

TEMPORARY ORDINANCE NO. 44-22

PERMANENT ORDINANCE NO. 2-23

AN ORDINANCE ESTABLISHING A NEW CHAPTER 1130 OF THE LANCASTER CODIFIED ORDINANCES ENTITLED "SOLAR ENERGY SYSTEMS" AND TO DECLARE AN EMERGENCY

WHEREAS, the newly formed City of Lancaster Planning and Zoning Department is proposing the addition of Chapter 1130 Solar Energy Systems to the Lancaster Codified Ordinances; and

WHEREAS, the Lancaster City Planning Commission received and reviewed the new Chapter being proposed for addition to the zoning code, and held a public hearing on the same on November 10, 2022 in accordance with Lancaster Codified Ordinance 1159.03; and

WHEREAS, the Lancaster City Planning Commission voted unanimously to recommend the proposed changes to Lancaster City Council pursuant to Lancaster Codified Ordinance 1159.01;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO,

SECTION 1. That new Chapter 1130 of the Lancaster Codified Ordinances, establishing "Solar Energy Systems," is hereby adopted pursuant to "Exhibit A" attached hereto and incorporated by reference herein.

SECTION 2. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall be effective immediately. The reason for the emergency is the immediate need to implement these regulations so residents and the environment can benefit from the use of solar energy systems as soon as possible.

Passed: 1/9/23 after 1<sup>st</sup> reading. Vote: Yeas 6 Nays 0

Approved: 1/9/23

Jon M. McDaniel  
President of Council

Clerk: Teresa L. Sandy

David L. Scheffel  
Mayor

Offered by: Wesley Miller

Second by: Ray L. Cook

Requested by Code Enforcement & Zoning Committee

I, Teresa L. Sandy, Clerk of Council do hereby certify that on 1/13, 2022 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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Clerk of Council

CHAPTER 1130

Solar Energy Systems

1130.01 Establishment and purpose	1130.05 Ground-mounted solar energy system standards
1130.02 Chapter definitions.	1130.06 Solar energy system matrix
1130.03 Solar energy systems in the Historic District.	1130.07 Removal and Decommissioning
1130.04 Roof-mounted and integrated solar energy system standards	1130.08 Solar Vegetation

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**1130.01 ESTABLISHMENT AND PURPOSE**

The purpose of this article is to provide a regulatory framework for the installation and construction of solar energy systems (SES) in the City of Lancaster, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also maintaining the character of the City of Lancaster. This section applies to SES to be installed and constructed on any property in any zoning district.

**1130.02 CHAPTER DEFINITIONS**

- a) Integrated Solar Energy System: An SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
- b) Solar Energy: Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.
- c) Solar Energy System (SES): An energy system that consists of one or more solar collection devices, solar energy-related equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law.
- d) Ground-Mounted Solar Energy System: An SES where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground.
- e) Roof-Mounted Solar Energy System: An SES mounted to the roof of a building or structure. Roof-mount systems are accessory to the primary use of a property.

- f) Small-Scale Ground-Mounted Solar Energy System (Small Scale SES): A ground mounted SES with a footprint of between one (1) and five (5) acres.
- g) Intermediate-Scale Ground-Mounted Solar Energy System (Intermediate Scale SES): A ground mounted SES with a footprint of between five (5) and fifteen (15) acres.
- h) Large Scale Ground Mounted Solar Energy System (Large Scale SES): A ground mounted SES with a footprint of more than fifteen (15) acres.

**1130.03 SOLAR ENERGY SYSTEMS IN THE HISTORIC DISTRICT**

Solar energy systems in the Historic Lancaster District shall receive a Certificate of Appropriateness from the Historic Lancaster Commission prior to zoning approval. The process for applying for a Certificate of Appropriateness can be found in Section 1327.09 of this code. These SES shall be designed, sized, and located to minimize their effect on the character of a historic building and/or property by observing the following:

- a) Place SES to avoid obscuring significant features or adversely affecting the perception of the overall character of the property.
- b) Minimize visual impacts by locating the SES such so that there is no visibility of the SES from the front of the historic building or structure.
- c) When applicable, the SES should be installed on an addition or secondary structure.
- d) Use the least invasive method feasible to attach the SES to a historic roof such that it avoids damage to significant features and historic materials and can be removed and the original character easily restored.
- e) Additionally, the SES shall comply with all applicable criteria in Section 1327.10 of this code.

**1130.04 ROOF-MOUNTED AND INTEGRATED SOLAR ENERGY SYSTEM STANDARDS**

- a) Roof-mounted and integrated SES shall be considered an accessory use and permitted by right within all districts if mounted to an existing structure subject to the standards for accessory uses in the applicable zoning district and the specific criteria set forth in this code.
- b) All SES are subject to the requirements of Section 1125.02 of this code and must comply with all bulk and area requirements for the corresponding zoning district.
- c) On a pitched/sloped roof, the SES shall be installed parallel to the roof surface and shall not extend beyond the roof peak or roof edge.
- d) On a flat roof, the SES is permitted to exceed the respective zoning district height limit by up to five (5) feet.
- e) Screening shall not be required for roof-mounted or integrated SES.

**1130.05 GROUND-MOUNTED SOLAR ENERGY SYSTEM STANDARDS**

- a) The City of Lancaster allows for the development of commercial or utility-scale solar energy systems where such systems present few land-use conflicts with current and

future development patterns. Ground-mounted SES that are the principal use on the development lot or lots are conditional uses in selected zoning districts.

