



AGENDA OF THE GREEN BAY PLAN COMMISSION

MONDAY, SEPTEMBER 23, 2024, 6:00 PM
City Hall, Room 604 - The Harry Maier Room.
Virtual attendance is also available via Zoom.

A. Zoom Meeting Information.

- I. Join Zoom Meeting Online:

<https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSIZGZlFjcmlpWnZlOEVnUT09>

Or call in by phone: +1 312 626 6799

Meeting ID: 841 3767 5822

Passcode: 483400

If you wish to speak at this public meeting or leave a comment, please fill out the online [Comment Form](#) prior to the meeting. More detailed [Zoom Instructions](#) can be found online.

B. Roll Call.

- I. Members: Chair Lisa Hanson, Vice-Chair Jacob Miller, Ald. Jim Hutchison, Derius Daniels, Ken Rovinski, Emma Fulwilder and Kelsey Lutzow.

C. Approval of the Agenda.

- I. Approval of the agenda for the Monday, September 23, 2024, meeting of the Green Bay Plan Commission.

D. Approval of Minutes.

- I. Approval of the minutes from the Monday, September 9, 2024 meeting.

E. Regular Business.

- I. (ZP 24-31) Public hearing on a request to rezone parcels 6H-1247-2, 6H-1247-3, 6H-4447, 6H-4448, 6H-4449 which are generally located at the eastern terminus of Lafayette Street and the southern terminus of Eric Street from RR Rural Residential to R1 Low Density Residential, submitted by Brad Rymer of Vierbicher, on behalf of Tom and Mary Saphner,

property owners. (Ald. K. Hinkfuss, District 12)

2. (ZP 24-31) Consideration with possible action on a request to rezone parcels 6H-1247-2, 6H-1247-3, 6H-4447, 6H-4448, 6H-4449 which are generally located at the eastern terminus of Lafayette Street and the southern terminus of Eric Street from RR Rural Residential to R1 Low-Density Residential, submitted by Brad Rymer of Vierbicher, on behalf of Tom and Mary Saphner, property owners. (Ald. K. Hinkfuss, District 12)
3. (ZP 24-30) Public hearing on a request to rezone 2491 University Avenue from C-1, General Commercial, to C-2, Highway Commercial, submitted by Bryan Pfeffer of Robert E. Lee & Associates, on behalf of Club Car Wash Green Bay University Ave LLC, property owner. (Ald. J. Prestley, District 6)
4. (ZP 24-30) Consideration with possible action a request to rezone 2491 University Avenue from C-1, General Commercial, to C-2, Highway Commercial, submitted by Bryan Pfeffer of Robert E. Lee & Associates, on behalf of Club Car Wash Green Bay University Ave LLC, property owner. (Ald. J. Prestley, District 6)

F. Informational.

1. (PP 24-01) SolSmart Solar Market Growth Support - Workshop/Informational only
2. Director's report.
3. Date of next meeting: October 7, 2024

G. Public Hearings.

H. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Plan Commission meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.



Report to the Green Bay Plan Commission

MEETING DATE

September 23, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.I

(ZP 24-31) Public hearing on a request to rezone parcels 6H-1247-2, 6H-1247-3, 6H-4447, 6H-4448, 6H-4449 which are generally located at the eastern terminus of Lafayette Street and the southern terminus of Eric Street from RR Rural Residential to R1 Low Density Residential, submitted by Brad Rymer of Vierbicher, on behalf of Tom and Mary Saphner, property owners. (Ald. K. Hinkfuss, District 12)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the Green Bay Plan Commission

MEETING DATE

September 23, 2024

PREPARED BY

Jon LeRoy, Zoning Administrator

AGENDA ITEM # E.2

(ZP 24-31) Consideration with possible action on a request to rezone parcels 6H-1247-2, 6H-1247-3, 6H-4447, 6H-4448, 6H-4449 which are generally located at the eastern terminus of Lafayette Street and the southern terminus of Eric Street from RR Rural Residential to R1 Low-Density Residential, submitted by Brad Rymer of Vierbicher, on behalf of Tom and Mary Saphner, property owners. (Ald. K. Hinkfuss, District 12)

BACKGROUND

Reason for Request: To build a house(s) where along parcels along Crestwood Springs Drive and Lafayette Streets.

Surrounding Zoning and Land Uses:

Subject Property: Rural Residential (RR) Undeveloped Lands

North: Low Density Residential (R-1) Single-Family Residential

South: Rural Residential (RR) Undeveloped Lands | Low Density Residential (R-1) Single-Family Residential

East: Low Density Residential (R-1) Single-Family Residential | Two-Family Residential

West: Rural Residential (RR) Undeveloped Lands | Single-Family Residential

Comprehensive Plan: The 2022 Smart Growth Plan designates this area for Low Density Residential. R1 Low Density Residential is appropriate for an area if utility services are available and if landowners are looking to develop parcels.

Report: The subject area is a wooded, undeveloped area south of Hazelwood Lane, north of future Parkwood Drive extension, east of Crestwood Springs Drive and west of Packerland Drive. The property has been zoned RR Rural Residential as the approximate 12 acres of land has not yet been developed. The Saphner's own all five parcels. The Saphner's are proposing to divide the land and create home sites via a new land division through Certified Survey Map (CSM). The new proposed CSM would create three lots.

This land area was subject to an approved official map amendment in summer, beginning the process of rezone and certified survey mapping in the area. The official map amendment (OMA) was approved creating a terminus of Lafayette Drive to the east of Crestwood Spring Drive in the future road pattern, creating a cul-de-sac at the end of Lafayette Drive. The landowner is now seeking to create a residence in the area where the Lafayette Drive road pattern was revised.

Water Utility, Parks, and Public Works had no comment on the changes during the OMA process. The rezone area is located in the urban service area. The landowners have intent to develop the parcels. Given the infill location within the city and intent to develop, the designation to change zoning is appropriate.

Aldersperson Hinkfuss and affected property owners within 200' have been notified of the request. Staff has not received comments from the public as the drafting of this report.

RECOMMENDATION

Approval of the request to rezone parcels from RR Rural Residential to R1 Low-Density Residential zoning.

FISCAL IMPACT

ATTACHMENTS

1. 24-31 Application
2. 24-31 Property Map PDF
3. 24-31 Prelim CSM
4. OMA 24-01 MAP
5. 24-31 OMA Original Narrative



REQUEST FOR CITY ACTION PLAN COMMISSION

Community and Economic
Development Department
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3400 - phone
(920) 448-3426 - fax
www.greenbaywi.gov

Location of Property: Lafayette Drive, Eric Street

Parcel Number(s): 6H-1247-2, 6H-1247-3, 6H-4447, 6H-4448, 6H-4449

Petitioner(s): Vierbicher (Brad Rymer)

Date: 08/23/24

Email: brym@vierbicher.com

Phone Number: 920-434-9670

Address: 400 Security Blvd

City: Green Bay State: WI Zip: 54313

Property Owner: Tom & Mary Saphner

Phone Number: 920-490-0495

Submit this Request Form and all required attachments to the Community and Economic Development Department, Room 608, City Hall

To: Honorable Mayor and Common Council, c/o City Clerk

I, Brad Rymer, respectfully request that the City of Green Bay take the following action:

