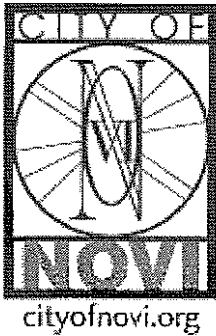


MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER *Kap*
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT DEPUTY
DIRECTOR
SUBJECT: PROPOSED ORDINANCE REGARDING SOLAR
ENERGY
DATE: JANUARY 4, 2010

In response to the recent push towards clean energy technology and in an effort to promote "green initiatives" in general, the Community Development Department has proposed a text amendment to address the installation of solar panels. Following is a brief summary of the standards proposed in the attached ordinance to address issues associated with solar panels.

The proposed ordinance would make a distinction between free-standing solar panels that are placed close to the ground and solar panels attached to a structure, such as a roof. Free-standing solar panels would be subject to the regulations already in the ordinance for an accessory structure and permitted in all districts as a principal permitted use. Structurally-attached solar panels would be a principal permitted use in all districts and undergo administrative review and approval. Those panels attached to a sloped roof shall not project vertically above the peak of the roof and panels installed on a flat roof shall not project vertically more than five feet above the roof.

In order to draft this ordinance staff examined area ordinances to determine how other communities regulate the installation of solar panels. Most ordinances do not explicitly address solar panels; however, staff was able to locate three ordinances that do contain provisions relating to solar panels from the City of South Lyon, the City of Troy and the City of Birmingham. Attached you will find a chart summarizing the provisions in area ordinances and the ordinance proposed for Novi.

The Implementation Committee met and discussed this matter at their August 25, 2009 meeting. The Committee generally responded favorably to the ordinance and requested no additional revisions. Draft meeting minutes are attached.

The Community Development Department has gathered a fair amount of public input for the proposed ordinance through the use of surveys. A booth was set-up and comments collected at the Fall for Novi event held in September, 2009. In addition, a new section on the City's webpage was created to inform the public of the new ordinance and collect survey responses and comments. Generally, residents seem to agree with the ordinance as it is currently proposed. Survey results have been included in this packet.

The Planning Commission is asked to set a public hearing for the February 10th Planning Commission meeting. If any Commissioner has any questions related to this request, do not hesitate to contact Kristen Kapelanski, in the Community Development Department at (248) 347-0586 or kkapelanski@cityofnovi.org.

	City of Birmingham	City of South Lyon	City of Troy	Staff Suggestions for City of Novi Proposed Ordinance
Approval Process	<ul style="list-style-type: none"> Freestanding solar panels subject to the regulations of an accessory structure. Separate, non-integrated flush-mounted panels shall undergo administrative review and approval if located on a rear or side-facing roof. Any other placement shall be subject to the review and approval of the Planning Board or Historic District Commission. 	<ul style="list-style-type: none"> Freestanding solar panels subject to the regulations of an accessory building. No regulations for structurally attached panels. 	<ul style="list-style-type: none"> Approval of the City Council required (after a recommendation from Planning Commission). 	<ul style="list-style-type: none"> Freestanding solar panels subject to the regulations of an accessory structure. Structurally attached solar panels shall undergo administrative review and approval.
Permitted Districts	<ul style="list-style-type: none"> Integrated solar panels as the surface layer of the roof and separate, non-integrated flush-mounted panels permitted in all districts. 		<ul style="list-style-type: none"> Permitted in all districts. 	<ul style="list-style-type: none"> Permitted in all districts.
Setbacks	<ul style="list-style-type: none"> No additional regulations. 		<ul style="list-style-type: none"> Setbacks specific to solar panels/collectors provided. 	<ul style="list-style-type: none"> No additional regulations.
Height	<ul style="list-style-type: none"> Separate, flush-mounted panels installed on a building with a sloped roof shall not project vertically above the peak of the roof. Separate, flush mounted panels installed on a building with a flat roof shall not project vertically more than 5 feet above the roof. No panels can project higher than the permitted height in the zoning district. 		<ul style="list-style-type: none"> Shall not be included in height of building but no solar panel (structurally attached or separate from the principal building) shall exceed 40 feet. 	<ul style="list-style-type: none"> Separate, flush-mounted panels installed on a building with a sloped roof shall not project vertically above the peak of the roof. Separate, flush mounted panels installed on a building with a flat roof shall not project vertically more than 5 feet above the roof. Shall not be included in height of building.
Lot Coverage	<ul style="list-style-type: none"> No regulations. 		<ul style="list-style-type: none"> Solar collectors shall not be included in lot coverage calculations. 	<ul style="list-style-type: none"> No regulations.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. ~~09-18-23~~^x

