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ORDINANCE NO. 1228

AN ORDINANCE AMENDING CHAPTER 50 OF THE NICHOLS HILLS CITY CODE REGARDING SOLAR ENERGY SYSTEMS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Chapter 50, *Zoning*, Article II, *District Regulations*, of the Nichols Hills City Code is hereby amended by the addition of Division 12, with new language underlined, to wit:

DIVISION 12. SOLAR ENERGY SYSTEMS

Sec. 50-700. Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Ground-Mounted Solar Energy System means a Solar Energy System mounted on the ground and not attached to any other structure other than structural supports.

Roof-Mounted Solar Energy System means a Solar Energy System that is structurally mounted to the roof of a Building or Structure.

Solar Energy System means a system intended to convert solar energy into thermal, mechanical or electrical energy. Solar Energy Systems may be Ground-Mounted or Roof-Mounted and may be comprised of Solar Panels or Solar Tiles. Solar power systems that provide energy to heat swimming pools or Accessory Structures are not Solar Energy Systems for purposes of this Division.

Solar Panel means a group of photovoltaic cells assembled on a panel and which are assembled on-site into solar arrays.

Solar Tile means photovoltaic roof tiles designed to look like and function as conventional roofing materials, such as asphalt shingles or slate.

Sec. 50-701. Solar Energy System Permits required to install Solar Energy Systems.

Solar Energy Systems may not be installed in any Zoning District until a Solar Energy System Permit therefor has been issued by the Code Official or his designee in accordance with this Division.

Sec. 50-702. Application for permit to install Solar Energy Systems.

Persons wishing to install a Solar Energy System shall file a written application for a Solar Energy System Permit to do so on an application form supplied by the City Clerk. Applications must be certified by the owner(s) of the property. The following attachments (the details of which are stated in the application form) and all other information required by the application form, must accompany the application:

- (1) A site plan showing the project address, scope of work, property lines, footprint of the Buildings and Structures on the property, and location of the proposed Solar Energy System.
- (2) Blueprints or drawings of the Solar Energy System showing the proposed layout of the system, the distance between the proposed system and all Property Lines, and the tallest finished height of the proposed system.
- (3) Name, address, and contact information for proposed system installer.
- (4) Documentation that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

The application will be considered officially submitted and filed only after it is examined by the Code Official or his designee and found to be complete. Installation of the Solar Energy System may not be commenced until a Solar Energy System Permit has been issued by the City.

Sec. 50-703. Application fee for Solar Energy System Permit.

A nonrefundable fee in the amount established in the City Fee Schedule must be paid to the City by the applicant with submission of the application for a Solar Energy System Permit.

Sec. 850-704. Code Official review; issuance of Solar Energy System Permit.

The Code Official or his designee shall assess the application. A Solar Energy System Permit shall be issued by the Code Official or his designee if he finds that the applicant has complied with all of the applicable provisions of this Division. The permit will be valid for six months from the date of issuance.

Sec. 50-705. Revocation of Solar Energy System Permit.

The Code Official shall have the power to revoke any Solar Energy System Permit upon determination by the City of any material departure from compliance the documents submitted to the City with the application or of any false statements or representations as to material fact relating to the design, construction, installation, alteration or repair of the Solar Energy System.

Sec. 50-706. Standards for Solar Energy Systems in all Zoning Districts.

Solar Energy Systems installed on any property within the City must comply with the standards and requirements in this Section regardless of Zoning District classification, as follows.

(a) *Design, construction, installation, alteration and repair of Solar Energy Systems must comply with applicable laws and standards.* All Solar Energy Systems must comply with and be designed, constructed, installed, altered, and repaired in accordance with applicable law, including the applicable provisions of the National Electric Code and the International Codes as adopted by the City, and the International Code Committee's 2021 Solar Energy Provisions. The City recognizes that new technologies may be developed in the future related to Solar Energy Systems. It is the City's intent that installation of all Solar Energy Systems in the City and the manufacture of such systems to be installed in the City comply with the highest and best installation standards then in effect as stated in applicable law and published standards.

(b) *Installer accreditation.* Solar Energy Systems must be installed and serviced by a company with at least one NABCEP Board Certified PV Installation Professional (PVIP) on staff.

(c) *Conditions on issuance of permits.* The Code Official is authorized to impose conditions on issuance of Solar Energy System Permits to address health and safety concerns.

(d) *Inspection.* All installation work for a Solar Energy System for which a permit is required shall be subject to inspection by the Code Official.

Sec. 50-707. Additional standards and requirements for Roof-Mounted Solar Energy Systems.

In addition to meeting the applicable standards and requirements set out in Section 50-706, all Roof-Mounted Solar Energy Systems must meet the following standards and requirements:

(a) *Location.* Roof-Mounted Solar Energy Systems may be located on any roof face of a Main Building, a Secondary Building or Accessory Building or Accessory Structure. However, Solar Panels may not be located on a street-facing side of the roof except for Dwellings located on corner Lots for which Solar Panels may be located on a street-facing side of the roof that does not immediately abut the street. In the Residential Zoning Districts, Solar Panels may be located only on the portion of the roof facing the Rear Yard or on the portion of the roof facing a Side Yard that faces south. Solar Tiles may be installed on any part of a roof.

(b) Flush Mount. Solar Panels must be flush mounted whenever possible.

(c) Height. Roof-Mounted Solar Energy Systems may not extend beyond: (1) 12 inches parallel to the roof surface in the Single-Family and Two-Family Residential Zoning Districts; and (2) 36 inches parallel to the roof structure in the R-3 Multiple-Family Residential District, the U-4 Church District, the C-1 Office District, and the C-2 Retail Business District.

(d) Extension. A Roof-Mounted Solar Energy System may not extend beyond the exterior perimeter of the Building or Structure on which it is mounted.

(e) Materials. All materials used for racking, mounts, mounting clamps, and flashings must be of a color consistent with the color of the roof surface to minimize visibility.

(f) Emergency access. Roof-mounted Solar Energy Systems must be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof.

Sec. 50-708. Additional standards and requirements for Ground-Mounted Solar Energy Systems.

In addition to meeting the applicable standards and requirements set out in Section 50-706, all Ground-Mounted Solar Energy Systems must meet the following standards and requirements:

(a) Location. Ground-Mounted Solar Energy Systems may be located only in the Rear Yard or a Side Yard that does not face the street. Ground-Mounted Solar Energy Systems that are visible from a street or any public way must be screened with landscaping or fencing.

(b) In the Single-Family and Two-Family Residential Zoning Districts, the area of the system surface may not exceed ten percent of the Lot area.

(c) The maximum height of a Ground-Mounted Solar Energy System may not exceed 12 feet when oriented at maximum tilt, measured from the grade at the base of the pole to the highest edge of the system.

(d) The minimum clearance between the lowest point of the system and the surface on which the system is mounted is 12 inches.

(e) The area covered by the system is not included in the calculations for Lot Coverage.

Sec. 50-709. Required maintenance of Solar Energy Systems.

Solar Energy Systems must be maintained in good condition in all respects, including the functioning of the equipment, by the property owner.

Secs. 50-710—50-725. Reserved.

Section 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 5. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the 11th day of April, 2023.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the 11th day of April 2023.

ATTEST:

Steven J. Goetzinger
Mayor

Amanda Copeland
City Clerk

Reviewed as to Form and Legality:

John Michael Williams
City Attorney