

Perkins Township Zoning Commission
Monday, March 13, 2024 @ 4:00 PM
Perkins Township Services Facility – Large Conference Room
2610 Columbus Avenue, Perkins Township, OH 44870

MEETING MINUTES

- I. **Call to Order.**
 - a. At 4:00 p.m., Mr. Billy Criscione called the meeting to order.

- II. **Pledge of Allegiance.**
 - a. At 4:00 p.m., Mr. Criscione led everyone in the pledge of allegiance.

- III. **Roll Call.**
 - a. At 4:02 p.m., Mr. Criscione asked for a call from the roll.
 - b. Mrs. Jessica Gladwell conducted said roll call:
 - i. Board Members Present:
 1. Mr. Billy Criscione
 2. Mr. Greg Schmid
 3. Mr. John Lippus
 4. Mr. Les Wilson - Alternate

 - ii. Board Members Absent & Excused:
 1. Mrs. Cheryl Best-Wilke - Chair
 2. Mrs. Kula Hoty Lynch

 - c. The following staff members were in attendance:
 - i. Mr. Adam Panas, Planner/Zoning Inspector
 - ii. Mrs. Jessica Gladwell, Administrative Assistant

- IV. **Approval of Meeting Minutes from February 12, 2024.**
 - a. Mr. Criscione entertained a motion to approve the minutes from February 12, 2024.
 - b. Mr. Criscione motioned, and Mr. Lippus seconded.
 - c. Mr. Criscione; Yes, Mr. Lippus; Yes, Mr. Schmid; yes,

- V. **Chairperson’s Welcome and Explanation of Public Hearing & Public Meeting**
 - a. Mr. Criscione welcomed everyone to the meeting. He stated that the purpose of the meeting is to consider a request to change an item in the zoning code. The responsibility of this commission was given to us by a zoning resolution to conduct this meeting. First, we will read the request then we will open a public hearing during which we will hear comments, questions, and any concerns from members of the audience. Then the public hearing will be closed, and the public meeting will open. During the public meeting commission members will discuss the request and vote on a recommendation to present to the trustees, whether to accept, decline or table. Then our recommendation will be forwarded to the trustees who will consider the request at a future trustee meeting.

- VI. **Secretary Reads the Request for the Proposed Amendment.**

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- a. Mrs. Gladwell read the following into the record: **Case# ZC2024-01**: The Perkins Township Zoning Commission will conduct a public hearing to re-consider amendments to “Article 26 – Special Regulations” of the Perkins Township Zoning Resolution regarding wind and solar alternative energy regulations. This application was tabled at the February 12, 2024, meeting and was not required to be re-advertised.

VII. Staff Reviews the Planning & Zoning Department’s Staff Report.

- a. Mr. Panas stated there is a lot to consider here regarding alternative energy. As we know, one of our moratoriums is for zoning approval for wind and solar, related to project. We went in, in depth the past couple of meetings so we are not going to do that today. Instead, we are going to go over the revisions that this commission suggested and how staff approached addressing that. First is wind, second is solar and this is solar parking canopies.

PART 1:

WIND ENERGY CONVERSION SYSTEMS

PROPOSED:

1. **Repeal Article 26, Section 11 - Wind Energy Conversion Systems Conditional Use.**
2. **Replace with “Exhibit A – Article 26, Section 11 – Wind Energy Conversion Systems”, as submitted.**

SUMMARY OF REVISIONS:

On February 12, 2024, the Perkins Township Zoning Commission met to discuss proposed changes to wind energy conversion system regulations within the Zoning Resolution.

At the 2/12/2024 meeting, the Zoning Commission decided to table the matter until staff made edits to the proposed new language *that better consider the likelihood of a commercial wind farm derailing the NASA project or locating on agricultural lands.*

Mr. Panas gave Mr. Schmid an update on the NASA conversations/project, explaining that NASA had proposed the creation of an aircraft runway on their property which would run Northwest to Southeast near farmland. He stated that the close proximity of potential windfarms would potentially disrupt the NASA project and farmland.

To achieve this, staff has revised the proposed text changes, as follows:

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a) Line our zoning regulations up with the state's in a way that makes sense for us locally.

REV.

| # | Proposed Changes | Reasoning |
|----|---|---|
| A1 | Instead of severely limiting commercial wind farms, prohibit them all together. | Recently, the Erie County Commissioners passed Resolution 23-242. Prohibiting these uses lines our zoning regulations up with the county, while also utilizing verbiage from the ORC. |

To achieve this, staff has revised the proposed text changes, as follows:

b) Restrict the development of wind energy conversion systems near NASA and on ag. lands.

| # | Proposed Changes | Reasoning |
|----|---|--|
| B1 | Prohibit roof-mounted wind energy conversion systems in all zoning districts. | Right now, the potential hazards are greater than the local demand for them. If demand rises, this can be revisited. |
| B2 | Prohibit wind energy conversion systems in all zoning districts, except for properties zoned I-2 (Heavy Industrial) that are at least 5 acres in size. These properties can only have one (1) system. | It is prudent to prevent the construction of wind energy conversion systems near the NASA parcel. This requires most parcels near it to apply for both a re-zoning and a conditional use permit. This also simplifies staff review for properties that are allowed to have a system. |
| B3 | Amend maximum height to be eighty (80) feet. | This will be easier for staff to review. This is the mean height of what is currently allowed, which is 60 ft., 80 ft., or 100 ft., depending on property size. |

WIND

- Discussing the proposed text change, B2, Mr. Panas explained that most Heavy Industrial/I-2 zoning is on the Northeast side of Township, mostly near Old Railroad Road. One wind turbine wouldn't be disruptive, but multiple would create problems.

