



CHELSEA PLANNING COMMISSION WORK SESSION Agenda

March 5, 2024

7:00 PM

Chelsea City Council Chambers

311 S. Main Street

Remote option available for members of the public; commissioners must attend in person.

Agenda:

1. Call to Order
2. Draft Permit and Variance Expirations Ordinance Amendment
3. Draft Solar Ordinance Update
4. Tree Preservation Zoning Ordinance Amendments Discussion
5. Adjournment

Zoom Information:

When: Mar 5, 2024 07:00 PM Eastern Time (US and Canada)

Topic: Planning Commission Meeting - Tuesday, March 5, 2024 at 7:00 p.m.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85695172220?pwd=M3NFTytUYzVuMU55M3FVNmlzZW1SQ09>

Passcode: 788918

+1 312 626 6799 US (Chicago)

Webinar ID: 856 9517 2220

Passcode: 788918

Persons requiring reasonable accommodations due to disabilities in order that the meeting is accessible to them are requested to notify the Chelsea Planning Commission of such disability no later than five (5) business days prior to the date of the meeting.



Carlisle | Wortman
ASSOCIATES, INC.

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MEMORANDUM

TO: City of Chelsea Planning Commission
FROM: Paul Montagno, AICP
Michelle Marin, AICP Candidate
DATE: March 1, 2024
RE: Proposed Amendments to permit expirations, tree preservation, and draft solar ordinance

At this month's Planning Commission work session, please prepare to discuss the following zoning ordinance amendments. Where relevant, we have included our recommended ordinance language in the meeting packet.

Expirations

Per our discussion at the February work session and regular meeting, we are proposing small edits to two sections of the zoning ordinance that address zoning compliance permit and variance expirations. These proposed edits are seen on the attached redlined pages from the zoning ordinance and summarized below.

- Currently, zoning compliance permits and granted variances expire 180 days after they are issued. Section 14.03 regulating zoning compliance permits requires construction to be "completed or established" within that timeframe. Section 15.10 regulating variances requires construction to "commence" in that timeframe.
- We recommend an extension from 180 days to one year to reflect the reality of the development process and to reduce the need for re-application.
- We also recommend an update to more consistent language across the two sections.

Solar

The draft solar ordinance includes additional text for your consideration. We have learned that many of the sourced solar panels are manufactured overseas and often do not include comprehensive installation instructions. However, the National Electric Code includes electrical design and installation guidance for solar energy systems, including detailed wiring and code regulations relating to both solar panels and complete solar energy systems. As such, we are recommending the requirement for installation to conform to these regulations. Related changes are highlighted in Section 6 in the attached draft.

March 1, 2024
Proposed Zoning Amendments

Tree Preservation

As requested at the last work session, we will also initiate a substantive discussion to provide updates to tree preservation regulations. Rather than propose draft ordinance language to amend tree preservation standards, we would like you to prepare to discuss your recommendations for altering these standards at the March work session. We believe a discussion of what does and does not work in the current zoning ordinance will provide us with directions for which standards to research and which communities to emulate. We encourage you to review Section 7.13 of the Zoning Ordinance prior to the meeting.

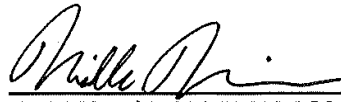
Based on our discussion of your tree preservation goals at the work session, we will consult relevant experts, including our colleague Chris Nordstrom, a landscape architect, to shape draft ordinance amendments.

We look forward to discussing these proposed ordinance amendments at the work session on March 5, 2024.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC
Paul Montagno, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Michelle Marin, AICP Candidate
Community Planner

Item 1
Proposed Zoning Ordinance
Amendment:
Permit and Variance Expirations

- G.** Any such change, variation, or alteration of the application and supporting documents shall require resubmission to the Planning and Zoning Administrator and the issuance of a new Zoning Compliance Permit.
- H.** All fees required under this Ordinance must be paid in full prior to the issuance of the Zoning Compliance Permit, unless exception is made by the appropriate board authorized to waive or delay the payment of such fees.
- I.** The applicant shall furnish to the Planning and Zoning Administrator, upon request, a title insurance policy or other acceptable evidence of ownership.
- J.** A Zoning Compliance Permit shall be null and void unless the construction, work, alteration, addition and/or use is completed or established within **one year** ~~180 days~~ of the date of issuance of the Permit.
- K.** The Planning and Zoning Administrator is authorized to prepare and make public application forms for a Zoning Compliance Permit. The Planning and Zoning Administrator is authorized attach conditions pertaining to the use, work, or occupancy of the land and premises to the Zoning Compliance Permit as authorized by this or other City Ordinances, or under any discretionary permit issued by any City decision-making body. Failure to comply with any such condition shall render the Zoning Compliance Permit null and void.

SECTION 14.04

Certificate of Occupancy

- A.** No land or building shall be occupied or used in whole or part for any purpose until a Certificate of Occupancy has been issued by the Planning and Zoning Administrator. The Certificate of Occupancy shall state that the premises or building complies with all the provisions of this Ordinance.
- B.** A Certificate of Occupancy shall be issued within 10 days after notification from the permit holder that the premises are ready for occupancy.
- C.** The holder of a permit for construction, erection, alteration, repair, or moving of a building, structure, or part thereof, shall notify the Planning and Zoning Administrator immediately upon the completion of the work authorized by such permit for final inspection. The Planning and Zoning Administrator shall sign the Certificate of Occupancy within three (3) days of the application date if they find that the building or structure, the use of the building or land, and lot complies with the provisions of this Ordinance and with the approved site plan.
- D.** If the Planning and Zoning Administrator refuses to issue a Certificate of Occupancy, they shall notify the applicant in writing of such refusal and the reasons thereof, within the three (3) day period.