- | | |
|-------------------------------------|--|
| ☒ | Rezone Property (\$375.00 Review Fee) |
| ☐ | Conditional Use and CUP Amendment, including Single Lot Duplexes (\$375.00 Review Fee) |
| ☐ | PUD and PUD Amendments (\$425.00 Review Fee) |
| ☐ | Approve Preliminary City/Extraterritorial Subdivision Plat (\$150.00 + \$35.00 per Lot/Outlot Review Fee) |
| ☐ | Approve Preliminary Condominium Plat (\$250.00 + \$35.00 per Lot/Outlot/Lot Equivalent Review Fee) |
| ☒ | Approve Preliminary City/Extraterritorial Certified Survey Map (\$250.00 Review Fee) |
| ☐ | Approve Final City/Extraterritorial Subdivision Plat (\$150.00 Review Fee) |
| ☐ | Approve Final Condominium Plat (\$150.00 Review Fee) |
| ☐ | Grant a City/Extraterritorial Subdivision/CSM Variance (\$150.00 Review Fee) |
| ☐ | Development District Map Amendment (\$200.00 Administration Fee) |
| ☐ | Official Map Amendment (\$200.00 Administration Fee) |
| ☐ | Plat of Right-of-Way (\$200.00 Administration Fee) |
| ☐ | Discontinue a Public Utility Easement (\$200.00 Administration Fee) |
| ☐ | Street Name Change (\$200.00 Administration Fee) |
| ☐ | Declare City Property "City Surplus" (\$200.00 Administration Fee) |
| ☐ | Vacate a Street/Alley/Pedestrian Way (\$300.00 Administration Fee) PLEASE FILL OUT PAGE 2 OF APPLICATION |
| ☐ | Closure of Street/Alley/Pedestrian Way (\$300.00 Administration Fee) PLEASE FILL OUT PAGE 2 OF APPLICATION |
| ☐ | Comprehensive Plan Amendments (\$275.00 Review Fee) |
| ☐ | Other (\$200.00 Administration Fee): _____ |

Owner Signature: _____

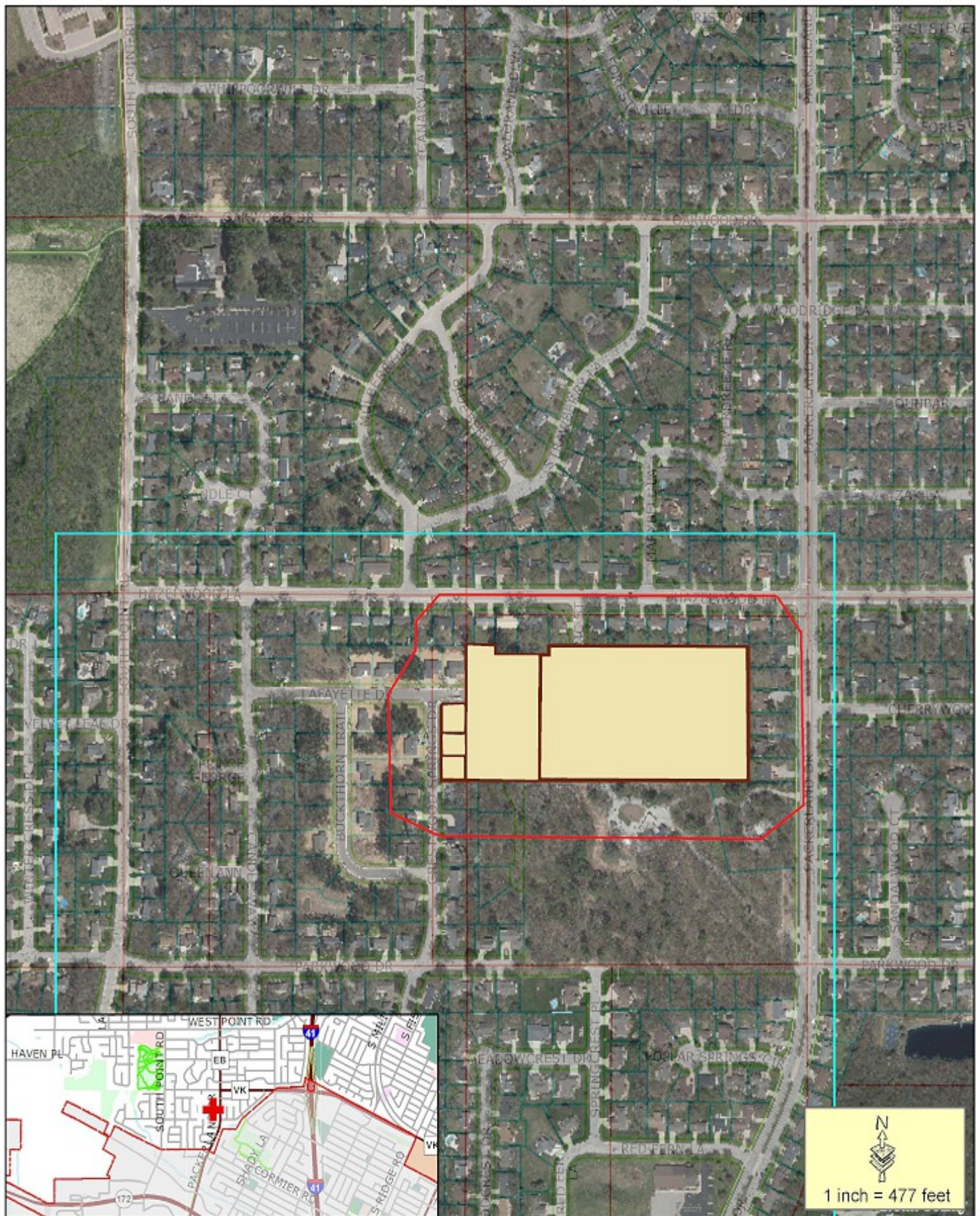
Date: 8/23/24

Petitioner Signature(s): Brad Rymer

Digitally signed by Brad Rymer
Date: 2024.08.23 07:56:06 -0500

Checklist of required attachments:

