

Held Monday, November 13, 2023  
7:00 p.m. 20

The Madison Township Zoning Commission Regular Meeting was called to order at 7:00 PM. by Chairman Mr. Rothlisberger, with the following people present Mr. Witt, Mr. Diak, Mr. Hyrne, Mr. R. Rothlisberger and Ms. A. Wisniowski. Mr. M. Ungers was present as Zoning Inspector. Mr. Christopher Bernard was present as Assistant Zoning Inspector.

Mr. Rothlisberger requested a motion to approve the minutes from the October 23, 2023, for the regular meeting. Mr. Witt presented a motion to approve the minutes from the October 23, 2023 meeting, seconded by Mr. Hyrne. There was no discussion:

**“All Ayes”**

**Minutes approved 4-0. Ms. Wisniowski abstained.**

Mr. Rothlisberger opened the public hearing for text district change #23-002

Mr. Ungers read the following brief:

**RE-ZONING REQUEST APPLICATION #23-002**

**Vacant Permanent Parcel #01-B-108-0-00-026-0**

**Hubbard Rd.**

**Zoned R-2 Single Family, R-4 Multiple Dwelling & P-1 Professional**

**Owner / Applicant: John Petrizzo**

The Public Hearing this evening is to hear a Zoning District Change Request for Permanent Parcel #01-B-108-0-00-026-0. Owner / Applicant of the property John Petrizzo is present this evening.

The request is to re-zone the Parcel from the multiple zoned districts of R-2 Single Family, R-4 Multiple Dwelling and P-1 Professional; to R-2, Single Family throughout the entire parcel. The applicant plans to build a single-family dwelling on the parcel in the future.

The Applicant and Neighbor letters were mailed on October 30, 2023, and the Public Hearing was advertised in The News-Herald Legal Section on October 31, 2023.

The Lake County Planning Commission met on October 24, 2023 and recommended the Zoning Commission recommend the approval of this District Amendment Change to the Trustees.

There has been no correspondence from neighbors commenting for or against this request.

Mr. Ungers invited the applicant, John Petrizzo, (2426 Hubbard Rd.) to approach the podium. Mr. Petrizzo stated he really didn't have anything to add from the last meeting. With the board having no further questions, Mr. Rothlisberger asked if anyone would like to present a motion. Ms. Wisniowski presented a motion to recommend the approval of the zoning district change to the Madison Township Trustees, the motion was seconded by Mr. Hyrne. There was no further discussion.

**“All Ayes”**

**Motion to recommend the approval of the zoning district change to the Madison Township Trustees passes 5-0**

Mr. Rothlisberger closed the public hearing at 7:04

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MADISON TOWNSHIP ZONING COMMISSION PUBLIC HEARING AND

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## REGULAR MEETING MINUTES

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Mr. Rothlisberger opened public hearing for text amendments changes to section 101,107,122,125,129,130,133,134 and 143 at 7:05.

Mr. Ungers read the following proposed text amendments:

### Section 101- Definitions

**dB- (DECIBELS):** A unit of measure (abbreviated dB) used to compare sound intensities and subsequently electrical or electronic power outputs.

**DECOMMISSIONING PLAN:** A submitted written plan describing that all properties will be restored to their original state before the project was started after the project is no longer used or in useable condition.

**FAA:** Federal Aviation Administration is an agency of the United States Department of Transportation with authority to regulate and oversee all aspects including safety of civil aviation in the United States.

**FENCE:** A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement, or concealment.

**FENCE (DECORATIVE):** A permanent or temporary structure, solid or otherwise, designed primarily for aesthetic appeal or concealment and not intended or designed to be used as boundary or as a means of protection or confinement.

**GROUND MOUNTED SOLAR ENERGY SYSTEM:** Means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.

**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.

**INTRA-PROJECT POWER LINES:** All power and transmission lines leading to and or away from any wind tower and or solar panel.

**ROOFTOP SOLAR ENERGY SYSTEMS:** Means a solar energy system that is mounted to a structure or building's roof on racks that follows the contour of the roof with a maximum height one (1) foot.

**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

**SMALL WIND ENERGY SYSTEMS:** A single-towered wind energy system that;

- Is used to generate electricity.
- Has a rated name plate capacity of 50 kilowatts or less.
- Has a total height of 150 feet or less.

