinity. At least 30% of the front façade of a principal building, measured in terms of lineal feet of building frontage, shall meet the standards of this paragraph. The remaining 70% or less of the front façade may be set back farther from the street than the required setback, but not closer to it.

b-2. Setback Average and Range. When table 295-505-2 specifies that the minimum front setback for a principal building in a residential district shall be determined by averaging, the front setback may be anywhere in the range of the average setback minus 20% to the average setback plus 20%.

b-3. Determination of “Front.” b-3-a. Interior Lot. The street frontage shall be the “front.”
b-3-b. Corner Lot. The “front” of a corner lot shall be along the same street as the immediately adjacent interior lot. When a corner lot is immediately adjacent to 2 or more interior lots, the street lot line with the smallest dimension shall be the “front.” An interior lot separated by an alley or other public way not exceeding 20 feet in width from the corner lot being developed shall be considered to be immediately adjacent to that corner lot.
b-3-c. Through Lot. When a lot has only 2 street frontages and those frontages are on opposite sides of the lot, the “front” of the lot shall be along the same street as the fronts of the immediately adjacent interior lots. When the fronts of the immediately adjacent lots are on different streets, the permit applicant shall specify which street frontage is the “front.”
b-3-d. Lot with More than 2 Frontages. When a lot is bounded by more than 2 streets, the permit applicant shall specify which street frontage is the “front.”

b-4. Required Setback For New Construction. When table 295-505-2 requires use of an average to determine front setback, the average shall be determined using the most applicable of the following methods:
<table>
<thead>
<tr>
<th>Lot area, minimum (sq. ft.)</th>
<th>Single-family Districts</th>
<th>Two-family Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>detached housing</td>
<td>RS1: 20,000 RS2: 12,000 RS3: 9,000 RS4: 7,200 RS5: 6,000 RS6: 3,600</td>
<td>RT1: 7,200 RT2: 4,800 RT3: 3,000 RT4: 2,400</td>
</tr>
<tr>
<td>Attached housing</td>
<td>not applicable</td>
<td>3,600</td>
</tr>
<tr>
<td>Lot area, maximum (sq. ft.)</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Lot width, minimum (ft.)</td>
<td>detached housing</td>
<td>100</td>
</tr>
<tr>
<td>Attached housing</td>
<td>not applicable</td>
<td>30</td>
</tr>
<tr>
<td>Lot width, maximum (ft.)</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Density</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot area per dwelling unit, minimum (sq. ft.)</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Lot area per roomer or transitional housing client, minimum (sq. ft.)</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Lot coverage, minimum interior lot</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Lot coverage, maximum interior lot</td>
<td>15%</td>
<td>30%</td>
</tr>
<tr>
<td>Lot coverage, minimum corner lot</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Lot coverage, maximum corner lot</td>
<td>15%</td>
<td>30%</td>
</tr>
<tr>
<td>Floor area, minimum (sq. ft.) one-story structure</td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>Floor area, minimum (sq. ft.) split-level or taller</td>
<td>1,900</td>
<td>1,900</td>
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<tr>
<td>Height, minimum (ft.)</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>Height, maximum (ft.)</td>
<td>45</td>
<td>45</td>
</tr>
</tbody>
</table>

*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table.

**A structure shall meet the minimum height requirements of table 295-505-2-i unless it is adjacent to a lot containing a one-story house, in which case there shall be no minimum height requirement.
Table 295-505-2  
PRINCIPAL BUILDING DESIGN STANDARDS

<table>
<thead>
<tr>
<th></th>
<th>Single-family Districts</th>
<th>Two-family Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RS1</td>
<td>RS2</td>
</tr>
<tr>
<td><strong>Primary Frontage</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Front setback, minimum (ft.)  
(see s. 295-505-2-b) | average or 25 ft., whichever is less | average or 25 ft., whichever is less | average | average | average | average | average | average | average | average |
| Front setback, maximum (ft.)  
(see s. 295-505-2-b) | none | none | none | none | average | average | none | none | average but never more than 20 ft. |
| Side street setback, minimum (ft.)  
| 20% of lot width but never more than 20 ft. | 10% of lot width but never more than 15 ft. | 10% of lot width but never more than 6 ft. | 20% of lot width but never more than 20 ft. | 10% of lot width but never more than 6 ft. |
| Side street setback, maximum (ft.) | none | none | none | none | none | none | none | none | none | 15 |
| North or west side setback, minimum (ft.) | 3 | 3 | 3 | 3 | 3 | 1.5 | 3 | 3 | 1.5 | 1.5 |
| South or east side setback, minimum (ft.) | 6 | 6 | 6 | 6 | 6 | 3.5 | 6 | 6 | 3.5 | 3.5 |
| Combined side setback, minimum (ft.) | 12 | 12 | 12 | 12 | 12 | 5 | 12 | 12 | 5 | 5 |
| Maximum depth of building without side setback adjustment | 50 | 50 | 50 | 50 | 50 | 75 | 50 | 50 | 75 | 100 |
| Max. no. of stories without side or rear setback adjustment | 2 | 2 | 2 | 3 | 3 | 3 | 2 | 2 | 3 | 4 |
| **Side Setback** |     |     |     |     |     |     |     |     |     |     |
| Rear setback, minimum (ft.)  
*interior lot* | 25 | 25 | 25 | 20 | 15 | 15 | 25 | 25 | 15 | 15 |
| Rear setback, minimum (ft.)  
*corner lot* | 25 | 25 | 25 | 15 | 10 | 10 | 20 | 20 | 10 | 10 |
| Rear street setback, minimum (ft.)  
(see s. 295-505-2-e) | average | average | average | average | average | average | average | average | average | average |
| Rear street setback, maximum (ft.) | none | none | none | none | none | none | none | none | none | none |
| Multiple principal residential buildings permitted? | no | no | no | no | no | same as RT4 | no | no | no | yes, if in existence on Nov. 22, 2003; otherwise, special use |