To achieve this, staff has revised the proposed text changes, as follows:

b) Restrict the development of wind energy conversion systems near NASA and on ag. lands.

REV.

| # | Proposed Changes | Reasoning |
|----|---|--|
| B4 | Increase all required setbacks from 1.0 times the total height to 1.5 times. | This will improve safety for wind energy conversion systems that are allowed. |
| B5 | Require monopole design only. | This will improve curb appeal of the wind energy conversion systems that are allowed by decreasing the surface area that will corrode over time (e.g., lattice tower wind turbines). |
| B6 | Introduce requirement for permit applicants to supply a copy of the manufacturer's installation instructions with their permit application. | The inspector will use this during their inspections. This will help ensure that the system owner has installed it such that their warranty will not be voided. |

WIND

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- Mr. Criscione stated that he thinks that it's effective to refer to the manufacturer's warranty, so nothing is voided due to our regulations.
- Mr. Panas detailed that the warranty is submitted via a digital or physical copy. Inspectors can utilize these warranties to review if wind/solar turbines have been installed properly.

PART 2:

SOLAR ENERGY CONVERSION SYSTEMS

PROPOSED:

1. **Repeal Article 26, Section 12 – Solar Panel Regulations.**
2. **Replace with “Exhibit B – Article 26, Section 12 – Solar Energy Conversion Systems”, as submitted.**

SUMMARY OF REVISIONS:

On February 12, 2024, the Perkins Township Zoning Commission met to discuss proposed changes to solar energy conversion system regulations within the Zoning Resolution.

At the 2/12/2024 meeting, the Zoning Commission decided to table the matter until staff made edits to the proposed new language that,

- (a) Allow for the use of solar shingles and carports in all districts.
- (b) Reasonably ensure that the Resolution would not be voiding property owners' warranties.

To achieve this, staff has revised the proposed text changes, as follows:

a) Allow for the use of solar shingles and carports in all districts.

| # | Proposed Changes | Reasoning |
|----|--|---|
| A1 | Solar shingles are currently allowed within the existing draft language. | They fall within the definition of “solar energy conversion systems” and are thus subject to the regulations of this section. |
| A2 | Introduce definition for solar carports to the draft language. | More clearly communicate them being permitted accessory structures and accessory uses. |

REV.

- Mr. Panas stated a goal of these text changes would be ensuring that the zoning resolution would not cause the voiding of property owner's solar panels, shingles, and carports
- If installed and maintained properly, the only major cause of voided warranties would be unusually severe weather
- Solar shingles are currently allowed within the existing draft language for the existing definition for a solar conversion system
- In the text, “solar carports” refers to residential applications, while “solar parking canopies” as nonresidential districts. This differentiation is due to lengthy review time for canopies that would be excessive for residential properties. This would be similar to “accessory structures”

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To achieve this, staff has revised the proposed text changes, as follows:

| b) Reasonably ensure that the Resolution would not be voiding property owners' warranties. | | |
|---|--|--|
| # | Proposed Changes | Reasoning |
| NEW | B1 Require Fire Department review of Zoning Permits for all solar energy conversion systems. | Deemed to be the best way to ensure the context of every application can be respected. |
| NEW | B2 Introduce a maximum percent coverage of rooftops with solar panels. | Deemed to be a more effective and simpler way to allow for fire department access. |
| REV. | B3 Decrease setback distance from the edge of the roof from three (3) feet to eighteen (18) inches. | Deemed to be the minimum necessary to allow for fire department access. |

SOLAR PANELS

- Mr. Panas noted that for B3, that installation instructions often required for there to be a certain amount of space around where the panels will be placed to create room for wires and affixing structures to be placed.
- There was a discussion about the requirements of B3, particularly about the minimum of 18 inches and its relevance during house fires. The requirement would likely not be an issue as firefighter would use the other side. Mr. Panas mentioned that a modified proposal could be proposed at the end of the meeting to remove it or that the input of the Fire Department through their reviews under B1 might help address this concern.