**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 COMMERCIAL OPERATIONS:** Solar energy systems whose main purpose is to generate energy for sale back into grid system, rather than being consumed on site.

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**MADISON TOWNSHIP ZONING COMMISSION PUBLIC HEARING AND  
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**SOLAR ENERGY SYSYEM:** Means a system and associated facilities that collect solar energy, which may include, but not limited to, integrated solar energy system, rooftop solar energy system, or ground mounted solar energy system.

**SOLAR PANEL:** A solar photovoltaic panel, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**WIND ENERGY SYSTEM:** Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base blade, foundation, generator, nacelle, rotor, tower transformer, vane, wire, inverter, batteries, guide wires or other components used in the system.

**WIND TOWER:** The monopole, freestanding, or guyed structure that supports a wind generator.

**WIND TOWER TOTAL HEIGHT:** The vertical distance from finished grade to the tip of the wind generator blade at its highest point.

**WIND TURBINE:** The parts of a wind energy system including the blades and associated mechanical and electrical conversion components mounted on the top of the tower.

**Section 107 – R-2 Single Family Residential District**

Adding to Section 107.2 Floor Area:

Minimum 2 car enclosed garage with a minimum 500 Sq/Ft. of unenclosed parking.

**Section 122 – S-1 Green Area District**

In sections 122.4 and 122.6.1 striking out SIC code 152X:

**SIC Code**

092X	Fish hatcheries and preserves
097X	Hunting
144X	Sand and gravel mining
<del>152X</del>	<del>Residential building construction</del>
24XX	Logging
45XX	Transportation by air
8744	Facilities support service

**Section 125 – Lot Size, Frontage, Height, and Setback Exceptions and Modifications**

**We are adding section 125.16 and adjusting the numbering of the sections afterwards**

125.16 In an effort to incentivize the demolition and construction of new homes in the R-2district, the following relief will be provided on lots of record at the time of passage of this amendment xx/xx/2023.

125.16.1 Minimum Lot Size Requirements Include:

- A. 40-foot frontage
- B. 4000 Sq/ft area

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### 125.16.2 Minimum Residential Home Requirements:

- A. A 20% increase over the existing home or a minimum of 1000 Sq/ft for a 1-story finished
- B. Minimum 2 car enclosed garage with a minimum 500 Sq/ft. of unenclosed parking

### 125.16.3 Minimum Set-Back Requirements:

- A. Front yard setback will be the average of all the homes, same side of the street, for 250 feet in both directions.
- B. Side and Rear setback will be reduced by 10% of the frontage

## Section 129 – Swimming Pools

We are modifying section 129.1.2

~~129.1.2 The swimming pool or the entire property, in which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent or accessory structures adjacent thereto. In ground pools are required to have fence or hedge not less than forty-eight (48) inches in height, and must be maintained in good condition.~~

Every swimming pool, except those which are a minimum of four (4) feet in height above the surrounding ground and which have retractable steps or ladders, shall be enclosed by an aesthetically acceptable fence or wall not less than four (4) feet in height. Such fence shall be constructed as to prevent a child from crawling or otherwise passing through or under it. Said fence or wall shall be maintained in good condition with a gate and locking device.

## Section 130 – Accessory Structures (Residential only)

**130.6** Accessory structures shall not be closer than ~~ten (10)~~ **three (3)** feet to the main building or any projection thereof.

## Section 133 – Fences

We are removing the word Hedges from the section title

**133.1** Fences ~~and/or hedges~~ shall be permitted in any district subject to the following regulations. Such fencing shall be maintained in good condition without any advertising thereon, shall require a zoning permit except where noted, and shall be constructed outside the road right of way.

**133.4.1** The height of any fence ~~and/or hedge~~ in any side or rear yard shall not be in excess of eight (8) feet. No permit shall be required.