7/6/2011
<table>
<thead>
<tr>
<th>Lot</th>
<th>Multi-family Districts</th>
<th>Residence &amp; Office</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RM1</td>
<td>RM2</td>
</tr>
<tr>
<td>Lot area, minimum (sq. ft.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>detached housing</td>
<td>3,600</td>
<td>3,600</td>
</tr>
<tr>
<td>attached housing</td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td>Lot area, maximum (sq. ft.)</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Lot width, minimum (ft.)</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>detached housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot width, minimum (ft.)</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Lot width, maximum (ft.)</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Lot area per dwelling unit, minimum (sq. ft.)</td>
<td>2,400</td>
<td>1,200</td>
</tr>
<tr>
<td>Lot area per dwelling unit, permanent supportive housing, minimum (sq. ft.)**</td>
<td>1,200; 2,400 for a unit with 2 or more bedrooms</td>
<td>600; 1,200 for a unit with 2 or more bedrooms</td>
</tr>
<tr>
<td>Lot area per roomer or transitional housing client, minimum (sq. ft.)**</td>
<td>1,200</td>
<td>600</td>
</tr>
<tr>
<td>Lot coverage, minimum interior lot</td>
<td>15%</td>
<td>15%</td>
</tr>
<tr>
<td>Lot coverage, maximum interior lot</td>
<td>30%</td>
<td>50%</td>
</tr>
<tr>
<td>Lot coverage, minimum corner lot</td>
<td>15%</td>
<td>15%</td>
</tr>
<tr>
<td>Lot coverage, maximum corner lot</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>Floor area, minimum (sq. ft.) One-story structure</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Floor area, minimum (sq. ft.) One-story structure</td>
<td>none</td>
<td>none</td>
</tr>
</tbody>
</table>

*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table. For premises with a mixture of residential types including either permanent supportive housing or transitional housing, the minimum lot area per dwelling unit or per roomer or Transitional housing client shall be calculated pursuant to s. 295-505-2-n.
### Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS

<table>
<thead>
<tr>
<th></th>
<th>Multi-family Districts</th>
<th>Residence &amp; Office</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RM1</td>
<td>RM2</td>
</tr>
<tr>
<td>Height, minimum (ft.)</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Height, maximum (ft.)</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>Front setback, minimum (ft.) (see s. 295-505-2-b)</td>
<td>average</td>
<td>average</td>
</tr>
<tr>
<td>Front setback maximum (ft.) (see s. 295-505-2-b)</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Side street setback, minimum (ft.)</td>
<td>10% of lot width but not more than 15 ft.</td>
<td>3</td>
</tr>
<tr>
<td>Side street setback, maximum (ft.)</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>North or west side setback, minimum (ft.)</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>South or east side setback, minimum (ft.)</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Combined side setback, minimum (ft.)</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Maximum depth of building without side setback adjustment</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Max. no. of stories with outside or rear setback adjustment</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Rear setback, minimum (ft.) interior lot</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Rear setback, minimum (ft.) corner lot</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Rear street setback, minimum (ft.) (see s. 295-505-2-e)</td>
<td>average</td>
<td>average</td>
</tr>
<tr>
<td>Rear street setback, maximum (ft.)</td>
<td>none</td>
<td>none</td>
</tr>
</tbody>
</table>

**Multiple principal residential buildings permitted?**

|                | no | no | no | yes | yes | yes | yes | yes | yes |
b-4-a. Adjacent Structures. Where immediately adjacent lots contain principal buildings, the front setback dimensions of those structures shall be averaged to establish the average front setback.

b-4-b. No Adjacent Structures. If one or both adjacent lots do not contain principal buildings, the average front setback shall be determined by averaging the front setbacks of the 2 nearest principal buildings located on the same blockface, on adjacent blockfaces on the same side of the street, on the blockface across the street or on the nearest similar street, in that order.

b-5. Required Setback for Addition or Alteration. b-5-a. In a case where portions of the existing structure are closer to the front street lot line than the nearest adjacent buildings, a new addition or alteration may come up to the portion of the structure closest to the front property line.

b-5-b. Where the existing structure is set back farther from the front property line than the nearest adjacent buildings, a new addition or alteration shall be permitted within the front setback range described in subd. 2 or may be placed up to any point between the existing front setback and the setback range.

b-5-c. No structure may be altered by removing a portion of the structure such that the front of the building will no longer be within the allowed setback range, or will be even farther from the permitted range than it already is.

b-6. Atypical Properties. b-6-a. When determining the required setback, the commissioner of neighborhood services shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

b-6-b. When determining the required setback, the commissioner of neighborhood services shall exclude any building with a setback that is at least 25 percent less that the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

b-7. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner of neighborhood services shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

b-8. Adjustment Due to Topography. Where a sloping front yard rises at least one foot for every 2 feet of run and application of the maximum front setback requirement would result in the front of the proposed building being placed on the slope or within 10 feet of the crest of the sloping front yard, the maximum front setback may be increased to not more than 10 feet back from the crest of the sloping front yard.

b-9. Exception for All Non-Residential Uses. There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

b-10. Exception for Educational and Community-serving Uses. Principal structures of educational and community-serving uses may be set back a distance greater than the maximum front setback otherwise required.

c. Side Setback Standards. c-1. Minimum Setback for Property Adjacent to Developed Parcels or Alleys. c-1-a. A new principal building on a property that is adjacent to another property containing an existing principal building located closer than 1.5 feet from the shared property line shall maintain a minimum dimension of 3 feet from such existing structure, even when table 295-505-2 allows the new structure to be less than 3 feet from the property line.

c-1-b. Where a side property line abuts an alley, the minimum setback shall be the lesser of the 2 required side setbacks.

c-2. Adjustment for Buildings with Excessive Depth. When a structure exceeds the maximum depth specified in table 295-505-2, as measured from the front façade of the building, 1.5 additional feet of side setback shall be required for each additional 10 feet of building depth. Only the portion of the structure which exceeds the maximum building depth shall be required to have the additional setback. This adjustment shall not apply on the side of a lot that abuts an alley or a side street.

c-3. Adjustment for Buildings with Excessive Number of Stories. As specified in table 295-505-2, 4 additional feet of side setback shall be required on each side for each additional story above the maximum number of stories allowed. Only stories above the maximum story shall be required to have these additional setbacks. This adjustment shall not apply on the side of a building that abuts an alley.

d. Side Street Setback Standards. d-1. Build-to Line. Where a maximum side street setback is specified, at least 30% of the side street façade shall be located between the minimum and maximum required setbacks.

d-2. Exception for All Non-Residential Uses. There shall be no minimum side street setback for a principal structure of any non-residential use located on a corner lot.
d-3. Exception for Educational and Community-serving Uses. Principal structures of educational and community-serving uses may be set back a distance greater than the maximum side street setback specified in table 295-505-2.

