

PLANNING COMMISSION MEETING
August 26th, 2019

Meeting Called to Order
Roll Call and Pledge
New Business
Applications:

1. Case No. 1920 – Request Site Plan Approval – 6246 Hwy 51 N.
2. Case No. 1921 – Request Rezoning Approval – 6246 Hwy 51 N.
3. Case No. 1922 – Request Conditional Use Approval – 6723 Hwy 51 N.
4. Case No. 1923 – Request Variance Approval – 6723 Hwy 51 N.
5. Case No. 1924 – Request PUD Amendment Approval – Coley PUD
6. Case No. 1925 – Request Rezoning Approval – 3515 Goodman Rd. W.
7. Case No. 1926 – Request Site Plan Approval – 3515 Goodman Rd. W.
8. Case No. 1927 – Request Preliminary Plat Approval – Wellington Square East
9. Case No. 1928 – Text Amendment to Zoning Ordinance Regarding Solar Energy Systems

Old Business

STATE OF MISSISSIPPI
COUNTY OF DESOTO
CITY OF HORN LAKE

Be it remembered that a City of Horn Lake Planning Commission meeting was held in the City Hall Court Room on Monday, August 26, 2019 at 6:00 PM, this being the time and place for said meeting.

PRESENT: Commissioners: Robert Kendall, Debbie Holden, Sharon Magee, Linda McGan,
Larry Ray, and Janice Vidal
Staff: Willie Davidson Jr. – Planning Director
ABSENT: Commissioners: Danny Klein, Jimmy Stokes

The minutes from the July 29, 2019 meeting were reviewed and Commissioner Ray made a motion to approve the minutes as submitted, seconded by Commissioner Kendall and passed with a unanimous vote.

New Business

1. Case No. 1920 – Site Plan Approval – 6246 Hwy 51 N.

Staff introduced the application as a request for site plan approval for the construction of an Automobile Repair Shop to be located at 6246 Hwy 51 N. The subject property is located at the intersection of Hwy 51 and Hopper Drive. The property was once occupied by a church but currently is vacant. The property is zoned Agriculture Residential.

Site Plan

The proposed lot will be at the north east corner of Hwy 51 and Hopper Road. Vehicular access will be by an access drive off Hwy 51. The proposed building will be 2400 square feet in size. The parking ration for Automotive Repair is 2 spaces per service stall or 1 per 250 square feet of service area, whichever is greater. This results in 8 required parking spaces by off 2 spaces per stall. ADA parking is provided in the adjacent parking area located southwest of the building. Drainage for the site has not been addressed.

Building and Materials

The long axis of the building will run east-west. The main entrance will be on the west elevation of the building. The south and west facades of the building will be stone chase modular brick. The north façade of the building will be light stone colored metal. The east façade of the building will be light stone colored metal but will not be visible by the public view.

Landscaping

The site will have Arapaho Crape Myrtles along the south perimeter and a variety of shrubs near the entrance of the building. There will be an existing wooded area east of the site to provide a buffer between the residential areas. The applicant has provided a landscape layout for the site.

Staff noted, outside of the standard staff comments for site plan approval, the proposal would require plans to address Drainage and Stormwater. Staff also provided a recommendation for the building to have brick accents on the north façade of the building. Staff recommendation was for approval subject to staff comments.

Mr. Joshua Leonard [owner] was present to answer any questions from the Commission. Commissioner Magee asked if there would be outside storage for the business. Mr. Leonard stated that there would not be any outside storage and all work would be done indoors. Staff stated that they had explained to Mr. Leonard that a Conditional Use permit would be required for outside storage.

Commissioner Ray asked what the dimensions of the parking spaces were. Mr. Leonard acknowledged that the dimensions were not very clear on the plans and said the dimensions did vary. Commissioner Ray noted that the parking dimensions needed to comply with the city standards. Mr. Leonard stated that he would make the necessary changes.

There being no further questions, Commissioner Ray made a motion to grant Site Plan approval for the Auto Repair Shop to be located at the 6246 Hwy 51 subject to Staff Comments and the following conditions:

- Drainage and Stormwater addressed before a grading permit is issued.
- Conditional Use permit must be obtained if there is to be outside storage.
- Parking dimensions are corrected to comply with the Zoning Ordinance standards.

