

**RECORD OF PROCEEDINGS**  
Dublin City Council

these reappraisals must be done and in what timeframe. He provided information regarding how reappraisals are calculated and how to determine the impact it will have on property taxes. He also shared what property owners in Franklin County can expect throughout this process and how to ask questions of the Franklin County Auditor’s office if needed. Mr. Casey provided printed literature that was available to attendees of the meeting summarizing the presentation he gave in the meeting.

**CITIZEN COMMENTS**

Jonathan Smith, 6805 Dublin Road, Dublin, spoke about issues he had over last year’s Independence Day celebration. He stated that people were pulling off of Dublin Road and parking in the ditch area to watch the fireworks. Cars parked in the ditch were impeding traffic and parked there illegally. He stated that this happened after dark until well after the grand finale of the fireworks. He stated this area is a dark stretch of road and he was concerned that this caused a safety issue. He asked if temporary “no parking” signs could be erected along Dublin Road. He also suggested more of a police presence in the area this year. He stated that he also observed people trespassing on private property last year.

Todd Manifold, 7901 Riverside Drive, Dublin, came forward to speak about the noise on Riverside Drive. He stated that there are three main categories of noise on Riverside Drive. He described the convoy of dump trucks starting at about 6:30 a.m. that use the engine brake; secondly, are the four cylinder small cars with after-market exhaust from about 3:00 p.m. – 7:00 p.m. every day; and finally, the small motorcycles that sounds like chainsaws going up and down Riverside Drive. He wanted to bring the issue to Council’s attention and see what suggestions they have. Mayor Fox thanked him for his comments. She stated that Chief Paez is aware of this issue and has asked that residents call when the issue is happening so they can respond to the area if possible.

**CONSENT AGENDA**

- Minutes of the May 15, 2023 Special Council Meeting
- Minutes of the May 15, 2023 Work Session
- Minutes of the May 22, 2023 Regular Council Meeting
- Minutes of the June 5, 2023 Special Council Meeting

There was no request to remove a consent agenda item.

Ms. Alutto moved to approve the consent agenda.  
Mr. Keeler seconded.

Vote on the motion: Mr. Reiner, yes; Mayor Fox, yes; Vice Mayor De Rosa, yes; Mr. Keeler, yes; Ms. Kramb, yes; Ms. Amorose Groomes, yes; Ms. Alutto, yes.

**POSTPONED/TABLED ITEM**

**Ordinance 70-22**

**Amending Zoning Code Section 153.074 regarding Accessory Uses and Structures and amending Zoning District Sections 153.074; 153.038(B)(4), (C)(17) and (31); 153.044(B)(4), (C)(9), and (H); 153.046(C)(4)(e) and (f); 153.059(C)(4)(j); 153.172(C)(4)(j) to address language regarding renewable energy equipment for solar (Case No. 21-151ADMC)**

Ms. Noble stated that this topic has been explored and researched by staff for the last year and a half. This code amendment is an opportunity for the City to express its commitment to renewable energy, specifically, solar energy. The draft language does



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Dublin City Council

Minutes of

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delineate between residential and non-residential areas and the objective is to align sustainability practices in the City. There has been an increase in interest in solar energy due to financial incentives that have been offered to property owners. These opportunities will continue until 2035, so staff is anticipating continual conversations with property owners on this topic. Ms. Noble shared the background of this topic that illustrated the amount of input that was solicited from the public, boards and commissions and Council. After the first reading at City Council in November 2022, staff collaborated on a survey to area homeowners' associations (HOAs) as well as citywide. They received 900 responses.

Ms. Noble noted the amount of research that staff has conducted on solar energy. Staff did the following research:

- worked with advocacy groups, solar companies, and spoke with other communities in and outside of Ohio;
- researched all of our planned districts to identify any type of regulations that would extend beyond zoning regulations;
- researched accreditation programs, specifically with SolSmart;
- researched cost implications of solar energy and co-op programs;
- provided information on the various forms of solar equipment; and
- collaborated on the larger Sustainability Framework initiative.

Ms. Noble provided a map showing the number of HOAs and civic associations that are within the City of Dublin. HOAs could have deed restrictions that would prohibit solar energy that can be enforced above and beyond zoning regulations. Civic associations do not have the same enforcement mechanisms in place, but they could have regulations regarding solar energy.

Ms. Noble reviewed the SolSmart national solar program that helps local municipalities and regional governments become solar leaders. Dublin is currently in the process of obtaining a Bronze level SolSmart Designation. SolSmart reviewed the draft code language and their comments have been incorporated.

Ms. Noble shared the climate comparisons that were conducted to see if solar is even a feasible opportunity for our residents. Staff found that comparisons with other cities over the past decade show there is enough energy consumption that it would be a worthy opportunity for property owners to proceed with installation.

Ms. Noble reviewed the solar technologies beginning with traditional solar roof panels, called Building Applied Photovoltaic (BAPV). These panels are mounted to the roof 3.9 to 4.3 inches from the roof. They are not the same material as the roof. The second type of solar technology is the Building Integrated Photovoltaic (BIPV) that is integrated into the building structure either as a dual functioning building material or panel that is flush with the roof. Additional materials such as solar window, blinds and cladding are in the prototype stage. Ms. Noble provided visual examples of these technologies.

Ms. Noble summarized the draft code language updates. The intent section has been modified to include language that promotes sustainability practices while still maintaining high standards. Significant consideration has been given to location configuration, material choices, installation practices and proper maintenance. The location of solar has been discussed at length during public meetings. The draft language allows solar panels to be located at the side or the rear of a building. It does allow for instances where solar panels could be constructed to the front of the building if a property owner can demonstrate that the front location provides the greatest efficiency for the solar production.

Ms. Noble stated that there are five districts within the City of Dublin that currently have zoning regulations in place for solar. The objective of staff was to ensure that as we move forward, the districts are consistent among the entire City. There were minor differences in those districts which staff is proposing to amend as part of this recommendation.

Ms. Noble stated that staff will remain consistent with the Sustainability Framework Plan that is currently being updated. Staff has committed to Council that once the Plan is adopted, staff will come back to Council within a year of the adoption to ensure that



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we are maintaining consistency with that Plan and identify or address any changes if necessary.

Ms. Noble noted the difference in the code between ground-mounted equipment and building- or roof-mounted equipment. Ground-mounted equipment is permitted to the side or rear of the principal building in non-residential areas. The code allows that as an accessory use opposed to a primary use. Again, the code allows for the building- or roof-mounted equipment to be installed to the side or rear unless the property owner can demonstrate that the front of the building provides the most efficiency. Ms. Noble noted that there are also aesthetic qualifications included in the code regarding how solar is installed, where it extends and in what configuration.

Ms. Noble outlined the changes that will impact the districts. Notifications have been provided to property owners and staff has received no concerns. Staff recommended approval.

Nathan Cicak, 5780 Clearfield Lane, Dublin, stated that he just wanted to confirm that the City is allowing forward facing solar cells to be placed on the house as long as the owner shows that a higher efficiency rate is possible with that placement. Staff responded affirmatively.

Mayor Fox thanked staff for the research and information.

Vice Mayor De Rosa asked how the efficiency rate will be determined. She asked about the process that the resident will have to follow in order to demonstrate the efficiency rates on their home. Ms. Noble stated that solar companies typically provide efficiency options for property owners and the cost associated with each option. Vice Mayor De Rosa suggested putting the requirements on our website for the residents. Vice Mayor De Rosa clarified that the districts that had differences will now be standardized under this code amendment. Unless there is an HOA, all districts will be held to the same standards under this code. Ms. Noble responded affirmatively.

Ms. Amorose Groomes asked about building height restrictions and whether a building that is already at its maximum height could have the solar equipment mounted on the roof because it was already at the maximum. Ms. Noble stated that the districts would all be under the same restrictions as anywhere else in the City.

Ms. Amorose Groomes asked about the ground-mounted equipment for non-residential, specifically, subsection (b) that reads, "shall not be permitted forward of a principal structure or along a public right of way." She stated that Council has had discussions about covering parking areas relative to these facilities. Most of the commercial districts or office districts have parking to the front. This language would preclude them from putting solar installations over their parking surface. Ms. Noble stated that was correct. Ms. Amorose Groomes stated that she believes Council's intent was to allow these types of solar installations. She did not want to discourage our corporate residents from exercising this option. She added that it could also mitigate global warming issues due to the cooling nature. She suggested pulling subsection (b) from the Ordinance because we would want to allow solar canopies over parking areas. Ms. Noble clarified that Council would still want to make sure that they would keep the language regarding the right-of-way. Ms. Amorose Groomes responded affirmatively because there is no parking allowed in a public right-of-way anyway. Ms. Noble noted that section 3a would also need modified as it addresses location. Ms. Amorose Groomes stated that (d) does as well.

Ms. Kramb stated she was supportive of those modifications and stated that staff did a good job of addressing the residential roof-mounted, but the commercial areas and the parking structures, and solar panels over parking could still be improved. Our code often does not allow accessory structures, but these parking canopies with solar on the roof could be an accessory structure. She sought clarification about whether this would be considered ground-mounted or roof-mounted on an accessory structure. Ms.



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Amorose Groomes stated they could be called something completely different from accessory structures to avoid confusion.

Ms. Kramb asked why solar was not considered in residential districts where there are churches and schools that could be prime solar users. She stated that it could be impossible to put ground-mounted on a small single-family lot because it would not meet the setbacks and other requirements. She did not want to preclude churches or schools from being able to do it if they so choose.

Ms. Amorose Groomes stated that she would be supportive over parking areas, not driveways of those entities and not in the green spaces.

Ms. Kramb stated that according to the language, ground-mounted must be over a hardscape surface. She asked if the meaning of that section was to mean existing hardscape surface or could a property owner pour a concrete pad and put solar on it.

Mayor Fox stated that it appears Council consensus is to allow the canopy parking structures and these accessory structures. In response to Mayor Fox's question regarding procedural handling of an amendment to the Ordinance, Ms. Readler stated that a Council member could make a motion to amend the Ordinance to incorporate these suggested revisions.

Vice Mayor De Rosa stated that she is supportive of the allowing the parking coverage options. She is cautious about the ground-mounted in residential because of the proximity of location on someone's property. Her apprehension is due to aesthetics.

Ms. Alutto agreed with Vice Mayor De Rosa's sentiment. She agrees with allowing parking coverage and she is also apprehensive about allowing ground-mounted solar in residential for the same reasons that Vice Mayor De Rosa already stated.

Ms. Kramb noted that currently, there are no provisions for any type of screening of ground mounted equipment. She asked if churches and schools could be allowed to have ground-mounted solar if they also had to screen it. She suggested adding language requiring screening to ground-mounted equipment, similar to the language regarding screening requirements of geothermal equipment. Discussion was held regarding whether the screening requirement would also apply to parking canopies. Consensus of Council was to require screening of ground-mounted solar separate from parking canopies.

Ms. Kramb noted a few minor typos for staff to correct in the material. She also suggested changing the wording regarding solar equipment being a "consistent" color or "complimentary" color. She suggested using the word "similar."

Mr. Reiner suggested that the required screening should be 100% opacity.

Ms. Amorose Groomes moved to amend Ordinance 70-22 to correct the grammatical changes as outlined to staff, the delineation of parking canopies and the coverage of parking areas and adding the ground-mounted equipment on commercial properties to require 100% opacity screening.

Ms. Alutto seconded.

Vote on the motion: Mr. Reiner, yes; Ms. Kramb, yes; Mr. Keeler, yes; Ms. Amorose Groomes, yes; Vice Mayor De Rosa, yes; Mayor Fox, yes; Ms. Alutto, yes.

Vote on the Ordinance as amended: Ms. Amorose Groomes, yes; Mr. Reiner, yes; Mayor Fox, yes; Vice Mayor De Rosa, yes; Mr. Keeler, yes; Ms. Alutto, yes; Ms. Kramb, yes.

## **SECOND READING/PUBLIC HEARING - ORDINANCES** **Ordinance 14-23**



**DUBLIN CITY COUNCIL  
WORK SESSION  
MAY 1, 2023**

**Minutes**

Mayor Fox called the Monday, May 1, 2023 work session to order at 6:02 p.m.

Council members present: Ms. Alutto, Ms. Amorose Groomes, Vice Mayor De Rosa, Mayor Fox, Mr. Keeler, and Ms. Kramb and Mr. Reiner.

Staff present: Ms. O'Callaghan, Ms. Readler, Mr. Ranc, Ms. Rauch, Mr. Earman, Ms. Noble, Ms. Weisenauer, Ms. Steiner, Ms. Gee, Mr. Krawetzski, Mr. Ament, Ms. Goliver, Ms. Blake, Chief Paez.

Also present were: Leon Younger, Pros Consulting and Rick Fay, OHM Advisors.

**Pledge of Allegiance**

Mr. Reiner led the Pledge of Allegiance.

**Renewable Solar Energy Equipment Update**

Ms. Noble provided an overview of the topic for this meeting's discussion. She stated that staff would be providing updates including:

- Further understanding of architecturally integrating materials;
- More clearly defining where panels can be located on the front of a home;
- More information about solar materials, costs and climate;
- Solar panel resources and example legislation;
- Map of Dublin's subdivisions that define Homeowners Associations (HOAs) and Civic/No HOA locations; and
- Further refinement of draft Code language regarding permitted location and design requirements.

She provided background information regarding previous discussions and the variety of venues where this topic has been discussed. She noted that staff conducted two surveys in January 2023; one with HOA leadership and a Citywide survey.

