



CONDITIONAL USE APPLICATION

City of New Richmond
156 East First Street ❖ New Richmond, WI 54017
Phone: (715) 246-4268 ❖ Fax: (715) 246-7129

CITY ORDINANCE SECTION 121-32
www.newrichmondwi.gov

APPLICATION FEE: \$250 ESCROW \$500

Application fee should be made payable to City of New Richmond upon submittal of completed application. Escrow funds will be drawn to cover project-related costs. Additional funds may be required; surplus funds will be returned.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: City of New Richmond/New Richmond Utilities
Last name: _____ First name: _____
Address: 156 East First Street City/State/Zip: New Richmond, WI 54017
Phone number: 715-246-4268 Email address: _____

2. Applicant Information: (if different from above)

Company name: _____
Last name: _____ First name: _____
Address: _____ City/State/Zip: _____
Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

SEC 10 T30N R18W PT S 1/2 being Pt NE NW: being CSM 23-5519 Lot 4 (1.350AC)

4. Zoning Designation: Z7 Special Use District

5. Comprehensive Plan Designation: _____

6. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

The intent of this application is to get a Conditional Use Permit for a solar garden in our
industrial section of our Business & Technical Park.

7. Additional Required Information:

- a. Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
- b. Consultant Fees:** Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City's review of an application (e.g. traffic study analysis), the applicant shall be responsible for paying the entirety of those costs.
- c. Proposed Plans:** In addition to a scaled site plan, the following documentation may be requested: a landscape plan, grading and drainage plan, photometric plan, traffic study, and exterior building elevation drawings showing building materials may also be required if deemed necessary by City Staff. Plans for residential applications may be on 8½"x 11" or 11"x 17" paper; full size plans and digital copies must be submitted for commercial applications.
- d. Written Narrative:** The written narrative should thoroughly address the following general items in addition to any specific requirements pertaining to the proposed use, which Section 121-259 (Conditional Uses) of the City Code directs the City Council to evaluate during consideration of conditional use applications:
 - 1) The proposed use is not in conflict with the Comprehensive Plan;
 - 2) The proposed use is not in conflict with any Regulating Maps or other adopted plans;
 - 3) The proposed use is not in conflict with any City Ordinance requirements;
 - 4) The proposed use will not create an excessive burden on parks, streets and other public facilities; and
 - 5) The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: City of New Richmond/NR Utilities

Date: May 15, 2015

Applicant: _____

Date: _____

Fee Paid: \$250 Date: N/A Receipt # _____

Escrow Paid: \$500 Date: N/A Receipt # _____

Applications for conditional use approval must be received by the first Thursday of each month; applications received after this date cannot be heard at the Planning Commission meeting the following month.



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TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson

FROM: Daniel Licht, AICP

DATE: 25 June 2015

RE: New Richmond – Community Solar Garden

TPC FILE: 164.01

BACKGROUND

The New Richmond Utilities is proposing to install a solar garden on a 1.35 acre lot owned by the City that is located west of Madison Avenue and south of Wisconsin Drive, within the New Richmond Business and Technical Park. The proposed community solar garden requires consideration of a conditional use permit subject to the performance standards outlined in Section 121-46 of the Zoning Ordinance. A public hearing to consider the conditional use permit application has been noticed for a special Plan Commission meeting on 30 June 2015 at 5:00 p.m.

Exhibits:

- A. Site Location
- B. Project Narrative
- C. Site Plan
- D. Solar garden information sheet
- E. Structure dimensions and specifications

ANALYSIS

Comprehensive Plan. The subject site is guided by the Comprehensive Plan for industrial land use as part of the New Richmond Business and Technical Park. The Comprehensive Plan includes the goal to actively recruit new business and industry to New Richmond. The proposed community solar garden is a result of this effort by the

City, New Richmond Utilities and Wisconsin Public Power, Inc. (WPPI). The actions of the City, New Richmond Utilities and WPPI will establish a first of its kind renewable energy system within the community consistent with the goals of the Comprehensive Plan.

Zoning. The subject site is zoned Z7, Special Use District. Solar gardens are identified in Table 3 of the Zoning Ordinance as conditional uses within the Z7 District. Performance standard applicable to solar garden uses are established in Section 121-46 of the Zoning Ordinance and discussed in subsequent paragraphs. Consideration of the conditional use permit is to be based upon, but not limited to, the evaluation criteria outlined in Section 121-32 of the Zoning Ordinance.

Surrounding Land Uses. The subject site is surrounded by the following existing and planned uses outlined in the table below. The subject site will be surrounded by other existing and future industrial businesses within the New Richmond Business and Technical Park to the north, east and south and will be compatible with these uses. The subject site is separated from existing low density residential uses to the west by a creek and significant vegetation creating a natural buffer.

Direction	Land Use Plan	Zoning Map	Existing Use
North	Industrial	Z7 District	Undeveloped
East	Industrial	Z7 District	Undeveloped
South	Industrial	Z7 District	City Well
West	LD Residential	Z2 District	Single Family

Lot Requirements. The Z7 District requires a minimum lot width of 80 feet. The subject site is 180 feet wide at Madison Avenue complying with this standard. Lots within the Z7 District are also limited to 80 percent lot coverage. The area of the subject site covered by the proposed solar panel structures must be identified and may not exceed 80 percent of the lot area of 1.35 acres (or 47,045 square feet).

Setbacks. Section 121-46.B.3 of the Zoning Ordinance states that solar gardens are subject to the same setbacks as principal uses within the applicable zoning district. The Z7 District requires the setbacks applicable to the subject site as shown in the table below. A site plan drawn to scale on a certificate of survey illustrating the setbacks to each lot line must be submitted with application for building permit.

	Madison Ave.	South	West	North
Required	30ft.	10ft.	20ft.	10ft.
Proposed	30ft.	10ft.	+20ft.	10ft.

Structure Height. Section 121-46.B.2 of the Zoning Ordinance limits the height of ground mounted solar panel structures to 16 feet. The proposed solar garden structures are to be eight feet above grade, which complies with the Zoning Ordinance.

Off-Street Parking. The submitted site plan does not identify any off-street parking area for service vehicles. The adjacent City well site to the south has an off-street

parking area in close proximity to the proposed solar panels that would be available for service vehicles to utilize. An easement for use of the off-street parking area on the City property by the solar garden site is to be drafted by the City Attorney and recorded with the deeds of both sites.

