

ORDINANCE NO. 4302

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, ADDING SECTION 35-2210 OF ARTICLE XXII, CHAPTER 35, CODE OF THE CITY OF CHANDLER; BY ESTABLISHING DEFINITIONS AND STANDARDS FOR SOLAR ENERGY SYSTEMS.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and,

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, date and place of public hearing; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on May 18, 2011;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Article XXII, Additional Height and Area Regulations, Chapter 35, Chandler City Code, is hereby amended by adding Section 35-2210 to read as follows:

35-2210. SOLAR ENERGY SYSTEMS

(1) DEFINITIONS:

ANCILLARY SOLAR ENERGY SYSTEM: A SOLAR ENERGY SYSTEM THAT IS INTENDED TO MEET ALL OR PART OF A PROPERTY'S ON-SITE ENERGY REQUIREMENTS.

FREE-STANDING SOLAR ENERGY SYSTEM: A GROUND MOUNTED SOLAR ENERGY SYSTEM CONTAINING A SUPPORT STRUCTURE THAT IS DESIGNED SOLELY FOR THE PURPOSE OF SUPPORTING THE SYSTEM'S EQUIPMENT. A SOLAR ENERGY SYSTEM DESIGNED TO SHADE SITTING AREAS, RECREATIONAL ACTIVITIES, PARKING SPACES, WALKWAYS, OR DESIGNED TO BE UTILIZED FOR USES OTHER THAN A SOLAR ENERGY SYSTEM SHALL BE CONSIDERED AN ACCESSORY BUILDING AND SHALL BE EXCLUDED FROM THIS DEFINITION.

SOLAR ENERGY SYSTEM: AN ENERGY CONVERSION SYSTEM, INCLUDING APPURTENANCES, WHICH CONVERTS SOLAR ENERGY TO A USABLE FORM OF ENERGY.

UTILITY SCALE SOLAR ENERGY SYSTEM: A SOLAR ENERGY SYSTEM THAT GENERATES ENERGY PRIMARILY INTENDED FOR OFF-SITE CONSUMPTION.

(2) PROPERTY LOCATED IN AN AGRICULTURAL, SINGLE-FAMILY, OR MULTI-FAMILY ZONING DISTRICT, AND PROPERTY LOCATED IN AN AREA OF A PAD ZONING DISTRICT WHERE AGRICULTURAL, SINGLE-FAMILY OR MULTI-FAMILY USES ARE ALLOWED:

- A. ANCILLARY SOLAR ENERGY SYSTEMS ARE PERMITTED ON THE PROPERTY AS AN ACCESSORY USE TO THE PRINCIPAL USE OF THE PROPERTY.
- B. AN ANCILLARY SOLAR ENERGY SYSTEM SHALL BE PLACED SUCH THAT CONCENTRATED SOLAR RADIATION OR GLARE SHALL NOT BE DIRECTED ONTO NEARBY PROPERTIES OR ROADWAYS.
- C. A FREE-STANDING ANCILLARY SOLAR ENERGY SYSTEM SHALL:
 - 1. NOT BE LOCATED IN THE FRONT YARD.
 - 2. NOT BE SUBJECT TO REAR AND SIDE YARD SETBACK REQUIREMENTS AND SHALL NOT CONSTITUTE AN INCREASE TO LOT COVERAGE IF SAID SYSTEM DOES NOT EXCEED THE HEIGHT OF THE SURROUNDING PERIMETER WALL AND IS NOT VISIBLE FROM ANY PUBLIC STREET OR FROM AN ADJOINING PROPERTY. A SOLAR ENERGY SYSTEM THAT EXCEEDS THE HEIGHT OF THE SURROUNDING PERIMETER WALL OR IS VISIBLE FROM A PUBLIC STREET OR AN ADJOINING PROPERTY SHALL BE SUBJECT TO THE *HEIGHT AND AREA REGULATIONS* FOR THE UNDERLYING ZONING DISTRICT AND ADDITIONAL HEIGHT AND AREA REGULATIONS FOR ACCESSORY BUILDINGS SET FORTH IN SECTION 35-2202.
 - 3. NOT BE CONSIDERED AN ACCESSORY BUILDING FOR THE PURPOSE OF CALCULATING THE NUMBER OF ACCESSORY BUILDINGS PERMITTED BY THE UNDERLYING ZONING DISTRICT.
 - 4. COMPLY WITH LIFE SAFETY REQUIREMENTS DETERMINED BY ALL APPLICABLE BUILDING AND FIRE CODES.
- D. UTILITY SCALE SOLAR ENERGY SYSTEMS SHALL BE SUBJECT TO APPROVAL OF A USE PERMIT.