- Map



- Proposed Rezone Parcels
- 200' Property Owner Notice

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.
Map prepared by JL

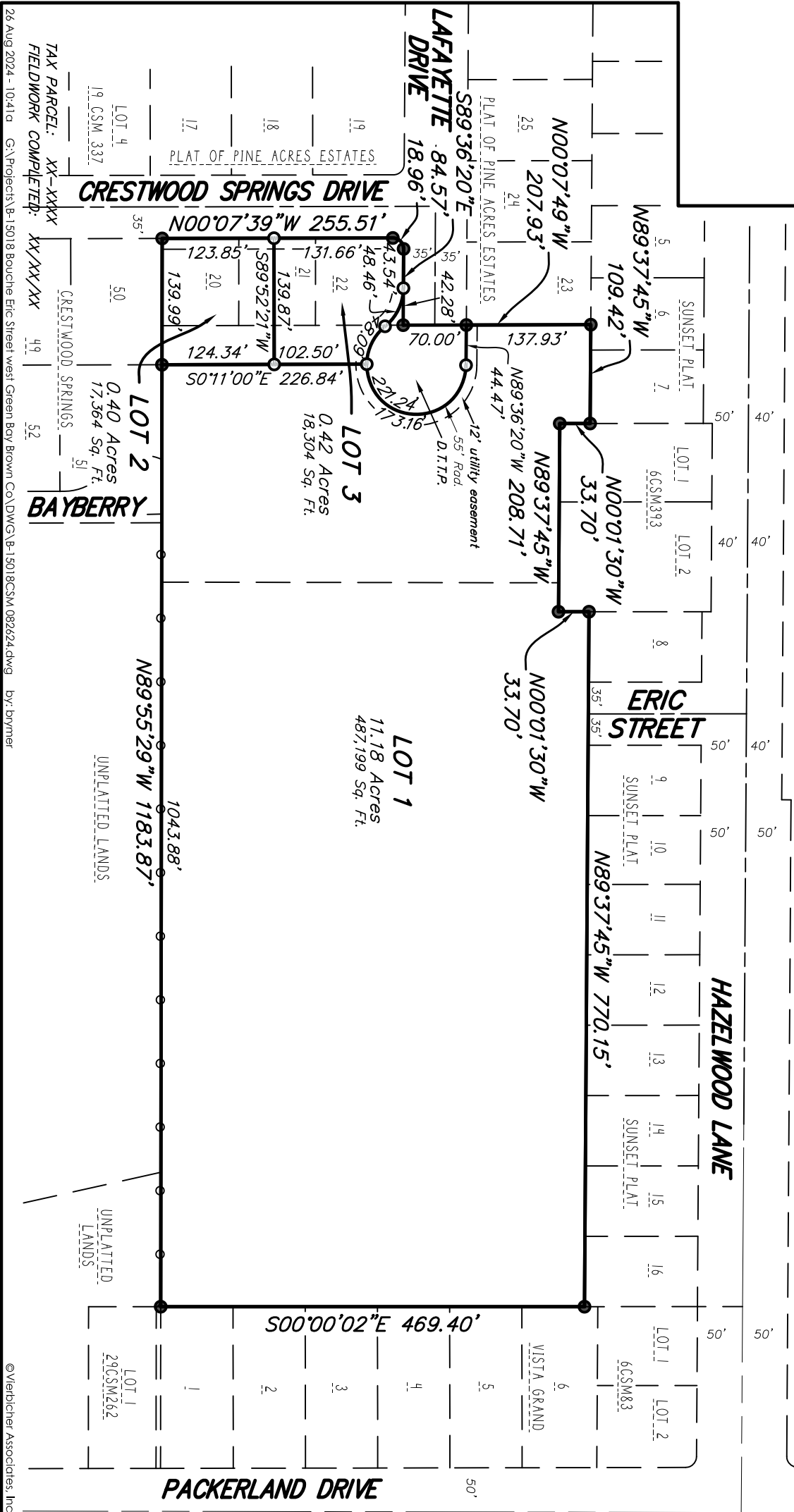
Rezone Request

Properties generally located at 2035, 2041, and 2045 Crestwood Springs Drive, the eastern terminus of Lafayette Street and the southern terminus of Eric Street from RR Rural Residential to R1 Low-Density Residential

CERTIFIED SURVEY MAP No.

Lots 20, 21 & 22 of the recorded "Plat of Pine Acres Estates" (Volume 24, Plats, Page 73, Document Number 2825587, Brown County Records), said Plat being in part of Lots 23 & 24, Section 32, and also part of Lot 22, said Section 32, all in T24N-R20E, in the City of Green Bay, Brown County, Wisconsin.

west 4
Section 32
T24N-R20E
(from ties)



26 Aug 2024 - 10:41a G:\Projects\B-15018 Bouche Eric Street west Green Bay Brown Co.DWG\B-15018CSM 082624.dwg by: bvrmer

© Vierbicher Associates, Inc.

vierbicher
planners | engineers | advisors



Job #: B-15018
Date: 08/26/2024
Rev.
Drafted By: BAR
Checked By: MRA

SURVEYED FOR:
Tom & Mary Saphner
Crestwood Springs Drive
Green Bay, WI 543--

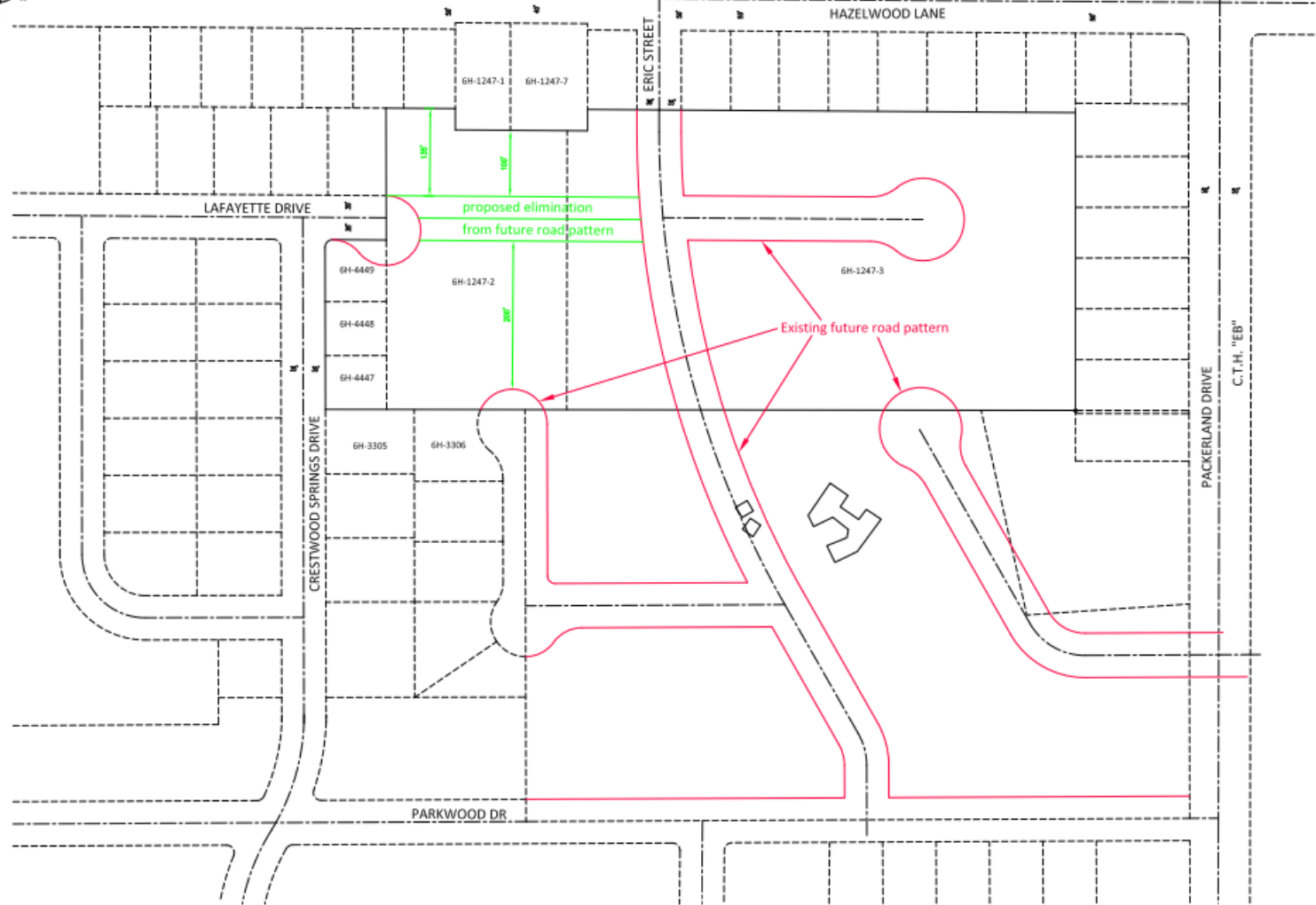
SURVEYED BY:
Vierbicher Associates, Inc.
400 Security Blvd, Ste 1
Green Bay, WI 54313
(920) 434-9670

SHEET
1 OF 3

Area Development Plan

Part of Lot 22 of the Southwest 1/4 of Section 32, T24N-R20E, City of Green Bay, Brown County, Wisconsin.

