



Legislation Text

File #: 17-1248, **Version:** 2

An Ordinance to Amend Chapter 55 (Zoning Ordinance) of Title V of the Code of the City of Ann Arbor to add Section 5:83 (Solar Energy Systems) (Ordinance No. ORD-18-01)

The preparation of this ordinance was in response to a temporary moratorium on the permitting and installation of any ground mounted solar arrays. This moratorium was established by City Council on April 17, 2017 and was effective for 180 days. City Council extended the moratorium on October 2, 2017 in order to allow sufficient time to consider these regulations. Council directed staff and Planning Commission to develop regulations for ground mounted solar arrays. Since that time staff has conducted extensive research of local and national codes for solar arrays, a summary chart of select ordinances is attached. Reviewing similar ordinances and working with staff from the City of Ann Arbor's Energy Office, Planning staff developed a Solar Energy Systems (SES) ordinance.

The proposed ordinance will create a new section in Chapter 55, which will be known as Section 5:83 (Solar Energy Systems). This section will add definitions and requirements for ground based Solar Energy Systems (SES) located in single or two family districts or associated with single family uses in the R3 (Townhouse) or R4 (Multiple-Family) Zoning Districts. At this time, all SES are regulated the same as accessory buildings. This new ordinance will create a dedicated section with code requirements specifically for ground mounted SES and related equipment.

With this code amendment, a SES will be required to be screened in the front yard wherever the sides or rear of the SES are visible from a public ROW. Screening shall consist of fencing, wall, evergreen vegetation, berm or combination thereof with a minimum of 80% opacity. A SES is not permitted within the required front setback area of a parcel.

A Solar Energy System may be permitted in the remaining front yard. The front yard is defined as any remaining area in front of the principal structure, but outside of the required front setback area. The SES and all related equipment shall cover no more than 35% of the front yard area outside of the required front setback area. Within the front yard, the SES must adhere to side setback requirements for the zoning district.

For homes that are at the minimum front setback of their zoning district, the proposed amendment will have no effect - the required front open space is effectively the same as the front open space. However, the proposed amendment will affect any homes that are set back more than 40 feet from the front lot line.

All SES in the rear and side yards are subject to the standards as Chapter 55 (Zoning), Section 5:59 (Accessory Buildings). These are the same standards under which solar permits are currently processed, there will be no changes to the standards for SES in either the side or rear yard.

The draft ordinance was presented to the Planning Commission's Ordinance Revisions Committee (ORC) on May 23rd, 2017. After that meeting staff made minor revisions and presented the draft ordinance to a joint working session of the Planning Commission and Energy Commission on June

13, 2017.

The ordinance amendment was then presented at the July 18th Planning Commission meeting. A public hearing was held and Planning Commission conducted a brief discussion with staff. Planning Commission asked for clarification on the landscape screening requirements and how to make screening most effective at time of SES installation. Planning Commission also asked for additional time to review the entire ordinance after hearing public feedback.

In response to Planning Commission concerns regarding the landscape screening, staff added a section requiring landscaping to be a minimum of 50% opaque at time of planting. This additional language is based on the screening requirement in Chapter 59 (Landscape and Screening) Section 5:606. This section contain material and design standards that are used for all screening and landscape buffer requirements. There were no other significant changes or additions to the proposed code language.

The ordinance then returned to the Planning Commission with the requested landscape revision on August 15. After a public hearing, where some residents expressed concern about locating an SES in the front yard, an amendment to the ordinance was proposed. The amendment would have permitted a SES to be placed in the front yard only after it was demonstrated that no locations in the side or rear yard were acceptable. Staff and some Commission members stated concerns with the subjective nature of the decision and how it would be determined what locations would be acceptable. The Planning Commission voted on the proposed amendment and it failed to pass. The Planning Commission then recommended approval of the proposed ordinance as presented with no amendments.

