ORDINANCE NO. 2021-18
INTRODUCED BY: Mayor Bodnar

AN ORDINANCE ENACTING MAYFIELD VILLAGE CODIFIED ORDINANCE CHAPTER 1187 SOLAR ENERGY SYSTEMS

WHEREAS, solar energy technology is continuing to be advanced and becoming more widely available;

WHEREAS, currently the Village of Mayfield does not specifically regulate solar energy systems;

WHEREAS, in order to minimize the adverse impacts of solar energy systems on adjacent properties and on the aesthetic quality of the Village certain regulations are necessary to provide standards for the placement, design, and operation of such systems in order to protect the public health, safety, and general welfare;

WHEREAS, the Mayfield Village Council deems it in the best interest of the Village and its residents to enact Chapter 1187 Solar Energy Systems as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio that:

SECTION 1. Chapter 1187 Solar Energy Systems of the Village's Codified Ordinances is enacted to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. That any sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place

in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: December 20, 2021

Second Reading: January 18, 2022

Third Reading: February 21, 2021 2

PASSED: February 21, 2021 2

Brenda Bodnar
BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

Diane A. Calta
~~ANTHONY J. COYNE, ESQ.~~,
Director of Law

ATTEST: Mary E. Betsa
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

CHAPTER 1187
Solar Energy Systems

1187.01 PURPOSE AND INTENT.

The purpose of this Chapter is to provide for the construction and operation of Solar Energy Systems as accessory uses in various Use Districts within the Village, to provide standards for the placement, design, and operation of such systems in order to protect the public health, safety, and general welfare, and to minimize the adverse impacts of Solar Energy Systems on adjacent properties and on the aesthetic quality of the Village.

1187.02 DEFINITIONS.

The words and terms used in this Chapter shall have the following meanings:
(a) "Abandonment" means the discontinued use of the Solar Energy 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.

1187.03 COMPLIANCE AND PERMIT REQUIRED.
Solar Energy Systems shall be designed, erected, installed, operated, and/or maintained only in accordance with the provisions set forth in this Chapter. A Building Permit and Electrical Permit issued by the Building Commissioner shall be required prior to the erection, installation, connection, or operation of any Solar Energy System. Applicants shall provide written evidence that the power company has been informed of the intent to install a Solar Energy System at the subject site. Additionally, applicants shall provide the installation instructions and electrical diagram to the Building Commissioner with such permit application.

1187.04 USE TO BE ACCESSORY.
Solar Energy Systems shall only be permitted as accessory to a principal use or building located on the same lot or parcel. Such systems shall be designed, installed, or constructed to provide electrical power to be primarily consumed by the principal use or building to which they are accessory. Cooperative facilities, electrical storage, and distribution of power are prohibited.

1187.05 ROOF MOUNTED SOLAR ARRAYS.
Roof mounted Solar Arrays shall be located in conformance with the following criteria and standards:
(a) Roof Mounted Solar Arrays in Single Family House Districts, Two Family House Districts and Planned Unit Development Districts. Roof mounted Solar Arrays shall be permitted in Single Family House Districts, Two Family House Districts and Planned Unit Development Districts provided that Solar Panels shall be placed parallel to the plane of a 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 and that all accessory components are located within the building or behind the principal building and within the side and rear building setback lines.

(b) Roof Mounted Solar Arrays in Apartment House Districts. Roof mounted Solar Arrays shall be permitted in Apartment House Districts provided that Solar Panels shall be placed parallel to the plane of a 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. On a flat roof, Solar Panels shall be permitted when set back eight (8) feet from the front of the façade and limited to the maximum building height of the zoning district for the building type (principal or accessory structure) or a maximum height of forty-two inches (42") above the roof line or parapet wall of a flat roof, whichever is less. Further all accessory components shall be located either within the building, behind the principal building and within the side and rear building setback lines, or hidden from view behind the parapet wall of buildings with flat roofs.

(c) Roof Mounted Solar Arrays in Local Business Districts and Small Office Building Districts. Roof mounted Solar Arrays shall be permitted in Local Business Districts and Small Office Building Districts provided that Solar Panels shall be placed parallel to the plane of a 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. On a flat roof, Solar Panels shall be permitted when set back eight (8) feet from the front of the façade and limited to the maximum building height of the zoning district for the

building type (principal or accessory structure) or a maximum height of forty-two inches (42") above the roof line or parapet wall of a flat roof, whichever is less. Further all accessory components shall be located either within the building, or within a screened enclosure behind the principal building, or hidden from view behind the parapet wall of buildings with flat roofs.

