App. No. 075-2024 TA

Zoning Text Amendment

Chatham Township

Meeting:	November 6, 2024
Applicant:	Chatham Township Zoning Commission (ZC)
Hearing:	To be determined
Amendments:	Sections 108: Application of Regulations Sections 402, 502: Permitted Uses Section 1203: Antennas Article 13: Definitions
Reviewer:	Denise Testa
Recommendation:	**Approve with Modifications**

Proposal: Gail Miller, Chatham Township Zoning Secretary, in an email dated September 25, 2024, requested a review of proposed revisions to the Chatham Township Zoning Resolution.

Township amendments are shown in red, new text is underlined and deleted text is shown in ~~strikeout~~. Staff comments are shown in ***bold and italics*.**

ARTICLE 1 GENERAL PROVISIONS

SECTION 108 APPLICATION OF REGULATIONS

A. Buildings or land shall hereafter be used or occupied only in conformance with the provision of this Zoning Resolution. Any building or structure or part thereof erected, moved, altered, restored or reconstructed shall hereafter be established and used only in conformance with the regulations herein specified for the district in which it is located.
B. Any building hereafter erected, used, occupied, altered, restored or reconstructed shall comply with this Zoning Resolution in regard to the use, area of lot occupied, and the size of front, rear and side yards.
C. Every new lot shall comply with the minimum required dimensions for lot area, frontage, and lot width for the district in which it is located. No yard or lot existing at time of passage of this Zoning Resolution shall be reduced in dimension or area below the minimum requirements set forth herein.
D. Any part of a yard or other open space required around any building for the purpose of complying with the provision of this Resolution shall not be included as a part of a yard or other open space similarly required for another building.
E. Whenever a boundary line of a district is changed by Amendment of this Zoning Resolution so as to transfer an area from one district to another district of a different classification, the regulations for the district to which said area is transferred shall apply to all buildings, structures, and uses in the area so transferred except for prior legal nonconforming uses, structures, and lots as provided in this Zoning Resolution.
F. A review and recommendation by the Chatham Township Zoning Commission shall be required for any building, structure or use other than:
    a. An agricultural building for which a certificate of agricultural use has been executed and filed with the Zoning Inspector; or
    b. A new single-family dwelling, addition to an existing single family dwelling, or a permitted accessory building on an existing building lot of record in the Residential R-1 District.
G. Every lot shall have frontage upon a public road, or upon a private road approved for frontage, conforming to the requirements of this Zoning Resolution.

H. Not more than one dwelling unit shall be permitted on any individual lot.

I. ~~No accessory use, building, or structure shall be permitted on a lot or parcel until such time as the principal use, to which the use, building, or structure is accessory, has been established~~. Any accessory use, building, or structure shall be permitted on a lot or parcel.

J. The use of camping trailers, other types of camping vehicles or equipment, or recreational and/or seasonal facilities, such as cabins or lodges, or house trailers or mobile homes for residence or dwelling unit purposes is prohibited.

K. It shall be unlawful to use land and/or buildings in any district for use which creates a nuisance or which is noxious, dangerous, or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame, vibration, insects or vermin.

While not part of this review, it is important to note that according to the Ohio Township Association, under the Ohio Revised Code (ORC) Section 505.172 Noise Control, "Townships may adopt noise resolutions in unincorporated areas which are zoned for residential use. These areas include true residential zoning districts, as well as other zoning districts permitting residential use."

L. Pursuant to Section 3796.29 of the Ohio Revised Code, the cultivation, processing, and retail dispensing of medical marijuana is prohibited within Chatham Township.

ARTICLE 4 RESIDENTIAL AND AGRICULTURAL DISTRICT

SECTION 402 PERMITTED USES

Within an R-1 Residential and Agricultural District, no buildings, structures, or premises shall be used, arranged to be used, or designed to be used except for one (1) or more of the following uses, all other uses shall be expressly prohibited:

A. Permitted Uses

1. Single Family Dwellings.
2. Two-Family Dwellings.
3. Agricultural Uses.
4. ~~Accessory Uses and Buildings which are subordinate and customarily incidental to the principal use.~~ Any accessory use, building, or structure shall be permitted on a lot or parcel.
5. Accessory Signs subject to the provisions of Article 7 hereof.
6. Accessory Parking pursuant to Section 411.
7. Home Occupations subject to the provisions of Section 1207.
8. Agricultural Roadside Stands for the sale of agricultural products produced on the property consisting of removable structures, provided such structures are set back beyond the right of way of the highway or road and provided that adequate facilities are maintained in conjunction therewith for off-the-road parking.
9. Accessory Ponds, Lakes, and Pools subject to the provisions of Section 1202.
10. Cemeteries subject to the provisions of Section 1208.

