

RECORD OF ORDINANCES

Ordinance No. 2009-11

Passed SEPTEMBER 15, 2009

AN ORDINANCE ADOPTING REGULATIONS ON THE INSTALLATION AND USE OF SOLAR ENERGY EQUIPMENT IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, the Council of the City of Brookville desires to adopt certain zoning regulations for the installation and use of solar energy equipment in the City of Brookville; and

WHEREAS, after a Public Hearing on this Ordinance as required by Section 4.11 of the Charter of the City of Brookville, and upon recommendation of the Planning Commission, the Council of the City of Brookville hereby adopts the following zoning regulations regarding the installation and use of solar energy equipment in the City of Brookville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: The Council hereby enacts and adopts the following regulations regarding the installation and use of solar energy equipment in the City of Brookville, Ohio.

1157.10 SOLAR ENERGY EQUIPMENT

(a) The use of solar energy equipment for collection of solar energy to provide electricity, heat, or otherwise provide energy to a residential, commercial, or industrial building shall be a permitted accessory use in all zoning districts in the City of Brookville.

(b) Solar energy equipment means panels, lines, pumps, batteries, mounting brackets, framing, and any other equipment used for or intended to be used for collection of solar energy.

(c) Roof mounted solar energy equipment shall be permitted in all zoning districts provided the roof mounted solar energy equipment shall not exceed the maximum building height for the zoning district, and shall be installed in compliance with the applicable building code.

(d) Ground mounted solar energy equipment shall be permitted in the front yard, side yard, and rear yard of a commercial or industrial property, but shall not be located within the applicable front yard, side yard, or rear yard setback of any commercial or industrial property. Ground mounted solar energy equipment shall be installed in compliance with the applicable building code.

(e) Ground mounted solar energy equipment shall not be permitted in the front yard or side yard of a residential property. Ground mounted solar energy equipment may be located in the rear yard of a residential property, but shall not be located within the rear yard setback. The ground mounted solar energy equipment shall not exceed thirty-five (35%) of the total area of the rear yard. The ground mounted solar energy equipment located in the rear yard shall be adequately screened by vegetation or a fence, and shall be installed in compliance with the applicable building code.

(f) Zoning permits for solar energy equipment which fully comply with the requirements of this Ordinance may be issued by the Zoning Enforcement Officer.

SECTION II: This Ordinance shall repeal or rescind any Ordinances or Resolutions in conflict herewith.

SECTION III: This Ordinance shall take effect thirty (30) days after passage by Council pursuant to the Charter of the City of Brookville.

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Dayton Legal Blank, Inc.

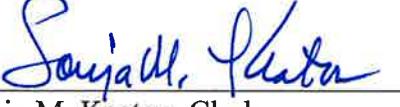
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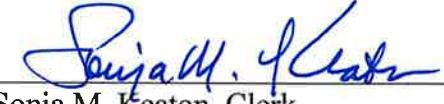
PASSED this 15th day of September 2009.


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor

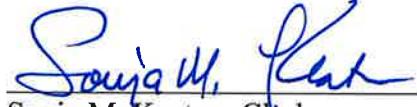
CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2009-11 passed by the Council of the City of Brookville, Ohio, on the 15th day of September 2009.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2009-11 as posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 16th day of September 2009 to the 15th day of October 2009, both days inclusive.


Sonja M. Keaton, Clerk