



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 8
March 22, 2010

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.240, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 25, General Provisions, Section 2520, Exterior Building Wall Façade Materials, and Section 2503, Accessory Uses in order to provide standards for the use of solar collectors. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

At the February 12, 2009 City Council goal setting program, Council identified the following strategy, "Be a community that preserves natural areas, natural features and community character". One action step of that strategy was to "Establish a Green Initiative". Staff teams were formed around this concept. One team focused on identifying ordinance amendments that would support green initiatives and identified solar energy opportunities and solar collector panels associated with these alternative forms of energy as an item to address in the Zoning Ordinance.

In review of the Zoning Ordinance, staff found that solar panels are not adequately addressed, meaning that there is not be a clear path for either allowing or prohibiting solar collector panels in Novi. Staff has received a number of questions from residents and businesses interested in installing these devices in Novi and there are existing solar collectors in the City of Novi installed utilizing Building Division permits. Staff conducted research on these alternative energy opportunities, and prepared draft ordinance language to address the installation of solar collectors. Following is a brief summary of the standards proposed in the attached ordinance to address issues associated solar collectors.

Solar Collector Ordinance

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.

Planning Commission Consideration

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. The Planning Commission held a public hearing for the proposed solar collector ordinance on February 10, 2010. At that meeting, the Commission forwarded a recommendation for approval to the City Council.

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

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.240, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 25, General Provisions, Section 2520, Exterior Building Wall Façade Materials, and Section 2503, Accessory Uses in order to provide standards for the use of solar collectors. **FIRST READING**

	1	2	Y	N
Mayor Landry				
Mayor Pro-Tem Gatt				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 09- 18 – 240

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 FAÇADE MATERIALS AND SECTION 2503, ACCESSORY USES; IN ORDER TO PROVIDE STANDARDS FOR THE USE OF SOLAR COLLECTORS.

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. Solar collectors shall be defined as a device or combination of devices, structures, or parts thereof, that collect, transfer or transform director solar, radiant energy into thermal, chemical or electrical energy and that contribute significantly to a structure’s energy supply.

- (1) Freestanding solar collectors shall be defined as solar collectors not attached to and separate from any existing structures on the site. Freestanding solar collectors shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.
- (2) Structurally attached solar collectors shall be defined as solar collectors attached to an existing structure's roof or wall or serving as a structures roof, wall, window or other structural member. Structurally attached solar collectors shall be a permitted accessory use in all districts and subject to administrative review and approval. Structurally attached solar collectors 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 collectors installed on a building with a sloped roof shall not project vertically above the peak of the roof. Structurally attached solar collectors 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 _____, 2010.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PLANNING COMMISSION
DRAFT MEETING MINUTES
FEBRUARY 10, 2010 - EXCERPT**



cityofnovi.org

PLANNING COMMISSION MINUTES

DRAFT

CITY OF NOVI

Regular Meeting

Wednesday, February 10, 2010 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

CALL TO ORDER

The meeting was called to order at 7:00 PM.

ROLL CALL

Present: Members Victor Cassis, David Greco, Andrew Gutman, Michael Lynch, Michael Meyer, Mark Pehrson, Leland Prince

Absent: Members David Baratta (excused), Brian Larson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Kristin Kolb, City Attorney

ZONING ORDINANCE TEXT AMENDMENT 18.240

Public Hearing for Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, at Article 25, General Provisions, Section 2520, Exterior Uses in order to provide standards for the use of solar collectors.

Planner Kapelanski stated the staff has proposed an amendment to the zoning ordinance to regulate the use of solar collectors in the City of Novi so that when a business or resident wishes to install a solar collector, there are structures and regulations in place to address the concerns of the City, the residents, and the individual or company wishing to install the device.

The proposed ordinance distinguishes between structurally attached solar panels and free standing solar panels. Free standing panels would be subject to the regulations of an accessory structure, much like they already are in the ordinance and would be a principle permitted use in all districts.

Structurally attaches panels will undergo administrative review and be permitted in all districts. Panels attached to a sloped roof could not project vertically above the peak of the roof and those attached to a flat roof could not project more than five feet above the roof.

