

## CITY OF OBERLIN, OHIO

### ORDINANCE No. 21 - 70 AC CMS

AN ORDINANCE AMENDING CHAPTER 1355 OF THE OBERLIN CODIFIED ORDINANCES AND ADOPTING NEW CHAPTER 1352 TO PROVIDE FOR THE REGULATION OF ALTERNATIVE ENERGY SYSTEMS ON PROPERTY WITHIN THE MUNICIPAL LIMITS OF THE CITY OF OBERLIN

WHEREAS, the Planning Commission has been reviewing the entire Zoning Code for potential amendments during the last year and a half; and

WHEREAS, these potential amendments include addressing “housekeeping” type items and attending to zoning topics and definitions which the Commission has noted that it wanted to address over the last few years; and

WHEREAS, one of those zoning topics was adding regulations to the Zoning Code regarding solar photovoltaic systems as the Zoning Code currently has no requirements for these types of systems or other alternative energy systems; and

WHEREAS, during its meeting on August 4, 2021, the Oberlin Planning Commission moved to recommend that the proposed amendments to Chapter 1355 of the Oberlin Codified Ordinances as set forth in **Exhibit A** attached hereto be adopted and to recommend the adoption of a new Chapter 1352 regulating alternative energy systems as set forth in **Exhibit B** attached hereto be adopted; and

WHEREAS, this Council has held a public hearing on November 1, 2021 concerning the Planning Commission’s recommendation; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1: That Chapter 1355 of the Oberlin Codified Ordinances be and is hereby amended to read as set forth in **Exhibit A**.


SECTION 2: That new Chapter 1352, "Fences" be and is hereby adopted to read as set forth in **Exhibit B** attached hereto.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of the Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: That this ordinance shall take effect on the earliest date allowed by law.

PASSED:      1<sup>st</sup> Reading: November 1, 2021  
                  2<sup>nd</sup> Reading: November 15, 2021  
                  3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
\_\_\_\_\_  
LINDA SLOCUM  
PRESIDENT OF COUNCIL

POSTED: 11/16/2021

EFFECTIVE DATE: 12/15/2021

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### EXHIBIT A

*Add to Chapter 1355 Conditional Use Permits; Section 1355.10 Supplemental Requirements for Conditional Uses*

1355.10(n) Commercial PV/Solar Farm in the M-1 Light Industrial District

The following regulations, in addition to those stated in 1355.09, shall apply to a conditional use permit for a commercial PV/solar farm in the M-1 Light Industrial District:

- (1) Application for conditional use permit shall include: a plot plan and elevation illustrations indicating the locations of all structures and site utilities, drainage, and landscaping; maintenance plan; and decommissioning plan;
- (2) Shall be enclosed by perimeter fencing to restrict unauthorized access
- (3) Signs shall be installed warning of hazards and identifying the entity responsible in case of emergency.
- (4) Power lines shall be installed underground to the extent practicable.
- (5) A landscape plan designed to screen views of a PV System shall be provided with the intent of mitigating visual impacts on abutting property in residential districts.

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## EXHIBIT B

### Chapter 1352

### Alternative Energy Systems

#### 1352.01 Purpose

It is the purpose of this Chapter to:

- a) promote the safe, efficient and effective use of installed solar and wind energy systems that reduce on-site consumption of utility-supplied energy while protecting the public health, safety and welfare in adjacent and surrounding land uses;
- b) provide owners and business owners with flexibility in satisfying their on-site energy needs;
- c) reduce overall energy demands within the City and to promote energy efficiency; and
- d) encourage and permit large scale commercial energy generation from solar and wind sources.

#### 1352.02 Definitions

- a) “Small-scale PV system” means a photovoltaic (PV) system installed as an accessory use or accessory structure on the lot where a dwelling, business, or other main use is located for the purpose of generating electricity for that main use.
- b) Commercial PV/Solar Farm. A commercial facility that converts sunlight into electricity for the principal purpose of retail or wholesale sales of generated electricity.
- c) Ground-mounted system. A solar PV system mounted on a structure or pole(s) constructed specifically to support the PV system and not attached to any other structure.
- d) Building-mounted system. A solar PV system attached to any part or type of roof of a building or structure.

#### 1352.03 Small-scale PV Systems

- a) Applicability.
  - 1) Small-scale PV systems conforming to the standards of this Chapter are permitted by right as accessory uses with principal uses in all zoning districts.
  - 2) Small-scale PV systems shall only be constructed, erected, maintained, extended, or removed in conformance with the provisions of this Zoning Ordinance.
- b) Locations.
  - 1) Building-mounted systems may be mounted on a principal building or accessory building in the following locations:
    - A. On a roof but not higher than five (5) feet above the roof surface and not higher than the maximum roof height permitted in the zoning district.
    - B. On any wall in compliance with applicable setbacks.
    - C. On the front or corner side building façade with approval of the Planning Commission.
  - 2) Ground-mounted systems may be installed in any location, dimension, and height conforming with the provisions applicable to accessory structures. The height and area of a tracking solar array shall be interpreted as the maximum height reached and maximum horizontal area of the panel.
  - 3) In the M-1 Industrial District, a ground mounted system may be installed in any location, dimension, and height conforming with the provisions applicable to principal use structures provided that the installation shall be subject to a conditional use permit.
- c) Transmission underground. Power transmission lines from a ground-mounted system shall be located underground.

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- d) No signage or graphic content may be displayed on the small-scale PV system except the manufacturer's badge, safety information and equipment specification information. The total area of display shall not exceed the size and information required by the National Electrical Code.
- e) Abandonment and Removal. If the PV system is nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system and all appurtenances.
- f) Installation shall conform to applicable building and safety codes and manufacturer's instructions.

### 1352.05 Commercial PV/Solar Farm in the M-1 District

- a) Applicability.
  - 1) A Commercial PV/Solar Farm conforming to the standards of this Chapter may be permitted subject to approval of a conditional use permit in the M-1 District.
  - 2) A Commercial PV/Solar Farm shall only be constructed, erected, maintained, extended, or removed in conformance with the provisions of this Zoning Ordinance.
- b) Locations.
  - 1) Building-mounted systems may be mounted on a principal building or accessory building in locations complying with the height and setback regulations for principal buildings in the M-1 District.
  - 2) Ground-mounted systems may be installed:
    - A. In any location, dimension, and height conforming with the provisions applicable to principal buildings in the M-1 District but not closer than fifty (50) feet to a district in which dwellings are a permitted main use.
    - B. The height and area of a moving solar panel shall be interpreted as the maximum height and maximum horizontal area of the panel.
- c) No signage or graphic content may be displayed on the system except the manufacturer's badge, safety information and equipment specification information. The total area of display shall not exceed the size and information required by the National Electrical Code.
- e) Installation shall conform to applicable building and safety codes and manufacturer's instructions.

### 1352.06 Wind Energy Systems (*Reserved*)