SECTION 14 SOLAR ENERGY SYSTEMS

SECTION 14.1 PURPOSE AND INTENT

The purpose of this Section is to establish guidelines and requirements for the use of solar energy collectors in Tate Township and, as authorized by the Ohio Revised Code Section 519.213, for the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any Small Solar Energy System, whether publicly or privately owned, or the use of land for that purpose, and to protect the public health, safety, comfort, and general welfare of the Township residents.

Recognizing the importance of clean, sustainable, and renewable energy sources, the Tate Township Board of Trustees has determined that it is in the best interests of Township residents to put in place such zoning regulations as to permit the use or installation of Solar Energy Systems within Tate Township.

Additionally, the Trustees also recognize that in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of Solar Energy Systems of a size and capacity beyond the scope of a residential use within the Township. No Solar Energy System shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without the full compliance with the terms of this Section.

SECTION 14.2 DEFINITIONS

A. ACCESS ROADS: Roads which provide construction and service access to each solar collection area.

B. BUFFER YARD: The distance from adjacent landowners' property line to the nearest Solar Energy System, building, or Solar Collector.

C. BUILDING-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System designed to be attached to a building's structural wall(s), other than the roof, of the principal and/or accessory structure(s) on the parcel of land on which the Solar Energy System is located.

D. DB(A): The sound pressure level in decibels. Refers to the "a" weighted scale defined by the American National Standards Institute (ANSI). A method for weighting the frequency spectrum to mimic the human ear.

E. DECIBEL (DB): A logarithmic unit of measurement that expresses the magnitude of sound pressure and sound intensity.

F. ELECTRICAL COLLECTION SYSTEM: Underground and overhead cables that carry electricity from and within groups of Solar Collectors and transmits it to a collection substation and point of interconnection switchyard, which transfers the electricity generated by the project to the regional power grid.

G. ELECTROMAGNETIC FIELD (EMF): A combination of invisible electric and magnetic fields of force. They can occur both naturally and due to human constructions.

H. GRID SOLAR ENERGY SYSTEM: A Solar Energy System whose primary design and purpose is to generate electricity for use on a parcel or contiguous parcels owned by the same owner and may include necessary sub-components to allow the return of excess produced or stored energy into the utility grid by way of arrangements with the parcel(s)'s utility provider. Grid Solar Energy Systems shall not exceed 10 MW aggregate generative capacity and shall not exceed 30 percent of the footprint of the total parcel size.

I. GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is not attached to and is separate from any building on the parcel of land on which the Solar Energy Collector System is located.

J. MEGAWATT (MW): A unit used to measure power, equal to one million watts.

K. ON-SITE SOLAR ENERGY SYSTEM: A Solar Energy System designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

L. POINT OF USE SOLAR ENERGY SYSTEM: A self-contained or single-purpose Solar Energy System and components such as signage lighting panels, well or water pump systems, or electric fencing systems.

M. PRIVATE SOLAR ENERGY SYSTEM: A Solar Energy System and components with a total generative capacity of less than 5 MW with the purpose of creating electricity solely to be used on site. A Private Solar Energy System shall not have a generation interconnection agreement for net metering with any utility provider.

N. ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System, to include solar panel shingles, designed to be attached to a building's roof of the principal and/or accessory structure(s) on the parcel of land on which the Solar Energy System is located.

O. SENSITIVE ENVIROMENTAL AREAS: Any areas determined by the Ohio Department of Natural Resources that consist of unique or sensitive ecological, biological, or related ecosystems.

P. SMALL SOLAR ENERGY SYSTEM: A Solar Energy System with Solar Panels 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 50 MW with a primary design and purpose to supply energy into a utility grid.

Q. SOLAR COLLECTOR: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

R. SOLAR ENERGY: Radiant energy (direct, diffuse, and reflected) received from the sun.

S. SOLAR ENERGY SYSTEM: A Solar Collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and can collect, distribute, and store the sun's radiant energy for beneficial use.