Landscaping. The site plan narrative describes surface underneath the solar panels and the area in between the solar panels will be maintained with grass coverage. Any disturbed areas from the installation of the solar panels will be seeded. The height of the solar panels is sufficient to allow maintenance (including mowing) under the structures.

Signs. No information has been provided regarding proposed signs for the subject site. Section 121-46.B.7 of the Zoning Ordinance prohibits any commercial messages from being placed on the panels. Any signs must comply with Section 121-44 of the Zoning Ordinance.

Grading Plan. The installation of the solar panels involves only trenching for utilities and driving the supports for the racking. As the area disturbed will be less than 3,000 square feet, a grading plan and stormwater management plan for the subject site will not need to be prepared. The site plan will need to indicate that disturbed areas will be seeded. All grading and erosion control issues are subject to review and approval of the Public Works Director.

Utility Plan. The controls and utility connections for the solar garden are to be installed at the City's wellhouse to the south. Installation of the utilities for the solar garden upon the well house property is subject to review and approval of the Public Works Director. An easement allowing the utilities location on the wellhouse property is to be drafted by the City Attorney and recorded with the deeds of both properties.

RECOMMENDATION

The Design Review Committee reviewed the application at their meeting on 25 June 2015. City staff recommends approval of the proposed solar garden subject to the stipulations outlined below.

POSSIBLE ACTIONS

- A. Motion to **approve** a conditional use permit for construction of a community solar garden, subject to the following conditions:
 - 1. An ingress/egress easement for use of the off-street parking area on the City property and a utility easement is to be drafted and recorded with the deed of both sites, subject to approval of the City Attorney.

2. A site plan drawn to scale on a certificate of survey illustrating the setbacks to each lot line must be submitted with application for building permit.
 3. Any signs must comply with Section 121-44 of the Zoning Ordinance.
 4. All grading, drainage and erosion control issues are subject to review and approval of the Public Works Director; any disturbed areas shall be seeded.
 5. Installation of the utilities for the solar garden upon the well house property is subject to review and approval of the Public Works Director.
- B. Motion to **deny** the application based on a finding that the request is inconsistent with the policies of the Comprehensive Plan and requirements of the Zoning Ordinance.
- C. Motion to **table** for additional information and/or further discussion.
- c. Mike Darrow, City Administrator
Jeremiah Wendt, Public Works Director
Sarah Skinner, Building Inspector
Tanya Reigel, City Clerk
Nick Vivan, City Attorney

Proposal for Community Solar Garden Construction for New Richmond/WPPI

Submitted by H&H Solar Energy
Services, Inc

June 12th, 2015



CONSULTING | ENGINEERING | CONSTRUCTION
ENERGY MANAGEMENT

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1. PROJECT SUMMARY

H&H Solar Energy Services, Inc. is proposing to develop and construct a ground mounted 250 kW community solar array at Lot 4, 261-1070-44-600, New Richmond , WI.

The proposed solar array would be a fixed ground mount structure, occupying approximately 260 ft East to West and 170 ft North to South.

2. SITE PLAN DESCRIPTION

See attached site plan and array drawings. Photos of a similar ground mount system are included in **Figure 1** below. Spec sheets for various equipment components are also included for assistance in visualizing the appearance of the project. The total height of the racking and modules will not exceed 10 ft, well under the 16 ft limit with the City.

The balance of system electrical equipment, inverters, and disconnects will also be located at the City pumphouse, inside the building (see site plan). The only addition to the outside of the building would be a second CT cabinet adjacent to the existing one that serves the building on the west side exterior wall.

The installation of the Schletter solar racking system will be done using a driven pile method. The vertical supports for the racking a driven into the ground using a hydraulic ram with treads on the equipment, significantly limiting the disturbance of soil conditions on-site (**Figure 2**). Precautions to prevent soil erosion will be taken for both the pile driving and underground trenching for electrical piping, reseeding disturbed areas after construction.

Landscaping & Grading Plan will follow the existing design at the site. No grading is planned due to the limited change in elevation on the property. Reseeding in the disturbed areas from construction is planned to match the existing landscaping plants. Landscape screens or additional materials are not planned. There are no planned signs from the developer. Any signage would be done by the City of New Richmond or in conjunction with WPPI Energy.



Figure 1 – Top) Photo of a similar ground mounted array looking north; Bottom) Photo of an array looking south.



Figure 2 – Photos of the existing CT cabinet that serves the pumphouse. The new CT cabinet would be the same size and located to the left of the existing one.



Figure 3 – Photos of the hydraulic ram installation method for constructing the solar racking. Note the elimination for excavation and ground disturbance using this method.

3. BUILDING SCHEDULE & PROJECT VALUE

The estimate construction schedule would start in early August, with completion in 6 weeks. The exact start date is yet to be established, pending Public Service Commission approval of the Community Solar Garden program structure.

Total project cost for the 250 kW project is \$600,000.

4. DEVELOPER TEAM & STRUCTURE

H&H SOLAR ENERGY SERVICES (DEVELOPER/CONTRACTOR)

H&H Solar is a full-service design/build solar installer of solar electric (PV), solar thermal and wind energy systems. We are a division of H&H Group Holdings, which is comprised of H&H Electric, H&H Energy Services and H&H Plumbing Services. The H&H family of companies was originally founded as a plumbing and gas piping company by William J. Hyland in 1901. Since then H&H has grown to include all of the skilled trade disciplines. H&H Electric has been delivering reliable, quality electrical contracting to southern Wisconsin since 1953. H&H installed its first solar system in 1999, and has since grown to be the industry leader in the state, installing more systems per year than any other company in Wisconsin.

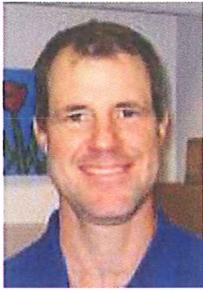
CORE H&H SOLAR TEAM MEMBERS



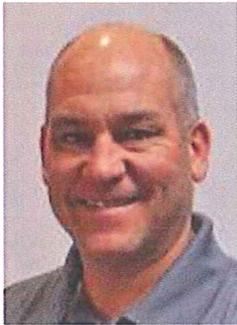
Adam Gusse is the current Vice President and leader of H&H Solar Energy Service. He has managed and designed over 450 solar electric, solar hot water, and wind projects in Wisconsin and the upper Midwest since 2008 with H&H. His skills help commercial, residential, and consulting customers from project conception to a fully functional renewable energy system. In 2012 Adam received NABCEP PV Technical Sales Certification, and is currently pursuing additional NABCEP certifications. He also holds a Bachelor of Science degree in Biology, a minor in Chemistry and a Master of Science from the University of Wisconsin, La Crosse. His experience in research, laboratory management, technical writing, data accumulation and construction provide a strong background for his role with H&H Solar. Under his guidance the division has continued to shine.