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 25, GENERAL PROVISIONS. SECTION 2520, EXTERIOR BUILDING WALL FACADE MATERIALS AND SECTION 2503, ACCESSORY USES; IN ORDER TO PROVIDE STANDARDS FOR THE USE OF SOLAR PANELS.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 25, General Provisions, Section 2520, Exterior Building Wall Façade Materials and Section 2503, Accessory Uses are hereby amended to read as follows:

Article 25, General Provisions

Sec. 2520. Exterior Building Wall Façade Materials.

1. – 13. [unchanged]
14. *Sustainability in design.* Promoting sustainability in design is encouraged at the applicant's discretion and façade materials that meet the intent of the LEED (Leadership in Energy and Environmental Design) standards may be utilized. The proposed façade composition must still meet the aesthetic standards set forth by this ordinance and undefined materials will be considered on a case by case basis. Solar structures shall be a permitted use in all districts and not subject to the requirements of Section 2520.

Sec. 2503. Accessory Uses.

1. [unchanged]
2. *Accessory Structures.*
 - A. – F. [unchanged.]
 - G. Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances. Structurally attached solar panels shall be a permitted accessory use in all districts and subject to administrative review and approval.

Structurally attached solar panels shall not be subject to the provisions of Section 2503.2.A and shall not be included in the height requirements listed in Section 2400. Structurally attached solar panels installed on a building with a sloped roof shall not project vertically above the peak of the roof. Structurally attached solar panels installed on a building with a flat roof shall not project vertically more than 5 feet above the roof.

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2009.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:

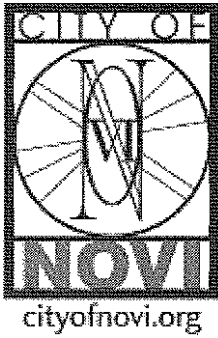
Nays:

Abstentions:

Absent:

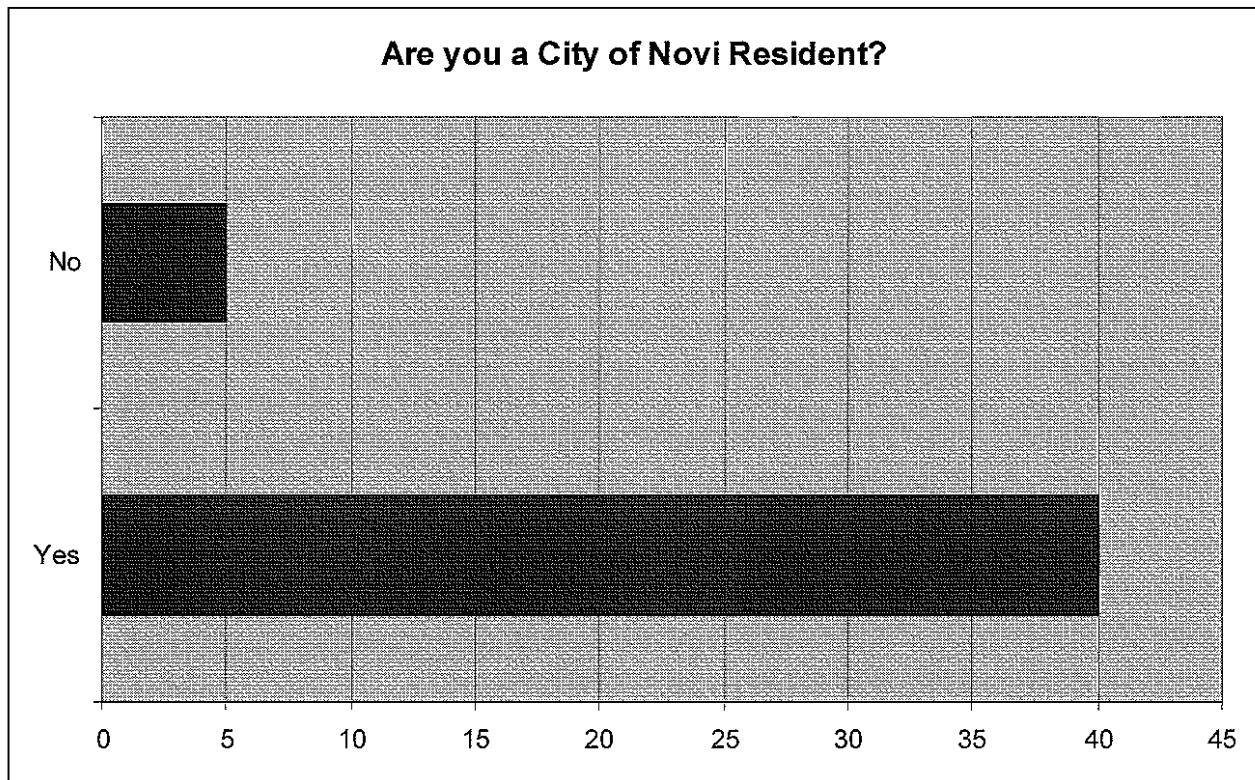
**SOLAR ENERGY
SURVEY RESULTS**

MEMORANDUM

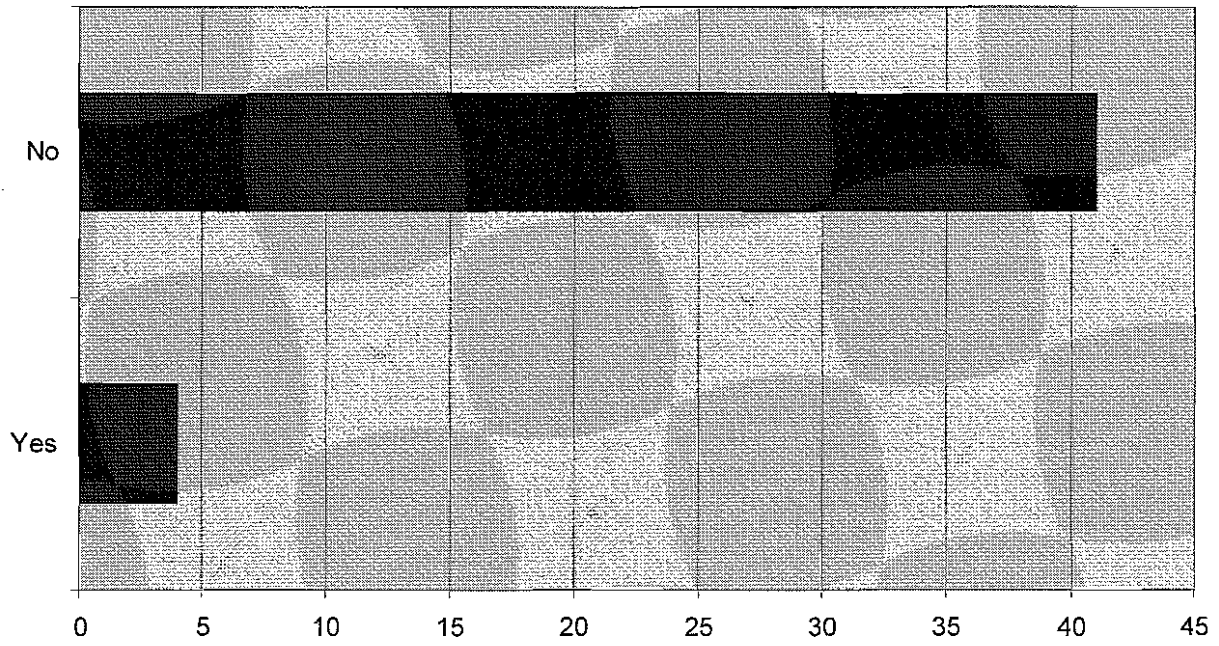


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SURVEY RESULTS
DATE: JANUARY 4, 2010

