

GENERAL INFORMATION

Subject

Request	-	Amendment to the Jerusalem Township Zoning Resolution regarding Small Solar Facilities, Variances, and several minor corrections
Location	-	Jerusalem Township
Applicant	-	Jerusalem Township Zoning Commission

STAFF ANALYSIS

The Jerusalem Township Zoning Commission requests an amendment to the Jerusalem Township Zoning Resolution regarding Small Solar Facilities, Variances, and several minor corrections. The township submitted a text amendment using the Ohio Township Association Small Solar Facilities as a guide to create the new language. This update will allow for the use of solar facilities in residential areas that are not currently permitted.

The proposed revision of Section 2604, Requirements for a Variance Request and Approval, will provide six (6) new factors that will be used to determine if granting a variance is beneficial to the site. The new language will consider: return on the investment for the property, is the variance substantiated; character of the neighborhood; will a variance impact the delivery of governmental services; and if granting the variance will resolve the zoning issue. In addition, the new language will prohibit use variances if a property owner knowingly purchased the property with the zoning restriction. The amendment is are shown in EXHIBIT "A."

This case was previously heard at the Lucas County Plan Commission on November 15, 2023; however, the appropriate procedure was not adhered to at the township level. Staff was advised to restart the text amendment process to ensure proper procedure prior to any township action.

STAFF RECOMMENDATION

The staff recommends that the Lucas County Planning Commission recommend an approval of the proposed amendment to the Jerusalem Township Zoning Resolution shown in EXHIBIT "A" to the Jerusalem Township Zoning Commission and Township Trustees.

REF: Z28-C149... May 22, 2024

TEXT AMENDMENT
JERUSALEM TOWNSHIP
LUCAS COUNTY PLANNING COMMISSION
REF: Z28-C149
DATE: May 22, 2024
TIME: 9:00 A.M.

MLM
EXHIBIT "A" follows

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

SECTION 2

APPLICABILITY

200 GENERAL APPLICABILITY OF ZONING RESOLUTION

No structure, or part thereof shall be placed upon or moved onto land, constructed, reconstructed, enlarged, or structurally altered, nor shall any building or land be used or occupied in a manner which does not comply with the district regulations established by this Resolution for the district in which the building, structure, and/or land is located.

200.01 Lot Size Requirements and the Subdivision of Land

No lot or lot of land held under one (1) ownership, with or without a building, at the time this Resolution became effective, shall be reduced, or subdivided in any manner except in conformance with the minimum lot width and lot area required by this Resolution.

200.02 Reductions in Yard Requirements

No building and/or structure shall be enlarged which would result in decreasing a yard below the minimum requirements of the applicable zoning district.

200.03 Location of Uses on a Single Lot

~~Unless otherwise specifically allowed in Section 1505 — Supplemental Regulations;~~ **Every** principal building whether presently existing or hereafter constructed, relocated or structurally altered shall be located on a single lot.

200.04 Unsafe Buildings

Nothing in this Resolution shall prevent the strengthening, or restoring to a safe condition, any structure, or part thereof declared unsafe by a proper authority.

200.05 Conversion of Dwellings

The conversion of any structure into a dwelling or the conversion of any dwelling to accommodate an increased number of dwelling units or families, is permitted only in accordance with all requirements of this Resolution.

200.06 Parking Requirements

No land use shall change from one use to another use, without first meeting the parking requirements for the new use.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

SECTION 2

APPLICABILITY (cont'd)

203 ~~VARIANCES EXCEPTIONS (Variances)~~

Variance from ~~Exceptions to~~ these regulations in specific cases in accordance with ORC 519.14 may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Resolution providing such exception is in harmony with the general purpose and intent of the Resolution and in accordance with the procedures and provisions specified in Section 26. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

SECTION 3

PROVISIONS FOR OFFICIAL ZONING MAP

300 OFFICIAL ZONING MAP

The location and boundaries of zoning districts are shown on the map titled "The Official Jerusalem Township Zoning Map" herein. A certified copy of this map is on file at the Jerusalem Township Hall and is hereby declared to be a part of this Resolution.

301 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the zoning district as shown on the Zoning Map, the following rules shall apply:

301.01 Parallel District Boundaries

Where district boundaries appear to be approximately parallel to the center lines or street lines of the streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

301.02 Lot Lines, Railroad Lines, and Waterways

Where district boundaries approximately follow lot lines such lot lines shall be construed as a boundary of a zoning district. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line. Where the boundary of a district follows (or is parallel to) a waterway, such boundary shall be deemed to be located in the middle of the waterway.