There being no additional conditions the motion was seconded by Commissioner Kendall. The motion passed by a majority vote in favor.

2. Case No. 1921 – Rezoning Approval – 6246 Hwy 51 N.

Staff introduced the application as a request for approval of the rezoning of 6246 Hwy 51 N. from A-R Agriculture Residential to C-3 General Commercial. The subject property is located at the intersection of Hwy 51 and Hopper Drive. The subject property is located in an area where the Future Land Use Plan classifies as commercial.

The applicant is proposing to rezone the property to allow the operation of an Auto Repair Shop. Per the City of Horn Lake Zoning Ordinance, Motor vehicle service & minor repair, no outdoor storage of vehicles or supplies are allowed in the C-3 General Commercial District. Staff explained that the site is currently vacant and at one time was occupied by a church. Staff also noted that the rezoning does comply with the Future Land Use map for that area. Staff noted that if approval is recommended, the application shall proceed to the Board of Aldermen on September 17, 2019 for approval.

Mr. Joshua Leonard was present to represent the case and answer any questions.

Chairman Magee then opened the floor for any comments from the public.

Ms. Mary Ann Jackson was present as a member of the neighborhood to the east of the site. Ms. Jackson stated that she was not for the rezoning and feared that the proposed

business would have an effect on the character of the neighborhood to the east. Ms. Jackson presented a letter from another member of neighborhood, Mr. Hermie Adams, stating that he was not in favor of the rezoning as well.

Mr. Leonard wanted to address Ms. Jackson's concerns and asked if there was anything he could do to accommodate the situation. Ms. Jackson was concerned that the current 200 +/- feet of greenery would not be enough buffer. Commissioner Magee recommended adding additional greenery or constructing a privacy fence. Mr. Leonard stated he did not want to construct a fence but would look into planting additional greenery along the eastern boundary of the property.

Mr. Francis Miller stated that he was in favor of more businesses in the City of Horn Lake. Mr. Miller stated that the commission should grant approval at the possible inconvenience to the neighbors to the east of the property.

Following the discussion, Commissioner Vidal made the motion to recommend approval to the Board of Aldermen the rezoning of 6246 Hwy 51, from A-R Agriculture Residential to C-3 General Commercial on the basis that the proposed zoning complies with the Future Land Use Plan of the City's Comprehensive Plan and subject to Staff Comments and the following conditions:

- Owner agrees to provide more greenery to increase the buffer to the east of property.

There being no additional conditions, the motion was seconded by Commissioner Ray. The motion passed by a unanimous vote in favor.

3. Case No. 1922 – Conditional Use Approval – 6723 Hwy 51 N.

Staff introduced the application as a request for a conditional use for a Temporary Office Trailer to be located at 6723 Hwy 51 N. The subject property is located on the west side of Hwy 51 N. The property currently operates as a Used Car Dealership. The current zoning is C-4 Planned Commercial District.

6723 U.S. Highway 51 was developed in 1964 as an auction barn. Improvements were made to the site in 2000. The property was used to house the Dealers Auto Auction, a wholesale auto sales facility. The Dealers Auto Auction closed in March 2015 of 2016.

A Rezoning case for the property was presented on May 23, 2016 to the Planning Commission but was deemed not needed, due to the existing zoning of the property. The property received a Conditional Use approval for a Used Car Dealership on May 23, 2016 and received final approval from the Board of Aldermen on June 21, 2016.

Staff noted that the current zoning, C-4 Planned Commercial, does allow used car dealerships through a conditional use permit. It was noted that the applicant is requesting the use of a Temporary Trailer, for 12 – 15 months, to allow day to day business to continue while plans are developed to repair or replace the primary building. Staff informed the commission that temporary trailers are allowed for office purposes in the C-4 zoning district, which cannot exceed 2 years.

Staff recommended a 12 month conditional use permit, provided a plan of action for the repairs and/or replacement of the primary building. Staff recommends that the plan of action have a placement and removal date for the temporary trailer. Staff provided the reasoning for the plan of action, being that the building is in a flood zone and the building repairs would exceed the 50% threshold provided in the Flood Plain Ordinance. Staff also is ensuring the trailer is temporary. Staff recommended approval for a 12 month conditional use permit, provided a plan of action and the structure comply with the city's Flood Plain Ordinance. Staff also informed the Commission that the applicant was applying for a variance in regards to the 2 foot requirement of the Flood Plain Ordinance.

Mr. Bart Thomas, the applicant, was present to answer any questions from the Commission. Mr. Thomas provided background on the business and the reasoning for

their request for the temporary trailer. Mr. Thomas stated that they had not supplied a plan of action because they were waiting on insurance information, which they had just received. Mr. Thomas stated that the main building had been damaged by 3 floods prior to the current fire incident. He explained that they planned to demo the current building and replace with a new structure. He said this process would take at least 12 – 15 months. Mr. Thomas also stated that they could change the location of the trailer and place it on the north side of the property.

Commissioner Magee asked if the 12 months would be sufficient for the applicant. Mr. Thomas stated that it would take the 12 – 15 month to have everything planned for the replacement building. Mr. Thomas stated that the 15 months would better fit their timeline. Commissioner Magee asked staff if they would agree to the 15 month term. Staff stated that if the plan of action is provided then the 15 month term would be recommended. Staff informed Commissioner Magee that once all approvals are received, the applicant would have to receive a Temporary Use and Occupancy permit before operating.

Chairman Magee then opened the floor for any comments from the public.

Mr. Francis Miller stated that he agrees with the staff recommendations and recommends the 15 month approval.

There being no further questions for Mr. Thomas, Commissioner Ray made a motion to recommend approval to the Board of Aldermen the Conditional Use for a Temporary Trailer located at 6723 U.S. Highway 51 for 15 months, subject to staff comments and the following condition:

- Provided a Plan of Action with a placement and removal date for the temporary structure. Document should be signed and notarized.
- Provide Staff with a new map showing the re-location of the temporary structure.

There being no additional conditions the motion was seconded by Commissioner Holden. The motion passed by a unanimous vote in favor.

4. Case No. 1923 – Variance Approval – 6723 Hwy 51 N.

Staff introduced the application as a request for a variance from Article V: Section B. Specifics Standards (2) of the Floodplain Ordinance which requires all structures located within the 100-year Flood Zone to be elevated 2ft above the Base Flood Elevation.

The subject property is located on the west side of Hwy 51 N. The property currently operates as a Used Car Dealership. The current zoning is C-4 Planned Commercial District.

6723 U.S. Highway 51 was developed in 1964 as an auction barn. Improvements were made to the site in 2000. The property was used to house the Dealers Auto Auction, a wholesale auto sales facility. The Dealers Auto Auction closed in March 2015 of 2016.

A Rezoning case for the property was presented on May 23, 2016 to the Planning Commission but was deemed not needed, due to the existing zoning of the property. The property received a Conditional Use approval for a Used Car Dealership on May 23, 2016 and received final approval from the Board of Aldermen on June 21, 2016.

Staff noted the applicant provided a statement justifying their request for the variance. Staff noted that the variance application is directly tied to the previous condition use application. Staff noted the Base Flood Elevation in this area is 271 feet and by ordinance, the structure would have to be elevated to 273 feet to comply. The applicant has provided information that the structure will be elevated 40 inches and place the structure at an elevation of 271.33 feet. Staff notes that the structure will be above the BFE but will not meet the 2 feet standard set by the ordinance.

Staff noted to the Commission that this matter had been discussed with the City Engineer and representatives of MEMA. Both parties stated the main purpose is to ensure that the structure is temporary and a plan of action is provided. Staff noted that applicant would comply with all other regulations of the Flood Plain Ordinance.

Mr. Bart Thomas, applicant, was present to answer any questions from the Commission.

With there being no discussion, Commissioner Ray made the motion to approve the variance for a Temporary Structure to be exempt from Article 5. Section B (2) of the Flood Plain Ordinance requiring structures within the 100-year flood zone to be elevated 2 feet above the Base Flood Elevation, with an address of 6723 U.S. Highway 51, subject to Staff Comments and the following conditions:

- Provided a Plan of Action with a placement and removal date for the temporary structure. Document should be signed and notarized.
- Provide Staff with a new map showing the re-location of the temporary structure.