SECTION 14.05

Public Notice Requirements

no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- (2) **Board Determination.** In its review, the Zoning Board of Appeals shall determine that:
- a) The requirements of the Ordinance for a variance have been met by the applicant.
 - b) The reasons set forth in the application justify the granting of the variance.
 - c) The variance is the minimum variance that will make possible a reasonable use of the land, building, or structure.
 - d) Granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- C. Conditions.** In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.
- D. Voiding of Variance.** Each variance granted under the provisions of this ordinance shall become null and void unless:
- (1) The construction authorized by such variance has been commenced within **one year** ~~180 days~~ after the granting of such variance and pursued diligently to completion; or,
 - (2) The occupancy of land or buildings authorized by such variance has taken place within **one year** ~~180 days~~ after the granting of such variance.
- E. Re-application.** No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of **one year** ~~365 days~~ from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

SECTION 15.11

Nonconforming Structures

- A. Requirements.** Where the Zoning Board of Appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the following provisions shall apply:
- (1) The reasons for the nonconformity shall be limited to minimum lot area, lot width, required yards, off-street parking and loading requirements, and buffer requirements of the zoning district in which the nonconforming structure is located. A structure that is nonconforming because of lot coverage, floor area ratio, lot area per dwelling unit, or height limits shall not be expanded without removing the nonconformity.
 - (2) The existing and proposed uses of such structures shall be permitted in the district in which located.

Item 2
Proposed Zoning Ordinance
Amendment:
Solar Energy Systems

Section 4.29 – Solar Energy Systems

1. Intent.

The City of Chelsea promotes the effective and efficient use of solar energy systems. To protect public health, safety, and welfare, it is in the interest of the City to regulate the siting, design, and installation of solar energy systems so that they are compatible with the subject and neighboring land uses.

2. Applicability.

This section applies to any solar energy system or facility with a nameplate capacity below 50 megawatts.

3. Definitions.

- (a) *Solar energy system*: A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.
- (b) *Ground-mounted solar energy system*: A freestanding solar energy system that is not attached to and is separate from any building on the same parcel on which the solar energy system is located.
- (c) *Building-mounted solar energy system*: A solar energy system that is attached to a building on a parcel as the principal method of physical support.

4. Permit required.

Building-mounted solar energy system installations require a zoning compliance permit, approved by the Community Development Department. Ground-mounted solar energy system installations require a site plan that may be approved administratively. All solar energy systems proposed as part of a site plan must be indicated on the site plan.

5. Exemptions.

The following instances are exempt from review by the Community Development Department.

- (a) The installation of a solar energy system to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, clock, well pump, or other similar device, provided that the solar energy system is no larger than six (6) square feet and the device itself is not subject to zoning compliance approval.
- (b) The repair or replacement of an existing approved solar system does not result in an expansion of the solar energy system coverage area.

6. Standards for solar energy systems.

The following requirements apply to all solar energy systems.

- (a) The exterior surfaces of solar energy systems shall be generally neutral in color and substantially non-reflective in light.
- (b) Solar energy systems shall be functional and in good repair.
- (c) Solar energy systems shall be installed, maintained, and used only in accordance with the manufacturer's directions and the National Electric Code, Article 690. Upon request, a copy of such directions shall be submitted to the Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions and National Electric Code, Article 690.
- (d) All solar energy systems shall comply with the City construction code, the electrical code, and other applicable building and construction codes.

The following requirements apply to building-mounted solar energy systems.

- (a) Building-mounted solar energy systems are permitted as an accessory use in any zoning district and are subject to

the regulations set forth in this Article.

- (b) Building-mounted solar energy systems shall be incidental and subordinate to a use on the same parcel.
- (c) Building-mounted solar energy systems that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof.
- (d) Building-mounted solar energy systems in the M-52 Corridor Protection and Promotion Overlay Zoning District shall not be visible from the street level.
- (e) Building-mounted solar energy systems that are mounted on a wall shall not project above the highest point of the roof.
- (f) Building-mounted solar energy systems shall not exceed the maximum building height requirements for the respective zoning district.
- (g) Building-mounted solar energy systems shall not project horizontally beyond the eaves of the roof.
- (h) Building-mounted solar energy systems shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
- (i) Building-mounted solar energy systems that are mounted on a building wall shall not project into the required setback of the respective zoning district.
- (j) Solar energy systems mounted on the roof of a building shall be only of such weight as can safely be supported by the roof and the weight of snow and/or ice that they collect. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Building Official prior to installation; such certification shall be subject to the Building Official's approval.
- (k) Building-mounted solar energy systems shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.

The following requirements apply to ground-mounted solar energy systems.

- (a) Ground-mounted solar energy systems are a permitted accessory use in the LI – Light Industrial, GI – General Industrial, O-1 Office, MI – Medial Institutional, and PF – Public Facilities zoning districts.
- (b) Ground-mounted solar energy systems shall be located in the rear yard or side yard, not within any required setbacks unless permitted by the Planning Commission as a deviation in its approval of the site plan and provided it does not project into more than one required setback area.
- (c) Ground-mounted solar energy systems shall not exceed forty (40) feet in height, measured from the ground at the base of the equipment.
- (d) The area of the ground-mounted solar energy system shall not exceed fifty (50%) percent of the square footage of the ground floor area of the primary building of the property unless it is sited over required parking in which case there is no maximum lot coverage for the ground-mounted solar energy system.
- (e) Ground-mounted solar energy systems shall not count towards the maximum square footage of accessory structures allowed on site or maximum impervious surface area limits if the ground under the solar energy system is pervious.
- (f) If the ground under the ground-mounted solar energy system is impervious, the total area of ground-mounted solar energy systems shall be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land.