- b) Ground-mounted SES shall not be taller than the height requirements for the underlying zoning district in which they are located.
- c) No ground-mounted SES shall be located within the front yard.
- d) Ground-mounted SES shall meet the required setbacks of the underlying zoning district in which they are located. Setbacks shall be the same as what is required for accessory buildings in the underlying zoning district in which they are located.
- e) All ground-mounted SES shall adhere to the bulk and area requirements for the underlying zoning district in which they are located. Additionally, accessory ground-mounted SESs are subject to the requirements of Section 1125.02 of this code.
- f) Accessory ground-mounted SES shall not be included in total ground floor area calculations.
- g) Power transmission lines, not including lines that connect one panel to another or from the project to the main transmission lines, from ground-mounted SESs must be underground and must be completely shielded against shock hazards.
- h) For primary use SES, parking areas are exempt from the off-street parking regulations but must still meet the required setbacks in the underlying zoning district and the landscaping requirements.
- i) An owner of a ground-mounted SES site shall follow site management practices that (1) provide diverse native perennial vegetation and foraging habitat beneficial to pollinators, and (2) reduce stormwater runoff and erosion at the solar generation site at a rate of one (1) square foot of plantings for each one (1) square foot of panels.
  - 1. A landscape plan shall be submitted showing the proposed layout and types of plantings for the site. A list of native perennial vegetation may be found in Section 1130.08 of this code. Other low-growing meadow/prairie plants and native or flowering perennials may also be approved.

#### **1130.06 SOLAR ENERGY SYSTEM MATRIX**

- a) The SES Matrices below identify the types of SES allowed in each district, or if a special exception is required. Certain SES may be prohibited in certain zoning districts.

<b>Solar Energy System (SES) Matrix 1</b>						
Use District	Agriculture (AG)	Central Business District (CBD)	Residential Estates (RE)	Residential Multi-Family (RM)	Residential Manufactured Home (RMH)	Single Family Residential (RS)
<b>Accessory Use</b>						
Integrated SES	P	P	P	P	P	P
Roof Mounted SES	P	P	P	P	P	P
Ground Mounted SES						
Small Scale SES (1-5 ac)	P	SE	P	P	P	P
Intermediate Scale SES (5-15 ac)	P	–	SE	SE	SE	SE
Large Scale SES (15+ ac)	P	–	SE	SE	SE	SE
<b>Primary Use</b>						
Integrated SES	–	–	–	–	–	–
Roof Mounted SES	–	–	–	–	–	–
Ground Mounted SES						
Small Scale SES (1-5 ac)	SE	–	–	–	–	–
Intermediate Scale SES (5-15 ac)	SE	–	–	–	–	–
Large Scale SES (15+ ac)	SE	–	–	–	–	–
<b>P:</b> Permitted use. The SES is allowed in this district.						
<b>SE:</b> Special exception use. Applicant must be granted permission to install an SES in this district.						
<b>Blank (–):</b> Prohibited. The SES is prohibited in this district or is not applicable.						

<b>Solar Energy System (SES) Matrix 2</b>						
Use District	Commercial General (CG)	Commercial High Intensity (CH)	Commercial Neighborhood (CN)	Industrial Light (IL)	Industrial Medium (IM)	Industrial Heavy (IH)
<b>Accessory Use</b>						
Integrated SES	P	P	P	P	P	P
Roof Mounted SES	P	P	P	P	P	P
Ground Mounted SES						
Small Scale SES (>1-5 ac)	P	P	P	P	P	P
Intermediate Scale SES (5-15 ac)	SE	SE	SE	P	P	P
Large Scale SES (15+ ac)	SE	SE	SE	SE	SE	SE
<b>Primary Use</b>						
Integrated SES	-	-	-	-	-	-
Roof Mounted SES	-	-	-	-	-	-
Ground Mounted SES						
Small Scale SES (1-5 ac)	SE	SE	SE	SE	SE	SE
Intermediate Scale SES (5-15 ac)	-	-	-	SE	SE	-
Large Scale SES (15+ ac)	-	-	-	-	SE	-
<b>P:</b> Permitted use. The SES is allowed in this district.						
<b>SE:</b> Special exception use. Applicant must be granted permission to install an SES in this district.						
<b>Blank (-)</b> Prohibited. The SES is prohibited in this district or is not applicable.						

**1130.07 REMOVAL AND DECOMMISSIONING**

- a) The owner, operator, or successors in interest shall remove any ground-mounted SES that ceases to perform its intended function for more than twelve (12) consecutive months, or which has reached the end of its useful life, or has been abandoned at the owner or operator's expense.
- b) The former SES site shall be restored to as natural condition as possible within six (6) months of the removal.

## 1130.08 Solar Vegetation

### Native Perennial Vegetation for Ground-Mounted Solar

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#### *Flowering Plants*

- Aster
- Bee Balm
- Black-eyed Susan
- Blue-Eyed Grass
- Blue False Indigo
- Butterfly Weed
- Cardinal Flower
- Giant Catmint
- Golden Alexander
- Gray-Headed Coneflower
- Heath Aster
- Jerusalem Artichoke
- Lanceleaf Coreopsis
- Lavender/Anise Hyssop
- Prairie Dock/Rosinweed
- Milkweed
- Mountain Mint
- Nodding Onion
- Obedient Plant
- Ohio Goldenrod
- Ohio Spiderwort
- Prairie Blazing Star
- Purple Coneflower
- Purple Prairie Clover
- Rough Blazing Star
- Shooting star
- Showy Goldenrod
- Sky Blue Aster
- Smooth Aster
- Smooth Penstemon
- Stiff Goldenrod
- White Prairie Clover
- Wild Bergamot
- Wild Geranium
- Wild Quinine

#### *Grasses & Sedges*

- Blue Grama
- Little Bluestem
- Prairie Dropseed
- Sideoats Grama