

Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

Zoning Text Amendment Checklist

Date: 05-30-23 Township: Washington

Amendment Title: Solar Energy Systems

Notice: Incomplete Amendment requests will not be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received no later than 10 days before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Table with 3 columns: Required Item, Completed by Requestor, Received by LUC. Rows include Cover Letter & Checklist, Date of Request, Description of Zoning Text Amendment Change (s), Date of Public Hearing, Township Point of Contact, Attachment of Zoning Text Amendment, Copy of current zoning regulation, and Non-LUC Member Fee.

Luke

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

10820 St Rt 347, PO Box 219 East Liberty, Ohio 43319 Phone: 937-666-3431

Email: luc-rpc@lucplanning.com Web: www.lucplanning.com

May 30<sup>th</sup>, 2023

Luke Brill  
Chair, Zoning Commission  
Washington Township  
19748 State Route 739  
Richwood, OH 43344

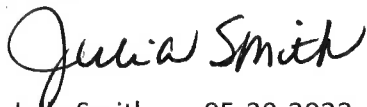
**RE: Action by Washington Township Board of Trustees  
Certification of Resolution to initiate a Zoning Text Amendment**

Dear Mr. Luke Brill:

Please consider this document certification of action by the Washington Township Board of Trustees.

On May 30<sup>th</sup>, 2023, the Washington Board of Trustees met. During the meeting, Randy Sullivan moved a motion to initiate a zoning text amendment. Ron Jones seconded the motion. All in favor.

Attest



Julia Smith 05-30-2023  
Fiscal Officer, Washington Township

**Date of Request.**

May 30, 2023

Logan-Union-Champaign Regional Planning Commission  
c/o Gram Dick  
PO Box 219  
East Liberty, OH 43319  
gramdick@lucplanning.com

**RE: Zoning Text Amendment Application, Washington Township, Union County**  
Amendment topic: updating Solar Energy Systems Definitions and Text

Dear LUC Regional Planning Commission Committee Members:

The Washington Township Board of Trustees met at 7:00 PM on May 30, 2023. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Board of Trustees. The amendments propose alterations to the text of the Zoning Resolution.

**Description of Zoning Text Amendments.**

Included with this cover letter, you will find a copy of the existing zoning as it appears in the Zoning Resolution. Proposed changes are in red and ~~strike through~~. Please refer to these attachments for further information.

- Amend solar energy related definitions in Article II Definitions and amend Section 1061 Solar Energy Systems. The text of Section 1061 and the solar energy related definitions in Article II regulate solar energy systems.

**Public Hearing.**

The Washington Township Zoning Commission of Union County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 AM on June 21, 2023, in the Washington Township Building. The address is 31683 S+Rt 31 West Mansfield, OH 43358

**Point of Contact.**

Please consider me, Luke Brill, Township's point of contact for this matter. My contact information is below:

19748 S+Rt 739 Richmond, OH 43344  
Phone: 937-935-8343

Sincerely,



**Attachments.**

1. Proposed Zoning Resolution Text Amendments (text changes shown removed and red)

Luke: filling blanks + sign

13. **Sign, Wall.** A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

**Service Station.** Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, for accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work.

**Solar Energy Related Definitions.**

- a) **Accessory Solar Energy.** A solar collection system consisting of one or more roof/~~structure~~building mounted, ~~and/or~~ ground/pole mounted, ~~and/or other structure mounted~~ solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
- b) **Principal Solar Energy Production Facility.** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. ~~These production facilities primarily produce electricity to be used off-site. Large~~Principal solar energy production facilities consist of one or more ~~free-standing roof/building mounted,~~ ground/pole ~~mounted,~~ ~~and/or roof/other~~ structure mounted solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. ~~Examples include "Small Solar Facility" and "Community Solar Facility" as defined by statute or herein. These production facilities primarily produce electricity to be provided off-site.~~
- c) **Solar Energy Equipment.** Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter(s), batteries, mounting brackets, ~~racking,~~ framing and/or foundation used for or intended to be used for the collection of solar energy.
- d) **Solar Photovoltaic (PV).** The technology that uses a semiconductor to convert light directly into electricity.
- e) **Clear Fall Zone (Solar Energy).** An area surrounding a ground/pole mounted ~~or other structure mounted~~ solar energy system into which the system and/or

components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the **primary** lot where the system is located. The purpose of the zone being that if the system should fall or otherwise become damaged, the falling structure will be confined to the **primary parcel** and will not intrude onto a neighboring property.

f) **Small Solar Facility.** Pursuant to ORC 519.213 (A) (2), "Small Solar Facility" means 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.

e)g) **Community Solar.** Also known as shared solar, or solar gardens, is an energy model that allows customers to buy or lease part of a larger off-site shared solar photovoltaic (PV) system. For purposes of this Resolution, "Community Solar" is considered to be a "Principal Solar Energy Production Facility".

