

EXHIBIT “A”

**TEXT OF AMENDMENTS TO THE JEFFERSON TOWNSHIP ZONING
RESOLUTION RELATING TO SOLAR ENERGY SYSTEMS**

ARTICLE DEFINITIONS. Add the following definitions to Article II and alphabetize with the current definitions contained in this Article:

SOLAR ENERGY SYSTEM/PROJECT. The components and subsystems required to convert solar energy into electric or thermal energy, including all equipment and accessory buildings. For purposes of this Zoning Resolution, a solar energy system shall be considered a permanent structure treated similarly to a building.

SOLAR FARM. A utility scale, commercial solar energy system that is not regulated and/or approved by the Ohio Power Siting Board.

PRIVATE OR NON-COMMERCIAL SOLAR ENERGY SYSTEM. A solar energy system that has a total energy production capacity of not more than one (1) Megawatt.

COMMERCIAL SOLAR ENERGY SYSTEM. A solar energy system that has a total energy production capacity of more than one (1) Megawatt, regardless of whether such solar energy system meets the definition of solar farm.

ADD TO THE PERMITTED USES OF THE FOLLOWING ZONING DISTRICTS, “Private or Non-commercial Solar Energy Systems, provided conditions in Appendix “A” are met.”

(F) FARM, (SR-1) SUBURBAN RESIDENTIAL-MEDIUM DENSITY, (SR-2) SUBURBAN RESIDENTIAL-HIGH DENSITY, (FS) FARM SECURITY, (GC) GENERAL COMMERCIAL, (RC) REGIONAL COMMERCE, (I-1, I-2) INDUSTRIAL, and (SU) SPECIAL USE.

ADD TO THE CONDITIONAL USES OF THE FOLLOWING ZONING DISTRICTS, “Solar Farms, provided the conditions in Appendix “A” are met.” **(F) FARM, (FS) FARM SECURITY, (I-1, I-2) INDUSTRIAL, AND (SU) SPECIAL USE.**

ADD THE FOLLOWING NEW PROVISIONS TO APPENDIX “A” OF THE ZONING RESOLUTION:

1. General.

a. Solar Energy Systems with a generating capacity of 50 megawatts (MW) or more shall be required to submit an application to the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO), and are required to meet OPSB regulations.

b. No system shall be constructed, installed, altered or expanded without first obtaining a zoning certificate from the Zoning Inspector and all other permits required by this zoning resolution or otherwise by state and/or federal law, and the applicable rules and regulations.

c. Private or non-commercial solar energy systems include building-mounted or ground-mounted systems that provide power for the principal used and/or accessory use of the property on which the system is located. These systems shall not be used for the generation of power for other users or for the sale of energy to other users. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

d. Solar energy systems shall not be used for the display of advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a property line.

e. "Solar Farm" shall not include any private or non-commercial solar energy system.

f. Solar energy systems established with applicable zoning, building, and electrical permits issued by JEFFERSON TOWNSHIP prior to the effective date of the resolution of which this Exhibit "A" is a part and incorporated therein shall be exempt from the provisions hereof.

g. These provisions shall not be deemed to supersede any other provisions of local, state, or federal law, rules and regulations.

2. Permits/Requirements.

a. A building/electrical permit from the Fayette County Building Department shall be required prior to the construction of any solar energy system.

b. A scaled site plan showing location, size, and design details of the proposed system, together with such other information which is required by _____ in an application for a Zoning Certificate, demonstrating compliance with the JEFFERSON TOWNSHIP Zoning Resolution shall be submitted to the Zoning Inspector for review. Approval of the site plan and application for a Zoning Certificate shall occur prior to the issuance of the building/electrical and other required permits, and in accordance with Article _____ of the Zoning Resolution. Site plans for commercial systems shall be prepared by an Ohio registered professional surveyor and/or engineer.

