

ARTICLE 39

SMALL SOLAR FACILITY REGULATIONS

SECTION 3901 SOLAR FACILITY

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations and also have a parcel of 2500 acres or more for the facility.

SECTION 3901 PRINCIPAL PERMITTED USES

1. Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be a permitted use.
2. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction erection, or siting of a Rooftop Solar Energy System shall be a permitted use.
3. Ground Mounted Solar Energy System: Subject to the restrictions contained herein, any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a permitted use.

SECTION 3902 CONDITONAL USES

1. Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of an Integrated Solar Energy System shall be a conditional use.
2. Rooftop Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Rooftop Solar Energy System shall be a conditional use.
3. Ground Mounted Solar Energy System: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a conditional use.
4. All Other Small Solar Facilities: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of Small Solar Facilities, other than Integrated, Rooftop, and Ground Mounted Solar Energy Systems (“all Other Small Solar Facilities”), shall be a conditional use.

SECTION 3903 GENERAL REQUIREMENTS

A. Integrated or Rooftop Solar Energy Systems:

1. Height: The maximum height of an Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
2. Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than 35% of a structure's walls and/or roof, as applicable.

B. Ground Mounted Solar Energy System:

1. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed 12 feet.
2. Coverage: Ground Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures parking areas, sidewalks, or other impervious surfaces, all Ground Mounted Solar Energy System(s) shall not exceed in the aggregate 2500 square feet of the total area of the lot or tract.
3. Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Ground Mounted solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in zoning district where located.

C. Lighting: any lighting for a Small Solar Facility shall meet any lighting restrictions applicable to the zoning district where located. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

D. Noise: any Small Solar Facility shall comply with the noise resolution and all applicable noise restrictions set forth within the Township, including, but not limited to, those applicable to the zoning district where located.

E. Setbacks: Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.

F. Maintenance: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and/or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.

- G. Decommissioning Plan: Any Small Solar Facility shall submit a decommissioning plan, which shall be prepared by a professional engineer registered with the state board of registration for professional engineers and surveyors. The Board of Zoning Appeals may reject the engineer chosen by the applicant and require the applicant to choose another qualified engineer. The plan shall contain the following:
1. A list of all parties responsible for decommissioning
 2. A schedule of decommissioning activities, not to extend beyond twelve months from the date the utility facility ceases operation
 3. An estimate of the full costs of decommissioning the facility, including the proper disposal of all facility components and restoration of the land on which the facility is located to its pre-construction state
 4. A recalculation of decommissioning costs every five years from the date of the original decommissioning plan, or from the date of the latest updated decommissioning calculation, by a professional engineer as detailed above.
- H. Performance Bond: Prior to beginning construction, the applicant shall post a performance bond to ensure that funds are available for the decommissioning of the facility. The performance bond shall be equal to the estimate of the costs of decommissioning included in the decommissioning plan and shall be held in escrow in a financial institution until the Board of Zoning Appeals has determined that the facility has been decommissioned according to the requirements of the decommissioning plan.
- I. Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits for the State of Ohio and County or other local building jurisdiction.
- J. Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- K. Other Restrictions: A Small Facility shall comply with all applicable federal, state, and local laws, rules and regulations.
- L. Criteria for Conditional Use
1. A small Solar Facility to be located in a zoning district in which it is identified as a conditional use is subject to and shall follow the application process for a Conditional Use Permit provided under this Zoning Resolution.
 2. Where identified as a conditionally permitted use, and Small Solar Facility shall comply with the following specific requirements:
 - Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, right-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and Maintenance agreement with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their

previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.

Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property including the area where the Small Solar Facility is located.

M. Location

1. Any Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the rear yard.
2. No Small Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.
3. No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.

N. Height: the maximum height of any Small Solar Facility shall not exceed 12 feet.

O. Buffers and Setbacks:

1. Where a Small Solar Facility is located on property adjacent to or in close proximity to property zoned for residential use (as determined by the Zoning Inspector), no part of the Small Solar Facility (other than components located entirely underground) shall be located within 150 feet of an existing residential dwelling.
2. No Small Solar Facility (other than components located entirely underground) shall be located within 150 feet of another property line.
3. No Small Solar Facility (other than components located entirely underground) shall be located within 150 feet of a public right-of-way or shared-use driveway.

P. Visual Buffer: A Small Solar Facility shall have a visual buffer of natural vegetation, planting, and/or fencing designed to and that does all of the following:

1. Enhances the view from an existing residential dwelling and from any public right-of-way.
2. Is in harmony with the existing vegetation and viewshed in the area; and
3. Provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities to adjacent lots and from any public right-of-way.

Q. Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

R. Lighting: All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibited any spillover onto any adjacent property.

S. Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.

T. Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

SECTION 3904 CERTIFICATE OF ZONING COMPLIANCE

- A. A certificate of zoning compliance shall be required before any construction is commenced on a Small Solar Facility.
- B. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
 - 1. An engineering report that shows: the total size and height of the proposed Small Solar Facility, Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility, Hazardous materials containment and disposal plan.
 - 2. A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurement of distances from) all existing struts on the property, roads and other public rights-of-ways, and neighboring property lines.
 - 3. Evidence of compliance with applicable setback and all other applicable zoning restrictions.
 - 4. A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 - 5. A bond for dismantling the facility in the amount of three (3) times the cost of the project.
 - 6. Any other information or materials reasonably requested by the Zoning Inspector.

