

Mayor Arata-Fratta
Introduced by

Planning
Prepared by

Plan Commission, CEDA, RCC, Housing Advisory Committee
Referred to

August 12, 2025
Date

ORDINANCE 2025-O-17

AMENDING CHAPTER 22 OF THE FITCHBURG CODE OF ORDINANCES BY CREATING CHAPTER 22 SECTION 22-8 - REQUIREMENTS REGARDING SOLAR ENERGY COLLECTION SYSTEMS, REPEALING AND RECREATING CHAPTER 22 ARTICLE II DIVISION 4 – R-M MEDIUM DENSITY RESIDENTIAL, CREATING CHAPTER 22 ARTICLE II DIVISION 9 – R-H HIGH DENSITY URBAN DISTRICT, CREATING CHAPTER 22 ARTICLE II DIVISION 10 – USES APPLICABLE TO ALL RESIDENTIAL DISTRICTS, REPEALING AND RECREATING CHAPTER 22 ARTICLE III DIVISION 3 – B-G GENERAL BUSINESS DISTRICT; AND AMENDING CHAPTER 22 ARTICLE VII DIVISION 2 SECTION 22-651 – DEFINITIONS

The Common Council of the City of Fitchburg, Dane County, Wisconsin ordains as follows:

Section 1. – Pursuant to Wis. Stat. 66.0103, that amendments to Chapter 22 of the Fitchburg General Code of Ordinances, as identified in Exhibit A herein, which have been available for public inspection not less than 2 weeks prior to being enacted, are hereby adopted by reference as if fully set forth herein.

Section 2. – The provisions of this ordinance and attached amendments in Exhibit A shall be deemed severable, and it is expressly declared that the City Council would have passed the other provisions of this ordinance of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance and attached amendments, or the application thereof, to any person or circumstances is held invalid, the remainder of the ordinance and attached amendments and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 2. – Pursuant to Wis. Stats, 66.0103, the City Clerk is directed to publish a copy of this ordinance Amending Chapter 22 with the attached amendments as identified in exhibit A, as adopted hereby, and to keep a copy on file in their office permanently and open for public inspection during regular office hours.

Section 3. – Except as otherwise set forth herein, after approval by the Common Council, this Ordinance and the attached amendments to Chapter 22 of the Fitchburg General Code of Ordinances as described in the attached Exhibit A take effect on the day after publication.

Adopted this 9th day of September, 2025.

Julia Arata-Fratta, Mayor

Tracy Oldenburg, City Clerk

Published:

EXHIBIT A

Chapter 22 Article I. Section 22-8 is hereby created to read:

Sec. 22-8. – Requirements Regarding Solar Energy Collection Systems

- (a) Purpose. The purpose and intent of this Section shall be to encourage the efficient and effective development and use of solar energy collection systems while protecting the public health, safety and general welfare of the community's citizens.
- (b) All solar energy collection systems shall require a building permit.
- (c) Solar Energy Collection Systems, Ground Mounted (Accessory Use) shall comply with the requirements for accessory structures. The area under ground-mounted solar energy systems is exempt from lot coverage and impervious surface requirements if it contains vegetative ground cover.
 - (1) Permitted by right in all zoning districts.
 - (2) Visibility – Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right of-way to the extent that doing so does not affect the cost or efficacy of the system, consistent with WI Statute §66.0401.
- (d) Solar Energy Collection Systems, Building & Roof Mounted (Accessory Use) shall comply with the height limits and setbacks for principal structures when affixed to a principal structure. When affixed to an accessory structure, it shall comply with the height limits and setbacks for accessory structures. Height limits may be exceeded by up to twelve (12) inches on a pitched/slope roof and up to ten (10) feet on a flat roof to accommodate solar energy collection systems.
 - (1) Permitted by right in all zoning districts.
 - (2) Visibility – Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right of-way to the extent that doing so does not affect the cost or efficacy of the system, consistent with WI Statute §66.0401.
- (e) Solar Energy Collection System, Ground Mounted (Principal Use – Solar Farm):
 - (1) *Permits.* A conditional use permit per Sec. 22-640 and architectural design review per Chapter 25 shall be required for approval by the Plan Commission prior to issuance of a building permit for all zoning districts.
 - (2) *Foundations.* A certified professional engineer shall certify that the foundation and design on the solar panels are within the accepted professional standards given local soil, topography and climate conditions.
 - (3) *Power and Communication Lines.* Power and communication lines running between banks of solar panels and to electric substations or interconnection with buildings shall be buried underground.
 - (4) *Grading.* Grading, earth moving and leveling to create a suitable site for a solar energy collection system shall be limited to the greatest extent possible.

