

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No.

2020-06

Passed

October 6th, 2020

VILLAGE COUNCIL OF GREENWICH, OHIO ORDINANCE NO.: 2020-06

AN ORDINANCE AMENDING THE VILLAGE OF GREENWICH ZONING REGULATIONS TEXT, CODIFIED IN APPENDIX A OF SECTION 1261.01 OF THE GREENWICH CODIFIED MUNICIPAL CODE BY ADDING SECTION 415 REGARDING SOLAR POWER SYSTEMS AND ALLOWING SOLAR PANELS AS A PERMITTED USE IN ALL DISTRICTS AND DECLARING AN EMERGENCY

WHEREAS, the Village Administrator has requested council amend the Village of Greenwich Zoning Regulations to provide necessary zoning for solar panels and solar power systems; and

WHEREAS, the Greenwich Zoning Ordinance, originally passed as Ordinance 909, passed on March 16, 1999, is codified in Appendix A to Section 1261.01 of the Greenwich Codified Municipal code; and

WHEREAS, Section 205 of the Village of Greenwich Zoning Regulations provides that the Zoning Commission may initiate amendments to this Zoning Code from time to time. Amendments may also be initiated by the Council or by petition. The procedure for amending this Zoning Code shall be as set forth in Ohio R.C. 519.12, as the same may be amended from time to time. (Ord. 909. Passed 3-16-99); and

WHEREAS, Pursuant to Section 205 of the Greenwich Zoning Regulations, the zoning amendments herein were initiated by the Village Zoning Commission who meet in open session on **September 1, 2020** giving consideration for the health safety, welfare and conditions current within the community; and

WHEREAS, a PUBLIC HEARING on the matter was held on **October 6, 2020** with NOTICE published as required.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GREENWICH, STATE OF OHIO: (RC 731.18)

SECTION 1. That the text of Greenwich Zoning Regulations in Section 1261.01, Appendix A of the Greenwich Codified Municipal Code are hereby amended by adding Section 415 as follows:

SECTION 415 SOLAR POWER SYSTEMS

415.01 PURPOSE. *The purpose of this ordinance is to:*

- (a) Facilitate the permitting of small solar power systems*
- (b) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small solar collection system.*
- (c) The intent of these regulations is to establish general guidelines for the location of solar panels and solar collection systems to prevent off-site nuisances including unreasonable visual interference, light glare and heat that the incorrect placement of solar panels or solar collection systems may create such that they may have a negative effect on surrounding property values.*

415.02 DEFINITIONS.

- (a) A "Solar Power System" is any roof mounted or freestanding structure, mechanism, and or equipment installed for the purpose collecting solar energy to*

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be converted to usable power.

415.03 STANDARDS.

(a) PERMITTED USE. *Solar panels are permitted as an accessory use in all districts to promote clean, sustainable, and renewable energy resources.*

(b) *No solar panel or solar power system shall be constructed, erected, installed or located without proper approval pursuant to this Section.*

(c) Requirements and Regulations. *Solar panels or solar power systems shall conform to or be evaluated for compliance with the following standards:*

(1) *The proposed system is no larger than necessary to provide 100 percent of the electrical energy requirements of the structure to which it is accessory to as determined by a contractor licensed to install solar and photovoltaic energy systems.*

(2) ROOF MOUNTED. *If roof mounted, the solar or photovoltaic system shall:*

A. *Be flush mounted on the roof unless good cause is shown by the applicant that the solar panel is not at an appropriate angle to obtain maximum sun exposure if mounted flush to the roof.*

B. *Be located in the most inconspicuous location on the roof so as not to be seen from the street, if possible, and still be able to function as designed approved by both the zoning officer and the village administrator.*

C. *Not extend higher than the peak of a sloped roof or higher than 5 feet from the top of a flat roof.*

(3) FREESTANDING. *If freestanding, the solar or photovoltaic system shall comply with all of the following:*

A. *Not extend more than 10 feet above the existing grade in residential districts. In all other districts, the maximum height of a solar or photovoltaic system will be determined on a case by case basis upon plan review.*

B. *Not be located in the front yard.*

C. *Not be located in any required side or rear yard setback areas for accessory uses. [See Section 301.10(a)]*

D. *Not be positioned so as to reflect sunlight onto neighboring property, public streets or sidewalks, including on any neighboring structures.*

E. *Be landscaped at the base and the back of the panel structure if structure is visible from neighboring property.*

(4) *All signs, both temporary and permanent, are prohibited on solar panel or solar collection systems, except as follows:*

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A. Manufacturer's or installer's identification information on the system.

