

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of August 15, 2017

SUBJECT: Amendment to the Zoning Ordinance, Chapter 55 in order to add Section 5:83 (Solar Energy Systems) regarding placement of Solar panels and equipment on residential properties.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55, the addition of Section 5:83 (Solar Energy Systems) regarding solar panels and related equipment in residential zoning districts.

STAFF RECOMMENDATION

Staff recommends that the proposed amendment to Chapter 55, the addition of Section 5:83 of the City Code be **approved** because it will further protect the character and integrity of affected residential zoning districts and is consistent with accepted and sound land use planning and development principles.

UPDATE

This ordinance amendment was originally 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 has 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 are no other significant changes or additions to the proposed code language.

DESCRIPTION

Section 5:83 Solar Energy Systems

Staff propose an amendment to Chapter 55 (Zoning), adding new code that is designated Section 5:83 (Solar Energy Systems). This new section is required in order

to 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.

STAFF COMMENTS

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 is effective for 180 days. City Council may extend the moratorium for an additional 180 days in order to allow sufficient time to consider appropriate 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 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. Items

discussed at the joint working session included requirements for screening, maximum height and ensuring effectiveness of the ordinance for solar energy while minimizing any adverse impact on adjacent neighbors.

The proposed amendment was discussed and recommended for consideration by the Ordinance Revisions Committee at their meeting on May 23, 2017. The amendment was also discussed at the June 13, 2017 working session held jointly with the City of Ann Arbor's Energy Commission.

Previously, all SES were reviewed under the accessory building code(Section 5:59). All new SES in side and rear yards will be reviewed under the proposed Section 5:83. The standards for placement of SES in the side or rear yard have not changed from Section 5:59, however the proposed amendments will clarify rules for placement with the front yard. The proposed Section 5:83 will help address issues such as screening, height and size.

Impact of the proposed code will be minimal, it is estimated by staff the number of parcels with adequate space for SES in the front yard (but not within the required front setback area) is very small. Staff believes the proposed amendment will clarify requirements for placement of ground mounted SES and address the concerns noted in the City Council Moratorium.

Prepared by Matt Kowalski
Reviewed by Brett Lenart

8/8/17

Attachment: Proposed Ordinance Draft
Community Research Chart

c: City Attorney
Systems Planning
File