e. Rear Street Setback Standards. e-1. Determination of Required Setback. There shall be no maximum rear street setback. The minimum rear street setback for both new construction and additions to existing structures shall be determined by using the most applicable of the following methods:

e-1-a. Adjacent Structures. Where immediately adjacent lots contain principal or accessory buildings, the rear street setback shall be calculated as the average of the distance between the rear-most façade element or roofed area of the adjacent buildings and the street property line.

e-1-b. No Adjacent Structures. Where one or both of the immediately adjacent lots do not contain buildings, the rear street setback shall be determined by averaging the rear street setbacks of the 2 nearest buildings located on the same blockface, in adjacent blockfaces on the same side of the street, in the blockface across the street or on the nearest similar street, in that order. Buildings included in this calculation may be either principal structures or accessory structures.

e-2. Setback Average and Range. When table 295-505-2 specifies that the minimum rear street setback for a principal building in a residential district shall be determined by averaging, the minimum rear street setback may be anywhere in the range of the average setback minus 20% to the average setback plus 20%.

e-3. Atypical Properties. e-3-a. When determining the required setback, the commissioner shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

e-3-b. When determining the required setback, the commissioner shall exclude any building with a setback that is at least 25 percent less that the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

e-4. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

f. Permitted Setback Intrusions. f-1. General. In order for buildings to have various features that provide variety, articulation and unique character, standards are established to allow certain elements of modest size to be placed in setback areas. These standards are found in table 295-505-2-f.

f-2. Porches. As used in table 295-505-2-f, the term "porch" refers to a covered, open-sided protrusion from the principal building. It does not refer to an enclosed porch, which is considered part of the principal building, or to an uncovered porch, which is considered a deck.

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

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

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

h-2-a. Chimneys and flues.

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

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

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

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

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

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

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

h-2-i. Solar farms and solar arrays.
<table>
<thead>
<tr>
<th>Type of Intrusion</th>
<th>Front or Rear Street Setback</th>
<th>Side Street Setback</th>
<th>Side Setback</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porch</td>
<td>Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.</td>
<td>Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.</td>
<td>Up to 4 ft.; however, the porch shall not be more than 6 ft. wide or be closer than 3 ft. from the side property line and shall be open on all sides.</td>
<td>Shall not encroach into required setback; however, stairs leading to a porch may encroach.</td>
</tr>
<tr>
<td>Uncovered wheelchair ramp</td>
<td>Permitted in setback only if: 1. The ramp has skirting material to screen the areas beneath the ramp. 2. The ramp is kept in a reasonably good state of repair and maintenance. 3. Trees or shrubs displaced by the ramp shall be relocated or replaced.</td>
<td></td>
<td></td>
<td>Permitted anywhere in rear setback area.</td>
</tr>
<tr>
<td>Uncovered wheelchair lift</td>
<td>Permitted in setback only if: 1. Skirting with a minimum height of 4 feet is provided. 2. The lift is equipped to prevent lowering if the area beneath the lift is not clear of obstructions. 3. The lift has skirting material which prevents obstructions to the movement of the chair.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planter</td>
<td>Permitted anywhere in a setback area, but shall not exceed 4 feet in height.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air-conditioning condenser</td>
<td>Not permitted unless set back at least 50 feet and entirely screened.</td>
<td>Not permitted unless the use on the adjacent lot is non-residential or unless any dwelling on the adjacent lot is at least 15 feet from the lot line.</td>
<td>Permitted anywhere in rear setback area.</td>
<td></td>
</tr>
<tr>
<td>Hood or awning</td>
<td>Up to 6 feet</td>
<td>Up to 6 feet</td>
<td>Up to 4 feet, but not closer than 2 feet from any property line</td>
<td></td>
</tr>
<tr>
<td>Eave</td>
<td>Up to 4 feet</td>
<td>Up to 4 feet</td>
<td>Up to 2 feet, or one-half of the required setback, whichever is less.</td>
<td>Up to 4 feet, but not closer than 2 feet from any property line.</td>
</tr>
<tr>
<td>Balcony</td>
<td>Up to 4 feet</td>
<td>Up to 4 feet</td>
<td>Not permitted</td>
<td>Up to 4 feet, but not closer than 2 feet from any property line.</td>
</tr>
<tr>
<td>Fire escape</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Permitted only along a side facing an alley</td>
<td>Up to 6 feet, but not closer than 2 feet from any property line.</td>
</tr>
<tr>
<td>Bay window</td>
<td>Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line. Not more than one-third of the facade may have similar protrusions.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chimney</td>
<td>Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT C

Zoning Setback Calculation Example

<table>
<thead>
<tr>
<th>Existing Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>15’</td>
</tr>
<tr>
<td>20’</td>
</tr>
<tr>
<td>10’</td>
</tr>
<tr>
<td>10’</td>
</tr>
<tr>
<td>12’</td>
</tr>
</tbody>
</table>

Total

67 AVE $\frac{67}{5} = 13.4$ 10%$+ = 14.7’$ 10%$less = 12’

Average - - - - .

![Diagram showing setback calculations](image-url)
Front Setback: 25-feet or the average or existing setbacks on the side of the street where the property is located between the two closest intersecting streets, whichever is greater.

**A. Existing Code**

Able to rebuild as-is

**B. Existing Code**

Add Patio at-grade ONLY.
Assume house at front yard setback.

**C. Existing Code**

Add Patio at-grade ONLY.
Assume house at front yard setback line.
Assumptions: all homes located at front yard zoning setback line.

D. Existing Code

Add patio at-grade. Can add porch across front no further out than existing entry; however, should not be decking materials and disagree if requires full coverage.

E. Existing Code

Add patio at-grade ONLY.

F. Existing Code

Rebuild as-is. Can add patio at-grade only in front of enclosed section. No Porch addition. Can enclose rest of Porch.
G. Existing Code

No patio addition.
Rebuild as-is (grandfathered) at current depth.
Can NOT add porch cover because not original design.

H. Existing Code

No additional patio.
Rebuild as-is (grandfathered) at current depth.
Can Not add cover because not original design.

I. Existing Code

No additional patio.
Rebuild as-is (grandfathered) at current depth.
Can NOT add porch cover because not original design.
All these have existing covered entries that allow for a porch deck off to the side. The one picture with cement, actually protrudes farther out from the entrance because considered a patio. The other 3 would not be allowed to extend porch deck out farther.

