

May 4, 2008

DRAFT

Bethany Zoning Regulation Amendment for Solar Energy Equipment

Definition: [Add to Section 1.2 of Bethany Zoning Regulations:]

Solar Energy Equipment: Items including panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy in connection with a building on residential or commercial property. Solar energy equipment and its use is accessory to the principal use of the property.

[Add to Section 4.3 Permitted Use in Residential Zones and to Section 5.1 Permitted Use in Business & Industrial Zones]

Use of solar energy equipment as defined in Section 1.2 is encouraged in the Town of Bethany. The placement of the solar energy equipment on roofs of principal buildings is also encouraged.

Zoning permits for roof mounted and ground mounted solar energy equipment which fully complies with required setbacks may be issued by the Zoning Enforcement Officer. Zoning approval for ground mounted solar energy equipment which does not meet established setback requirements for structures in the applicable zone may only be approved by the Commission after submission of information as outlined below.

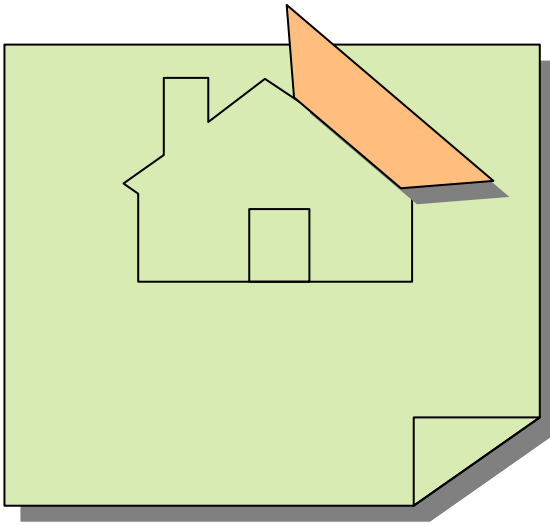
Placement of Solar Energy Equipment is not permitted within the required front yard setback unless it is adequately screened from view from the public way so as to preclude any glare from the equipment which would adversely impact the vision of motorists on the public way. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.

If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in the required side or rear yard may be permitted only if the equipment is located a minimum of one half the required setback for a structure in the subject zone from the property line or a distance equal to the height of the accessory structure whichever is greater. The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing. Any proposed fencing must comply with all applicable height requirements. Natural colored fencing is preferred.

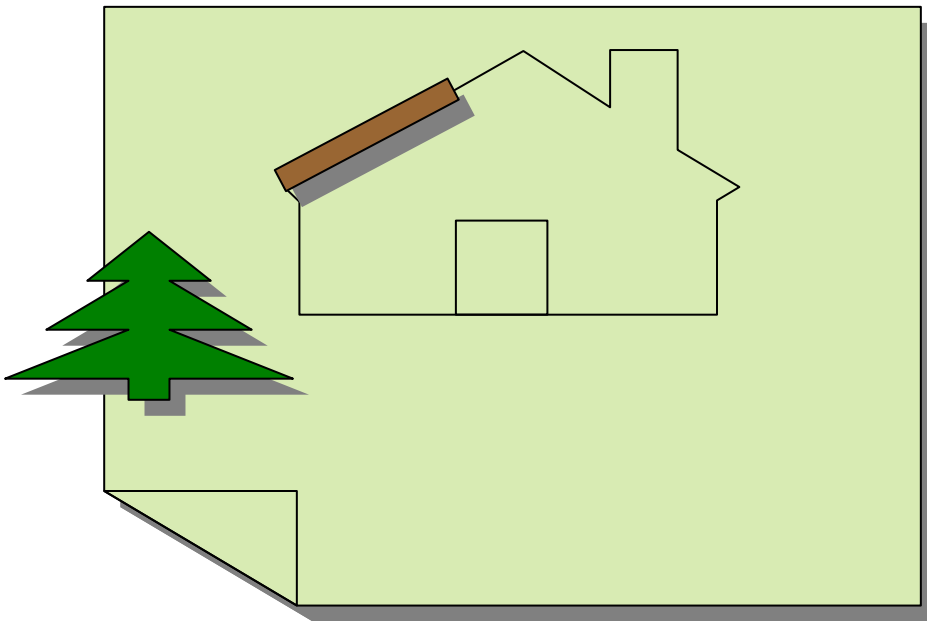
Roof mounted Solar Energy Equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.

The Zoning Enforcement Officer, prior to issuing a zoning permit for the placement of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this section. This information may include, but shall not be limited to:

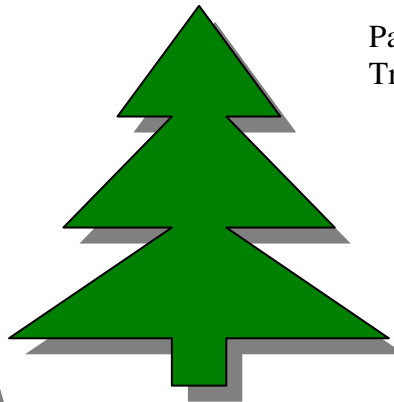
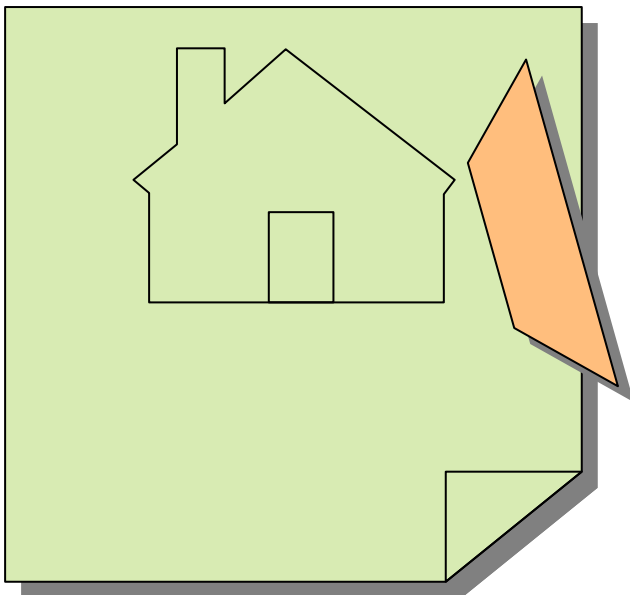
- a. Sun and shadow diagrams specific to the subject proposed installation which would enable the ZEO or the Commission to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.
- b. The ZEO may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties.
- c. The ZEO may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the ZEO may order its removal and/or relocation as appropriate.
- d. The ZEO may require the applicant to obtain and submit a “solar sky space easement.” Such an easement may be required by the ZEO when there appears to be a question as to whether the proposed solar energy equipment would be able to function as intended. Such easement may be in the form of an easement, covenant or other property interest in any deed or other property instrument executed by or with the landowners permission, on behalf of any landowner, that protects the solar sky space of the proposed solar energy collector at the described location by forbidding any activity, including the placement of objects, live or otherwise, that would interfere with solar access. The solar sky space must be described either as the three dimensional space in which obstruction is prohibited or limited, or as the times of day in which direct sunlight into the solar collector may not be obstructed, or as a combination of both.



Solar panel on roof location unacceptable as it is higher than permitted height.
(Schematic)



Panel Acceptable
Tree Acceptable
(Schematic)



Panel not acceptable
Tree not acceptable
(Schematic)