Eric Udelhofen has worked extensively in the field of renewable energy project development and project finance. He has been involved as a developer and project manager in several wind projects that have gone on to construction, ranging in size from a single turbine, to a 300+ turbine wind farm in projects across the United States. He led financial analysis of wind and solar projects for a portfolio of over 50 projects across the U.S. and Canada, and was part of the team responsible for structuring debt and equity investments for over \$1.5 billion of wind project construction. More recently, he has focused on developing renewable energy projects in distributed applications for communities and end-users. He has been actively involved in various feasibility and implementation-related projects from his time as a student on through to his current position as project development specialist for H&H.



Andrew Bangert was the first Master Electrician (since 1994) in the state of Wisconsin to be NABCEP certified to install solar electric. He also holds a Master Electrician license in MN, IA, and IN. His enthusiasm and aptitude for solar electric installations were the driving force behind the creation of H&H Solar Energy Services. Andrew’s design build experience covers everything from stand-alone battery based systems to large-scale grid connected commercial installations. His experience has guided utility interconnection engineers, State and Local inspectors, and Union electrical training throughout the past 10 years. Andrew has over 550 installations and counting.



Chris Collins has been an integral part of over four hundred fifty solar installations with a total generating potential of more than one megawatt in the past eight years. Chris provides H&H’s first point of contact with commercial and residential customers. He guides solar customers through the entire installation process from site evaluation, scheduling, plus incentive and utility interconnection paperwork. Upon project completion he develops operation and maintenance manuals. Mr. Collins also provides outreach education and builds community awareness for solar and wind installations. Chris has presented countless informational seminars for a range of groups from kindergarteners to engineers from around the United States.

5. PROJECT PARTNERS – FINANCIAL & LEGAL

PROJECT OWNER/FINANCIER

H&H reached out to several investor partners for the WPPI solar projects and found the best proposal and experience returned from the Wisconsin-based company SunVest Solar. SunVest Solar, Inc. was incorporated in 2009, and initially started to provide solar installations for the Neumann Companies green homes. The Neumann Companies have been in existence since 1979. Currently, SunVest Solar has commissioned 3,022 kW with 660 kW under construction and 627 kW waiting for interconnection approval. SunVest has a total of 257 completed solar projects. Mr. Neumann and Mr. Lettau provide significant solar business and technical expertise, to ensure that the Proposed Project moves forward on time and on budget.”



The strong financial position of a valued tax equity partner for the proposed solar project without the high return requirements of large banking or equity firms was the primary goal, and found with SunVest.

REFERENCES AVAILABLE UPON REQUEST



Attachment 1- Aerial Site Plan of Lot 4 (261-1070-44-600). The solar garden layout is demonstrated with the blue rectangles, and the total area covered (0.9 acres) is highlighted in red. The North to South dimensions are shown (167 ft), as well as the lot setbacks shown in yellow (10 ft to the North and South & 30 ft to Madison Ave.). The lot line is highlighted in purple for clarity. A dashed yellow line marks the underground electrical conduit from the solar garden to the pumphouse building where it will be interconnected. A new CT cabinet on the west side of the building is marked by a red box.

FS System

Features and Benefits

- ETL Classified
- High level of pre-assembled parts
- Proven extremely short installation time
- High quality and sustainable materials
- Easily accessible for ground and system maintenance
- Included certified engineering by professional engineer licensed in the location of the project
- Options for in field adjustment, if needed

The Schletter FS System has a proven worldwide product and installation history, with over 6 GW of ground mount systems installed throughout the world and many FS installations ranking among the largest globally.

Project specific system calculations and optimized material utilization address the ever-increasing need to reduce costs in planning PV systems, taking into account balance of system (BoS). Complete structural calculations are provided for the system design, while assuring compliance with current building codes and regulations.

The FS System offers a culmination of experience and the highest level of inhouse pre-fabrication to date, while always maintaining the focus of making the overall cost of a PV system more competitive. **The result is an attractive system installed quickly, efficiently, and with the durability to last.**

Schletter stands behind the quality, durability, and functionality of its products and services its customers with professionalism. Because of our commitment to customer satisfaction, all Schletter systems have a voluntary 20-year warranty.

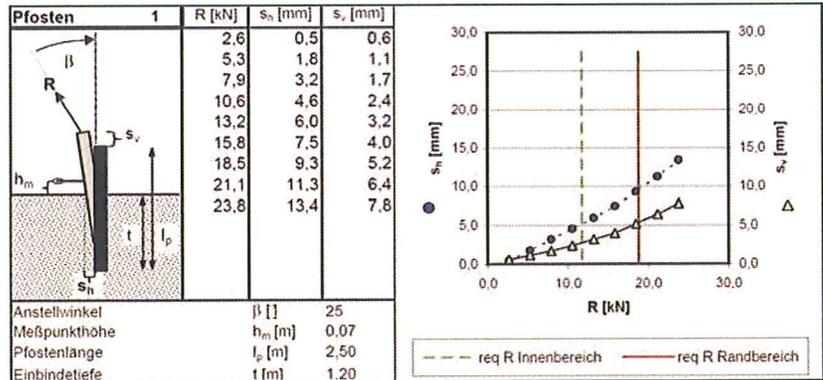
For more information, please visit www.schletter.us or call 888-608-0234.



Design Process

The first step in planning a ground mount system is a thorough soil investigation and pull out tests of the posts at the project site. Such testing generally requires numerous soil samples and subsequent soil classifications, which are the basis for determining the quantitative bearing capacity. Testing includes:

- Vertical pull-out tests
- Lateral load tests
- Independent laboratory analysis of soil classification, corrosion potential, gradation and soil plasticity



Layout planning for the FS System can be accomplished using the **Helios 3D™** layout software. Helios 3D features automatic, optimized drop shadow free placement of PV tables, making planning large systems virtually seamless. The program's sophisticated design tools and intuitive workflow allows users to complete days worth of project work in hours.

A two-part software system, Helios 3D consists of database management and an AutoCAD-based drafting interface. Helios 3D is a proven software system for utility scale solar planning in Europe and Schletter is the exclusive distributor of Helios 3D in North and South America.

➔ Helios 3D Product Sheet

The FS foundation consists of hot-dip galvanized steel posts (also known as profiles) with a proprietary u-shaped design. The u-shape grants optimum anchorage in the soil while maximizing the post strength.

Installation of posts into the soil is performed quickly by means of a terrain versatile hydraulic ram (GAYK). This pile-driving technique is especially suitable for the installation of large systems. The **GAYK™ Ram** features a track machine with center pounding for more efficient and accurate installations. Even difficult terrain conditions (gravel or stones) are possible; in case of bedrock, the GAYK can be equipped with a drilling unit. It is possible to ram posts on slopes up to 20 degrees.

➔ GAYK Ram Product Sheet



Product Enhancements

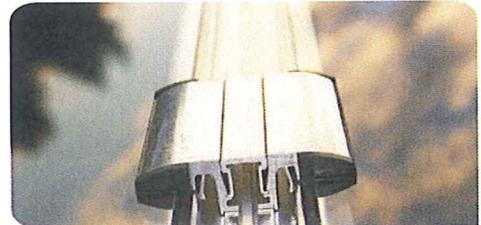
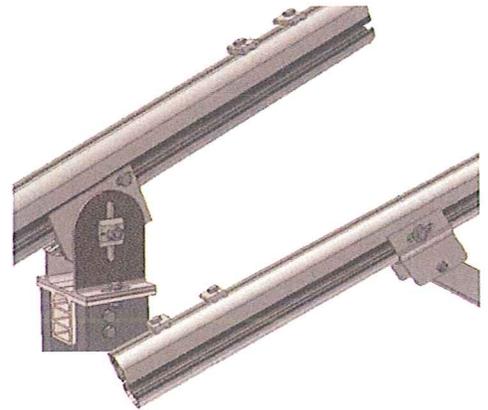
The FS System is the result of experience gained through years of project planning and implementation of ground mount systems. The system is enhanced with new support designs that include a high level of pre-fabrication.

Four simple steps are done in the field:

- Drive the post into the ground
- Place the support on the post attachment head and bolt the lower strut
- Insert the locking plate at the attachment head
- Install the cross rails—that's it!

For any type of module, including the more fragile thin film modules, clamps are available. Schletter works with many module manufacturers to find the most appropriate clamping methods by performing structural FEM simulations with various modules and our clamping options.

The cross beams feature a profile geometry that is designed for optimal distribution of forces. Suitable bolt channels are integrated in all profiles for more efficient mounting. The cross beams are fixed to the support units by means of special mounting claws that are pre-assembled in the exact position required for the chosen module.

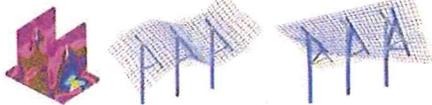


Time is Money

A reduction of BoS costs in the mechanical area is only possible by a minimization of the mounting time at the construction site. The materials of FS System are **pre-assembled in the factory** and are delivered to the construction site according to the customer's requested delivery schedule.