Public involvement was included as part of this process and surveys were distributed and collected at the Fall for Novi event and through the City's website and those results have been included in your packet.

This evening the Commission has been asked to hold the Public Hearing and make a recommendation to the City Council. As part of the Master Plan Update, the Master Plan and Zoning Committee has been considering some goals, objectives, and implementation strategies as part of the Green Novi initiative. There is one implementation strategy that would relate to both the solar and wind turbine ordinance, which is to review and develop ordinance provisions to permit the installation of renewable energy systems for residential, industrial, and commercial uses.

Chair Pehrson stated that this is a public hearing and asked if there was anyone in the audience that would like to participate and address the Commission on this matter. Seeing no one, Chair Pehrson closed the Public Hearing and turned it over to the Planning Commission.

Chair Pehrson noted that in the Planning Commission packets, the survey for Fall for Novi as well as the on-line survey gave the Commission a large amount of information relative to the questions that were asked in the survey. It was very informative to see the residents' answers and comments regarding whether they liked the idea and should this be permitted in all districts. There was a strong agreement on everyone's part that solar was a great thing and that they would like to see it in the City. The online survey worked well as a data collector in addition to the Fall for Novi event. The data should serve as a compliment to staff who brought this forward and got the Planning Commission the additional information that was needed.

Member Meyer stated that he sits on the Implementation Committee and the Committee looked at the solar collector issue with quite serious deliberation, as well as wind turbine ordinance, all under the umbrella as being more green.

The citizens of Novi are an intelligent group of people and issues related to both solar and wind need to be addressed. Member Meyer did go to other communities to see what was on their records.

Member Cassis confirmed that solar collectors were the only issues being addressed at this time and stated that he had no issues with solar collectors, but was opposed to wind turbines in Novi.

Motion made by Member Lynch, seconded by Member Gutman:

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN:

In the matter of Text Amendment 18.240, a motion to recommend approval to the City Council. *Motion carried 7-0.*

ORDINANCE COMPARISON CHART

	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.

