

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Ann Arbor Planning Commission Meeting of November 15, 2022**

**SUBJECT: Amendments to Chapter 55 (Unified Development Code) to Amend Personal Scale Solar Energy System Location restrictions and add electrification requirements**

**PROPOSED CITY PLANNING COMMISSION MOTIONS**

**An Ordinance to Amend Section 5.16.6 of Chapter 55 (Unified Development Code) of Title V Of Code of the City of Ann Arbor – (Personal Scale Solar Energy Systems);**

and;

**An Ordinance to Add Sections 5.27-5.29 to Chapter 55 (Unified Development Code) of Title V of Code of the City of Ann Arbor – (Electrification)**

**RECOMMENDATION:**

Planning staff recommends postponement of the proposed ordinances to December 6, 2022, to provide additional opportunity for review and comment by interested parties.

**SUMMARY/BACKGROUND:**

The 2022/2023 Planning Commission Work Program includes the following proposed Unified Development Code (UDC) amendments:

- Electrification/Net Zero Buildings
- Solar Energy Readiness

Both proposed amendments are supported by the following provisions of the City's Comprehensive Plan:

From the [2013 Sustainability Framework](#) (Climate and Energy Goals p. 6):

- Improve access to and increase use of renewable energy by all members of our community
- Reduce energy consumption and eliminate net greenhouse gas emissions in our community
- Reduce new and existing buildings' energy use, carbon impact, and construction waste, while respecting community context

The City has additionally adopted other policies and goals outside of the comprehensive planning process, which provides ideas, concepts, and prioritization of reaching the goals identified in the Comprehensive Plan, such as:

- On [March 4, 2019](#), the City Council directed staff to develop a Solar Access Ordinance, to ensure that landowners are guaranteed current and/or future access.
- On [November 4, 2019](#), the City Council declared a climate emergency and commits to action as a result of the declaration.
- City Council Adopted (and amended) the [2020 Living Carbon Neutrality Plan](#), including:
  - Power our Electrical Grid with 100% Renewable Energy
    - Goal – 78MW of new, local, onsite renewable energy generation is installed in Ann Arbor by the year 2030. (p 21)
  - Switch our Appliances and Vehicles from Gasoline, Diesel, Propane, Coal, and Natural Gas to Electric.
    - To support the electrification of appliances, the City will work to establish policies that promote electrification of heating and cooking systems by evaluating options in codes, incentive programs, and through other avenues.
    - Goal – By 2030 . . . 30% of owner-occupied homes, and 25% of rental properties have fully electrified. . . (p 32)
  - Significantly Improve the Energy Efficiency in our Homes, Businesses, Schools, Places of Worship, Recreational Sites, and Governmental Facilities
    - This action focused on working with the state to pass the 2021 building code and zero code appendix so that all new developments and major renovations can be net zero energy.
    - Goal – By the end of 2030, 2,120 residential units and 160 commercial units are net zero energy buildings. (p 48)

### **Electrification/Net Zero Buildings**

While not unrelated, the proposed ordinance does not include Net Zero Building requirements, on the following basis:

- The City’s goal statements for this work are explicit in the advocacy around construction codes to implement this goal.
- The Stille-Derossett-Hale Single State Construction Code Act explicitly describes its intention to “. . . promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures. . .” In my opinion, this means that regulating and/or

requiring energy efficiency standards through the Unified Development Code is more challenging to construct or realize.

- The standards which are considered appropriate/satisfactory to attain a high energy efficiency outcome have evolved, and continue to evolve somewhat rapidly.

The Planning Commission could consider incentives or other mechanisms to approach energy efficiency, in the future, but for now, this effort will focus upon electrification. Questions regarding the legislative framework for considering the requirement will be considered and answered through the legislative process, fully with the City Council.

The UDC is largely based in the State Zoning Enabling Act, which in part prescribes that zoning is for “. . .the regulation of land development . . .designating or limiting the location, height, bulk, number of stories, uses and size of dwellings, buildings, and structures. . .” The City, as prescribed by state law, sets policy and goals, and utilizes zoning, in addition to other codes, to promote the public health, safety, and welfare.

This ordinance could have the following impacts:

- A different regulatory framework for land development than surrounding communities.
- A potential increase in cost for operation, depending on building efficiency, system selections, and other factors.
- Potential changes in the cost of infrastructure to proposed and existing buildings, such as reduced natural gas infrastructure, increased electricity infrastructure and/or capacity, conversion of some existing buildings.

### **Personal Scale Solar Energy Systems**

Currently, personal scale solar energy systems are more restricted than other accessory buildings and structures in the City, as they are absolutely prohibited in front yards (other accessory structures are only prohibited in the required front yard setback, which can be smaller than the total front yard dimension.)

The proposed amendments to Section 5.16.6 would provide greater flexibility for solar installations, rather than less compared to other accessory structures, by explicitly permitting placement in front yard setbacks and removing the maximum rear setback lot coverage requirements (35%) that currently applies to all accessory structures.

The Ordinance Review Committee provided feedback on these proposed changes in September. Feedback included:

- Concern about broad application of electrification to all uses.
- Whether personal solar energy systems should only mimic other accessory use requirements vs. increased flexibility.
- Whether thresholds for electrification will be measurable

c: City Attorney's Office