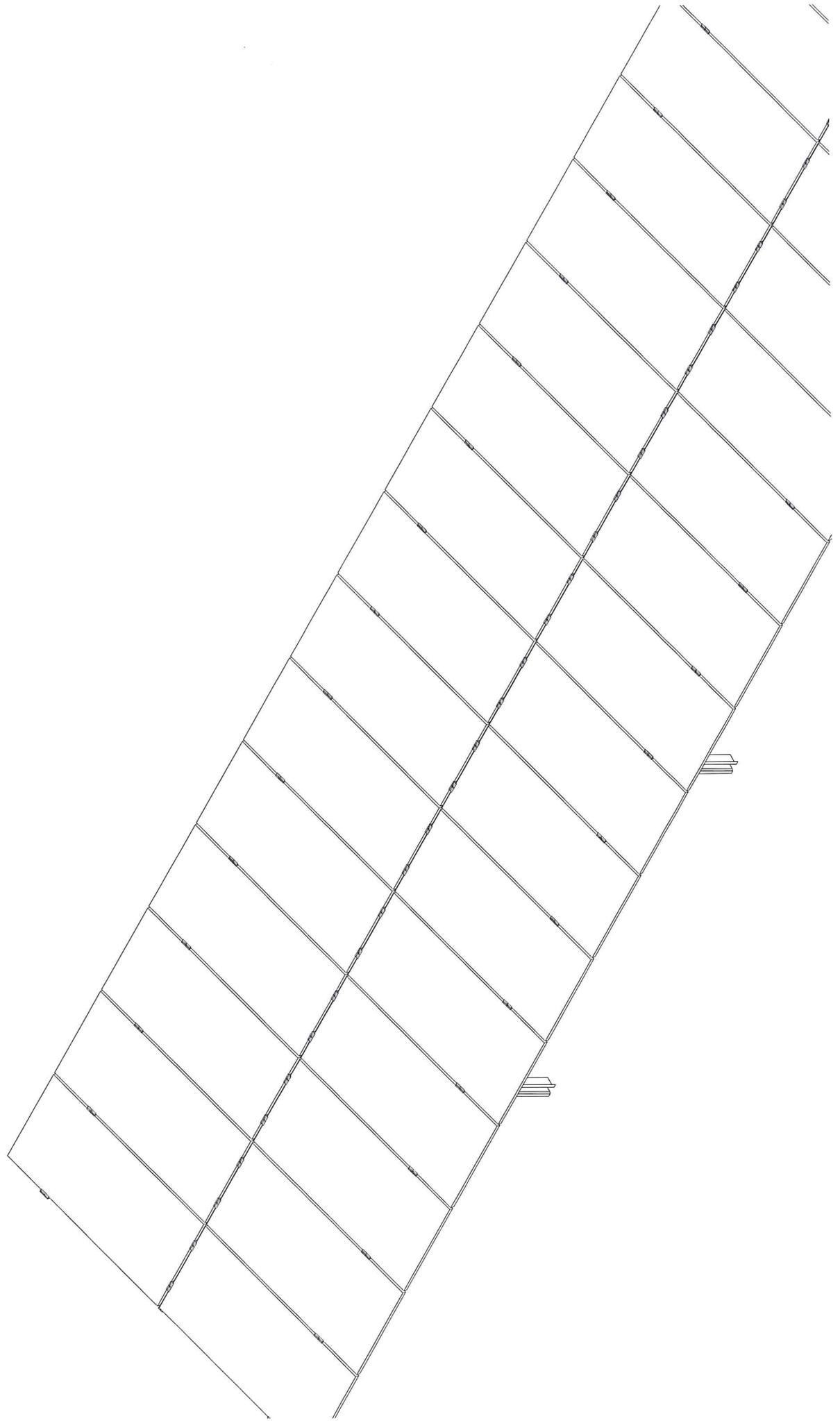


Technical Data

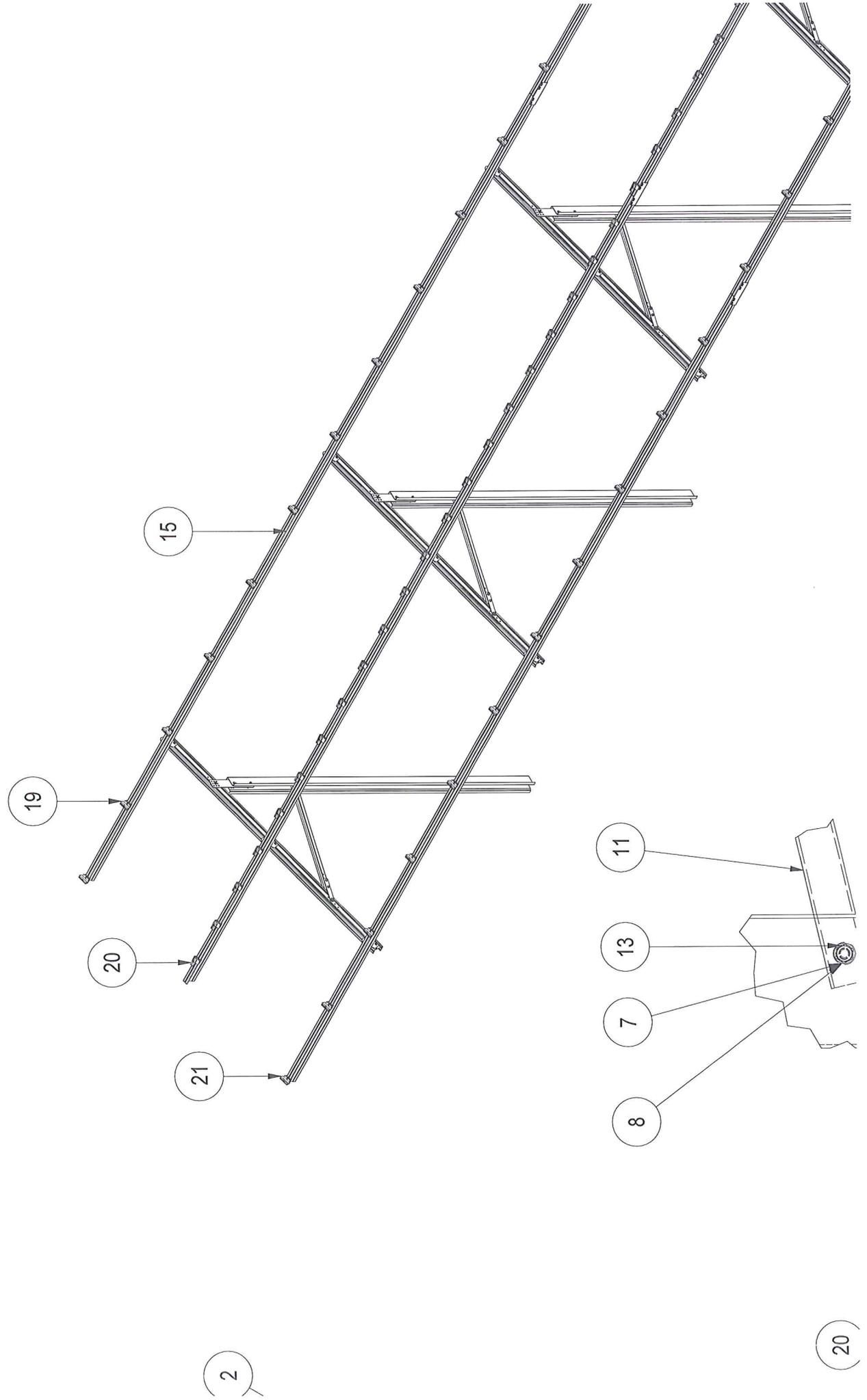
Material	<ul style="list-style-type: none"> Fastening elements, bolts: Stainless steel 304 and 316 Profiles (rails): Aluminum alloy 6105 T5 High life-expectancy, high residual value, no disposal costs Pile driven support posts: Steel, cold-rolled, hot-dip galvanized, ASTM A123 Grade 75
Logistics	<ul style="list-style-type: none"> Quick and simple mounting Maximum level of prefabrication prior to shipment
Construction	<ul style="list-style-type: none"> Can be installed on uneven terrain Simple adjustment options Cost optimized configurations for framed and unframed modules
Accessories	<ul style="list-style-type: none"> Cable channels, cable ducts Components for potential equalization/grounding Clamps for every type of module Fastening systems for large laminate modules (OptiBond system)
Calculations	<ul style="list-style-type: none"> 100% code compliant designs for any locality Third-party structural PE, stamped drawings and calculations Individual system structural calculations based on geotechnical report Individual system design calculations based on regional load values Design loads according to IBC 2006, 2009, or 2012 Patented profile geometries with optimum material utilization Verification of all construction components based on FEM-calculation Earthquake simulation, optional
Available Third-Party Services	<ul style="list-style-type: none"> Geotechnical soil investigation and analysis Ramming of foundations Optional: rack mounting Optional: complete module mounting EPC services PPA formation 
Terrain maintenance	<ul style="list-style-type: none"> Simple terrain maintenance due to single support - Specification of module height above ground possible
Grounding, Potential equalization	<ul style="list-style-type: none"> Grounding options available Components for the internal potential equalization
Warranty and Certifications	<ul style="list-style-type: none"> 20-year warranty
Recommended Maintenance	<ul style="list-style-type: none"> Every two (2) years, check for exposed wiring in contact with aluminum or steel, correct exposed wiring If concrete foundations are used, check for sink holes or scour around foundations every two (2) years. Fill with compacted material as needed. After 10 years, inspect for any post corrosion, send photos to Schletter.

FRONT ELEVATION
SCALE 1 : 40

1833 [72 $\frac{3}{16}$ in]



11/16 in



20



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Phone: 763.231.5840
Facsimile: 763.427.0520
TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson
FROM: Daniel Licht, AICP
DATE: 25 June 2015
RE: New Richmond – Zoning Ordinance
TPC FILE: 164.01

BACKGROUND

The City of New Richmond adopted comprehensive updates to the Zoning Ordinance and Subdivision Ordinance effective 1 January 2015. City staff is initiating discussion of possible amendments to the Zoning Ordinance and Subdivision Ordinance identified in the course of on-going, day-to-day administration of the development regulations and review of development proposals. A public hearing to consider these amendments has been noticed for the Plan Commission meeting on 30 June 2015.