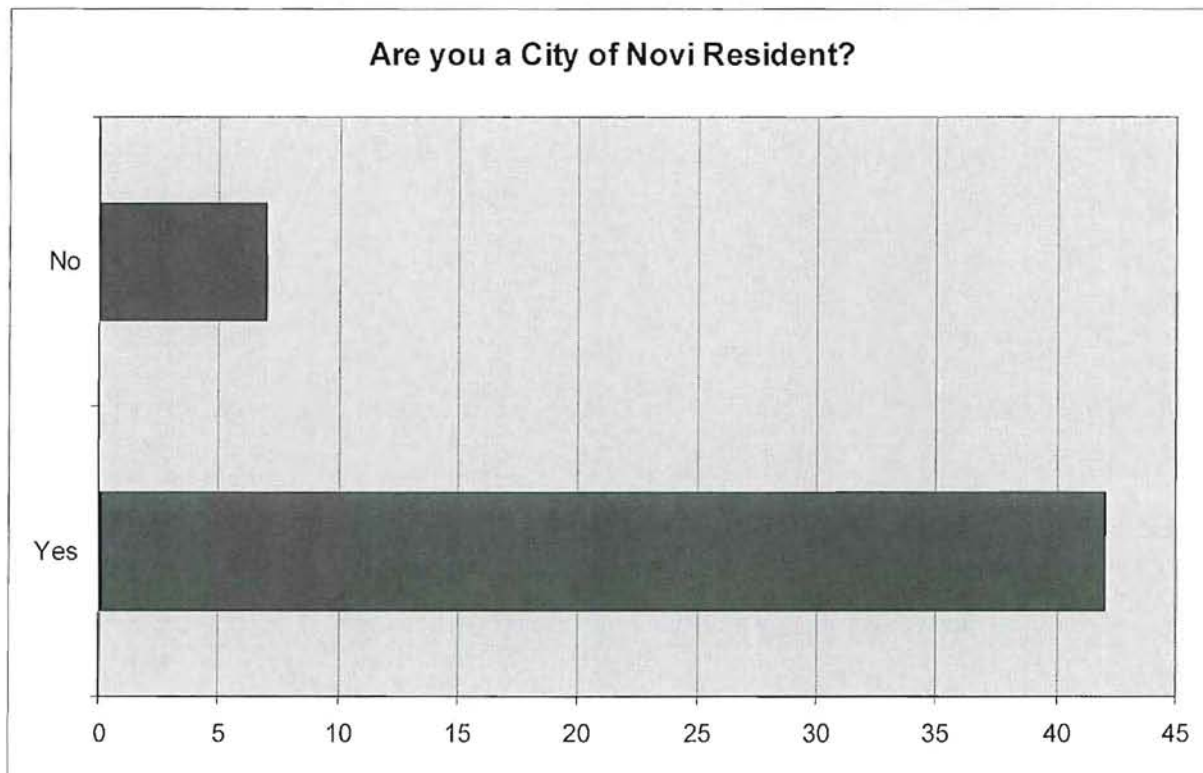
**SOLAR ENERGY
SURVEY RESULTS**

MEMORANDUM

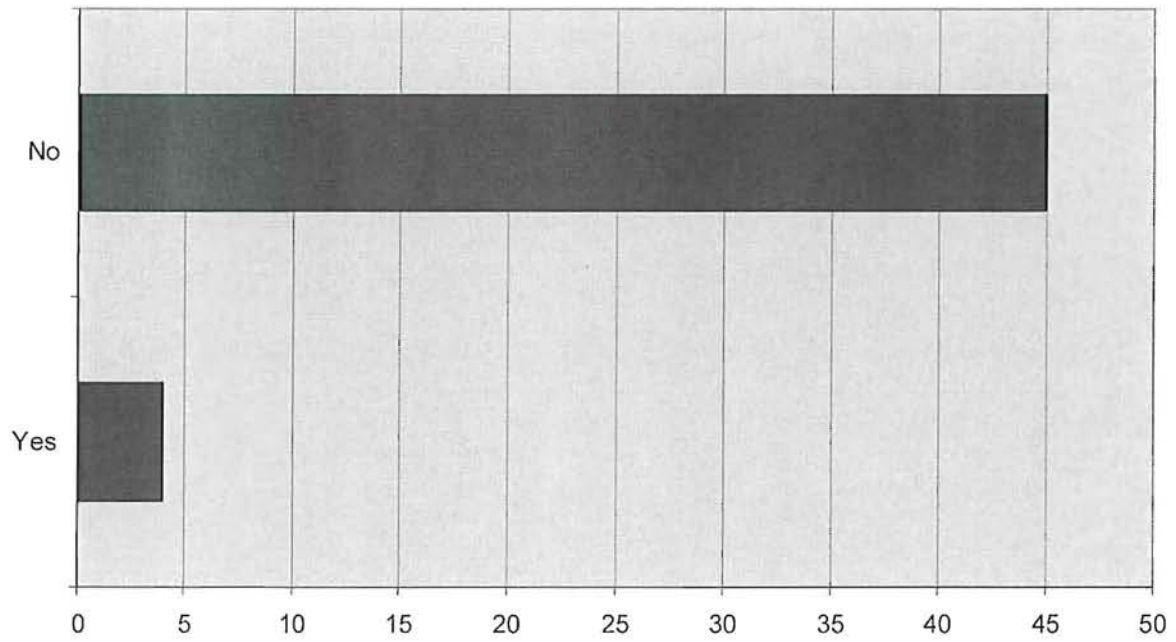


TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT DEPUTY
DIRECTOR
SUBJECT: PROPOSED ORDINANCE REGARDING SOLAR ENERGY –
SURVEY RESULTS
DATE: FEBRUARY 5, 2010