She reviewed existing regulations for renewable energy equipment in the Zoning Code in the following five districts: West Innovation (WID), Bridge Street (BSD), Historic (HD), Mixed Use Regional (MUR-1) and Tech Flex. Staff reviewed the development text for Planned Unit Developments (PUDs) and found 17 PUDs that regulate roof materials and therefore would not permit solar equipment. Residential properties are also subject to any rules and regulations from the neighborhood HOA (if applicable).

Ms. Noble provided the following updates to Council:

Comprehensive Review of Sustainability

Council expressed, in previous discussions, the desire to have a comprehensive review of sustainability. Staff is currently working with a consultant on updates to the City of Dublin Sustainability Framework Plan. Solar energy is one component of the City's sustainability efforts.



HOAs versus Civic Associations.

There are 63 HOAs, 17 condominium associations, and 41 civic associations within the City of Dublin. Ms. Noble clarified that condominium associations act similarly to an HOA in regulating authority; whereas civic associations are an organized neighborhood group, but they do not have any legal authority. Therefore, civic associations would be more susceptible to any regulations adopted by the City. In response to Mr. Reiner’s question about the warranty deed assigning the legal authority, Ms. Noble responded affirmatively.

Solar Panel Cost

Ms. Noble shared that there are a variety of solar options at varying cost points available to residential and commercial properties. The approximate costs per square foot are as follows:

- Integrated panels: \$6 - \$15 per square foot;
- PV Roof: \$14 - \$19 per square foot;
- Solar Slate/Tile: \$21 - \$25 per square foot; and
- Tesla Solar Shingles: \$26 - \$50 per square foot.

She shared that the City of New Albany spent approximately \$231,000 on solar panels for the roof of their Public Service Complex.

SolSmart Solar Program

Staff has been working with the SolSmart Solar Program. SolSmart is a national solar accreditation program that helps local municipalities and regional governments become solar leaders. SolSmart reviewed the City Code and found that increased efforts are needed to specifically address solar energy. The draft code language addresses much of SolSmart’s comments. The City is currently in the process of obtaining a Bronze level SolSmart designation.

Solar Benchmarking

City	Details	SolSmart Designation
Columbus, OH	Solar permitted in all districts.	Gold
Upper Arlington, OH	Solar permitted in all districts.	Gold
Lancaster, OH	Implemented a new chapter to their code that permits roof, integrated, and ground mounted panels. Also includes specific guidelines for their historic district.	Gold
Franklin, TN	Includes specific solar guidelines for their historic district, including roof-top or free standing. The solar systems are to be screened by architectural features.	N/A
Richmond, IN	Implemented a city-wide solar initiative that permits panels in all zoning districts	Silver
Carmel, IN	Permitted as an accessory use for residential and commercial buildings.	Silver



Ms. Noble stated that staff looked closely at Bronzeville, IL. Bronzeville, Illinois is a Section 8 housing community in Chicago that is completely self-sustaining in terms of energy. The installation of rooftop solar has allowed the community to exist as a microgrid with power. The Great Plains Institute designed a solar model ordinance for Midwestern states. While they have not studied Ohio specifically, staff looked to Indiana to provide comparisons. Indiana notably is facing similar issues. The Great Plains Institute provides recommendations for solar standards as well. Ms. Noble provided a map illustrating the efficient light trespass for solar energy. We produce enough light energy to warrant this discussion.

### Solar Co-ops

Solar co-ops are a combination of residents, businesses and other entities that partner with a collective energy need to garner bulk discounts. Staff has been in contact with Solar United Neighbors, who has been establishing programs across Ohio and has partnered with Sustainable Columbus, IMPACT Community Action and MORPC to launch programs.

### Solar Technology:

Ms. Noble provided the following information regarding solar technologies.

- Building Applied Photovoltaic (BAPV)
  - Solar roof-type panels
  - Separate design feature from existing building
  - For best functionality, recommended to be mounted 3.9 – 4.3 inches from the roof (ventilation)
  - Wiring and other components can be concealed.
  - Black delineated sectioning is an improvement.
- Building Integrated Photovoltaic (BIPV)
  - Integrated into building structure as either a dual functioning building material or panel flush with roof
  - Replaces traditional building elements with solar modules
  - Solar roofs may come in slate or tiling form for more diversity.
  - Solar windows (14% efficiency), blinds (22%) and cladding in prototype stage.

Mayor Fox asked about the efficiency of solar panels. Ms. Noble stated that windows and blinds will lose a little efficiency due to the orientation and they are still in early technology versus a panel on the roof with direct sun. The percentage of efficiency depends upon the roofline.

Ms. Noble shared photos of different BIPV examples.

### Configuration and front façade

Council requested clarification regarding language about placement and the configuration of roof materials.

- Building or Roof Mounted Equipment:
  - Existing definition is, "Any building face generally oriented along a front property line either within the front building zone or behind the front setback."
  - Suggested language is, "Panels shall be permitted to be installed on roof surfaces that do not slope toward the front building line." Staff sought Council's direction as to the suggested language.

Ms. Noble shared photos illustrating where panels could be placed on roofs that are not typical (corner properties with multiple frontage).



Ms. Noble provided the following discussion questions to Council and requested their feedback in an effort to move this topic forward.

1. What additional modifications or information is needed prior to moving the proposed Code language forward for adoption?
2. Does Council support modifying the Code based on the draft language that "Panels shall be permitted to be installed on roof surfaces which do not slope towards the front property line"?
3. Does Council support modifications to these existing districts for BSD, WID, MUR-1, HD, and Tech Flex to ensure consistency amongst the regulations and providing restrictions regarding renewable energy equipment for solar as a principal use?
4. Does Council support staff's recommendation to review the adopted language following adoption of the Sustainability Framework to evaluate its effectiveness?
5. Other considerations of City Council

Ms. Krumb sought clarification regarding question four. Ms. Noble stated that when the Sustainability Framework Plan is completed, the Code language regarding Solar would be evaluated to ensure that it is consistent with the plan.

Ms. Krumb asked about the title in the Code. Ms. Rauch stated that it was to leave the option open to add additional sustainable solutions and it is consistent with the five districts that already have regulations.

Mr. Keeler asked about the sides of the gables facing the front of a house and clarified that panels would be permitted on the sloping roof on gables that are facing front. Ms. Noble responded affirmatively. Ms. Rauch asked Council for feedback regarding allowing panels on the roof covering the gable.

Ms. Amorose Groomes stated that gables are the most visible part of the roof as you come up and down the street. She suggested language that would specify that panels are not permitted on, "surfaces that slope toward the front building line or off of a surface that does." She acknowledged how difficult it is to write Code because there are so many unintended consequences. Ms. Rauch stated that the goal is to have visual examples that will help explain what is allowed. Ms. Amorose Groomes added that she would like to see an overarching purpose statement that describes what we are trying to accomplish.

Mayor Fox suggested addressing whether or not panels are permitted on the front of the house. Ms. Rauch clarified that if the solar is integrated into the building materials, as shown in the presentation of different solar technologies, then that would be permitted on the front of the home. It is the solar panels that are in question as to whether they would be allowed on the front side of the home.

Ms. Krumb stated that it will be too difficult to determine what the front is on some homes. It would be better to say panels are allowed as long as they are comparable to the roof in color/material and less than 5 inches from the surface. She added that these panels will only last for about 10 years, and the technology will continue to improve.

Mr. Keeler agreed. The City is trying to be sustainable. He agrees that it is too hard to determine what the front or the back of a house is sometimes; however, he would prefer they were installed on the back or side.



Mr. Reiner stated that the panels should not be seen from the front of the home, roof tiles should be permitted. As technology improves, it will get more attractive and be less expensive. It our duty to protect the integrity of the neighborhood.

Ms. Alutto stated that the City is trying to make a commitment to renewable energy. Having the panels mounted closer to the roof is an improvement. She is fine allowing them, in a square or rectangular formation, she doesn't want any jagged shapes that draw attention.

Ms. Amorose Groomes stated that she is a huge fan of sustainability, but she is not sure if this is solving the sustainability question. There are expectations of the visual experience, so we have a responsibility to protect the appearance of the built environment. She is for limiting where panels can be installed for now, waiting for the technology to progress and then re-evaluating where they can go. There are better ways to achieve sustainability than putting a panel on the roof that would be only marginally effective. She would be in favor of looking into starting a pilot for a micro-grid using our facilities and the schools facilities.

Vice Mayor De Rosa referred to the HOA slide and stated that many of the HOAs, regardless of Council action, will prohibit the use of solar. The amount of impact that allowing solar panels could have on the City, without the HOAs changing their regulations, could be minimal. The cost of solar energy is prohibitive for most homes. She stated that using the orientation of the house as a basis of whether or not you can or cannot have panels on your home does not feel good. Vice Mayor De Rosa stated that she would be in favor of allowing the panels on a home with very specific definitions as to height, color, materials, etc. She also stated that if we intend to allow wind energy solutions, then the Code should speak to that as well. She suggested that this topic comes back annually (in addition to the sustainability plan) for a while so it can be evaluated as technology changes. She stated that she also feels a duty to protect the visual experience, but it gets complicated to say that panel can be seen from the back but not the front. She would like to really lean into the aesthetics and what would be required, but still allow the panels.

Mayor Fox agreed that it is difficult to say we are a Sustainable City but then not allow solar panels. She stated that it is important to include an objective statement in the Code to say what we are trying to accomplish, (i.e. sustainable city, encourage solar panels), but that we would prefer if these panels could be hidden on the back or side if possible. If it is impossible for you to have them hidden, you should still be allowed to have them. Mayor Fox spoke about the importance of education for those interested in purchasing solar equipment because a permit is required due to fire and safety requirements.

Mr. Keeler agreed that the requirement should be to make the installation of the panels as aesthetically pleasing as possible. Ms. Rauch stated that staff can include language to make the requirements clear. Discussion was held regarding the desire to have the panels match the shingles of the roof by either changing the shingles to match the black panels or getting solar skins on the panels to try to match the shingles.

Mayor Fox asked for feedback from Council on the third discussion question. Council consensus was to have consistency in regulations among the five districts. Regarding the fourth question, Council consensus was to re-visit the Code to ensure effectiveness and consistency after the Sustainability Framework Plan is adopted and annually thereafter.

When asked about other considerations to think about, Council had the following comments:

- Vice Mayor De Rosa asked if there is a coverage requirement to make this economically work.



- Ms. Amorose Groomes stated that when subsequent versions of the Code are adopted that there will be no “grandfathering” situations.
- Ms. Kramb stated that ground-mounted only applied to non-residential in the Code, but there would be opportunity for ground-mounted on lots of a certain size with the same criteria. Vice Mayor De Rosa stated that the other requirement would be where on the property it would go in relation to neighbors. Mr. Keeler stated that he agrees with Ms. Kramb that it is possible as long as the criteria is set and followed.
- Mayor Fox confirmed that HOAs will still have their regulations in place. Staff responded affirmatively. Mayor Fox suggested that the Historic District may need additional conversation due to the restrictions that are already affecting the District. Vice Mayor De Rosa and Ms. Amorose Groomes stated that if there are no HOA protections in place, they are not in favor of having separate discussions by neighborhood or district.
- In response to Mr. Reiner’s question, Ms. Rauch stated that if an HOA wanted to regulate solar, then they would have to govern it.

Ms. O’Callaghan stated that staff would like to bring Ordinance 70-22 back to Council for a second reading. Vice Mayor De Rosa reiterated that Council will expect to see language regarding all the discussion about aesthetic requirements. Council consensus was to bring the Ordinance back for second reading.

### **Parks and Recreation Master Plan Update**

Mr. Earman introduced Leon Younger from Pros Consulting and Rick Fay from OHM Advisors. He stated that tonight’s discussion will include:

- A project recap,
- Cross-tabulations,
- Parks/facility & Operations review,
- Key Focus Areas – Implementation strategies,
- Major Projects, and
- Discussion Questions/Next Steps.

Mr. Earman provided a graph showing how the Master Plan process has evolved. He shared the preliminary recommendations of the key focus areas, which include:

- Focus for Parkland: Acquire and develop new parkland, and maximize the value of each park type currently in the system to reach the full recreation value associated with its design;
- Focus for Recreation Facilities: Enhance park and recreation facilities through new or improved program services to maximize the community’s investment in its parks and recreation facilities and enhance their impact on the quality of life for Dublin residents;
- Focus for Program Services: Activate parks and recreation facilities through program services to maximize the community’s investments made in the these facilities and enhance their value and impact on the quality of life for living in Dublin;
- Focus for Park and Recreation Operations: Provide industry-leading and innovative services for parks and recreation operations to deliver an exciting and high-quality experience for Dublin residents;
- Focus for Financing: Expand the funding options available to the Parks and Recreation Department to fund the community’s desire for a world-class parks and recreation system that meets or exceeds the community’s vision for Dublin.



**DUBLIN CITY COUNCIL  
WORK SESSION  
JANUARY 17, 2023**

**Minutes**

Mayor Fox called the Tuesday, January 17, 2023 work session to order at 6:00 p.m.

Council members present: Ms. Alutto, Ms. Amorose Groomes, Vice Mayor De Rosa, Mayor Fox, Mr. Keeler, Ms. Kramb, and Mr. Reiner.

Staff present: Ms. O'Callaghan, Ms. Readler, Mr. Ranc, Ms. Rauch, Mr. Earman, Ms. Gee, Ms. Steiner, Ms. Noble, Ms. Wigram, Chief Paez, Ms. Rigano, Mr. Anderson, Ms. Gishel, Mr. Ament, Mr. Stiffler, Mr. Rogers, Ms. Weisenauer, Ms. Goliver.

Also present were: Leon Younger, President, Philip Parnin, Associate Principal, from PROS Consulting and Rick Fay and Aaron Domini from OHM Advisors.