**J. Existing Code**

No patio addition unless remove side porch. Rebuild as-is (grandfathered) at current depth. Considered open porch and constructed of porch materials (not deck) so staff would allow cover extended over entire front- needs design approval.

**K. Existing Code**

No patio addition unless remove raised landing. Rebuild as-is (grandfathered) at current depth. Considered more like a landing because of projection of entry. Could allow cover- needs design approval.

**L. Existing Code**

Rebuild at same depth BUT NO decking materials. Legal Nonconforming. Can enclose rest of Porch. Can add patio at-grade only in front of enclosed section. No Porch addition.
The below decks are considered nonconforming structures because made of decking material and no ‘cover’ to make it a porch.

### M. Existing Code
- Legal nonconforming because materials and no cover.
- Could NOT rebuild as-is.
- Could add stoop.
- Could add patio if remove deck.

### O. Existing Code
- Example of Enclosed Porch.
- Probably would allow patio.
- Can NOT add to porch.

### P. Existing Code
- Like above house but covered landing only.
- Would allow side raised porch extension.
- No decking materials, but have allowed in past.
- Patio allowed.
All front facades aligned
Staff interprets front setback measured from principal façade that is setback from the 2 covered entries.
#1 and #2 have enclosed entries
#1 and #2 have uncovered landings
#3 has a covered landing
All use stained decking materials
None interpreted as porches
There’s nothing in our code that prohibits deck material landings.

The partial house to the left could not add a porch under the existing code and probably not with the new code because it projects past the front facades of the two houses to the right. Staff would average the blocks front setback.

House on right has enclosed porch, assuming not original design.
Middle house screened porch, assuming not original design.
V. Existing Code

Allows at-grade patio
Porch not allowed.
RE: Further discussion of conditional use application requirement for solar panels

On November 25, 2014 the plan commission approved amendment of the zoning chapter solar system language to adjust to changes in the state regulations, thereby creating separate criteria from the existing conditional use criteria under §535-25C. The plan commission approved keeping solar panel approvals as a conditional use instead of sole approval via an electrical application.

On January 26, 2016 the plan commission revisited the code, questioning removal of the conditional use application requirement for solar panels. At that time, staff provided other municipal requirements showing that most did not require conditional use permits. Commissioners agreed that if there were multiple applications, items could be put under a consent agenda and fees for solar panels lowered. The village lowered the fee from $150 to $75 thereafter.

In 2016 the village approved 18 conditional use applications for solar panels.

At the June 27, 2017 plan commission meeting, members asked to re-discuss the approval process for solar panels.

Staff Recommendation
Staff supports removing solar panels as a conditional use and could create a policy and separate solar application or evaluate other codes to identify criteria, as provided in your packet.

Element Options to Discuss:
A. Keep in zoning code
   a. Must meet all zoning codes
   b. Add dimensional allowances
B. Require building permit or Solar Permit
C. Notify neighbors, with objections to Plan Commission or other board
D. Expedite like City of Milwaukee

Materials Enclosed:
1. Plan commission minutes 11/25/14 and 1/26/16
2. Memo from village attorney regarding solar panel regulations, dated 12/9/14
3. Code section 535-30D
4. Code comparisons
5. Milwaukee solar materials
Mr. Dickman stated that realistically if two islands are going to be added then that is four additional parking stalls even though they are not considered parking spaces.

Mr. Maher stated that often customers will pull off to the side of the pumps as well but that could be limited with the site being small and challenging.

Mr. Dickman said he was not as concerned about it because if it became difficult and inconvenient people won’t go there.

Mr. Gallagher stated he had no problem with the parking situation. He asked about the manhole/gas fill covers and their locations. Mr. Walia stated they may be shifted minimally but would like them to stay close to the same place they are currently along the eastern lot line. He is investigating the tanks to determine if they need to be replaced due to their age.

Mr. Maher moved to defer action on the exception for parking until consideration can be given to the request for exception of the side yard setback at 1604 E. Capitol Drive with a dimensional site plan showing the parking spaces being provided. Seconded by Mr. Dickman. Vote to defer 6-0.

8. **Discussion and possible consideration of staff recommendation to amend the zoning code regarding solar panels and wind energy systems.**

Mr. Pollen explained that the current code requires that those who want to install solar or wind energy systems come to the Village for a conditional use permit and the commission would use the same criteria to approve the permit as used for all other conditional uses. The State has not always been in agreement on the systems and the extent that local municipalities can control them. Currently, the state legislature has passed a law that says that if local communities are going to control these systems at all they must pass a local ordinance but the only things the municipality can consider are the following: if the system serves to preserve or protect the public health or safety, if the system does not significantly increase the cost of the system or significantly decrease its efficiency and if the system allows for an alternative system of comparable cost and efficiency. Any other criteria that were previously used to consider these systems have been removed from the Village’s consideration. If the Village would not adopt this new ordinance then the Village would have no control at all over the systems. The prepared draft of the new ordinance amends Chapter 535 and separates solar and wind energy systems from other conditional uses and applies only the restrictions specifically allowed by Wis. Stat. § 66.0401. Mr. Pollen read the proposed ordinance to the commissioners.

The Public Service Commission (PSC) also got involved in the conversation expressing their concerns regarding wind energy systems. The PSC require detailed plans, engineering, analysis of the installation of wind energy systems and notification to neighbors regarding the installation. The draft ordinance includes this language.

Section 1 requires anyone with a wind energy system to come through with a plan and notice requirements required under the state PSC ordinance.

Section 2 changes the title of the conditional use permits part of the village code and adds solar and wind energy systems to the title.

Section 3 adds the criteria for the issuance of the conditional use permit for solar or wind energy system giving the three criteria allowed considering for solar and/or wind systems.

Mr. Pollen clarified that because the approvals for solar and wind energy systems are conditional, commissioners could place conditions on the installations, however the conditions cannot increase the cost of the system or decrease its efficiency.

Mr. Hansmann stated that they could still put conditions on a system such as the system being flush mounted instead of on struts. Mr. Pollen agreed.
Mr. Gallagher asked about wind mill like wind systems and the likelihood of that type of system being installed in the village. Mr. Hansmann stated that it could be possible for a resident wanting to install a smaller artistic wind system. Mr. Pollen said that this ordinance would allow the Plan Commission to review the system before installation.

