

MEMORANDUM

TO: Mayor and City Council

FROM: Brett Lenart, Planning Manager
Matt Kowalski, Senior Planner

SUBJECT: **Proposed Amendment to Chapter 55, to add Section 5:83 (Solar Energy Systems)**

DATE: January 11, 2018

On October 16th, City Council held the first reading for the proposed addition of Section 5:83 (Solar Energy Systems). At the meeting, City Council postponed the item to January 16th and directed staff to seek additional public input.

Planning staff conducted a series of three public meetings to gather additional public feedback on the proposed ordinance. The meetings were noticed to the general public in a variety of ways including the City's events calendar, govdelivery service, the Planning Services webpage, and a press release. Planning staff hosted the meetings on November 16th, 28th and 30th. Meetings were held at three different locations: Ann Arbor Senior Center, Westgate Public Library, and Clague Middle School. Comments at the meetings were obtained through comment sheets and extensive notes recorded by staff. A summary of all notes and a list of attendees (approximately 40) are attached.

While not unanimous, the majority of citizens that spoke at the meetings oppose any placement of Solar Energy Systems in the front yard. The most frequent issues of concern raised by the public were aesthetics, safety, and impact to adjacent properties (fear of reduced property value). Attendees at the first and third meetings were most vocal regarding these concerns. The second meeting expressed support for the ordinance as drafted or even further relaxation of restrictions on solar equipment, but also included the concerns raised above

Several other issues were mentioned, however were not directly related to the proposed ordinance (or any zoning regulations). Examples of such feedback included that the City shouldn't levy property tax on installations, concerns about increased homeowner's insurance rates, and a lack of incentives for installations. Additionally, one prominent theme among many in attendance was the need for an overall comprehensive solar policy for the City. Some residents mentioned the need for much larger installations to make a difference rather than small installations, which have very little impact overall to the energy grid but could affect the immediate neighbors more significantly.

Based on this public feedback, there were a few principal themes for City Council to consider in the context of this proposed ordinance:

- Aesthetics – This was a primary issue of concern for many speakers, particularly regarding negative perception of solar panels in the front yard of any property. While this has consistently been discussed throughout the consideration process as something in the eye of the beholder, the majority of attendees expressed that front yard installations are inappropriate.

- Safety – The placement of solar panels in a front yard was perceived by many to be a safety concern (e.g. a child might be able to easily access a front yard property, and experience an injury due to concerns of potential high temperature of solar panels or failing electrical service. Resulting from communications with other communities, consultants, and an inquiry to the Urban Sustainability Director’s Network (a peer to peer network of over 160 municipal members from the U.S. and Canada) regarding experiences, staff does not have concern regarding the safety of such installations in private front yards.
- City Consistency with Other Communities – Clearly, the majority of communities do not allow solar panels in the front yard, either through specific prohibition or regulation as an accessory structure more generally (i.e. with ordinances that prohibit all accessory structures from a front yard). The placement of panels in a front yard provides more opportunity for solar realization in the City than other ordinance examples to the contrary. Unfortunately, as the City does not maintain surveys for every property, it is not possible to determine the number of sites for which front yard solar placement may be possible.

After this additional public feedback, staff recommends that the City Council take one of two actions:

1. Adopt proposed ordinance as drafted and recommended by the Planning Commission. Based on additional information, the recommendation of the Planning Commission balances more opportunity for sustainable energy installation against concerns of aesthetics.
2. Vote to amend the proposed ordinance to remove the option of front yard placement of solar energy systems from the proposed ordinance. An alternative ordinance is attached which would require conversion of the January 16th meeting consideration to a first reading.

Attachments: Meeting Attendees List
Compiled Comments
Draft Ordinance – No front yard