

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2021-06 Passed June 15, 2021

## AN ORDINANCE AMENDING SECTIONS 1157.01 AND 1157.10 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO REGULATE SOLAR ENERGY EQUIPMENT.

**WHEREAS**, Section 1157.10 of the Code of Ordinances regulates solar energy equipment in the City of Brookville; and

**WHEREAS**, the Planning Commission and City Council desire to amend the zoning code to amend regulations regarding solar energy equipment in the City of Brookville; and

**WHEREAS**, this Ordinance amends Section 1157.10 of the Code of Ordinances to modify regulations regarding solar energy equipment within the City of Brookville, and amends Section 1157.01 to include solar energy systems as a permitted accessory use subject to the provisions of Section 1157.10 as amended.

**WHEREAS**, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

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

**SECTION I:** Section 1157.10 is hereby amended and replaced to provide new and amended regulations regarding solar energy equipment in the City of Brookville. The amended Section 1157.10 is set forth in Exhibit "A" attached hereto and incorporated herein by reference and is hereby approved.

**SECTION II:** Section 1157.01 is amended to add solar energy systems as a permitted accessory use in Section 1157.01(l) and existing 1157.01(l) is renumbered to 1157.01(m) as follows:

1157.01(l) Solar Energy Systems subject to the required provisions of Section 1157.10.

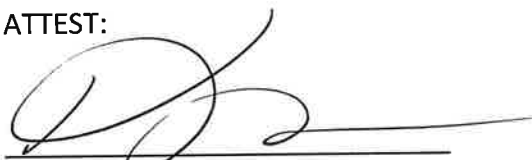
1157.01(m) Any other use customarily incidental, related, or subordinate to a residential use.

**SECTION III:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION IV:** This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

PASSED this 15th day of June 2021.

ATTEST:

  
Kimberly Duncan, Clerk

  
Charles Letner, Mayor

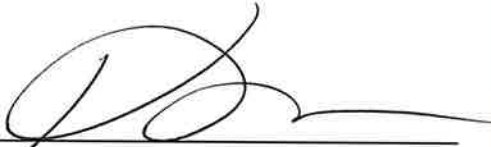
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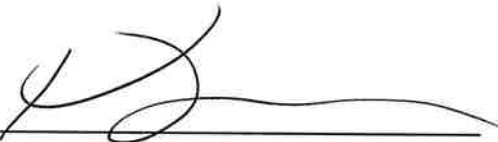
**CERTIFICATE**

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-06, passed by the Council of the City of Brookville, Ohio, on the 15th day of June 2021.

  
Kimberly Duncan, Clerk

**CERTIFICATE OF POSTING**

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2021-06 was 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 June 2021, to the 15th day of July 2021, both days inclusive.

  
Kimberly Duncan, Clerk

## EXHIBIT "A"

### 1157.10 Solar Energy Systems

(a) The use of Solar Energy Systems for collection of solar energy to provide electricity, heat, or otherwise provide energy to a residential, commercial, or industrial building is a permitted accessory use subject to the following standards.

#### (b) General Provisions:

(1) All solar energy systems shall comply with all applicable zoning, building, fire, plumbing and electrical codes of the City of Brookville.

(2) This section shall apply to solar energy systems on private property for use by the property owner and shall not be construed to permit a solar energy farm as a business. A "solar energy farm" is defined as an energy generation facility or area of land principally used to convert solar energy to electricity.

(3) Only commercially produced solar energy systems are permitted. The manufacturer specifications shall be submitted as part of the application for approval.

#### (b) Ground-Mounted Solar Energy Systems

(1) Ground-mounted solar energy systems shall only be permitted in the rear yard and shall be set back a minimum of 10 feet from all lot lines.

(2) In conservation and residential districts, no ground mounted solar energy system shall exceed six feet in height as measured from the average grade at the base of the system. In commercial and industrial districts, no ground mounted solar energy system shall exceed 25 feet in height, or the maximum height of the building, whichever is less; provided, however, that if the ground mounted solar energy system is located in a rear yard that is adjacent to a residential property or adjacent to a residential zoning district, the maximum height shall be six feet.

(3) Ground-mounted solar energy systems shall be screened from any adjacent lot lines of lots used for residential purposes by a fence, wall, landscaping or combination thereof.

(4) Ground-mounted solar energy systems shall not be positioned so as to reflect sunlight onto neighboring property, public streets or sidewalks, including on any neighboring structures.

(5) The total area of the ground-mounted solar energy system shall not exceed more than fifteen percent (15%) of the rear yard area in residential districts.

#### (c) Roof-Mounted Solar Energy Systems

(1) Roof-mounted solar panels that are integrated with the surface layer of the roof structure and which resemble common roofing materials may be permitted on any roof surface of a principal building or accessory building.

(2) Roof-mounted solar panels that are separated panels mounted flush with the roof structure may be permitted on any roof surface of a principal building or accessory building that does not face a street. Such panels shall be mounted flush to the roof and not extend vertically from the roof structure more than eight inches.

(3) Solar panels may be mounted on flat roofs provided there is a parapet wall or other architectural feature that screens the view of the panels. Such panels may be mounted at an angle provided they do not extend more than five feet above the roof surface.

(4) All wires and other associated appurtenances related to the solar energy systems shall be installed below the roofline and not visible from the street.

(5) Solar energy systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification signed by an engineer.