There being no additional conditions from the Commission, the motion was seconded by Commissioner Holden. The motion passed by a unanimous vote in favor.

5. Case No. 1924 – Request PUD Amendment Approval – Coley PUD

Staff introduced the application as a request for approval of a Planned Unit Development (PUD) Amendment for Lots 5 and 6 of the Coley PUD. The subject property is part of Coley P.U.D. as recorded in the DeSoto County Chancery Clerks Office on October 6, 1999, in Plat Book 68 Page 32. Coley P.U.D. received Preliminary Plat Approved by the Planning Commission on September 2, 1999, and Final Plat Approval by the Board of Aldermen on September 21, 1999.

At the September 2, 1999 Planning Commission meeting Lots 1 – 5 were rezoned C-1 Neighborhood Commercial from RM-6 Multi-Family Residential. In 2006 Lots 1 – 5 was rezoned C-4 Planned Commercial as part of a comprehensive zoning map update to ensure zoning corresponded with the Future Land Use Plan of the recently adopted Comprehensive Plan.

The specific request is to amend the Coley PUD to allow the development of single family lots on Areas 5 and 6. Under the approved PUD, Area 5 is designated for commercial use and Area 6 is designated as RM-6 [Multi-family Residential].

Area 5 consist of approximately 1.43 acres designated for commercial use and currently the site is vacant.

Area 6 consist of approximately 6 acres designated for multi-family use and currently the site is vacant.

Applicant is proposing a 35 lot subdivision with lots ranging from 6,000 sq. ft. to 14,000 sq. ft. More details of the subdivision will be providing during the subdivision plat process.

Staff then informed the Commission that if approval is recommended, the applicant shall go to the Board of Aldermen for Final Approval on September 17, 2019. Staff recommended approval subject to staff comments.

Mr. Nicholas Kreunen, project engineer, was present to answer questions from the Commission. Commissioner Holden asked if there was a minimum square footage for the proposed houses, at this moment. Mr. Kreunen stated that they originally wanted to mimic the subdivision to the west of the subject property but had to redesign the layout to comply with zoning ordinance. Mr. Kreunen stated at this time they didn't have a certain square footage and would be able to provide more information during the subdivision platting stage.

Commissioner Magee asked about the ingress/egress circulation of the proposed subdivision. Mr. Kreunen stated that the subdivision would have access from Hwy 51 and would be tied to the existing Thomas Street.

There being no further discussion or questions for Staff, Commissioner Holden made a motion to recommend approval to the Board of Aldermen the amendment of Coley PUD regarding Areas 5 and 6 to be developed as Single-family lots, subject to Staff Comments and the following conditions. There being no additional conditions the motion was seconded by Commissioner Ray. The motion passed by a majority vote in favor.

6. Case No. 1925 – Rezoning Approval – 3515 Goodman Road W.

Staff introduced the application as a request for approval of the rezoning of 3515 Goodman Road, lot 1768 of Desoto Village Section E. from R-12 Medium Density Residential to C-3 General Commercial. The subject property is located at the south west corner of Goodman Road and Dunbarton Drive. The plat was recorded in Plat Book 12 Pages 22 - 25 in the Chancery Clerk's office on October 16, 1973. This property is a part of the city's original incorporation. The subject property is located in an area where the Future Land Use Plan classifies as Medium Density.

The applicant is proposing to rezone the property to allow the operation of a Baskin Robbin. Per the City of Horn Lake Zoning Ordinance, Restaurants, carry-out, drive-in, or with drive thru facilities are allowed in the C-3 General Commercial District as a permissible use. Staff explained that the site is currently vacant and has been a part of the Desoto Village Subdivision.

Staff also noted that the rezoning does not comply with the Future Land Use map for that area. Staff did note that this area has had extreme growth over the years and would be classified as commercial in the next updated comprehensive plan. Staff noted that if approval is recommended, the application shall proceed to the Board of Aldermen on September 17, 2019 for approval.