Mr. Hofman asked that if a wind energy system was to be installed the applicant would have to go before the PSC prior. Mr. Pollen did not know the answer to the question at the time. The state could have different standards based on the size of the systems.

Mr. Johnson asked for clarification on the meaning of “allows for an alternative system of comparable cost and efficiency”. Mr. Pollen explained that a proposal could have conditions placed on it but that restriction would not be considered reasonable unless an alternative system of comparable cost and efficiency was possible.

Mr. Maher pointed out that there are three criteria for restricting a system and only one criteria needs to be met to restrict a system.

The village has received approximately three conditional use applications for wind/solar systems in the last two years.

Mr. Gallagher asked to remove the word “only” from proposed code Section 535-30C (3a). The section would read “The Village Plan Commission shall review any proposed solar or wind energy system and may restrict the system if the restriction satisfies one of the following condition”. The numbering under 535-30C (3b) also needs to be corrected.

Mr. Maher added that the language referencing wind-powered generators and solar energy devices has to be taken out of the current Village Code § 535-30 B. Mr. Maher stated that in the future this code may need to be looked at to determine if certain types of systems do not need conditional approval.

Mr. Gallagher moved to recommend the amendment to the zoning code regarding solar panels and wind energy systems with the revisions presented. Seconded by Mr. Maher. Vote to approve 6-0.


Ms. Lang informed the commission that the revision to the plan should be received in a week and copies will be given to the commissioners. A special Village Board meeting is trying to be planned for the last week in February or first week in March.

10. Schedule next meeting.

The next meeting is scheduled for February 24, 2015.

11. Other business as authorized by law.


Mr. Maher moved to adjourn the meeting at 8:19 p.m., seconded by Mr. Dickman. Vote 6-0.

Recorded by,

Crystal Kopydowski
Planning and Development Administrative Clerk
Plan Commission
Meeting Minutes
January 26, 2016
3930 N. Murray Ave Village of Shorewood, WI 53211

1. Call to order.
The meeting was called to order at 6:35 p.m.

2. Roll call.
   Chair Guy Johnson present
   Tim Hansmann present
   Susan Buchanan not present
   Leah Blankenship present
   Nate Piotrowski present
   Barbara Kiely Miller present
   Michael Maher present
   Chris Gallagher not present

   Chair Johnson announced that commissioner Tom Hagedorn resigned from the commission effective immediately.

3. Approval of November 24, 2015 meeting minutes.
   Maher moved to approve the minutes seconded by Kiely Miller with two changes. Vote 6-0 to approve with changes.

   Meeting was posted but no item required public hearing notices.

5. Discussion and possible recommendation of staff request to create outdoor lighting ordinance within the zoning chapter.
   Planning Director Ericka Lang introduced the item. This is the third plan commission meeting to discuss creating a lighting ordinance for commercial districts. The packet included a staff memo, draft ordinance, various pictures, a Kelvin scale and information on LED light strips. Revisions were reviewed and discussions were focused on glare and light intensity and determining average footcandles. Staff requested the definition of lumens is added to the draft ordinance.

   Piotrowski moved to recommend approval of the ordinance to the Village Board per discussion, subject to staff amendment to average footcandles, seconded by Maher. Vote 6-0.

6. Discuss and possible recommendation to amend zoning code on solar panels.
   Village Attorney Bill Dineen reviewed the current zoning code for solar panels and wind energy systems and the impact of Wis. Stats. 66.0401 and 66.0403.
At the last Plan Commission meeting November 18, 2015, staff asked the commission to further review the approval process for solar panels. Commissioners requested staff to provide examples of other municipal approval processes for communities in Wisconsin.

January 2015 Shorewood’s zoning code was amended to reflect the state’s decision to limit local municipalities’ ability to restrict solar panel and wind energy systems. Shorewood’s zoning code requires approval of solar panels by conditional use per Sec. 535-30D. It states that the plan commission may only restrict solar panels if one of the following conditions is satisfied:

[1] Serves to preserve or protect the public health or safety.

[2] Does not significantly increase the cost of the system or significantly decrease its efficiency.


Staff reviewed 12 Wisconsin communities’ codes on solar panels. Most of those codes adopted language directly from §66.0403 that is about permits for solar and wind energy.

Wis. Stat. 66.0401 allows municipalities to require a conditional use for solar panels. Wis. Stat. 66.0403 is about granting permits for solar panels. These two sections are independent of each other. Stat. 66.0403 is for the benefit of the permit holder, granting them the right to full solar access to their panels, denying adjacent property owners the ability to obstruct that access, whether by structure or tall vegetation.

In a memo by Village Attorney Nathan Bayer dated December 9, 2014 to the Village and provided to the Plan Commission at the January 27, 2015 meeting, it is explained why it was not recommended to adopt this section of the Wis. Stats. Planning Director Lang recommends keeping solar panels as a conditional use.

Shorewood Conservation Committee Chair Josh Liberatore was present, requesting a simpler process knowing that the City of Milwaukee is coordinating another solar group buy that includes homes in Shorewood. Milwaukee has an expedited system with one day approval and one application if solar panels meet certain requirements. Staff provided commissioners information on how Milwaukee reviews and issues permits for solar panels.

Commissioners agreed that if there were multiple applications, items could be put under a consent agenda and fees for solar panels lowered. The plan commission could meet outside of their regular scheduled meetings as well. Attorney Dineen will verify if Wis. Stats requires conditional use applications as a class 1 public notice which requires meeting publication 10 days prior to the meeting date.

Piotrowski stated that the conditional use process is unnecessarily burdensome.

Maher moved to recommend to the Village Board the conditional use application fee lowered to seventy-five dollars from its current fee of one-hundred-and-twenty-five dollars for solar panels and wind energy systems, seconded by Kiely Miller. Vote to approve 5-1. Piotrowski voted against.
Materials provided to commissioners include: staff memorandum, code comparison table of 12 communities; Wis. Stat 66.0104-0403; Village Attorney memo from December 2014; various materials from City of Milwaukee.

7. **Consider recommendation to amend vision triangle language within the village code.**

Lang introduced and said that Shorewood’s sign chapter and zoning code chapters differ in the definition of a vision triangle. Staff proposed changes for street corners, driveways and alleys; however, negated consideration of commercial build-to lines for zoning front yard setbacks.