ARTICLE 5 R-2 RESIDENTIAL AND LIMITED COMMERCIAL DISTRICT

The purpose of the R-2 Residential and Limited Commercial District is to accommodate residential and non-residential development along major thoroughfares in Chatham Township.

SECTION 502 PERMITTED USES

Within an R-2 Residential and Limited Commercial District no buildings, structures, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses, all other uses shall be expressly prohibited:

A. Permitted Uses
   1. Single Family Dwellings.
   2. Two-Family Dwellings.
   3. Agricultural Uses.
   ~~34.~~ ~~Accessory Uses and Buildings which are subordinate and customarily incidental to the principal use.~~ Any accessory use, building, or structure shall be permitted on a lot or parcel.
   ~~45.~~ Accessory Signs subject to the provisions of Article 7 hereof.
   ~~56.~~ Accessory Parking pursuant to Section 511.
   ~~67.~~ Home Occupations subject to the provisions of Section 1207.
   ~~78.~~ Cemeteries subject to the provisions of Section 1208.
   ~~89.~~ Agricultural Roadside Stands for the sale of agricultural products produced on the property consisting of removable structures, provided such structures are set back beyond the right of way of the highway or road and provided that adequate facilities are maintained in conjunction therewith for off-the-road parking.
   ~~9~~10. Accessory Ponds, Lakes, and Pools subject to the provisions of Section 1202.

The Township's definition of an accessory use is, "A use customarily incidental and subordinate to the principal use or building and located on the same lot or premises and the principal use or building." Staff agrees with this revision throughout the Zoning Resolution because it no longer duplicates the information provided in the definition.

ARTICLE 13 DEFINITIONS

The words used in this Resolution are used in their ordinary English usage. For the purpose of this Resolution, the following terms, whenever used in this Resolution, shall have the meaning herein indicated:

Antenna- A device, assembly or construction which is designed or intended to interact with the electromagnetic field by absorption, reception, concentration, radiation, reradiation, transmission or retransmission of electromagnetic radiation. ~~By this definition solar collectors and similar devices are herein classified as antennas.~~

Solar Panels – Means a device or combination of devices, structures, or parts thereof, that collect, transfer, or transform direct solar, radiant energy into thermal, chemical, or electrical energy and that contribute to a structure's energy supply.

Staff recommend deleting the word "Means."

ARTICLE 12 SUPPLEMENTAL REGULATIONS

SECTION 1203 ANTENNAS ~~AND SOLAR COLLECTORS~~

For the purposes of this Resolution, Antennas are defined as a structure and are thereby subject to all regulations of this Resolution, ~~and solar collectors are classified with antennas and by definition are considered to be subject to the same regulations.~~ Within this Resolution, accessory antennas are a permitted use but are subject to the following regulations:

A. Antennas which are attached to a house or other structure and extend less than fifteen (15) feet above the roof line shall require no Zoning Permit. Free standing antennas less than fifty (50) feet in height shall require no zoning permit.
B. Parabolic (dish) or similar types of antennas, normally used as "satellite receivers", but not specifically designed and approved for roof mounting, shall not be mounted upon any building or dwelling, by reason of the mass of the antenna and the wind loading thereof.
C. Antennas, as structures, are subject to all building line requirements, as set forth elsewhere in this resolution.
D. Free standing antennas in excess of fifty (50) feet in height shall require a zoning permit. these antennas are subject to a further setback requirement. free standing antennas in excess of fifty (50) feet in height shall be located such that if the antenna and supporting structure were positioned horizontally on the ground, in any direction, with the base of the supporting structure at its mounted location the entire antenna and supporting structure would be within the lot lines. all portions of the antenna and supporting structure, including any guy lines shall be located within the building lines.

SECTION 1203.1 SOLAR PANELS

Solar panels are a permitted accessory structure, subject to the following regulations.

