

ORDINANCE NO.: 2022-32 (As Amended)

INTRODUCED BY: Mrs. Kozminski-VanderHart

AN ORDINANCE AMENDING SECTION 1177.11, “SUPPLEMENTAL REGULATIONS FOR CERTAIN USES” TO DELETE SUBSECTION 1177.11(g), “SOLAR ENERGY SYSTEMS” AND TO AMEND SCHEDULE 1177.07 OF SECTION 1177.07 TO DELETE THE REFERENCE TO SUBSECTION 1177.11(g) AND ENACTING NEW CHAPTER 1367, “SOLAR ENERGY SYSTEMS” OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the Building Department Commissioner has advised this Council that it is necessary to amend the Codified Ordinances of the Village of Moreland Hills to remove the requirement that solar energy systems be approved by application to the Planning Commission for a conditional use permit and to enact regulations for solar energy systems in the Building Code of the Village of Moreland Hills; and

WHEREAS, the proposed amendments to Section 1177.11 and Schedule 1177.07 to delete subsection 1177.11(g) and remove the reference to subsection 1177.11(g) in Schedule 1177.07 of Section 1177.07 and the enactment of new Chapter 1367, “Solar Energy Systems” of the Building Code have been reviewed by the Planning Commission, which has recommended that Council adopt the same; and

WHEREAS, this Council herein determines to amend Section 1177.11 and delete the reference to subsection 1177.11(g) in Schedule 1177.07 and enact new Chapter 1367, “Solar Energy Systems.”

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

Section 1: Section 1177.11 of Chapter 1177, “Conditional Use Regulations” of the Planning and Zoning Code of the Codified Ordinances of the Village of Moreland Hills shall be amended to read as follows:

“1177.11 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

The following are specific conditions, standards and regulations for certain conditional uses and are in addition to the criteria and standards set forth in Sections [1177.07](#) through [1177.09](#).

(a) Civic Center:

- (1) The proposed use shall not generate excessive noise, odor, dust, or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the surrounding area.

(2) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

(3) The maximum lot coverage shall be fifty percent (50%).

(b) Public Park; Recreational Space and Associated Facilities:

(1) The Planning Commission may require active recreation areas to be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet.

(2) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the surrounding area.

(3) Public restrooms may be provided and if provided, shall be maintained.

(4) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

(5) Only incidental retail uses, such as a snack bar, shall be permitted as an accessory use. Such facility shall be provided for the convenience of customers attending the facility and no sign advertising the retail use shall be permitted.

(6) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.

(7) The maximum lot coverage shall be twelve percent (12%).

(8) Outdoor activity areas, such as a swimming pools; hiking trails, ball fields; or courts, shall be setback fifty (50) feet from any side or rear lot line. Where exterior lighting of such areas is proposed, the Planning Commission may limit the hours of exterior illumination, given the location of exterior lighting fixtures and their proximity to the adjacent parcels, to ensure that the proposed use is compatible with the surrounding uses.

(9) The scale, massing, and building design of the principal building, if any, shall be compatible with the surrounding neighborhood and the site's environmental conditions.

(c) Places of Worship/church:

(1) Associated uses, such as a convent, shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this Chapter.

- (2) The Planning Commission may require all outdoor children's activity areas to be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet.
 - (3) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the surrounding area.
 - (4) The Planning Commission may limit the hours/days of operation to insure that the use is compatible with surrounding land uses.
 - (5) Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.
 - (6) Outdoor activity areas, such as a swimming pools; ball fields; or courts, shall be setback fifty (50) feet from any side or rear lot line. These outdoor activity areas shall be located behind the rear building line. Where exterior lighting of such areas is proposed, the Planning Commission may limit the hours of exterior illumination, given the location of exterior lighting fixtures and their proximity to the adjacent parcels, to ensure that the proposed use is compatible with the surrounding uses.
 - (7) The scale, massing, and building design of the principal building shall be compatible with the surrounding neighborhood.
 - (8) The maximum lot coverage shall be thirty-five percent (35%).
- (d) Public Service Facility.
- (1) Facilities shall be limited to structures that are essential for the distribution of services to the local area.
 - (2) Outdoor storage of vehicles and general materials shall be adequately screened from the public street and adjacent properties as determined by the Planning Commission.
- (e) Restaurant, Outdoor Dining:
- (1) Outdoor seating shall be accessory to the restaurant and shall not be the primary seating for the restaurant.
 - (2) Outdoor seating areas shall not be located in required setbacks.
 - (3) Outdoor seating areas shall be required to be enclosed in instances where there is wait staff or alcohol service. Enclosures shall consist of metal railing, wood railing, brick walls, or other suitable material approved by the Planning Commission.