Mr. Mike Davis, applicant, was present to represent the case and answer any questions. Mr. Davis provided background on the project and insight on some issues being faced with the site. Mr. Davis stated this was the best proposed use for such a small site and they would try to fulfill all comments for the project.

The Commission commenced into some discussion, but Commissioner Ray stated that we should not rezone the property before approving the site plan. Staff did note that there was an agenda item for site plan approval for the subject site. Staff noted that the rezoning item could be tabled contingent of the outcome of the site plan approval case.

Chairman Magee then opened the floor for any comments from the public.

Mr. Francis Miller stated the rezoning should be granted and this was the ideal place for the proposed business.

Following the discussion, Commissioner Vidal made the motion to table Rezoning Case #1925 contingent upon the decision of Site Plan Approval Case #1926. There being no additional conditions, the motion was seconded by Commissioner Ray. The motion passed by a unanimous vote in favor.

7. Case No. 1926 – Site Plan Approval – 3515 Goodman Road W.

Staff introduced the application as a request for site plan approval for the construction of a Baskin Robbin to be located at 3515 Goodman Road West. The subject property is located at the south west corner of Goodman Road and Dunbarton Drive. The plat was recorded in Plat Book 12 Pages 22 - 25 in the Chancery Clerk's office on October 16, 1973. The Future Land Use Plan section of the City's Comprehensive Plan has the property classified as Medium Density Residential. This property is a part of the city's original incorporation.

Site Plan

The proposed lot will be at the south west corner of Goodman Road and Dunbarton Drive. Vehicular access will be by an access drive off Goodman Road and Dunbarton Drive. There is an existing drive apron on Goodman Road. The proposed building will be 1284 +/- square feet in size, which will require 13 parking spaces plus 10 queue spaces for the drive through component. Current site plan provides 17 total spaces. ADA parking is provided in the adjacent parking area located north of the building.

Building and Materials

The long axis of the building will run east-west. The main entrance will be on the east elevation of the building. The facades of the building will be a combination of Split Face Block, Brick, and EIFS. The entrance of the building will have a Prefinished Metal Canopy and Aluminum Storefront. Exterior renderings have been provided.

Landscaping

The site will have a variety of canopy trees and shrubs along the perimeter of the site. Additional landscaping is proposed to the south of the building to accommodate the decreased buffer yard between the residential districts. The applicant has provided a landscape layout for the site.

Staff noted, outside of the standard staff comments for site plan approval, the proposal would require a traffic study. Staff also noted that the proposed site plan would require a variance for deficient parking and variance for the buffer requirement between R-12 and C-3 zoning. Staff noted that a portion of the site is a Flood Zone and if the building touches the Flood Zone, it would need to comply with the City's Flood Plain Ordinance.

Mr. Mike Davis, applicant, was present to answer any questions from the Commission. Commissioner Ray questioned the parking dimensions and asked for clarification on the drawing scale. Mr. Davis stated that the drawing in question was preliminary and that the scale was not correct. Mr. Davis did ensure that they would address the parking and parking will comply with the zoning ordinance. Staff stated that they had explained to Mr. Leonard that a Conditional Use permit would be required for outside storage.

Commissioner Ray asked what the dimensions of the parking spaces were. Mr. Leonard acknowledged that the dimensions were not very clear on the plans and said the dimensions did vary. Commissioner Ray noted that the parking dimensions needed to comply with the city standards. Mr. Leonard stated that he would make the necessary changes.

Commissioner Ray had concerns about the flow of traffic on the site, stating that the initial intent for this property was intended to be residential. Mr. Davis stated that they are required to provide a traffic study to MDOT as well, since there will be work done in MDOT right-of-way. Staff noted that there were initial concerns about the flow of traffic and that is what prompted a traffic study. Staff also noted that many of the concerns had been addressed with the latest layout.

Commissioner Magee asked how much buffer space is currently provided for the R-12 District to the south of the property. Mr. Davis stated there is 8 feet of buffer space currently shown on the plans and reiterated that additional greenery would be provided in that area. Commissioner Magee did show concern of the number of variances being asked for to accommodate the site plan. Mr. Davis stated that this was the best possible design for the site and would require the variances.