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**Solid Wastes.** Such unwanted residual solid or semisolid material as results from industrial, commercial agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, and also, and other substances which are not harmful to public health, and includes, but is not limited to, garbage, combustible and non-combustible material, street dirt, and debris. For purposes of this definition, "material from construction operations" and "material from demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

**Stick-built.** A way of describing any structure built from boards of lumber and other building materials, in which a substantial amount of the required material and construction labor are brought together in final form at the foundation site.

**Storage Facility.** A structure which is partially opened or fully enclosed in which animals, chattels, or property are stored or kept.

**Story.** That part of a building between the surface of a floor and the ceiling immediately above.

**Structure.** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

**Subdivision.**

may be substituted. Storage of materials shall not exceed the height of the screening. Storage of junk shall not be located in any front or side yard.

**Section 1050 Junk.** No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

**Section 1052 Garage, Porch, Yard, or Similar Type Sales.** A resident may conduct a garage, porch, yard, or similar type sale provided such sale does not exceed one such event during any six (6) month period. No sale shall exceed three (3) consecutive days in length. Parking shall be provided off the public highway right-of-way and off neighboring property unless consent is obtained from the affected neighbor to do so. All signs advertising such sales shall be removed immediately after the sale has concluded its duration.

**Section 1055 Mobile Trailers Prohibited for Buisness, Storage, and Sign Purposes.** The use of a mobile home, tractor trailer, box car, sealand container, or other similar type trailer, container, or structure shall not be permitted as an office or business structure, storage facility, or sign structure except as stated in Section 1004.

**Section 1061 Small Solar Energy Systems (Less Than 50 MW).**

**A. Accessory Solar Energy Systems.**

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the zoning inspector.

All accessory solar energy systems shall meet the following requirements:

1. No accessory solar energy system for a dwelling and its accessory structures shall have a production output of more than 50kW. For a dwelling with multiple dwelling units, 50kW is allowed per dwelling unit. No other principal use shall have an accessory system with a production output of more than 250kW.
2. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious and count towards the maximum percentage of the lot to be occupied. ~~Panels mounted on the roof of any building shall be subject to the maximum height regulations as specified in the underlying zoning district.~~

3. An accessory solar energy system is permitted in all zoning districts as an accessory to a principal use.

4. An accessory solar energy system shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.

4-5. Accessory solar energy systems with a generation output of five hundred (500) watts or less, or a combination of accessory solar energy systems with an aggregate generation output of five hundred (500) watts or less, shall not require a permit and shall be exempt from the requirements of this section, provided that the system is independent and disconnected from the electrical service(s) supplied to the lot on which the accessory solar energy system is located.

5-6. Roof/Structure building mounted accessory solar energy systems:

- a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
- b. May be mounted to a principal or accessory building.
- c. ~~Combined~~The height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.

6-7. Ground/Pole mounted accessory solar energy systems:

- a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
- b. Shall be permitted in the rear or side yard only.
- c. Shall be erected within an established clear fall zone.
- d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
- e. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious and count towards the maximum percentage of the lot to be occupied.

8. Other structure mounted accessory solar energy systems:

- a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
- b. Shall be permitted in the rear or side yard only.
- c. Shall be erected within an established clear fall zone.

d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.

~~d.e.~~ For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious and count towards the maximum percentage of the lot to be occupied.

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~~7.9.~~ Accessory Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.

~~8.10.~~ Accessory Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ~~ground mounted accessory~~ solar energy system shall be graded and reseeded within thirty (30) days of removal.

~~9.11.~~ In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:

- a. Height of the proposed solar energy system(s) at maximum tilt.
- b. Evidence of established setbacks of 1:1 times the height of any ~~ground/pole mounted or other~~ structure ~~mounted solar energy system~~ ~~other than a building~~ and "clear fall zone".
- c. Proof of notice to the electric company, Soil and Water Conservation District (for drainage impact purposes), and County Health Department/District (for on-site sewage treatment impacts) regarding the proposal.

#### **B. Principal Solar Energy Production Facilities.**

No principal Solar Energy Production Facility shall be located in a zoning district where such facilities are not explicitly listed as a permitted or conditionally permitted use.

It is not the purpose of this regulation to regulate a major utility facility, ~~or subsidiary use~~, as defined by the Ohio Revised Code, which is regulated by the Ohio Power Siting Board (50 MW or greater). ~~It is also not the purpose of this regulation to regulate public utilities that meet the definitions as stated in the O.R.C. 4905.02 or O.R.C. 4905.03 and the three criteria of O.R.C. 4905.65(B).~~

Principal Solar Energy Production Facilities are prohibited in any district.