(3) PROPERTY LOCATED IN A COMMERCIAL OR INDUSTRIAL ZONING DISTRICT, AND PROPERTY LOCATED IN AN AREA OF A PAD ZONING DISTRICTS WHERE COMMERCIAL AND/OR INDUSTRIAL USES ARE ALLOWED:

- A. ANCILLARY SOLAR ENERGY SYSTEMS ARE PERMITTED ON THE PROPERTY AS AN ACCESSORY USE TO THE PRINCIPAL USE OF THE PROPERTY.
- B. AN ANCILLARY SOLAR ENERGY SYSTEM SHALL BE PLACED SUCH THAT CONCENTRATED SOLAR RADIATION OR GLARE SHALL NOT BE DIRECTED ONTO NEARBY PROPERTIES OR ROADWAYS.

- C. AN ANCILLARY SOLAR ENERGY SYSTEM THAT IS MOUNTED ON THE ROOF OF OR OTHERWISE ATTACHED TO A COMMERCIAL BUILDING SHALL BE SUBJECT TO THE *HEIGHT AND AREA REGULATIONS* FOR THE UNDERLYING ZONING DISTRICT. SAID SOLAR ENERGY SYSTEMS SHALL NOT BE REQUIRED TO BE CONCEALED AND/OR SCREENED FROM VIEW AS SET FORTH IN SECTION 35-1902(5)(C) EXCEPT SAID SOLAR ENERGY SYSTEM SHALL BE SCREENED SO THAT IT IS NOT VISIBLE FROM THE GROUND FLOOR OF ANY DWELLING UNIT LOCATED WITHIN SIX HUNDRED (600) FEET OF SAID SOLAR ENERGY SYSTEM AS MEASURED FROM THE NEAREST EXTERIOR WALL OF THE BUILDING TO THE NEAREST PROPERTY LINE OF ANY RESIDENTIAL DEVELOPMENT.
- D. FREE-STANDING ANCILLARY SOLAR ENERGY SYSTEMS SHALL:
 - 1. NOT BE REQUIRED TO BE CONCEALED AND/OR SCREENED FROM STREET VIEW OR FROM A NON-RESIDENTIAL ZONED PROPERTY.
 - 2. NOT BE SUBJECT TO FRONT, REAR AND SIDE YARD SETBACK REQUIREMENTS IF SAID SYSTEM IS NOT VISIBLE FROM THE GROUND FLOOR OF ANY DWELLING UNIT. A SOLAR ENERGY SYSTEM THAT IS LOCATED ON PROPERTY THAT IS NEXT TO OR ACROSS AN ALLEY FROM A RESIDENTIAL DEVELOPMENT AND THAT EXCEEDS THE HEIGHT OF THE SURROUNDING PERIMETER WALL SHALL BE NO CLOSER THAN TWENTY-FIVE (25) FEET, PLUS ONE (1) ADDITIONAL FOOT FOR EACH FOOT OF HEIGHT OF SAID SOLAR ENERGY SYSTEM, AS MEASURED FROM THE NEAREST PROPERTY LINE OF ANY RESIDENTIAL DEVELOPMENT TO THE NEAREST POINT OF THE SOLAR ENERGY SYSTEM.
 - 3. NOT CONSTITUTE AN INCREASE IN LOT COVERAGE.
 - 4. COMPLY WITH LIFE SAFETY REQUIREMENTS. DETERMINED BY ALL APPLICABLE BUILDING AND FIRE CODES.
- E. UTILITY SCALE SOLAR ENERGY SYSTEMS SHALL BE SUBJECT TO APPROVAL OF A USE PERMIT.