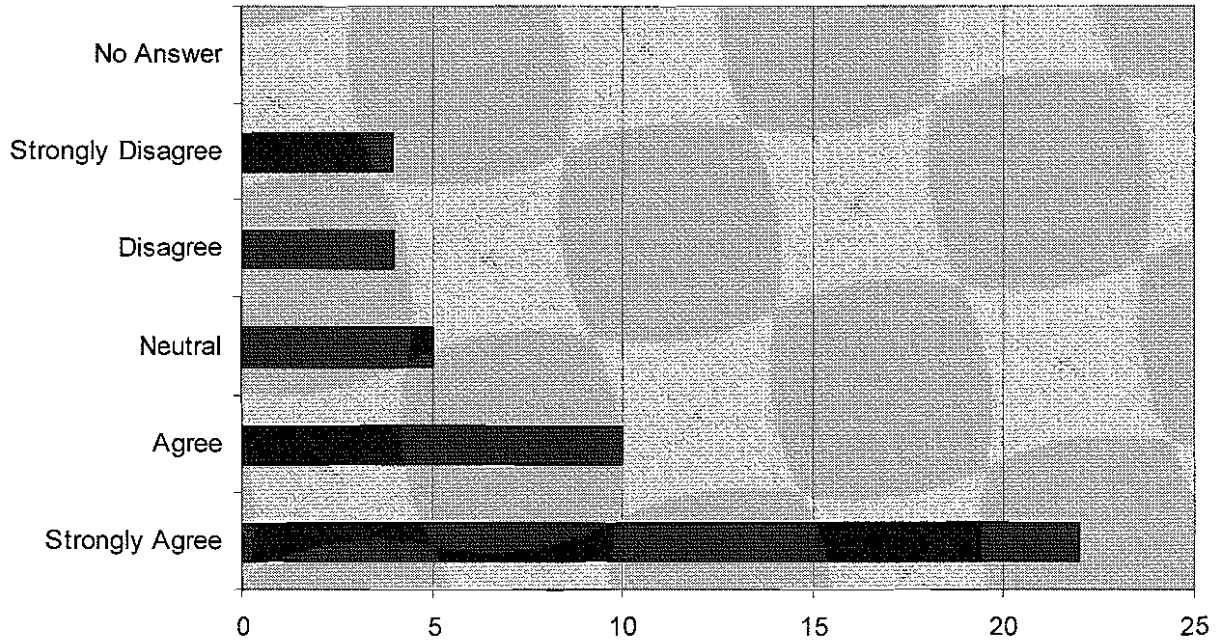
Below you will find the combined results of the attached solar energy survey posted on the City's website and distributed at the Fall for Novi event held in September 2009. These results reflect all of the surveys completed as of December 30, 2008. In total 45 surveys were submitted. If you have any questions related to the survey or the results, please contact me.



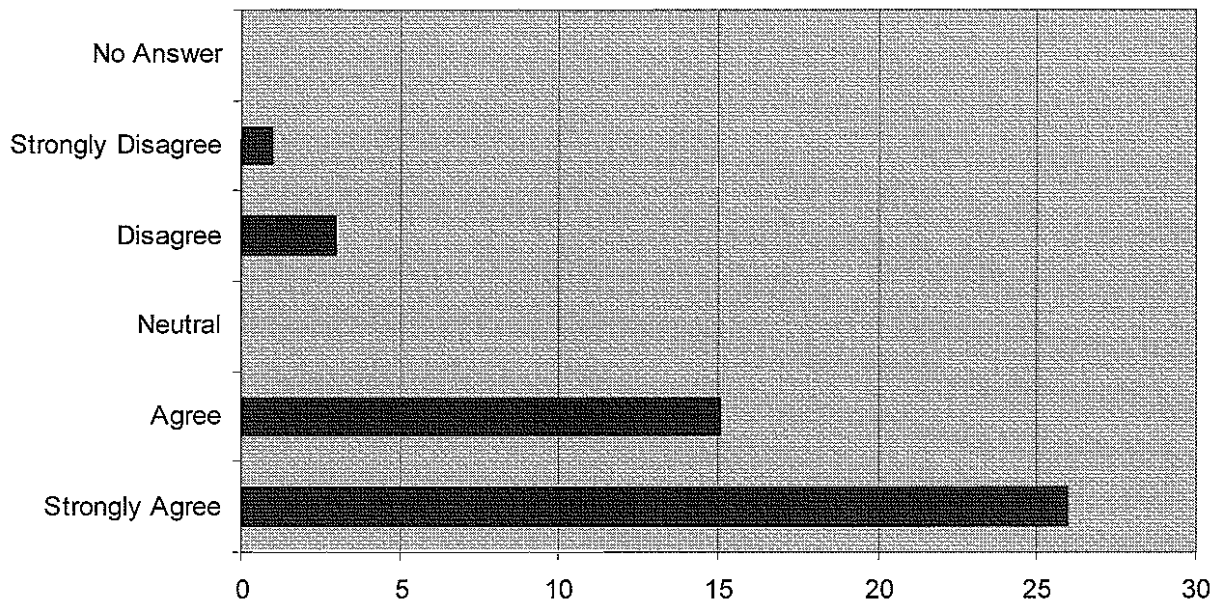
Are you a City of Novi Business Owner?



