

VILLAGE OF GRAFTON
ORDINANCE NO. 18-009

AN ORDINANCE ADDING A NEW CHAPTER –
Chapter 1297 – SOLAR POWER PLANTS
TO THE VILLAGE OF GRAFTON CODIFIED ORDINANCES

INTRODUCED BY:

MOTION BY: LESCHER

SECONDED BY: STRAH

WHEREAS, the Planning Commission of the Village of Grafton has reviewed a proposed addition of rules and regulations for Solar Power Plants; and

WHEREAS, after completing their review and deliberations, the Planning Commission of the Village of Grafton recommends that it is in the best interest of the Village that Grafton Village Council enact Zoning provisions establishing the criteria for the placement of Solar Power Plants, in an attempt to minimize any safety, public welfare, or aesthetic concerns resulting from same; and

WHEREAS, Grafton Village Council desires to follow the Village Planning Commission recommendation and adopt an amendment to the Village Zoning Code to regulate Solar Power Plants within the Village of Grafton.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF Grafton, THAT:

SECTION 1: Grafton Village Council shall amend the Village Zoning Code (Part twelve of the Codified Ordinances of Grafton, Ohio) as follows:

Amend Chapter 1240 to add the following definition:

SOLAR POWER PLANT: A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies. This includes systems designed and built to provide electricity directly to the electric utility grid.

SECTION 2: Grafton Village Council shall amend the Village Zoning Code (Part twelve of the Codified Ordinances of Grafton, Ohio) to amend Chapter 1274, Light Industrial District, to add the following to the list of conditionally permitted uses in Section 1274.03.

Solar Power Plants pursuant to Chapter 1297.
Agricultural activities limited strictly to cultivation of fruits, vegetables and other plant material that is harvested for human or animal consumption or use.

SECTION 3: Grafton Village Council shall amend the Village Zoning Code (Part twelve of the Codified Ordinances of Grafton, Ohio) to amend Chapter 1276, General Industrial District, to add the following to the list of conditionally permitted uses in Section 1276.04.

Solar Power Plants pursuant to Chapter 1297.
Agricultural activities limited strictly to cultivation of fruits, vegetables and other plant material that is harvested for human or animal consumption or use.

SECTION 4: Grafton Village Council shall amend the Village Zoning Code (Part twelve of the Codified Ordinances of Grafton, Ohio) to add a new chapter as follows:

Chapter 1297 SOLAR POWER PLANTS

1297.01 PURPOSE.

This Chapter establishes the regulations and requirements for Solar Power Plants within zoning districts. These regulations are necessary to balance the need for clean, renewable energy resources and the need to protect the public health, safety and welfare of the community, and to ensure that alternative energy systems are appropriately designed and safely sited and installed. In the event of a conflict between the development standards in this Chapter and the development standards in the applicable zoning district, the standards of this Chapter are to be used.

1297.02 APPLICABILITY.

This Chapter applies to all Solar Power Plants, as defined in Chapter 1240, to be constructed or installed within the Village of Grafton after the effective date of this Ordinance. Existing alternative energy systems, constructed or installed before the effective date of this Ordinance, may continue in operation provided such system is not expanded, enlarged, or otherwise modified except in conformance this this Ordinance.

1297.03 MAINTENANCE AND NON-USE.

All Solar Power Plants and related components and equipment shall be properly maintained and kept in operation. Any Solar Power Plant that remains non-functional or inoperative for a continuous period of six months shall be deemed to be abandoned and shall constitute public nuisance. The owner shall be notified of

the violation of Village of Grafton Codified Ordinances Chapter 1488, Property Maintenance Code.

Removal of the Solar Power Plants shall include the removal of all structures, including foundations, transmission/interconnection equipment. Failure to remove the all such structures, including foundations, transmission/interconnection shall be deemed a violation of this chapter and shall be handled in the same manner as other nuisances, Village of Grafton Codified Ordinances Chapter 1488, Property Maintenance Code.

1297.05 GENERAL APPLICATION REQUIREMENTS.

No Solar Power Plant shall be erected or installed in the village until approval has been granted by the Village per all applicable ordinances, a grid interconnection agreement or power contract has been signed by the Village Administrator, and a Building Permit has been issued by the Village of Grafton Building Department. Written application to construct a Solar Power Plant shall be made to the Village, in accordance with requirements contained in Chapter 1242 and 1250 as applicable. A proposed Solar Power Plant is also subject to the requirements of Site Plan Review described in Chapter 1248. The following supplementary information shall also be included in an application to construct a Solar Power Plant.