301.03 Interpretation by Zoning Board of Appeals

Any questions of interpretation of the Official Zoning Map, which cannot otherwise be resolved, shall be referred to the **Board of** Zoning ~~Board of~~ Appeals for determination, in accordance with Section 26 – ~~Zoning~~ Board of **Zoning** Appeals.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

SECTION 16

SUPPLEMENTARY REGULATIONS

1631 SMALL SOLAR FACILITIES

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

A. DEFINITIONS

Ground Mounted Solar Energy Systems: A solar energy system that mounts a solar panel or panels and facilities on or above the ground.

Integrated Solar Energy Systems: A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

Rooftop Solar Energy Systems: A solar energy system that is mounted to a structure or building's roof on racks.

Small Solar Facility: A Solar Energy System 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 fifty (50) megawatts.

Solar Energy: means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

Solar Energy System: means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

1631 SMALL SOLAR FACILITIES (cont'd)

B. WHERE PERMITTED

1. ***Integrated Solar Energy Solar Systems: Construction, erection, or siting of an Integrated Solar Energy System is permitted in all zoning districts. A Zoning Certificate is not required if there is no change in footprint or volume of a building or structure.***
2. ***Rooftop Solar Energy Systems: Subject to the restrictions contained in this Section, any construction, erection, or siting of a Rooftop Solar Energy System shall be a permitted use in all zoning districts. A Zoning Certificate is required.***
3. ***Ground Mounted Solar Energy Systems: Such systems are permitted on parcels greater than one (1) acre in size. The construction, erection, or siting of a Ground Mounted Solar Energy System is permitted as an accessory structure and shall comply with the regulations in this Section and Section 1901. A Zoning Certificate is required.***
4. ***Small Solar Facilities: Subject to the restrictions contained in this Section, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of Small Solar Facilities may be permitted as a conditional use on parcels five (5) acres and larger in the M-1 Limited Industrial District.***

C. GENERAL REQUIREMENTS

1. ***Integrated or Rooftop Solar Energy Systems***
 - a. ***Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.***

EXHIBIT "A"

(Deletions in strike out, additions in bold *italics*)

1631 SMALL SOLAR FACILITIES (cont'd)

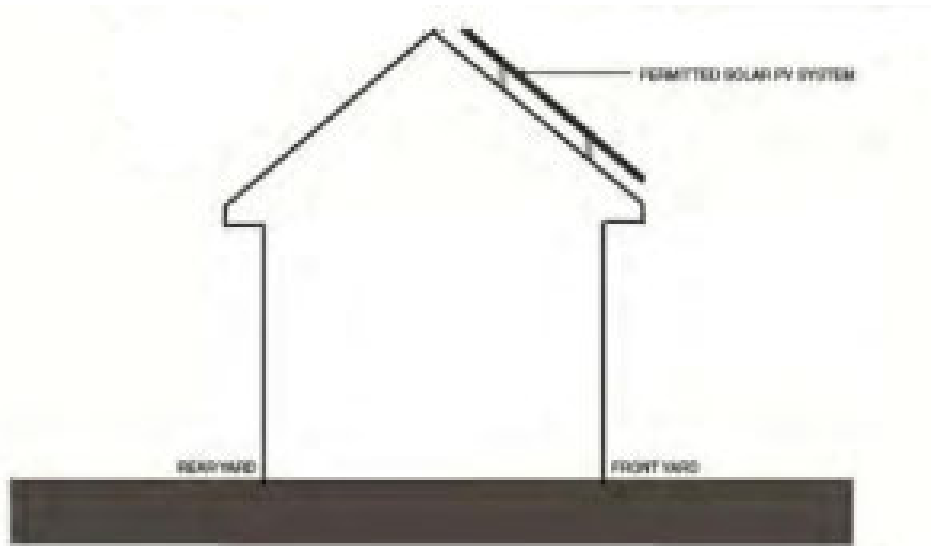


FIGURE 1

Roof-mounted solar panels that are mounted at an angle to the roof structure shall only be permitted on roof surfaces that face the side or rear lot.

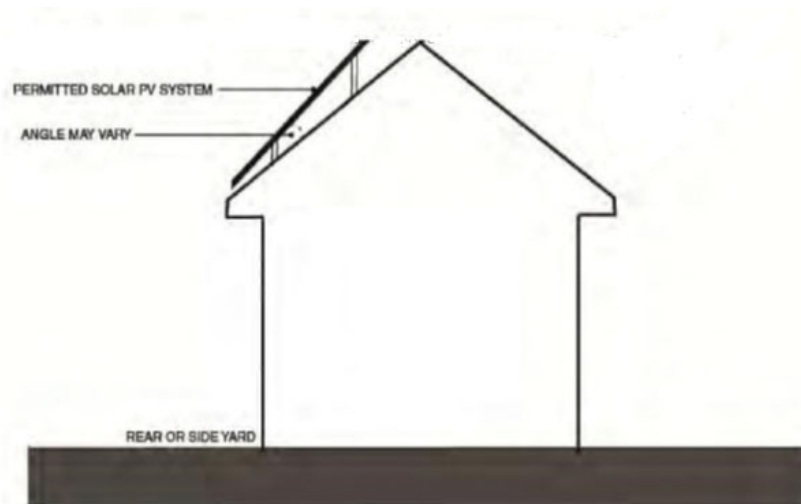


FIGURE 2

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

1631 SMALL SOLAR FACILITIES (cont'd)

b. Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than 50% of a structure's walls and/or roof, as applicable.

c. Components: All exterior electrical lines must be located entirely underground and placed in conduit.