**133.4.2** ~~With the exception of decorative fences, any fence or hedge in the front yard shall not exceed three and one half (3 ½) feet in height on all lots other than corner lots.~~ Decorative fences shall have a fifty percent (50%) or greater open area in the front yard and shall not exceed four and one half (4 ½) feet in height. **Decorative fences shall not restrict visibility along a traveled right-of-way.** A decorative fence shall mean **picket, split rail, ornamental iron style, vinyl,** or other **similar decorative wooden** fences approved by the zoning inspector. ~~Chain link fences shall not exceed three and one half (3 ½) foot in height.~~



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**133.4.3** Fences ~~and hedges~~ within thirty (30) feet from the front lot line of a corner lot which restricts visibility along a traveled right of way shall not exceed two and one half (2 ½) feet in height above the established street grade.

**133.5.2** Any fence in the minimum front yard setback shall have a fifty percent (50%) or greater open area and shall be no higher than ~~four (4) feet~~ Six (6) feet.

**133.5.3** Fences ~~and hedges~~ within thirty (30) feet from the front lot line of a corner lot which restricts visibility along a traveled right of way shall not exceed two and one half (2 ½) feet in height above the established street grade.

Section 134 - Alternative Energies

This section got a complete overhaul.

**134.1 SMALL SOLAR FACILITES:** Small Solar Facilities are facilities of fifty (50) megawatts or less. Solar facilities that produce over fifty (50) megawatts shall be required to submit an application with the Ohio Power Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

**PERMITTED USES:**

**134.1.1** Integrated Solar Energy Solar Systems: subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be a permitted use in all zoning districts.

**134.1.2** Rooftop Solar Energy Systems: subject to the restrictions contained herein any construction, erection, or siting of a Rooftop Solar Energy System shall be a permitted use in all zoning districts. Rooftop Solar Energy Systems that follow the contour of the roof in which it is attached shall not require a permit so long as it doesn't exceed a maximum height of one (1) foot above the roof.

**134.1.3** Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein, as well as any other relevant condition as the Board of Zoning Appeals may determine, herein any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a conditional use in all zoning districts.

**134.1.4** All Other Small Solar Energy Systems/Facilities: Subject to the restrictions contained herein, as well as any other relevant condition as the Board of Zoning Appeals may determine, herein any construction, erection, or siting of Small Solar Systems/Facilities, other than Integrated, Rooftop, and Ground Mounted Solar Energy Systems ("All Other Small Solar Facilities") shall be a conditional use in all zoning districts.

**134.2 GENERAL REQUIRMENTS:**

**134.2.1** Height:

A) 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.

B) The Maximum height of any Ground Mounted Solar Energy System (Including any Other Small Energy Systems) shall be no higher than the maximum height for an accessory structure for the district in which it is located.

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### 134.2.2 Coverage:

- A) An Integrated or Rooftop Solar Energy System shall cover no more than Eighty (80) percent of a structure's walls and/or roof, as applicable.
- B) Ground Mounted Solar Energy Systems shall be included as part the accessory structure and/or the impervious surface total for the purpose of calculating ground coverage for the district in which it is located.

### 134.2.3 Visual Buffer:

- A) 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 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 the applicable requirements (including, but limited to, those for yards, buffering, and screening) for lots in the zoning district where located.

### 134.2.4 Lighting:

- A) Any lighting for a Small Solar Facility shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

### 134.2.5 Noise:

- A) Any small Solar Facility shall comply with the noise resolution and all applicable noise restrictions set forth within the Township, including, but not limited to, those applicable to zoning district where located.

### 134.2.6 Setbacks:

- A) Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.

### 134.2.7 Maintenance:

- A) Small Solar Facilities must be maintained in good working order at all times. The owner of the property and the 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 three (3) month following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by 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 and, in the case of Ground Mounted Solar Energy System installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.

### 134.2.8 Building Permits:

- A) 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.

### 134.2.9 Advertising:

- A) 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.

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**134.2.10 Other Restrictions:**

A) A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

**134.3 SMALL WIND FARM:** A Small Wind Farm is defined by Ohio Revised Code (ORC) section 519.213 as having an aggregate generating capacity of less the 5-megawatt capacity.

**PERMITTED USES:**

**134.3.1 Small Wind Farm:** Subject to the restrictions contained herein, as well as any other relevant condition as the Board of Zoning Appeals may determine.

**134.3.2 Application:** A zoning application shall be accompanied by a full site plan, including a decommissioning plan.