Exhibits:

A. Draft amendment

ANALYSIS

Temporary Cul-De-Sacs. The Subdivision Ordinance does not include a provision requiring construction of a temporary cul-de-sac at dead end streets where the street will be extended in the future as part of adjacent development. The turnaround at the end of the street is needed for emergency vehicles and street maintenance purposes. The proposed amendment will require construction of a paved cul-de-sac within a temporary roadway easement for any dead end street serving more than two dwelling units or extending more than 200 feet beyond the nearest intersection. The proposed language also requires the developer to provide a cash escrow that will be used in the future for removal of the cul-de-sac and restoration of the yard when the street is extended.

Conditional Use Stipulations. City staff identified that the Zoning Ordinance previously permitted the Plan Commission to stipulate “conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use . . .”. However, the updated Zoning Ordinance does not include this language and in fact, does not make any reference the City’s authority to impose conditions and restrictions on conditional use permits. The draft amendment language would add a provision authorizing the Plan Commission to impose conditions upon conditional uses in Section 121-32.B.3 of the Zoning Ordinance.

Variance Notice. City staff identified that Table 1 incorrectly states that a Class 2 public hearing notice (requiring two publications) is required for variance applications, when State Statute only requires a Class 1 notice (requiring one publication) . The proposed amendment corrects Table 1 to state that a Class 1 notice is required for variance applications.

Institutional Signs. The City has received a request from St. Mary’s School to install a second freestanding sign upon their property related to the school. The Zoning Ordinance currently only allows one freestanding sign per property. To address this issue, City staff has drafted sign regulations specific to public and quasi-public institutional uses allowing a freestanding sign upon the property for each principal use and wall signs for each principal use and each building entrance. The area and height of the allowed signs would be regulated based on the allowances of the zoning district in which the use is located. The draft amendment also includes language allowing electronic changeable copy signs with standards controlling the rate of change of the display, brightness of the display, allowed hours of operation limited to 6:00 a.m. to 9:00 p.m. and enforcement provisions intended to ensure that the electronic display does not become a nuisance or a hazard to traffic.

Temporary Accessory Buildings. The Building Code provides that temporary, portable accessory structures without a foundation less than 150 square feet in area do not require a building permit. The draft amendment revises Section 121-30 of the Zoning Ordinance to include this exemption.

Restaurant Uses. Table 3 of the Zoning Ordinance identifies allowed uses in the various zoning districts. A restaurant was not identified as a specific use in Table 3 but has unique characteristics and can be more intensive than other commercial retail, service or office uses. As such, the draft amendment proposes to add “restaurants with liquor and accessory outdoor seating” as a permitted use in the Z3, Z4 and Z6 Zoning Districts. New restaurant uses would be subject to site plan review and approval by the Plan Commission. Additional performance standards are included in the draft amendment in Section 121-56 of the Zoning Ordinance to allow accessory outdoor seating areas for restaurants (other than a beer garden) subject to review and approval of the Zoning Administrator.

Solar Gardens. The provisions of Section 121-45.F and G incorrectly state that a conditional use permit to allow solar gardens are approved by the Common Council, when conditional use permit applications require only Plan Commission approval. The

draft amendment revises the language to substitute Plan Commission in place of the references to Common Council in this Section.

Loading and Trash Areas. Section 121-48.C of the Zoning Ordinance requires that loading areas and trash collection areas be screened from view of adjacent properties and public rights-of-way by using a combination of plantings and earth berms in all zoning districts. Use of landscaping for screening is not practical in the Z6, Central Business District where the building envelopes for each lot are maximized based on the desired character of the area. The draft amendment would include an exception for screening in the Z6 District to be accomplished by means of a fence or other structural enclosure to meet the intent of the Zoning Ordinance and buffer adjacent properties.

Off-Street Parking. Section 121-52.A.3 of the Zoning Ordinance includes a standard requiring that not more than 50 percent of the parking for commercial uses be located between the building and public street to enhance the character and aesthetics of the streetscape. For corner lots, this requirement severely constrains the available area within a lot for the location of required parking stalls. City staff proposes to provide clarification that the location requirements apply only to the yard between the building and public right-of-way for the principal frontage of the lot, allowing additional flexibility in site design.

Section 121-52.A.5 of the Zoning Ordinance also establishes dimensional and design requirements for off-street parking areas. City staff has been questioned if the requirements of this section apply to all parking areas or just the number of parking stalls required by the Zoning Ordinance. The intent of the provision is to require all parking areas comply with the dimension and design standards established by the Zoning Ordinance to ensure site functionality and prevent congestion impacting public streets. To this end, the draft amendment would remove the word “require” and add the word “all” to this clause for clarification purposes.

The prior Zoning Ordinance included provisions limiting parking for residential uses in terms of location and also types of vehicles to be parked. Most important of these provisions is limiting the size of vehicles to not more than one-ton capacity and requiring all vehicles parked to be licensed and in operable condition. These regulations are intended to protect the condition of City streets, maintain land use compatibility, and prevent nuisance conditions from occurring. City staff has included language in the draft amendment to reinstate these provisions as part of the current Zoning Ordinance.

Swimming Pools. Section 121-56.E.3.a of the Zoning Ordinance regulates the location of above ground and in-ground swimming pools. All swimming pools must be located in side or rear yards and must comply with the setback requirements applicable to accessory buildings. In certain zoning districts, this would allow a swimming pool to be located five feet from the property line. Because of the intensity of the use, City staff is recommending the language included in the draft amendment to require that the side yard setback for all swimming pools be double that required for accessory buildings within the applicable zoning district.

RECOMMENDATION

The Design Review Committee reviewed the proposed Zoning Ordinance amendments at their meeting on 25 June 2015. City staff recommends approval of amendments to the Zoning Ordinance and Subdivision Ordinance as presented.