A. All solar panel installations shall comply with all applicable building, electrical and plumbing codes.
B. All zoning permit shall be required for all solar panel installations. All applicants for solar panels shall submit a site drawing showing the dimensions and height of the proposed structure, the location of the units in relation to existing structures on the property and adjacent property.

Staff recommend changing "permit" to "permits."

C. Solar panels shall be placed and arranged in such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways.

According to Forge Solar, "glare is defined as a continuous source of bright light associated with stationary objects…" Determining the existence of glare impacting a nearby or adjacent property is a challenging task and may be problematic and expensive to confirm with small scale solar panels/systems. Ohio communities such as Highland and Knox Counties have considered glint and glare studies for large-

scale solar projects. Staff did not find a strategy to address glare generated by small-scale or residential solar projects.

D. Solar panels may be freestanding, roof mounted, or wall mounted.
   1. Freestanding solar panels shall be located in accordance with the side and rear yard setbacks established for all accessory structures of the district and shall not exceed 12 feet in height.
   2. Roof mounted solar panels shall be integrated as a surface layer on any part of the roof structure. The solar panels shall not project above the peak of the roof. For a flat roof, the solar panels shall not be higher than the parapet wall or screened by building features.
   3. Wall mounted solar panels shall be flush mounted on the wall and only on the side or rear of the building, not facing the frontage street.

E. Any solar panel that is in a state of disrepair for a continuous period of twelve (12) months shall be considered abandoned and shall be removed by the Owner of the structure within ninety (90) days.

Staff support this portion of the text amendment. According to the American Planning Association, zoning resolutions that allow for minor, ground-mounted installations as accessory systems establish clear regulatory pathways for said systems and assists with the expansion of local solar installations.

The Township may want to consider adding a section regarding small-scale solar facilities in the Zoning Resolution. The information below provides an overview of resources, documents, and information related to the small-scale solar development.

Small-Scale Solar Definition: ***Small solar facility means solar panels and associated facilities with a single interconnection to the electrical and designated for, or capable of, operation at an aggregate capacity of less than 50 megawatts. Ohio Revised Code Sections 303.2132, 519.213, 713.081***

Ohio House Bill 501: ***As of April 6, 2023, counties, townships, and municipalities have authority to regulate small-scale solar facilities of less than 50 megawatts. Ohio Revised Code 519.213***

The Ohio State University Extension: ***Recordings and slides are available in the Energy Law Library at Energy Law Library \| Farm Office (osu.edu) along with other solar resources.***

A key consideration in zoning is to address solar systems leased to solar developers. According to the OSU Extension, some townships have adopted model zoning resolutions for small-scale solar systems including the following approaches.

1. ***Distinguish between integrated, rooftop, and ground mounted systems.***
2. ***Determine zoning districts where a type of system is a permitted use.***
3. ***Determine zoning districts and systems that require a conditional use permit that might be allowed, with conditions, if the use is consistent with the character of the zoning district.***

The OSU Extension notes that general zoning standards for small-scale solar includes the following list. The noise and lighting components may be difficult to implement because these items are difficult to measure.

Height	***Noise***	***Building permits***
Lot/structure coverage	***Setbacks***	***Prohibited advertising use***
Visual Buffers	***Maintenance***	
Lighting	***Ceased operations***	

As you consider zoning regulations for a small-scale solar system, it is also recommended to require an engineering report demonstrating total size, height, generating capacity, hazardous materials, and disposal plan. A site plan showing the location of the system may also be considered. You may also want to discuss the impact on field tiles, road use maintenance, safety including training for the fire department, and security.

Additional considerations for zoning may also include protection of locally important soils, grading and soil removal standards, drainage system mitigation, co-location of with agriculture, historically/culturally significant sites, residential density, and decommissioning plans.

For reference, the list below provides additional information.

1. ***The Ohio Township Association has created sample zoning regulations for small scale solar facilities as noted in the attached document.***
2. ***The SolSmart Toolkit for Local Governments provides guidance to local communities planning to integrate solar into planning processes and documents.***
3. ***The Key to Unlocking the Power of Small Scale Renewable Energy: Local Land Use Regulation provides an overview of strategies focused on non-commercial energy systems installed at the home or business. Although published in 2012, it appears this resource is applicable to zoning for small scale solar systems today.***

Department of Planning Services Recommendation: Staff recommends the Medina County Planning Commission **Approve with Modifications** the proposed text amendments to the Chatham Township Zoning Resolution.