- (4) The hours of operation for outdoor seating shall be consistent with the hours of operation of the inside restaurant.
- (5) Outdoor seating areas shall be kept clean and litter-free.
- (6) Outdoor seating areas, where wait staff does not clear tables, shall provide a trash receptacle that shall be emptied by the restaurant daily. Trash receptacles shall be covered to prevent the spreading of trash.
- (7) All tables, chairs, planters, trash receptacles, and other furniture shall be compatible with the architectural character of the adjacent buildings, shall be of quality durable material such as metal or wood, and shall be maintained in good working order and safe condition. During non-business hours, all outdoor furniture and fixtures shall be stored inside the building or properly secured.
- (8) A sign stating "No food or beverages beyond this point" shall be posted.
- (9) Lighting to serve outdoor seating shall be white in color and shall not project onto adjacent property.
- (10) Each conditional use application for outdoor seating shall include a sketch of the premises showing the outdoor seating area and shall be accompanied by pictures and/or materials illustrating the tables, chairs and other fixtures associated with the outdoor seating

(f) School, (Public/private) Elementary/secondary:

- (1) The Planning Commission may require all outdoor children's activity areas to be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet.
- (2) All activities, programs and other events shall be listed on the application. These activities shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
- (3) The maximum lot coverage is thirty-five percent (35%).
- (4) Parking shall be located behind the front line of the principal building. An exception to this requirement may be granted where necessary due to the shallow depth of a parcel, the location of existing mature trees, location of existing parking areas, or other similar circumstances.
- (5) Exterior lighting shall be compatible with the surrounding neighborhood.
- (6) Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.

- (7) The scale, massing, and building design of the principal building shall be compatible with the surrounding neighborhood.
- (8) Outdoor activity areas, such as a swimming pools; ball fields; or courts, shall be setback fifty (50) feet from any side or rear lot line. These outdoor activity areas shall be located behind the rear building line. Where exterior lighting of such areas is proposed, the Planning Commission may limit the hours of exterior illumination, given the location of exterior lighting fixtures and their proximity to the adjacent parcels, to ensure that the proposed use is compatible with the surrounding uses.
- (9) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the surrounding area. In addition, the Planning Commission may limit the hours/days of operation to insure that the use is compatible with surrounding land uses.

(Ord. 2012-21. Passed 7-11-12.)

~~(g) Solar Energy Systems: A Solar Energy System consists of photovoltaic cells and related accessories that is designed to convert solar energy into electrical energy, or a system consisting of solar thermal collectors, parabolic reflectors, or similar structures that are designed to harness solar energy for use as thermal energy for heating water, air or other residential or commercial use.~~

~~— A Solar Energy System is a conditionally permitted accessory use in residential and non-residential zoning districts and may be permitted only upon review and approval pursuant to: the procedures in Section [1129.07](#) and when the Planning Commission and Village Council have determined that a proposal is in compliance with the criteria in Section [1177.03](#) and the following standards and conditions:-~~

~~— (1) Solar panels shall be placed on the portion of roof of any residential or non-residential building so that the panel or panels:~~

~~— A. Are not visible from any street or sidewalk at the front of the property;~~

~~— B. Do not extend beyond the edge of the roof; and~~

~~— C. Are placed parallel to and, to the extent practicable, are mounted flush with the plane of the roof.~~

~~— (2) Solar panels may only be considered in roof locations that are not in compliance with sub-section "(1)," above, or in a rear yard when the applicant has demonstrated to the satisfaction of the Planning Commission and Village Council that:~~

~~— A. The alternative location will produce substantially more electricity than locations in compliance with Sub-section "(1)" above.~~