Some commissioners do not want to see regulations for driveways and/or alleys or corners or residential properties.

Staff will further review the proposed code and bring it back to the commission at a future date.

Materials provided to commissioners: staff memorandum, memo from Building Inspector Justin Burris and draft ordinance.

8. **Schedule next meeting.**

The next meeting is Tuesday February 23, 2016.

9. **Future agenda items.**

Staff will bring back discussion of amending the zoning code for front yard porches. There’s also a conditional use application for a massage business.

10. **Adjournment.**

Maher moved to adjourn the meeting at 8:04 p.m., seconded by Piotrowski. Vote 6-0.

Recorded by,

[Signature]

Ericka Lang
Planning Director
<table>
<thead>
<tr>
<th>Place</th>
<th>Code</th>
<th>Application</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shorewood</td>
<td>Zoning 535-30</td>
<td>Conditional Use application</td>
<td>CUP to Plan Commission. Meet 1/month. 3 week notice. Electrical application, approved within 2 days.</td>
</tr>
<tr>
<td>Lodi</td>
<td>Zoning 340-13</td>
<td>Electrical Application</td>
<td>Cannot block panel with bush or structure between 9 a.m. to 3 p.m. Assume requires electrical permit.</td>
</tr>
<tr>
<td>New Glarus</td>
<td>Zoning 305-61</td>
<td>Solar Access Easment Permit</td>
<td>Approved by building inspector Neighbors given notice by Certified Mail once reviewed. Objections to Plan Commission for public hearing Plan Commission to require hearing even if no objection within 90 days of last notice given. Same criteria of approval as Stratford, Belleville, Mayville, Trempealeau. Neighbors can request hearing within 30 days.</td>
</tr>
<tr>
<td>Belleville</td>
<td>Solar Energy 442</td>
<td>Solar Access Permit</td>
<td>Purpose of protecting the health, safety and general welfare of the community by:&lt;br&gt;1) promoting the use of solar energy systems&lt;br&gt;2) Protecting access to sunlight for solar energy systems&lt;br&gt;3) Assuring that potentially conflicting interests of individual property owners are accommodated to the greatest extent possible compatible with the overall goal of this chapter. Approved by building inspector, with 30 days to review. Preapplication meeting required. Neighbors given notice by Applicant, by Certified Mail after approval. Neighbors or inspector can request hearing within 30 days. Uses same criteria as Stratford's Plan Commission.</td>
</tr>
<tr>
<td>Benton</td>
<td>Solar Access 276</td>
<td>Identical to Belleville</td>
<td>Identical to Belleville Months to print Refers to Wis Stats 66.0403</td>
</tr>
<tr>
<td>Greendale</td>
<td>Building 15-59</td>
<td>Building Permit</td>
<td>Solar panels considered accessory structure. Approved by Building Board. Must meet zoning height, setbacks, etc. Building Board determines structure will not be detrimental to other properties.</td>
</tr>
<tr>
<td>Location</td>
<td>Zoning Code</td>
<td>Permit Type</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
<td>---------------------------</td>
<td>-------</td>
</tr>
</tbody>
</table>
| Stratford    | Energy Systems 542-9 | Conditional Use | Conditional Use to Plan Commission. Plan Comm recommends to Village Board if:  
|              |             |                          | - if approval will not unreasonably interfere with orderly land use and development plans of the village.  
|              |             |                          | - no present plans to build structure that creates an imermissible interfernece by showing applied for building permit prior to solar application.  
|              |             |                          | - the benefits to the applicant and the public will exceed any burdens.  
|              |             |                          | If Village Board approve, notice to neighbors restricted by permit.  |
| Mayville    | Zoning 430-95 | Solar Access             | Plan Commission approves. Pre-meeting with building inspector Notice to neighbors by Certified Mail. Permit Process, approval and criteria same as Trempealeau/Belleville/Benton.  |
| Brodhead    | Zoning 480-77 | Zoning Permit            | Solar Energy Conversion System (towers)  |
| Trempealeau | Zoning 520   | Conditional Use          | Same purpose statements like Belleville. Zoning Administrator takes application. To Plan Commission prior to application approval. To Village Board if Plan Comm deemed application completed sufficiently. Remaining process and review criteria identical to Belleville:  |
| Cottage Grove | Zoning 325-91 | Accessory use          | If on principal building, cannot project more than 3 feet from exterior wall, or 6 feet if flat roof.  
|              |             |                          | If detached from principal structure, then considered accessory structure and meet all zoning requirements.  |
| New Berlin  | Zoning 275  | Building Permit          | Accessory use. Allowed all districts. Meets all zoning codes.  |
| Milwaukee   | Zoning      | Expedited Solar Permit: Building & Electrical | Expedited process changed in 2010 for solar panels less than 5 lbs per square foot. Complete worksheet and provide necessary materials, then could approve electrical application within 2 days. If greater that 5 lbs per panel, then traditional approval process, requiring Building ($60 min) and Electrical applications ($60 - $260) and Plan Review ($60). Up to 4 weeks to approve.  |
Expedited Solar Permit
Building and Electrical Permit
Photovoltaic System 10 KW or less
1 & 2 Family Dwellings

No refund on minimum fee permits
Work is not authorized unless permit is validated at right

<table>
<thead>
<tr>
<th>Location (Exact street address – please print)</th>
<th>Use of building</th>
<th>Cost of job</th>
<th>Code</th>
<th>CT</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner</td>
<td>Address</td>
<td>State</td>
<td>Zip</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please print

| Name | Firm name |
| Address | Phone |
| City/state/zip | Email |
| Signature | Master # | State Electrical Contractor # |

Job Description - Photovoltaic

<table>
<thead>
<tr>
<th>Total size of Array:</th>
<th>KW</th>
<th>sq.ft</th>
<th>Size of Panel:</th>
<th>Weight of Panel:</th>
</tr>
</thead>
</table>

Description of Work

Worksheets attached

Fees

- Solar Electrical Permit (6800) Minimum Fee: $70.00 $70.00
- Feeder or sub feeder change: Up to 400 amps ($35.00) 401 to 600 amps ($40.00) $________
- Outlet for fixture, lamp, switch, receptacle, etc. $1.00 per unit # of units $________
- Total switch capacities, Single phase/Multi phase Up to 400 amps ($70.00) 401 to 600 amps ($75.00) $________

Subtotal $________

1.4% (.014) IT/Training Surcharge $________

$5.00 processing fee $5.00

TOTAL $________

When you provide a check as payment, you authorize us either to use information from your check or make a one-time electronic fund transfer from your account, or to process the payment as a check transaction.