Graphic Scale: 1" = 80'



SCALE
1"=80'

DRAWN BY
BAR

1000 PAPER ST. WIS.
Area Development Plan



vierbicher
planners | engineers | architects

400 Security Blvd Ste 1 Green Bay, WI 54303-4369

Thomas & Mary Saphner

PROJECT NO.
B-15018
SHEET NO.
1 of 1

DRAWING NO.
S-3866

File: B-15018

Client: Thomas & Mary Saphner

Date: May 24, 2024

Official Map Amendment request...

Parcels 6H-1247-2 and 6H-1247-3 (approx. 12 acres) are currently undeveloped and owned by Thomas and Mary Saphner. They live adjacent and Southerly to the subject parcels at 2051 Crestwood Springs Drive (6H-3305). They also own parcels 6H-4447, 6H-4448 & 6H-4449 along Crestwood Springs Drive and 6H-3306 in the rear of their existing house. They love the neighborhood and want to maintain the highest standards for it. The Saphners would like to build a new home on the large parcel while keeping in mind options for future development of the area. There is an existing future road pattern on the area. The adopted road pattern through this area offers connectivity from Hazelwood Lane to Parkwood Drive via Eric Street with several cul-de-sacs to fill in the area. It also shows Lafayette Drive connecting to Eric Street. Based on acceptable minimum lot depths (not City code minimums), the Lafayette Drive extension runs into a conflict area as parcels 6H-1247-1 and 6H-1247-7 have additional depth lots that protrude into the client's North property line. The distance from those rear property lines to the existing partially dedicated cul-de-sac on the South of the client's parcel is only 370 feet. Based on the acceptable minimum lot depth of 3 lots and the right of way width of Lafayette Drive extended, we wouldn't have enough room to get everything through this pinch point. This proposal maintains the approved connection from Hazelwood Lane to Parkwood Drive but eliminates the connection of Lafayette Drive to future Eric Street. Through this proposed adjustment to the road pattern, the Saphners would be able to build their home in the desired location on a "future" lot off Lafayette Drive while still maintaining viable development options for the area.



Report to the Green Bay Plan Commission

MEETING DATE

September 23, 2024

PREPARED BY

AGENDA ITEM # E.3

(ZP 24-30) Public hearing on a request to rezone 2491 University Avenue from C-1, General Commercial, to C-2, Highway Commercial, submitted by Bryan Pfeffer of Robert E. Lee & Associates, on behalf of Club Car Wash Green Bay University Ave LLC, property owner. (Ald. J. Prestley, District 6)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the Green Bay Plan Commission

MEETING DATE

September 23, 2024

PREPARED BY

Dena Mooney, Staff

AGENDA ITEM # E.4

(ZP 24-30) Consideration with possible action a request to rezone 2491 University Avenue from C-1, General Commercial, to C-2, Highway Commercial, submitted by Bryan Pfeffer of Robert E. Lee & Associates, on behalf of Club Car Wash Green Bay University Ave LLC, property owner. (Ald. J. Prestley, District 6)

BACKGROUND

Reason for Request: The proposed rezoning will allow for automobile-oriented uses (drive-through, motor vehicle repair).

Surrounding Zoning and Land Uses:

Subject Property: General Commercial (C-1) | Vacant

North: Highway Commercial (C-2) and General Commercial (C-1) | Car Wash, Vacant

South: Highway Commercial (C-2) | Automobile dealerships

East: General Commercial (C-1) | Automobile dealership/repair

West: Planned Unit Development (PUD) | Retail

Comprehensive Plan: The 2022 Smart Growth Green Bay Comprehensive Plan currently recommends commercial uses.

Report: This zone change application involves a 1.2-acre parcel at 2491 University Avenue.

This area has undergone a recent transformation. A strip mall was razed, a new road was installed (Jenny Lane), and redevelopment of the property has begun, which includes a Club Car Wash. The applicant is requesting that the property south of the new Club Car Wash be rezoned from General Commercial (C-1) to Highway Commercial (C-2), which would allow for more vehicle service/drive-through uses. Section 44-680 Purpose of City Code, describes the difference between the districts as the following:

- *C1 General Commercial is intended for use along the City's primary commercial corridors where moderate-intensity retail, office, and service uses are planned. Businesses that typically involve outdoor display, storage, and/or sales, motor vehicle repair, and other intensive or outdoor uses are discouraged.*
- *C2 Highway Commercial is intended for use in locations along the City's commercial corridors where automobile-oriented businesses already dominate or are planned. Businesses that typically involve outdoor display, storage, and/or sales, motor vehicle repair, and other intensive or outdoor uses should locate in this district.*

The subject property and the area surrounding it are auto-oriented uses (regional retail, vehicle service). The future land use map identifies this area as commercial. Since the rezone complies with the future land use map and complements surrounding land uses, staff supports the request.

Ald. J. Prestley and neighbors within 200 ft. have been notified of the meeting based on Plan Commission policy. Staff has not received any objections about the request as of the drafting of this report.

RECOMMENDATION

Approval of the request to rezone the property from General Commercial (C-1) to Highway Commercial (C-2).

FISCAL IMPACT

ATTACHMENTS

1. ZP 24-30 Application
2. ZP 24-30 Narrative_Jenny Lane Rezone and CSM
3. ZP 24-30 Map



REQUEST FOR CITY ACTION PLAN COMMISSION

Community and Economic
Development Department
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3400 - phone
(920) 448-3426 - fax
www.greenbaywi.gov

Location of Property: 2491 University Avenue

Parcel Number(s): 21-1250

Petitioner(s): Bryan Pfeffer- Robert E. Lee & Associates Date: 8/4/2024

Email: bpfeffer@releeinc.com Phone Number: (920)662-9641

Address: 1250 Centennial Centre Blvd City: Hobart State: WI Zip: 54155

Property Owner: Club Car Wash Operating Phone Number: _____

Submit this Request Form and all required attachments to the Community and Economic Development Department, Room 608, City Hall

To: Honorable Mayor and Common Council, c/o City Clerk

I, Bryan Pfeffer, respectfully request that the City of Green Bay take the following action:

- ☒ Rezone Property (\$300.00 Review Fee)
- ☐ Conditional Use and CUP Amendment, including Single Lot Duplexes (\$300.00 Review Fee)
- ☐ PUD and PUD Amendments (\$350.00 Review Fee)
- ☐ Approve Preliminary City/Extraterritorial Subdivision Plat (\$150.00 + \$35.00 per Lot/Outlot Review Fee)
- ☐ Approve Preliminary Condominium Plat (\$150.00 + \$35.00 per Lot/Outlot/Lot Equivalent Review Fee)
- ☒ Approve Preliminary City/Extraterritorial Certified Survey Map (\$150.00 Review Fee)
- ☐ Approve Final City/Extraterritorial Subdivision Plat (\$100.00 Review Fee)
- ☐ Approve Final Condominium Plat (\$100.00 Review Fee)
- ☐ Grant a City/Extraterritorial Subdivision/CSM Variance (\$150.00 Review Fee)
- ☐ Grant a Postponement of Development Fees (\$100.00 Review Fee) [Review by I&S and/or Park Committees]
- ☐ Development District Map Amendment (\$200.00 Administration Fee)
- ☐ Official Map Amendment (\$200.00 Administration Fee)
- ☐ Plat of Right-of-Way (\$200.00 Administration Fee)
- ☐ Discontinue a Public Utility Easement (\$200.00 Administration Fee)
- ☐ Street Name Change (\$200.00 Administration Fee)
- ☐ Declare City Property "City Surplus" (\$200.00 Administration Fee)
- ☐ Vacate a Street/Alley/Pedestrian Way (\$200.00 Administration Fee) – PLEASE FILL OUT PAGE 2 OF APPLICATION
- ☐ Closure of Street/Alley/Pedestrian Way (\$200 Administration Fee) – PLEASE FILL OUT PAGE 2 OF APPLICATION
- ☐ Comprehensive Plan Amendments (\$200.00 Review Fee)
- ☐ Other (\$200.00 Administration Fee): _____

Owner Signature: _____ Date: 8/4/2024

Petitioner Signature(s): _____ 8/4/2024

Checklist of required attachments:

- Map
- Legal Description
- Applicant Narrative Describing Project
- All Other Pertinent Information

For office use only:

Review Fee: _____ Receipt No.: _____ Zoning Petition No.: _____

REQUEST FOR CITY ACTION PLAN COMMISSION

PLEASE FILL OUT FOR: VACATE OR CLOSE STREET/ALLEY/PEDESTRIAN WAY

Per WI State Statute 66.1003:

All owners who abut the area proposed for vacation or closure, including all members of LLCs or ownership groups, must sign below before submitting this application.

If you are **NOT** vacating or closing a full street/alley/pedestrian way, you must also get signatures from one-third of owners of parcels within 2,650 ft. of the end of the vacation/closure area.

SIGNATURE	PRINTED NAME	ADDRESS

Please contact the Community and Economic Development Department at (920) 448-3400 with any questions.

August 9, 2024

Ms. Dena Mooney
CITY OF GREEN BAY
100 N Jefferson St
Green Bay, WI 54301

RE: Rezoning Permit and CSM Application – Parcel 21-1250

Dear Ms. Mooney:

On behalf of Club Car Wash, Robert E. Lee & Associates, Inc. is submitting the attached Rezone and CSM application with associated documentation for a proposed quick change oil service and a drive through coffee shop on Parcel Number 21-1250 (CSM will split the property for two uses) at 2491 University Avenue in the City of Green Bay. The request is to rezone this property from C1 to C2. See the attached legal description and exhibit illustrating the parcel being requested for rezone. A Certified Survey Map is also being submitted with this application to formally create these two areas as separate parcels, to allow for their development as permitted uses in the C-2 Zoning District. Storm water requirements for any future development will be met with the regional pond approved and installed on the adjacent lot (21-1251-1). Preliminary grading and erosion control plans will be provided by others when a preliminary design is proposed for each site.

Please do not hesitate to contact me regarding any questions.

Sincerely,

ROBERT E. LEE & ASSOCIATES, INC.



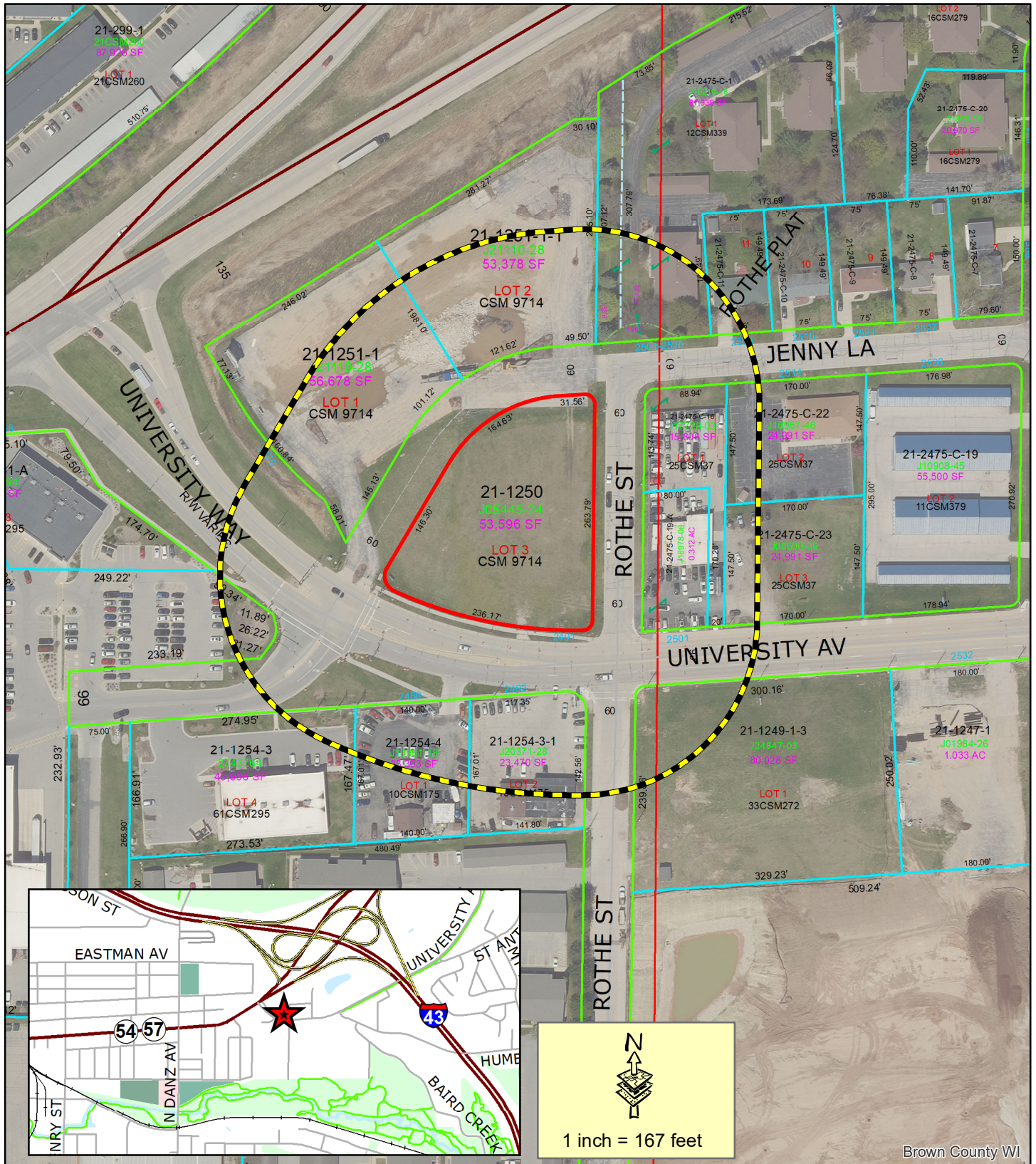
Michael S. Leidig, E.I.T.
Project Engineer

MSL/BLP/NJM

ENC.