- ~~— B. There are no alternative locations in compliance with Sub section "(1)" and all alternative locations have been adequately evaluated;~~
- ~~— C. The proposed panel(s) and their location(s) are designed to minimize any adverse impacts to the neighborhood; and~~
- ~~— D. The size and location of any structure is the minimum necessary to serve the needs of the building(s) on the property.~~
- ~~— (3) In Residential Districts related solar equipment (other than the panels) shall only be placed in the rear yard. In the Retail Business District solar equipment (in addition to the solar panels) may also be located on the roof in conformance with all requirements of this Code including building height and screening and approved by the Planning Commission and Village Council.~~
- ~~— (4) Any solar panels or related equipment being proposed on the ground shall:~~
 - ~~— A. Only be located in a rear yard and in compliance with the setback requirements for accessory buildings;~~
 - ~~— B. Have a maximum height of six (6) feet from the ground for both the solar panels and related equipment;~~
 - ~~— C. Comprise only the minimum area to provide the energy necessary to serve the property but in no case have a maximum area greater than 1,000 square feet when measured using a horizontal plane around the perimeter of the system and such area may be in addition to the maximum area allowances for accessory buildings and structures as otherwise regulated in each zoning district.~~
 - ~~— D. Be reasonably screened from view of adjacent property or a street, as determined by the Planning Commission, by existing or proposed landscaping and/or fencing. Screening shall be shown on the plans submitted with the application.~~
- ~~— (5) Solar panels and related equipment shall be located, be constructed of such material and/or painted so that:~~
 - ~~— A. The glare from the solar panels is not directed at any other person, building, or at any public right-of-way;~~
 - ~~— B. The panels will match, to the extent practicable, the design and color of the roof on which the panels will be placed; (Ord. 2013-05. Passed 6-12-13.)~~
- ~~— (6) Access pathways. Solar panels in roof locations shall provide clear access pathways to ensure access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities area, and to provide emergency egress from the roof. Access pathways shall comply with the following:~~

- ~~— A. Residential buildings with hip roof layouts. Solar panels shall be located in a manner that provides one (1) three-foot (3') wide clear access pathway from the eave to the ridge on each roof slope where solar panels are located. The access pathway shall be located at a structurally strong location on the building (i.e., a bearing wall) approved by the Building Inspector.~~
- ~~— B. Residential buildings with a single ridge. Solar panels shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where the solar panels are located.~~
- ~~— C. Hips and valleys. Solar panels should be located no closer than one and one half (1.5) feet to a hip or a valley if solar panels are to be placed on both sides of a hip or valley. If the solar panels are to be located on only one side of a hip or valley that is equal length, then the solar panels may be placed directly adjacent to the hip or valley.~~
- ~~— (7) Marking. Solar Energy Systems must be marked in compliance with the following requirements to provide emergency responders with notice of a Solar Energy System:~~
 - ~~— A. The materials used for the marking shall be reflective and weather resistant.~~
 - ~~— B. For residential Solar Energy Systems, the marking shall be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, the marking shall be placed on the outside cover.~~
 - ~~— C. For non-residential Solar Energy Systems, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.~~
 - ~~— D. Content and format of marking. Markings shall contain the statement "CAUTION: SOLAR ELECTRIC SYSTEM" in all capital letters in Arial or a similar font, with a minimum letter height of 3/8 inches, and a red background with white letters.~~
 - ~~— E. Marking for Direct Current Conduit, Raceways, Enclosures, Cable Assemblies, and Junction Boxes. Marking is required for all interior and exterior DC conduit, raceways, enclosures, cable assemblies, and junction boxes to alert the fire department to not cut them. Marking shall be placed on all interior and exterior DC conduit, raceways, enclosures, and cable assemblies, every 10 feet, at turns and above and/or below penetrations and all DC combiner and junction boxes.~~
 - ~~— i. Content and format of marking. Markings shall contain the statement "CAUTION: SOLAR CIRCUIT" in all capital letters in Arial or a similar font, with a minimum letter height of 3/8 inches, and a red background with white letters.~~
 - ~~— F. The inverter is a device used to convert DC electricity from the solar system to AC electricity for use in the building's electrical system or the grid. No markings are required for the inverter.~~