T. SOLAR PANEL: A panel consisting of an array of photovoltaic cells used to generate electricity directly from sunlight.

U. WETLANDS: Lands on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season.

SECTION 14.3 PERMITTED USE FOR SOLAR ENERGY SYSTEMS

A. Point of Use Solar Energy System are permitted in all Zoning Districts.

B. Private Solar Energy Systems are permitted in all Zoning Districts.

C. Grid Solar Energy Systems shall be permitted only in Planned Unit Development Districts subject to the applicable zoning regulations as set forth in these Regulations. However, Grid Solar Energy Systems are prohibited in all zoning districts within 2,000 feet of State Route 125 and within 2,000 feet of State Route 133.

D. Small Solar Energy Systems shall only be permitted in Planned Unit Development Districts subject to the applicable zoning regulations as set forth in these Regulations. However, Small Solar Energy Systems are prohibited in all zoning districts within 2,000 feet of State Route 125 and within 2,000 feet of State Route 133.

SECTION 14.4 GENERAL REQUIREMENTS OF ALL SOLAR ENERGY SYSTEMS

A. All Solar Energy Systems, except Point of Use Solar Energy Systems, are required to obtain the necessary zoning and building permits.

B. Solar Energy Systems may be installed on any surface of an existing structure, provided such installation does not result in violation of the permitted height requirements or any other requirements set forth in other sections of the Zoning Resolution.

C. Within all zoning districts, Solar Energy Systems shall be repaired, replaced, or removed within 30 days of becoming damaged or non-functional. Failure to do

so may result in the Solar Energy System being declared discontinued or abandoned.

D. The installation of a Solar Energy System shall not impact adjacent properties with additional or excessive storm water run-off and or drainage. Any such impact may result in the cancellation, revocation, or denial of the associated permit or request for zoning change by the Tate Township Board of Trustees or, as in the case of a Private Solar Energy System, a finding that the Solar Energy System violates these regulations and must be removed. Further, the Tate Township Board of Trustees may require the applicant to work with the Clermont County Soil and Water Conservation District or any other company designated by the Trustees to investigate the cause and/or remediation of the impact.

E. All panels shall have tempered, non-reflective surfaces and shall comply with all Federal, State, and local construction & electrical codes.

F. Panels and building mounts shall be installed per manufacturer's specifications.

G. All Solar Panels or Systems shall be installed so there is minimum glare onto adjacent properties or towards the road right-of-way.

H. All Solar Energy Systems must comply with any more specific requirements as otherwise provided in these Regulations.

SECTION 14.5 POINT OF USE SOLAR ENERGY SYSTEM REQUIREMENTS

A. Point of Use Solar Energy Systems, subject to all general and specific regulations contained in this Resolution and the Zoning Code, do not require a permit to be issued by the Zoning Inspector.

B. Upon complaint by an adjoining property owner, the Zoning Inspector shall investigate and determine whether any infringements or other violations have occurred. If so, the Zoning Inspector may require that a Point of Use Solar Energy System be relocated or removed, with preference given to relocation rather than removal.

SECTION 14.6 PRIVATE SOLAR ENERGY SYSTEM REQUIREMENTS

A. Roof-Mounted Solar Energy System and Building-Mounted Solar Energy System Requirements

1. Permitted Location. In Agricultural, Residential, Commercial, and Industrial Zoning Districts, a Roof or Building-Mounted Solar Energy System may be located on the roof of the principal or accessory structure. Building-Mounted Solar Energy Systems may be located on the side or rear of the structure. Any side or rear mounted panels must receive approval of the Township Fire Chief so as to not adversely impact access to the primary structure (or the safety and/or wellbeing of fire/rescue personnel) as it relates to emergency fire/rescue response.

2. Height Limitation. Solar Energy Collectors shall not project more than two-(2) feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.