Mr. Keeler led the Pledge of Allegiance.

**Renewable Energy Equipment for Solar**

Ms. Noble stated that this discussion will provide information responding to Council's questions during the first reading of Ordinance 70-22 regarding solar panels and the code process. She stated that she would also be sharing some of the results of the survey and public input meeting on this topic. There is been an increased interest in solar energy over the past two years due to financial incentives available until 2035.

The purpose of reviewing the regulations is to:

- clarify how renewable energy, specifically solar panels, are reviewed in commercial and residential districts within the City in alignment with Council's goal to be "Most Sustainable."
- Commit to sustainable practice including efforts with the Dublin Sustainability Framework while balancing community character, aesthetics, community values and environmental stewardship.
- Establish regulations that best represent public interest in solar.

Ms. Noble summarized the first reading and the Ordinance that was proposed. Draft Code language was added to Section 153.074 – Accessory Structures. There was a differentiation between ground-mounted and building-mounted equipment in proposed amendment. She stated the general purpose statement was to "promote sustainable environmental practices and environmental stewardship while balancing the high-quality standards that defines the character of community."

General provisions of the code amendment included:

- Conceal frames, flashing, fasteners, hardware, etc.;
- Review materials that have dual function as building materials (such as a window or shingles);
- Equipment shall remain in working order or be removed; and
- These provisions are intended to be regularly updated as this technology advances.

The draft code language addresses ground –mounted equipment as: located to the side or rear of the principal building, only in non-residential districts and accessory use only. Building or Roof-mounted equipment is proposed to be allowed to be located on the side or rear of the principal building. Council's feedback at the first reading of the Ordinance, was support for ground-mounted solar energy only in non-residential districts and over hardscape. They also requested additional information about the five foot separation requirement between equipment and buildings. Ms. Noble



explained that the five feet was intended to be a "fall zone" to ensure proper spacing if equipment would become dismantled and fall. The Planning Department is considering an increase to this spacing from five feet to six feet to be consistent with height permitted for ground-mounted equipment. Council requested additional information about: adding language prohibiting the panels extending beyond the roofline, minimizing color differences and avoiding complex configurations. There was also some discussion regarding how the front façade of a house was determined or defined. Ms. Noble stated that staff's proposed definition is, "any building face generally oriented along a front property line either within the front building zone or behind the front setback."

Ms. Noble stated that Council requested that the Planning Department work with the legal staff to discuss the approval process and potentially requiring periodic reapplying of permits. She stated that a building permit is required and property owners are "vested" upon approval. Other considerations mentioned were how installation of solar panels affect the integrity of the roof and that it is a considerable financial commitment. The draft code language includes a requirement that the equipment remain in working order. Staff can enforce this requirement by requiring documentation of working status.

Ms. Noble provided illustrations of some solar panels installed on residential properties in Dublin.

Ms. Noble stated that a postcard was mailed to all property owners asking them to participate in a survey. The survey was posted on our website and is available until January 22. The survey was gathering feedback on:

- General attitude toward solar energy, specifically in Dublin and residential areas;
- Whether or not they have considered solar energy and what factors might impact their decision;
- General attitude toward solar energy in commercial areas and what limitations should be considered; and
- Other considerations regarding appearance, location, maintenance, etc.

Survey results were largely very positive toward solar energy. The City hosted a public input meeting on January 11 to provide an overview of our research to date and draft regulations. Attended by 35 people including Council members, HOA representatives, industry representatives and general public. She reviewed some of the in-room survey results received that evening showing a large support for solar among the participants.

Staff asked Council the following questions to facilitate discussion and provide direction:

1. What additional information is needed to address City Council's concerns prior to the amendment moving forward?
2. What additional clarifications are needed in the draft Code to address City Council's request for additional information about dual-functioning materials?
3. Does City Council propose any modifications to the permitted location of solar energy equipment in residential districts?
4. Are there additional restrictions that should be included such as requiring only black panels with black frames to provide a more streamlined appearance, only permitting conduits and wiring to be installed beneath the roof?
5. If additional modifications are proposed, would Council recommend the draft language be sent back to the Planning and Zoning Commission?

Mr. Reiner stated that integrated design is very important to protect the neighbors and the value of properties in the area. We cannot detract from the neighbor's home. He advocated for putting the responsibility of regulating solar panels on the homeowners associations (HOA) and neighborhoods. Also, he stated that the HOA's should have to put those regulations in writing to help residents



adhere to them. He liked the idea of color matching the materials to lessen the visual impact. He stated that ground-mounted equipment should have to be screened. In response to Mayor Fox, Mr. Reiner stated that he would like more clarity on the meaning of integrated design.

Vice Mayor De Rosa asked how the "front of the house" is determined. Is it where the mailbox is located? Ms. Noble reread the description as proposed and stated that on a corner lot, for example, there would be two front facades. Ms. Noble stated that the front is usually considered to be along the public right of way.

Ms. Kramb suggested the following wording, "no panels on any roof surface that slopes toward a front property line." The term "Front property line" is defined in Code.

Vice Mayor De Rosa stated that if the goal is to not allow solar panels in the front of the house, then there needs to be clarity of where specifically that is. She needs additional clarity on what is front, what is front view and what is not front view? She stated she is also struggling with understanding why it is okay to see solar panels in someone's back yard, but not the front. If there are coverage limitations for other things in the City, are there reasonable coverage standards for solar panels that still allow them to work. She asked which HOAs permit solar panels and which do not? She requested a map that shows which HOAs have restrictions and which do not. Ms. Rauch stated that a map can be provided to show the HOAs and civic associations, but staff does not have what the restrictions are for each of the HOAs. Vice Mayor De Rosa stated that there are areas of the City not covered by an HOA.

Ms. Amorose Groomes stated that if our goal is to let people have solar panels, that is one conversation, but if our goal is to be green, then the conversation should be different. She would like Dublin to lead in how we think about being a green community. The built environment is extremely important. She advocated for using solar on black top and flat rooftops. She stated that if green is what we want to be, then we need to do it the right way. She stated her belief that just being solar panel friendly in this community was not the goal of Council. She would like to know if there is a better way to get the desired effectiveness and efficiency. If the answer is no, then she would feel better about allowing solar panels to be placed on several individual homes. She stated that without taking a more comprehensive look at green initiatives we will not know the best options to be green.

Vice Mayor De Rosa stated that she agreed, but there is a short term dilemma that needs resolved about solar panels and their use. Ms. Amorose Groomes stated she wasn't sure about what dilemma exists because people are already navigating the existing Code. She also noted that the survey questions only addressed solar panels and not being a green community. If people truly want to be green, then this needs to be approached from a holistic viewpoint.

Mr. Keeler agreed with Vice Mayor De Rosa and Ms. Amorose Groomes. He stated that the return on investment (ROI) is not great on solar panels. If people would be willing to be a little more patient, technology will improve and costs will come down.

Ms. Alutto agreed with Ms. Amorose Groomes' comments that larger questions need answered, but there is still a short-term issue that needs resolved regarding our Code. Do we leave the Code the way it is or amend it? In response to Mr. Keeler's comments, Ms. Alutto stated that ROI is something that each homeowner needs to evaluate for themselves. She still has questions about what constitutes the front of the home. She would like to make sure that whatever definition is used, that it can be applied to homes that are uniquely situated on their lots. She suggested putting solar technology on some of our own buildings to learn more about what is available.

She asked Vice Mayor De Rosa if her questions regarding the roof coverage was relating to the size of the home. Vice Mayor De Rosa stated that she noticed on a recent trip to Colorado, she witnessed solar panel coverage on homes seemed to have less coverage. She stated she would like to know



what is feasible. Ms. Alutto agreed and stated that the age of the home could matter as well. How much square footage on a roof is needed to make a solar panel installation feasible is the question. Mr. Reiner asked about any legal issue with blocking access to solar. Ms. Readler stated that the City would be in a very defensible position even if we were limiting solar in certain areas and not others.

Mayor Fox stated that the question of solar panels and their placement is much more than residential. There are levels of solar panel use in communities. The Great Plains Institute has a model of solar municipal code for states that are using solar. She would like to see more about what other states are doing. She would like to learn more about the architectural elements that can be incorporated into a home that are not solar panels, such as windows, etc. She would like more information about putting a requirement into the development code that solar energy would have to be considered by developers. Finally, she would like to see more about the "Right to Solar Access" that she has seen in other Code language.

Ms. Kramb stated that solar panels are being put on roofs now, so it does need addressed. She expressed her belief that it should be more restrictive until additional technologies unfold. She stated that solar panels should only be allowed on roofs that slope toward the back property line, match the roof color and be placed in a square or rectangular formation. She suggested that we should have solar panels on commercial buildings, black top and service buildings. Regarding dual use, she stated that she agrees if the solar energy product is treated like a building material, then you must follow the material requirements.

Ms. Alutto agrees with the dual use requirement. She reiterated that if Council does not wish to do a more comprehensive sustainability/green study, then we do need to something because people are trying to make decisions about this for their homes.

Ms. O'Callaghan stated that following Council's adoption of the Strategic Framework last summer, funds were included in the 2023 operating budget to do a sustainability City wide study. Management Analyst Emily Goliver is leading that project and is currently looking at consultants that may be hired to assist. Ms. O'Callaghan stated that she cannot say how long the study will take, but right now is the time to ensure that the scope of the study is what we want it to be.

Ms. Kramb stated that we do have to look at the bigger picture.

Mayor Fox asked staff to explain, as the Code is now, how it would work if someone wanted to put solar on their home. Ms. Noble stated that currently, solar panels are allowed on the side and back of the home.

Mr. Reiner stated that it has to span the entire roof in order to make it look right.

Ms. O'Callaghan stated that second reading was scheduled for February 13 and sought Council's feedback on whether that should remain as a second reading or if Council would like to table the Ordinance to get additional information.

Mr. Reiner stated he is supportive of tabling the Ordinance.

Vice Mayor De Rosa asked how many applications exist right now. Ms. Noble stated the number of permits the City has issued is 74 total. Vice Mayor De Rosa asked, how many do we have in cue? She suggested that we need to learn a bit along the way and we need to have clarity. She would like more information before having to entertain the thought of how restrictive it should be.

Mayor Fox stated that it sounds like the consensus is that more information is needed. Ms. O'Callaghan confirmed that another work session would be scheduled for discussion.



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Form 6101

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## **Ordinance 69-22**

### **Authorizing the City Manager to Execute and Accept Necessary Conveyance Documents and Contracts to Convey an Easement to Ohio Power Company from City-Owned Property Located on Darby Street, Identified as Franklin County Parcel Number 273-003680, for the Public Purpose of Completing the Franklin Street Extension Project 21-012-CIP**

Ms. Alutto introduced the Ordinance.

Mr. Hammersmith stated that the Franklin Street extension project will construct an extension of Franklin Street from West Bridge Street north to North Street and reconstruct Franklin Street from West Bridge Street south to Sells Alley. The project will construct the roadway, install permeable paver parking bays, brick paver sidewalks, street trees, street lighting, and bury the overhead utility lines from Sells Alley to North Street. The intersection of West Bridge Street and Franklin Street will be signalized and include pedestrian crossings and the temporary pedestrian crossing of West Bridge Street at Darby Street will be removed. This Ordinance provides the Ohio Power Company (also known as AEP Ohio) with a required easement on City-owned property for routing of the existing primary overhead electric lines and placing them underground. The easement will also provide for the installation of necessary aboveground electrical components. Locating these items on City property allows the City to keep these units off private property and provides the ability to perform landscaping installation and future maintenance. This project is planned to start construction in early 2023 and is anticipated to be complete in the fall of 2023.

There were no public comments.

Second reading/public hearing is scheduled for the December 5, 2022 Council meeting.

## **Ordinance 70-22**

### **Amending Zoning Code Section 153.074 Regarding Accessory Uses and Structures to Add Language Addressing Renewable Energy Equipment for Solar (Case 21-151ADMC)**

Ms. Alutto introduced the Ordinance.

Ms. Noble stated that staff identified an opportunity to clarify how renewable energy, specifically solar panels, are reviewed in commercial and residential districts within the City of Dublin. The City is committed to sustainable practices including efforts with the Dublin Sustainability Framework while balancing community, aesthetics and community values. Renewable Energy Equipment is permitted as an accessory use in all districts within the Western Innovation District, Bridge Street District, Mixed Use Regional District and Historic District. It is not specified in any other areas of the code. The proposed amendment is based on an increase in requests for solar panel installations on residential and non-residential properties as a result of financial incentives that are currently available. Ms. Noble shared some national trends in renewable energy, such as:

- Energy costs are rising and nationwide electric costs have increased 16% and gas prices are up 33%;
- Solar Energy has increased in the residential market by 30% and has accounted for 514,000 installations nationwide;
- Additional interest has been created by federal and state funding and tax incentives; and
- Increased applications have been filed within the City of Dublin for solar energy equipment.

Staff has collaborated with private installation companies, energy providers, local partners and advocacy groups. Boards and commissions have conducted discussions on solar energy. Staff benchmarked other communities to gain insight on their practices with solar regulations. In general, communities permit solar panels with restrictions or regulations similar to what is proposed.

Staff reviewed the building permit history to understand the demand for solar panels, the location of the panels, and if permits were issued for the installation. In the last ten years, there have been 74 building permits, almost exclusively on residential



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homes. They also reviewed all residential PUD's to determine if approved development texts outline permitted roof materials. They found 17 residential PUD's that would restrict roofing materials. An initial outreach to Home Owners Associations (HOA) was conducted and included a letter, a survey and a presentation at the fall HOA meeting. The survey results showed that 50% of the associations reported having no regulations for solar. The remaining 50% stated that the City should consider the location and aesthetics.