2. Ground Mounted Solar Energy Systems

a. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed eight (8') feet.

b. Coverage: Ground Mounted Solar Energy Systems shall not exceed three hundred (300) square feet in size in any Residential District. Such systems shall not exceed six hundred (600) square feet in size in Commercial and Industrial Districts.

c. Components: All exterior electrical lines must be located entirely underground and placed in conduit.

d. Visual Buffer: A Ground Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with all applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located. The Ground Mounted Solar Energy System shall not be located in a landscape buffer.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

1631 SMALL SOLAR FACILITIES (cont'd)

e. Maintenance: Ground Mounted Solar Energy Systems shall be maintained in good working order at all times. The owner of the property shall, within thirty (30) days of permanently ceasing operation of a Ground Mounted Solar Energy System, provide written notice of abandonment to the Zoning Inspector. An unused Ground Mounted Solar Energy System may stand no longer than ninety (90) days following abandonment. All costs associated with the dismantling/demolition of the Ground Mounted Solar Energy System and associated equipment shall be the responsibility of the property owner. A Ground Mounted Solar Energy System is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Ground Mounted Solar Energy System. The property shall be returned to a graded, seeded and/or landscaped state similar to its condition prior to construction/installation.

3. Small Solar Facility

a. Height: The maximum height of Small Solar Facilities at any point shall not exceed ten (10') feet in height from grade.

b. Coverage: Small Solar Facilities shall be included as part of any lot coverage calculation applicable to the zoning district where located. Small Solar Facilities shall comply with the 60% maximum lot coverage requirement for non-residential districts.

c. Components: All exterior electrical lines must be located entirely underground and placed in conduit.

d. Visual Buffer: Small Solar Facilities shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to reduce view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Small Solar Facilities located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located. The Small Solar Energy System shall not be located in a landscape buffer.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

1631 SMALL SOLAR FACILITIES (cont'd)

- e. Lighting: All lighting associated with the Small Solar Facility shall focus light inward toward the solar equipment and shall be downlit and shielded. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.***
- f. Noise: Noise Control will be enforced by local law enforcement in accordance with Chapter 505 of the Ohio Revised Code.***
- g. Setbacks: Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.***
- h. Maintenance: Small Solar Facilities shall be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than ninety (90) days following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be the responsibility of the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility. The property shall be returned to a graded, seeded and/or landscaped state similar to its condition prior to construction/installation.***
- i. Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.***
- j. Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.***
- k. Other Restrictions: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.***

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

1631 SMALL SOLAR FACILITIES (cont'd)

D. CRITERIA FOR CONDITIONAL USES

- a. *A Small Solar Facility to be located in a zoning district in which it is identified as a conditional use is subject to and shall follow the application process for a Conditional Use Permit provided in this Resolution.*
- b. *Where identified as a conditionally permitted use, any Small Solar Facility shall comply with the following specific requirements:*
 - i. *Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement ("RUMA") with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.*
 - ii. *Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.*
 - iii. *Location:*
 - 1. *Any Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the rear yard.*
 - 2. *No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.*
 - iv. *Height: the maximum height of any Small Solar Facility shall not exceed ten (10') feet.*

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

1631 SMALL SOLAR FACILITIES (cont'd)

v. Buffers and Setbacks:

- 1. Where a Small Solar Facility is located on property adjacent to or in close proximity to property zoned for residential use (as determined by the Zoning Inspector), no part of the Small Solar Facility (other than components located entirely underground) shall be located within one hundred (100') feet of an existing residential dwelling.**
- 2. No Small Solar Facility (other than components located entirely underground) shall be located within fifty (50') feet of any property line.**
- 3. No Small Solar Facility (other than components located entirely underground) shall be located within one hundred (100') feet of a public right-of-way or shared-use driveway.**

vi. Visual Buffer: A Small Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:

- 1. Enhances the view from any existing residential dwelling and from any public right-of-way;**
- 2. Is in harmony with the existing vegetation in the area; and**
- 3. Provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities to adjacent lots and from any public right-of-way.**

vii. Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

viii. Lighting: All lights associated with the Small Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any light splash onto any adjacent property.

ix. Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be always maintained in good repair.

x. Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

1631 SMALL SOLAR FACILITIES (cont'd)

E. CERTIFICATE OF ZONING COMPLIANCE

- 1. A certificate of zoning compliance shall be required before any construction is commenced on a Small Solar Facility.**
- 2. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:**
 - a. An engineering report that shows:**
 - 1. The total size and height of the proposed Small Solar Facility.**
 - 2. Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.**
 - 3. Hazardous materials containment and disposal plan.**
 - b. A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.**
 - c. Evidence of compliance with applicable setback and all other applicable zoning restrictions.**
 - d. A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.**
 - e. Any other information or materials reasonably requested by the Zoning Inspector.**

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

2403 ENFORCEMENT AND PENALTIES

- A. This Resolution shall be enforced by the Board of Township Trustees or such enforcement officer as may be designated by the Board of Township Trustees, who shall in no case grant any Zoning Certificate if the building or use would be in violation of any of the provisions of this Resolution.
- B. Except as expressly provided in this Resolution, it shall be unlawful to locate, erect, construct, reconstruct, enlarge, structurally alter, or use any building or structure or use and land without obtaining a Zoning Certificate.
- C. Any Zoning Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Zoning Certificate upon the premises concerned, or in case such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed, thereafter, with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.
- D. In case any building is located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution, the Board of Township Trustees, the County Prosecutor, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- E. Any person, firm, or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day, during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.
- F. Failure to obtain a Zoning Certificate may result in paying three (3) times the regular fee schedule.
- G. It is further understood that one notice specifying the violation(s) shall be sufficient notification for repeat offenders.***

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

ZONING COMMISSION

2500 JERUSALEM TOWNSHIP ZONING COMMISSION

The Jerusalem Township Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of Jerusalem Township and who shall be appointed by the Board of Township Trustees. Vacancies shall be appointed by the Board of Township Trustees for any unexpired term. The Board of Township Trustees may appoint alternate members in accordance with the provisions of the ORC.

2501 ORGANIZATION

The Zoning Commission shall organize and keep a written record of its actions and determinations, adopt rules and procedures to effectively carry out duties and obligations, all of which shall be filed in the Office of the Township Clerk and shall be a public record.

2502 MEETINGS

At the first meeting of each year the Zoning Commission shall elect a Chairperson and Vice-Chairperson for a term of one (1) year. There shall be a fixed place of the meeting and all meetings shall be open to the public. The Zoning Commission shall keep a record of its proceedings showing the action of the Zoning Commission and showing the vote of each member on each request considered. All recommendations of the Zoning Commission shall be filed in the Office of the Township Clerk and shall be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Zoning Commission.

2503 DUTIES OF THE ZONING COMMISSION

The Township Zoning Commission shall have the following authority:

- A. Initiate proposed amendments to this Resolution;
- B. Consider, review, and recommend all proposed amendments to the Board of Township Trustees; **and**
- C. Consider, review, and approve or deny on all site plans;
- D. Consider and review all proposed Conditional Uses and make recommendations to the Board of Township Trustees.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

2604 REQUIREMENTS FOR A VARIANCE REQUEST AND APPROVAL

The Board of Zoning Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of the Resolution will result in **practical difficulties** ~~unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.~~ ***In determining whether to grant a variance, t*** The Board of Zoning Appeals shall consider the following **factors**:

- A. ***Whether the property will yield reasonable return or whether there can be beneficial use of the property without a variance;*** ~~That due to exceptional narrowness, shallowness, or shape or exceptional topographic conditions or other extraordinary situation or condition of a lot, the strict application of the terms of this Resolution would result in peculiar and exceptional practical difficulties.~~
- B. ***Whether the variance is substantial;*** ~~That special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.~~
- C. ***Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment;*** ~~That a variance from the strict application is necessary to relieve such difficulties or hardship, and that such relief may be granted without substantial detriment to the public good and without substantially altering the intent of this Resolution.~~
- D. ***Whether the variance would affect the delivery of governmental services;*** ~~The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.~~
- E. ***Whether the property owner purchased the property with knowledge of the zoning restriction;*** ~~The condition from which relief or a variance sought did not result from action by the applicant.~~
- F. ***Whether the problem can be solved by some manner other than the granting of a variance; and*** ~~No variance may be applied for or granted which would allow a use that is not allowed in a zoning district.~~

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

2604 REQUIREMENTS FOR A VARIANCE REQUEST AND APPROVAL (cont'd)

- G. *Whether the variance preserves the spirit and intent of the zoning resolution and whether substantial justice would be done by granting the variance.*** ~~The authorization of a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair the health, safety, convenience or general welfare of the inhabitants of the Township.~~

No use variances shall be granted under this provision.

2605 CONDITIONS OF APPROVAL

In granting a variance, the Board of Zoning Appeals may stipulate the manner in which the variance shall be carried out, and may require other improvements and safeguards for the protection of public health, safety, and welfare. In such cases the Board of Zoning Appeals may attach conditions.