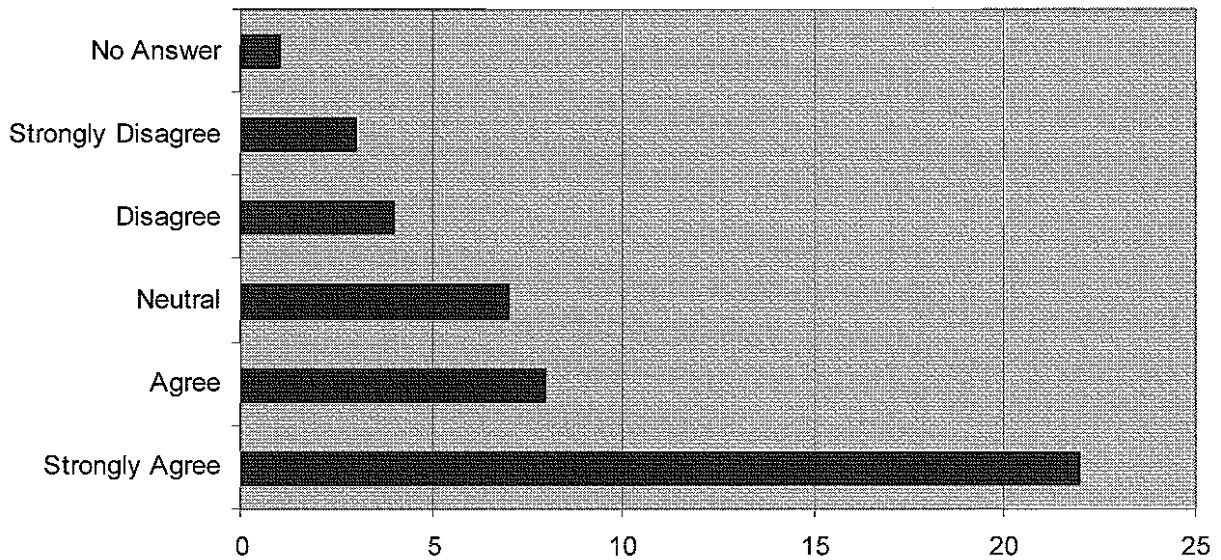
Free-standing solar panels should be permitted in all districts.