POSSIBLE ACTIONS

- A. Motion to recommend **adoption** of an Ordinance amending the Zoning Ordinance and Subdivision Ordinance as presented by City staff.
- B. Motion to **table** for further discussion or additional information.
- c. Mike Darrow, City Administrator
Tanya Reigel, City Clerk
Sarah Skinner, Building Inspector
Jeremiah Wendt, Public Works Director
Nick Vivian, City Attorney

ORDINANCE # ____

THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:

Section 1. Section 117-28.H of the Subdivision Ordinance (General Street Design Standards) is hereby amended to include the following provisions:

4. Temporary Cul-De-Sacs. In those instances where a street is terminated pending future extension in conjunction with adjacent development and there is more than 200 feet or 2 dwelling units accessed between the dead end and the nearest intersection, a temporary cul-de-sac paved with bituminous asphalt shall be provided at the closed end in conformance with cul-de-sac requirements.
 - a. The temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside public right-of-way.
 - b. The developer shall submit a cash escrow in an amount as determined by the Public Works Director for removal of the temporary cul-de-sac and restoration of curb, street surface, boulevard and/or yard sod and asphalt driveways within the temporary roadway easement.

Section 2. Section 121-32.B.3 of the Zoning Ordinance (Conditional Use Permits) is hereby amended to include the following provisions with subsequent subsections renumbered accordingly:

- h. The Plan Commission may impose conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as they deem necessary to carry out the intent and purpose of this Ordinance, with said conditions being entered in and made part of the permanent written record of the Plan Commission meeting.

Section 3. Table 1 of the Zoning Ordinance is hereby amended to change the cell for Notice Classification column and Board of Appeals Final Action / Variance Application row from ~~Class 2~~ to Class 1.

Section 4. Section 121-44 of the Zoning Ordinance (Sign Regulations – Special Signs) is hereby amended to include the following provisions:

7. Government buildings and structures, public, quasi-public or private recreation buildings, public parks and recreation areas, public and private educational institutions limited to accredited elementary, middle or senior high schools, and religious institutions shall be allowed the following signs:

a. Sign Plan. A comprehensive sign plan shall be submitted that includes all of the following information:

(1) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.

(2) Scale elevations of buildings showing the location of existing or proposed wall, canopy, or marquee signs.

(3) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and any means of illumination.

b. Freestanding Sign:

(1) One sign is allowed per lot, except that 1 additional sign shall be allowed when there is more than one principal use located on a lot.

(2) The area of the sign may not exceed that allowed in zoning district in which the use is located.

(3) The maximum height of the sign structure shall not exceed that allowed in zoning district in which the use is located.

(4) The sign shall be setback a minimum of 10 feet from any property line or public right-of-way and shall not encroach into any drainage and utility easement.

c. Wall Signs:

(1) One wall sign not exceeding that allowed in zoning district in which the use is located shall be allowed on each facade facing a public street.

(2) The area of a wall sign may not exceed that allowed in zoning district in which the use is located.

(3) An additional wall sign(s) not to exceed 32 square feet shall be allowed for each building entrance.

d. Changeable Copy Signs. Signs allowed by this section may include changeable copy, including electronic changeable copy subject to the following performance standards:

(1) The electronic graphic display sign shall not change display more often than once every 3 minutes.

(2) The graphic display sign shall not include scrolling, flashing, animation, or other effects that create a traffic hazard.

(3) The electronic graphic display that is displayed must be static and the transition from one static display to another must be instantaneous without any special effects.

(4) The electronic graphic display must be complete in themselves, without continuation in content to the next image or message.

(5) The color of electronic graphic display shall be limited only to copy upon a black background.

(6) The brightness of the electronic graphic display shall not exceed 7,000 NITS after sunrise and before sunset or 500 NITS after sunset and before sunrise each day; The changeable copy sign shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this condition.

(7) The allowed hours during which an electronic graphic display may operate shall be limited to 6:00 a.m. to 9:00 p.m.

(8) The electronic graphic display must be designed and equipped to freeze the device in one position if a malfunction occurs. The display must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified

by the City that it is not complying with the stipulations of this Ordinance.

(9) The electronic graphic display sign shall be removed upon a change in zoning or use of the property that renders the sign non-conforming.

Section 5. Section 121-30.A of the Zoning Ordinance (Permitted Uses; Building Permits) is hereby amended to read as follows:

A. Purpose

No vacant land shall be occupied or used, and no building shall be hereafter erected, structurally altered, relocated used or occupied until a building permit has been issued certifying that any such building, use or occupancy complies with the provisions of this Ordinance. Such permit shall be obtained before any change is made in the type of use or before any legal nonconforming use is resumed, after 12 months of inactivity, changed, extended or granted conditional use status. Temporary portable accessory structures without a permanent foundation and with a gross area of less than 150 feet shall be exempt from obtaining a building permit but shall comply with the other applicable provisions of this Ordinance.

Section 6. Table 3.e of the Zoning Ordinance (Commercial/Retail/Service) is hereby amended to add "Restaurants, including liquor and accessory outdoor seating" as an allowed use within the Z3, Z4 and Z6 Districts as a permitted use (A).

Section 7. Section 121-46.F of the Zoning Ordinance (Solar Energy Systems) is hereby amended to read as follows:

F. Conditional Use Permit

1. Determination. ~~The Common Council~~ Plan Commission shall grant a conditional use permit if it finds the following conditions are met:
 - a. The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the City;
 - b. No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference by showing that she or he has applied for a building permit prior to receipt of a notice under subsection E-2 of this section, has obtained professional plans or designs for such a structure, or by submitting any other credible evidence that she or he has made

substantial progress toward planning or constructing a structure that would create an impermissible interference; and

- c. The benefits to the applicant and the public will exceed any burdens.
 - d. No person has demonstrated that the granting of a permit would cause an undue hardship in using his or her property in a manner consistent with existing zoning regulations and neighboring property uses.
 - e. The solar solar energy system will be sited and designed to ensure that glint and glare do not have significant impacts on roadway users, nearby residences commercial areas, or other highly sensitive viewing locations.
2. The ~~Common Council~~Plan Commission may grant a permit subject to any condition or exemption it deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions may include but are not limited to restrictions on the location of the collector and requirements for the compensation of persons affected by the granting of the permit.

Section 8. Section 121-46.G of the Zoning Ordinance (Solar Energy Systems) is hereby amended to read as follows:

- G. Record of Permit. If the ~~Common Council~~Plan Commission grants a permit:
1. The ~~Common Council~~Plan Commission shall specify the property restricted by the permit and shall prepare notice of the granting of the permit. The notice shall include the legal description pursuant to Section 706.05(2)(c), Wisconsin Statutes, for the property upon which the solar collector is or will be located and for any property restricted by the permit, and shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible interference with the solar collector which is the subject of the permit unless the permit affecting the property is terminated or unless a waiver agreement affecting the property is recorded under subsection I of this section.

