

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. K-5-12-1

AN ORDINANCE AMENDING OFFICIAL ORDINANCE NO. K-5-94-2 KNOWN AS THE ZONING ORDINANCE OF THE VILLAGE OF NEW CONCORD BY ADDING TO ARTICLE II (DEFINITIONS), AND ARTICLE V (SUPPLEMENTAL CONDITIONS) "SOLAR COLLECTION SYSTEMS".  
THIRD READING

WHEREAS, the Village of New Concord Planning Commission has recommended an Ordinance amending Ordinance No. K-5-94-2 known as the Zoning Ordinance of the Village of New Concord by providing definitions of Solar Collection Systems" and also listing under Supplemental Conditions where "Solar Collection Systems" are permitted and the required conditions of their construction and use, all as approved by the Village Planning Commission; and

WHEREAS, the Council of the Village of New Concord under the provisions of the Ohio Revised Code finds the said amendments to be in accordance with the spirit and intent of the formally adopted Comprehensive Plan for the development of the Village of New Concord, said plan being known as the 1992 Comprehensive Plan Update and Strategic Plan of Action.

NOW, THEREFORE, be it resolved by the Council of the Village of New Concord, State of Ohio, that;

Section 1. That Ordinance No. K-5-94-2 known as the Zoning Ordinance of the Village of New Concord, Article II (Definitions) is hereby amended by adding the following definitions:

Roof Mounted Solar Collection System: Panels or other solar energy devices which the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating to buildings on the same property. Roof Mounted Solar Collection Systems shall be attached to structures and meet the conditions listed in Section 2. Solar Collection Systems located on car ports shall be considered Roof Mounted.

Free Standing Solar Collection System: Panels or other solar energy devices which the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating to buildings on the same property and meet the conditions listed in Section

Section 2. That Ordinance No. K-5-94-2, known as the Zoning Ordinance of the Village of New Concord, Article V, Supplemental Conditions, is hereby amended by adding Roof Mounted Solar Collection Systems to read as follows:

Roof Mounted Solar Collection Systems shall be considered an accessory use in all zoning districts if constructed and maintained in accordance with the following requirements:

- a. All structures used for the placement of Roof Mounted Solar Collection Systems shall have a minimum height of eight feet from ground level to any Solar Collection Systems.
- b. Roof Mounted Solar Collection Systems installed on a buildings shall not project horizontally beyond the roof of any building.
- c. All recommended manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.

- d. No solar energy system shall be installed until evidence has been given to the Village of New Concord that the system complies with the laws of the State of Ohio including; the Ohio Building Code, National Electric Code and all manufacturer's specifications.

Section 3. That official Ordinance No. K-5-94-2, known as the Zoning Ordinance of the Village of New Concord, Article V, Supplemental Conditions is amended by adding Free Standing Solar Collection Systems to read as follows:

Free Standing Solar Collection Systems that are less than 25,000 square feet in total contiguous area shall be considered a permitted use in the O-1, Institutional and the I-1, Industrial zoning districts if constructed and maintained in accordance with the following requirements:

- a. Free Standing Solar Collection Systems shall be a minimum of 300 feet from any other Free Standing Solar Collection Systems regardless of property ownership.
- b. Free standing solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height above the ground.
- c. All recommended manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.
- d. No solar energy system shall be installed until evidence has been provided to the Village of New Concord that the system complies with the laws of the State of Ohio including; the Ohio Building Code, National Electric Code and all manufacturer's specifications.
- e. Free Standing Solar Collection Systems shall be located a minimum of 200 lineal feet from the nearest residential district or public street except that the minimum setback from the nearest residential district or public street for Free Standing Solar Collection Systems may be reduced to 100 lineal feet as a "Conditional Use" in compliance with all requirements of Section 1000.3 of the Zoning Code and provided that it is effectively screened on each side that adjoins or faces any public street or residential zoning district by a fence or hedge not less than six (6) feet in height that shall be maintained in good condition. The space between such wall or fence and the lot line of the adjoining Residential District or public street shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence, a strip of land not less than six (6) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted.