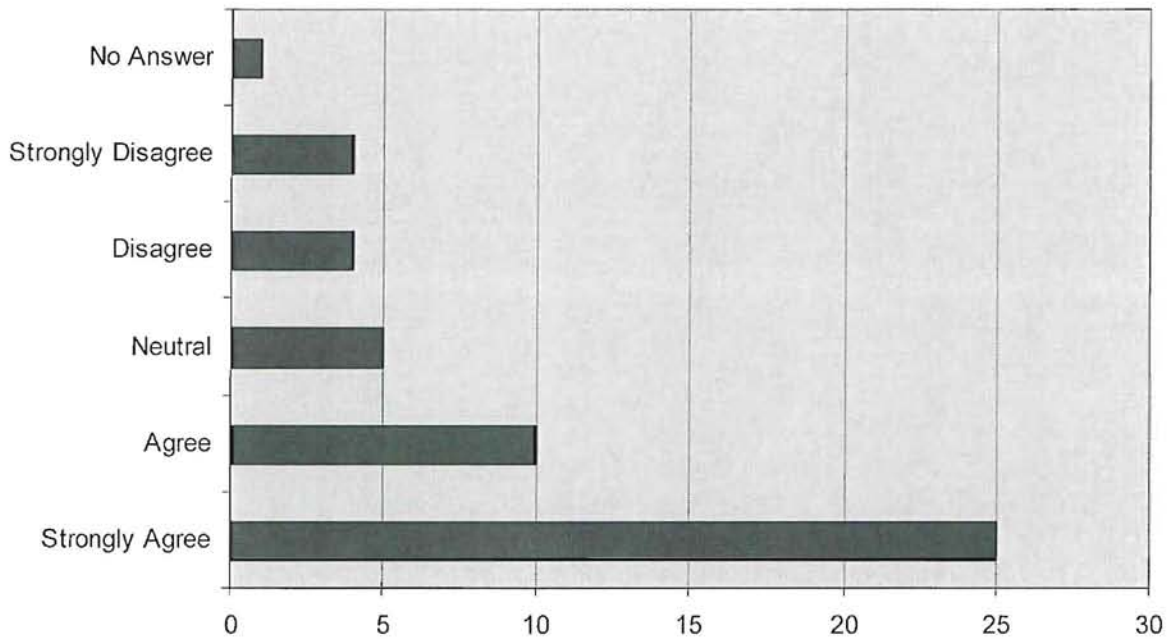
Below you will find the combined results of the attached solar energy survey posted on the City's website and distributed at the Fall for Novi event held in September 2009. These results reflect all of the surveys completed as of February 4, 2008. In total 49 surveys were submitted. If you have any questions related to the survey or the results, please contact me.



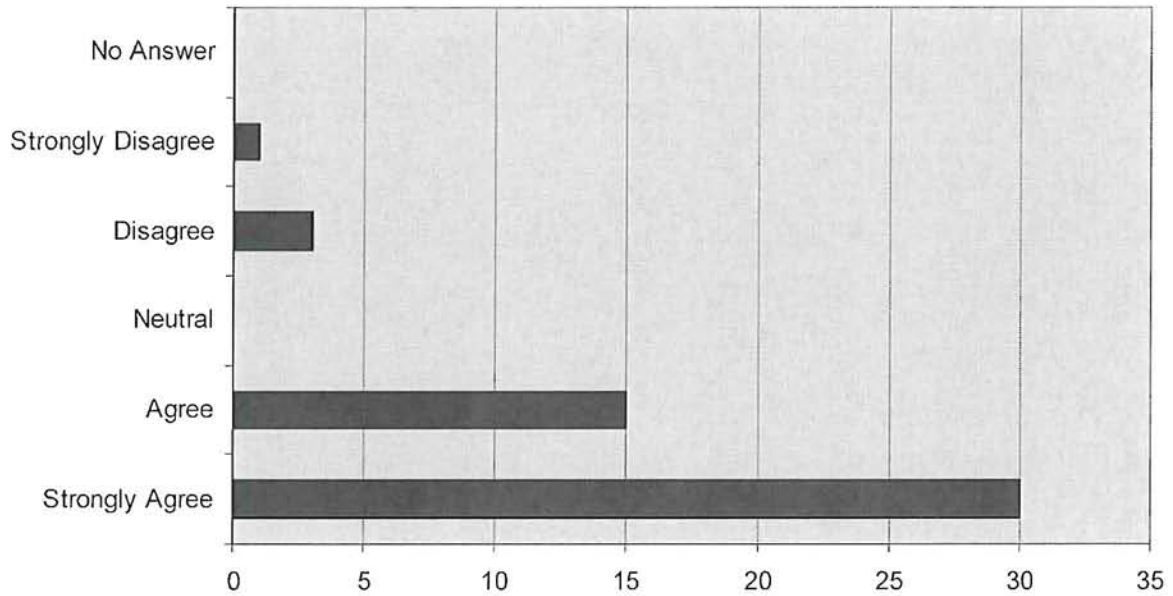
Are you a City of Novi Business Owner?



