

**Article 5: Base Zoning Districts and Principal Use Regulations**

**Table 5-1: Permitted Use Table**

Permitted Uses P = Permitted Use PS = Permitted with Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	Residential Zoning Districts			Nonresidential Zoning Districts		Use-Specific Standards  See Section:
	A-1	R-1	R-2	B-1	I-1	
<b>MISCELLANEOUS USE CLASSIFICATION</b>						
Essential Services	P	P	P	P	P	
Gas and Oil Wells	PS	PS	PS	PS	PS	5.04(F)(1)
Mixed Use Buildings				PS	PS	5.04(F)(2)
Multi-Tenant Developments				P	P	
Private Airports and Landing Fields	C					
Roof Mounted Solar Energy System	P	P	P	P	P	5.04(F)(3)
Small Solar Energy System	P	P		C	P	5.04(F)(3)
Medium Solar Energy System	C	C			C	5.04(F)(3)
Large Solar Energy System	C					5.04(F)(3)
Large Wind Farm	C					5.04(F)(4)
Wireless Telecommunication Facilities	C	C	C	P	P	5.04(F)(5)

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### (2) Mixed Use Buildings

- (a) Developments consisting of multiple principal uses shall incorporate only those use types permitted in the applicable zoning district.
- (b) Mixed use developments may also include attached residential dwellings as part of a mixed use building where office or nonresidential uses are located on the first floor and residential uses are located on the upper floors.
- (c) When determining peripheral buffer requirements for parcels with multiple principal uses, the proposed use that requires the most extensive buffer according to Article 10: Landscaping Standards, shall govern.
- (d) The presence of a home occupation and/or a residential business in conjunction with a residential use shall not constitute a mixed use/multi-tenant development.
- (e) The maximum residential gross density for mixed-use buildings (mix of residential and nonresidential in the same structure) shall be six dwelling units per acre.
- (f) Residential dwelling units shall be prohibited on the first floor of mixed-use buildings.

### (3) Solar Energy Facilities

#### (a) Purpose

The intent and purpose of these regulations is to accommodate solar energy systems in appropriate locations, while protecting the agricultural-based economy, public health, safety and welfare, and to provide a review and permitting process for solar energy systems to ensure compliance with the provisions of the requirements and standards established herein.

#### (b) Prohibited Solar Energy Facilities

Concentrated Solar Energy Systems shall be prohibited in every zoning district within the Township.

#### (c) General Provisions

The following provisions shall apply to solar energy systems:

- (i) For Large Solar Energy Systems: Applicant shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
- (ii) For Medium and Large Solar Energy Systems, Applicant shall comply with specific requirements of the appropriate fire district.
- (iii) Small and medium ground-mounted Solar Energy Systems shall not be considered when calculating impervious surface area or lot coverage area, however small and medium ground-mounted SES shall be arranged in a manner that facilitates ground water absorption and minimizes water runoff.
- (iv) For large solar energy systems, the photovoltaic arrays shall not be considered when calculating impervious surface area or lot coverage area, the large SES shall be arranged in a manner that facilitates

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ground water absorption and minimize water runoff. All other buildings such as battery / energy storage facilities, offices, maintenance buildings, storage buildings and/or sheds, or other buildings and structures with a horizontal surface area greater than 10 SF shall be considered when calculating impervious areas and lot coverage area.

- (v) Maintenance: All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SES shall be kept in a presentable manner based upon the ground cover decided.
  - (vi) Decommissioning: All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upfront by the township.
  - (vii) Repowering: If any SES is no longer operating for purposes of Repowering, replacement, or maintenance, Decommissioning provisions will not apply for up to six months. However, an SES that is not operating or is operating at a substantially reduced capacity for more than six months will be considered abandoned and Decommissioning provisions will apply.
  - (viii) Repowering does not require a new Conditional Use permit or permit amendment if the footprint of the SES is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
  - (ix) Fencing: All SES may be fenced for security provided the fencing material is open in nature and not solid. Fencing of large SES operations should be clustered around groups of SES components and not the entire property perimeter to allow movement of wildlife.
  - (x) All medium and large SES operations shall have located at key access points signage stating specific language as outlined by the fire department and a phone number with 24hr availability.
  - (xi) SES may be installed in the floodway fringe given that all components are installed a minimum of one foot (1') above base flood elevation and subject to written authorization of the Floodplain Administrator.
  - (xii) No SES shall be constructed in the identified Floodway
  - (xiii) Financial assurances shall be in place as part of the Decommissioning Plan
- (d) Height Requirements**
- (i) Ground-Mounted Solar Energy Systems shall not exceed 12 feet in height. Electric transmission poles and wires are exempt from this height limit.
  - (ii) Roof-Mounted Solar Energy Systems affixed to a sloped roof shall follow the existing slope of the roof and not extend above the roof peak.
  - (iii) Roof-Mounted Solar Energy Systems affixed to a flat roof shall not extend more than five (5) feet above a parapet wall or roof line. Roo

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mounted Solar Energy Systems may extend above the maximum building height.

