

CHAPTER 19.50 - SOLAR ENERGY SYSTEMS

Sections:

19.50.005	Purpose.
19.50.010	Application.
19.50.015	Related Ordinances.
19.50.020	Definitions.
19.50.025	Solar Easements.
19.50.030	Compatibility.
19.50.035	Appeals.
19.50.040	Permits.

19.50.005 Purpose.

The purpose of this chapter is to establish for the residents of the City of Prairie Village a provision for using an alternate source of energy apart from the prevailing energy sources of natural gas and electricity—in this case, solar energy. The city, by this chapter, establishes that the use of solar energy is in the general welfare of its residents in that its use will help alleviate the use of depreciating energy resources and thereby will lessen the city's reliance on increasingly uncertain power resources. The use of solar energy is, therefore, valid public purpose and any violation of the chapter shall be considered a public nuisance.

19.50.010 Application.

The requirements established by this chapter shall not be retroactive except by agreement of the property owners under a solar easement agreement. In such case, a property owner who wishes to construct a solar energy system may enter into a solar easement agreement with another property owner whose property contains an obstruction to solar access. Under this agreement the latter property owner may agree to remove existing vegetation or structures which block solar access to the solar energy system.

19.50.015 Related Ordinances.

All other ordinances of the municipal code are applicable to this section, including, but not limited to building setbacks, yard requirements, and height restrictions.

19.50.020 Definitions.

- A. "Solar access" means access to the envelope of air space exposed to the face of any solar energy system through which the sun passes and which allows the solar energy system to function. Such access is necessary to any solar energy system.
- B. "Solar air space envelope" means that volume of air space whose lower limits are defined by a plane sloping upward to the south at an angle of twenty-two (22) degrees from the horizontal plane, measured from the bottom of the solar collector system and whose lateral limits are defined by planes which correspond to the direct rays of the sun on each end (east and west) of the solar collector system at 0900 and 1600 solar time from September 21 through April 21.

CITY OF PRAIRIE VILLAGE – ZONING REGULATIONS

Chapter 19.50 – Solar Energy Systems

- C. "Solar collector" means both passive and active systems. An active collector shall include panels designed to collect and transfer solar energy into heated water, air or electricity. Passive collectors shall include windows and window walls, which admit solar rays to obtain direct heat or to obtain heat for storage. Such windows and window walls of passive systems may extend to ground level. Greenhouses, atriums, and solariums are included in this definition.
- D. "Solar easement" means an easement arising by agreement between property owners and establishing the solar air space envelope within which building and vegetation obstructions are prohibited.

19.50.025 Solar Easements.

In order to preserve and protect the solar access across contiguous or nearby property, "solar annotated easements" may be formulated. Such easements shall establish the solar air space envelope within which building and vegetation obstructions are prohibited. Solar easements are allowed by Kansas Statutes Annotated, 58-3801 - "Creation of Solar Easements; Recordation" and 58-3802- "Same; Content." Such an easement shall be an agreement between property owners and probably, although not necessarily, will be initiated by the owner of a proposed solar energy system. The City of Prairie Village shall also be included as a property owner wherein property owned by the City may be located in a solar air space envelope and the city, therefore, may be a party to such an easement. All easements shall be recorded by the Johnson County Register of Deeds and shall transfer from one owner to another if the property is sold. All such easements shall also be filed with the Building Official for coordinating issuance of future building permits, which might be affected by the easement.

19.50.030 Compatibility.

The design of any solar system, active or passive, shall generally be compatible with the architectural design of the surrounding neighborhood as follows, whether or not the solar energy system is the subject of a solar easement.

- A. Any solar energy system incorporated into residential facility shall be integrated into the basic form and main structure of the residence. All active systems shall be roof mounted with the collector panels integrated into the roof either directly mounted against the roof or integrated into the roof so that they form a part of the roof itself. Mounting arrangements, which allow the collectors to project above the roof line, such as "stand-off" or "rack" mounting arrangements are not allowed.
- B. Any system incorporated into a commercial building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building are not permitted.
- C. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in Paragraphs A and B above. No freestanding panels or panel racks shall be allowed.
- D. In an active or photovoltaic system, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, etc.

CITY OF PRAIRIE VILLAGE – ZONING REGULATIONS

Chapter 19.50 – Solar Energy Systems

- E. All exposed metal, including the frame work of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color. Clear unpainted aluminum shall not be allowed.

19.50.035 Appeals.

All appeals involving solar easements or any appeal to the rules and regulations of this chapter shall be filed with the Board of Zoning Appeals. Both parties affected by a proposed solar energy system, the owner of the solar energy system and the owner of the property on which the burden of the easement falls, shall have the right to appeal. All appeals shall include engineering drawings and schedule showing the solar energy system and the solar air space envelope, and such appeals must demonstrate that the layout of the solar energy system on the site has been maximized.

19.50.040 Permits.

A building permit is required for the construction and/or installation of any solar system. If the solar system construction is a part of other construction, it may be incorporated with that permit.