Bryan L. Pfeffer, PLS, CST
Project Surveyor



- Subject Area
- 200' Property Owner Notice

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by DM.

Zoning Petition (ZP 24-30)
Rezone Subject Area
at 2491 University Avenue
from General Commercial (C1) to
Highway Commercial (C2)





Report to the Green Bay Plan Commission

MEETING DATE

September 23, 2024

PREPARED BY

David Buck, Staff

AGENDA ITEM # F.I

(PP 24-01) SolSmart Solar Market Growth Support - Workshop/Informational only

BACKGROUND

Solar professionals from private firm SolSmart have conducted a review of Green Bay's zoning and land use regulations to assess the use of best practices, possible barriers (i.e. height restrictions, set-back requirements, etc.) and gaps related to solar photovoltaic (PV) development.

The workshop will be informative only and will give the Plan Commission an idea of potential modifications to land development regulations that may be coming as formal text amendments in the future. Internally, the City has a Code Team that reviews zoning and subdivision code alterations. Following this workshop, solar photovoltaic (PV) will be placed as an item on the Code Team agenda with recommendations coming back to the PC in the future.

RECOMMENDATION

Receive and forward to staff

FISCAL IMPACT

ATTACHMENTS

- I. PZ-I_Green BayWI_2024

PZ-1 Zoning Review

Community: Green Bay, WI



PZ-1: Review zoning requirements and identify restrictions that intentionally or unintentionally prohibit solar PV development. Compile findings in a memo. (Required for Bronze)

To assist your local government, the national solar experts at SolSmart have conducted a review of your community's zoning and land use regulations to assess the use of best practices, possible barriers (i.e. height restrictions, set-back requirements, etc.) and gaps related to solar PV development. The Green Bay [Zoning Code](#) was accessed and reviewed during August 2024. The code was accessed via the [Green Bay website](#) (with a redirect to the [Municode Library website](#)).

Below, please find the outcome of the review.

As the SolSmart expert reviewed your community's zoning and land use regulations, they have provided recommendations for improvements and additional language that can support growth of the solar market in your community. Zoning codes should provide clear and transparent regulations on the development and use of solar energy within the jurisdiction. Recognizing that zoning codes must be specific to each community to address unique needs and local factors, SolSmart recommended language may need additional local context. Incorporating clear and transparent solar PV guidelines and regulations into zoning codes can help streamline development processes and reduce costs related to new solar PV installations.

By reading the narrative and signing the statement at the bottom of the page, your community will satisfy the PZ-1 pre-requisite and be one step closer to achieving SolSmart designation.

Summary

- A search for "photovoltaic" yielded 2 results.
- A search for "solar" yielded 18 results.
- A search for "renewable energy" yielded 4 results
- A search for "clean energy" yielded 0 results

Next Steps

We recommend the following steps to best utilize the zoning review.

- 1) This zoning review can be presented to the Planning & Zoning Commission or relevant zoning body to achieve credit PZ-2.
- 2) Based on the zoning review and the dialogue from the Planning Commission meeting, staff can draft proposed language for changes to the zoning code to achieve credit PZ-3.
- 3) SolSmart staff are available to help present the zoning review and/or provide guidance and feedback on draft language.

Best Practice Review & Recommendations

The code was reviewed to determine if it incorporates best practice regulations for solar energy. Incorporating best practices improves transparency of processes and clarity of development standards and can enhance the growth of the local solar market in an organized and efficient manner. The review is split into four sections: **Solar Purpose and Definition, Roof-mounted Solar, Ground-mounted Solar**

Accessory Use, and Ground-mounted Solar Primary Use. Each section reviews code language applicable to that topic area or type of solar PV. Where needed, the review will include suggested language that the community could adopt to align the code with SolSmart recommendations. Codifying zoning code best practices for solar development can help prevent misinterpretation, changes in how the code is read, or future challenges to solar installations.

Solar Purpose and Definitions

Purpose or Intent		
The code does NOT contain a purpose or intent for including solar energy regulations in the code.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement: ☒
The purpose section of the zoning code provides an opportunity to include goals related to solar to link solar energy development to specific community goals and plans. Referencing specific goals and plans in the purpose section can create a stronger foundation for future solar projects.		
Suggested Language		
<i>Below are examples of how solar energy could be included in the zoning purpose.</i> Green Bay has adopted the following regulations to encourage the efficient and effective development and use of solar energy systems while protecting the public health, safety, and welfare of its residents. Solar energy is a renewable energy resource and valuable economic resource that can be utilized throughout the Green Bay for the following purposes (<i>the following bullet points are optional depending on community goals and plans</i>): 1) To implement the following objectives of the Comprehensive Plan: a) Encourage the use of local renewable energy resources. b) Promote sustainable building design and practices. c) Encourage economic development while preserving the community's historic resources and character. 2) To meet the goals of the Climate Action Plan, Sustainability Plan, Clean Energy Resolution. a) [REFERENCE GOALS OR TARGETS] 3) To decrease the community's reliance on fossil fuel power sources and reduce greenhouse gas emission/achieve carbon reduction goals. a) [REFERENCE SPECIFIC GOALS OR TARGETS] 4) To enhance the reliability and resiliency of the local power grid and make more efficient use of the local electric distribution infrastructure. 5) To promote consumer choice and allow residents and businesses to use local, renewable energy while displacing fossil fuel generation. 6) To improve air quality and protect public health.		

Definitions		
The code contains definitions for solar energy.		
Code Language	Section: Sec. 44-249. - General definitions	
Photovoltaic system means an active solar energy system that converts solar energy directly into electricity or another energy form.		
Solar energy means active radiant energy (direct, diffuse, and reflected) received from the sun.		
Off-grid solar system means a photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.		
Grid-intertie solar system means a photovoltaic solar system that is connected to an electric circuit served by an electric utility company.		
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement: ☒
Definitions form the basis of understanding for the terms used throughout the solar energy section of the code and reduce the chance for misinterpretation. At a minimum, a local government should include definitions that distinguish between solar energy system type (roof-mounted vs ground-mounted) and use (accessory vs primary) to provide clarity and a foundation on which to specify permissible uses in specific zoning districts and provide development standards. The Green Bay zoning code does include some solar definitions, additional definitions that may be beneficial for communities to include in their zoning codes are provided.		
Suggested Language		
1) <i>Roof-mounted solar energy system</i>: A solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mount systems are accessory to the primary use. 2) <i>Ground-mounted solar energy system (Accessory Use)</i>: A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and the system is accessory to the primary use. 3) <i>Ground-mounted solar energy system (Primary Use)</i>: A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and is the primary land use for the parcel(s) on which it is located. Primary use systems are permitted through a discretionary approval process. 4) <i>Community-scale solar energy system</i>: A solar photovoltaic system that qualifies for the [STATE COMMUNITY SOLAR PROGRAM NAME – if applicable].		