- (5) Stormwater Management & Erosion Control. Solar farms are subject to all City of Fitchburg stormwater management and erosion control provision requirements. The area under ground-mounted solar energy systems is exempt from lot coverage and impervious surface requirements if it contains vegetative ground cover.
- (6) *Maximum Height*. System, equipment and structures shall not exceed twenty-five (25) feet in height when ground mounted at maximum tilt.
- (7) *Setbacks*. Ground mounted solar collection systems shall have a minimum setback for all equipment, excluding fences, equal to a principal structure in the zoning district, subject to modification as approved by the Plan Commission as part of the conditional use permit and architectural design review.
- (8) *Ground Cover*. Soils shall be planted and maintained for the duration of operation in perennial vegetation to prevent erosion, manage runoff and improve soil. Vegetation under ground-mounted solar energy collection systems should consist of native pollinator- or grazing-friendly vegetation. Seed mixes and a long-term vegetation management plan shall be prepared by a qualified professional or agency, such as the Wisconsin Department of Natural Resources, County Soil and Water Conservation District, Land and Water Conservation Department or Natural Resource Conservation Service, and approved by the Plan Commission.
- (9) *Perimeter Landscaping and Screening*. Solar farms shall be appropriately screened from the public right of way and existing residential dwelling with a mix of native trees, shrubs and evergreens.
- (10) *Fencing and Security*. Solar energy collection systems, equipment and structures shall be fully enclosed and secured by a fence or wall. Applicants shall coordinate with the Fitchburg Fire Department to provide emergency personnel access.
- (11) *Noise*. Sound levels from Solar Storage Units (Battery Energy Storage System BESS) shall not exceed 65 dB at any property line.
- (12) *Decommissioning*. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include the following:
 - a. Defined conditions upon which decommissioning will be initiated;
 - b. Provisions for removal of all structures and foundations;
 - c. Restoration of soils and vegetation to the condition prior to development of the solar energy collection system, or to some other condition reasonably appropriate for the permitted land use.
 - d. Timeframe for completion of decommissioning activities, not to exceed twelve (12) months;
 - e. Description and copy of any lease or any other agreement with landowner regarding decommissioning;

- f. Name and address of person or party responsible for decommissioning;
 - g. A plan ensuring financial resources will be available to fully decommission the site. The Zoning Administrator may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning; and
 - h. Plans and schedule for updating this decommissioning plan.
- (f) *Historic Structures and Sites.* Solar energy collection systems located on locally designated historic buildings or sites must receive approval of a Certificate of Appropriateness by the Landmarks Commission, consistent with the standards for solar energy systems on historically designed buildings published by the U.S. Department of Interior.
- (g) Any conditions or restrictions placed on the solar energy collection system shall be limited to those that serve to preserve or protect the public health and safety, or do not significantly increase the cost, or decrease the efficiency of the system. Conditions or restrictions that call for an alternative system of comparable cost and efficiency may also be imposed.

Chapter 22 Article II. Division 4. is hereby repealed and recreated to read:

DIVISION 4 - R-M MEDIUM DENSITY RESIDENTIAL DISTRICT.