3. Placement.

    a. In Residential Districts, the placement of the Roof or Building-Mounted Solar Energy System shall not be located on the front slope of a pitched roof and shall not be visible from the street front or side street of the residence. Solar Energy Collectors shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.

    b. In Commercial or Industrial Districts, Solar Collectors shall be a minimum of 6 feet from any peak, eave, or valley to allow accessibility per the Ohio Fire Code.

    c. Roof and Building-Mounted Solar Energy Collectors shall be such a weight as to be safely supported by the building. A Solar Energy System shall be aesthetically pleasing. In addition, the property owner may be required to provide written proof that the panels proposed to be constructed can/will be able to be supported by the existing building's current structural construction, additional structural elements installed to account for the additional panel and mounting weight, and additional weight added by snow events should the Zoning Inspector request such proof.

    d. No Private Solar Energy System shall be mounted or affixed to any freestanding wall or fence.

    e. All Roof or Building-Mounted Solar Energy Collectors shall be placed so that concentrated solar radiation or glare does not project onto nearby structures or roadways.

4. Permitting. A zoning permit is required for any Roof-Mounted Solar Energy System or Building-Mounted Solar Energy System.

B. Ground-Mounted Solar Energy System Requirements

1. Permitted Location. Ground-Mounted Solar Energy Systems are only permitted on parcels with a minimum of three (3) acres. Further, Ground-Mounted Solar

Energy Systems are only permitted behind the rear building line of the principal building or structure. Placement at street intersections shall be done so in a manner which provides adequate sighting distances for motorists to observe on-coming traffic and comply with the Ohio Department of Transportation's requirements for sight-distance.

2. Height Limitation. Ground-Mounted Solar Energy Collectors shall not exceed ten (10) feet in height measured from the average ground (elevation of adjacent and undisturbed ground) at the base of such equipment. The height of the Ground-Mounted Solar Energy Collectors shall be measured from ground level to the highest point of the solar panel.

3. Placement.

    a. For Agricultural, Residential, Commercial, and Industrial Districts, a ground-mounted Solar Energy System shall have a minimum set back distance of fifteen (15) feet from all property lines, except on corner lots which shall meet the minimum street side yard setback for the zoning district.

    b. There shall be a minimum of twenty-five (25) foot distance from all natural features including water courses, wooded lots, streams, wetlands, and 100-year floodplain locations. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

    c. A Ground-Mounted Solar Energy System shall not be located over a septic system, leach field area, or identified reserve area unless approved by the health department.

    d. All Ground-Mounted Solar Energy Systems shall be placed so that concentrated solar radiation or glare does not project onto nearby structures or roadways.

    e. A Ground-Mounted Solar Energy System shall have, to the extent required by the zoning authority, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that minimizes impacts of the Solar Energy System on the visual character to adjoining property owners.

4. Maximum area coverage. A ground-mounted Solar Energy System and any other structures on the lot shall not exceed 30 percent of the lot area.

5. Permitting. A zoning permit is required for any Ground-Mounted Solar Energy System.

SECTION 14.7 PLANNED UNIT DEVELOPMENT

All other Solar Energy Systems, including Grid Solar Energy Systems and Small Solar Energy Systems, must apply for and receive approval to change the zoning district to a Planned Unit Development ("P.U.D") and follow the requirements and procedures set forth in the following regulations.

A. Types

1. Grid Solar Energy Systems

2. Small Solar Energy Systems

3. Any other Solar Energy System not specifically described within the regulations.

B. Application and Site Plan Requirements: Each applicant, if possible, should confer with the Zoning Inspector in connection with the preparation of the Planned Unit Development Application. The Zoning Commission may seek assistance from the staff of the Clermont County Planning Commission or any other consultants or experts it may find useful to the consideration and evaluation of the proposed plans. The application and submissions to the Zoning Commission must include:

1. An application for a zoning map amendment to P.U.D. as established in Section 12-3, including a general Concept Plan;

2. Information regarding the applicant, including:

    i. Documentation reflecting the applicant's name, address, and general description of the proposed Energy System; the name and address of the proposed Solar Energy System owner; and the property owner, if different;

    ii. Identification of all parties to and solar access easements pertaining to the Solar Energy System; and

    iii. A copy of the effective interconnection agreement for the use.

3. a Site plan developed by an Ohio registered professional engineer (signed/stamped) containing the following information:

    i. A plot and development plan drawn in sufficient detail to clearly describe the following:

        1. Physical dimensions of the property, existing structures, and proposed structures. (Property lines shall have been determined by a professional Ohio registered land surveyor.)

        2. Location of existing and proposed structures.

3. Location of the proposed Solar Energy System, foundations, guide wires, and associated equipment.

4. Location of easements, setbacks, obstructions, and square footage of the solar array area.

5. The right of way of any public road that is contiguous with the property.

6. Existing topography of the land on which the proposed Solar Energy System is intended to be erected as well as the land within a half-mile radius of the proposed location.

    a. The topography drawing of the property must identify all drainage tiles and indicate how stormwater drains from the property; identify the location of discharge points or areas; and identify conditions present on the property that may contribute to significant soil erosion.

    b. Additionally, all existing drainage tile must be inspected by robotic camera and with the resulting inspection report submitted to the Township and the landowner to establish a baseline of the tile's condition.

7. Existing wetlands, waterways, water sheds, or other bodies of water on the proposed site of the Solar Energy System and within a half-mile radius.

8. Proposed grading of the site, removal of natural vegetations, and relocation of wetlands (if applicable).

9. Setback distances indicated from roadways, properties, property lines, major structures, etc.

10. Proposed ingress and egress roadways, entrances / exits, interior roads, etc. All ingress/egress(es) shall accommodate any/all public vehicles which may enter onto the site.

11. Proposed safety fencing to prevent trespassing.

4. Any additional information as may be required by the Zoning Inspector, Zoning Commission, or the Tate Township Board of Trustees for consideration of the application.

5. Additionally, applicants seeking a P.U.D. to erect a Small Solar Energy System must also submit the following information along with the application and information noted above in Section B, subsections 1-4:

i. All pertinent information regarding the components of the Small Solar Energy System as set forth below and which may be requested by the Zoning Inspector, Zoning Commission, or the Township Trustees:

1. The number of Solar Panels to be installed.

2. Specific information about the proposed Solar Panels, including the type, size, height, rated power output of each proposed Solar Panel, performance, safety, and glare characteristics of each Solar Panel and accompanying equipment, if any.

3. Manufacturer's specifications and recommended installation methods for all major equipment, including Solar Panels, mounting systems, and foundations for poles or racks inverters.

    a. Before the P.U.D. will be approved, the applicant must provide documentation from the manufacturer's engineer and another qualified engineer, who is certified in the State of Ohio, which certifies that the foundation and design of the Solar Panels are within accepted professional standards, given local soil and climate conditions.

4. Waterlines, Fire Hydrant Locations, Sewer Lines, and Utility Lines identified.

5. A description of the method of connecting the array to a building or substation.

6. Utility interconnection data and a copy of written notification to the utility of the proposed connection.

    a. A copy of the approval from the local utility must also be provided before operation of an interconnected facility will be authorized.

ii. Other required information pertaining to the property:

1. A soil boring report, performed by a professional Ohio registered geotechnical engineer.

2. Storm Water Prevention Plan application submitted and approved by Clermont County Building Department.

3. A storm water management plan addressing how additional surface water will not adversely impact adjoining properties as well as local, county, state, or federal waterways.

4. Any environmental reviews or studies of the site.

5. Disclosure of any known or suspected protected wildlife that may be on the property (if any). If protected wildlife is on the property, then a Wildlife Impact Statement from Ohio Department of Natural Resources shall be submitted; comprising of the potential impact to neighboring wildlife and any protected animals or endangered wildlife is in the area.

iii. A Decommissioning Plan.