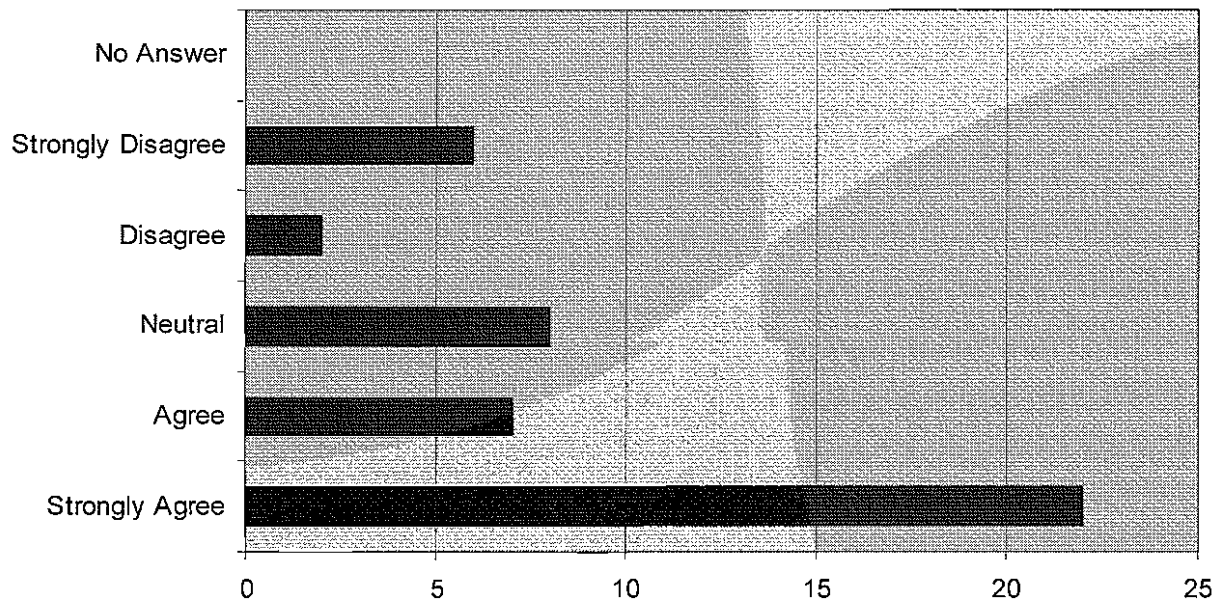
Structurally attached solar panels should be permitted in all districts.



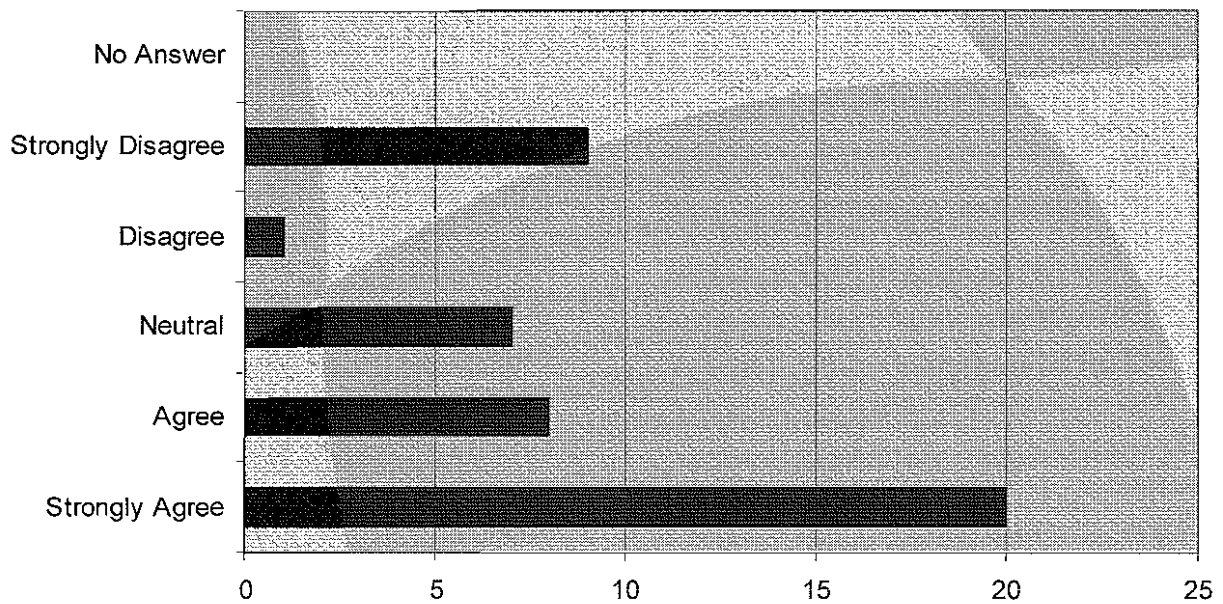
All solar panel installations shall be reviewed administratively by City staff and shall not require the approval of the Planning Commission or City Council.