### (e) Setback Requirements

#### (i) Small Solar Energy Systems:

- A. Front: Not in required yards in the A-1, R-1, PD, B-1, I-1 Districts
- B. Side: Not in required yards in the A-1, R-1, PD, B-1, I-1 Districts
- C. Rear:
  - a. 10-feet in the A-1, R-1, R-2 Districts.
  - b. 20-feet in the B-1 and I-2 Districts
  - c. Not in the required yards in the PD Districts

#### (ii) Medium Solar Energy Systems

- A. Front: 75-feet in the A-1, R-1, PD, I-1 Districts
- B. Side: 30-feet in the A-1, R-1, PD, I-1 Districts
- C. Rear: 50-feet in the A-1, R-1, PD, I-1 Districts

#### (iii) Large Solar Energy Systems

- A. Front: 300-feet in the A-1 District
- B. Side: 300-feet from a non-participating residential dwelling in the A-1 District
- C. Rear: 300-feet from a non-participating residential dwelling in the A-1 District

### (f) Buffering and Screening

- (i) Whenever a medium or large SES located in a A-1, B-1, or I-1 district is adjacent to a residential district and constructed within 200 feet of the residential lot line, buffering and screening shall be provided along said lot line. The buffering and screening shall effectively partially or completely obstruct the view of the SES from the adjacent residential district in order to prevent or minimize nuisances.
- (ii) Screening and buffering may be accomplished by one or more of the following:
  - A. A solid masonry wall
  - B. A solidly constructed decorative fence (board on board, shadow box, or similar)
  - C. Dense evergreen plantings
  - D. Landscaped mounding with ground cover

### (4) Large Wind Farm

#### (a) Purpose

The intent and purpose of these regulations is to accommodate wind energy systems in appropriate locations, while protecting the agricultural-based economy, public health,

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safety and welfare, and to provide a review and permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

### **(b) Setback Requirements in all districts:**

- (i)** Front: Not less than twice the height of the wind energy structure
- (ii)** Side: Not less than twice the height of the wind energy structure from the property line.
- (iii)** Rear: Not less than twice the height of the wind energy structure from the property line.

## **(5) Wireless Telecommunication Facilities**

### **(a) Purpose**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the township in which such facilities are proposed to be located. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the township in regulating wireless telecommunication towers and related facilities for the following purposes:

- (i)** To protect property values;
- (ii)** To regulate a commercial use so as to provide for orderly and safe development within the township;
- (iii)** To provide for and protect the health, safety, morals and general welfare of the residents of the township;
- (iv)** To protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the township from the adverse effects of towers and related facilities;
- (v)** To promote co-location of wireless telecommunication facilities in order to decrease the number of towers in the township; and
- (vi)** To maintain, where possible, the integrity of the existing regulations contained in the zoning resolution.

### **(b) Procedure**

Any applicant that plans to construct a wireless telecommunications facility in a residential zoning district shall provide written notice in accordance with ORC § 519.211(B).

#### **(i) Trustee Action**

- A.** If the Board of Trustees receives notice from a property owner under this section within the time specified or if a board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under this section, the Board of Trustees shall request that the Township Fiscal Officer send the person proposing to construct the tower written notice that the tower is subject to a conditional use review (See Section 3.06).

**SIGN, TEMPORARY**

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and intended for a limited period of display.

**SIGN, T-FRAME**

A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A- frame signs.

**SIGN, WALL**

A sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

**SIGN, WINDOW**

A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

**SKILLED NURSING**

In addition to room and board, those nursing services and procedures employed in caring for the persons who require training, judgment, technical knowledge, and/or skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

**SKILLED NURSING FACILITY**

A residential facility that provides skilled nursing. Such facility shall not mean the same as "institutions for human medical care," "adult family homes or small residential facilities," or "adult homes or large residential facilities."

**SMALL WIND ENERGY CONVERSION SYSTEM (SWECS)**

A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of 100kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for onsite use, may be utilized by the applicable utility company. The following are the definitions for the type of system permitted in Neave Township:

- Blade Tip Power System Turbines (BTPS) – A wind turbine system that is somewhat similar in appearance to the HAWT system but where there is no gear or turbine shaft at the center of the system. The energy is generated from the blade tips rather than the traditional central gear box of a HAWT.

**SOLAR ENERGY SYSTEM (SES)**

A system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

**SOLAR ENERGY SYSTEM, GROUND-MOUNTED:**

A freestanding SES that is supported and affixed to the ground. The photovoltaic components of the ground-mounted SES may be static or movable to track the path of the sun.

**SOLAR ENERGY SYSTEM, SMALL:**

A ground-mounted SES that individually or in aggregate covers less than 1,750 SF of land area, not including transmission lines.

**SOLAR ENERGY SYSTEM, MEDIUM:**

A ground-mounted SES that individually or in aggregate covers more than 1,750 SF, but less than one acre of land area, not including transmission lines and poles.

**SOLAR ENERGY SYSTEM, LARGE:**

A ground-mounted SES that individually or in aggregate covers more than one (1) acre of land area, not including transmission lines and poles.

**SOLAR ENERGY SYSTEM, CONCENTRATED:**

A SES that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

**SOLAR PANELS**

Structures designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

**SPECIFIED ANATOMICAL AREAS**

Human genitals

**SPECIFIED SEXUAL ACTIVITIES**

Human genitals in a state of sexual stimulation or arousal: acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

**STACKING SPACE OR LANE**

A lane or area that is specifically designated for cars to "stack" in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

**STATE**

The State of Ohio

**STORY**

The portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it than the space between the floor and the ceiling next above it.

**STREET**

A publicly dedicated or owned right-of-way constructed to Darke County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties.

**STREET FRONTAGE**

See definition of "frontage, street."

**STREET, LOCAL RESIDENTIAL**

A street primarily for providing access to residential or other abutting property. For the purposes of this resolution, a local residential street shall be those streets maintained by the township.