

1st reading _____
2nd reading _____
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Voted On _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

Compare

**ORDINANCE NO. 2013-15
(AS AMENDED)**

**AN ORDINANCE
AMENDING CERTAIN SECTIONS OF THE ZONING CODE OF THE
CODIFIED ORDINANCES OF ORANGE VILLAGE TO PROVIDE FOR
THE USE OF SOLAR ENERGY SYSTEMS IN CERTAIN RESIDENTIAL
DISTRICTS.**

WHEREAS, this Council desires to amend the zoning code to permit and regulate the use of solar energy systems in the U-1, U-1A, U-2, U-3 and S-1 zoning districts of the Village; and

WHEREAS, this Ordinance has been referred to the Planning and Zoning Commission for a report and recommendation; and

WHEREAS, this Council has held a public hearing prior to the enactment of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE,
CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That existing Section 1148.02, Accessory Uses, of the Codified Ordinances of Orange Village, be and the same hereby is amended to include a new division (i), Solar Energy Systems, which shall read and provide, in its entirety, as follows:

“1148.02 ACCESSORY USES.

(i) Solar Energy Systems:

A Solar Energy System consists of photovoltaic cells and related accessories that are designed to convert solar energy into electrical energy; or a system consisting of solar thermal collectors, parabolic reflectors, or similar structures that are designed to harness solar energy for use as thermal energy for heating water or air or for some other permitted use; and may include battery storage systems on the property meeting requirements of Section 1148.02 (i),(6).C. Solar Energy Systems are a conditionally permitted accessory use, provided that the following standards and conditions are met:

(1) Solar panels shall be placed on the portion of roof of any residential or accessory building so that the panel or panels:

- A. Are not visible from any street or sidewalk at the front of the property;
- B. Do not extend beyond the edge of the roof; and
- C. Are placed parallel to the plane of pitched roof (sloped in excess of 4 inches per foot) and are not more than eighteen inches (18”) above the surface of the roof when measured to the top of the solar panel.
- D. To provide proper system performance for low slope (pitches less than four inches per foot) and flat roofs, and then alternative heights and configurations may be considered to exceed minimum height above the roof as approved by the planning commission.

(2) Solar panels may only be considered in roof locations that are not in compliance with sub-section (1), above, or not in a rear yard, when the applicant has demonstrated to the satisfaction of the Planning and Zoning Commission that:

- A. The alternative location is necessary to make the system economically justifiable; or
 - B. There are no alternative locations in compliance with Sub-section (1) and all alternative locations have been adequately evaluated; or
 - C. The proposed panel(s) and their location(s) are designed to minimize any adverse impacts to the neighborhood; and/or
 - D. The size and location of any structure is the minimum necessary to serve the needs of the building(s) on the property.
- (3) Solar equipment (other than the panels) shall only be placed inside a building or in the rear yard.
- (4) Any ground mounted solar panel systems or related equipment being proposed shall:
- A. Only be located in a rear yard and in compliance with the setback requirements for accessory buildings;
 - B. Have an allowed height for both the solar panels and related equipment consistent with the maximum height of accessory buildings permitted within the district;
 - C. Comprise only the minimum area needed to provide the energy necessary to serve the property but in no case have a maximum area greater than one thousand (1,000) square feet when measured using a horizontal plane around the perimeter of the system and such area shall not be in addition to that allowed for an the maximum area allowances for accessory buildings and structures as otherwise regulated in each zoning district.
 - D. Be reasonably screened from view of adjacent property or a street, as determined by the Planning and Zoning Commission, by existing or proposed landscaping and/or fencing. Screening shall be shown on the plans submitted with the application.
- (5) Solar panels and related equipment shall be located, oriented or screened and constructed of such material to prevent to the fullest extent practicable glare from solar panels to not be directed at any other person, building or public right of way.
- (6) An application for a Solar Energy System to be reviewed by the building and fire departments shall include:
- A. Complete architectural and engineering drawings, adequately scaled and dimensioned, depicting the location, installation, mounting, anchorage details, appearance on the building and details for wiring and connections, battery storage system as noted in Section C below for the proposed system.
 - B. The manufacturer's specifications for the system being proposed.
 - C. Where Battery Storage Systems are proposed for Solar Energy Systems, they shall include, but not limited to:
 - i. List of equipment
 - ii. Location plan and site plan
 - iii. Ventilation
 - iv. Containment
 - v. Supporting structures for batteries and equipment
 - vi. Electrical system, devices and wiring
 - D. A description and plan of the trees and/or other vegetation that needs to be trimmed or removed from the site for evaluating the removal of such vegetation

E. Verification that the installer has professional training, NABCEP certification and licensure as required for work requiring such by state or federal law.

(7) When locating a solar panel, it is the property owner's responsibility to consider current and future development, growth of trees and vegetation, and other obstructions that might interfere with solar access. Nothing in this section shall prohibit the owner of the solar energy conversion system from obtaining a solar access easement from any person.

(8) All solar energy systems must be reviewed and approved by the Village Building Commissioner, Fire Inspector, Electrical Inspector and Planning Commission prior to issuance of a permit to install the system.

(9) Post a sign indicating the existence of a Solar Energy System and Battery Storage System on the premises identifying location of disconnects for electrical systems to assist Village safety forces when accessing a property or building containing solar panels in case of fire or other emergency.

SECTION 2. That existing Section 1150.03, Accessory Uses, of the Codified Ordinances of Orange Village, be and the same hereby is amended to include a new division (f) read and provide, in its entirety, as follows:

"1150.03 ACCESSORY USES.

(f) Solar Energy Systems are a conditionally permitted accessory use, provided that the standards and conditions set forth in Section 1148.02(i) are met."

SECTION 3. That existing Section 1151.03, Accessory Uses, of the Codified Ordinances of Orange Village, be and the same hereby is amended to include a new division (h) read and provide, in its entirety, as follows:

"1151.03 PERMITTED ACCESSORY USES.

(h) Solar Energy Systems are a conditionally permitted accessory use, provided that the standards and conditions set forth in Section 1148.02(i) are met."

SECTION 4. That existing Section 1152.03, Accessory Uses, of the Codified Ordinances of Orange Village, be and the same hereby is amended to include a new division (i) read and provide, in its entirety, as follows:

"1152.03 PERMITTED ACCESSORY USES.

(i) Solar Energy Systems are a conditionally permitted accessory use, provided that the standards and conditions set forth in Section 1148.02(i) are met."

SECTION 5. That existing Section 1170.03, Permitted Accessory Uses, of the Codified Ordinances of Orange Village, be and the same hereby is amended to include a new division (i), which shall read and provide, in its entirety, as follows:

"1170.03 PERMITTED ACCESSORY USES.

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(i) Solar Energy Systems are a conditionally permitted accessory use, provided that the standards and conditions set forth in Section 1148.02(i) are met.”

SECTION 6. That any and all ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict.

SECTION 7. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 8. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2013

Council President

Submitted to the Mayor for
approval on this ____ day of _____, 2013

Approved by the Mayor this
____ day of _____, 2013

ATTEST:

Clerk of Council

Mayor