

FIRST READING: 11.13.17
SECOND READING: 11.27.17
THIRD READING: 9.24.18

2nd AMENDED
ORDINANCE NO. 90-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1181.19 ENTITLED SOLAR REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend Section 1181.19 of the Development Code of the Codified Ordinances regarding solar regulations; and

WHEREAS: this Ordinance was recommended by the Planning Commission of the City of Rocky River for approval on August 21, 2018; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Section 1181.19 of the Development Code of the Codified Ordinances of the City of Rocky River concerning solar regulations be amended, as further described in the attached Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Section 1181.19 entitled Solar Regulations of the Development Code of the Codified Ordinances of the City of Rocky River be amended as further described in the attached Exhibit "A".

PASSED: September 24th, 2018

James W. Moran
JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: September 24th, 2018 APPROVED: September 24th, 2018

ATTEST:

Susan G. Pease
SUSAN G. PEASE
Clerk of Council

Pamela E. Bobst
PAMELA E. BOBST
Mayor

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 90-17 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 24th DAY OF September, 2018. THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 90-17

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 24th DAY OF September, 2018.

Aaron J. Pease
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 24th day of September, 2018.

Susan G. Pease
Clerk of Council of the City of Rocky River, Ohio

1181.19 SOLAR REGULATIONS.

- (a) Solar equipment shall only be an accessory use in residential and non-residential zoning districts. Solar panels are a use permitted by right on the roof of any residential ~~or non-residential~~ building when the panel or panels, at any point, are not ~~more than two (2)~~ **less than three (3)** feet from the roof line and the total area of the panels does not comprise more than ~~thirty-five (35%)~~ **seventy-five (75%)** percent of a single roof surface. For the purposes of this section the single roof surface shall include the area of appurtenant structures or other elements, such as dormers. In residential districts, only solar panels shall be permitted on roofs and other solar equipment associated with rooftop solar panels shall not be located in required setbacks or in the front yard.
- (b) Solar panels and solar equipment shall be Conditional Uses and subject to the provisions for accessory uses and structures contained in Section 1153.15 of this Code, and further subject to the review procedures for Conditional Uses contained in Code Chapter 1131, in the following situations:
- (1) For all non-residential buildings for both roof and free-standing ground solar structures and panels;
 - (2) For residential buildings ~~in non-residential districts, solar equipment, other than solar panels, may be located on the roof in conformance with all requirements of this Code including building height and screening, after approval by the Architectural Review Board. Solar panels may be considered as a Conditional Use, and subject to the review procedures in Chapter 1131,~~ when the size of the panel, or panels, are greater than the requisite roof percentage; the panel is installed so it extends farther from the roof **closer to the roof line** than the permitted standard in sub-section (a), above; or a freestanding structure is proposed. In reviewing such proposed Conditional Use, the Planning Commission shall consider:
— ~~(1)~~ (i) Whether or not there are alternative locations in compliance with sub-section (a) and that all these alternatives have been adequately evaluated.
~~(2)~~ (ii) Whether the proposed panel(s) and their location(s) are designed to minimize any adverse impacts to the neighborhood; and,
~~(3)~~ (iii) Whether the mass of any freestanding structure is the minimum necessary to serve the property.
- (c) The provisions of the Ohio Board of Building Standards shall be applied for solar panel regulation when consistent herewith.
(2nd Amended Ord. 90-17. Passed 9.24.18.)