

**ORDINANCE NO. 2022-60**  
Introduced by William Biddlecombe

**AN ORDINANCE ESTABLISHING A NEW SECTION 1126.18 (SOLAR STRUCTURES)  
UNDER CHAPTER 1126 (SPECIAL PROVISIONS) OF THE PLANNING AND ZONING  
CODE OF THE CODIFIED ORDINANCES OF THE CITY OF HURON.**

WHEREAS, the City of Huron has determined that its existing ordinances do not adequately address solar structures within the City limits;

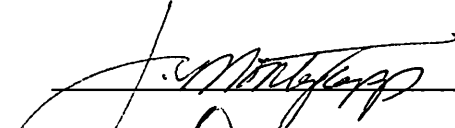


WHEREAS, the City does, therefore, desire to amend the Codified Ordinances of the City of Huron to add a new Section 1126.28 (Solar Structures) under Chapter 1126 (Special Provisions).

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

**Section 1:** That Council hereby establishes a new Section 1126.18 (Solar Structures) under Chapter 1126 (Special Provisions) of the Planning and Zoning Code of the Codified Ordinances of the City of Huron, a copy of which is attached hereto and incorporated hereby by reference as Exhibit "A."

**Section 2:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 3:** That this Ordinance shall take effect and be in force from and after the time period contained in Section 3.06 of the Charter of the City of Huron.

  
\_\_\_\_\_  
ATTEST:   
\_\_\_\_\_  
Clerk of Council  
ADOPTED:   
\_\_\_\_\_

Monty Tapp, Mayor

## **1126.18 SOLAR STRUCTURES**

(a) **Purpose.** It is the purpose of this chapter to regulate the construction, modification, operation and abandonment by discontinuation of use of solar energy systems in the City of Huron, subject to reasonable conditions that will protect the public health, safety, and welfare while preserving the enjoyment of private property, promoting orderly land use, and development; allowing the safe, effective, and efficient use of solar energy systems. Solar energy systems shall be considered a permitted use in any zoning district, subject to the requirements of any other applicable chapter of this Code.

### **(b) Definitions.**

- (1) “Abandonment” means choosing to give up or discontinue use of the solar energy generation system in whole or part.
- (2) “Alternating-current (ac) module” means a complete, environmentally protected unit consisting of solar cells, optics, inverter, and other components, exclusive of tracker, designed to generate ac power when exposed to sunlight.
- (3) “Applicant” means the person or entity filing an application under this Chapter.
- (4) “Array” means a mechanically integrated assembly of modules or panels with a support structure and foundation, tracker, and other components, as required, to form a direct-current power producing unit.
- (5) “Facility owner” means the entity or entities having equity interest in the solar energy facility, including their respective successors and assigns.
- (6) “Ground mount” means a solar electrical system that is mounted directly to ground-mounted structure instead of solely on a building wall or roof.
- (7) “Operator” means the entity responsible for the day-to-day operation and maintenance of the solar energy system.
- (8) “Solar cell” means the basic photovoltaic device that generates electricity when exposed to light.
- (9) “Solar energy system (active or passive)” means the equipment, assembly or building construction and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating, electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include Passive Solar Energy Systems that capture the Sun's energy in building design and construction components; Solar Thermal Energy Systems that convert sunlight to heat as in a hot water tank or swimming pool; and Photovoltaic Solar Energy Systems that convert sunlight to electricity.

- (10) "Solar panel" means one of any type of assembly that produces energy, either electrical, heat or hot water for use or distribution include PV (Photovoltaic) an electrical device consisting of an array of connected solar cells, heat collectors and interstitial spaces including trombe panels, or hydronic panels for water heating systems.
- (11) "Solar photovoltaic systems" means the total components and subsystems that, in combination convert solar energy into electrical energy suitable for connection to utilization load.