Attachments: 8/15/17 Staff Report
8/15/17 Planning Commission Meeting Minutes
8/7/17 Proposed Ordinance
Prepared by: Matt Kowalski, City Planner
Reviewed by: Brett Lenart, Planning Manager
Derek Delacourt, Community Services Area Administrator
Approved by: Howard S. Lazarus, City Administrator
ORDINANCE NO. ORD-18-01

First Reading:	January 16, 2018	Approved:	February 20, 2018
Public Hearing:	February 20, 2018	Published:	February 26, 2018
		Effective:	March 8, 2018

ZONING ORDINANCE (SOLAR ENERGY)

AN ORDINANCE TO AMEND CHAPTER 55 (ZONING ORDINANCE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR BY ADDING SECTION 5:83 (SOLAR ENERGY)

The City of Ann Arbor ordains:

Section 1. That Section 5:83 (SOLAR ENERGY SYSTEMS) be added to Chapter 55 of Title V of the Code of the City of Ann Arbor as follows:

Chapter 55, SECTION 5:83 - SOLAR ENERGY SYSTEMS

(1) Intent

The City of Ann Arbor promotes the effective and efficient use of solar energy systems. It is the intent of the City to permit these systems by regulating their siting, design, and installation to protect public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Solar energy systems, shall comply with the provisions of this Section and are only permitted as authorized by this Section.

(2) Definitions

(a) A Solar Collector Surface shall refer to any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface, is considered the front of the SES, and does not include frames, supports, and mounting hardware.

(b) Solar Energy shall mean radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

(c) A Solar Energy System (SES) shall mean a system (including solar collector surface and ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

(d) A Personal-Scale SES shall mean a ground-mounted or building-mounted SES that is accessory to the principal residential use on the parcel. The sale and distribution of excess available energy to an authorized public utility for distribution, if permitted, shall be incidental to this type of system, and not its primary purpose.

(e) A Ground-Mounted SES shall mean a freestanding solar energy system that is not attached to and is separate from any building on the same parcel of land on which the solar energy system is located.

(f) A Building-Mounted SES shall mean a solar energy system that is attached to a building on a parcel as the principal method of physical support.

(3) Standards for SES -

In zoning districts other than R1 or R2, or on single-family use parcels in the R3 and R4 Districts, a SES is permitted subject to the standards of Accessory Buildings, Section 5:59.

In R1 and R2 Zoning Districts, and single-family uses in the R3 and R4 Zoning Districts, Personal-Scale SES shall be permitted subject to the following standards:

(a) Application for Zoning Compliance Permit of Personal-Scale SES

A Personal-Scale SES requires a Zoning Compliance Permit, additional permits may be required as stated in Section 5:83 (3)(2)(e) below. An application for a Zoning Compliance Permit shall include the following:

1. Renderings and/or specifications of the proposed solar energy system.
2. A plot plan or survey to indicate where the SES is to be installed on the property, including property setbacks and the total Solar Collector Surface area, and total footprint of the SES.
3. Elevations showing the height of the SES.
4. A description of the screening to be provided for ground-mounted SES.

(b) Ground-Mounted SES

Ground-mounted, personal-scale SES shall be subject to the following additional standards:

1. Setbacks: A ground-mounted SES may be located in the rear or side yard and shall be located at least three feet from the property line.
2. Height: A ground-mounted SES shall not exceed 21 feet in height, measured from the ground at the base of such equipment to the highest point of the system.
3. Installation and Maintenance: SES shall be installed, maintained and used only in accordance with the manufacturer's specifications.
4. Compliance with Additional Codes: SES, and the installation and use thereof, shall comply with the Building code, the Electrical Code and any other applicable State codes. Installation of a SES shall not commence until all necessary permits have been issued.

5. Lot coverage: Solar energy systems shall not occupy greater than 35% of the required rear setback area.

(c) Building-Mounted SES

Building-mounted personal-scale SES shall be subject to the following additional standards:

1. Setbacks: A building-mounted SES shall comply with Area, Height, and Placement requirements for Principal Building or Accessory Building Standards, as applicable to placement of SES.
2. Installation and Maintenance: SES shall be installed, maintained and used only in accordance with the manufacturer's specifications.
3. Compliance with Additional Codes: SES, and the installation and use thereof, shall comply with the Building Code, the Electrical Code and any other applicable State codes. Installation of a SES shall not commence until all necessary permits have been issued.

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.

As Amended by City Council at First Reading on January 16, 2018.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of February 20, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on February 26, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk