

ARTICLE 18.10 - SMALL SOLAR FACILITIES

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.

A) Definitions

- 1) **GROUND MOUNTED SOLAR ENERGY SYSTEMS.** A solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- 2) **INTEGRATED SOLAR ENERGY SYSTEMS.** A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
- 3) **ROOFTOP SOLAR ENERGY SYSTEMS.** A solar energy system that is mounted to a structure or building's roof on racks.
- 4) **SMALL SOLAR FACILITY.** A Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
- 5) **SOLAR ENERGY.** A radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- 6) **SOLAR ENERGY SYSTEM.** A system and associated facilities that collect Solar Energy, which may include, but are not limited to an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

B) 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 in the following zoning districts: R1, R2, R3, B2, B3, A1.
- 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 in the following zoning districts: R1, R2, R3, B2, B3, A1.
- 3) **Ground Mounted Solar Energy Systems:** Subject to the restrictions contained herein, any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a permitted use in the following zoning districts: A1.

C) Conditional Uses

- 1) **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, shall be a conditional use in the following zoning district: A1.

D) General Requirements

- 1) **Noise.** Any Solar Energy System or 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. In the event there are no applicable provisions regarding noise,

- no Solar Energy System or Small Solar Facility shall emit sound to an adjacent lot at a level exceeding sixty-five (65) decibels.
- 2) Maintenance: must always be maintained in good working order. The owner of the property, within thirty (30) days of permanently ceasing operation, shall provide written notice of abandonment to the Zoning Inspector. Unused Solar Energy System or Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Solar Energy System or Small Solar Facility and associated equipment shall be borne by the property owner. Solar Energy System or 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 Solar Energy System or 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 like its condition prior to the construction/installation.
 - 3) Building Permits: All Solar Panel installations and Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.
 - 4) Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
 - 5) Other Restrictions: Solar Energy System or A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.
 - 6) Integrated or Rooftop Solar Energy Systems:
 - i) Height: The maximum height of any 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.
 - 7) Ground Mounted Solar Energy Systems:
 - i) Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed ten (10) feet.
 - ii) Coverage: Ground Mounted Solar Energy Systems shall not exceed in the aggregate 35% of the total area of the lot or tract not to exceed five (5) acres.
 - iii) Location: No Ground Mounted Solar Energy System shall be located **on a septic system, or** in the front yard or facing a public right-of-way unless no part of the system is located within five hundred (500) feet from the right of way.
 - iv) Setback: No Ground Mounted Solar Energy System occupying 1000sqft or less shall be located within fifty (50) feet of a public right-of-way, shared-use driveway, or property line (other than components located entirely underground). Ground Mounted Solar Energy Systems occupying more than 1000sqft shall be located one hundred and fifty (150) feet or more from a public right-of-way, shared-use driveway, or property line (other than components located entirely underground).
 - v) Lighting: Any lighting shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Ground Mounted Solar Energy System must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle.

Ground Mounted Solar Energy Systems shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

E) Criteria for Conditional Uses

- 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, any Small Solar Facility shall comply with the following specific requirements:
 - i) 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, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement (*RUMA") 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.
 - ii) 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 Reily Township 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.
 - iii) Height: The maximum height of any Small Solar Facilities at any point shall not exceed ten (10) feet.
 - iv) Coverage: Small Solar Facilities 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, Small Solar Facilities shall not exceed in the aggregate 35% of the total area of the lot or tract not to exceed five (5) acres.
 - v) Lighting: Any lighting shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
 - vi) 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.
 - vii) Location:
 1. A 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.
- viii) 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, no part of the Small Solar Facility (other than components located entirely underground) shall be located within two hundred (200) feet of another property line.
- ix) Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall always be maintained in good repair.
- x) Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.
- F) Certificate of Zoning Compliance
- 1) A certificate of zoning compliance shall be required before any construction is commenced on a Solar Energy System or Small Solar Facility.
 - 2) Applicant shall provide Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
 - i) An engineering report that shows:
 1. The total size and height of the proposed Solar Energy System or Small Solar Facility.
 2. Data specifying the kilowatt size and generating capacity in kilowatts of the Solar Energy System or Small Solar Facility.
 3. Hazardous materials containment and disposal plan.
 - ii) A site drawing showing the location of the Solar Energy System or Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
 - iii) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
 - iv) A maintenance schedule as well as a dismantling plan that outlines how the Solar Energy System or the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 - v) Any other information or materials reasonably requested by the Zoning Inspector.