- ~~— (8) An application for a Solar Energy System shall include:~~
 - ~~— A. A plan, with adequate scaled and dimensioned drawings, depicting the locations of the proposed system.~~
 - ~~— B. The manufacturer's specifications for the system being proposed.~~
 - ~~— C. Documentation that the size of the proposed system is the maximum necessary to meet the needs of the buildings on the property and will not, generally, generate excessive power. If, however, the applicant chooses to interconnect with the electric grid, for the sole purpose of addressing normal fluctuations in supply and demand, the applicant must submit evidence that the design of the proposed interconnection has been approved by the utility company.~~
 - ~~— D. Evidence that the proposed system has been reviewed by the Chagrin Falls Fire Department and the findings and recommendations of the Fire Department are submitted with the application.~~
 - ~~— E. A description of the trees and/or other vegetation, that needs to be trimmed or removed from the site. In evaluating the removal of such vegetation the Village shall consider:
 - ~~— i. The potential impact on erosion and drainage;~~
 - ~~— ii. Any potential alternatives to trimming or removal; and~~
 - ~~— iii. The extent to which replacement trees and vegetation are necessary and appropriate to off-set the negative effects of the tree or vegetation removal.~~~~
 - ~~— F. Verification that the installer has professional training and licensure.~~
 - ~~— G. Certification by a licensed structural engineer that the roof of the building is designed to handle the weight of the proposed solar panel system.~~
- ~~— (9) When locating a solar panel, it is the property owner's responsibility to consider current and future development, growth of trees and vegetation, and other obstructions that might interfere with solar access. Nothing in this section shall prohibit the owner of the solar energy conversion system from obtaining a solar access easement from any person.~~
- ~~— (10) All solar energy systems must be approved by the Village Building Inspector, a Structural Engineer and an Electrical Inspector.~~
- ~~— (11) Approval of the solar energy system pursuant to this section is not a guarantee of the safety of the solar energy system and, therefore, Village safety forces may not be able to access a property or building containing solar panels in case of fire or other emergency.”~~

Section 2: Schedule 1177.07 of Section 1177.07 of Chapter 1177, “Conditional Use Regulations” of the Planning and Zoning Code of the Codified Ordinances of the Village of Moreland Hills shall be amended to read as follows:

“Schedule 1177.07								
Regulations for Conditional Uses in the U-1 Dwelling House, U-3 Townhouse & U-4 Residential Open Space Conservation Districts								
Conditional use	Conditional Use in District	Minimum Lot Regulations		Minimum Building Setbacks (1)		Minimum Parking Setbacks		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
1. Civic center	U-1	6 acres	200 ft.	75 ft.	50 ft.	NP	20 ft.	1177.11(a)
2. Places of worship/church	U-1	6 acres	200 ft.	100 ft.	50 ft.	NP	20 ft.	1177.11(c)
3. Public park	U-1	None	None	100 ft.	50 ft.	NP	20 ft.	1177.11(b)
4. Public service facility	U-1	None	None	None	None	NP	NP	1177.11(d)
5. Recreational Space & Associated Facilities	U-4	25 acres	400 ft.	100 ft.	50 ft.	NP	20 ft.	1177.11(b)
6. School (public/private) elementary/secondary	U-1	6 acres	200 ft.	100 ft.	50 ft.	NP (2)	20 ft.	1177.11(f)
7. Solar Energy Systems	U-1, U-4 and U-3							1177.11(g)

Notes to Schedule [1177.07](#):
 (1) Uses shall comply with the standards in this table or the corresponding district standard, whichever is greater.
 (2) Except as provided for in Section [1177.11](#).

NP = Not Permitted

List of Districts:
 U-1 Dwelling House District
 U-4 Residential Open Space Conservation District
 U-3 Townhouse District”

Section 3: New Codified Ordinance Chapter 1367, under Title Three – Local Provisions of Part Thirteen – Building Code is enacted as follows:

“CHAPTER 1367
Solar Energy Systems

1367.01 DEFINITION.

A “Solar Energy System” consists of photovoltaic cells and related accessories that is designed to convert solar energy into electrical energy, or a system consisting of solar thermal collectors, parabolic reflectors, or similar structures that are designed to harness solar energy for use as thermal energy for heating water, air or other residential or commercial use.