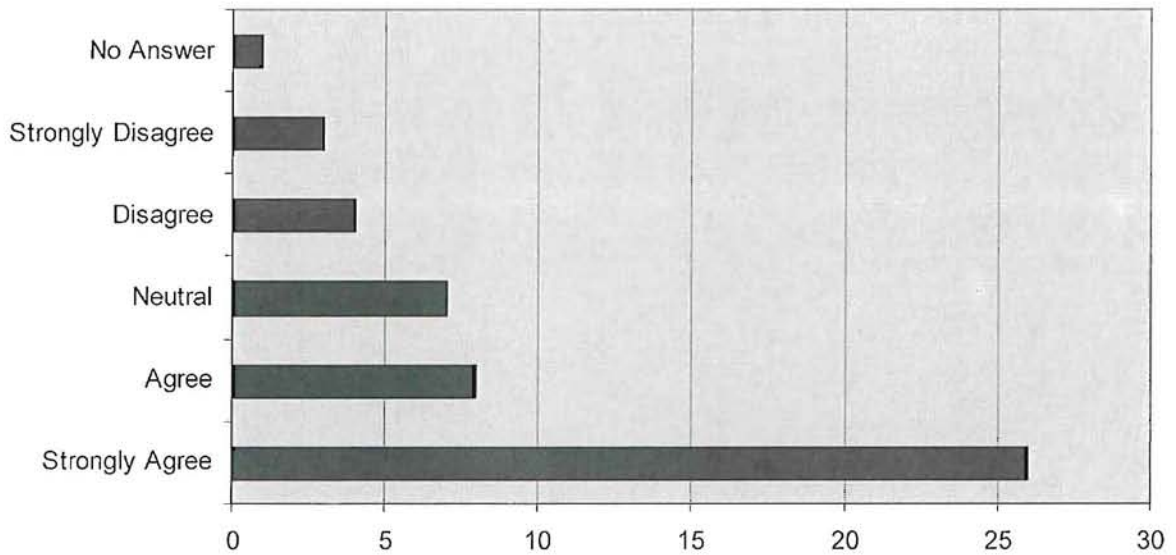
Free-standing solar panels should be permitted in all districts.



