

ORDINANCE NO.: 2017- 34
INTRODUCED BY: MS. ROGOFF

4022

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF CHAGRIN FALLS AND ADDING CHAPTER 1153, SOLAR ENERGY SYSTEMS.

WHEREAS, the Council has initiated a proposed amendment to the Zoning Code to permit and regulate solar energy systems as an accessory use in new Chapter 1153 of the Zoning Code; and

WHEREAS, the Planning Commission on June 19, 2017 recommended to Council that they add Chapter 1153 of the Zoning Code of the Village of Chagrin Falls as hereinafter set forth; and

WHEREAS, Council has held a Public Hearing on July 10, 2017 on this Ordinance; and

WHEREAS, Council desires to enact the foregoing amendments to the Zoning Code, to add Chapter 1153 of the Zoning Code based, in part, upon the recommendations of the Planning and Zoning Commission.

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

SECTION 1. Chapter 1153 of the Zoning Code of the Village of Chagrin Falls is hereby added to the Zoning Code to read as set forth on Exhibit "A" attached hereto and made a part hereof.

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance shall take effect and be in force after the earliest period allowed by law and Charter.

PASSED: _____

Council President

Submitted to the Mayor for

approval on this ____ day of _____, 2017

Approved by the Mayor this

_____ day of _____, 2017

ATTEST:

Clerk of Council

Mayor

EXHIBIT "A"

CHAPTER 1153 Solar Energy Systems

1153.01 INTENT.

In addition to the applicable provisions of the intent stated in Section 1105.03, it is the intent of these regulations to provide for the placement of solar energy systems to achieve the following objectives:

- (a) To regulate the construction, modification, operation and abandonment of solar energy systems;
- (b) To require solar energy systems to meet reasonable standards that will protect the public health, safety, and welfare while preserving the enjoyment of private property;
- (c) To minimize the adverse impacts of solar energy systems on contiguous properties and on the aesthetic quality of the Municipality; and,
- (d) To promote orderly land use, and development while allowing the safe, effective, and efficient use of solar energy systems.

1153.02 DEFINITIONS.

- (a) "Abandonment" means the discontinued use of the solar energy generation system in whole or part.
- (b) "Solar array" means any collection of solar panels, connectors, battery banks, controllers, wiring, meters, and switching devices intended to work in combination to convert solar energy to electrical power.
- (c) "Solar cell" means the basic photovoltaic device that generates electricity when exposed to light.
- (d) "Solar energy system" means the 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 and may include battery storage systems.
- (e) "Solar panel" means any device used for collecting solar energy and converting it to electrical power.

1153.03 APPLICABILITY.

- (a) Solar energy systems shall be designed, erected, installed, operated, and maintained in accordance with the provisions set forth in this Chapter.
- (b) A Building Permit and Electrical Permit shall be required prior to the erection, installation, connection, or operation of any solar energy system.
- (c) Like-kind replacements, minor repairs or maintenance of lawfully existing solar energy systems not involving structural changes may be undertaken without first obtaining a permit.

1153.04 APPLICATION REQUIREMENTS.

In addition to the application requirements set forth in Section 1109.04, an application for a solar energy system shall include:

- (a) The manufacturer's specifications.
- (b) 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, and battery storage system details.
- (c) Details for battery storage systems regarding:
 - (1) Location of equipment
 - (2) Ventilation
 - (3) Containment
 - (4) Supporting structures for batteries and equipment
 - (5) Electrical system, devices and wiring
- (d) Evidence that the proposed system has been reviewed by the Chagrin Falls Bureau of Fire Prevention and its findings and recommendations are submitted with the application.
- (e) Verification that the installer has the necessary professional training, *North American Board of Certified Energy Practitioners (NABCEP)* certification and licensure as may be required for the installation of solar energy systems.
- (f) Certification by a licensed structural engineer that the roof of the building is designed to handle all structural loads including those imposed by the proposed solar panel system.
- (g) Evidence that the local public electric utility company approves the applicant's intent to install an interconnected customer-owned system if the proposed system is to interconnect to a local utility grid.
- (h) A description of the location and type of any required screening.
- (i) A description of emergency and normal shutdown procedures and location of electrical disconnection switch.
- (j) Payment of the fee as required by Chapter 1309 of the Building Code.

1153.05 GENERAL REQUIREMENTS.

- (a) Solar energy systems shall be permitted as accessory to a main use or building located on the same lot or parcel. Such facilities shall be designed, installed, or constructed to provide electrical power to be primarily consumed by the main use or building to which they are accessory.
- (b) The Architectural Board of Review shall review solar energy systems applications for compliance with the Building Code, general design standards, and design standards established in this Planning and Zoning Code.
- (c) Solar panels shall be placed on the roof of a building in accordance with the following:
 - (1) Solar panels shall not be visible from any street or sidewalk at the front elevation of the property unless approved in accordance with procedures set forth in subsection (d) herein.
 - (2) Solar panels shall not extend beyond the edge of the roof.
 - (3) For pitched roofs (sloped in excess of three (3) inches per foot), solar panels shall be placed parallel to the plane of pitched roof and shall be ten (10) inches or less above the surface of the roof when measured to the top of the solar panel.
 - (4) For low slope (pitches less than three (3) inches per foot) and flat roofs, the Architectural Board of Review may approve solar panels of alternative heights and configurations as appropriate for such roof.

- (d) The Architectural Board of Review may approve the placement of solar panels in roof locations that are visible from any street or sidewalk, when the applicant has demonstrated to the Board that:
 - (1) The alternative location is necessary to optimize system functionality;
 - (2) The proposed panel(s) and their location(s) are designed to minimize any adverse impacts to the neighborhood; and/or,
 - (3) The size and location of any structure is the minimum necessary to serve the needs of the building(s) on the property.
- (e) 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 system from requesting or obtaining a solar access easement from any person.
- (f) Solar access easements shall be in compliance with Ohio R.C. 5301.63 which sets forth the requirements for solar access. In order to ensure adequate access of solar energy collection devices to sunlight, any person may grant a solar access easement. Such easements shall be in writing and subject to the same conveyance and recording requirements as other easements. Any instrument creating a solar easement shall be recorded in the Cuyahoga County Recorder's Office.
- (g) 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.
- (h) Solar panels shall be uniform in appearance and color, and to the extent practicable, match the design and color of the roof on which the panels will be placed.
- (i) Accessory components shall be located either within a building, or within a screened enclosure behind the main building, or are hidden from view behind the parapet wall of buildings with flat roofs.
- (j) Solar energy systems shall be properly maintained at all times in compliance with all manufacturers' specifications.

1368.08 ABANDONMENT.

Upon abandonment, the owner shall physically remove the solar energy system within sixty (60) days from the date of abandonment. "Physically remove" shall include, but not be limited to:

- (a) Removal of the solar energy system and related above grade structures.
- (b) Restoration of the location of the solar energy system to its prior condition.