- c. Solar energy systems shall conform to applicable industry standards including the standards of the American National Standards Institute (ANSI).
- d. A certificate of compliance demonstrating that the proposed system has been tested and approved by the Underwriters Laboratories (UL) or other approved independent testing agency.
- e. All power and utility lines shall be located underground.
- f. Power inverters and other sound producing equipment shall be no less than one hundred fifty (150') feet from any dwelling unit at the time of construction/installation.
- g. All systems shall be designed and located to prevent reflective glare toward any habitable buildings as well as street/roadway rights of way.
- h. All systems shall be designed and located to be architecturally compatible with historic and/or surrounding structures as well as the natural setting and existing environment. Appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers and substations, shall be architecturally compatible with one another and shall be screened from the view of individuals not on the parcel where such systems and/or their components are located.
- i. Solar energy systems must be maintained in good working order and remain operable at all times.
- j. The fee for a permit non-commercial solar energy system shall be one hundred fifty dollars (\$150.00)
- k. The fee for a permit for a commercial solar energy system shall be five thousand dollars (\$5,000.00.)

3. Building-Mounted (Private or Non-Commercial) Solar Energy Systems.

a. Location.

- 1) Building-mounted solar energy systems are allowed on permitted principal and accessory structures.
- 2) Only building-integrated and/or flush mounted solar energy systems shall be used when installed on the front building elevation.

b. Horizontal Projection.

- 1) Solar energy systems shall not extend more than four (4') feet beyond the exterior

perimeter of the building on which the system is mounted or constructed, as measured horizontally from the façade or roof edge on which the system is mounted.

- 2) All setback requirements shall apply as are provided for the respective zoning district in which such solar energy systems are located.

c. Height.

- 1) The height of a solar energy system shall be measured vertically from the lowest edge to the highest edge of the system components.
- 2) No component of a solar energy system shall extend more than five (5') feet above the highest point on the roof line. The maximum height in the zoning district in which the system is located shall not be exceeded.

4. Ground-Mounted (Private or Non-Commercial) Solar Energy Systems.

a. In addition to the application requirements set forth above, the applicant also shall submit scaled site plan drawings which include the following:

- 1) Existing and proposed topographical contours at a minimum of two (2') foot intervals.
- 2) Location, setbacks, exterior dimensions and square footage of all existing and Proposed structures.
- 3) Location and dimensions of existing waterways, wetlands, 100-year floodplains, Sanitary sewers, storm sewers, drain tiles, and water distribution systems.
- 4) Location of all overhead and underground utilities and easements.
- 5) Such other and further information which the Zoning Administrator may reasonably require.

b. Setback.

- 1) In residential zoning districts solar energy systems shall not be located in any front yard.
- 2) In all zoning districts solar energy systems shall comply with the respective setback requirements as measured from the property line to the nearest edge of the nearest component of the system.

c. Lot Coverage.

The total surface area of all solar panels installed or constructed as part of a solar energy system shall be included in the calculation of the amount of lot coverage for the respective zoning district in which the system is located.

d. Height.

The maximum height of a solar energy system shall not exceed the height limits for accessory structures in the zoning district in which the system is located as measured from the grade adjoining the base of the lowest component of the system to the highest point of the highest component of the system.

5. Commercial Solar Energy System

a. In addition to the application requirements above, the applicant also shall include with the site plan drawings the following:

- 1) Existing and proposed topographical contours at a minimum of two (2') foot intervals.
- 2) Location, setbacks, exterior dimensions and square footage of all existing and proposed structures.
- 3) Location and dimensions of existing waterways, wetlands, 100-year floodplains, sanitary sewers, storm sewers, drain tiles and water distribution systems.
- 4) Location of all overhead and underground utilities and easements.
- 5) Such other and further information which the Zoning Administrator may reasonably require.

b. Setback.

- 1) Systems shall comply with the setback requirements of the respective zoning district in which the system is located as measured from the property line to the nearest edge of the nearest component of the system. Additionally, for any parcel that neighbors a parcel that is used a residence, all panels, fencing, and plans shall setback one thousand feet (1,000') from the boundary line of the parcel.
- 2) The setback requirements above may be modified by the JEFFERSON TOWNSHIP ‘

Board of Zoning Appeals, upon application and hearing as provided in the JEFFERSON TOWNSHIP Zoning Resolution, if the Board of Zoning Appeals determines that the requirements unreasonably cause the applicant unnecessary hardship or practical difficulties or are otherwise inappropriate or unnecessary, to include by way of example only circumstances which involve interior property lines of lands owned by a common owner or property lines between adjoining property owners who are participating in the same Solar Energy System.

3) Commercial Solar energy systems shall be set back not less than one hundred (100') feet from the nearest bank of any lake, stream, or other body of water that may be navigable or otherwise available for public use.