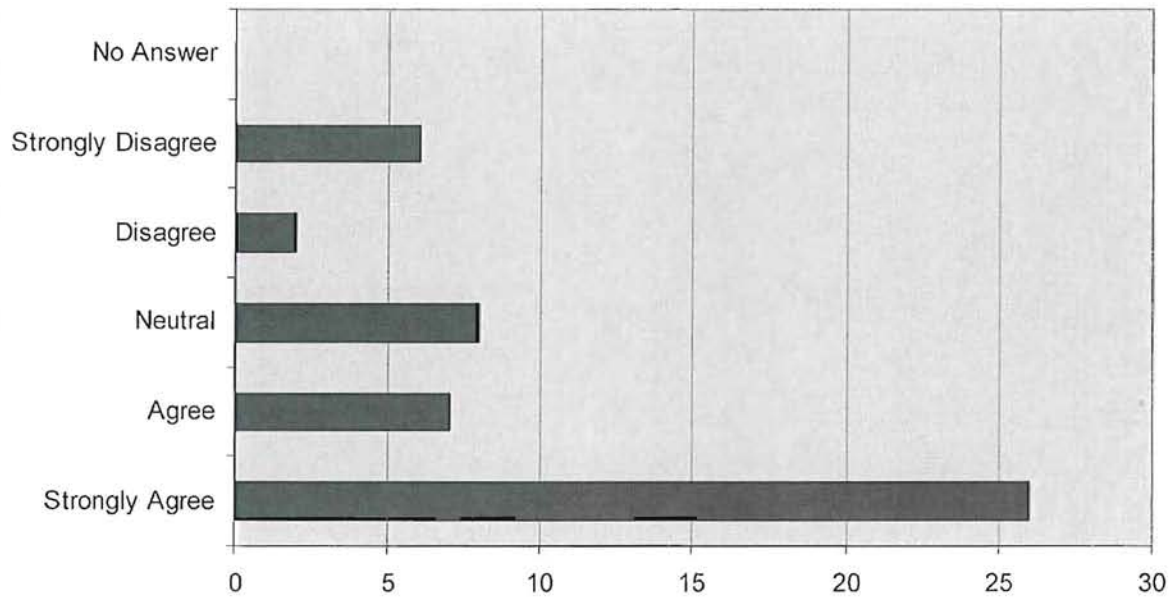
Structurally attached solar panels should be permitted in all districts.



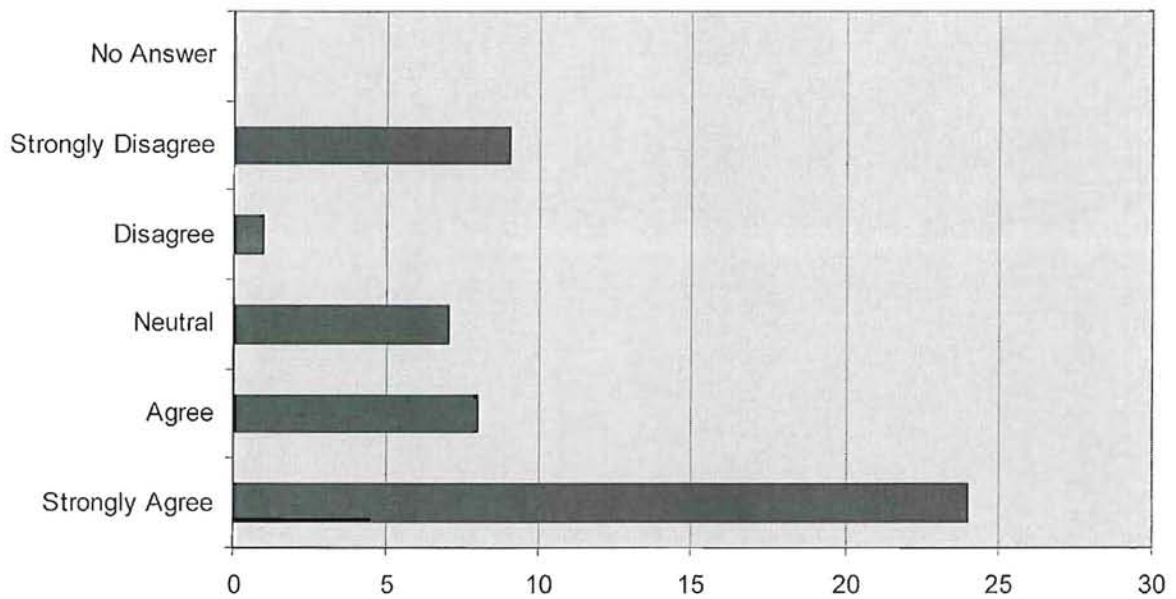
All solar panel installations shall be reviewed administratively by City staff and shall not require the approval of the Planning Commission or City Council.



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.



MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT DEPUTY
DIRECTOR
SUBJECT: PROPOSED ORDINANCE REGARDING SOLAR ENERGY –
SURVEY RESPONSES
DATE: FEBRUARY 5, 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.
- I am NOVA Consulting's general PV Consultant and believe the few restrictions that have been placed on solar are good ones.

**EXAMPLES OF SOLAR
COLLECTORS**

Examples of Solar Collectors