Regarding boards and commissions, discussions were held by the Joint Work Session (August 2022), Planning and Zoning Commission (October 2021 and April, September and October 2022), Community Services Advisory Commission (September 2022) and Board of Zoning Appeals (September and October 2022). Overall there has been support of solar and sustainability efforts with an interest in ensuring the communities' aesthetics. There has been discussion about possible additions and clarifications to the Code while still allowing for technological advancements.

Staff shared the recommendation of adding code language to 153.074 – Accessory Structures and Uses. The draft language differentiates between ground-mounted and building-mounted equipment. The purpose of the draft code is to “promote sustainable environmental practices and environmental stewardship while balancing the high-quality standards that define the character of community.” Ms. Noble reviewed some of the general provisions in the draft language, including: wiring, frames, flashing and hardware must be concealed, review materials that have dual function as building materials, and equipment shall remain in working order or be removed.

Ms. Noble stated that building mounted solar to the front of the structure is permitted if it performs as a building material. She noted that it is important to address advanced technologies and future code updates are anticipated. Ground-mounted equipment is permitted in the draft language as long as it is located to the side or rear of the principal building, it is sited to minimize view from the public right-of-way, meets all required setbacks, and does not exceed six feet in height measured from established grade. In non-residential districts, it shall not exceed 25% of the gross floor area of the principal structures unless otherwise permitted. Building or roof mounted equipment, per the draft language, should be:

- located to the side or rear of a principal building;
- shall be a color that is complementary to the roof and shall not extend more than 12 inches above the plane of the roof and be non-adjustable;
- integrated into the design of the building to the extent practical that it can function normally; and
- for pitched roofs:
  - parallel to the roof plane;
  - placed in such a way as to limit protrusions and not extend above ridgeline or beyond the edge of the roof; and
  - configured to complement the roofline, installed to minimize corners and avoid complex or nonsymmetrical configurations.

The draft code language was presented and discussed at the Planning and Zoning Commission meeting of October 20. Planning and Zoning recommended approval of the proposed amendments with minor revisions. Ms. Noble noted that City Council will have additional time to review and consider the proposed Code amendment. Staff is recommending that the second reading/public hearing be scheduled for February 13, 2023 to allow time for additional public input and a Council work session.

There were no public comments.

Mr. Reiner stated that this gives him pause because he is aware of one subdivision's lawsuit over solar panels and what would be allowed. He stated it would be important to add the need for screening around the ground-mounted equipment in the draft code. He believes this will be a controversial issue for the community.

Ms. Amorose Groomes shared her concern over the ground-mounted units being permitted widespread over the City and whether screening them would inhibit their ability to gather the solar rays. Commercial spaces would be more appropriate for



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ground-mounted and she would like to see the City promote the use of this in those spaces, primarily with parking. She is not in favor of allowing ground-mounted equipment in the residential areas of the community. She expressed her fear that trees would need to come down in order to allow the equipment to take in as much solar energy as possible. She stated that would turn the clock back on the progress that has been made establishing the green canopy in this community.

Ms. Kramb stated that there are no provisions in the draft code about the amount of space it could occupy in residential as there are for non-residential. She stated there certainly should be either a prohibition or a limit to the space. She also stated that this equipment is required to be mounted to a base of concrete or something like that, so that is additional yard space needed. In response to Ms. Kramb's question regarding the required feet from the structure, Ms. Noble confirmed it is required to be five feet. Ms. Kramb would like additional explanation regarding the following at the next discussion:

- the requirement of five feet to the structure;
- material types as it is specified in the draft Code (why certain materials types would be included or excluded);
- clarification regarding eave extension and corners.

Vice Mayor De Rosa asked if any of the 74 permits that were issued were for a ground-mounted unit. Ms. Noble stated they were not. Vice Mayor De Rosa provided the following comments for the purposes of clarification at the next discussion:

- The pictures provided are not from our community, she would like to see pictures and examples of what we have in the community;
- The "front" of the house needs to be defined and clarified;
- She would like to see examples of legislation in other regions with similar light versus cloud ratio to Ohio; and
- The materials themselves are going to have to have more clarity in the Code.

She asked if we have any solar on any of our City buildings. Ms. Noble responded that the City does not have solar on any of their buildings. Vice Mayor De Rosa suggested having solar installed on some of our buildings to better educate us on the whole process. She expressed her appreciation for the public input portions prior to second reading.

Mr. Keeler stated that he agrees with the statements of the other Council members. He asked if the terms "front", "side" and "rear" are defined in the Code. Ms. Noble responded affirmatively. She stated that graphic illustrations could help. Mr. Keeler agreed. He thought it was odd to have the equipment protruding off the roof when solar panels are thin. Ms. Noble stated that some of the installation companies they have spoken with have said it could be less than 12 inches.

Ms. Kramb clarified that with more panels, they are put on a grid, so it is likely the grid and mechanicals that are causing the height, not the panel itself.

Mr. Reiner suggested deferring to the HOAs. He would like to take this slowly.

Mr. Keeler stated he agrees that the City should utilize solar on our buildings, specifically the Service Center, to educate ourselves about it more. Ms. O'Callaghan stated that staff routinely checks-in with IGS Energy to see if they would be interested in partnering on a project like that for the Service Center. IGS Energy has indicated that they are interested; however, the regulatory environment has not made it cost effective to do so.

Ms. Alutto stated that deferring to the HOAs will not work because there are homes in this community that are not covered under an HOA. She also agreed that additional clarification is needed regarding determining the front, back or side of a residence.

Ms. Amorose Groomes stated that she would like to see an application with some sort of expiration date. She would like some motivation for homeowners to get upgraded equipment when better technologies emerge or when the equipment reaches the end of its life-span. She would like to be able to hold homeowners accountable for outdated equipment that is not functioning but is still mounted to their homes.



# RECORD OF PROCEEDINGS

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Ms. Kramb stated that the commercial solar farms equipment has a life expectancy of 10 years. Ms. Amorose Groomes would rather see solar panels cover asphalt than farmland.

Mayor Fox stated that additional clarification is needed regarding the building materials review on the front of the structure. She asked about emerging technologies, such as Solar Skin, and how that would change the Code if something was on the building materials themselves. She wants to make sure that we can be adaptable to new technologies.

Second reading/public hearing is scheduled for the February 13, 2023 Council meeting.

## **INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS**

### **Resolution 54-22**

#### **Requesting the Delaware, Franklin and Union County Auditors to Draw Money that May be in the County Treasuries and to Issue a Draft to the Director of Finance of the City of Dublin for any Money that May be in the Accounts for the City of Dublin**

Ms. Alutto introduced the Resolution.

Mr. Stiffler stated that this is a routine Resolution allowing the City to collect money that has been collected to the benefit of the City a few months early. Staff recommended approval.

There were no public comments.

Vote on the Resolution: Ms. Alutto, yes; Mr. Reiner, yes; Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mayor Fox, yes; Vice Mayor De Rosa, yes; Mr. Keeler, yes.

### **Resolution 55-22**

#### **Authorizing the City Manager to Cooperate and Enter into an Agreement with The Ohio Department of Transportation for the Resurfacing of SR-745 from Emerald Parkway north to Shawnee Hills (ODOT PID Number 106081)**

Ms. Alutto introduced the Resolution.

Mr. Taylor stated that the Ohio Department of Transportation (ODOT) is planning improvements to the SR-745 (Dublin Road) corridor from just north of the Emerald Parkway intersection in Dublin to the southern corporation limits of the Village of Shawnee Hills, totaling 3.11 miles. The work includes pavement milling, resurfacing, curb ramp repairs, and pavement markings. Staff coordinated with ODOT to advance this project from State Fiscal Year 2025 to the spring of 2023 to improve the conditions of SR-745 and to resurface over the temporary asphalt patches placed as part of the Deer Run Force Main and Lift Station Project to provide a safe and smooth roadway for the travelling public.

There were no public comments.

Ms. Amorose Groomes asked about whether or not Shawnee Hills received any funding for this paving. Mr. Taylor stated that the area of this road going through Shawnee Hills was repaved within the last two years.

Vote on the Resolution: Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Reiner, yes; Vice Mayor De Rosa, yes; Mr. Keeler, yes; Mayor Fox, yes; Ms. Alutto, yes.

### **Resolution 56-22**

#### **Accepting the Lowest and Best Bid for the Franklin Street Extension Project (21-012-CIP)**

Ms. Alutto introduced the Resolution.

Mr. Hammersmith stated that this project will construct an extension of Franklin Street from West Bridge Street north to North Street and reconstruct Franklin Street from West Bridge Street south to Sells Alley as shown on the attached exhibit. The work for the project will consist of constructing the roadway, installing permeable paver parking



**DRAFT CODE LANGUAGE**  
**RENEWABLE ENERGY EQUIPMENT - SOLAR**

Black Font-Existing Code Language

Blue Front-New Language

Red Font-Changes Based on Planning and Zoning Commission

**§153.074 – Accessory Uses and Structures**

(A)(3)(a) *Residential*. Storage, recreation, child care, home occupations, leisure and gardening/landscaping uses, renewable energy equipment- solar, and others as permitted by the district in which the property is located or as determined by the Administrative Official.

(A)(4)(a) *Residential*. Garages and carports (attached and detached), sheds, swimming pools, hot tubs, sport courts and similar facilities, gazebos, porches/sunrooms, patios, decks, greenhouses, renewable energy equipment - solar, or similar facilities, and other similar structures as determined by the Administrative Official.

(A)(4)(b) *Non-residential*. Dumpster enclosures, sheds, garages/parking structures, greenhouses, renewable energy equipment - solar, and other similar structures as determined by the Administrative Official.

(B)(3)(c) This section shall not prohibit accessory uses and structures typical of multiple-family residential developments, including but not limited to clubhouses and/or administration offices, pool houses, laundry facilities, gatehouses, mailbox shelters, dumpster shelters or enclosures, recreational facilities, renewable energy equipment - solar, and other similar structures as determined by the Administrative Official, provided all applicable development requirements including but not limited to lot coverage, setbacks, open space, and stormwater management are met.

**(E) Renewable Energy Equipment - Solar**

**Purpose**

The purpose of this section is to promote sustainable environmental practices and environmental stewardship while balancing the high-quality development standards that defines the character of the community.

**Applicability**

Unless otherwise addressed within a PUD, Planned Unit Development District; WID, West Innovation Districts, MUR, Mixed Regional Use Districts; BSD, Bridge Street Districts; or HD, Historic Districts these standards shall apply to all properties within the City of Dublin.

**(1) Renewable energy equipment – solar**

**(a) General Provisions**

1. All solar equipment shall be installed to conceal frames, flashing, fasteners, hardware, conduit, wires and similar elements.
2. Any solar generating materials that function as a building material such as windows, roof or other residential or commercial materials shall be reviewed as the building material.

# DRAFT CODE LANGUAGE

## RENEWABLE ENERGY EQUIPMENT - SOLAR

Black Font-Existing Code Language

Blue Front-New Language

Red Font-Changes Based on Planning and Zoning Commission

3. All solar energy equipment shall be well-maintained and remain in working order. If not, then all equipment and associated materials shall be removed or replaced.

### (b) Ground Mounted Equipment

1. Ground-mounted equipment for the collection of solar energy is permitted to be located to the side or rear of the principal structure and within five feet of the principal structure. Ground-mounted equipment is not permitted forward of a principal structure or along a public right-of-way.
2. Ground-mounted renewable energy equipment-solar shall be sited to minimize view from the public right-of-way and adjacent properties, and shall be ~~camouflaged to the extent that the equipment can function normally~~ screened by Section 153.133(C) of the City of Dublin Zoning Code.
3. Ground-mounted equipment shall meet all required setbacks. The equipment shall not exceed six feet in height, unless otherwise permitted by this section. This shall be measured from established grade to the top of the equipment.
4. Ground-mounted equipment in non-residential districts shall not exceed 25% of the gross floor area of the principal structure(s), unless otherwise permitted.

### (c) Building or Roof Mounted Equipment

1. Building or roof mounted equipment is permitted to be ~~only~~ located to the side or rear of the principal structure.
- ~~2. Building or roof mounted equipment is permitted to the front of a principal structure only when the equipment is architectural integrated into the design of the building and incorporated as a standard building materials, including but not limited to shingles, windows, and façade materials.~~
3. Roof-mounted equipment shall be a color that is complementary to the roof color.
4. Roof-mounted equipment for the collection of solar energy is permitted provided it extends no more than ~~18-12~~ inches ~~beyond~~ above the roofline and is non-adjustable or movable.
5. Roof-mounted equipment for the collection of solar energy shall be integrated into the architectural design of the structure to the extent practicable that the equipment can normally function.



## DRAFT CODE LANGUAGE RENEWABLE ENERGY EQUIPMENT - SOLAR

Black Font-Existing Code Language

Blue Front-New Language

Red Font-Changes Based on Planning and Zoning Commission

6. For pitched roofs, roof-mounted solar equipment shall:
  - a) Be mounted parallel to the roof plane,
  - b) Limit protrusions,
  - c) Not extend over the edge of the roofline,
  - d) Use a single material type (i.e. all shingles or panels),
  - e) Be configured and have an assembly profile complementary to the roof line,
  - f) Be installed to minimize the number of corners, and
  - g) Avoid complex and nonsymmetrical configurations.
  
7. For flat roofs, roof-mounted solar equipment is permitted and shall be screened in accordance with §153.077.

### (d) Review Procedures

All applications for renewable ~~solar~~ energy equipment-~~solar~~ within residential and nonresidential zoning districts shall require approval by the required reviewing body, prior to the gaining approval of a building permit.



# SUMMARY OF ACTIONS

## Board of Zoning Appeals

Thursday, October 27, 2022

Members Present: Jason Deschler, Joseph Nigh, Robin Clower, Patrick Murphy, and Dan Garvin

- *MOTION CARRIED 4-0 WITH 1 ABSTENTION TO ACCEPT THE DOCUMENTS INTO THE RECORD AND APPROVE THE MEETING MINUTES FROM 9-22-22.*
- *THE MOTION CARRIED 5-0 TO APPROVE THE MINUTES FROM THE JOINT WORK SESSION ON 8-31-22.*

### TABLED CASE

#### 1. **Wadsworth Residence at 6240 Post Road, 22-130V, Non-Use (Area) Variance**

A Variance to allow solar panels as an accessory structure to be located on a street-facing façade on a 1.32-acre site is zoned Planned Unit Development District – Indian Run Meadows.

***MOTION CARRIED 5-0 TO TABLE THE VARIANCE.***

### COMMUNICATIONS

- Tammy Noble - This is the time of year meeting dates are being created for consideration for the next year. The rules and regulations state the BZA meets the fourth Thursday of every month. She asked the Board if they had a desire to meet on a different day of the week for October because she recalled scheduling issues.  
The Chair - Conflicts in years past were due to Beggar's Night falling on the meeting night/Thursday and the Board members wanting to participate with their families. The October meeting was not an issue this year because it falls on a Monday and there is not going to be an issue for October 2023 because the 31<sup>st</sup> falls on a Tuesday.  
Tammy Noble – Joint Work Session date(s) will also be identified earlier to better accommodate members' schedules.
- Tammy Noble – There is a potential case to be reviewed in November and the application is not for Solar Panels.

**ADJOURNMENT** 7:28 PM





**DRAFT**

## **MEETING MINUTES**

### **Board of Zoning Appeals**

Thursday, October 27, 2022

#### **CALL TO ORDER**

Mr. Deschler, Chair, called the October 27, 2022, meeting of the City of Dublin Board of Zoning Appeals (BZA) to order at 6:32 p.m.

#### **ROLL CALL**

Board Members present: Mr. Deschler, Mr. Nigh, Mr. Clower, Mr. Murphy, and Mr. Gavin  
Staff present: Ms. Noble and Mr. Hounshell

#### **ACCEPTANCE OF DOCUMENTS/APPROVAL OF MINUTES**

Mr. Clower moved, Mr. Murphy seconded, to accept the documents into the record and approve the meeting minutes from September 22, 2022.

Vote: Mr. Garvin, abstain; Mr. Nigh, yes; Mr. Deschler, yes; Mr. Murphy, yes; and Mr. Clower, yes.  
[Motion carried 4-0 with 1 Abstention]

Mr. Nigh moved, Mr. Murphy seconded, to approve the meeting minutes from the Joint Session held on August 31, 2022.

Vote: Mr. Deschler, yes; Mr. Clower, yes; Mr. Garvin, yes; Mr. Murphy, yes; and Mr. Nigh, yes.  
[Motion carried 5-0]

#### **CASE PROCEDURES**

The Chair briefly explained the rules and procedures of the Board of Zoning Appeals and swore in Staff and any members of the public who planned to address the Board during the meeting.

Prior to this meeting, the applicant for case 22-131V – Yi Residence at 6056 Brigids Close Drive, requested to postpone for a later date.

Mr. Jesse Stamp stated there may be some presentations from Staff this evening about potential updates being considered to the solar panel Code by the Planning and Zoning Commission and City Council. These are not law yet; changes are still being considered by City Council. The focus for tonight's meeting needs to be on the criteria in the Code, which is the same that was applied at the meeting last month.

Ms. Noble stated her comments relate to the Board's questions since the last meeting. There is a list of all permits that have been issued from the Building Department in terms of solar panels. This data includes the locations where all solar panels were approved. Staff has received information where solar panels were installed without permits and will be pursuing information about those. The City has been communicating with the public that included private meetings with Home Owner Associations (HOAs) to discuss the Code modifications being considered along with Council's goals. The latest modifications were presented to the Planning and Zoning Commission last Thursday, October 20, 2022. Staff received very direct feedback as

to the Code language that would be adopted and the amendment should move forward to City Council with a minimum of two readings. The first will occur in November and the second is anticipated for December. In addition, the communications team has sent Senate Bill 61 information to the HOAs to facilitate conversations they may be having.

## **TABLED CASE**

### **1. Wadsworth Residence at 6240 Post Road, 22-130V, Non-Use (Area) Variance**

The Chair - This is an application for a Variance to allow building-mounted solar panels as an accessory structure to be located on a street-facing façade on a 1.32-acre site is zoned Planned Unit Development District – Indian Run Meadows. The site is located ±250 feet northwest of the intersection of Post Road with Holt Drive.

Mr. Hounshell – He presented the same information that was presented at the September meeting for the benefit of the member that was not in attendance. An aerial view of the site included a number of mature, evergreen trees along Post Road as well as mature vegetation to the rear of the property where a stream runs along the north property line. A photograph showed the existing conditions from Post Road with the evergreens split only by the width of the driveway.

Current Code language on Solar Panels:

- Residential solar panels are not currently listed as a specific use in areas excluding the West Innovation District, Bridge Street District, and the Dublin Corporate Area Plan.
- To allow solar panels with existing Code language, the City utilizes Zoning Code Section 153.074(B)(6)(a) which regulate accessory structures.
- All accessory structures are required to be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure.
- The applicants are requesting solar panels to the front façade of their home, which necessitates review by the Board of Zoning Appeals.

A graphic was presented showing the areas proposed for 31 solar panels to be mounted on the south-facing roof.

Staff has reviewed the application against the Non-use Variance Review Criteria and found the first three criteria have not been met when all three are required to be met. Since the totality of the requirements above were not met per Staff's analysis, disapproval was recommended for the Non-Use (Area) Variance to Zoning Code §153.074(B)(6)(a) to allow solar panels as an accessory structure to be located on a street-facing façade.

### **Questions for Staff**

Mr. Gavin – He asked if the applicant's house sits far enough back from the street that the solar panels would not be visible.

Mr. Hounshell – The setback of the home from Post Road is 120 feet.

### **Applicant Presentation**

Kevin Wadsworth, 6240 Post Road, said the only way to see the house is a view from the driveway. He took a photograph of the house at eye level, which is not visible due to the 30-foot pine trees. There is a





line of trees on the east side of the property, also, which screen very well. The house meets unique conditions as it faces south along with 45% of houses in Dublin and the only economical place to install solar panels is on the south-facing roof. At the last meeting we discussed ground-mounted systems but they are less efficient and by the language in the current Code, ground-mounted panels could be installed to the west side or the rear of the house but would be more expensive and less efficient, defeating the purpose of the solar panels. The house is on a septic system and the entire front yard is a leach bed where planting trees is not permitted. Without shade, the electric use is quite high, which makes them a great candidate to switch to solar panels on the south/street-facing side of the house. This also sets them apart from other residential homes in Dublin. This property is not in a neighborhood, it is on a rural road without a sidewalk and the house is set back 120 feet from Post Road. This environment makes their property unique as compared to a lot of houses in Dublin and is visually screened from the neighbors.

When he sought a solar company, Ecohouse provided him with one of the references on 5676 Tara Hill, just a block north of them who had a solar system installed on the south face of their roof that was completed in 2021. The Code has not changed since 2021, only the interpretation of the Code has. He was told at the September meeting he would be in compliance if he built a shed on the west side of his property and added the solar panels to the shed on the south-facing roof. That did not make a lot of sense. Sometime in 2022, the City decided they did not like solar panels on street-facing facades so the accessory structure requirements were applied. That in itself is a reasonable verification for a Variance to the Code.

Mr. Deschler asked Staff to clarify as the applicant's statement may not be accurate.

Ms. Noble – In the current Code, solar panels are not a permitted use outside of the three areas Mr. Hounshell noted. Solar panels are not a use allowed in the Zoning Code. To allow for opportunities under the current Code, Staff found the accessory structure section as a temporary relief to allow some solar panels until the Code could be updated.

Mr. Wadsworth – He consulted with a lawyer about this. The attorney's answer was if something is not in the Code, it is allowed. Staff has taken the complete opposite approach where if something is not in the Code, it is disallowed. 5676 Tara Hill Drive applied and were approved for two different permits in 2021: one to install solar panels and the other for the electrical component when the Code was the same and allowed.

Mr. Deschler – The City made a determination at some point in time.

Ms. Noble – Before Staff was able to make a consolidated decision with the Building Department, solar panels would be reviewed as an accessory use/structure. The Building Department had different interpretations under which they issued permits. That is why Planning stepped in for consistency until there is a Code Amendment was approved. Planning recognized this was not ideal and is working toward a solution.

### **Public Comment**

There were no online comments received.  
No attendees to comment at this time.

### **Board Discussion**

Dan Garvin – It is clear, the City does not have the appropriate language in place right now but that is being expedited. The request would have to meet all three of the criteria in the first section and his thought



is that it does not. The closest to meeting the criteria is the Special Condition criteria as the home is set back and largely blocked from view. He could appreciate the energy bills, but it does not meet the other two qualifications. While a modification could be forthcoming, he would not feel comfortable granting a Variance now.

Mr. Clower – He asked to repeat his comments from the last meeting regarding Action/Inaction. If someone wants to build a shed in the backyard or side yard, it is not the fact they are building a shed that would be a problem, it is the fact that they are choosing to build it in a location that is causing the problem. If the only place to build a shed on a property is forward of the house because there is a steep gradient on the backside and there is no way to build a shed on that steep gradient it is not that a homeowner wants to build a shed that is a problem, it is if the only place to possibly build a shed is on the front of the house. In those cases, the Board has decided it is not the action/inaction of the applicant; they did not choose the terrain that included a steep grade in the back yard or choose the layout of the site. The Board has ruled in favor of the property owners for these cases.

It was not the action/inaction of the applicant wanting to build the solar panels, it is that they want to install panels on the south-facing side of the house. It was not their option to build the roof facing the south, they are not responsible for the sun being significantly stronger on the south side, and there is no other location to install the solar panels. At the meeting last month, solar companies stated they do not build on the north side of houses and they do not build ground-mounted panels for residential properties. The only way the applicant could achieve having solar panels is on the south-facing side of the roof. Based on previous findings, this is not the fault of the applicant to need the Variance.

Mr. Gavin – That argument makes a lot of sense. We see sheds not being built where they are required to due to a steep terrain. Sometimes the Board is looking for alternatives rather than allowing the shed in front of the house. Initially the process is to come as close to meeting the standard in the Code as possible. However, the position of the solar panels for effectiveness is a gray area rather than black and white. There are probably degrees of effectiveness at play. To have solar panels installed on the side would not require a Variance.

Mr. Clower – Solar companies will not add panels to the north side of roofs; it is not financially feasible. The return on investment is not at all there. Snow does not melt off the solar panels in the winter months because the sun is not hitting it as strongly. That adds a cumulative amount of snow on the panel that can fall in large clumps.

Mr. Wadsworth – His house faces 180 degrees south, incident sun on the south versus the north is a factor of 5. Over a 25-year lifespan, the solar panels are guaranteed. For panels installed on the south, electricity is produced at 7 cents per kwh versus 14.5 cents for electricity produced by American Electric Power (AEP). The cost is 35 cents per kwh, if installed on the north side. His house is a single-gable roof so there is no 'side of the house' solar panels could be installed.

Mr. Gavin – He recognized building ground-mounted solar panels is not cost effective.

Mr. Wadsworth – He clarified, ground-mounted panels are more expensive. The City has determined solar panels on the front of the house would be an eyesore. If the Board agrees with that, a ground-mount would be more of an eyesore than a roof-mounted system. He did not want to adversely affect his neighbors in that way. This would also cause a challenge having to mow around the solar equipment.

Ms. Noble – If someone has a house with a front-loaded garage, it pushes their house further back to the rear yard setback. There have been a lot of requests that have come before the Board where the applicant requests to do something in the rear space, but because of the design of the house, and it was pushed





back to the rear yard setback, they were not permitted per Code. As part of that analysis, the Board has asked if the applicant was the original owner that designed the house, and if so, they contributed to the problem. If it was not the owner that designed the house, it was not the applicant's action/inaction that caused the problem. She spoke with a lot of companies, and some companies will not put solar panels on the north side but some companies will take more liberties. It is not a blanket statement that all companies will not build on the north side of a home. There is an economic threshold when that decision is made.

Mr. Wadsworth – More reputable companies will shy away if it does not make sense and some companies will do anything.

Mr. Gavin – There is a clear measurable return on investment and that is not always the case with these types of projects. The Board dealt with a fire pit case where the Variance was not granted so the fire pit was going to have to be more expensive. The Board cannot include the economic factor when determining outcomes. This is not black and white but more of an economic issue. There are other options available that are less effective, economically.

Mr. Wadsworth – It was time to replace the roof and after research, he found this would be a good time to install solar panels. With a fire pit, someone is not building it because they want to start a hot dog business, they are wanting one because it is a nice feature to have. It is not the case for the solar panels. Some people might want solar to be more environmentally friendly, which is a nice bonus, but for his family, it is to bring the electricity costs down. He did not realize having solar panels would make sense in Ohio like it would in Arizona until he did the research. He indicated as more people do the research, more and more requests for solar panels will be seen in the next 5 to 10 years.

Mr. Gavin – The Board has to determine whether the solar panels can be installed in the optimal position while seeing that the criteria is met in order to approve the Variance. As the Code is not yet solidified with an amendment, timing is an issue.

