

ORDINANCE NO. 13-2025

AN ORDINANCE AMENDING APPENDIX C – ZONING CITY OF MONTGOMERY CODE OF ORDINANCES

BE IT ORDAINED by the City Council of Montgomery, Alabama that the Code of Ordinances of the City of Montgomery, Alabama be and is hereby amended to add XI. Large-Scale Solar Energy Collection Facility regulations to read as follows:

Article XI. Large-Scale Solar Energy Collection Facility

Sec. 1. Definitions

For purposes of this ordinance:

- a. The term large-scale solar energy collection facility shall mean a principal use on a site that consists of a facility with solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverters, wiring, and storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, or that collects solar energy and converts it into electricity. A large-scale solar energy collection system is designed to meet demands for a large area, is typically mounted on the ground, and is connected to an electrical distribution grid system.
- b. The term small-scale solar energy collection facility shall mean equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures but may be mounted on other parts of structures or on the ground.

Sec. 2. Permitted Districts

- a. A large-scale solar energy collection facility:
 1. Is permitted on appeal to the Board of Adjustment (BOA) (as a special exception) in AGR-1, AGR-2, M-1, M-2, and M-3 zoning districts; and
 2. Is prohibited in all other zoning districts.
- b. A small-scale solar energy collection facility is permitted by right in all zoning districts as a use accessory to a principal use on the site.

Sec. 3. Use-Specific Standards for Large-Scale Solar Energy Collection Facilities

The following standards apply to a large-scale solar energy collection facility:

- a. The maximum project size for a large-scale solar energy collection facility is 1,000 acres, whether the lot or lots on which the project is located is in single or multiple ownership.

- b. Except for fences and walls and gates providing access to the site, all equipment and structures associated with the facility shall comply with the dimensional standards that apply to principal buildings in the district in which the facility is located, or the following, whichever is more restrictive:
 - 1. All solar panels and other equipment shall be set back at least 75 feet from the edge of the property line or right-of-way.
 - 2. All inverters and other equipment permanently installed on the site that may be expected to contribute noise that may be audible off the site, other than solar panels, shall be set back at least 200 feet from the edge of the property line or right-of-way.
 - 3. All equipment shall not exceed 25 feet in height.
- c. Except for transmission lines and collector utility structures, all utilities associated with the use shall be located underground.
- d. The use shall not create glare or shadows on adjacent land.
- e. The site shall have a planted landscape buffer in accordance with the following:
 - 1. The planted landscape buffer shall be at least 20 feet in width and include, for every 100 linear feet of buffer, at least five canopy trees, five understory trees, and 100 shrubs.
 - 2. The planted landscape buffer shall be located along the outer perimeter of the site and shall extend to the lot line or right-of-way line; however, the buffer may be located along shared access easements between parcels in nonresidential development.
 - 3. The planted landscape buffer shall be shown on the site development plan, in accordance with Article VI, Sec. 8.3, Landscape requirements for Landscape plan review and approval, of this Ordinance.
 - 4. All vegetation in the planted landscape buffer shall be planted in accordance with Article VI, Sec. 8.5, General requirements, of this Ordinance.
 - 5. All trees included in the planted landscape buffer shall meet the standards of Article VI, Sec. 8.9, Approved tree list, of this Ordinance. All shrub plantings shall be spaced to achieve the screening goals and shall be a minimum of four feet in height within two years after planting.
 - 6. The planted landscape buffer may have breaks necessary for site access.
- f. The application for a special exception shall include a clean-up plan in the event of a natural disaster such as a tornado or hurricane, details of how damaged solar panels that need to be replaced are disposed of and a decommissioning plan that describes the timeline and manner in which the facility will be decommissioned and provides that the site will be restored to a condition similar to its condition prior to the establishment of the solar farm land use.
- g. Prior to any site construction which for the purposes of this section shall not include pre-construction site preparation work, the applicant shall provide a performance guarantee in accordance with the following:

1. The applicant shall prepare an estimate of the cost to decommission the use and restore the site to a condition similar to its condition prior to the establishment of the solar farm land use. The cost and salvage estimates shall be submitted with supporting material including the cost assumptions and methodologies used to develop the estimates to the Land Use Control Administrator ("Administrator") for the Administrator's approval. The Administrator may request additional information to support the applicant's decommissioning cost and salvage value estimates and may request revisions to the assumptions and methodology used to calculate them. Following the Administrator's approval of the decommissioning cost estimate and salvage value estimate, the amount of the guarantee shall equal 115 percent of the estimated decommissioning cost, less 100 percent of the estimated salvage value.
2. The amount of the performance guarantee shall be reviewed at least every three years and adjusted based upon updated costs.
3. The performance guarantee shall remain in effect until the use is decommissioned and the site has been restored.

Sec. 4. Use-Specific Standards for Small-Scale Solar Energy Collection Facilities

The following standards apply to a small-scale solar energy collection facility:

- a. The system shall comply with the maximum height standards for the zoning district in which it is located, subject to the additional height permitted in subsection (b).
- b. A small-scale solar energy collection facility may be located on the roof of an existing structure irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.
- c. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the small-scale solar energy collection facility, and recording any such solar easement with the Montgomery County Probate Judge's Office.

Sec. 5. Applicability

Article XI shall apply to all large-scale solar energy collection facilities that have not received a special exception approval from the Board of Adjustment as of the date of the adoption of this ordinance by the City Council.

ADOPTED this 6th day of May, 2025.

/S/

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: 5-9-25

/S/

STEVEN L. REED, MAYOR