C. Other Responsibilities of an Applicant seeking a P.U.D. for a Small Solar Energy System:

1. All reasonable expenses incurred by the Tate Township Zoning Inspector, the Tate Township Zoning Commission, and the Tate Township Board of Trustees to review the Small Solar Energy System project plan shall be paid for by the applicant.

2. The applicant agrees to enter into a Road Usage Maintenance Agreement. This may require the applicant to post a Performance Surety Bond.

3. Any Small Solar Energy System project shall abide by all applicable fees, charges, and expenses as stated in the Tate Township Fee Schedule or these Regulations. This shall include but not be limited to Zoning Commission or Board of Appeal Fees, Plan Review Fees, Permit Fees, Fence Construction Fees, and any other fees required to be paid for development of this project.

4. In the event that the Small Solar Energy System is to be transferred from the owner/applicant of the request for rezoning to a P.U.D., at least ninety (90) days before the transfer, the current Solar Energy System owner shall submit a Transference of Ownership Letter identifying the new intended owner and contact information and indicating all specifications, requirements, and terms and conditions applied by the Zoning Commission and Board of Trustees. All specifications, requirements, and terms and conditions shall transfer to and apply to the new owner(s) and shall remain in full force and effect.

D. Requirements for a Grid Solar Energy System, a Small Solar Energy System, or any other Solar Energy System seeking to be rezoned to a P.U.D.

1. Mounting System. Solar Panels shall be mounted onto a pole, rack, or suitable foundation, in accordance with manufacturer specifications, to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components, in accordance with applicable building permit requirements. Electrical components of the Solar Energy System shall meet applicable electrical code requirements, and all electrical

wires and lines less than 100 KV that are used in conjunction with the solar energy facility shall be installed underground. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

2. Fire Hydrants. There must be fire hydrants every three thousand (3000) feet throughout the Solar Energy System. The Solar Energy System owner and/or operator shall be responsible for ensuring these hydrants are put in place and for the cost of any additional hydrants.

3. Setbacks. A Solar Energy System and its appurtenant components and structures shall be set back a minimum of one hundred (100) feet from the center of the nearest road right of way. The tree buffer, as described in more detail below, must be ten (10) feet beyond the road right of way. The fencing must be twenty (20) feet beyond the tree buffer, and the solar array must be set back fifty (50) feet from the fence line. In addition, a Small Solar Energy System and its appurtenant components and structures shall be set back a minimum of one hundred and fifty (150) feet from all property lines.

4. Height Limitation. Ground-Mounted Solar Panels or solar arrays shall not exceed 25 feet in height as measured from the grade at the base of the structure to the highest point.

5. Placement.

    i. When the proposed location abuts an Agricultural Zoning District, the Solar Energy System shall be located as much as possible to minimize impacts on prime agricultural soils.

    ii. If located in a floodplain or an area of known localized flooding, all Solar Panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

    iii. Components of the Solar Energy System shall not be located over a septic system, leach field area or identified reserve area unless approved by Clermont County Public Health.

    iv. If grading activities occur in flood plain areas, all grading (cut/fill) shall be performed within the same sub-drainage area. No cut may be taken and disposed of outside of the sub-drainage area and no fill may be brought in from outside of the sub-drainage area of said flood plain.

6. Screening. The Solar Energy System shall be fully screened from adjoining properties and adjacent roads using the natural topography, or by installation of an evergreen buffers capable of reaching a height of 10 feet within three years of planting, with at least 75 percent opacity at the time of planting, as set forth in more detail below:

i. There shall be a landscape buffer at least twenty (20) feet wide along the exterior of the fenced compound, whenever existing natural vegetation does not otherwise reasonably obscure the Solar Energy System.

ii. The buffer shall be installed to obscure the Solar Energy System and shall contain two rows of staggered evergreen trees planted not more than twelve (12) feet apart trunk to trunk, and the two rows shall be ten (10) feet apart. The Zoning Commission may consider an alternative landscape buffer as a part of the rezoning process if it provides adequate screening.

iii. Plantings shall be at least eight (8) feet tall at the time of planting, measured from the top of the root ball to the base of the leader (not including the height of the leader) and must be a species that can reasonably be expected to reach a heigh of ten (10) feet within three (3) growing seasons.

