

BAZETTA TOWNSHIP TRUSTEES

PUBLIC HEARING

Date: November 12, 2024, 6:00pm
Bazetta Township Administration Building
3372 State Route 5, N.E.
Cortland, Ohio 44410

Present:

Chairman Trustee Michael Hovis ____
Vice Chairman Trustee Bob McBride ____
Trustee Michael Morelli ____
Fiscal Officer Stacy Marling ____

Chairman Trustee Hovis: called the hearing to order at ____ and opened the hearing with the Pledge of Allegiance and followed with a moment of silence.

Trustee McBride reminded the assemblage of the Public Comment Procedures and that the meeting was being video, and audio recorded for informational purposes.

Chairman Trustee Hovis: to read the following:

This public hearing is being held pursuant to Section 519.12 of the Ohio Revised Code for the Purpose of receiving public comment and testimony regarding a proposed text amendment to the Township Zoning Resolution. This Hearing will be video, and audio recorded for informational purposes.

Chairman Trustee Hovis: Secretary Urchek will now read the Legal Ad for the proposed Text Amendment for the purposes of this hearing : See attachment

Chairman Trustee Hovis: Secretary Urchek will now read the proposed Text Amendment Title only. The full text is available if anyone would wish to have a copy. See attachment

Chairman Trustee Hovis: Secretary Urchek will now read the Recommendation from the Trumbull County Planning Commission: See attached (Did not receive)

Chairman Trustee Hovis: Secretary Urchek will now read the Letter of Transmittal from the Zoning Commission: See attached

Chairman Trustee Hovis: Secretary Urchek will now read the Recommendation by the Zoning Commission for the Text Amendment : See attached

Taking of Testimony on the Text Amendment

Trustee Chairman Hovis: to read the following:

Ladies and Gentlemen, the Board of Trustees will now take comments and testimony from the General public regarding the proposed zoning text amendment to the Township Zoning Resolution.

In order to receive Public Comment and testimony in an orderly fashion, the following procedure Will be followed:

- Anyone wishing to offer comment or testimony to the Trustees shall raise their hand and be recognized by the Chairman. Upon being recognized you will please approach the podium, state your name, and address for the record and then present your comments or testimony
- We ask that you keep you keep your comments and testimony concise, to the point and limited to two minutes so that all persons wishing to testify are afforded given the large audience we have this evening
- We will first take comments and testimony from proponents (those wishing to speak in favor) to the zone change first, then we will move on to the opponents (those wishing to speak against) the zone change last
- The board will then go into discussion

Notes:

Trustee Chairman Hovis: At this time we will accept comments and testimony from proponents to the Text Amendment. Please raise your hand and you will be recognized by the chairman. Approach the podium and state your name and address

Notes:

Trustee Chairman Hovis: At this time we will accept comments and testimony from opponents to the Text Amendment. Please raise your hand and you will be recognized by the chairman. Approach the podium and state your name and address

Notes:

Trustee Chairman Hovis: At this time I will entertain discussion and comments from the members of the Board of Trustees. Does anyone have any questions to ask the comments and discussion they would like to make?

Notes:

Trustee Chairman Hovis: At this time I will entertain a motion to ADOPT OR DENY the Recommendation from the Zoning Commission that APPROVED the Proposed Zone Change Map Amendment.

Who would like to make a motion?

130-24 Resolution to ADOPT / DENY the recommendation from the Zoning Commission that APPROVED The proposed Text Amendment to the Township Zoning Resolution.

Motion: Trustee _____
Second: Trustee _____
Vote: Trustee McBride ___ Trustee Hovis ___ Trustee Morelli ___

131-24 Resolution to Adjourn the Hearing at _____.

Motion: Trustee _____
Second: Trustee _____
Vote: Trustee McBride ___ Trustee Hovis ___ Trustee Morelli ___

Chairman Trustee Michael J. Hovis

Date

Vice Chairman Trustee Bob McBride

Date

Trustee Michael Morelli

Date

LEGAL NOTICE

Bazetta Township Board of Trustees, Trumbull County, Ohio gives notice a Public Hearing will be held on the Twelfth (12th) day of November 2024 at Six (6:00) O'clock PM at the Bazetta TWP Administration Building 3372 State Route 5, Cortland, Ohio 44410, on the recommendation by Resolution from the Zoning Board of Commissioners for the following Text Amendment to the Bazetta Township Zoning Resolution:

TEXT AMENDMENT (24-ZBC-TA09) RESOLUTION AUTHORIZING AND GOVERNING SOLAR PANELS AND DISTRIBUTED ENERGY PRODUCTION DEVICES

Copy of the Resolution, and full text of the proposed Amendment is on file with the Fiscal Officer and is available for inspection and copying upon request call 330-637-8816 or email to: fiscalofficer@bazettatwp.org

All persons have a right to appear in person or by representation to question or give testimony for or against the proposed Amendment.

