



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item D
May 3, 2010

SUBJECT: 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. **SECOND READING**

SUBMITTING DEPARTMENT: ^{Bau}Community Development Department - Planning

CITY MANAGER APPROVAL: *DM*

BACKGROUND INFORMATION:

At the March 22, 2010 City Council meeting, Council approved the first reading of an ordinance addressing the siting of solar collectors.

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.

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. **SECOND 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				

**COUNCIL MINUTES
FIRST READING**

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:
Nayes:
Abstentions:
Absent:

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"> 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"> Freestanding solar panels subject to the regulations of an accessory building. No regulations for structurally attached panels. 	<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.