4) Perimeter fencing and screening are not subject to setback requirements except for the bodies of water referred to above where such setback requirements shall apply.

c. Lot Coverage.

The total surface area of all solar panels installed or constructed as part of a solar energy system shall be included in the calculation of the amount of lot coverage for the respective zoning district in which the system is located.

d. Height.

The maximum height of a Solar Farm shall not exceed fifteen (15') feet as measured from the grade adjoining the base of the lowest component of the system to the highest point of the highest component of the system. A substation or switchyard, including poles and wires and/or such other equipment as is necessary to connect the system to a public commercial electric utility shall not be subject to such height limitations.

f. Fencing and Screening Required.

1) Commercial Solar Energy Systems shall be completely enclosed with a chain link or security fence not less than six (6') feet in height that restricts direct access to the site by the public or unauthorized individuals. All fencing at a minimum shall encompass the entire system or farm facility, contain locking mechanisms, and shall comply with all fence requirements of the JEFFERSON TOWNSHIP Zoning Resolution. Failure to maintain fencing in good repair at all times shall constitute a violation of the JEFFERSON TOWNSHIP Zoning Resolution.

2) Fencing and screening requirements may be modified or waived by the Board of Zoning Appeals (BZA) if it is determined that such modification or waiver may cause an adverse impact to public health, safety, or welfare, or are deemed to be unnecessary.

g. Decommissioning:

1) As part of the permitting process applicants shall submit to the Zoning Inspector with the other materials which may be required for review and approval a Decommissioning Plan which shall be maintained in the applicant's file with the Zoning Department. The Decommissioning Plan shall include the following provisions and requirements:

- a) Specific conditions upon which decommissioning and removal of all structures associated with the solar energy system shall be required to include, without limitation and by way of example only, end of lease term, existence of a potential safety hazard, cessation of the system use for any reason to include equipment damage or failure, or obsolescence for production of electricity, or other condition reasonably deemed by the Zoning Inspector to constitute an abandonment of the conditional use applicable to the system.
- b) Removal of all non-utility owned equipment, conduits, structures, fencing, road and laneways, foundations, and other associated materials, and restoration of the property to its condition prior to the development of the solar energy project.

The foregoing provisions shall not be waived or otherwise modified without the owner and lessor of the property on which the system is located having first submitted to the Zoning Inspector a signed affidavit, to inure to the benefit of the Township and its officials and employees including, without limitation the Zoning Inspector, acknowledging and agreeing for themselves, their heirs, successors and assigns to such waiver or modification, and to release, waive and forever discharge the lessee and owner and operator of the solar system, the township, and its officials and employees and authorized representatives from any and all liability arising out of any such waiver or modification.

- c) The time period for commencement and completion of all decommissioning activities.
- d) A signed affidavit, to inure to the benefit of the Township and its officials and employees including, without limitation, the Zoning Inspector, from the owner, lessee or other assign, and operator of the solar energy system, on their behalf and on behalf of their respective heirs, successors and assigns acknowledging the requirements and obligation for the decommissioning activities, the cost and expense thereof, and indemnifying the owners and lessor of the property on which the solar energy system is located, their respective heirs, successors and assigns, the township and its officials, employees, and other authorized representatives from any and all liability arising from any act or omission related in any manner to the decommissioning activities or the failure to commence or complete the same within the time period required by the permit and the

reasonable orders of the Zoning Administrator as authorized by this Zoning Resolution or otherwise by law.

6. Solar Farms

a. In addition to the application requirements above, the applicant also shall include with the site plan drawings the following:

1) All of those items found and required of commercial Solar Energy Systems.

b. Setback.

1) All of those items found and required of commercial Solar Energy Systems.

c. Lot Coverage.

The total surface area of all solar panels installed or constructed as part of a solar energy system shall be included in the calculation of the amount of lot coverage for the respective zoning district in which the system is located.

d. Minimum Lot Area.

The minimum land area upon which a Solar Farm may be constructed is five (5) acres.

e. Height.

The maximum height of a Solar Farm shall not exceed fifteen (15') feet as measured from the grade adjoining the base of the lowest component of the system to the highest point of the highest component of the system. A substation or switchyard, including poles and wires and/or such other equipment as is necessary to connect the system to a public commercial electric utility shall not be subject to such height limitations.

f. Fencing and Screening Required.

1) Solar Farms shall be completely enclosed with a chain link or security fence not less than six (6') feet in height that restricts direct access to the site by the public or unauthorized individuals. All fencing at a minimum shall encompass the entire system or farm facility, contain locking mechanisms, and shall comply with all fence requirements of the JEFFERSON TOWNSHIP Zoning Resolution. Failure to maintain fencing in good repair at all times shall constitute a violation of the JEFFERSON TOWNSHIP Zoning Resolution.

2) Systems shall be constructed with evergreen vegetative screening where existing buffers

do not obscure solar energy system perimeters from dwelling units on adjacent parcels. At maturity required vegetative screening shall be not less than fifteen (15) feet tall, regardless of line-of-sight.

- 3) Fencing and screening requirements may be modified or waived by the Board of Zoning Appeals (BZA) if it is determined that such modification or waiver may cause an adverse impact to public health, safety, or welfare, or are deemed to be unnecessary.
- 4) Fencing and screening requirements do not apply to linear electrical lines and their appurtenances which are located outside the boundary of the fenced solar facilities.

g. Decommissioning:

- 1) As part of the permitting process applicants shall submit to the Zoning Inspector with the other materials which may be required for review and approval a Decommissioning Plan which shall be maintained in the applicant's file with the Zoning Department. The Decommissioning Plan shall include the following provisions and requirements:
 - a) Specific conditions upon which decommissioning and removal of all structures associated with the solar energy system shall be required to include, without limitation and by way of example only, end of lease term, existence of a potential safety hazard, cessation of the system use for any reason to include equipment damage or failure, or obsolescence for production of electricity, or other condition reasonably deemed by the Zoning Inspector to constitute an abandonment of the conditional use applicable to the system.
 - b) Removal of all non-utility owned equipment, conduits, structures, fencing, road and laneways, foundations, and other associated materials, and restoration of the property to its condition prior to the development of the solar energy project.

The foregoing provisions shall not be waived or otherwise modified without the owner and lessor of the property on which the system is located having first submitted to the Zoning Inspector a signed affidavit, to inure to the benefit of the Township and its officials and employees including, without limitation the Zoning Inspector, acknowledging and agreeing for themselves, their heirs, successors and assigns to such waiver or modification, and to release, waive and forever discharge the lessee and owner and operator of the solar system, the township, and its officials and employees and authorized representatives from any and all liability arising out of any such waiver or modification.

- c) The time period for commencement and completion of all decommissioning activities.

d) A signed affidavit, to inure to the benefit of the Township and its officials and employees including, without limitation, the Zoning Inspector, from the owner, lessee or other assign, and operator of the solar energy system, on their behalf and on behalf of their respective heirs, successors and assigns acknowledging the requirements and obligation for the decommissioning activities, the cost and expense thereof, and indemnifying the owners and lessor of the property on which the solar energy system is located, their respective heirs, successors and assigns, the township and its officials, employees, and other authorized representatives from any and all liability arising from any act or omission related in any manner to the decommissioning activities or the failure to

commence or complete the same within the time period required by the permit and the reasonable orders of the Zoning Administrator as authorized by this Zoning Resolution or otherwise by law.

- 2) As part of the permitting process and as a condition precedent to approval and issuance of any permit required for the installation of a solar energy system and the approval of the Decommissioning Plan, applicant shall submit to the Zoning Inspector a performance bond, irrevocable letter of credit, or other financial instrument issued by a financial institution or insurance company licensed to do business in the State of Ohio, in such amount and upon such terms as shall be deemed sufficient by the Zoning Inspector to guarantee payment of the costs of all decommissioning activities required by this Zoning Resolution and the permits issued hereunder upon the occurrence of any event which would require a system to be decommissioned. Such bond, letter of credit, insurance policy or other financial instrument shall be in favor, and to the benefit, of the township and shall be adjusted annually in amount in direct proportion to the change in the U.S. Consumer Price Index, and shall be maintained in full force and effect so long as the solar energy system, or any of its components, remains on the property.
- 3) Upon the failure or refusal, for any reason, to comply with the Decommissioning Plan and/or any orders of the Zoning Inspector related thereto, the Zoning Inspector may take any and all actions which are authorized in Article III of this Zoning Resolution and the law of the State of Ohio.