

November 2, 2006

Ald. Tony Zielinski  
Milwaukee Common Council  
City Hall, Room 205

Dear Ald. Zielinski:

Thank you for giving the Department of City Development the opportunity to review the proposed ordinance that establishes a solar access permit. We note several concerns with the ordinance as drafted:

1. The proposed permit fee appears to be inadequate based on the anticipated time required for the review of those applications and the costs associated with processing and record retention. We recommend the imposition of a \$100 plan review fee and a \$50 permit fee, to better reflect the anticipated cost of processing.
2. Applicants should be required to provide sufficient information regarding the placement of the proposed collector. A site plan indicating the location and a description of the collector specifications should be required to establish the anticipated impact of the restriction being placed on the adjacent property. Installation plans and sun charts would be required to fully determine this impact. There will be a significant difference in the impact on adjacent properties if the collector were placed on the ground and close to the lot line as opposed to on the roof and away from the lot line. Sun angles and collector location will determine what needs to remain clear and open.
3. The permit should not be issued if, by granting it, the adjacent property could not be improved to the full extent as allowed by current zoning relative to height and setbacks. This would be in conformance with 239-13-5-a-1.
4. We would recommend that the ordinance identify the City Plan Commission as the body directed to conduct any public hearings in association with the application for a solar access permit. The cost associated with that hearing process should need to be borne by the appellant. The 30-day notice requirement specified in the statute is a bit long. Ten-day notification would be more reasonable and in keeping with current CPC time frames. Additional staff time in the review of the proposals being heard would be anticipated.
5. The time line specified by the statute for installation is also too long. If an applicant is serious about installing solar collection, they should do so within 6 months.
6. In s. 239-13-5-a-2, the reference to building permit should be expanded to include any development plan submittal including planned development and Board of Zoning Appeals.

I have asked Chris Rute, the manager of the Milwaukee Development Center, to contact you directly to discuss these comments.

Sincerely,

Martha L. Brown  
Deputy Commissioner

Cc: Members of the Zoning, Neighborhoods and Development Committee