

**GENERAL INFORMATION**

Subject

- |           |   |   |
|-----------|---|---|
| Request   | - | Amendment to the Spencer Township Zoning Resolution regarding “Conditional Uses” and Small Solar Facilities |
| Location  | - | Spencer Township  |
| Applicant | - | Spencer Township Board of Trustees  |

**STAFF ANALYSIS**

The Spencer Township Zoning Commission requests an amendment to the Spencer Township Zoning Resolution to allow for a Conditional Use permit for residential units above the ground floor, and Small Solar Facilities. The township zoning resolution does not provide zoning guidelines for either residential units above the ground floor for a commercially zoned parcel or solar energy systems.

The addition of the Conditional Use permit in the C-1 General Commercial District will allow for residential units, single, two or multi-family dwelling units to now be part of any new or redeveloped commercial property. This language is identical to Springfield Township Zoning Resolution.

The proposed text amendment for Small Solar Facilities is similar to the recently adopted Springfield Township Zoning Resolution. The small solar facilities will be considered a Conditional Use under the M-1 Industrial District and allowed in the remaining zoning categories.

The request is compatible with the surrounding townships. Staff supports the townships request to increase in accessory building square footage. The amendment is shown in EXHIBIT “A.”

**STAFF RECOMMENDATION**

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

TEXT AMENDMENT  
SPENCER TOWNSHIP  
LUCAS COUNTY PLANNING COMMISSION  
REF: Z30-C137  
DATE: July 24, 2024  
TIME: 9:00 A.M.

MLM

EXHIBIT "A" follows

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

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**SECTION 10****C-1 GENERAL COMMERCIAL DISTRICT****1000 PURPOSE**

The purpose of the General Commercial (C-1) District is to provide areas for general commercial uses serving a regional area.

**1001 PERMITTED USES**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the General Commercial (C-1) District:

Accessory uses and accessory structures	Hotel/Motel
Adult entertainment (See Supplemental Regulations – Section 1421)	Lawn/Tree Service (See Regulations – Section 1422)
Amusement arcade	Marine sales and service
Automobile sales	Medical/dental office
Automobile service center	Meeting or reception hall
Bank and financial center	Motor vehicle storage yard
Bar/lounge/tavern	Movie theater
Business school	Personal service
	Photo, dance, art, music studio
Car wash	Professional office
Caterer	Recreation facility
Church or place of worship	Restaurant (with or without drive-thru or delivery)
Day care facility	Retail Sales
Funeral home	Self-Storage Facilities (See Supplemental Regulations Section 1419)
Gasoline sales	Veterinary hospital

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**C-1 GENERAL COMMERCIAL DISTRICT (cont'd)**

**1002 *CONDITIONAL USES***

***Single, two, or multiple-family dwelling units – above the ground floor level  
(See Supplemental Regulations- Section 1430)***

**~~1002~~ *1003* DEVELOPMENT STANDARDS**

All main buildings, lots and land uses within the General Commercial (C-1) District shall meet the following development standards:

**~~1002.01~~ *1003.01* Height Limits**

No structure shall be constructed or enlarged to exceed forty-five (45') feet in height.

**~~1002.2~~ *1003.02* Trip Generation**

All uses generating 50 or more peak hour trips (consistent with the Institute of Transportation Engineers (ITE) General Manual) shall submit a Traffic Impact Study.

**~~1002.03~~ *1003.03* Coverage & Setback Requirements**

All lots shall meet the following requirements:

**Lot Area:** One (1) acre

**Lot Width:** In the C-1 District the Lot Width is the horizontal distance of the lot between the side lot lines measured at right angles to the lot depth at a point midway between the front lot line and the rear lot line. In all instances the lot shall have a minimum width of twenty-five (25') feet at the right-of-way line.

**Lot Coverage:** Seventy (70%) percent

**Side Yard:** Ten (10') feet (See Supplemental Regulations – Section 1411.03)

**Rear Yard:** Thirty-five (35') feet (See Supplemental Regulations – Section 1411.03)

**Front Yard:** Fifty (50') feet (See Supplemental Regulations – Section 1411.04)

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**SECTION 12**

**M-1 INDUSTRIAL DISTRICT SECTION**

**1200 PERMITTED USES**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the Industrial (M-1) Zoning District:

Accessory uses and structures

Assembly of electrical components, instruments, and devices, including electroplating

Building material sales yard (excluding concrete and asphalt production)

Catering establishment

Distribution center

Equipment sales & rental

Laundry/Dry Cleaning Plant

Lumber yard (provided saws, planers, processing machines are within a completely enclosed building)

Machine shop (excluding punch presses over twenty (20) tons rated capacity)

Manufactured home sales

Manufacturing

Professional Office

Self-service storage facility (See Supplemental Regulations – Section 1419)

Plumbing, sheet metal, and woodworking shops

Wholesaling, including the storage, handling, or sale of merchandise primarily to retailers

**1201 CONDITIONAL USES**

The following uses may be approved pursuant to Section 20 – Procedures and Requirements for Conditional Uses:

Any use requiring outside storage

Asphalt/concrete production

Contractor Yard/Storage

Day care center

Landfill

Lawn/tree service (See Supplemental Regulations – Section 1422)

Logging/wood storage

Mineral extraction (See Supplemental Regulations – Section 1405)

Motor vehicle salvage yards (See Supplemental Regulations Section 1416)

Recycle center

Salvage yard

***Small Solar Facilities (See Section 1431)***

Solid waste disposal

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**M-1 INDUSTRIAL DISTRICT SECTION (cont'd)**