Sec. 22-113. - Permitted uses.

For the R-M Medium Density District, permitted uses are as follows:

- (1) Residential occupancy of a **single-family or two-family**, detached or attached, dwelling unit structure.
- (2) Limited vocational activities. The standards and procedures of [section 22-55\(b\)](#) apply in the R-L district.
- (3) Group homes with capacity to accommodate eight or fewer individuals.
- (4) The standards and procedures of [section 22-55\(d\)](#) apply in the R-M district, except that the following standards are modified to accommodate zero lot line (see subsection (5) of this section):
 - a. Drives may be located up to the lot line or joint, provided a joint drive application is approved;
 - b. Patios and decks have a zero setback for the zero lot line side setback.
- (5) Residential occupancy of zero-lot line single-family attached dwelling units of a zero-lot line lot subject to:

- a. A maintenance agreement shall be entered into by the owners of both zero-lot line parcels to ensure equal and reasonable maintenance and repair schedules are conducted for both single-family attached residential units.
- b. An eight-foot maintenance easement, four feet on each side of the zero-lot line side property line, to allow for normal maintenance of each single-family attached residential unit shall be recorded with the register of deeds office and a recorded copy provided to the zoning administrator.
- c. The dwelling wall abutting the zero lot line shall be a one hour fire wall.

(6) Cooperative housing with up to ten (10) individuals.

Sec. 22-114. - Conditional uses.

For the R-M Medium Density District, conditional uses are as follows:

(1) R-L conditional uses.

~~(2) Residential occupancy of single-family detached dwelling unit structures.~~

Sec. 22-115. - Dimensional standards.

For the R-M Medium Density District, dimensional standards are as follows:

(1) Parcels having alley-loaded single-family detached dwelling unit structures:

- a. Minimum lot area: ~~7,23~~0,000 square feet (one acre, unsewered).
- b. Minimum lot width: ~~630~~ feet.
- c. Minimum front yard setback: ~~30~~ 15 feet, except that an open front porch or stoop may protrude to within ~~25~~ 10 feet of the front lot line, maximum 20 feet.
- d. ~~Remaining standards are the same as those for the R-LM district.~~ Minimum street side setback: 10 feet.
- e. Minimum side setback: 5 feet
- f. Maximum building height: 35 feet
- g. Minimum pavement setback (lot line to pavement, excludes driveway entrances): 2 feet on side and rear yards, 10 feet from any street right-of-way.

(2) Parcels having front-loaded single-family detached dwelling unit structures:

- a. Minimum lot area: 5,000 square feet (one acre, unsewered).
- b. Minimum lot width: 50 feet.
- c. Minimum front yard setback: 15 feet, except that an open front porch or stoop may protrude to within 10 feet of the front lot line, maximum 25 feet.
- d. Minimum front-loaded attached garage setback: 20' behind the front wall of the principal structure.

- e. Minimum street side setback: 10 feet.
- f. Minimum side setback: 5 feet
- g. Minimum rear setback: 20 feet
- h. Maximum building height: 35 feet
- i. Minimum pavement setback (lot line to pavement, excludes driveway entrances): 2 feet on side and rear yards, 10 feet from any street right-of-way.

(3) ~~(2)~~ Parcels having a two-family attached dwelling unit structure:

- a. Minimum lot area: ~~10~~ 4,000 square feet (one acre, unsewered).
- b. Minimum lot width: ~~80~~ 40 feet.
- c. Minimum front yard setback: ~~30~~ 15 feet, except that an open front porch or stoop may protrude to within ~~25~~ 10 feet of the front lot line, maximum 25 feet.
- ~~d. Remaining standards shall be the same as those for single-family detached dwelling unit structures.~~
- d. Minimum front-loaded attached garage setback: 20' behind the plane of the principal structure
- e. Minimum street side setback: 10 feet.
- f. Minimum side setback: 5 feet
- g. Minimum rear setback: 20 feet
- h. Maximum building height: 35 feet
- i. Minimum pavement setback (lot line to pavement, excludes driveway entrances): 2 feet on side and rear yards, 10 feet from any street right-of-way.