There being no further questions, Commissioner Ray made a motion to deny Site Plan approval for the Baskin Robbin to be located at the 3515 Goodman Road W. based upon a change of neighborhood character and traffic concerns.

There being no additional conditions the motion was seconded by Commissioner Holden. The motion passed by a vote of 3 to 2 in favor of the denial.

8. Case No. 1927 – Preliminary Plat Approval – Wellington Square East

Staff introduced the application as a request for Preliminary Plat approval for a 4 lot residential subdivision. The rezoning of Wellington square to a PUD was approved by the Planning Commission on November 1, 2001 and final approval by the Board of Aldermen on January 26, 2002. Wellington Square East Section A was approved by the Planning Commission on November 6, 2003 and final approval by the Board of Aldermen on November 18, 2003. The plat was recorded in Plat Book 85 Page 41 in the Chancery Clerk’s office on February 23, 2004.

The proposed subdivision is to be an addition to Wellington Square Sec. A East and is located on the west side of Hurt Road. Access to the lots will be from Hurd Road. The proposed subdivision will consist of 4 lots. The proposed lots range in size from 9,625.59 sq. ft. [.22 ac] to 18,746 sq. ft. [.43 ac]. The lots will have the following setback:

Front: 25 feet Rear: 20 feet Side 5 feet [10’ Total]

The PUD zoning has a mixture of R-8 and R-10 lots within this section of Wellington Square. The proposed development does comply with the residential lot size requirements. The original plat does indicate this area as “Future Development”.

Staff informed the Commission that the plat met the criteria for a minor subdivision per city ordinance. Staff then informed the Commission that if approved, the applicant shall go the Board of Aldermen for Final Plat approval on August 20, 2019.

Staff recommendation was for approval.

Mr. Robbie Jones, engineer, and Jason Sappenfield, owner, was present to answer questions from the Commission. Mr. Jones provided some background on the project and stated that this would be an in-fill development. Commissioner Holden asked what the square footages would be of the homes. Mr. Sappenfield stated the homes will have 1780 sq. ft. under roof and 1400 sq. ft. of heated space.

There being no further questions, Commissioner Holden made a motion to recommend approval to the Board of Aldermen the Preliminary Plat for the First Addition Wellington Square Section “A” East, subject to Staff Comments and the following conditions. There being no additional conditions the motion was seconded by Commissioner Vidal. The motion passed by a unanimous vote in favor.

9. Case No. 1928 – Text Amendment to Zoning Ordinance Regarding Solar Panels and Solar Farms

Staff introduced the application as request for changes to the City of Horn Lake Zoning Ordinance that will add Solar Energy as a new article in the City’s Zoning Ordinance. The city is currently experiencing more questions and concerns in regards to solar energy. Through the adoption of standards for Solar Energy Systems the City can set forth best practices for installation and criteria for large Solar Energy System projects. The Solar Energy System standards have been developed to aid business owners, lot owners, architects, builders, and other design professionals in the understanding of what are the appropriate details that are desired in the City of Horn Lake. The standards are not intended to limit or hinder the installations of solar systems, rather it is intended to inform the designer of what is acceptable by the City.

**Appendix A - ZONING
ARTICLE II. – DEFINITIONS**

B. – DEFINITIONS.

[Definition as currently written]

2. Accessory Use - A subordinate use which is incidental to and customary in connection with the principal building or use and located on the same lot.

[Proposed amendment]

2. Accessory Use - A subordinate use which is incidental to and customary in connection with the principal building or use and located on the same lot, including, but not limited to, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings, *solar* panels, satellite dishes, and signs.

Appendix A - ZONING

ARTICLE II. – DEFINITIONS

B. – DEFINITIONS.

116. Site Plan Review - A review process, as specified and described under in this Ordinance, required for certain developments, and conducted by the Planning Director or the Planning Commission designed to ensure conformance with the purposes and applicable standards of this Ordinance, and any other applicable laws and codes

117. Solar Energy System - Systems intended to collect solar energy for the purposes of conversion into usable electricity, to heat water, home heating, etc. including but not limited to photovoltaic (PV) cells mounted on roofs, poles, or ground, other solar collector panels or units, solar integrated roofing panels, solar water heaters, etc.