BY ORDER OF THE BOARD OF TRUSTEES OF BAZETTA TOWNSHIP
by Stacy Marling, Fiscal Officer

LETTER OF TRANSMITTAL TO TRUSTEES

Bazetta Township Board of Trustees
3372 State Route 5, N.E.
Cortland, Ohio 44410

RE: AMENDMENT TO ZONING RESOLUTION

Dear Board of Trustees:

At a meeting of the Township Zoning Commission held on the 30TH day of SEPTEMBER, 2024, the Zoning Commission passed a resolution recommending the **APPROVAL** of a proposed TEXT AMENDMENT to the Township Zoning Resolution. Enclosed is our file for your action:

1. **[APPROVAL, DENIAL, or MODIFICATION]** for TEXT AMENDMENT to the Zoning Resolution
2. Proposed TEXT AMENDMENT to the Zoning Resolution
3. Letter of Recommendation from the Trumbull County Planning Commission
4. Resolution and Recommendation of the Township Zoning Commission to the Trustees
5. Please take action on the proposed TEXT AMENDMENT according to law

Sincerely,

Rich Urchek
Rich Urchek, Zoning Commission Secretary

October 28, 2024

Date

BAZETTA TOWNSHIP
ZONING COMMISSION RESOLUTION

Resolution No. 24-ZBC-TA09

RECOMMENDATION ON PROPOSED ZONING AMENDMENT

Moved by TENNANT, Seconded by FARONE

BE IT RESOLVED, that the following proposed Text Amendment to the Township Zoning Resolution be:

Adopted [] Denied

The following Text Amendment:

See Attachment # A

24-ZBC-TA09 SOLAR ENERGY DEVICES REVISED TEXT ADMENDMENT

BE IT FURTHER RESOLVED, that said recommendation be certified to the Board of Trustees for APPROVAL

ROLL CALL VOTE :

Chairman Longo	<u>YES</u>	Commissioner Wetzel	<u>ABSENT</u>
Vice-Chairman Tennant	<u>YES</u>	Commissioner Farone	<u>YES</u>
Alt. Commissioner Carr	<u>YES</u>	Commissioner Noble	<u>YES</u>
Alt. Commissioner Walters	<u>ABSENT</u>		

Motion to **APPROVE** Passes by majority.

Date: 09-30-2024

TOWNSHIP OF BAZETTA, OHIO

Resolution #24-ZBC-TA09

A RESOLUTION AUTHORIZING AND GOVERNING SOLAR PANELS AND DISTRIBUTED ENERGY PRODUCTION DEVICES

“Interpretive Statement”

This resolution shall set forth guidelines for the construction, installation, and operation of Solar Panels within the Township of Bazetta, Ohio.

WHEREAS, Solar Panels have become a substantiative facet of the residents of Bazetta Township now own and operate such, and manufacturing facilities begin to produce such within in Trumbull County; and

WHEREAS, citizens have inquired within Bazetta Township regarding the installation of Solar Panels and Distributed Energy Production Devices; and

WHEREAS, Solar Panels and Distributed Energy Production Devices contribute to Bazetta Township’s commitment to sustainability and are in the interest of public welfare; and

WHEREAS, the Township seeks to amend the *Zoning Resolution of Bazetta Township Trumbull County, Ohio* (Resolution# 115-06) to set forth guidelines and regulations surrounding Solar Panels and Distributed Energy Production Devices; and

WHEREAS, Ohio Revised Code, Section 519.12 provides that Amendments to the Zoning Resolution may be initiated by Motion of the Bazetta Township Zoning Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Bazetta Township, Trumbull County, Ohio by authority of Chapter 505 of the Ohio Revised Code, as follows:

SOLAR ENERGY SYSTEMS

A. Purpose

The purpose of this section is to provide a regulatory framework for the construction of distributed energy production devices, while also preserving public health, safety, and welfare, and also maintaining the character of Bazetta, Ohio. Bazetta Township recognizes the importance of clean, sustainable, and renewal energy resources, and hopes to support distributed energy production. Bazetta Township also recognizes the need to protect the safety, health and welfare of adjacent properties from unnecessary and unreasonable visual interference, light glare and heat that the incorrect placement of solar panels or solar collection systems may create such that they may have a negative effect on surrounding property values.