(4) ~~(3)~~ Zero-lot line lots having alley-loaded single-family attached dwelling structures:

- a. Minimum lot area: ~~5~~ 2,000 square feet (one acre, unsewered).
- b. Minimum lot width: ~~40~~ 20 feet.
- c. Minimum front yard setback: ~~30~~ 15 feet, except that an open front porch or stoop may protrude to within ~~25~~ 10 feet of the front lot line, maximum 25 feet.
- d. Minimum zero-lot line side yard (shared) setback: Zero feet. A two foot eave protrusion shall be permitted across the zero lot line into the adjoining lot.
- ~~e. Remaining standards shall be the same as those for single-family detached dwelling unit structures.~~
- e. Minimum street side setback: 8 feet.
- f. Minimum side setback of exterior walls: 5 feet

- g. Minimum rear setback: 20 feet
- h. Maximum building height: 40 feet
- i. Minimum pavement setback (lot line to pavement, excludes driveway entrances): 2 feet on side and rear yards, 10 feet from any street right-of-way.

Chapter 22 Article II Division 9 is hereby created to read:

DIVISION 9. - R-HU HIGH DENSITY URBAN DISTRICT

Sec. 22-225. - Permitted uses.

For the R-HU High Density Urban District, permitted uses are as follows:

- (1) Cottage Housing and Courtyard Apartments as defined in Sec. 22-651.
- (2) R-M and R-H permitted uses.
- (3) Residential occupancy of dwelling unit structures having three to eight dwelling units.
- (4) Group homes with capacity to accommodate 15 or fewer individuals.
- (5) Cooperative housing.

Sec. 22-226. - Conditional uses.

For the R-HU High Density Urban District, conditional uses are as follows:

- (1) R-L conditional uses.
- (2) Group homes having capacity to accommodate 16 or more individuals.
- (3) Residential occupancy of dwelling structures having greater than eight dwelling units.
- (4) The following B-G conditional uses, with the minimum conditions under c. herein:
 - a. Office activities.
 1. Professions including health services, office or clinic basis. (801—804)
 2. Finance, real estate, insurance. (60—67, except for convenience cash business)
 3. Government offices. (91—96)
 4. Business offices.
 5. Business services including convenience printing, excluding services to buildings. (73 except 734)

6. Educational services, provided all activities are enclosed within buildings. (82)

b. Commercial activities.

1. Food stores. (54)

2. Apparel and accessory stores. (56)

3. Miscellaneous shopping goods. (594)

4. Miscellaneous retail stores. (59, except 598 and secondhand business)

5. Other personal services. (723, 724, 725)

6. Business services. (73)

7. Social services. (83)

8. Miscellaneous services. (89)

9. Amusement and recreational services (79)

10. Restaurants.

11. Drinking Places (5813)

12. Hotels. (701)

c. Minimum Conditions.

1. The above B-G uses are located only at the sidewalk level floor of a multi-story residential building.

2. The above B-G uses are housed in a storefront commercial unit located at the façade with direct access to the public or private right-of-way that provides primary vehicular and/or pedestrian access to adjacent properties.

Sec. 22-227. - Dimensional standards.

For the R-HU High Density Urban District, dimensional standards are as follows:

(1) Not more than two multiple family dwelling unit structures per lot unless a greater number is approved by conditional use.

(2) Lot area requirements.

a. Two-eight (2-8) family dwelling unit structures: 5,000 square feet.

b. Over eight (+8) family dwelling unit structure minimum lot area: 10,000 square feet.

(3) Minimum lot width: 60 feet.