Structurally attached solar panels installed on a sloped roof shall not project vertically above the peak of the roof.



Structurally attached solar panels installed on a flat roof shall not project vertically more than five feet above the roof.





Solar Energy Survey

Novi is going green and the Community Development Department is conducting a survey to aid in the development of regulations to address the installation of solar panels.

Please feel free to review the proposed draft ordinance language for additional information. Following the compilation of the survey results, staff will present the findings of the survey along with draft ordinance language for consideration by the Planning Commission and the City Council.

Please take about five minutes to complete the survey. Questions can be directed to the Community Development Department at 248-347-0475. Thank you for your input.

1.) Are you a City of Novi Resident?

- Yes No

2.) Are you a City of Novi business owner?

- Yes No

3.) Free-standing solar panels should be permitted in all districts.

- Strongly Agree Agree Neutral Disagree Strongly Disagree

4.) Structurally attached solar panels should be permitted in all districts.

- Strongly Agree Agree Neutral Disagree Strongly Disagree

5.) All solar panel installations shall be reviewed administratively by City staff and not require the approval of the Planning Commission or City Council.

- Strongly Agree Agree Neutral Disagree Strongly Disagree

6.) Structurally attached solar panels installed on a sloped roof shall not project vertically above the peak of the roof.

- Strongly Agree Agree Neutral Disagree Strongly Disagree

7.) Structurally attached solar panels installed on a flat roof shall not project vertically more than five feet above the roof.

- Strongly Agree Agree Neutral Disagree Strongly Disagree

8.) Please note any additional comments you may have on the back.

MEMORANDUM



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FROM: KRISTEN KAPELANSKI, PLANNER
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SUBJECT: PROPOSED ORDINANCE REGARDING SOLAR ENERGY –
SURVEY RESPONSES
DATE: JANUARY 4, 2010

Below are the written responses gathered as part of the solar energy survey posted on the City's website and distributed at the Fall for Novi event held in September 2009. If you have any questions related to the survey or the responses, please contact me.

- Recommend save energy!
- Thanks for going green and I strongly agree this is the way to go.
- We should be at the forefront of this technology, and aggressively promote it.
- I don't think any solar panels should be visible from the street. I do not believe the installation of solar panels needs to be reviewed by any one other than city staff, no different than applying for a build permit. We must be certain that installation is safe.
- There should be no absolute restrictions for sloped roof. If a home or business owner must elevate the panel to gain exposure to the sun there should be no such restriction. It should be a person's right to install reusable energy as long as it is not impeding on someone's rights to a safe lifestyle.
- Will there be a square footage limit on solar panels in residential areas? I am all for alternative energy exploration but would like to reserve some sort of aesthetics in residential.
- Developing a sustainable model for homes and businesses makes perfect sense. Would like to see tax credits to provide incentive. The planning commission should approve all installations that are not attached to property, and should offer a service to review plans for panels being installed on homes/business to insure quality installations and products. I am against wind tower or farm installations due to the environmental impact (noise, birds, etc.) and potential safety hazard.
- I am a resident of Oak Park but wanted to support you in your movement toward sustainable power.
- It is very wise of you to be opening the doorway to the 21st century, by developing the basic regulations needed to provide an outline for your community. This intelligent move will make it much easier to put Novi on the map as a city which looks out for its residents by planning for the future instead of dealing with it as an afterthought. Kudos!
- Question 7: Solar panels should not project vertically at all.

- Solar energy has proven to be safe and beneficial. I worked in a solar building at GM Proving Grounds in Milford and a back-up energy source was needed (Michigan weather and cloud cover!), but the solar panels worked well and saved costs and resources. There are no negative health affects from this process and only minor aesthetic issues. Most people will get used to the solar panel looks in time. The good they do far out weigh the issue some people may have with the new looks.
- I strongly disagree with any type of solar panel or alternative energy the City of Novi may wish to allow happen. WHAT ARE YOU THINKING!!!!
- There should be no ordinance or review of anything that provides free energy. Keep the city out of this.

**EXAMPLES OF SOLAR
COLLECTORS**





