

SUMMARY

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

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

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

1 **BY COUNCIL MEMBER _____** :

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

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

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

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

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

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

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

6 **CHAPTER 50. ZONING**

7 **ARTICLE I. INTRODUCTORY PROVISIONS**

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

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

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

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

17 **DIVISION 5. SITE PLAN REVIEW**

18 **Subdivision A. In General**

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

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

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

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

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

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

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

10 d. Site condominium developments;

11 e. Projects in a 100-year floodplain;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (14) Solar generation stations.

16 **Subdivision B. Submission Requirements**

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

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

20 (1) Equipment and unit renderings;

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

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

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

3 i. Identification of the party responsible for decommissioning,

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

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

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

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

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

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

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

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

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

2 **Sec. 50-7-6. Overlay areas.**

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

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

13 **ARTICLE X. INDUSTRIAL ZONING DISTRICTS**

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

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

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

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

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

DIVISION 3. M2 RESTRICTED INDUSTRIAL DISTRICT

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

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

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

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

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

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

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

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

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

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

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

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

6 (1) Armory.

7 (2) Electric transformer station.

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

9 (4) Gas regulator station.

10 (5) Governmental service agency.

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

12 (7) Solar generation station.

13 (8) Steam generating plant.

14 (9) Telephone exchange building.

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

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

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

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

20 (1) Electric transformer station.

21 (2) Gas regulator station.

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

23 (4) Solar generation station.

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

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

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

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

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

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

12 **DIVISION 14. OVERLAY AREAS**

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

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

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

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

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

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

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

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

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

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

14 **ARTICLE XII. USE REGULATIONS**

15 **DIVISION 1. USE TABLES**

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

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

2 Regulations regarding basic utility uses are as follows:

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

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1 **DIVISION 3. SPECIFIC USE STANDARDS**

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

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

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

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

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

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

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

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

18 a. Electric transformer stations;

19 b. Gas regulator stations;

20 c. Telephone exchange buildings; and

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

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

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

6 a. ~~Height of installation;~~

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

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

9 d. ~~Landscaping;~~

10 e. ~~Glare mitigation;~~

11 f. ~~Noise;~~

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

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

14 i. ~~Lighting;~~

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

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

17 l. ~~Stormwater management;~~

18 m. ~~Construction period impacts;~~

19 n. ~~General site maintenance;~~

20 o. ~~Off street parking.~~

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

22 **Subdivision A. In General**

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

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

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

5 **ARTICLE XIV. DEVELOPMENT STANDARDS**

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

7 **Subdivision E. Large Retail Centers**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

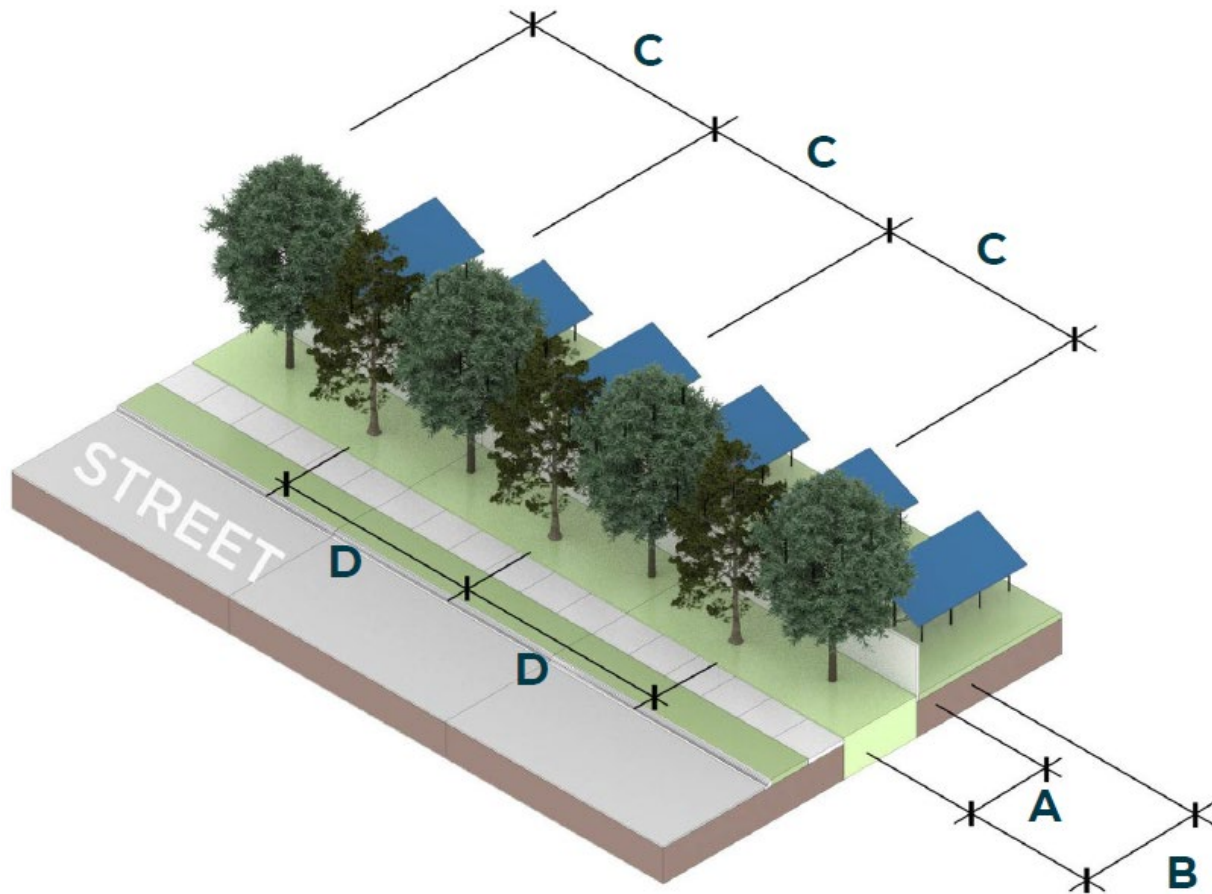
1 tree must have a minimum nonpaved planting area of 18 square feet. If there is an
2 existing pattern of trees along the street, new deciduous trees shall, to the greatest
3 extent possible, be the same species and planted according to the spacing and
4 pattern as the existing trees, except if the species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

