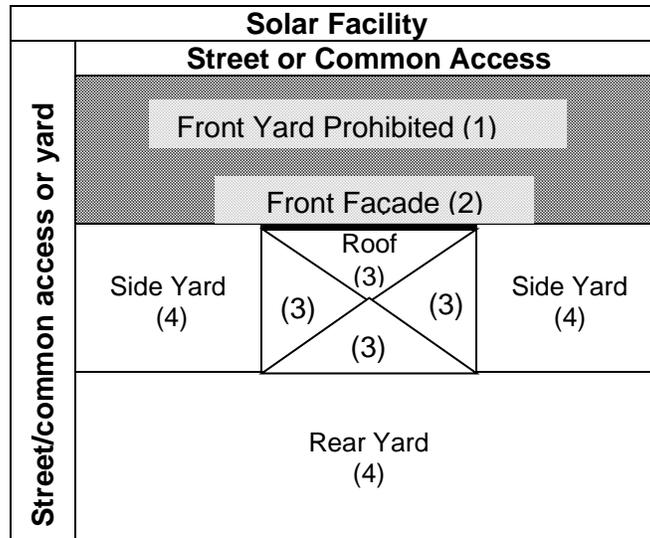


AN ORDINANCE AMENDING ARTICLE 9.54 SOLAR ENERGY FACILITIES

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.54 Solar Energy Facilities of the Zoning Ordinance be amended as follows:

Any major or minor solar energy facility shall require approval from all applicable state and federal agencies as well as the affected energy provider.



.1 Minor Solar Energy Facilities (refer to illustration).

a. General Requirements for Minor Solar Energy Facilities.

1. All minor free-standing facilities must comply with accessory structure setbacks and spacing as set forth in Article 8.8.
2. All minor free-standing facilities shall be a maximum of five (5) feet in height as measured from the grade at the base of the structure to the apex of the structure. This provision shall be waived for minor-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property.

All minor rooftop solar energy facilities shall not be considered as rooftop equipment on any building type, and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.

b. Residential Property.

1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3)) when the placement would cause the solar facility to be visible by a person on the ground. [ES1]
2. Placement on the façade of a structure that faces areas open to common or public access is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Placement on the roof is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
4. Side and rear yard placement is permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.

c. Non-Residential Property.

- ~~1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3) when the placement would cause the solar facility to be visible by a person on the ground.~~
1. Front yard placement, as depicted by area (1) in the above illustration, is prohibited when the placement would cause the solar facility to be visible by a person on the ground.
2. Placement of minor free-standing solar facilities on non-residential property in locations other than the front is permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.
3. Minor rooftop solar facilities on non-residential property are allowed on all roof ~~slopes~~ surfaces.

.2 Major Solar Energy Facilities ~~(refer to illustration)~~.

- a. ~~General Requirements for Major Solar Energy Facilities~~ Major solar energy shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10
 1. The minimum lot size requirement for major solar facilities is 10 acres.
 2. Setbacks for major solar energy facilities shall:
 - (1) meet the minimum required setbacks for the underlying zoning district for installations in the R and TR zoning districts.

- (2) be a minimum of 20 feet from any property line in the SP zoning district.
3. Free standing major solar facilities shall be a maximum of eight (8) feet in height as measured from the grade at the base of the structure to the apex of the structure. This provision shall be waived for major-free standing facilities on residential property if its application would prevent the reasonable use of a solar collector for the residential property.
4. Town of Huntersville to be given copies of any lease agreement and plan for removal of facility/equipment.
5. Major Solar Energy Facilities shall be exempt from any parking requirements in the Huntersville Zoning Ordinance if there is no commercial or office building component.
6. An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical.

~~b. Residential Property~~

~~Major solar energy facilities on residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10.~~

~~An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical.~~

- ~~1. Front yard placement is prohibited pursuant to N.C.G.S. § 160D-914(c)(3) when the placement would cause the solar facility to be visible by a person on the ground.~~
- ~~2. Placement on the façade of a structure that faces areas open to common or public access is prohibited pursuant to N.C.G.S. § 160D-914(c)(1) when the placement would cause the solar facility to be visible by a person on the ground.~~
- ~~3. Front roof slope placement that slopes downward is prohibited pursuant to N.C.G.S. § 160D-914(c)(2) when the placement would cause the solar facility to be visible by a person on the ground.~~

~~Notwithstanding this subsection, a Special Use Permit shall be granted if the regulations have the effect of preventing the reasonable use of a major solar energy facility on a residential property, except as provided in N.C.G.S. § 160D-914.~~

~~c. Non-Residential Property.~~

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~~Major solar energy facilities on non-residential property shall require the issuance of a Special Use Permit in accordance with the requirements set forth in Article 11.4.10.~~

~~An existing features plan as described in Article 6.300.1.14 of the Subdivision Ordinance must be submitted with the application for the above-described Special Use Permit. Placement of solar panels shall be based on preserving existing features to the extent practical.~~

Section 2. This ordinance shall become effective upon adoption.

Huntersville Ordinance Advisory Board: April 6, 2023

Public Hearing Date: June 5, 2023

Planning Board Meeting: June 27, 2023

Town Board Meeting: July 17, 2023