1. The trees may be trimmed but must maintain a height of at least eighteen (18) feet at maturity.

2. Good arboricultural techniques as set forth on the Arbor Day Foundation website (arborday.org) (or other arboricultural guide approved by the Tate Township Zoning Commission or Tate Township Board of Trustees) shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted in a manner consistent with this Section at the next appropriate planting time.

7. Security Fencing is required for the safety and security of the area and to prevent unauthorized access. Fencing shall be chain link industrial fence with a height no less than ten (10) feet. An additional eighteen (18) to twenty-four (24) inches of fencing including three wires of barbed wire material facing outward towards roadways and structures may be installed. If the fence is visible from an adjoining property, the Zoning Inspector may require the imposition of privacy panels. Anti-climb material shall be utilized for sensitive areas of the project site. Access gates and equipment cabinets must be locked when not in use. An emergency means of entry and lighting for first responders needing immediate access to facility shall be developed by owner and local fire authority and must be approved by the local fire authority.

8. Noise. Inverter noise shall not exceed 40 dBA, measured at the property line. Inverters shall be off and silent after dark.

9. Glare and Lighting. The Solar Energy System components shall be designed with an antireflective coating and shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads. If lighting is required, it shall be activated by motion sensors, fully shielded, and downcast type where the light does not spill onto any adjacent properties, road right of way, or into the night sky.

10. Maintenance and Upkeep Standards. Solar Energy Systems shall be maintained in accordance with the manufacturer's specifications. The owner and operator shall maintain the Solar Energy Systems, including all buffer screening, in compliance with the approved plans and shall keep the location free from overgrown vegetation, weeds, trash, and debris.

    i. Repairs to damaged Solar Panels (for example after storm damage) shall be completed in a timely and reasonable fashion, but no later than 30 days after the event or as notified by officials.

    ii. The Solar Energy System owner and/or operator shall be required to repair any damaged or broken drainage tile resulting from the existence of the Solar Energy System. All drainage tiles shall be inspected every three years by robotic camera, or earlier if required by the Zoning Inspector. Any necessary repairs shall be documented within the Annual Compliance Report.

    iii. In addition, Solar Energy Systems shall be maintained in good condition and free of hazards, including but not limited to broken or damaged Solar Panels, faulty wiring, loose fastenings, painting, structural repairs, and integrity of security measures. In the event of a violation of any of the foregoing provisions, the Zoning Inspector shall give written notice to the property owner, as well as the Solar Energy System owner and operator specifying the violation, corrective action needed, and corrective time period.

    iv. Fence lines shall be maintained, and repaired in a timely fashion, not to exceed 30 days after being notified of damage. Fence lines shall be kept free of overgrown weeds, trash, refuse, or other debris.

    v. The owner or operator of the Solar Energy System is responsible for the cost of maintaining all aspects of the Solar Energy System and any access road(s), throughout the complex unless accepted as a public way by the Township.

    vi. In addition to the Maintenance and Upkeep Standards set forth above, the applicant, owner, and/or operator of the Small Solar Energy System shall:

1. Submit a General Maintenance Bond to guarantee all aspects of this Resolution are met at all times during the construction and operation of the Small Solar Energy System. At the time of the rezoning application, the applicant, owner, and/or operator shall submit two third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the Small Solar Energy System, and the bond shall be the higher of the two bids. The Township may use the bond, at its sole discretion, to repair any landscaping, fencing, drainage infrastructure (including drainage tiles), and/or to correct any ongoing violation of this Resolution, in the event that the Solar Energy System owner and/or operator fails to adequately maintain the required site improvements.