Roof-Mounted Solar

Roof-mounted Accessory Use Solar	
The code explicitly permits accessory use roof-mounted solar PV systems as a by-right or allowed use.	
Code Language	Section: Sec. 44-589. - Permitted accessory uses.
Table 44-3. Permitted Nonresidential Accessory Uses in the Residential Districts “Solar energy systems, flush roof-mount” permitted in all residential districts	

“Solar energy systems, other than flush roof-mount” permitted in rural (RR) and high-density district with multi-family dwellings (R-3), conditional in low and moderate density districts (R-1, R-2)

Reviewer Comments

Aligned with SolSmart Recommendations: ☒

Needs Improvement ☐

Aligned with SolSmart Recommendations

This aligns with SolSmart best practices. Codifying roof-mounted accessory use solar as a permitted use provides clarity and transparency. This action will allow the local government to submit for PZ-5, the Planning and Zoning pre-requisite for Gold designation.

Applicable SolSmart Credit: PZ-5, Codify in the zoning ordinance that accessory use rooftop solar PV is explicitly allowed by-right in all major zones.

Suggested Language

Roof-mounted Solar Height

The code does NOT exempt roof-mounted solar PV from height restrictions.

Code Language

Section: [Sec. 44-1657. - Roof-mounted solar energy system.](#)

The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building roof and shall not exceed the highest point of the roof line on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building roof on a side yard exposure.

(Code 1984, § 13.1611(c); Ord. No. 9-12; Ord. No. 13-14)

Reviewer Comments

Aligned with SolSmart Recommendations: ☐

Needs Improvement ☒

The current zoning language indicates that solar equipment shall meet the height requirements for the zone that the system is installed in.

It is best practice to exempt roof-mounted solar energy systems from district height requirements. Height restrictions are often imposed on buildings within specific zoning districts to satisfy several planning objectives such as protection of views, controlling neighborhood character, density, and access to sunlight. In many districts, buildings, particularly those with flat rooftops, are constructed up to the maximum allowed height, thereby limiting a buildings ability to install solar unless exemptions are provided. Many local governments exempt antennas, chimneys, flagpoles, and mechanical equipment from height limits to allow for their placement and use. Since solar panels are most efficient when installed at an angle equal to a location’s latitude, local governments should consider exempting solar energy systems from height restrictions. Alternatively, local governments can permit solar energy systems to exceed the maximum building height in all applicable districts.

Applicable SolSmart Credit: PZ-6, Ensure the zoning ordinance language does not include intentional or unintentional barriers to accessory use rooftop solar PV.

Suggested Language

Sloped Roof

On a pitched/sloped roof, solar energy systems shall be installed parallel to the roof surface and may not extend beyond the edge of the roof peak.

Flat Roof

For flat roofs, local governments can select from one of the following two options depending on how the zoning ordinance addresses the height of rooftop appurtenances, chimneys, antennas, and/or rooftop mechanical equipment.

- 1. If the ordinance exempts certain features/structures from height limits, then it is recommended that roof-mounted solar energy systems also be exempted from height limits.*

On a flat roof, solar energy systems are exempt from zoning district height limits.

- 2. If the ordinance does not include any exemptions, then it is recommended to allow roof-mounted solar energy systems to exceed a districts height limit.*

On a flat roof, solar energy systems are permitted to exceed the zoning district height limits by up to 10 feet.

Ground-mounted Accessory Use Solar

Ground-mounted Accessory Use Solar

The code explicitly permits accessory use ground-mounted solar PV systems as a by-right or allowed use in at least 1 zoning district.

Code Language

Section: [Sec. 44-589. - Permitted accessory uses.](#)

Table 44-3. Permitted Nonresidential Accessory Uses in the Residential Districts

“Solar energy systems, other than flush roof-mount” permitted in rural (RR) and high-density districts with multi-family dwellings (R-3), conditional in low and moderate density districts (R-1, R-2)

Reviewer Comments

Aligned with SolSmart Recommendations: ☒

Needs Improvement ☐

Sometimes a property is not suitable for a roof-mounted solar system because the building has structural limitations, or the rooftop is shaded. In these instances, a small ground-mounted solar PV system can still allow the property owner to install solar and enjoy the benefits.

The code lists “Solar energy systems, other than flush roof-mount” as a permitted accessory use. It is likely that accessory use ground mount PV is therefore included as an permitted use. However, providing a clear definition of “Solar energy systems, other than flush roof-mount” that explicitly includes accessory use ground mount can prevent confusion and ensure consistent application of the code.

Applicable SolSmart Credit: PZ-7, Ensure the zoning ordinance permits small ground-mounted solar PV as an accessory use in at least one zoning district.

Suggested Language

Ground-mounted Solar Setbacks and Placement		
The code contains setback or placement standards for accessory use ground-mounted solar PV.		
Code Language	Section: Sec. 44-1655. - Height and setback requirements.	
(c) No solar energy system, at full tilt parallel to the ground, shall encroach into a required setback and shall not cause the property's total area of ground covered to exceed the maximum impervious coverage for the district in which the system is located. Ground-mounted systems impervious coverage shall be calculated by using the total square footage of the panel face.		
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Needs Improvement: ☐
Accessory use ground-mounted solar energy systems should have similar setback requirements to other residential accessory use structures. Zoning codes should be clear on the standards and placement requirements that apply to accessory use ground-mount solar.		
Applicable SolSmart Credit: PZ-8, Ensure the zoning ordinance exempts small ground-mounted solar PV from certain restrictions on accessory uses (e.g. setbacks, coverage or impervious surface calculations, or other restrictions).		
Suggested Language		

Ground-mounted Solar Lot Coverage/Impervious Surface		
The code does NOT exempt accessory use ground-mounted solar PV from lot coverage and/or impervious surface standards.		
Code Language	Section: Sec. 44-1655. - Height and setback requirements.	
(c) No solar energy system, at full tilt parallel to the ground, shall encroach into a required setback and shall not cause the property's total area of ground covered to exceed the maximum impervious coverage for the district in which the system is located. Ground-mounted systems impervious coverage shall be calculated by using the total square footage of the panel face.		
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement ☒
As long as the area beneath a ground-mounted solar PV system is pervious (e.g. grass, native vegetation, etc.) the system should be exempt from lot coverage and impervious surface requirements. The tilt and spacing of solar panels allow for precipitation to drain into the pervious ground cover. Ground-mounted PV systems are not analogous to paved driveways or accessory structures like sheds, garages, or accessory dwelling units and therefore do not need to be included in lot coverage or impervious surface calculations.		
Applicable SolSmart Credit: PZ-8, Ensure the zoning ordinance exempts small ground-mounted solar PV from certain restrictions on accessory uses (e.g. setbacks, coverage or impervious surface calculations, or other restrictions).		
Suggested Language		
Ground-mounted solar energy systems are exempt from lot coverage and impervious surface requirements if the area under the system contains vegetative ground cover.		

Ground-mounted Solar Primary Use

Ground-mounted Solar Primary Use		
The code does NOT include standards for primary use ground-mounted solar PV.		
Code Language	Section: Sec. 44-1656. - Ground-mounted solar energy system.	
(b) A ground-mounted solar energy system must comply with the accessory structure restrictions contained in the zoning district where the solar energy system is installed.		
Reviewer Comments	Aligned with SolSmart Recommendations: ☐	Needs Improvement ☒
The code doesn't contain any requirements for primary use solar energy systems. If the community has enough usable land that could be developed for a large-scale solar energy system, they should include development standards for primary use solar energy systems into the zoning code. This could be of particular interest if there is a brownfield site such as a landfill available for development.		
Applicable SolSmart Credits: PZ-9, Ensure the zoning ordinance establishes a clear regulatory pathway for large-scale solar PV (e.g. through a special use permit or through inclusion among allowed conditional uses).		
Suggested Language		
See pages 12 -13 in SolSmart's Best Practice Guidance for Solar and Zoning for a list of state model solar ordinances that contain template language for primary use solar energy systems.		

