

AN ORDINANCE OF THE CITY OF VILLA HILLS, KENTON COUNTY, KENTUCKY, AMENDING THE TABLE OF CONTENTS, TITLE VII, AND TITLE IX OF THE CITY OF VILLA HILLS ZONING CODE BY ADDING NEW DEFINITIONS AND SECTIONS REGARDING SOLAR ENERGY PANELS.

WHEREAS, the of City of Villa Hills, Kentucky recognizes that, a greater interest has been expressed in alternative energy sources for both residential and commercial uses, including the use of solar energy equipment; and

WHEREAS, THE City of Villa Hills believes that regulations are appropriate for solar energy equipment to permit their use subject to certain conditions and criteria and to allow City residents and businesses to take advantage of solar energy equipment while attempting to protect Villa Hills’s historic character and ensure the health, safety and welfare of the citizens of Villa Hills; and

WHEREAS, The City of Villa Hills has deemed it to be in the best interest of its citizens to amend its Code of Ordinances to regulate the installation, operation and disposal of solar energy panels, equipment and systems throughout the City; and

WHEREAS, The Kenton County Planning Commission gave a favorable recommendation to the proposed changes on September 7, 2017;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTUCKY AS FOLLOWS:

Section I

The Villa Hills Zoning Code is amended by adding the following:

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ARTICLE VII

DEFINITIONS

SECTION 7.0 WORDS AND PHRASES: For the purposes of this ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is installed directly in the ground or by means of brackets or poles and is not attached or affixed to an existing structure.

ROOF-MOUNT: A solar energy system mounted on a rack that is fastened to or ballasted on a building roof.

Roof-mount systems are accessory to the principal use.

SOLAR ENERGY EQUIPMENT: A solar photovoltaic cell, panel, collector, array, solar shingle, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.

SOLAR ENERGY SYSTEM: A set of devices whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, electricity generation, or water heating.

SOLAR PANEL ARRAY: A collection of multiple solar panels mounted or arranged together, providing energy to the same primary user, as part of a solar energy system.

SOLAR-THERMAL SYSTEMS: Solar-thermal systems use solar energy to typically heat a fluid, such as water or an antifreeze solution, or heat a gas, such as air. Solar thermal systems are most commonly utilized for heating residential hot water systems, though they are also used for space heating, spas or swimming pools.

ARTICLE IX

GENERAL REGULATIONS

SECTION 9.30 SOLAR PANELS

- A. Purpose: The purpose of these regulations is to allow for the use of solar energy equipment while protecting the historic nature and significance of neighborhoods, protect properties from incompatible uses, minimize the visual impact and the potential for nuisances, and to conserve and enhance property values while promoting the use of alternative energy sources where appropriate.
- B. Applicability: Solar Energy Systems shall be permitted in all the zones in the City. Small solar panels not connected to the electrical system of the structure on the property or to the electrical grid in any way, such as solar security lighting or decorative yard lights and where the solar panel area measures less than (2) two square feet, are exempt from these regulations. All regulations included in section 9.30 shall apply to any solar system that is connected to the electrical system of a structure or to the electrical grid in any way.
- C. Approval Requirements: The installation of any solar energy system will require a zoning, building, and electrical permit. A site plan, as regulated by Section 9.19, shall be included with any application.
- D. General Standards and Regulations for all zones.
1. The primary purpose of the solar energy system will be to provide power for the principal use of the property whereon the system is located and shall not be for the generation of power for commercial purposes for resale, other than as permitted by net metering laws. In addition, the following conditions and standards apply:
 - a. Installation of solar energy system shall comply with the currently adopted sections of NFPA 70, article 690 and applicable sections of the National Electric Code adopted by the Commonwealth of Kentucky.
 - b. Solar panels and equipment shall not be installed on or structurally supported by any structures that is not regulated by the Kentucky Residential Code or Kentucky Building Code such as small accessory/storage structures, play houses etc.

- c. Any electric/utility lines connecting solar energy equipment to the primary use structure that would be strung between the structure and separately located solar equipment, including storage batteries, or would otherwise run along the ground shall be buried.
- d. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the Kentucky State Building Code when in use.
- e. All solar panels shall be equipped with a non-reflective finish/coating.
- f. Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system.