B. Appropriate warning signs and placards.

(5) Solar panel or solar power systems shall comply with all applicable sections of the Village of Greenwich Building Code and applicable industry standards such as the American National Standards Institute (ANSI), Underwriters Laboratories (UL) or an equivalent third party.

(6) All electrical wires and connections on freestanding solar or photovoltaic collection system shall be located underground.

(d) Utility Connection. Solar panels or solar power systems proposed to be connected to the local utility power grid through net metering shall adhere to Ohio Revised Code Section 4928.67 or any future corresponding statutory provision.

(e) Maintenance: All solar panel or solar power systems shall be maintained in good working order.

(f) Procedure for Review. The review and approval of solar panels or a solar power system shall comply with the following requirements:

(1) Plan Review. A plan shall be submitted for review for freestanding solar panel or solar power systems. The following items shall be the minimum requirements to be considered a complete application and shall include all of the following:

A. Property lines and physical dimensions of the applicant's property.

B. Location, dimensions and types of existing structures on the subject property and on properties directly contiguous to the subject property.

C. Location of the proposed solar panel or solar power system, and associated equipment.

D. System specifications, including manufacturer, model, kilowatt size.

E. Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation if the system will be connected to the power grid.

F. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).

G. Compliance with all development standards as outlined in this Section.

(2) BUILDING PERMIT. Solar power systems shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system in accordance with all applicable federal and state

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codes, including but not limited to the Building and Electrical Codes.

415.04 VIOLATIONS.

(a) It is unlawful for any person to construct, install, or operate a small Solar Power System that is not in compliance with this ordinance.

(b) Any Solar Power System installed prior to this ordinance is exempt from the requirements of this ordinance, except for any applicable provisions regarding abandonment.

415.05 ADMINISTRATION AND ENFORCEMENT.

(a) This ordinance shall be administered by the Administrator, Zoning Officer or any other official as designed.

(b) Prior to any approval by the village, the property owner shall, in writing, give the Administrator, Zoning Officer or any other official as designed permission to enter any property for which a permit has been issued under this ordinance to conduct any necessary inspections

(c) The Administrator may issue orders to abate any violation of this ordinance.

(d) The Administrator may issue a citation for any violation of this ordinance.

(e) The Administrator may refer any violation of this ordinance to legal counsel for enforcement.

415.06 PENALTIES.

(a) Any person who fails to comply with any provision of this section shall be guilty if a misdemeanor punishable by a fine of not less than two hundred fifty dollars and not more than one thousand dollars. Each day a violation continues shall constitute a separate offense.

(b) Nothing in this section shall be construed to prevent the Village from using any other lawful means to enforce requirements of this section.

SECTION 2. DISPENSE WITH THREE READINGS. That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 731.17(A)(2)]

SECTION 3. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT.
That by two-thirds vote of all the members elected to the legislative authority, this Ordinance/Resolution is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

- a. This is an amendment to the zoning text and not the zoning map.*
- b. There have been no objections to the text amendment in any meeting open to the public before the Village Zoning Commission.*
- c. There have been no objections to the text amendment made at first reading of the ordinance at an open meeting of Village Council.*
- d. There have been no objections to the text amendment made in the public hearing held before Village council.*

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e. Certain residents of the Village report that they would like to install Solar Power Systems on their property within the village in compliance with the new zoning text requirements and need begin excavation prior to any possible adverse weather of the oncoming winter.

SECTION 4. PUBLIC MEETING. It is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 6th day of October, 2020.

AUTHENTICATION and ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.

Wesley Lallee
MAYOR

Judy
FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: _____ NAYS: _____ ABSTAIN: _____

First Reading: September 15, 2020

Second Reading: October 6, 2020 [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]

Third Reading: Passed [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]

APPROVED AS TO FORM:

Steve Palmer
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF PUBLICATION RC 731.24

I hereby certify that a succinct summary of the above legislation was/will be published *once a week for two consecutive weeks* as required by RC 731.21 and 731.22(A) in the following newspaper(s) of general circulation: *Shopper's Helper North, 211 Myrtle Ave., P.O. Box 368, Willard, OH 44890, 419.935.0184.*

Judy
CLERK OF COUNCIL