1367.02 PERMITTED USES OF SOLAR ENERGY SYSTEMS.

A Solar Energy System is a permitted accessory use in residential and non-residential zoning districts and may be permitted only upon application to and review and approval of the Village Building Inspector pursuant to the following standards and conditions:

(1) Solar panels shall be placed on the portion of roof of any residential or non-residential building so that the panel or panels:

A. Do not extend beyond the edge of the roof; and

B. Are placed parallel to and, to the extent practicable, are mounted flush with the plane or pitch of the roof.

(2) Solar panels may only be considered in roof locations that are not in compliance with sub-section "(1)," above, or in a rear yard when the applicant has demonstrated to the satisfaction of the Building Inspector that:

A. The alternative location will produce more electricity than locations in compliance with Sub-section "(1)" above.

B. All alternative locations have been adequately evaluated;

C. The proposed panel(s) and their location(s) are designed to minimize any adverse impacts to the neighborhood; and

D. The size and location of any structure is the minimum necessary to serve the needs of the building(s) on the property.

(3) In Residential Districts related solar equipment (other than the panels) shall only be placed in the rear yard. In the Retail Business District solar equipment (in addition to the solar panels) may also be located on the roof in conformance with all requirements of this Code including building height and screening and approved by the Building Inspector.

(4) Any solar panels or related equipment being proposed on the ground shall:

A. Only be located in a rear yard and in compliance with the setback requirements for accessory buildings;

B. Have a maximum height of six (6) feet from the ground for both the solar panels and related equipment;

C. Comprise only the minimum area to provide the energy necessary to serve the property but in no case have a maximum area greater than 1,000 square feet when measured using a horizontal plane around the perimeter of the system and such area may be in addition to the maximum area allowances for accessory buildings and structures as otherwise regulated in each zoning district.

D. Be reasonably screened from view of adjacent property or a street, as determined by the Building Inspector, by existing or proposed landscaping and/or fencing. Screening shall be shown on the plans submitted with the application.

(5) Solar panels and related equipment shall be located, be constructed of such material and/or painted so that:

A. The glare from the solar panels is not directed at any other person, building, or at any public right-of-way;

B. The panels will match, to the extent practicable, the design and color of the roof on which the panels will be placed;

(6) An application for a Solar Energy System shall include:

A. A plan, with adequate scaled and dimensioned drawings, depicting the locations of the proposed system.

B. The manufacturer's specifications for the system being proposed.

C. Documentation that the size of the proposed system is the minimum necessary to meet the needs of the buildings on the property and will not, generally, generate excessive power. If, however, the applicant chooses to interconnect with the electric grid, for the sole purpose of addressing normal fluctuations in supply and demand, the applicant must submit evidence that the design of the proposed interconnection has been approved by the utility company.

D. Evidence that the proposed system has been reviewed by the Chagrin Falls Fire Department and the findings and recommendations of the Fire Department are submitted with the application.

E. A description of the trees and/or other vegetation, that needs to be trimmed or removed from the site. In evaluating the removal of such vegetation the Village shall consider:

i. The potential impact on erosion and drainage;

ii. Any potential alternatives to trimming or removal; and

iii. The extent to which replacement trees and vegetation are necessary and appropriate to off-set the negative effects of the tree or vegetation removal.

F. Verification that the installer has professional training and licensure.

G. Certification by a licensed structural engineer that the roof of the building is designed to handle the weight of the proposed solar panel system.

(7) When locating a solar panel, it is the property owner's responsibility to consider current and future development, growth of trees and vegetation, and other obstructions that

might interfere with solar access. Nothing in this section shall prohibit the owner of the solar energy conversion system from obtaining a solar access easement from any person.

(8) All solar energy systems must be inspected and approved by the Village Building Inspector and an Electrical Inspector.

(9) Approval of the solar energy system pursuant to this section is not a guarantee of the safety of the solar energy system and, therefore, Village safety forces may not be able to access a property or building containing solar panels in case of fire or other emergency.”

Section 4: The actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings held in compliance with all legal requirements.

Section 5: This Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health and safety of the residents of the Village and for the further reason that it is necessary to move the regulation of solar energy systems from the Planning Commission to the Building Code at the earliest time possible.

WHEREFORE, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

Placed on First Reading as Amended & Referred to Planning Commission June 8, 2022

MAYOR

PASSED: _____

ATTEST:

CLERK