Barrier Review

Solar energy standards should serve to guide and enable solar development, not create ambiguity, or restrict solar development. Certain design and performance standards can create significant barriers to solar PV. The inclusion of any of the following standards are not best practices and will likely impact the local government's ability to achieve SolSmart Gold designation. The statements containing NOT align with best practices. In addition to removing existing barriers, this review can help ensure that barriers are not introduced if the community updates their zoning code to include additional solar language.

Roof-mounted Solar Screening		
The code does NOT require screening for roof-mounted solar PV systems.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not best practice to require screening for roof-mounted solar energy systems. Screening requirements may increase installation costs and decrease system efficiency. Solar PV performance depends on optimal siting of the system and clear access to solar radiation. Screening requirements could negatively impact system performance if the screening results in shading. Screening requirements could also hide the location of important system components that are necessary to shut off a system in case of a fire or other type of emergency.		

Limits to System Visibility	
The code does NOT include standards to limit system visibility (e.g. not visible from public rights of way).	
Code Language	Section: Sec. 36-409. - Streets, highways and parkways.

(b) The arrangement of streets to promote solar orientation and other sustainable design features is encouraged.

Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
--------------------------	--	-----------------------------------

It is not a best practice to suggest the placement of solar panels should be done to reduce their visibility. In fact, it could severely limit where solar energy systems are installed. Solar PV performance depends on panel location with the best performance occurring when panels are located on a southerly exposure. Less than optimal siting for solar panels can decrease the amount of sunlight a system receives and thereby negatively impact performance.

Aesthetic Standards

The code does NOT include aesthetic standards for solar PV systems.

Code Language	Section:
----------------------	----------

Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
--------------------------	--	-----------------------------------

It is not a best practice to require systems to blend into the architecture of the structure, be camouflaged from public view, be constructed of dull or dark colors, or be non-reflective. Aesthetic requirements can increase installation costs but would most likely prohibit a solar energy system from being installed since key system components like solar panels cannot be altered or painted to blend into the architecture or color scheme of a building. Aesthetic requirements could also hide the location of important system components that are necessary to shut off a system in case of a fire or other type of emergency.

Glare, Glint, and/or Noise Standards

The code does NOT include glare, glint, and/or noise standards for solar PV systems.

Code Language	Section:
----------------------	----------

Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
--------------------------	--	-----------------------------------

It is not a best practice to require a glare study prior to the installation of a solar energy system. Solar PV panels are designed to absorb incoming solar radiation and limit the amount of reflected light. Solar panels are designed with anti-reflective glass. A glare study will increase installation costs.

It is not a best practice to suggest the placement of solar panels should be done to minimize glare. In fact, it could severely limit where solar energy systems are installed. Solar PV performance depends on panel location with the best performance occurring when panels are located on a southerly exposure. Less than optimal siting for solar panels can decrease the amount of sunlight a system receives and thereby negatively impact performance. Additionally, solar PV panels are designed to absorb incoming solar radiation and limit the amount of reflected light. Solar panels are designed with anti-reflective glass.

[The glare from a solar panel is similar to that of smooth water.](#) A glare study is recommended if solar panels will be sited close to an airport but otherwise the analysis is usually unnecessary, adding time and cost to a project.

It is not a best practice to require an acoustic study or have maximum level of noise the system can produce. Roof-mounted solar energy systems produce very minimal noise. An acoustic study will increase installation costs.

Roof Space Coverage Limit

The code does NOT limit solar PV system coverage to a percentage/part of the available roof space.

Code Language	Section: Sec. 44-1658. Code compliance.
----------------------	---

Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
--------------------------	--	-----------------------------------

It is not a best practice to limit the coverage of a roof-mounted solar energy system. All buildings should have the opportunity to install a roof-mounted solar energy system to the maximum extent possible, so long as the roof is structurally capable of holding the load and applicable emergency access requirements are maintained. Maximizing a solar PV systems roof coverage is important goal since buildings are transitioning to electric appliances and systems and incorporating electric vehicle charging equipment.

Prohibition on Flat or Low Sloped Roofs

The code does NOT prohibit solar PV systems on flat or low sloped roofs.

Code Language	Section:
----------------------	----------

Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
--------------------------	--	-----------------------------------

It is not a best practice to prohibit solar energy systems on flat or low sloped roofs. All buildings should have the opportunity to install a roof-mounted solar energy system regardless of roof slope, so long as the roof is structurally capable of having a solar energy system. Many buildings with flat roofs like warehouses, data centers, distribution centers, and big box retail stores are excellent candidates for roof-mounted solar energy systems.

Limits on Electricity Production

The code does NOT include limits on how much electricity a solar PV system can produce.

Code Language	Section:
----------------------	----------

Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
--------------------------	--	-----------------------------------

It is not a best practice to include limits on the amount of electricity a solar energy system can produce. Regulations and policies like this are normally set by a state entity (Public Utility Commission/Public Service Commission) and/or local electric utility and are not appropriate for zoning codes.

Limits on Electricity Consumption

The code does NOT include limits on where a solar PV system's energy is consumed.

Code Language	Section:
----------------------	----------

Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
--------------------------	--	-----------------------------------

It is not a best practice to include limits on where a solar energy system's electricity can be consumed. Regulations and policies like this are normally set by a state entity (Public Utility Commission/Public Service Commission) and/or local electric utility and are not appropriate for zoning codes.

Discretionary Review Process		
The code does NOT identify a discretionary review process for accessory use solar PV.		
Code Language	Section:	
Reviewer Comments	Aligned with SolSmart Recommendations: ☒	Barrier: ☐
It is not a best practice to have a discretionary review process for accessory use solar PV. This has the potential to be an onerous and/or subjective process for accessory-use solar energy systems and could increase a project's timeline and costs. Roof-mounted systems should be an allowed or by-right use and only need to go through the building permit process to ensure compliance with applicable building and electrical codes. Depending on the complexity of a conditional use permit process, the time it takes to permit a small, accessory-use solar energy system may increase the cost of the project and therefore decrease the ability of all residents and business to be able to access and afford solar.		

Conclusions

The Green Bay Zoning Code provides some standards for the development of solar energy, with specific guidelines for roof mounted solar in all types of residential districts. The code could be enhanced by specifying the intent of addressing solar, adding additional definitions for various types of solar systems, and further guidelines for ground-mounted solar as a primary use.

Please see [Best Practice Guidance for Solar and Zoning - Accessory Use](#) for additional recommendations.

I, [full name] as [title] of [community], [state] have received the zoning review and read its findings.

Signature: _____ Date: _____

Please note that this review is not an endorsement or recommendation for changing and/or updating the zoning code. This is an informational review only.

If the local government has clarifying comments, please provide them in a memo to the SolSmart team.



Report to the Green Bay Plan Commission

MEETING DATE

September 23, 2024

PREPARED BY

AGENDA ITEM # F.2

Director's report.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None