**(c) Applicability.**

- (1) No person shall construct, erect, maintain, extend, or remove a solar system in any zoning district in the City without compliance with the provisions of this chapter and applicable related requirements of the entire ordinance.
- (2) Solar energy systems constructed prior to the effective date of this chapter shall not be required to meet the requirements of this code; unless any physical condition or modification renders such system un-repairable or un-usable. If any pre-existing solar energy system is damaged or destroyed such an extent that is cannot be returned to original service, or any such damage or modification creates an unsafe condition it shall be replaced or removed in conformity to this chapter and pursuant to Chapter 1121.07.
- (3) Like-kind replacements of panels shall require applicable electrical or general building permits.
- (4) Like-kind replacements of entire ground-mount solar energy systems shall require proper zoning approval and applicable electrical/building permits. Existing installations shall provide emergency disconnect locations to the City of Huron Building Department.

**(d) Contents of Application.**

- (1) Solar structures shall only be an accessory use in residential (R) and commercial (B) zoning districts. Ground-mounted solar panels are a conditional accessory use at any residential or non-residential building, excluding Industrial (I) zones, where they are permitted by right. In all districts, solar equipment including solar panels, may be located on the roof in compliance with all requirements of this Code including building height and screening, after approval by the Design Review Board. Nothing in this regulation shall preclude standalone systems for small accessory lighting, ventilation or battery storage systems either roof or ground-mounted not to exceed 12 square feet.
- (2) An application for a solar energy system shall be approved in compliance with the standards and criteria of this Chapter and shall include:

- A. A narrative describing the proposed solar energy system. including the approximate generating capacity of the project and the number, manufacturer, and model of the solar panels to be installed, their individual generating capacity. and a description of ancillary systems.
- B. A site plan to scale of the subject property showing the planned location of the solar panels, setback lines, proposed and existing ancillary equipment buildings, and structures. For systems with more than 35% of roof area facing the street, elevation(s) shall be provided to scale.
- C. Certified approval from the Homeowners Association (HOA) and/or an approval letter from the HOA legal representative, if applicable.

(e) Design and Performance Standards.

- (1) Lighting. Solar energy systems shall be lit only if required by an applicable authority. Lighting of other parts of the solar energy systems, such as appurtenant structures shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting structures.
- (2) Appearance and Signage. The factory or original equipment manufacturer identification and/or logo are permitted. Required signage and emergency services disconnect placard shall be appropriate warning signs (Danger-High Voltage or Caution-Electrical Shock Hazard or any other recognized safety precaution signage) installed at the base of the solar array.
- (3) Construction Codes. To extent applicable, the solar system shall comply with the Ohio Building Code and any other applicable building and fire codes.
- (4) Electrical Codes. Permit applications for solar energy systems shall be accompanied by a line-drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for determination that the manner of installation conforms to all relevant and applicable local, state, and national codes, including the current national electric code NEC (NFPA 70). Solar energy systems interconnected to local utility shall have/ provide surge and lightning arrestors. All solar energy systems shall be grounded to reduce lightning strikes. All electrical lines and utility wires shall be buried underground.
- (5) Utility Notification. Permits for solar energy systems shall not be issued until evidence has been provided that the utility company approves the customer's intent to install an interconnected customer-owned generator. Applicant shall supply the letter of approval from the utility company at the time of application.
- (6) Completion. A solar energy system installation shall commence within six months of the issuance of the zoning permit and shall be completed and operational within one year from the date of commencement of installation. Commencement of installation shall be the date the solar panels are placed into position. If the solar energy system

is not completed within the stated time period, the facility owner or operator or the landowner shall be required, at his or their expense, to complete decommissioning of the site within 180 days without exception.