2. As a condition of operation, fund an escrow account for investigation of complaints for, but not limited to glare, stray voltage, noise, property damage, (including water runoff damage), and/or signal interference in the amount of $25,000 to be used by the Township to pay for third-party investigative services, the provider of which shall be chosen by the Township. Such funds shall be deposited with the Township Fiscal Officer, or with a third-party fiduciary, at the discretion of the Township. When the escrow account balance is below $10,000, the Township shall notify the applicant, owner, and/or operator and the account shall be replenished to the amount of $25,000 within 30 days.

11. Weed Control / Plantings. The owner or operator of the Solar Energy System shall have a weed prevention plan submitted to the Township yearly to ensure the area remains free and clear of overgrown vegetation, noxious weeds, briers, and other forms of uncontrolled vegetation as defined in Ohio Administrative Code 901:5-37-01.

12. Signage. A sign of no less than four square feet must be displayed in an easily noticed area from a public roadway indicating an address and toll-free telephone number, answered by a person twenty-four hours per day, seven days per week, for emergency calls. No Solar Energy System Solar Panel or any part thereof, no fence surrounding the Solar Energy System site, or any building or structure located upon the Solar Energy System site may include or display any advertising sign, banner, insignia, graphics, or lettering other than the name and/or logo of the owner/operator of the Solar Energy System.

13. Local Fire Department. The applicant, owner, or operator of the Solar Energy System shall submit to the local Fire Department a copy of the site plan within 30 days of submission to the Zoning Commission. Upon request of the local Fire Department, the owner or operator shall cooperate with the Fire Department to develop an emergency response plan.

i. The applicant, owner, or operator of the Solar Energy System shall provide training, before, during, and after construction of the Solar Energy System for all emergency services in the Township and any mutual aid districts. The applicant, owner, or operator shall be responsible for all associated costs with the training.

ii. Any special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility shall be provided at no cost to the Township. Any special equipment must be paid for and provided to the Township before the Solar Energy System becomes operational.

14. Climb Protection. All Solar Energy System platforms must be unclimbable by design or protected by anti-climbing devices.

15. Compliance with Other Standards. All power and communication lines running between banks of Solar Panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Tate Township Zoning Commission in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

16. Additional Requirements for Small Solar Energy Systems. In addition to the requirements set forth above, the owner or operator of each Small Solar Energy System shall also maintain a current general liability insurance policy covering bodily injury and property damage with limits reasonably related to the size of the project and as approved by the Township Board of Trustees. The Township may require a higher amount for larger projects and may allow for a lesser amount for smaller projects upon a finding that the alternate amount is more consistent with the level of risk. Additionally, the owner or operator of the Small Solar Energy System shall submit a certificate of insurance and name the Board of Trustees as additional insured.

E. Decommissioning Plans. Applicants seeking a P.U.D. for a Small Solar Energy System must also submit a Decommissioning Plan that satisfies the following:

1. Decommissioning Plans shall be reviewed, re-submitted, and re-approved at least every five (5) years.

2. The owner of a Small Solar Energy System is required to notify in writing the Board of Trustees for Tate Township within 90 days prior to discontinuation of the operation.

3. The Small Solar Energy System shall be perceived to be discontinued or abandoned if no electricity is generated by such system for a period of 3 continuous months.

4. Upon discontinuation or abandonment of the Small Solar Energy System, the owner shall be notified in writing that it has no more than twelve (12) months in which to dismantle and remove the system including all solar related equipment or apparatuses related thereto, including but not limited to buildings, cabling, electrical components, Solar Panels, roads, foundations, and other facilities from the property. It also must restore the property to its condition before the Small Solar Energy System was constructed. If the Small Solar Energy System owner fails to dismantle and/or remove all components within the established time frames, and restore the property to its prior condition, the Township may complete the decommissioning at the owner's expense.

5. Small Solar Energy System owner/operator shall provide a Decommissioning Bond in the amount determined by the Board of Trustees to offset costs for removing all site materials, such as solar collectors, mountings, hardware, buildings, fencing, and all other infrastructures.