This section is enacted pursuant to O.R.C. §519.213 to provide that property owners in the township may install solar energy systems on their property to provide electric power for the principal and accessory uses on the property and are prohibited from installing solar energy systems for the generation of power for sale or use off the property.

B. Definitions

1. Distributed Energy Production Devices: Any such device which, as its primary purpose, provides an on-going source of energy, even if intermittent or variable, for use in a residential or commercial capacity. Such devices may be connected to the electrical grid or may be used “off-the-grid” for independent and self-contained installations. This shall include Solar Panels, Wind Turbines, Hydroelectric Generators, and similar devices. Backup power generators (powered by gasoline, natural gas, or similar fuel) shall not be encompassed in this definition.
2. 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. Its primary purpose is for the collection of solar energy for use in a residential or commercial capacity. This includes photovoltaic systems which may generate electric energy, photothermal systems which may generate thermal energy, and similar devices.
3. Ground Mounted Solar Energy Systems: means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
4. Large Solar Facility: means a solar facility of fifty (50) or more megawatts which is 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.

5. Integrated Solar Energy Systems: means 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.
6. Rooftop Solar Energy Systems: means a solar energy system that is mounted to a structure or building's roof.
7. Small Solar Facility: means 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 but more than needed to provide for the principal and accessory uses on the property where generated.
8. Solar Energy: means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

C. Permitted Solar Energy Systems

The construction, erection, or siting of an Integrated Solar Energy System, Rooftop Solar Energy System, or a Ground Mounted Solar Energy System shall be a permitted use in any zoning district in the township if the following requirements are met: (1) the Solar Energy System is sized and used to generate electric power **only** for the use of the home, farm, or business on the lot where the solar energy system is located, and not for the generation of power for sale off the property except for sale to the power company resulting from occasional incidental excess power generation, and (2) the Solar Energy System complies with all of the requirements set forth in this Section.

When installed in residential districts, Solar Collection Systems shall be designed to produce not more than 120% of the total expected energy consumption of the structures on the property as determined by a contractor licensed to install Solar Collection Systems.

D. Prohibited Uses

The construction, erection, or siting of any Solar Energy System, including any Large Solar Facility, Small Solar Facility or any Integrated, Rooftop, or Ground Mounted Solar Energy System which is sized to permit the generation of power for sale or use off the property is prohibited in all zoning districts in the township.

E. Requirements for permitted Solar Energy Systems

A Solar Energy System that is sized and needs only to generate electric power only for the use of the home, farm, or business on the lot where the solar energy system is located must comply with all of the following to be a permitted use.

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 shall not vertically exceed two (2) feet above the highest point of the roof of the building to which it is attached.
- b. Be flush mounted on the roof unless good cause is shown by the applicant during application review that the solar panel(s) is (are) not at an appropriate angle to obtain maximum sun exposure if mounted flush to the roof.
- c. Be located in the most inconspicuous location on the roof so as not to be seen from the street, if at all possible, and still be able to function as designed.
- d. Not extend higher than 5 feet from the top of a flat roof.
- e. Solar Panel installations mounted on the front of main structures including rooftops are not permitted, with the exception to, accessory buildings behind the main structure located in the rear of the parcel without applying for a variance.

2. Ground Mounted Solar Energy Systems:

- a. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed the maximum height applicable to principal structures located in the zoning district where located. It should not extend more than 10 feet above the existing grade in residential districts. In all other districts, the maximum height of a solar or photovoltaic system will be determined on a case-by-case basis upon plan review under Section 4-2 A, *Conditional Uses*.
- b. Coverage: The Ground Mounted Solar Energy System shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event the zoning district does not have a restriction limiting the ground area permitted to be occupied by buildings, structures, or other impervious surfaces, the Ground Mounted Solar Energy System(s) shall not cover more than 25% of the total area of the lot on which it is located.
- c. Location: Ground Mounted Solar Energy Systems are permitted only in the rear yard area. In the case of a corner lot, no Ground Mounted Solar Energy System shall be located between a principal building or structure and either public right-of-way.