**134.3.3 GENERAL REQUIREMENTS:**

**134.3.4** Each wind tower shall be back a distance equal to 1.1 times its total height from any public right-of-way, any overhead utility lines, and all property lines.

**134.3.5** A Small Wind Farm shall comply with all Federal Aviation Administration (FAA) regulations.

**134.3.6** No part of the system, including guide wire anchors, may extend closer than twenty (20) feet to any property line.

**134.3.7** All intra-project power lines and transmission lines associated with project shall be underground.

**134.3.8** A Small Wind Farm shall comply with all applicable building and electrical codes.

**134.3.9 Safety:** The tower shall be designed and installed so as to not provide climbing rungs from a level measured ten (10) feet from the finished grade and installed but not to exceed the manufactured specifications.

**134.3.10 Noise:** Small Wind energy systems shall not exceed sixty (60) dB, as measured at the closest neighboring dwelling.

**134.3.11 Advertising:** Small Wind Farm 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.

**134.3.12 Lighting:** Any lighting for a Small Wind Farm shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Wind Farm must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.



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134.3.13 Maintenance: Small Wind Farms must be maintained in good working order at all times. The owner of the property and the owner of the Small Wind Farms shall, within thirty (30) days of permanently ceasing operation of a Small Wind Farms, provide written notice of abandonment to the Zoning Inspector. An unused Small Wind Farm may stand no longer than three (3) month following abandonment. All costs associated with the dismantling/demolition of the Small Wind Farm and associated equipment shall be borne by the property owner. A Small Wind Farm 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 Wind Farm and, returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.

134.3.14 Small Wind Farms shall not be built on vacant lots.

Section 143 – Amendments or Supplements

143.7 EFFECTIVE DATE OF AMENDMENT OR SUPPLEMENT: The proposed amendment, if adopted by the board, shall become effective in thirty (30) days after the date of its adoption, unless, within thirty (30) days after the adoption, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight (8) fifteen (15) percent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Ohio Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

143.8 PETITION FOR ZONING REFERENDUM: (if the proposal is identified by a particular name or number, or both, these should be inserted here) .....

A proposal to amend the zoning map or amendment to the zoning resolution of the unincorporated area of Madison Township, Lake County, Ohio, adopted .....(date)..... (followed by brief summary of the proposal).

To the Board of Township Trustees of Madison Township, Lake County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of Madison Township, included within the Madison Township Zoning Plan, equal to not less than eight fifteen (15) percent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of Madison Township residing within the unincorporated area of the township included in the Madison Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on .....(date)....., pursuant to section 519.12 of the Ohio Revised Code.

Street Address, Date of Signature or R.F.D., Township Precinct, County or RFD Signature.....



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Mr. Rothlisberger requested a motion to recommend approval to the Township Trustees. Mr. Hyrne made a motion to recommend the approval of the text amendment changes to the township trustees. Mr. Witt second the motion. There was no further discussion.

**“All Ayes”**

**Motion to recommend the approval of the amendment changes to the Madison Township Trustees passes 5-0**

Mr. Rothlisberger closed the public hearing at 7:10

Under old business Mr. Ungers stated that recreational marijuana was passed at the state level and there may be further discussion and action for us at the township level.

Mr. Bernard wanted the board to start thinking about our frontage requirement in the R-2 district. He stated that at the comprehensive plan meeting a local developer, George Davis of Probuilt Homes, stated it's the biggest issue with Madison Township in the R-2 district. The frontage was 85 feet and switched to 100 feet at some point in the early 2000's. The thought process back then was people wanted larger lots. Today it seems people are trending in the other direction. Mr. Bernard added that him and Mr. Ungers like the idea of dropping back to 80 feet frontage requirement, as the township has a lot of 40-foot lots and this would eliminate the need for people to make lot line adjustments and start cutting up lots even more. This is very early in the process but Mr. Bernard stated he just wanted the board to start giving it some thought.

There being no further business before the board, Mr. Rothlisberger requested a motion to adjourn the meeting, a motion to adjourn the meeting at 7:17 p.m. was presented by Mr. Hyrne, seconded by Ms. Wisniewski

Roll call: All “Ayes.”



Randy Rothlisberger, Chairman



Bob Diak, Secretary

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