F. Annual Compliance Report

1. The applicant, owner, and/or operator of the Solar Energy Systems shall file an annual compliance report with the Tate Township Board of Trustees.

2. The annual compliance report must confirm compliance with any and all conditions pertaining to the approval of the P.U.D., as well as compliance with these Regulations. Additionally, the applicant, owner, and/or operator shall:

    i. Provide the information requested by the Zoning Inspector, including but not limited to information regarding the yearly electrical output on the Solar Energy System, the net metering agreement and report, any record of complaints and applicable resolution, and any other reasonable information requested by the Tate Township Board of Trustees; and

    ii. Pay the applicable filing fee as stated in the Tate Township Fee Schedule or these Regulations.

G. Process for Designation as a Planned Unit Development and Approval of the Related Plans

1. As noted above, each applicant, if possible, should confer with the Zoning Inspector in connection with the preparation of the P.U.D. application. The general outlines of the proposal, evidenced schematically by sketch plans and other evidence, should be submitted and considered before submission of the P.U.D. application. The Zoning Commission may seek assistance from the staff of the Clermont County Planning Commission, the Tate Township Board of Trustees, or any other consultants or experts it may find useful to the consideration and evaluation of the proposed plans.

2. Upon receipt of a P.U.D. application, the Zoning Commission shall follow the procedure set forth in Article X of the Zoning Regulations, including certification to the Clermont County Planning Commission and, following receipt of that commission's recommendation, holding a public hearing on the proposed P.U.D. application.

3. As part of its evaluation of any P.U.D. application, the Zoning Commission may engage any necessary public and/or private consultants to ensure a sound review of the proposed application.

4. The Zoning Commission's final recommendation regarding the P.U.D. shall contain written findings, which also shall include:

    i. The relationship, beneficial or adverse, of the proposed planned unit development to the local area in which it is proposed to be established;

    ii. Whether there are adequate services and utilities available or proposed to be made available in the construction of the project;

    iii. Whether the proposed meets the intent and objectives for planned unit developments as expressed in Section 14-1;

    iv. Whether the proposal meets all the general regulations for planned unit developments as expressed in Section 14-7.

5. Approval by Township Trustees

    i. The Zoning Commission shall notify and transmit all plans and recommendations to the Township Trustees.

    ii. After review, the Township Trustees shall schedule a public hearing.

    iii. The Township Trustees shall approve, modify and approve, or deny such application within thirty (30) days after the public hearing. If the Township Trustees grant the P.U.D. District, the zoning map shall be so notated.

6. Final Development Plan:

    i. Within one (1) year following the approval of the concept plan and the establishment of the P.U.D. District, the developer shall submit to the Township Zoning Inspector the final development plan and all other materials required to obtain final authorization to proceed with construction. The failure to submit the final development plan within one year shall nullify the approval of the P.U.D. and the Zoning Inspector shall remove from the Township Zoning Map any reference to the P.U.D. Upon receipt of the above materials, the Tate Township Board of Trustees shall review the final development plan at its next regular

meeting or a special meeting and either approve or deny the final development plan.

ii. The final development plan shall include confirmation of compliance with the items identified in the concept plan and P.U.D. application as well as compliance with any conditions associated with the concept plan.

iii. The development shall conform to the approved final planned unit development plan. The development applicant, his successors and assignees shall make no alterations, additions or deletions to the final development plan, the related documents or to the site, except as provided herein. Upon final approval of uses, changes may be made only pursuant to a new submission of a planned unit development application which shall be processed and approved in accordance with these Regulations.

iv. Whenever the Township Trustees shall find in the case of any approved final development plan, that any of the terms, conditions, or restrictions upon which final approval of uses Section 14-7 herein, was granted are not being complied with, such a violation of the final approval of uses for the Planned Unit Development shall constitute violation of the zoning code with appropriate action to be taken.

v. If work has not begun within one (1) year of the approval of the final development plan, the approval of the plan shall be deemed void and the land shall automatically revert to its original zoning designation.