To achieve this, staff has revised the proposed text changes, as follows:

| b) Reasonably ensure that the Resolution would not be voiding property owners' warranties. | | |
|---|---|---|
| # | Proposed Changes | Reasoning |
| REV. | B4 Remove setback between solar panel arrays on roofs. | Deemed to be overly restrictive and unnecessary. |
| NEW | B5 Introduce requirement for permit applicants to supply a copy of the manufacturer's installation instructions with their permit application. | The inspector will use this during their inspections. This will help ensure that the system owner has installed it such that their warranty will not be voided. |

SOLAR PANELS

- He noted that previously setback distances between panels and rows had been discussed at meetings. The standard panel size is 3 x 5 feet and is made up of "cells". Regulating by percent coverage of roof would create more uniformity and account for the difference in roof size/shape.
- A point was raised about B5 on if a box could be added on building/zoning permits to indicate if an individual desires to add solar structures to their home or business

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PART 3:
SOLAR PARKING CANOPIES

PROPOSED:

1. Amend Article 26 to include, “Exhibit C – Article 26, Section 13 – Solar Energy Conversion System Parking Canopies”, as submitted.

SUMMARY OF REVISIONS:

- On February 12, 2024, the Perkins Township Zoning Commission met to discuss proposed changes to add new regulations for solar parking canopy regulations within the Zoning Resolution.
- At the 2/12/2024 meeting, the Zoning Commission decided to table the matter because of edits desired within the previous two (2) sections.
- Since that meeting, staff re-reviewed the proposed new regulations for solar parking canopies and made edits to the proposed new language that better distinguish this conditional use from solar carports. Other formatting edits were also made.

To achieve this, staff has revised the proposed text changes, as follows:

| a) Encourage the thoughtful and strategic development of solar parking canopies. | | |
|--|--|---|
| # | Proposed Changes | Reasoning |
| REV. A1 | Change title to be simpler. | Previous title was a mouthful and would make it hard to talk about with applicants. |
| REV. A2 | Edit proposed definition of solar parking canopy to include that the structure must be utilize in a non-residential setting. | Adding this wording will more clearly distinguish solar parking canopies from solar carports, ensuring that developers / property owners and the Township are on the same page. |

SOLAR PARKING CANOPIES

To achieve this, staff has revised the proposed text changes, as follows:

| a) Encourage the thoughtful and strategic development of solar parking canopies. | | |
|--|---|--|
| # | Proposed Changes | Reasoning |
| A3 | Require a conditional use permit application be submitted prior to the submittal of building and zoning permits. | Requiring a conditional use permit will allow the Township to retain enough authority to make sure the installation of these structures occurs in a manner that respects the context of where they are proposed. |
| NEW A4 | Introduce requirement for permit applicants to supply a copy of the manufacturer's installation instructions with their permit application. | The inspector will use this during their inspections. This will help ensure that the system owner has installed it such that their warranty will not be voided. |

SOLAR PARKING CANOPIES

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- Mr. Panas mentioned that these changes would be to create a “start” for solar canopy creation and allow applications for variances in the future if needed.

APPROVE APPLICATION 2024-01:

Recommend Approval of Application 2024-01 to Wind & Solar Regulations within the Zoning Resolution, by performing the following actions:

1. Repeal Article 26, Section 11 - Wind Energy Conversion Systems Conditional Use, to be replaced with “Exhibit A – Article 26, Section 11 – Wind Energy Conversion Systems”, as submitted.
2. Repeal Article 26, Section 12 – Solar Panel Regulations, to be replaced with “Exhibit B.1 – Article 26, Section 12 – Solar Energy Conversion Systems”, as submitted; and
3. Adopt new regulations within the *Zoning Resolution* relating to Solar Parking Canopies, as presented in “Exhibit C – Solar Parking Canopies”, as submitted.

DENY APPLICATION 2024-01:

Recommend Denial of Application 2024-01 to Wind & Solar Regulations, *because [insert reasoning].*

MODIFY APPLICATION 2024-01:

Recommend Modification of Application 2024-01 to Wind & Solar Regulations, *[remove section B1 and B3]*

TABLE APPLICATION 2024-01:

Recommend Tabling of Application 2024-01 to Wind & Solar Regulations, *pending [insert notes].*

VIII. Chairperson Opens the Public Hearing.

- a. Mr. Criscione asked for a motion to close the Public Hearing & open the Public Meeting.
- b. Mr. Wilson made the motion. Mr. Schmid seconded.
- c. Mr. Wilson; yes, Mr. Schmid; yes, Mr. Lippus; yes, Mr. Criscione; yes.

IX. Discussion from Commission

- a. Mr. Criscione stated during the Public Meeting portion is where the commission discusses any questions.
- b. Mr. Criscione stated that he would entertain a motion to recommend approval, denial, or table this application to the Trustees.
- c. Mr. Criscione made the motion to recommend approving **ZC#2024-01**. Mr. Schmid Seconded.
- d. Roll Call: Mr. Criscione; yes, Mr. Schmid; yes, Mr. Lippus; yes, Mr. Wilson; yes.

X. Old Business

- a. There was no old business.

XI. New Business

- a. Application #ZC2024-03, for text amendments to prohibit ‘games of chance conducted for profit’ within the Zoning Resolution, will be advertised and heard at the 4.9.202 meeting.

XII. Adjournment

- a. Mr. Criscione entertained the motion to adjourn.
- b. Mr. Criscione made the motion; Mr. Lippus seconded. Roll Call: Mr. Criscione; yes, Mr. Lippus, yes; Mr. Wilson, Yes

*Carol Bush-Wilke
Chairperson 6/10/2024*