- (4) Minimum front setback: 10 feet, except that an open front porch or stoop may protrude to within 5 feet of the front lot line.
- (5) Minimum side setback: Ten feet (20 feet if the parcel abuts an R-L zoned parcel).
- (6) Minimum street side setback: 10 feet.
- (7) Minimum rear setback: 20 feet without alley and 3 feet with alley (25 feet if the parcel abuts an R-L zoned parcel).
- (8) Maximum building height: 45 feet or three stories; whichever is less unless a conditional use is approved for additional stories.

Chapter 22 Article II Division 10 is hereby created to read:

DIVISION 10. - USES APPLICABLE TO ALL RESIDENTIAL DISTRICTS

Sec. 22-230 – Accessory Dwelling Units

- (1) A maximum of one Accessory Dwelling Unit shall be permitted on a lot of record.
- (2) The entrance for an Accessory Dwelling Unit shall only be added to the side or rear of the primary dwelling unit.
- (3) Accessory Dwelling Units shall adhere to setback requirements and standards of the underlying zoning district. Rear and side setbacks may be reduced by conditional use permit approved by Plan Commission.
- (4) Accessory Dwelling Unit entryways within a rear or side yard shall be connected to street frontage by a paved walkway or driveway.
- (5) All codes that apply to residential construction apply to an Accessory Dwelling Unit including an accessory dwelling created from the conversion of an accessory structure.
- (6) Use of a travel trailer or recreational vehicle as an Accessory Dwelling Unit shall be prohibited. All Accessory Dwelling Units shall comply with the State of Wisconsin Uniform Dwelling and Energy code. The structure shall be permanently installed on a foundation compliant with the State of Wisconsin Uniform Dwelling Code. The Accessory Dwelling Unit shall be served by permanent utility connections including water and sewer.
- (7) Accessory Dwelling Units may share existing utility connections with the primary residence if adequate capacity exists and approved by the Building Inspector. Any new utility work must be properly permitted and inspected.
- (8) New, separate utility connections shall be subject to typical fees and charges as new residential dwelling units.
- (9) The Accessory Dwelling Unit shall not be sold separately from the principal dwelling.
- (10) For Accessory Dwelling Units located on the same lot as a single-family dwelling unit or a duplex dwelling unit, the following additional regulations apply:

- a. The maximum square footage of an Accessory Dwelling Unit shall not exceed 75% of the principal dwelling unit's floor area excluding garage, screened porch, patio and deck areas.
 - b. The overall building envelope, appearance and character of the principal building shall not be significantly altered so that its appearance is no longer that of a single-family dwelling unit with a unified front architectural façade and a single front entrance.
 - c. The maximum height of detached building containing an Accessory Dwelling Unit, including one built over above a garage or similar space, shall be twenty-five (25) feet.
 - d. The exterior finish material of the Accessory Dwelling Unit shall match in type, size, placement and color, the exterior finish of the principal dwelling unit. The roof pitch must match the predominant roof pitch of the principal dwelling unit. Exterior trim must match the trim used on the principal dwelling unit. Projecting eaves must match those of the principal dwelling unit. Windows must match those in the principal dwelling unit in both proportion (relationship to width and height) and orientation (horizontal or vertical).
- (11) For Accessory Dwelling Units located on the same lot as a multifamily structure, the following additional regulations apply:
- a. The maximum square footage of an Accessory Dwelling Unit shall not exceed 75% of the typical unit's floor area.
 - b. The Accessory Dwelling Unit shall not alter the front façade of the principal building.
 - c. The maximum height of detached building containing an Accessory Dwelling Unit, including one built over above a garage or similar space, shall be two-stories or thirty (30) feet whichever is less.
 - d. The exterior finish material of the Accessory Dwelling Unit shall match in type, size, placement and color, the exterior finish of the principal building . The roof pitch must match the predominant roof pitch of the principal building. Exterior trim must match the trim used on the principal building. Projecting eaves must match those of the principal building. Windows must match those in the principal building in both proportion (relationship to width and height) and orientation (horizontal or vertical).