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

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

15 **Isometric View of Public Street Screening**

16 (For Informational Purposes Only)



1

2

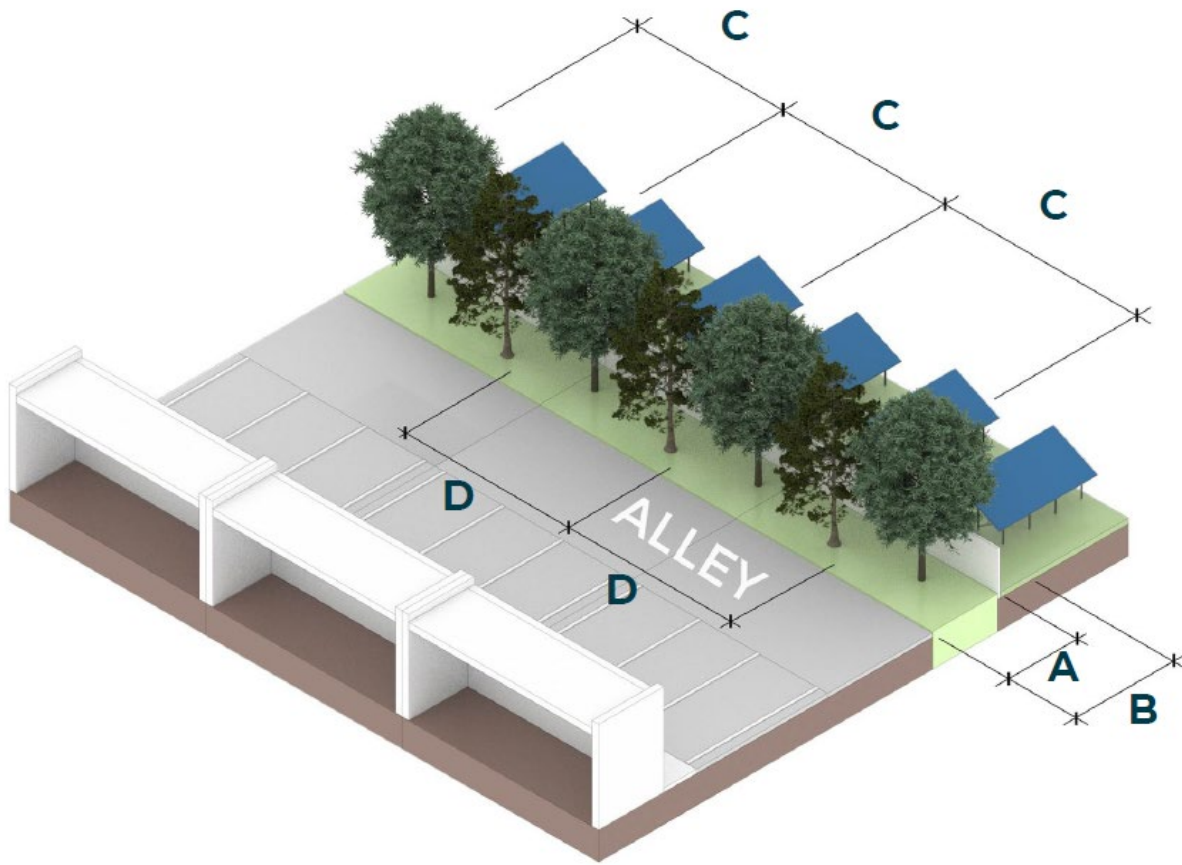
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4