1. The application will also include the name, address and telephone number of the licensed and registered electrical contractor(s) that will make all installations.
2. A description of the probable useful life of the Solar Power Plant, along with a decommissioning plan for the system. Removal of a Solar Power Plant shall require at least a 90-day notification to the Village, the Village Administrator and the Village Electric Superintendent. Decommissioning shall include removal of solar panels and enclosed buildings with electrical equipment. Disturbed earth shall be graded and re-seeded. The Village of Grafton may require some form of guarantee, surety, bond or other financial mechanism to ensure proper facility decommissioning and prompt removal of solar panels and/or related equipment at the end of the useful life of the Solar Power Plant. Such guarantee may be required as part of the zoning approval process and/or as part of any lease agreements between the Village of Grafton and the owner of the facility.
3. A description of the proposed Solar Power Plant System, including information regarding its construction method of assembly and installation. This description shall include drawings showing proposed inverter, metering and utility grid connections. Elevations of a typical solar panel unit and enclosed buildings shall be provided.
4. Description of related solar easements to be acquired to protect solar access for the Power Plant. This information is in addition to any on-site easements shown on a site plan submitted pursuant to Chapter 1248.02.

1297.06 SOLAR POWER PLANT DEVELOPMENT STANDARDS

Solar Power Plants are a conditional use in specific zoning districts, and shall meet the requirements of the underlying zoning district, Chapter 1250, and the additional performance and design standards requirements of this Section.

Specific performance and design standards for Solar Power Plants are as follows:

1. **Maximum Height:** The maximum height for all structures associated with a Solar Power Plant is equal to the maximum permitted height of principal structures in the district it is located in.
2. **Setbacks:** All structures associated with a commercial Solar Power Plant shall be set back from all property lines and public road rights-of-way at least thirty feet, or one and one-half times the height of the structure, whichever is greater. In addition, all structures associated with a Solar Power Plant must be located at least one hundred feet from all residentially zoned lots and any existing residence. This requirement is applicable to both residentially zoned lots and existing residences in the Village and outside the Village. Additional setbacks may also be required to mitigate noise and glare impacts.
3. **Security:** A security fence shall be required around the perimeter of the Solar Power Plant. The specific height, design and material choices shall be determined as part of the conditional use and/or site plan review approval process based on specific site conditions and the nature and character of surrounding land uses.
4. **Noise:** No Solar Power Plant shall produce noise from transformers or other electrical equipment that exceeds 55 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring habitable building. An independent noise study may be required to document compliance with this requirement as part of the approval process.
5. **Appearance:** Buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend with the existing environment. Appropriate landscaping and/or screening materials may be required to help screen the Solar Power Plant from neighboring residences.
6. **Electrical Connections:** All electrical interconnections within the project boundary shall be underground.
7. **No Solar Power Plant shall be connected to the Village Municipal Power System without properly executed grid interconnection agreement or power contract. Except as may be specially approved by the Grafton Village Council, no Solar Power Plants shall provide power to off-site building(s), structures, uses or other power energy distribution systems (power grids) other than the Village Municipal Power System. All installations will be performed by a licensed electrical contractor.**

8. All electrical control panels, as well as control equipment, shall be labeled and secured to prevent unauthorized access. All installations will include an external disconnect to allow for the isolation of the alternative energy system from the Village Municipal Power System.
9. All Solar Power Plants shall be designed to conform to all the requirements of the Ohio Building Code, Ohio Residential Code the National Electrical Code and all other applicable regulations. All Solar Power Plants to be connected to the Village's Municipal Power System shall be metered, and shall have grid failure disconnect systems and shall adhere to O.R.C. § 4928.67 and UL 1741, Standard for Utility-Interactive Applications.
10. Solar panels shall be designed to absorb (not reflect) sunlight. Solar panel placement should be arranged to minimize or negate any solar glare onto nearby properties or roadways, without duly impacting the functionality or efficiency of the solar system.
11. A private access road must be provided from a State or Village roadway to enclosed buildings to provide for maintenance and emergency vehicle access.
12. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on any fence surrounding the Solar Power Plant informing individuals of potential voltage hazards.
13. The Solar Power Plant shall not be artificially illuminated except to the extent required for safety or applicable federal, state or local regulations, and to the minimum extent necessary for security purposes.

1297.17 PENALTY.

(A) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this chapter, shall constitute a misdemeanor of the fourth degree. Any person who violates this chapter, or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than \$250 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violations.

(B) Civil action. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of law or of this chapter, or any amendment thereto, the Village Council, the Village Law Director, the Zoning Administrator or any adjacent or neighboring property owner who would be especially damaged

by such violation may, in addition to other appropriate action, enter proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

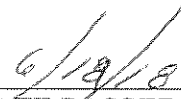
(C) Remedies cumulative. The exercise of the rights and remedies granted in this section shall in no way preclude or limit the village or any person from exercising any other right or remedy now or hereafter granted to them under the state law.

SECTION 4: That, it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

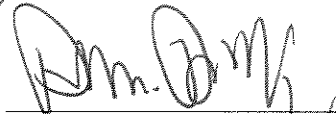
SECTION 5: That, this ordinance shall be in full force and effect at the earliest date provided by law.



PRESIDENT OF COUNCIL



DATE PASSED



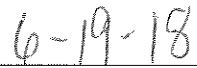
MAYOR



DATE APPROVED



CLERK-TREASURER



DATE ATTESTED

APPROVED AS TO FORM BY:



GRETCHEN A. HOLDERMAN

Planning Commission recommended that this Ordinance be:

 X Approved _____ Disapproved

First Reading: 5-15-18
Second Reading: 6-5-18
Third Reading: 6-19-18