Chapter 22 Article III Division 3 is hereby repealed and recreated to read:

DIVISION 3. – B-G GENERAL BUSINESS DISTRICT

Sec. 22-277. - Purpose.

The B-G General Business District is established for areas having general business and office uses, mostly at small or medium scale ~~compatible with the suburban setting~~. In order to ensure this small or medium scale, the total gross building footprint of a single

improved structure on a parcel shall not exceed 70,000 square feet nor shall the total gross building footprints of all improved structures on a parcel exceed a total of 150,000 square feet.

(Ord. No. 2010-O-09, § 22.44, 10-12-2010)

Sec. 22-278. - Permitted uses.

For the B-G General Business District, permitted uses are as follows:

(1) Office activities.

- a. Professions including health services, office or clinic basis. (801—804)
- b. Finance, real estate, insurance. (60—67, except for convenience cash business)
- c. Government offices. (91—96)
- d. Business offices.
- e. Business services including convenience printing, excluding services to buildings. (73 except 734)
- f. Educational services, provided all activities are enclosed within buildings. (82)

(2) Commercial activities.

- a. Variety stores; hardware stores. (525, 53)
- b. Food stores. (54)
- c. Auto accessory stores (completely enclosed). (553)
- d. Apparel and accessory stores. (56)
- e. Furniture; home furnishings and equipment. (57)
- f. Drugstores. (591)
- g. Liquor stores. (592)
- h. Miscellaneous shopping goods. (594)
- i. Miscellaneous retail stores. (59, except 598 and secondhand business)
- j. Coin operated laundry and dry cleaning. (7215)
- k. Dry cleaning, retail, not including diaper service, linen service, towel service, industrial laundry, carpet and upholstery cleaning. (7211, 7212, 7216, 7219)
- l. Printing and publishing; photographic studio. (27, 722)
- m. Other personal services. (723, 724, 725)
- n. Business services. (73)
- o. Watch, clock and jewelry manufacture and repair. (763)

p. Electrical, electronic, radio, television and related repairs. (762)

q. Social services. (83)

r. Dance, fitness and health centers.

s. Museums. (84)

t. Miscellaneous services. (89)

u. Mass transit depots and facilities. (41)

v. Outdoor sales/display. The following types of outdoor sales/display are allowable in the B-G district either as a principal use or as an accessory use:

1. Impermanent or short-term seasonal outdoor storage or display of sales merchandise.

2. Outdoor sales with sales occurring from open displays, vehicles or tents; farmers markets, flea markets, outdoor sales of artwork, crafts, or food.

3. Permits are required from the city zoning administrator. The decisions of the administrator on applications for permits shall be based upon the following criteria:

(i) The outdoor lighting system, if any, for the sales operation shall be designed so that no direct source of light is visible from the public right-of-way and so that no direct beam of light shall be cast upon adjacent lands.

(ii) If a public address system is used, the volume of sound transmitted shall not be over 65 db at the property line.

(iii) Fencing may be required by the zoning administrator as needed, upon determination of the administrator and/or the police department, for safety or security reasons.

(iv) Conditions may be placed upon the approved permit pertaining to traffic flow and parking, after consultation with the police department.

(v) Conditions may be placed upon the approved application to achieve consistency with regulations under city ordinances governing peddlers.

(vi) Hours of operation and duration of sales/displays shall be specified in the approved permit.

(vii) No permit shall be approved unless the application is made by or cosponsored by a merchant of related merchandise whose retail business currently occupies a building on or near the same premises.

w. Light manufacturing, assembly and warehousing accessory to a permitted or conditional use which shall not exceed more than 30 percent of the total uses by floor space.

(3) ~~The ground floor of each principal structure must be devoted principally to an allowable use, permitted or conditional, other than residential.~~ The principal use of ~~ground~~ sidewalk level floor areas may not be parking or storage.

(4) Existing residential dwelling units.