118. Special Flood Hazard Area (SFHA) - Those lands within the City of Horn Lake, Mississippi that are subject to inundation by the regulatory flood.

Appendix A - ZONING

ARTICLE V. – GENERAL PROVISIONS AND SUPPLEMENTAL ZONING DISTRICT REGULATIONS

S. – SOLAR ENERGY SYSTEMS

1. Photovoltaic *Solar* Energy Systems. A photovoltaic *solar* energy system ("*solar* energy system") is permitted in all zoning districts as an accessory use to a principal use. A *solar* energy system is considered an accessory use when the power generated from the *solar* energy system is equal to or less than the expected power usage of the principal use and any other accessory use on the property. The installation and construction of a *solar* energy system shall be subject to the following design standards and installations:

- a. In all Commercial zoning districts any *solar* energy system shall be required to meet front, side and rear, set-backs as set forth in the applicable zoning district.
- b. In all residential districts, no portion of a *solar* energy system shall be located within or above any front yard, or side corner yard.
- c. In all residential districts that have roof mounted *solar* energy systems installations are to lay flat, they cannot exceed the principal building height in the applicable zoning district.
- d. A ground mounted or pole mounted system, measured when oriented at maximum design tilt shall not exceed the maximum building height in the applicable zoning district.
- e. Ground mounted and pole mounted *solar* energy systems shall be located so that any glare is directed away from any adjoining property and maybe subject to screening, capable of providing year round screening along the non-reflective sides of the *solar* collection device.
- f. In all residential zoning districts that have a ground mounted or pole *solar* energy systems, the setback distance from the rear and side property lines, measured when the system is oriented at minimum design tilt, shall be equivalent to the building setback of the applicable zoning district.
- g. An electrical permit shall be obtained before installation. Any electrical work shall be done by a licensed electrician. All electrical lines shall be buried underground at a minimum distance of twelve 12" inches. All lines that are attached to house shall be secured and fastened.
- h. A building permit shall be obtained when structural and wind loads are a concern and when needing extensive racking and or footings
- i. Any *solar* energy system that has not been in use for its original purpose for a period of one hundred and eighty (180) days shall be deemed to be abandoned. The *solar* energy system owner and/or property owner shall have

additional ninety (90) days to remove the abandoned *solar* energy system or to reactivate the *solar* energy system.

Appendix A - ZONING
ARTICLE XII. – USE CHART

Uses Permitted	O	C1	C3	C4	PBP	M1	M2
COMMERCIAL USES							
Solar Farm					P ₃₆	P ₃₆	

ZONE DISTRICTS LEGEND	
A	Agricultural
R-30, R-20, R-15, R-12, R-10, R-9, R-8, R-6.	Single-family
RM-6	Multifamily
PUD	Planned Unit Development

Uses Permitted	AR	R-30	R-20	R-15	R-12	R-10	R-9	R-8	R-6	RM-6	EXPAND
Solar Farm										P ₃₆	

Footnote #36 Solar Farm:

1. Minimum lot size ten (10) acres.
2. A minimum setback of 50 feet must be maintained on all property lines. Solar panels will be kept at least 500 feet from a residence that is not a part of the Special Use.
3. Ground mounted panels shall have a height maximum of ten (10) feet.

Staff recommended approval of the revisions and if approval is recommended, the amendment will go before the Board of Aldermen on September 17, 2019.

Commissioner Vidal made a motion to recommend approval to the Board of Aldermen the amendments to the City’s Zoning Ordinance to address Solar Energy Systems, subject to Staff Comments and the following conditions. There being no additional conditions, the motion was seconded by Commissioner Kendall. The motion passed by a unanimous vote in favor.

All items on the agenda having been addressed and there being no items under Old Business or any further points of discussion Commissioner Holden made a motion to adjourn. Commissioner Ray seconded the motion. The motion passed by unanimous vote.

Respectfully typed and submitted,

Willie Davidson, Jr. – City of Horn Lake Planning Director