2. ROOF MOUNTED SYSTEMS

- a. Solar energy equipment shall be located on a rear or side-facing roof as seen from the fronting street. Under no circumstances shall solar equipment be mounted on the front face of a roof unless that system utilizes stealth technology such as solar shingles.
- b. Roof mounted solar energy equipment shall not extend higher than the ridge level of a roof on a structure with a gable, hip or gambrel roof. In no event shall the placement of the solar panels result in the total height, including the building and panels, exceeding what is permitted in the zoning district.
- c. Solar Equipment shall be located no less than 3-feet from the edge of the roof. In no instance shall any part of the system extend beyond the edge of the roof.
- d. Any capping or framing shall be compatible with the color of the roof or structure.
- e. All exterior electrical and/or plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and/or the materials adjacent to the lines. Electrical and/or plumbing lines can only be painted when the applicable codes would allow such items to be painted. All labels and certifications shall not be painted.

3. GROUND MOUNTED SYSTEMS

- a. Ground-mounted solar equipment, arrays, and systems are permitted uses within any zoning district on parcels greater than or equal to three (3) acres. Ground-mounted solar equipment, arrays, and systems are only allowed as accessory uses to a permitted use on parcels less than three (3) acres.
- b. Solar Energy Equipment shall be located only in the rear portion of a property. For corner lots, Solar Equipment shall not be located closer to the side street right-of-way than the primary building line of the structure.
- c. Ground mounted solar energy equipment shall meet the minimum setbacks for permitted uses within the zoning district on parcels greater than three (3) acres, and shall meet the minimum setbacks for accessory use structures on parcels less than three (3) acres.

- d. Such systems shall not exceed ten (10) feet in height.
- e. Systems shall be located and installed so that the sun glare is directed away from an adjoining property line or public right of way.
- f. Solar energy equipment must be protected from unauthorized access or tampering by appropriate fencing and/or plantings. All Solar equipment shall be shielded from sight from any street, public way or neighboring parcel by a barrier of a height equal to the maximum height of fencing for the zoning district they are located. The buffers shall be constructed of fencing, hedges, bushes or combinations of these items.
- g. There shall be no signs that are visible from any public road posted on a solar energy system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification. Solar energy systems shall not be used for displaying any advertising except for small and reasonable identification of the manufacturer or operator of the system. In no case shall any identification sign be visible from a property line. Warning signage required by the utility company, building, electric or fire codes shall be installed as regulated by such codes or utility company / regulations.

E. Standards and Regulations for Residential Zoned Property

- 1. Solar equipment and systems are not permitted on the vertical sides of buildings, nor on fences or walls.
- 2. When installed on a flat or shed roof, solar equipment shall be mounted flush with or within 12-inches of the plane of the roof.
- 3. Ground-mounted solar energy systems shall not exceed one-third (1/3) of the applicable rear yard.

F. Standards and Regulations for non-Residential Zones

- 1. Roof Mounted Systems
 - a. If located on a flat roof, then adequate screening should be provided in order to not be visible from the public right-of-way, parking lots and adjacent property.
- 2. Ground Mounted Systems
 - a. Solar energy equipment shall not block any required driveway, parking entrances or walkways.
 - b. Ground-mounted solar energy systems shall not exceed one-third (1/3) of the applicable rear yard.

Section II — Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section III - Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

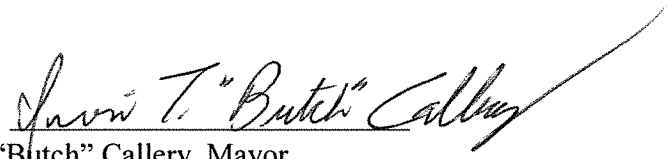
Section IV - Effective Date and Publication

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

Passed by the City Council this 20th day of September, 2017.

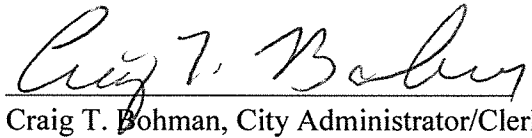
City of Villa Hills, Kentucky

A Municipal Corporation of the Home Rule Class



Irvin T. "Butch" Callery, Mayor

ATTEST:


Craig T. Bohman, City Administrator/Clerk

Sponsor: Waugaman

First Reading: September 13, 2017

Second Reading: September 20, 2017

Ayes: 6

Nays: 0

Abstentions: none

Absent: none

Published: 10/09/2017