SUBSTITUTE A

ORDINANCE NO. 12-466

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 *Code of Alabama*, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

Section 1. Amend ARTICLE 3 - DEFINITIONS, Section 3.1 - Interpretation to add the following new definition:

Photovoltaic Solar Energy Production Facility - consists of one or more freestanding ground, pole, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Section 2. Amend ARTICLE 73 - SUPPLEMENTARY REGULATIONS, Section 73.1.1 - Accessory Uses to add the following:

(5) Photovoltaic Solar Energy System, On-Site

A photovoltaic solar energy system ("solar energy system") is permitted in all zoning districts as an accessory use to a principal use except in the case of a non-residential use in a residential zoning district. A solar energy system as an accessory use to a non-residential use in a residential zoning district requires a Special Exception. A solar energy system is considered an accessory use when the power generated from the solar energy system is equal to or less than the expected power usage of the principal use and any other accessory use on the property based on Huntsville Utilities Electric Department estimates. The installation and construction of a solar energy system shall be subject to the following development and design standards:

(a) A solar energy system shall provide no more electricity than is needed for the principal use and/or accessory use of the lot on which the solar energy system is located and shall not be used for the generation of energy for the sale of energy to users other than the homeowner's primary supplier of electricity.

(b) The owner of a solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

(c) A solar energy system may be roof mounted, pole mounted or ground mounted.

(d) A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height, as the case may be, that is specified for the building type in the applicable zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof. For purposes of the height measurement, solar energy systems other than building integrated systems shall be considered to be mechanical devices and are restricted consistent with other building mounted mechanical devices.

(e) A ground mounted or pole mounted system, measured when oriented at maximum design tilt, shall not exceed the maximum building height for accessory buildings in the applicable zoning district.

(f) Ground mounted and pole mounted solar energy systems shall be located so that any glare is directed away from an adjoining property.

(g) In residential zoning districts, no portion of a solar energy system shall be located within or above any front yard.

(h) In a non-residential zoning district, no portion of a solar energy system shall be located within or above any required front yard.

(i) In all zoning districts, the minimum solar energy system setback distance from the side and rear property lines, measured when the system is oriented at minimum design tilt, shall be equivalent to the accessory building setback requirement of the applicable zoning district.

(j) All electrical lines/utility lines shall be buried underground.

(k) For ground mounted and pole mounted solar energy systems, screening, capable of providing year round screening, shall be provided along the non-reflective sides of the solar energy system or collection of systems.

(l) The installation of a solar energy system shall not cause to apply the requirements of Article 70 -- Off-Street Parking and Loading Requirements or of Article 71 -- Off-Street Parking and Vehicular Use Area (PVA) Landscaping Requirements.

(m) Any solar energy system that has not been in use for its original purpose for a period of one hundred and eighty (180) days shall be deemed to be abandoned. The solar energy system owner and/or the property owner

shall have an additional ninety (90) days to remove the abandoned solar energy system and any appurtenant structures or to reactivate the solar energy system.

Section 3. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, Section 92.5.3 - Permitted Uses as Special Exceptions to add the following:

(34) Photovoltaic Solar Energy System, On-Site, as an accessory use to a non-residential use in a residential zoning district, provided the conditions in Section 73.1.1(5) for on-site solar energy systems in residential districts are met in addition to any other conditions that may be imposed by the Board of Adjustment.

(35) Photovoltaic Solar Energy Production Facility, as a primary use in all non-residential zoning districts except for Residential Office and Office districts, provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(a) Area of use may not exceed five (5) acres onsite with no aggregation of solar collection panels on adjacent properties which exceeds five (5) acres.

(b) Solar energy production facilities shall adhere to the setback and height requirements of the district in which they are located.

(c) Abutting residential properties shall be visually screened from the project through any one or combination of the following: plantings, existing vegetation or fencing (not to exceed eight [8] feet in height). The screening, capable of providing year round screening, shall be provided along the non-reflective sides of the solar energy production facility or collection of facilities.

(d) The manufacturers' or installers' identification, the facility owners' name and contact information, and the appropriate warning signage shall be posted on or near the panels in a clearly visible manner.

(e) All electrical interconnection and distribution lines within the project boundary, except for power lines that leave the project or are within the substation, shall be underground, unless determined otherwise by the Board of Adjustment because of severe environmental constraints.

(f) Lighting of the solar energy production facility and accessory structures shall be limited to the minimum necessary.

(g) Drawings that clearly illustrate the design of the solar energy production facility shall be submitted as part of the Special Exception application package. The Board of Adjustment may apply aesthetic consideration when approving the design of the solar energy

production facility.

(h) The installation of a solar energy production facility shall not cause to apply the requirements of Article 70 -- Off-Street Parking and Loading Requirements or of Article 71 -- Off-Street Parking and Vehicular Use Area (PVA) Landscaping Requirements.

(i) Any solar energy production facility that has not been in use for its original purpose for a period of one hundred and eighty (180) days shall be deemed to be abandoned. The solar energy production facility owner and/or the property owner shall have an additional ninety (90) days to remove the abandoned solar energy system and any appurtenant structures or to reactivate the solar energy system.

Section 4. This ordinance shall take effect from and after the date of its publication.

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ADOPTED this the _____ day of _____, 2012.

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President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2012.

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Mayor of the City of Huntsville,
Alabama