



Logan-Union-Champaign  
regional planning commission

Director: Bradley J. Bodenmiller

Zoning Text Amendment Checklist

Date: May 17<sup>th</sup>, 2023 Township: Clairbourne

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.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-LUC Member Fee, If applicable	<input type="checkbox"/>	<input type="checkbox"/>

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

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East Liberty, Ohio 43319  
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05-17-2023

Todd Dresback  
Chair, Zoning Commission  
Claibourne Township  
10117 Kirby Road  
Richwood, OH 43344

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

Dear Mr. Todd Dresback:

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

On May 17<sup>th</sup>, 2023, The Claibourne Township Board of Trustees met. During the meeting, Trustee Converse moved a motion to initiate a zoning text amendment. Trustee Goddard seconded the motion. All in favor.

Attest



Mary Lu Swartz   05-17-2023  
Fiscal Officer, Claibourne Township

**Date of Request.**

May 17<sup>th</sup>, 2023

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

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

Dear LUC Regional Planning Commission Committee Members:

The Claibourne Township Board of Trustees met at 7:00 PM on May 17<sup>th</sup>, 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 1071 Solar Energy Systems. The text of Section 1071 and the solar energy related definitions in Article II regulate solar energy systems.

**Public Hearing.**

The Claibourne Township Zoning Commission of Union County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on JUNE 20, 2023, in the Claibourne Township Building. The address is 26751 STATE ROUTE 37, RICHMOND, OH 43344

**Point of Contact.**

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

CLAIBOURNEZONING@GMAIL.COM  
Phone: 740-360-1154

Sincerely,

**Attachments.**

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

# Claibourne Township Union County, Ohio

## Zoning Code

As Amended:  
\_\_\_\_\_, 2023

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This version: Amended and restated to reflect amendments as effective \_\_\_\_\_  
\_\_\_\_\_, 2023.

- Small Wind Project. Any wind project less than 5MW which includes the wind turbine generator and anemometer.
- Wind Power Turbine Owner. The person, persons, or entity who owns the Wind Turbine structure.
- Wind Power Turbine Tower. The support structure to which the turbine and rotor are attached.
- Wind Power Turbine Tower Height. The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

**Solar Energy Systems Related Definitions:**

- **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.
- **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/structure mounted~~~~other structure -solar~~~~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.~~

- **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.
- **Solar Photovoltaic (PV):** The technology that uses a semiconductor to convert light directly into electricity.
- **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.

- **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.

- **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 the purposes of this Resolution, "Community Solar" is considered to be a "Principal Solar Energy Production Facility".

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**Solid Wastes.** Means 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 slag and other substances which are not harmful or inimical 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 operators" are those items affixed to the structure being constructed or demolished, such as brick, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring, and insulation material.

1. Location of all public and private airports in relation to the location of the wind turbine.
2. An report that shows:
  - a. The total size and height of the unit.
  - b. The total size and depth of the unit's foundation structure, as well as soil and bedrock data.
  - c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
  - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
  - e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
  - f. Hazardous materials containment and disposal plan.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, overhead utility lines, and neighboring property lines.
4. Evidence of established setbacks of 1.25 times the height of the wind turbine and "clear fall zone."
5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

**Section 1071      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 50 kW. For a dwelling with multiple dwelling units, 50 kW is allowed per dwelling unit. No other principal use shall have an accessory system with a production output of more than 250 kW.
2. An accessory solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. 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 ~~M~~etering 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.

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~~3.4.~~ 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.

4.5. Roof/StructureBuilding 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, and may not be taller than five (5) feet above the roofline of a flat roof.

5.6. 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 fifty (50) feet from the nearest property line, whichever is greater.

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7. 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 (50) feet from the nearest property line, whichever is greater.

6.8. Accessory Ssolar 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.

7.9. Accessory Ssolar 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 mountedaccessory solar energy system shall be graded and reseeded within thirty (30) days of removal.

8.10. 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 systemother than a building and its "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.

**Section 1075**

**General Conditions for Adult Entertainment Use.** Adult

Entertainment Facilities are conditionally permitted within the B-2 Local Business District only, and subject to conditions set forth in the Zoning Resolution Section 1075 and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
6. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view

**SIGNATURE BLOCKS**  
**Original Resolution Adopted May 14, 1984**

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Township Trustees

Attest: \_\_\_\_\_  
Township Fiscal Officer

\_\_\_\_\_  
Township Trustee

\_\_\_\_\_  
Township Trustee