Storage lot including automobiles, boats, trucks, and recreational vehicles

Truck repair garage

Truck terminal

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

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**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**SECTION 14**

**SUPPLRMENTAL REGULATIONS**

**1430 DWELLING UNITS ABOVE THE GROUND LEVEL**

*Single family, two family, and multiple-family dwelling units in a C-1 District shall be subject to the following requirements:*

*A. All dwelling units shall be located above the ground level of a Permitted or Conditional Use in the district.*

*B. Off-street parking shall be provided in accordance with the provision of Section 19 of this Resolution in addition to the requirements of other uses on the site.*

*C. The maximum height of the structure may not exceed the maximum height requirement of the district the structure is located in.*

**1431 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.*



**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**1431 SMALL SOLAR FACILITIES (cont'd)**

***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.***

**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 1401. 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 Industrial District. Such facilities shall not be permitted in the Westwinds Business Park JEDZ area.***

**EXHIBIT "A"**

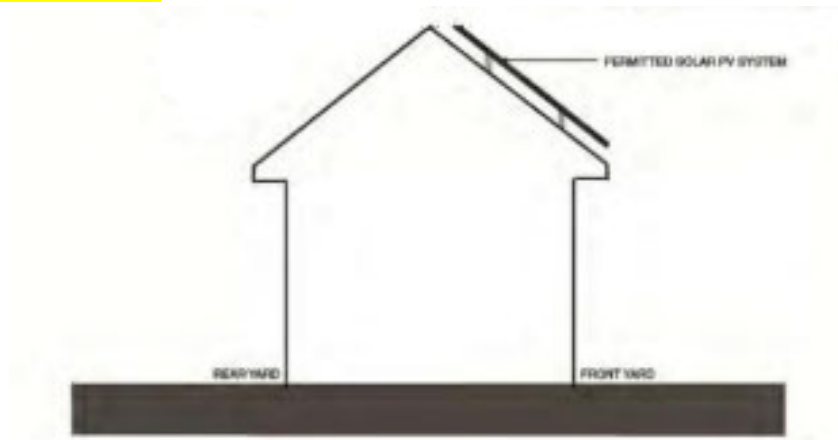
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**1431 SMALL SOLAR FACILITIES (cont'd)**

**C. GENERAL REQUIREMENTS**

**1. Integrated or Rooftop Solar Energy SystemsHeight:**

***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.***



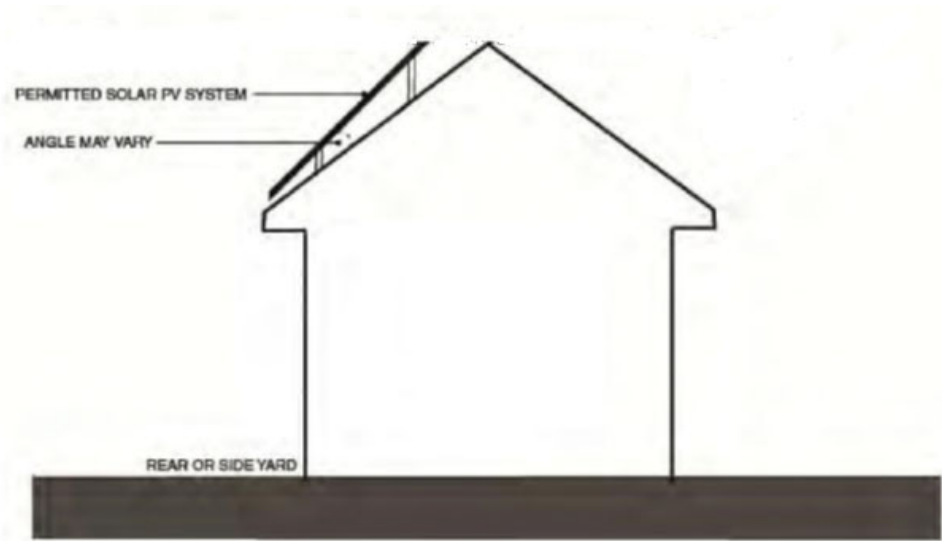
**FIGURE 1**

***Note: Roof-mounted solar panels shall only be permitted on roof surfaces that face the side or rear lot***

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**1431 SMALL SOLAR FACILITIES (cont'd)**



**FIGURE 2**

***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.***

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**1431 SMALL SOLAR FACILITIES (cont'd)**

***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.***

***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 70% maximum lot coverage requirement for non-residential districts.***

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

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**1431 SMALL SOLAR FACILITIES (cont'd)**

- 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.***
- 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 shall obtain all applicable required Building Permits from the State of Ohio and Lucas County.***

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**1431 SMALL SOLAR FACILITIES (cont'd)**

- 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.***

**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.***

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**1431 SMALL SOLAR FACILITIES (cont'd)**

- 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.**
- v. Buffers and Setbacks:**
  - 1. Where a Small Solar Facility is located on property adjacent to or near 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 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.**

**EXHIBIT "A"**

(Deletions in strike out, additions in bold italics)

**1431 SMALL SOLAR FACILITIES (cont'd)**

*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 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.*

**E. ZONING PERMIT REQUIREMENTS**

*1. A Zoning Permit 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 Zoning Permit:*

*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 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.*

*3. Proposed design shall meet the minimum recommendations from the Ohio EPA's guidance on post-construction stormwater management for solar panel fields.*