Mr. Clower – There is a representative from a solar company present. He asked if perhaps she was ready to provide input into this discussion.

The Chair – The Board should finish deliberation first.

Mr. Gavin – He asked the applicant to explain how he met the intent and purpose criteria.

Mr. Wadsworth – He struggled with what that wording meant. If the only reason a Variance is not granted is "because I said so", there is not a counter argument to that. Reasoning might be flawed but if "the Board said so", that is it. Criteria 3 reads, we wrote a Code stating X is not permitted. He asked how the Code did not say that. Arbitrarily, it does not say that. He could put a shed next to his house and install solar panels on that shed, but that has far more of an impact on the neighbors and the property value on the street than if solar panels were installed on the rooftop where they are flat, black panels on a dark roof. He drove past that house on Tara Hill and never noticed it had solar panels until the company pointed it out to him. That is where he would put the intent of Criteria 3. Clearly, the intent of the Code was not there to prevent solar panels given I could put them on a shed and our neighbors have them.

Mr. Gavin – That is where we run into the timing issue. The intent of the requirement is to keep the street-facing homes without solar panels or with something considered distracting, an eyesore, and out of uniformity with the rest of the homes in the neighborhood. The applicant had asked how there could ever be a case where that intent would not be impaired because it is in the Code, which is the idea behind the Variance. Maybe this case could be put in that category of something that was not thought of at an earlier



stage but at this point the City is operating under the idea that it is considered a non-use structure. If the intent is to prevent anything that could be distracting or take away from the uniformity of street-facing facades it is hard to see how the criteria has been met. He understood the frustration but right now, this is the Code.

Mr. Clower – ‘Substantial adverse effect’ means the City does not want people building swimming pools or sheds in their front yards where it would be hideous and cause property values to drop.

Mr. Gavin – He agreed that for those cases requirements are intended to stop that.

Mr. Clower – In a 2019 study done by Zillow, adding solar panels to the house raised property values 4.1%.

Mr. Gavin – That makes sense for the house being sold but that goes back to the economic value factor.

Mr. Clower – By raising the house value for the one house with solar panels, comps were also increased in the neighborhood.

Mr. Nigh – He asked if those homes on Zillow had the same Code that Dublin had because he is not understanding the relevance of that information.

Mr. Clower – The study shows solar panels do not cause a substantial adverse effect, as it is raising property values as a whole in the United States.

Mr. Nigh – That is assuming the only reason for the Code is to affect property values. It could be people do not like looking at them. His thoughts on this case have not changed since the September meeting. The applicant should know where the Board stands.

Mr. Gavin – He cannot get over the third criteria and is not all the way on the first criteria. Accumulatively, he was leaning no to granting the Variance.

Mr. Nigh – He will not support the Variance.

Mr. Murphy – The aesthetics of the neighborhood would be the only substantial adverse effect and that will come down to a matter of taste. With the factors of the Zillow study and the added value of the panels, we are back to the question of what the benefit is. We have had so much difficulty fitting solar panels in as an accessory use. He has not been persuaded because nothing fits perfectly to the contour of the facts and circumstances with the Code criteria we have to consider. Until we see significant steps moving forward by City Council, he is not as inclined to make this decision for one specific home when there are neighborhoods. When there is a broader standard this Board can go by, and that appears to be where the momentum is right now, then that is where he is. He has softened given the new information the Board has regarding the movement of City Council. He was not hot on granting a Variance at this point as it is an imperfect match, leaning less now to granting a Variance without more information leading to the contrary.

Mr. Deschler – He is staying with the same position he had at the September meeting. A house facing south is not a special condition. Nothing satisfies the Special Condition requirements. The applicant would hear 4 no votes and 1 in support of a Variance if a vote was taken now.

The Chair – He asked legal if it is okay to allow someone from the solar panel company to speak now who did not choose to speak earlier. He swore that speaker in.

Jillian Dyer, Ecohouse Solar, 1809 O'Brien Road, Columbus, Ohio 43228, said there may be companies that will install panels on the north side but one of the largest solar companies in the country just went bankrupt and out of business. They had a reputation for doing cheap installs that were not done up to Code and did not always get the necessary permits. It has been a sticking point in the industry and the Ohio Attorney General filed an injunction to not allow them to ever do business in the State of Ohio. That is the only company that comes to mind that would build wherever. There are multiple class-action law suits against them. As was discussed at the last meeting “Just because you can, does not mean that you should”. Most companies in central Ohio will not install on the north side of the home. Installing a ground-mount would require trenching and that would not be possible over a septic tank or a leach bed. There are requirements for how deep wires need to be buried so she is not sure if they could go around it in this instance. It is likely the array would have to be a lot larger to meet the electrical usage in the home. Being a long, narrow





property, she was not sure how the ground equipment could be angled properly and fit within the setbacks. It is not reasonable to expect someone when they build or move to a property to know they might need to adhere to a Code that is not written for a technology that was not available at the time they moved in. Household solar has only been offered in the last 10 years for most homeowners and efficient enough to install on a single house roof. The process may be exhilarated but there is no guarantee the new Code will not still require a Variance to be permitted.

Mr. Gavin – He asked if trees would be a factor for ground-mounted systems

Ms. Dyer – She answered affirmatively. The solar panels would need to be positioned almost due south and there may not be enough room beside the house or behind it without being shaded by the house or trees.

Mr. Gavin – He asked Staff if the Code was updated, if it would allow the applicant to request a new Variance.

Mr. Stamp – Most likely, yes.

The Chair – He asked the applicant, since they were in the same position they were last month of not having enough votes to grant a Variance, if he wanted to again table or for the Board to proceed with a vote.

Mr. Wadsworth – He agreed to table the case. He was interested to see what would go into the revised Code.

Mr. Clower moved, Mr. Murphy seconded, to table the Non-Use (Area) Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade.

Vote: Mr. Garvin, yes; Mr. Nigh, yes; Mr. Deschler, yes; Mr. Murphy, yes; and Mr. Clower, yes.

[Motion to table passed 5-0]

## **COMMUNICATIONS**

- Tammy Noble - This is the time of year meeting dates are being created for consideration for the next year. The rules and regulations state the BZA meets the fourth Thursday of every month. She asked the Board if they had a desire to meet on a different day of the week for October because she recalled scheduling issues.

The Chair - Conflicts in years past were due to Beggar's Night falling on the meeting night/Thursday and the Board members wanting to participate with their families. The October meeting was not an issue this year because it falls on a Monday and there is not going to be an issue for October 2023 because the 31st falls on a Tuesday.

Tammy Noble – Joint Work Session date(s) will also be identified earlier to better accommodate members' schedules.

- Tammy Noble – There is a potential case to be reviewed in November and the application is not for Solar Panels.

Mr. Deschler adjourned the meeting at 7:28 p.m.

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Jason Deschler, Chair



Board of Zoning Appeals

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Administrative Assistant II, Recorder





~~Mr. Fishman inquired if the rock on the site is prohibitive to placing the parking under the apartment buildings.~~

~~Mr. Gonzales responded that the rock is not prohibitive to placing parking under the apartment buildings. It is an issue on the eastern side of the block where there is also the grade change.~~

~~Mr. Fishman stated that he believes placing parking under the apartment buildings is worth consideration. The primary item in the proposed development that he has an issue with is the large parking garage.~~

~~Ms. Call stated that the Commission looks forward to seeing the revised plan at the next development phase.~~

## **NEW CASE**

### **3. Solar Panels, 21-151ADMC, Administrative Request - Code Amendment**

A Code Amendment to provide regulations in regard to solar panels for residential and commercial properties within the City of Dublin.

#### **Staff Presentation**

Ms. Noble presented the case background. Several previous discussions have occurred with City Council, Planning and Zoning Commission, the Board of Zoning Appeals and the Architectural Review Board regarding the need for a Code Amendment to provide regulations for renewable energy equipment, in particular, solar panels, on both residential and commercial properties. At their September 15, 2022 meeting, the Commission reviewed proposed Code language and provided recommendations that have been incorporated into the revised Code amendment for the Commission's consideration tonight. The regulations are proposed to be added to Code Section 153.074 - Accessory Uses and Structures within the Zoning Code and will be applicable to all residential and commercial zoning districts. Staff has researched the number of solar panel installation permits have been issued in the City in the last 10 years, and learned that 74 permits that have been issued, primarily for residential properties. Ms. Noble provided an overview of the proposed solar panel regulations. If the Commission is satisfied with the draft Code, staff requests a recommendation of approval be forwarded to City Council.

#### **Commission Questions/Discussion**

Mr. Supelak inquired if the proposed language, "architecturally integrated" or "incorporated as a material," is sufficiently effective and future proofed.

Ms. Call responded that the needed clarifications are provided in #2 under General Provisions, which states that, "any solar-generated material that functions as a building material, such as window, roof or other residential or commercial material, shall be reviewed as a building material."

Mr. Supelak inquired if that means solar bricks would automatically be approved because brick is an approved material.

Ms. Call responded that the material would be reviewed. If it is a master development, the application would be reviewed by PZC; individual home applications would be reviewed by Building Standards.

Mr. Supelak stated that the Building Standards' evaluation is limited to the material's structural performance as a brick. Are we comfortable with that? Building Standards staff do not aesthetically evaluate the building material.

Mr. Boggs responded that if the item performs as a building material – has the structural integrity of a brick and look of a brick – it would be evaluated as a non-solar brick. The objective of the Code, as drafted, was to avoid the step of evaluating its solar functionality.

Ms. Call inquired if the Commission was in agreement with that objective.

[The majority of members expressed agreement.]

Mr. Schneier stated that if the brick, window or shingle meets the building material requirements, the fact that it also has solar capability is not relevant to whatever approving body reviews and approves it. The draft language covers that intent. It does not adversely impact a material with solar qualities.

Mr. Supelak stated that Commission members are in agreement that if the material is architecturally integrated, it should be considered as a building material. However, neighborhoods also have protocols in place regarding the choice of bricks, and a solar brick is a different brick.

Mr. Schneier stated that if a solar brick is proposed that, due to its function, looks different than a standard brick, the intent is that it would not be permitted based on the fact that its appearance is different than the approved brick. The solar building material should not be held to either a higher or lower standard.

Mr. Fishman stated that his concern is that the argument will be made that the material functions as a brick and looks fine, although somewhat odd.

Mr. Supelak stated that his concern is that the Building Department does not evaluate the aesthetic factor.

Ms. Rauch stated if it is a commercial development, PZC would be reviewing the building materials. If it is in a standard district, the Commission would not see those applications. The Commission would review and approve the proposed building materials for a PUD.

Mr. Supelak responded that if the Commission sees the application, they have the opportunity to evaluate the aesthetics of the solar brick. However, if the application is not reviewed by the Commission, perhaps because of the district in which it lies, does Planning staff evaluate the aesthetics of the materials?

Ms. Rauch responded affirmatively. The building permit review does not consist only of the construction component; there is a zoning component, as well. Zoning staff looks at the development text to determine what is permitted by that text.

Mr. Supelak stated that was the component he was attempting to determine – the process that ensures that the aesthetic of the material is acceptable for that development district.

Ms. Call suggested that #2 be removed under "Building Roof Mounted," which states that "Building or roof-mounted equipment is permitted to the front of.....only if it is integrated with the architectural detail." #1 could be expanded to include that clarification.

Ms. Noble responded that the language would be revised and #1 would provide the location details.

Mr. Way stated that the proposed language applies to residential and commercial districts. Does the commercial district cover everything, including industrial and institutional?

Staff indicated that clarification would be added.

Mr. Way inquired if it would be better to provide separate regulations for residential and non-residential districts, even if some language is repetitive.

Ms. Rauch stated that staff looked at that possibility. However, because the requirements are essentially the same, the two were consolidated. The only element in a commercial district that is different is the percentage of lot coverage. There is not a separate non-residential section of the Code.



Ms. Call inquired if the requirement that colors shall be complementary to the roof is important to include.

[Consensus was that it was important to include.]

Ms. Call referred to ground-mounted, renewable energy equipment requirement, "shall be sited to minimize view...and shall be camouflaged to the extent that the equipment can function normally." Does that mean that if landscaping would cast a shade part of the day, the argument could be made the equipment is not functioning normally?

Mr. Way responded that functioning normally does not mean 100% of the time.

Ms. Harter stated that it is important that the equipment be camouflaged, regardless of the homeowner's particular site situation.

Mr. Way suggested the word "camouflaged" be revised to "screened."

Mr. Chinnock stated that "shall be camouflaged" could be removed, and leave "minimize the view from the public right-of-way and adjacent properties." The Code does not need to address "function properly."

[Discussion regarding screening continued.]

Ms. Rauch stated that the requirement could default to the service structure screening requirements.

Ms. Call requested Commission consensus on removing #2 under "Building Roof-Mounted," as it is non applicable.

Commission consensus was to remove.

Ms. Call requested Commission consensus on revising "camouflaged" to "screened according to the general standards for service equipment," and remove the language, "can function normally."

Commission consensus was to revise accordingly.

Discussion continued regarding the solar panel extension above the roofline or ridge line of the roof. The Commission recommended that the language be revised from not above 18 inches from the roofline to 12 inches. Staff will investigate the appropriate dimension further and revise as needed before the draft Code is forwarded to City Council for consideration.

Ms. Harter inquired about the stipulation that the solar panels be in working order or be removed. State laws address the aspect of maintenance in greater detail.

Ms. Noble responded that the City's Code already includes regulations for property maintenance.

Mr. Boggs stated that the State law does not address what the City can do in regard to regulations, so the City can address maintenance issues in its usual manner.