I attest that the above information accurately describes the property and the proposed work to be performed on it. I agree to comply with all City of Milwaukee and State of Wisconsin codes applicable to the occupancy and work stated above. No asbestos project, as defined in Ch. 66 of the Milwaukee Code of Ordinances, is included in the work performed under this permit. I understand that any falsification or misinformation may result in penalties prescribed in the Milwaukee Code of Ordinances.

Permit check

Taxkey: Historic code:

<table>
<thead>
<tr>
<th>Permit issued by:</th>
<th>Approval conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Inspector</td>
<td>Phone</td>
</tr>
</tbody>
</table>

Rvsd 3-2014
Solar Permit

WKS1: Permit Worksheet
1 and 2 Family Residential

### Site Plan

Provide site plan showing location of major component on the property. This drawing need not be exactly to scale but it should present relative location of components at site (see supplied example site plan). **Explanation:** This is a simple diagram to show where the equipment is located on the property. This can be a zone-clearance plot plan with the equipment clearly shown and identified on the plan. If PV array is ground-mounted, clearly show that system will be mounted within allowable zoned setbacks. See site plan example for reference.

- [ ] Completed site plan is attached.

### Spec Sheets and Install Manuals

Specification sheets and installation manuals (if available) for all manufactured components included, but not limited to, PV or SHW modules, inverter(s), combiner box, disconnects, pump station, and mounting system. **Explanation:** This is referring to the brief versions of manuals that are reviewed by the listing agency certifying the product.

- [ ] Required spec sheets and manuals are attached. List all below:

### Roof Information

1) Is the array to be mounted on a defined, permitted roof structure?  
   - [ ] Yes  
   - [ ] No

2) Is the roofing type lightweight (Yes = composition, lightweight masonry, metal, wood shake, etc. No= heavy masonry, slate, etc). If no, submit completed worksheet for roof structure WKS2.  
   - [ ] Yes  
   - [ ] No

3) If a composition shingle roof, does the roof have a single roof covering?  
   - [ ] Yes  
   - [ ] No

4) Does the structure have roof framing members spaced at 24 inches on center maximum?  
   - [ ] Yes  
   - [ ] No

5) Provide method and type of weather proofing roof penetrations (e.g. flashing, caulk).

### Mounting Information

Is the mounting structure an engineered product designed to mount modules with no more than 18” gap beneath solar electric modules, or solar hot water panels, and frames? **If no, provide details of structural attachment certified by design professional.**

- [ ] Yes  
- [ ] No

For manufactured mounting systems, fill out information on the mounting system below:

- a. Mounting System Manufacturer:
- b. Product Name and Model #:
- c. Total Weight of PV Modules (or SHW panels) and Rails: _____lbs (include total weight of all hardware used along with module weight).
- d. Total Number of Attachment Points:
- e. Weight per Attachment Point (c÷d)_____. If greater than 45 lbs. will require plan review fee and submittal of additional materials for review.
- f. Maximum Spacing between attachment points on rail: _____inches (see product manual for maximum spacing allowed based on wind loading).
- g. Total Surface Area of PV Modules (or SHW panels) (sq. ft.)_____ft²
- h. Distributed Weight of PV Modules (or SHW panels) on Roof (c÷g)_______lbs/ft². If distributed weight of the PV (or SHW) system is greater than 5 lbs/ft² will require plan review fee and submittal of additional materials for review.
Solar Permit
WKS2: Structural Worksheet

(ONLY required when system exceeds 45 lb limit at attachment points and/or distributed weight of system is greater than 5 lbs/ft².)

If the array is roof mounted:

This section is for evaluating roof structural members that are site built. This includes rafter systems and site built trusses. Manufactured truss and roof joist systems, when installed with proper spacing, meet the roof structure requirements covered in item 2 below.

1. Roof construction: ☐ Rafters ☐ Trusses ☐ Other: ___________________________

2. Describe site-built rafter or site-built truss system:
   a. Rafter Size: __________ inches
   b. Rafter Spacing: ______________ inches
   c. Maximum unsupported span: ______ feet, ______ inches
   d. Are the rafters over-spanned? (See the IREC Span Tables document)
      ☐ Yes ☐ No
   e. If YES, complete the rest of this section.

3. If the roof system has:
   a. over-spanned rafters or trusses,
   b. the array over 5 lbs/ft² on any roof construction, or
   c. the attachments with a dead load exceeding 45 lbs per attachment;

Provide at least one of the following:
   (i) A framing plan that shows details for how you will strengthen the rafters using the supplied Span Tables document.
   (ii) Confirmation certified by a design professional that the roof structure will support the array.

If the array is ground mounted:

1. Show array supports, framing members, and foundation posts and footings.

2. Provide information on mounting structure(s) construction. If the mounting structure is unfamiliar to the local jurisdiction and is more than six (6) feet above grade, it may require engineering calculations certified by a design professional.

3. Show detail on module attachment method to mounting structure.

4. Ground mounted systems are subject to all applicable building codes.
TO: Planning & Development Director Ericka Lang
Village Manager Chris Swartz

FROM: Nathan J. Bayer

DATE: December 9, 2014

RE: Regulation of Solar and Wind Energy Systems

We have been asked to review Shorewood's regulation of solar and wind energy systems in light of the state legislature's decision to limit local municipalities' ability to restrict such systems under Wis. Stat. § 66.0401. For the reasons discussed below, we recommend continuing to treat solar and wind energy systems as conditional uses under Article V of Chapter 535 of the Village Code. However, the criteria for evaluating all other conditional uses defined in Article V of Chapter 535 cannot apply to solar and wind energy systems. We have prepared a draft ordinance that amends Chapter 535 and separates solar and wind energy systems from other conditional uses, and applies only the restrictions specifically allowed by Wis. Stat. § 66.0401.

Wisconsin Statute § 66.0401 limits a municipality's ability to regulate wind and energy systems as follows:

(1m) AUTHORITY TO RESTRICT SYSTEMS LIMITED. . . No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, unless the restriction satisfies one of the following conditions:

(a) Serves to preserve or protect the public health or safety.
(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
(c) Allows for an alternative system of comparable cost and efficiency.