(4) UTILITY SCALE SOLAR ENERGY SYSTEM REQUIREMENTS. UTILITY SCALE SOLAR ENERGY SYSTEMS IN ANY ZONING DISTRICT SHALL COMPLY WITH THE FOLLOWING:

- A. NO PORTION OF A UTILITY SCALE SOLAR ENERGY SYSTEM SHALL BE VISIBLE FROM THE GROUND FLOOR OF ANY DWELLING UNIT. SAID SOLAR ENERGY SYSTEM SHALL NOT BE CONSIDERED TO BE IN VIOLATION IF SUBSEQUENT TO APPROVAL AND INSTALLATION OF SAID SOLAR ENERGY SYSTEMS, A DWELLING UNIT(S) IS CONSTRUCTED IN A MANNER OR LOCATION WHERE SAID SOLAR ENERGY SYSTEM IS VISIBLE FROM THE GROUND FLOOR OF SAID DWELLING UNIT(S). SAID

SOLAR ENERGY SYSTEM SHALL NOT BE REQUIRED TO BE CONCEALED AND/OR SCREENED FROM STREET VIEW OR FROM A NON-RESIDENTIAL ZONED PROPERTY.

- B. ALL LANDSCAPING SHALL BE MAINTAINED AND KEPT IN A WEED FREE MANNER AT ALL TIMES AS SET FORTH IN SECTION 35-1903.6.H
- C. THE PROPERTY SHALL BE KEPT IN A TRASH AND DEBRIS FREE MANNER AT ALL TIMES.
- D. SOLAR ENERGY SYSTEMS SHALL BE PLACED SUCH THAT CONCENTRATED SOLAR RADIATION OR GLARE SHALL NOT BE DIRECTED ONTO NEARBY PROPERTIES OR ROADWAYS.
- E. THE PROPERTY SHALL BE KEPT UNDER REGULAR SURVEILLANCE BY PERSONNEL WORKING ON-SITE OR, IN THE ABSENCE OF ON-SITE PERSONNEL, BY A SECURITY CAMERA SYSTEM.
- F. THE SOLAR ENERGY SYSTEM SHALL NOT BE SUBJECT TO LOT COVERAGE LIMITS.
- G. THE SOLAR ENERGY SYSTEM SHALL COMPLY WITH ALL LIFE SAFETY REQUIREMENTS INCLUDING SETBACKS AS DETERMINED BY ALL APPLICABLE BUILDING AND FIRE CODES.
- H. ALL BUILDINGS AND STRUCTURES OTHER THAN THE UTILITY SCALE SOLAR ENERGY SYSTEM AND APPURTENANCES SHALL COMPLY WITH SETBACKS REQUIRED BY C-3 REGIONAL COMMERCIAL DISTRICT AND ADDITIONAL REQUIREMENTS FOR COMMERCIAL BUILDINGS WHEN ADJACENT TO RESIDENTIAL DEVELOPMENT AS SET FORTH IN SECTION 35-1902.8(A).

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 9th day of June 2011.

ATTEST:


CITY CLERK


ARIZONA


MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 23rd day of June 2011.

ATTEST:


CITY CLERK


ARIZONA


MAYOR

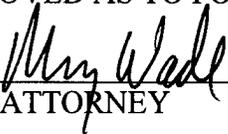
CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4302 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 23rd day of June 2011, and that a quorum was present thereat.



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

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