Mr. Fishman stated that #3 states that the solar panels must be maintained or removed, so the City can enforce that. He believes there could be a problem when the equipment becomes obsolete and no longer used, similar to the current issue with obsolete TV antennas. If the equipment is not functioning, it must be removed.

### **Public Comment**

Jillian Dyer, 2273 Indian Avenue, Columbus, OH:

"I am not a resident of Dublin, but I work for a solar company based in Dublin and have considered moving to the area. I recently joined a resident to apply for a zoning variance for roof-mounted solar panels, as there was no other viable place to install them. It was disappointing and

disheartening to find that there is a Code being enforced that is not actually written. While a resident could build a shed with a front-facing roof and install solar on that, they cannot put them on their house. However, I am writing today as a resident of central Ohio and as an advocate/activist for climate issues, clean energy alternatives, individual choice and individual property rights. People who end up in homes that are automatically disqualified from solar because of a lack of a zoning code are at a disadvantage. Whether they are looking for financial or environmental benefits, this also impacts a wider community. More people producing power through their solar panels when the excess production goes back onto the grid is good for all of us. Studies have shown that solar panels increase not only the value of the home on which they are installed but the entire neighborhood. People who cannot install are still benefitting. Many jurisdictions have limitations on solar including provisions that do not allow solar to be installed on street-facing roofs; however, there is usually an avenue for residents to install if they have no other options. This usually occurs when the only usable roof plane faces the street. In central Ohio, roof panels should not be installed on north-facing or excessively shaded planes. They do not produce enough energy for it to make sense. Banning solar outright for people who cannot install on side or rear-facing roofs only creates a vacuum for nonreputable companies to take advantage of people who are not allowed to install the most efficient options. It's 2022. We do not have more time to waste when it comes to climate issues. Taking action has been pushed onto individuals for so long, and we should not be creating roadblocks for people who want to take action and not allowing individuals to pay a role in a systematic issue. Please consider moving quickly on this issue."

The Commission had no further questions or discussion.

Mr. Supelak moved, Mr. Way seconded a recommendation for City Council approval of a Code Amendment regarding Solar Panels.

Vote: Mr. Schneier, yes; Mr. Fishman, yes; Mr. Chinnock, yes; Ms. Call, yes; Mr. Way, yes; Ms. Harter, yes; Mr. Supelak, yes.

[Motion carried 7-0]

## COMMUNICATIONS

Ms. Rauch reminded PZC Members of the following:

- The need to complete City cybersecurity training by November 25, 2022.
- The Evening of Gratitude event for City volunteers at The Exchange, 6:00 pm, Wednesday, November 2, 2022. If Commission members wish to attend, please RSVP to the invitation received.

The next regular meeting of PZC is scheduled for 6:30 p.m., Thursday, November 3, 2022.

The meeting was adjourned at 8:58 p.m.

  
\_\_\_\_\_  
Chair, Planning and Zoning Commission

  
\_\_\_\_\_  
Assistant Clerk of Council



## BOARD ORDER

# Board of Zoning Appeals

Thursday, September 22, 2022 | 6:30 pm

The Board of Zoning Appeals took the following action at this meeting:

**MOTION:** Mr. Nigh moved, Mr. Murphy seconded, to accept the documents into the record and approve the meeting minutes from August 25, 2022.

**VOTE:** 4 – 0.

**RESULT:** The documents were accepted into the record and the minutes from the meeting on August 25, 2022, were approved.

**RECORDED VOTES:**

Jason Deschler	Yes
Joseph Nigh	Yes
Robin Clower	Yes
Patrick Murphy	Yes
Dan Garvin	Absent

**STAFF CERTIFICATION**

DocuSigned by:

TAMMY NOBLE

B02DEF02B0D24C7...

Tammy Noble, Senior Planner







## BOARD ORDER

# Board of Zoning Appeals

Thursday, September 22, 2022 | 6:30 pm

The Board of Zoning Appeals took the following action at this meeting:

**1. Tomin Residence at 5692 Richgrove Lane  
22-112V**

**Non-Use (Area) Variance**

Proposal: Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade on a 0.19-acre site zoned Planned Low Density Residential District – Brighton Park.

Location: ±260 feet northeast of the intersection of Richgrove Lane with Kentfield Drive.

Request: Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code §153.231(H).

Applicant: Christopher Tomin, property owner

Planning Contact: Tammy Noble, Senior Planner

Contact Information: 614.410.4649, tnoble@dublin.oh.us

Case Information: www.dublinohiousa.gov/pzc/22-112

**MOTION:** Mr. Murphy moved, Mr. Clower seconded, to table the Non-Use (Area) Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade.

**VOTE:** 4 – 0.

**RESULT:** The Non-Use (Area) Variance was tabled.

**RECORDED VOTES:**

Jason Deschler	Yes
Joseph Nigh	Yes
Robin Clower	Yes
Patrick Murphy	Yes
Dan Garvin	Absent

**STAFF CERTIFICATION**

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*TAMMY NOBLE*

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Tammy Noble, Senior Planner





## BOARD ORDER

# Board of Zoning Appeals

Thursday, September 22, 2022 | 6:30 pm

The Board of Zoning Appeals took the following action at this meeting:

**2. Wadsworth Residence at 6240 Post Road  
22-130V**

**Non-Use (Area) Variance**

Proposal: Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade on a 1.32-acre site zoned Planned Unit Development District – Indian Run Meadows.

Location: ±250 feet northwest of the intersection of Post Road with Holt Drive.

Request: Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code §153.231(H).

Applicant: Jillian Dyer, Ecohouse Solar

Planning Contact: Zachary Hounshell, Planner II

Contact Information: 614.410.4652, zhounshell@dublin.oh.us

Case Information: www.dublinohiousa.gov/pzc/22-130

**MOTION:** Mr. Murphy moved, Mr. Clower seconded, to table the Non-Use (Area) Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade.

**VOTE:** 4 – 0.

**RESULT:** The Non-Use (Area) Variance was tabled.

**RECORDED VOTES:**

Jason Deschler	Yes
Joseph Nigh	Yes
Robin Clower	Yes
Patrick Murphy	Yes
Dan Garvin	Absent

**STAFF CERTIFICATION**

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 Zachary Hounshell, Planner II





## BOARD ORDER

# Board of Zoning Appeals

Thursday, September 22, 2022 | 6:30 pm

The Board of Zoning Appeals took the following action at this meeting:

**3. Yi Residence at 6056 Brigids Close Drive  
22-131V**

**Non-Use (Area) Variance**

Proposal: Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade on a 0.23-acre site zoned Planned Low Density Residential District – Dublinshire.

Location: Northwest of the intersection of Brigids Close Drive with Curragh Court.

Request: Review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code §153.231(H).

Applicant: 7BRS Permitting, Blue Raven Solar

Planning Contact: Tammy Noble, Senior Planner

Contact Information: 614.410.4649, tnoble@dublin.oh.us

Case Information: www.dublinohiousa.gov/pzc/22-131

**MOTION:** Mr. Nigh moved, Mr. Clower seconded, to table the Non-Use (Area) Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade.

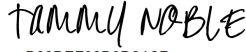
**VOTE:** 4 – 0.

**RESULT:** The Non-Use (Area) Variance was tabled.

**RECORDED VOTES:**

Jason Deschler	Yes
Joseph Nigh	Yes
Robin Clower	Yes
Patrick Murphy	Yes
Dan Garvin	Absent

**STAFF CERTIFICATION**

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 Tammy Noble, Senior Planner







## MEETING MINUTES

### Board of Zoning Appeals

Thursday, September 22, 2022

#### CALL TO ORDER

Mr. Deschler, Chair, called the September 22, 2022, meeting of the City of Dublin Board of Zoning Appeals (BZA) to order at 6:38 p.m.

#### ROLL CALL

Board Members present: Mr. Deschler, Mr. Nigh, Mr. Clower, and Mr. Murphy,  
Board Member absent: Mr. Gavin  
Staff present: Ms. Noble and Mr. Hounshell

#### ACCEPTANCE OF DOCUMENTS/APPROVAL OF MINUTES

Mr. Nigh moved, Mr. Murphy seconded, to accept the documents into the record and approve the meeting minutes from August 25, 2022.

Vote: Mr. Deschler, yes; Mr. Clower, yes Mr. Murphy, yes; and Mr. Nigh, yes.

[Motion carried 4-0]

#### CASE PROCEDURES

The Chair briefly explained the rules and procedures of the Board of Zoning Appeals (BZA) and swore in Staff and any members of the public who planned to address the Board during the meeting.

#### CASE

##### 1. Tomin Residence at 5692 Richgrove Lane, 22-112V, Non-Use (Area) Variance

The Chair - This is an application for a Variance to allow building-mounted solar panels as an accessory structure to be located on a street-facing façade on a 0.19-acre site is zoned Planned Low Density Residential District – Brighton Park. The site is located ±260 feet northeast of the intersection of Richgrove Lane with Kentfield Drive.

Ms. Noble – She presented an aerial view of the site that is approximately a fifth of an acre in size and contains a single-family home with a patio to the rear. The home is oriented towards the south with a general layout similar to the adjacent properties to the east and west. The applicant has proposed solar panels to be installed on the forefront of the roof.

This is the first time the Board has reviewed an application of this type. The current language in the City of Dublin Zoning Code for solar panels is as follows:

- Residential solar panels are not currently listed as a specific use in areas excluding the West Innovation District, Bridge Street District, and the Dublin Corporate Area Plan.

- To allow solar panels per the existing Code language, the City utilizes Zoning Code §153.074(B)(6)(a), which regulate accessory structures.
- All accessory structures are required to be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure.
- The applicants are requesting solar panels for the front part of the roof of their home that faces the street, which necessitates review by the Board of Zoning Appeals.

The applicant has provided two options from their solar company, Ohio Power Solutions. The first option indicates 12 panels that produce 5,932 Kwh per year on the south/street-facing portion of the roof and the second option contains 19 panels and produces 5,828 kwh per year on the north portion of the roof. Planning has taken into consideration both options in this general location. She presented a photograph of the home as viewed from the street.

This application was reviewed against the Non-Use Variance Review Criteria of which none were met. All three criteria in the first set need to be met and shared Staff's findings for the criteria:

1. **Special Conditions – Criteria Not Met**  
The site is similar in size to the adjacent properties and the applicant's house, along with adjacent properties, are southern facing. There are no special conditions.
2. **Applicant Action/Inaction – Criteria Not Met**  
The Variance request is necessitated by the applicant and is necessitated on the basis of switching to renewable energy on the home.
3. **Impair the Intent & Purpose of the Requirement – Criteria Not Met**  
The Variance request would directly impact the requirements and intent for all accessory structures to be located forward of the building.

The City is in the process of revising the Code but at this point in time, Staff and the Board must follow this criteria. The second set of criteria are less stringent and include four criteria, of which two have to be met in order to allow this Variance. Staff found two of the criteria had been met as follows:

1. **Special Privileges – Criteria Met**  
Several properties within the zoning district could obtain roof-mounted solar panels that meet zoning requirements due to the orientation of each home that does not have a south-facing front façade.
2. **Recurrent Nature – Criteria Not Met**  
The request is recurrent in nature to warrant a Code update to contemplate locations and requirements for solar panels in a residential district.
3. **Delivery of Governmental Services – Criteria Met**  
The proposed location of the solar panels would not affect the delivery of governmental services.
4. **Other Method Available – Criteria Not Met**  
Utilizing solar energy can be accommodated by other methods that may be less economical but continue to produce energy. The applicant states that by adhering to the Code the solar panels would





be “an underperforming, over-expensive solar system”. However, the Board does not factor in cost when reviewing applications for Variances.

### **Questions for Staff**

Mr. Clower – The City plans to change these requirements in the Code and asked if there was a draft version yet, available to the public.

Ms. Noble – Planning Staff presented a version to the Planning and Zoning Commission (PZC) in April 2022 and they requested more information about the functionality of solar and the advancing technologies. Planning Staff presented again to the PZC on September 15, 2022, and a Code Update should be ready for review in the next month or so.

Mr. Clower – He asked if building mounted solar panels will still fall under the accessory structure category.

Ms. Noble – The draft document will not include accessory structures and will be a standalone Code modification for solar panels.

Mr. Clower – He asked what the draft document states about street-facing solar panels.

Ms. Noble – Based on the feedback received last week from the PZC, there is not a draft currently in place. There has been limited support for street-facing solar panels but staff is obtaining options for those situations.

Mr. Clower – He asked how much of a role the particulars of the house (roof pitch) will factor into the language of the ‘yet to be drafted’ regulation.

Ms. Noble – General aesthetics and material choices have been a larger topic than the functionality of solar panels.

Mr. Deschler – The applicant had provided a photograph of a house and an address with front façade solar panels and asked Staff to confirm if it was located in Dublin.

Ms. Noble – There have been conversations with the City’s Building Department as solar panel applications for permits have been reviewed within the Building Department as a structural device and contain an electronic component. Staff needs to be cohesive in how the permits have been reviewed. Staff has not identified if all the locations where solar panels have been installed, were first reviewed and a permit approved and whether they precede the Code that identified solar panels as accessory structures. She deferred to the applicant on this particular location.

Mr. Nigh – He wanted to ensure that each of the applicants for the three cases being heard this evening were aware that since there is one Board Member absent, three of the members would have to approve the request and if the Board was split 2 – 2, the Variance would not be approved due to the lack of a majority. The applicants also have the opportunity to request to table this evening and wait until the measures for Code Amendments are finalized and approved.

Mr. Clower – Normally, the process is, if an application is denied, the applicant has to wait one (1) year before reapplying. In this case, if the applicant does not receive the requisite three (3) votes and are denied, if the applicants would have to wait a full year or when the Code has been amended and apply under the new regulations.