- d. Glare: Any Solar Energy System shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- e. Setbacks: Any Ground Mounted Solar Energy System must comply with the setback requirements for buildings applicable to the zoning district where located and must be a minimum of 10 feet from the side and rear lot lines.
- f. Buffering/Screening: Wherever a Ground Mounted Solar Panel installation abuts any Residential property, a six foot (6') tall Buffer, constructed of fencing or vegetative landscape screening material, shall be constructed along the side or rear lot line abutting the installation to screen the ground mounted solar panels from view from the neighboring property.
 - Screen plantings shall have a minimum initial height of five feet (5') and should be of such size, species, and spacing as can reasonably be expected to produce an opaque six-foot (6') screen within three (3) years. The plants shall be placed so that mature plants can be maintained within the Property Line of the property where the solar panels are located.
 - If a fence is utilized, it must be six feet (6') high and constructed of a material or design sufficient to obscure a view of the Solar Panels. The side facing the Residential property must consist of decorative material compatible with the surrounding Residential Dwellings so as to provide a good cosmetic appearance. Chain link fences are not permitted.

F. Applicable to all permitted Solar Energy Systems

- a. Maintenance: All Solar Energy Systems must be maintained in good working order at all times. The owner of the property shall, within three months of permanently ceasing use of the Solar Energy System, dismantle and remove the Solar Energy System and, in the case of Ground Mounted Solar Energy Systems, return the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/ installation.
- b. Permits and Inspections: The installation of any Solar Energy System shall not commence until the property owner has obtained (1) a zoning permit from the Township; and (2) all applicable required Permits from the State of Ohio and Trumbull County. All wiring and electrical apparatus associated with the operation of the Solar Energy System shall meet all applicable local, state and federal codes.
- c. Advertising: Solar Energy Systems 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 manufactured on the equipment itself shall not be considered advertising.

- d. Other Restrictions: Solar Energy Systems shall comply with all applicable federal, state, and local laws, rules, and regulations.

G. General Regulations

1. Distributed energy collection devices and systems shall comply with all applicable sections of the Ohio Building Code and applicable industry standards such as the American National Standards Institute (ANSI), Underwriters Laboratories (UL) or an equivalent third party.
2. All electrical wires and connections on freestanding distributed energy collection devices and systems shall be located underground.
3. All distributed energy collection devices and systems proposed to be connected to the local utility power grid through net metering shall adhere to Ohio Revised Code Section 4928.67 or any future corresponding statutory provision and the current ANSI Standard.
4. Upon installation of a solar panel or Solar Collection System, the property owner, and all subsequent property owners, bear the responsibility to keep such device(s) or system in good working order, or remove it/them at such time that they cannot or will no longer do so.

H. Procedure for Review.

The review and approval of solar panels or a solar collection system shall comply with the following requirements:

1. A plan shall be submitted for review for freestanding solar panel or solar collection systems. The following items shall be the minimum requirements to be considered a complete application and shall include the following:
 - a. Property lines and physical dimensions of the applicant's property.
 - b. Location, dimensions and types of existing structures on the subject property and on properties directly contiguous to the subject property.
 - c. Location of the proposed solar panel or solar collection system, and associated equipment.
 - d. System specifications, including manufacturer, model, kilowatt size.
 - e. Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation if the system will be connected to the power grid.
 - f. Electrical components in sufficient detail to allow for a determination

that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).

g. Compliance with all development standards as outlined in this Section.

2. The planned installation must be found consistent with the Youngstown Air Reserve Station's Joint Land-Use Study in regard to relevant concerns (light, glare, etc.) which may impact operations.

3. A Zoning Certificate of Compliance must be obtained in accordance with this Zoning Resolution.

4. A Zoning Permit must be obtained from the Township, as directed by the Zoning Inspector. The permit fee is established by the Township Board of Trustees.

SEVERABILITY

If any section, paragraph, clause, or provision of this resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of the resolution shall be deemed valid and effective.

REPEAL OF PRIOR RESOLUTIONS

All resolutions or parts of resolutions inconsistent with or in conflict with this resolution are hereby repealed to the extent of such inconsistency.

PUBLIC PARTICIPATION in the discussion and passage of this resolution was possible throughout the process. The Board of Trustees hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.