

## **Resolution Requesting the City of Ann Arbor Adopt a Solar Access Ordinance**

**January 9, 2019 Update**

WHEREAS neither the State of Michigan, Washtenaw County, or City of Ann Arbor have adopted an ordinance restricting new construction, including real property, signs, and landscaping/vegetation and other property improvements, from blocking solar access<sup>1</sup> to adjacent properties and landowners; and,

WHEREAS in December, 2012 the Ann Arbor City Council passed the Climate Action Plan (CAP) and committed to an ambitious multi-strategy vision to address climate change by reducing its community-wide greenhouse emissions and encouraging use of renewable energy sources; and,

WHEREAS the Energy Commission's CAP-supporting Solar Goals were unanimously endorsed by the Ann Arbor City Council in their June, 2016 Resolution Authorizing a Commitment to Making the City of Ann Arbor a Solar Ready Community and to advance use of renewable solar energy by its citizens, businesses, industry, and other owners, and the City itself;

WHEREAS landowner investment in solar energy systems (SESs) is significant and may be obviated by shading from new construction or other improvements on adjacent properties;

RESOLVED that the Energy Commission recommends that the City Council direct the City Administrator and City Planning Manager to work with the City Attorney, Office of Sustainability and Innovations, and Energy and Planning Commissions in 2019 to: (1) develop a "solar access ordinance" to ensure landowners who already have an SES on their rooftops or property or who may desire to add such in the future, and (2) introduce said ordinance requirements to the Washtenaw County Clerk/Register of Deeds for possible adoption at a County level given the benefits of preserving solar access. This ordinance language will either be specifically included in the Code of Ordinances as new or added via amendment to an existing ordinance (e.g., Chapter 55, Unified Development Code) and will consider the following best practices:

- Specific quantification of solar access "boundaries". As an example, the City of Boulder, CO sets limits on the amount of permitted shading by any new construction as defined by either a 12-foot or 25-foot hypothetical "solar fence" on the existing property lines or adjacent building perimeters (tied to a specific calendar year metric).
- Formalization of a "solar easement" that can be registered with the Washtenaw County Clerk by a landowner to preserve solar access boundaries and enable SES construction into perpetuity;
- Formalization of a "solar permit" that can be secured by a landowner from the City Building Department for SES construction with defined solar access boundaries and valid time period;
- Inclusion of minimum requirements for solar access in the City Master Plan and other relevant documents (e.g., Sustainability Framework, Unified Development Code if language is adopted as its own ordinance, Capital Improvement Plan, and others);
- Standard for vegetation trimming on adjacent properties that reduce or prevent SES production
- Setback requirements in current zoning ordinance that appropriately address solar access.

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<sup>1</sup> "Solar access" is defined as the direct access to the sun's rays without shading by a land owner desiring to install equipment used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, or other applications (SES) that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource.

Preparation of ordinance language needs to consider that future City development may involve taller building heights particularly in the Downtown Development Area, impacts on greenhouse gas emission, means of preserving solar access on adjacent properties, and lessons learned from similar ordinances adopted at other locales (see “References”).

## **References**

Kettles, C.M., “A Comprehensive Review of Solar Access Law in the United States - Suggested Standards for a Model Statute and Ordinance”, Solar America Board for Codes and Standards Report, U.S. Department of Energy Award Number DE-FC36-07G017034, October, 2008.