Wisconsin courts have interpreted this section to trump local zoning regulations. In Numrich v. City of Mequon Board of Zoning Appeals, 242 Wis. 2d 677, 626 N.W. 3d 366 (2001), the Court noted:
Wis. Stat. § 66.031 represents a legislative restriction on the ability of local governments to regulate solar and wind energy systems. Local restrictions are permitted only if they serve the public health or safety, do not significantly increase the cost or decrease the efficiency of the system, or allow for an alternative system of comparable cost and efficiency. Beyond those, no other restrictions are allowed. The statute is not trumped, qualified, or limited by . . . a municipality’s zoning and conditional use powers.

Numrich, 242 Wis. 2d at 688.

The Court noted that treating solar and wind energy systems as a conditional use, which allowed a case by case analysis, was appropriate, as long as a municipality is mindful of Wis. Stat. §66.031. The Court stated that “the Board [Mequon’s Zoning Board of Appeals] was duty bound to confine its consideration of the conditional use applications in light of the restrictions placed on local regulations pursuant to §66.031.” Numrich, 242 Wis. 2d at 691. (emphasis in original)

Treating solar and wind energy systems as “conditional uses” was again strongly endorsed in the case of Ecker Brothers v. Calumet County, 321 Wis. 2d 51, 772 N.W. 2d 240 (2009). The Court began by noting that “Conditional use permits provide political subdivisions the flexibility to cope with certain land uses that may create special problems and hazards if located in particular places.” Ecker Brothers, 321 Wis. 2d at 63. The Court favored a “conditional use permit procedure that restricts systems as needed on a case-by-case basis,” over what it described as Calumet County’s “ordinance creating a permit system with across-the-board regulations based on legislative policy making.” Ecker Brothers, 321 Wis. 2d at 63. It concluded by holding that Wis. Stat. § 66.031 “requires a case-by-case approach, such as a conditional use permit procedure, and does not allow political subdivisions to find legislative facts or make policy.”

Based upon the interpretation of Wis. Stat. § 66.031, the enclosed draft ordinance continues to treat solar and wind energy systems as “conditional uses” to be evaluated by the Village Plan Commission. However, these systems need to be treated separately than other conditional uses identified in Section V of Chapter 535. The reason is that the existing restrictions on other conditional uses are greater than those allowed by § 66.031.

The standards referenced in § 535-23, and the review and approval process found in § 535-25 will still remain for other uses. In addition, a new sub-section titled “Conditional Use Permits for Solar and Wind Energy Systems” (§ 535-30(C)) is created, along with a separate sub-section adopting the restrictive criteria specifically allowed by Wis. Stat. § 66.0401(1m).

The draft ordinance does not change § 535-24, which describes the application process when applying for any conditional use permit. Someone applying for a conditional use permit for a solar or wind energy system still must pay the applicable fee and submit appropriate plans, drawings, or other documents to substantiate that the system will not otherwise endanger public health or safety.

In addition to utilizing the conditional use assessment process, a municipality may also issue permits for solar and wind energy systems as allowed by Wis. Stat. § 66.0403. We do not recommend this. The “permit” that a municipality is allowed to issue under § 66.0403 only inures to the benefit of the owner of the system, is intended only to prevent others from
interfering with the system's operation, and does not restrict any use at all. Moreover, a municipality cannot force an owner of a solar or wind energy system to even apply for such a permit in the first place. The Ecker Brothers case described the purpose and intent of Wis. Stat. § 66.0403 as follows:

The statutory scheme also allows political subdivisions to issue “wind access permits,” though they cannot require owners to apply for a wind access permit. WIS. STAT. § 66.0403; see also Numrich, 242 Wis. 2d 677, ¶ 14, 626 N.W. 2d 366. Wind access permits are granted to wind energy systems to benefit and protect them from impermissible interferences, but not to restrict them. Numrich, 242 Wis. 2d 677, ¶ 16, 626 N.W. 2d 366. Indeed, §66.0403(7) provides remedies to the owner of the energy system against any person who uses or owns restricted property contrary to the permit. Numrich, 242 Wis. 2d 677, ¶ 13, 626 N.W. 2d 366. Therefore, barring any other enforceable restrictions enacted by a political subdivision, an owner may construct a wind energy system without a permit or approval. Id., ¶ 15.

Ecker Brothers, 321 Wis. 2d at 61-62. (emphasis added)

Even though the Ecker court was presented with an issue involving a wind energy system, Wis. Stat. § 66.0403 is titled “solar and wind access permits,” and applies equally to both. Because the permit process allowed by the statute is otherwise optional, and doesn’t provide any regulatory power to the municipality, we do not recommend creating solar and wind access permits as allowed by § 66.0403.

Enclosed for your review are copies of Wis. Stat. § 66.0401 and § 66.0403, Article V of Chapter 535 of the Village Code, and the Ecker Brothers and Numrich cases discussed above.

After your review and on your approval these materials are in a form which may go to the Village Board after a review and recommendation of the Plan Commission per § 535-61(B).
D. Conditional use permits for solar and wind energy systems.

(1) Installation and use of a "wind energy system" or a "solar energy system" shall be a conditional use in all districts. The Village Plan Commission may authorize the Planning and Development Department to issue a conditional use permit for solar or wind energy systems after review and a public hearing. Any restriction placed on a solar or wind energy system by the Plan Commission is subject to the limitations found in this section. The review and approval criteria set forth in this subsection shall apply to solar and wind energy systems.

(2) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

A SOLAR ENERGY SYSTEM. Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

A WIND ENERGY SYSTEM. Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

(3) Authority to restrict systems limited.

(a) The Village Plan Commission shall review any proposed wind energy system and may approve the system if the applicant meets the owner requirements for a wind energy system as set forth in §§ PSC 128.10 through 128.19, Wis. Adm. Code, (current through Administrative Register, December 2014, No. 708) and as hereinafter amended, which are hereby incorporated by reference and made a part hereof as if fully set forth herein.

(b) The Village Plan Commission shall review any proposed solar or wind energy system and may only restrict the system if the restriction satisfies one of the following conditions:

[1] Serves to preserve or protect the public health or safety.

[2] Does not significantly increase the cost of the system or significantly decrease its efficiency.