2. The applicant shall record with the Register of Deeds of the County the notice for each property specified under subsection E-2 of this section and for the property upon which the solar collector is or will be located. The Zoning Administrator shall note the location of any solar collector which is the subject of a permit on a map showing the location of all solar collectors for which permits have been granted under subsection F of this section and shall identify on the map all properties which are subject to restrictions resulting from the granting of a permit.

Section 9. Section 121-48.C of the Zoning Ordinance (Loading and trash/refuse collection areas) is hereby amended to read as follows:

C. Loading and trash/refuse collection areas:

Loading areas and trash/refuse collection areas shall be screened from view from the front of the lot, public rights-of-way and adjacent properties; and located on the lot according to District standards. The screening shall be accomplished with an enclosed structure constructed of materials consistent with that of the principal building, as well as evergreen landscaping, earth berms, or a combination of these items as described in Table 15 for uses developed or redeveloped after January 1, 2015, except within the Z6 District where only a fence or other enclosed structure is to be required.

Section 10. Section 121-52.A.3.a of the Zoning Ordinance (Parking and Loading) is hereby amended to read as follows:

- a. Not more than 50% of the parking shall be located between the principal building and the ~~street~~ principal frontage.
 - (i) See "Landscape and screening of off-street parking and loading facilities" for conditions for locating a greater percentage of parking between the principal building and the street.

Section 11. Section 121-52.A.5 of the Zoning Ordinance (Parking and Loading) is hereby amended to read as follows:

5. Dimensional and Design Requirements. Unless specified in this Ordinance, stall, aisle and driveway design for ~~required~~ all off-street parking shall comply with the following standards:

- a. Access and location. Parking areas shall have access to a public alley or street. Driveways shall be located to minimize interference with traffic movement.
- b. Turnaround. All parking areas except those serving one-family and two-family dwellings on local streets shall be designed so that cars do not have to back into the public street.
- c. Surfacing. All driveways and areas intended to be utilized for parking spaces shall be constructed of bituminous asphalt, concrete or pavers. Such surfacing shall be approved by the Director of Public Works and maintained in good repair.
- d. Walkways. Required parking areas for 5 or more vehicles shall have walkways separated from the parking area and surfaced with bituminous asphalt, pavers or concrete to provide access from parking areas to the entrances of buildings.
- e. Drainage. All parking or paved areas shall be adequately served by storm sewer or other approved stormwater facilities.—~~Such facilities shall be~~ as approved by the Director of Public Works.
- f. Curbs. A 6-inch high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where there Director of Public Works determines that a curb would impede the drainage plan.

Section 12. Section 121-52.A. of the Zoning Ordinance (Parking and Loading) is hereby amended to include the following provisions:

7. Restrictions for residential uses

a. Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards:

(1) A rear yard.

(2) A side yard not adjoining a street.

(3) A front yard, but only on a driveway not exceeding 24 feet in width and for not more than three vehicles parked not nearer than five feet to a front or side property line.

b. Vehicle limitations.

1. For residential uses, accessory off-street parking facilities shall be solely for the parking of passenger automobiles of patrons, occupants or employees.
2. Only 2 vehicles licensed as trucks may be parked on a residential lot. Such vehicles are limited in size to a maximum of one-ton capacity.
3. All vehicles parked on a residential lot shall be in condition for safe and legal operation upon public streets.
4. All vehicles parked on a residential lot shall display current license plates.

Section 13. Section 121-56.E.3.a of the Zoning Ordinance (Accessory Structures – Swimming Pools) is hereby amended to read as follows:

- a. Swimming pools shall be erected or constructed on a lot occupied by a principal building on rear or side yards within the allowable lot occupation for accessory buildings, except that the side yard setback shall be double the minimum required within the applicable zoning district.

Section 14. Section 121-56 of the Zoning Ordinance (Accessory Structures) is hereby amended to include the following provisions:

F. Outdoor Seating Areas

1. Process:

- a. Outdoor seating areas accessory to a restaurant use defined as a beer garden by this Ordinance shall require a conditional use permit subject to Section 121-50.C and the provisions of this subsection.
- b. Outdoor seating areas accessory to a restaurant use (other than a beer garden) shall be an allowed use within the Z3, Z4 and Z6 Districts subject to approval of the Zoning Administrator in accordance with Section 121-30.

2. Functional requirements

- a. The outdoor seating area shall be limited to the area directly adjacent to the property owned and/or operated by the primary restaurant and shall not be located upon public right-of-way.
- b. The outdoor seating area shall be segregated from through vehicle drive lanes by a raised 6 inch concrete curb and from pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, etc.
- c. Minimum clear passage zone for pedestrians at the perimeter of the outdoor seating area shall be at least 3 feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, etc.
- d. Overstory canopy of trees or umbrellas extending into the pedestrian clear passage zone or drive aisles shall have a minimum clearance of 7 feet above grade.
- e. Furniture shall not be stored, stacked and/or covered in the outdoor seating area and shall be movable to allow for seasonal changes.
- f. No electronically amplified outdoor music, intercom, audio speakers, or other such noise generating devices shall be allowed in the outdoor seating area.

3. Aesthetic requirements

- a. Furniture shall be washable, constructed of metal, plastic or other weather resistant materials and maintained in a safe and sanitary condition.
- b. Annual/perennial flowers shall be used to enhance streetscape aesthetics and plant material shall be in containers to allow for movement.
- c. The structure separating the outdoor seating area from vehicle driveways and pedestrian sidewalk shall be decorative wood, metal or vinyl fencing not less than 4 feet in height and shall be compatible with the architecture of the principal building.

d. One covered trash receptacle matching appearance of other furniture shall be provided for every eight tables.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

Passed and approved:
Published and effective:

CITY OF NEW RICHMOND

By: _____
Fred Horne, Mayor

ATTEST: _____
Tanya Reigel, City Clerk



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TO: Beth Thompson, Community Development Director
Jim Elsbury, St. Croix County Facilities Director
Michael Grzesiak, JSD Professional Services

FROM: Jeremiah Wendt, Public Works Director

DATE: June 4, 2015

RE: St. Croix County Health Center Stormwater Management Plan

We have reviewed the revised stormwater submittal dated March 12, 2015, along with the revised plan set dated May 21, 2015, and subsequent City Review Comment Response Memo dated May 22, 2015, submitted by JSD Professional Services, Inc. The submittals appear to be in conformance with the City's stormwater ordinance, and are hereby approved.