(d) Roof Mounted Solar Arrays in Motorist Service Districts, Office Laboratory Districts, and Production-Distribution Districts. Roof mounted Solar Arrays shall be permitted in Motorist Service Districts, Office Laboratory Districts, and Production-Distribution Districts provided that Solar Panels shall be placed parallel to the plane of a 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. On a flat roof, Solar Panels shall be permitted when set back eight (8) feet from the front of the façade and limited to the maximum building height of the zoning district for the building type (principal or accessory structure) or a maximum height of forty-eight inches (48") above the roof line or parapet wall of a flat roof, whichever is less. Further all accessory components shall be located either within the building, or within a screened enclosure behind the principal building, or hidden from view behind the parapet wall of buildings with flat roofs.

(e) Roof Mounted Solar Arrays in All Use Districts. Roof mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand winds of one hundred and fifteen (115) miles per hour. Additionally, a stamped assessment of the existing roof from a certified State of Ohio Engineer evidencing the existing roof will be able to support the Roof Mounted Solar Array shall be required to be submitted with the permit application.

1187.06 FREE-STANDING OR GROUND MOUNTED SOLAR ARRAYS.

Free-standing or ground mounted Solar Arrays shall be permitted in all Use Districts, if unable to otherwise be roof mounted, in conformance with the following criteria and standards:

(a) Maximum Height. Free-standing or ground mounted Solar Arrays shall not exceed a maximum height of fifteen feet (15') measured to the highest projection of any Solar Panel in final configuration and orientation.

(b) Minimum Setback. Free-standing or ground mounted Solar Arrays shall be in compliance with the setback requirements for accessory buildings in the applicable zoning district.

(c) Location. Free-standing or ground mounted Solar Arrays shall be located only in the rear yard and behind the setback line of the principal building to which such facility is accessory.

(d) Structural Support and Wind Load. Free-standing or ground mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand winds of one hundred and fifteen (115) miles per hour, or as otherwise required by the Ohio Building Code. Footer depth for the supporting poles shall be 42 inches below grade, or as otherwise required by the Ohio Building Code.

(e) Accessory Components. All accessory components shall be located either within the principal building or behind the principal building and within the side and rear building setback lines. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. Accessory components shall be screened from view from public rights-of-way and adjacent properties.

(f) Wiring. All electrical connections between free-standing or ground mounted Solar Arrays and the principal building shall be located underground.

1187.07 GENERAL REQUIREMENTS.

(a) 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. Solar access easements shall be in compliance with Ohio R.C. 5301.63 which sets forth the requirements for solar access.

(b) 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.

(c) 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.

(d) Solar Energy Systems shall be properly maintained at all times in compliance with all manufacturers' specifications and any state or federal regulation not in conflict with the requirements contained in this Chapter.

(e) Solar Energy Systems shall comprise only the minimum area to provide the energy necessary to serve the property.

1187.08 ARCHITECTURAL BOARD OF REVIEW.

(a) Approval by the Architectural Board of review shall not be required prior to the issuance of a permit by the Building Commissioner so long as the Solar Energy System will not be visible from a public right-of-way. In the event the Solar Energy System will be visible from a public right-of-way, as determined by the Building Commissioner, the Building Commissioner shall submit the plans for the proposed Solar Energy System to the Architectural Review Board in accordance with Section 1305.11.

(b) The Architectural Board of Review may approve the placement of solar panels in roof or ground locations that are visible from any public right-of-way, when the applicant has demonstrated to the Architectural Board of Review that:

(1) The location is necessary to optimize system functionality;

(2) The proposed Solar 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.

1187.09 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.

1187.99 PENALTY.

Whoever violates the provisions of this Chapter shall be given notice by the Building Department of the violation(s) and be provided ten (10) days in order to remedy the violation(s) to the satisfaction of the Building Department. Failure to remedy the violation(s) within the time proscribed shall be a misdemeanor of the fourth degree. Each day that a Solar Energy System is erected or maintained in violation of this Chapter after the time proscribed to remedy said violation(s) shall constitute a separate and distinct offense.