(5) Residential units above the sidewalk level floor.

Sec. 22-279. - Conditional uses.

For the B-G General Business District, conditional uses are as follows:

(1) Amusement and recreation services. (79)

(2) Agricultural production. (01-02)

(3) ~~Residential. Residential units located above the sidewalk level floor.~~ Sidewalk level floor residential units may be permitted with the following minimum conditions:

a. Residential uses may not consist of more than 30% of the total primary frontage. The primary frontage is defined as the street frontage with the greatest activity and visibility.

b. Residential uses may not consist of more than 60% of the total gross floor area of the sidewalk level floor.

c. The entrance of sidewalk level floor residential units shall be separated from the street or sidewalk by landscaping, steps, porches, grade changes, and/or low ornamental fences or walls to create a usable transition space.

d. Sidewalk level floor residential units shall be raised from sidewalk grade to create separation between public and private space and prevent passersby from peering through residential windows.

(4) Restaurants all classes.

(5) Gas stations class I and II or with a convenience store.

(6) Drinking places. (5813)

(7) Outdoor/display. Permanent or long-term seasonal outdoor storage or display of sales merchandise.

(8) Medical, dental laboratories and health care services. (807, 808 and 809)

(9) Hotels and motels. (701)

(10) Wireless communication facilities.

(11) Light manufacturing, assembly and warehousing, accessory and incidental to a permitted or conditional use, which may exceed 30 percent but no more than 45 percent of the total use by floor space.

(12) Light manufacturing, assembly, and warehousing associated with a licensed alcohol manufacturing establishment which produces, processes, or ferments beers, wines, or distilled spirits in conjunction with a restaurant, tasting room, or retail sales.

(13) Convenience cash business or secondhand business. In addition to the standards of [section 22-640\(c\)](#) the following standards shall also be applied by the plan commission:

- a. Distance to any other cash convenience business;
- b. Distance to an existing residential zoning district or residential use;
- c. Distance to a school.

In its review of the application the plan commission shall avoid concentrations of these uses within in any one locale, or to be detrimental to a neighborhood. Any distance of less than 1,000 feet shall be presumed to be detrimental.

Section 22-651 is hereby amended to replace the following definition:

Section 22-651 – Definitions

Dwelling Unit means a residential living unit that provides complete, independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation and separate entrance.

Section 22-651 is hereby amended to add the following definitions:

Section 22-651 – Definitions

Accessory Dwelling Unit (ADU) means a secondary residential dwelling unit located on the same lot as a residential dwelling unit, either in the same building as the primary dwelling unit or a detached building. An ADU meets the definition of a dwelling unit in this section.

Cooperative Housing means a corporation that exists to provide housing to its owners, who are the individuals who live in the cooperative.

Cottage Housing means residential units on a lot with a common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common.

Courtyard Apartments means a cluster of multiple dwelling units arranged either side-by-side or stacked around a central open courtyard. The courtyard is partially open to the street.

Solar Energy Collection System means all equipment required to harvest solar energy to generate electricity, including solar panels, solar storage units, power conditioning equipment, and parts related to the functioning of those items.

Solar Energy Collection System, Building & Roof Mounted (Accessory Use) means a solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof or side of a building or other permitted principal or accessory structure, including limited accessory equipment associated with the system which may be ground mounted. Building and roof mounted systems are accessory to the principal use.

Solar Energy Collection System, Ground Mounted (Accessory Use) means a solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and is the accessory to the principal use.

Solar Energy Collection System, Ground Mounted (Principal Use – Solar Farm) means a solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and is the principal use for the lot on which it is located and typically designed for providing energy to off-site uses or export to the wholesale market.

Solar Photovoltaic System means a solar energy collection system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters and wiring.

Solar Storage Unit (Battery Energy Storage System BESS) means a component of a solar energy collection system or device that is used to store solar generated electricity or heat for later use.