Figure 50-14-487(b)

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

(For Informational Purposes Only)



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

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

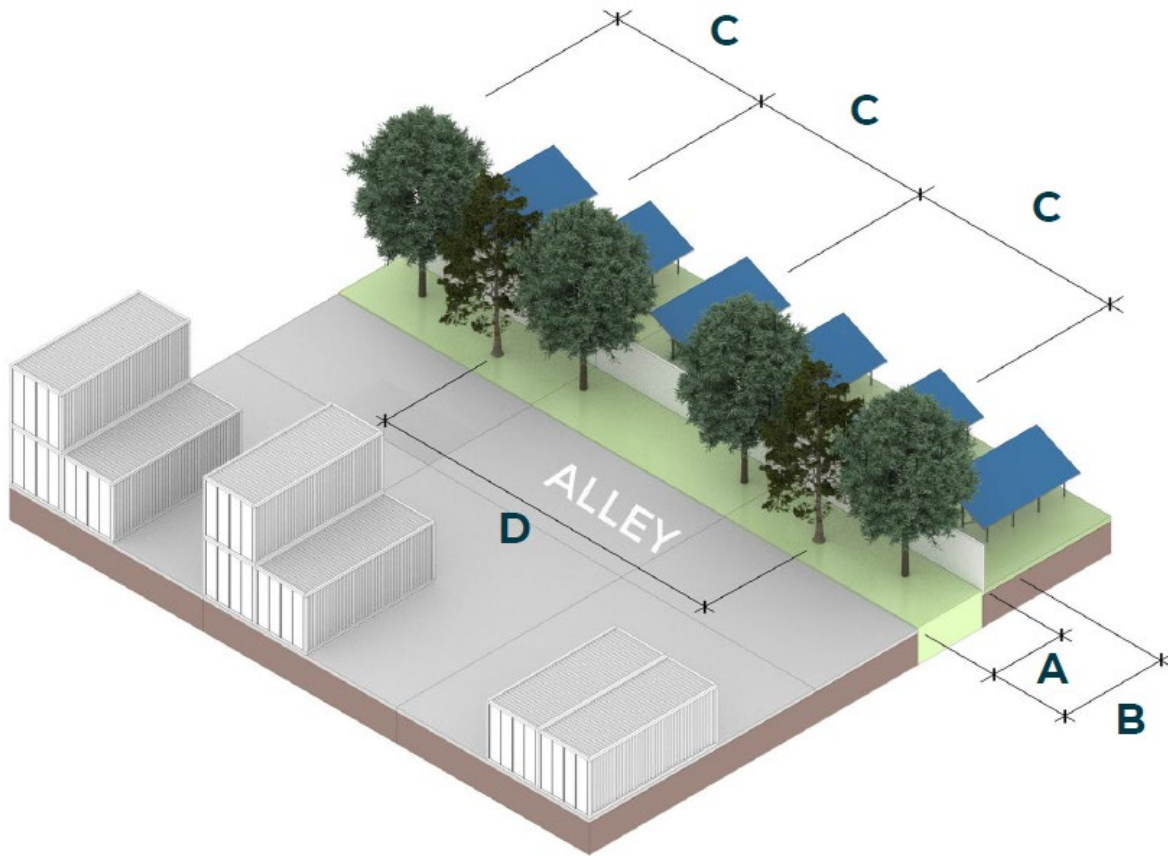
1 existing pattern of trees along the street, new deciduous trees shall, to the greatest
2 extent possible, be the same species and planted according to the spacing and
3 pattern as the existing trees, except if the species of existing trees is included in the
4 list of prohibited tree species in Section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

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

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

13 **Isometric View of Industrial District Screening**

14 (For Informational Purposes Only)



1

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

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

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

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

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

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

6 **DIVISION 8. PERFORMANCE GUARANTEE**

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

8 The performance guarantee shall meet the following requirements:

- 9 (1) The performance guarantee shall be in the form of a certified check, surety bond,
10 or performance bond which names the property owner as the obligor and the City
11 as the obligee;
- 12 (2) The performance guarantee shall be submitted at the time of issuance of the permit
13 that authorizes the activity or project. Where appropriate, based on the type of
14 performance guarantee that is submitted, the City shall deposit the funds in an
15 interest-bearing account in a financial institution where the City regularly conducts
16 business;
- 17 (3) The amount of the performance guarantee shall be sufficient to cover the estimated
18 cost of the improvements for which the performance guarantee is required. The
19 applicant shall provide an itemized schedule of estimated costs to complete all such
20 improvements;
- 21 (4) A performance guarantee may also be required for junkyards, solar generation
22 stations, towing service storage yards, and those waste-related uses that are
23 specified in Section 50-12-84 of this Code in an amount sufficient to abate any

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

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

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

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

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

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

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

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

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

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

1

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

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

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

Approved as to Form:



Conrad L. Mallett
Corporation Counsel