- (7) Solar Access Easements. Ohio R.C. 5301.63 sets forth the requirements for solar access, for the purpose of ensuring adequate access of solar energy collection devices to sunlight, any person may grant a solar access easement. Such easements shall be in writing and subject to the same conveyance and recording requirements as other easements. Any instrument creating a solar easement shall be recorded in the Erie County Recorder's Office.
- (8) Installation. Solar Panels must be installed in accordance with the manufacturer's design and operation standards, as well as all local county, state, and federal guidelines. Reasonable access for emergency response shall be provided to all solar systems and components including a 24 inches clear area around all flat-roof or ground-mounted solar array(s).
- (9) Roof-Mounted. Roof-mounted solar energy systems shall be permitted in all zoning districts provided the roof-mounted solar system meets all other requirements of the zoning and building regulations, including design review, and all applicable local and state fire and building codes. Pitched roof-mounted arrays shall be parallel to the roof. The distance between the roof and the uppermost portion of the solar panels shall not exceed 18 inches. Pitched-roof-mounted solar systems shall not be located within 12 inches of the edge of the roof. Roof-mounted panels on a flat roof shall not project vertically more than five feet from the surface of the roof and shall be buffered as prescribed by the Zoning Code.
- (10) Ground-Mounted.
  - A. Ground-mounted solar panels located on the ground or attached to a framework located on the ground shall not exceed fifteen (10) feet in height above the adjacent grade.
  - B. All related mechanical equipment, other than the actual photoelectric panels shall be fully buffered from the adjacent properties by fencing and/or by evergreen plantings as prescribe by city ordinance and must be maintained and effective through the life of the system. Buffering shall permit work access to panel and shall conform to Chapter 1131.
  - C. Ground-mounted solar panel arrays shall not exceed 30 percent of the remaining rear yard area within the setbacks defined by other chapters of the Zoning Code.
  - D. Non-Residential. Ground-mounted solar energy systems shall be permitted by right in all Industrial (I) Zones. Any proposed ground-mounted solar energy system may be located within any yard subject to applicable setback requirements for accessory structures and front setback requirements for principal structures within the designated I District.

E. Residential. No ground installations are permitted by right. Any proposed ground-mounted solar panels are conditional uses based on full compliance with this Zoning Code and approval from the Board of Building and Zoning Appeals.

(i) If approved, ground-mounted solar energy systems shall not be permitted in the front or side yard of a residential property. It shall be permitted in the rear yard of a residence. Such equipment shall be subject to the applicable rear yard coverage regulations and setbacks for accessory structures in residential districts as set forth in Chapter 1121.06 or other prevailing chapters of the Zoning Code.

F. Commercial and Retail Business. No ground installations are permitted by right in Business (B) Zones. Any proposed ground-mounted solar panels are conditional uses based on full compliance with this Zoning Code and approval from the Board of Building and Zoning Appeals.

(i) If approved, ground-mounted solar energy systems shall not be permitted in the front or side yard of a residential property. It shall be permitted in the rear yard of a residence. Such equipment shall be subject to the applicable rear yard coverage regulations and setbacks for accessory structures in residential districts as set forth in Chapter 1121.06 and/or other prevailing chapters of the Zoning Code.

(f) Fees. See Chapter 1321 for the fee schedule pertaining to conditional use, accessory structures, and electrical fees.

(g) Abandonment.

(1) At such a time a solar energy system is scheduled to be abandoned or operation is to be discontinued, the applicant will notify the Building Official and Planning Department of the proposed date of abandonment or discontinuation of use. If applicant fails to notify either department, then in that event the provisions contained under (2) herein below shall apply.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the solar energy system within 180 days from the date of abandonment or discontinuation of use. This period may be extended 60 days at the request of the owner but only upon the approval of the Building Official. "Physically remove" shall include, but not be limited to:

A. Removal of the solar energy system and related above grade structures.

B. Restoration of the location of the solar energy system to its natural condition, except that any landscaping, grading may remain in the after-conditions.

(3) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous six-month

period. After the six-month period of inoperability, the Building Official shall issue a Notice of Abandonment to the owner and operator of the solar energy system and, if residential, the property owner. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt time. The Building Official shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.

- (4) If the owner fails to respond to the Notice of Abandonment or if after review by the Building Official it is determined that the solar energy system has been abandoned or use discontinued, the owner of the solar energy system shall remove the system at the owner's sole expense within 60 days of receipt of the Notice of Abandonment. An extension may be granted to the applicant for just cause by the Building Official.

(h) Severability. Should any section, subdivision, clause, or phrase of this chapter be declared by the courts to be invalid, the validity of the chapter as a whole, or in part, shall not be affected other than the part invalidated.

(i) Penalty. See Chapter 1139.01 for Zoning Code violations.