Free Standing Solar Collection Systems that are more than 25,000 square feet in total contiguous area but less than 85,000 square feet in total contiguous area shall be considered a conditional use in the O-1, Institutional District and the I-1, Industrial Districts shall be considered a conditional use if constructed and maintained in accordance with the following requirements:

- f. Free Standing Solar Collection Systems shall be located a minimum of 300 feet from any other Free Standing Solar Collection Systems regardless of property ownership. The separation for Free Standing Solar Collection Systems may be reduced from 300 to 200 lineal feet as a "Conditional Use" in compliance with all requirements of Section 1000.3 of the Zoning Code.
- g. Free standing solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height above the ground.
- h. All recommended manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.
- i. No solar energy system shall be installed until evidence has been provided to the Village of New Concord that the system complies with the laws of the State of Ohio including; the Ohio Building Code, National Electric Code and all manufacturer's specifications.
- j. Free Standing Solar Collection Systems shall be located a minimum of 200 lineal feet from the nearest residential district or public street except that the minimum setback from the nearest residential district or public street for Free Standing Solar Collection Systems may be reduced to 100 lineal feet as a "Conditional Use" in compliance with all requirements of Section 1000.3 of the Zoning Code and provided that it is effectively screened on each side that adjoins or faces any public street or residential zoning district by a fence or hedge not less than six (6) feet in height that shall be maintained in good condition. The space between such wall or fence and the lot line of the adjoining Residential District or public street shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence, a strip of land not less than six (6) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted.

Section 4. That official Ordinance No. K-5-94-2, known as the Zoning Ordinance of the Village of New Concord, Article V, Supplemental Conditions is amended by adding a Roof Mounted and/or Free Standing Solar Collection System shall not be permitted until a Zoning Permit has been obtained from the Village of New Concord. The fee for permits shall be the same amount as Commercial or Residential Accessory Structure permits for the use. No permit shall be issued or approved by the Village and construction shall not commence for any Solar Collection Systems until plans showing satisfactory evidence that all requirements of this ordinance have been complied with and that storm water run off control complies with Section 601.1 of the Zoning Code. Site Plan approval by the Planning Commission shall not be required for Solar Collection Systems. The provisions of this ordinance shall in no way limit the use of any property by limiting tree planting or construction of any structure permitted by law.

Section 5. That no Roof Mounted Solar Collection Systems, panels, equipment or devise shall be installed in the Architectural Review Overlay District whatsoever without first receiving approval of the Design Review Board as required by Section 410 of the Zoning Code. Any Roof Mounted Solar Collection Systems, panels, equipment or devise installed on the front side of pitched roofs facing the street or on flat roofs in a manner so as to be visible from the street at ground level in the Architectural Review Overlay District shall be designed and installed in a manner to mimic the roof and shall be compatible with the buildings architecture and the historic nature of the district.

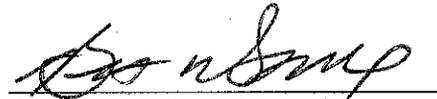
Section 6. That no Free Standing Solar Collection System shall be permitted or conditionally permitted in any; R, Residential, B, Business or S, Open Space and Conservation districts.

Section 7. That all ordinances and parts thereof in conflict herewith are hereby repealed.

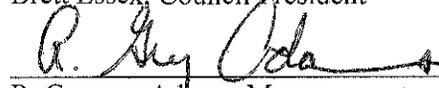
Section 8. That this ordinance shall take effect and be in force at the earliest period allowed by law.

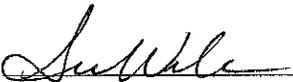
We do hereby certify that the above ordinance was passed by the Village Council on May 14, 2012.

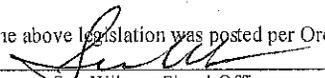
PASSED: May 14, 2012

  
Brett Essex, Council President

APPROVED: May 14, 2012

  
R. Gregory Adams, Mayor

ATTEST:  \_\_\_\_\_

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.  
  
Sue Wilson, Fiscal Officer