Ms. Noble – It is undetermined at this point what the regulations will allow but as soon as the new regulations go into effect, the applicant may reapply.

### **Applicant Presentation**

Chris and Olga Tomin, property owners, 5692 Richgrove Lane – Mr. Tomin said the main point in their case is about efficiency. The solar panel company first presented just a solar panel installation on the front portion of the roof as it is the most obvious placement as the Tomins live on a street that runs east-west





with the front of the house facing south. If the panels were placed on the north side of the house, algae starts to build with the absence of sunlight. Significantly more panels would be needed to provide even less electricity. 19 panels would produce less than 90% of the energy that is needed for our young family based off of the current electric bills and as the two children grow, the panels would produce even less of the energy needed. Panels installed on the front makes the most sense and will provide energy for the whole property. Given the current Zoning Code, it will not make sense for anyone residing in Dublin with the front of the house facing south to have solar panels. The solar panels will not produce enough energy to power the house.

Ms. Tomin – Our house does not face a main street with a lot of traffic. The only people that view our house are our neighbors and many of them have been inquiring to the progress in recent weeks; all of which support the project. The photograph taken of our house makes the roof appear to be a light gray when in fact, it is a darker shade of gray. The panels proposed will be black; they are not proposing a lime green product with red polka dots. Our house is not a historic building; it was built in 1994. The applicants are trying to raise awareness about renewable energy resources.

Ms. Tomin read from the Zoning Code §153.074(B)(6)(a) as referenced by Ms. Noble:

*All accessory uses and structures including swimming pools, and associated decking shall be constructed within a buildable area of a lot behind all applicable setback lines and to the rear or side of the principle structure.*

Ms. Tomin – She understood solar panels are considered an accessory; but they are not intending on adding a swimming pool or deck on the front of their house. She also found on the City's website case 21-151 Administrative Request – Code Amendment was reviewed by the Planning and Zoning Commission on April 21, 2022. Under MUR-4, Renewable Energy Equipment, as an accessory use in all districts would use specific standards. Item 3: Rooftop and Building-Mounted Equipment shall adhere to the following requirements:

- A. Rooftop equipment for the collection of solar energy shall not extend beyond the maximum permitted height of the principle structure.
- B. Building-Mounted Renewable Energy Equipment shall be completely integrated into the architectural character of the principle structure and shall not be located on an elevation facing residential use.

Ms. Tomin – They are within the limits as stated. They have not proposed something outrageous; they are just planning to install the solar panels where they are efficient. The way the house is situated and the roof is sloped, they cannot install the panels on the backside.

### **Questions for the Applicant**

Mr. Clower – He asked for the location of the house referenced earlier that has solar panels installed on a south/street-facing street. The address was 6152 Jacana Drive, off of Avery Road.

Mr. Tomin – When the application was submitted a few months ago, he even referenced the Ward it was in but cannot recall now.

Mr. Clower – He requested confirmation that the 12 panels could be installed on the front versus the 19 panels on the back.

Ms. Tomin – She answered those were the options they were provided and the pitch of the roof is 32 degrees.

Mr. Clower – He confirmed the house reference on Jacana Drive is across from the soccer fields. A photograph of the house was shown on screen.



Mr. Deschler – He confirmed the house was in Hawk’s Nest. He asked Staff for information on this address.  
Ms. Noble – There are two scenarios that could have taken place. The solar panels were constructed without permits or constructed before solar panels were identified as an accessory structure.

Mr. Deschler – It is the City’s position that there is this home that has solar panels on a street-facing façade that is not relevant to the cases this evening.

Ms. Noble – The home does not meet the Code restrictions that are applied to this application.

Mr. Clower – He asked when the City started enforcing that solar panels were considered accessory structures.

Ms. Noble – Permits are issued by the Building Department so exact dates are not available. She estimates within the last couple of years.

Mr. Deschler – He clarified with Staff that regardless of the reason, the fact that this house in Dublin has front-facing solar panels, is simply not relevant for the Board’s consideration this evening, to which Ms. Noble answered in the affirmative.

Jesse J. Shamp, Frost Brown Todd, 10 W. Broad St., Ste 2300, Columbus, OH 43215 – The only difference is this Board did not grant a Variance for that address.

Mr. Tomin – The audience provided him with more properties in Dublin with solar panels on street-facing roofs. If nothing has been approved by the Board, perhaps those properties pre-date Code restrictions.

Mr. Clower – A Google search on the address for Jacana Drive showed a picture taken from the street in August 2019, which did not have solar panels, which is right in line with the timeframe discussed by Staff.

Mr. Nigh – All three of the first set of three criteria have to be met to approve the application. The applicant is required to present to the Board how all three of these have been met. He asked the applicant for the Special Condition (Criteria 1) for his property that does not exist somewhere else.

Mr. Tomin – Our property is special because it is not a one-off case; any house on the north side of the street is going to run into the same issue.

Ms. Tomin – Our house is special because of the direction of the pitch.

Mr. Nigh – Stating that your house faces a direction that many others in the City face is the exact opposite of a Special Condition. He asked if there was anything else that was special about the property.

Ms. Tomin – She repeated this is applicable to this case.

The Chair – Even if the Board were to agree that is a Special Condition, he asked if the applicants could apply the second and third criteria.

Mr. Clower – The Action is not that you want to build solar panels on the house, it is that the solar panels you wish to install are what is causing the action.

Mr. Shamp – He clarified the applicant is requesting the Variance out of need because the applicant wants to install solar panels on the front of the house. A Variance is not needed, if the panels are installed on the back of the house. The Action that has necessitated the Variance is the applicant’s decision for economic and efficiency reasons. The applicant does not have to do that to have solar panels but might be more costly and less efficient.

Mr. Tomin – In this situation, it defeats the purpose of having solar panels on a house if it cannot supply the energy needs of the home.

Mr. Clower – He asked about the third criteria. He asked the applicant how adding solar panels on the street-facing façade does not adversely affect the neighborhood.

Mr. Tomin – He asked how the solar panels on a street-facing façade would affect the neighborhood.

Ms. Noble – The whole intent of the Code Section is to allow certain locations for accessory uses and this is the one location that is prohibited.





Mr. Nigh – The intent of the City, per the Code, is to not have solar panels on the front of the house. The applicant would have to state why this was not contrary to the intent of the Code to permit panels on the front of his house.

Mr. Tomin – He asked for an example of a similar residential situation where this criteria had been met because the way it was just phrased, it is meant not to be met. The Board is asking the applicant/us to prove why the Code does not apply to us. The whole point of the Code is to keep people from doing something that is not permitted.

Ms. Noble – This Board has approved Variances but the process is meant to be difficult. It is for instances where the Code cannot be met to accommodate the use requested. There are no similar instances for solar panels, as of yet.

Mr. Tomin – He asked for a general residential issue that would meet this criteria so he could frame his argument from that example.

Ms. Noble – In June, 2022, the Board approved a Variance for a property owner (Johanssen's) to allow a structure in front of the principle structure based on the topography and the size and shape of the lot.

Mr. Tomin – He asked how that application met the criteria, specifically.

Ms. Noble – That property owner would not have been able to build an accessory structure/shed because of the conditions of the site unless a Variance was approved allowing the applicant to build it where it was not permitted per the Code.

The Chair – The difficult situation here is the Code Section is currently under consideration for modifications to allow in certain instances where perhaps front-facing, solar panels could be permitted within the City. The applicants this evening are falling in this gap period for requesting solar panels now. There is going to be reluctance on this Board to approve this Variance or set an improper precedent. The applicant's option if solar panels are wanted now, need to be placed on the north/rear side of the house.

Mr. Nigh – A lot of the people requesting Variances from this Board have no other options. He reiterated that the applicant does not have to request a vote for approval of the Variance but could request a vote to table the application.

### **Public Comment**

Ms. Noble – There is a new process for signing in electronically but she was not sure how that information is to be relayed to the Board. She suggested the Chair just ask the audience if anyone wanted to provide public comment.

Bob Moffit, 5667 Kentfield Drive, lives in same neighborhood and supports anyone putting solar panels in, front or back. Solar panels have probably evolved since the Code was conceived. Panels are all black now, streamlined, and have a low profile. Somewhat by default, 25% of the homes in the neighborhood are going to fall under this same situation and will be limited on the ability to have solar panels. If the Code is kept the same, it will prevent 25% of Dublin of being able to make a good financial and environmental decision for their own home.

Kevin Wadsworth, 6240 Post Road (actually the second applicant), the Department of Energy and NREL both have good solar modeling. The difference in solar gain from a south-facing panel versus a north-facing panel in one year is negative 5. Solar panels are an efficient way to generate energy. AEP is 15 cents a kwh, putting a solar panel on the south side of his house, over a 25 year period which they are under warranty for, works out to 7 cents a kwh, half the price he is paying to AEP right now for electricity. If put on the north side, 7 cents goes to 35 cents a kwh. There is no reason to do that.





Before he signed a contract with EcoHouse Solar, some references were provided for people to talk to and one of the residents lived on Tara Hill; that installation occurred in 2020 and was permitted by the Building Department. The same black panels were used on the roof. He was not a lawyer but identifying solar panels as an accessory structure is a stretch. He thought someone from the City decided they were going to stop people from adding solar panels and came up with stretching the accessory structure requirements to make it fit since there was nothing in the Code at that time. That is not the right fit and there are a lot of houses in Dublin with solar panels. 2020 was not that long ago when the same type of panels were permitted. The Board is reluctant to let the Tomin's do what a lot of their neighbors might have done, as recently as two years ago.

**Staff addressed the public comment.**

Ms. Noble – Solar is not a use listed in Dublin's Zoning Code that is permitted outside of the three locations: Bridge Street, the West Innovation District, and the Dublin Corporate Area Plan. Until solar could be included in the Code properly, Staff needed a way to implement solar; accessory uses was the best option found for the use of solar panels at the side or the rear of a structure. Staff realized the limitations imposed until a proper Code could be created and approved.

Jillian Dyer, 2273 Indiana Avenue, a representative of EcoHouse, was attending with Kevin Wadsworth (case 2). EcoHouse does not install panels on the north side of houses in Central Ohio as it is not worth it. People would end up paying more than if they were just paying for regular electricity, which prevents people with a south-facing house to install panels and experience the benefits. In the winter, even if a small amount of power is produced, there are brooms sold for sweeping off the snow from the roof. EcoHouse does not recommend that as it is more likely the solar panel would get damaged trying to remove snow or ice off the panels. Getting the panels fixed or replaced would be more expensive. Black panels on the south side of a roof will help snow melt more quickly from the sun. Just because there is a plan that shows that solar panels could be put on the north side of the house, does not mean you should do it and it would not be useful.

Mr. Tomin – He asked to address the Board, again. The whole reason they provided the north option was at the behest of the City. The applicant was told it was a good idea to show how less efficient panels installed on the north side would be. His provider also recommended against installing any panels on the north side.

David Shell, 5582 Baybrook Lane, fully supported the Tomin's effort. The Board has been very conservative with interpreting the Code identifying solar panels as an accessory structure but solar panels are also like a shingle, performing the same exact function. A case could be made that the first criteria is met and based on that, the second and third criteria would fall in line. Criteria 2 & 3 are built-in rejections that occur when the first is not met. The Code is not stating it cannot be done, but the Board is interpreting that solar panels cannot be permitted.

Ms. Noble – Those policy decisions are not made by this Board.

Mr. Clower – He asked Ms. Noble to speak to Mr. Tomin's statement that Staff recommended that comparison be added for the Board to consider.

Mr. Tomin – There was a Zoom call with Bob/the solar provider, Ms. Noble and another staff member and Bob asked if it would be helpful to provide that information and Ms. Noble agreed it should be added to the application, which the Tomin's provided. Bob made it clear panels should not be added to the north side of the roof. The intent of adding the proposal for the back half of the house was not a good solution for the applicant.





Ms. Noble – Staff guides applicants in preparation for the Board. Not knowing what that analysis would have brought, she could imagine that conversation was more of the panels absolutely cannot be installed at another location. She did not anticipate the fact that the north side would be less efficient would become a conclusion.

Ms. Tomin – She reiterated the solar company professional recommended not placing the panels on the north side because when trying to clear the snow off, the panels will be damaged and potentially an unsafe practice for the homeowner. She wondered if this subject came up the first time solar panels were being considered. This cannot be the first time efficiency and the need for the solar panels to be cleaned after snowfall has been discussed. She assumed all the solar panel companies in Central Ohio must anticipate and believe the same.

Mr. Clower – He asked the applicant if her installer stated the same as Ms. Dyer from EcoHouse.

Ms. Tomin – She did not talk with the installer, personally but her husband received the information from the installer that installation on the north side was not the way to go.

Jill Raudabaugh, 6329 Conleth Circle, referred to a case where a Variance was granted to permit a shed to be on the front of the property when it was required to be to the rear of the property; that is very analogous because the shed could have been built on the back if the homeowner would spend a lot of money to build a very sophisticated infrastructure that would adjust off of a cliff. Additionally, they could have built that shed on the back of the house. That Variance was granted and the solar panel issue is the same kind of argument.

### **Board Discussion**

Mr. Nigh – There has been a lot of great information presented but what is missing is, the Board is not the body that writes the Code and does not decide what is an accessory structure. While those arguments could be extremely valid, it is not for this Board to debate. He has heard solid arguments for why there needs to be a change to the Code that needs to be re-evaluated, which the City agrees. There is a divide between what is happening here and what the Board is tasked with deciding based on what is being asked. This should not be the section in the Code for the Board to follow but that is not a determination for this Board. The Board is not ignoring those statements but are tasked with dealing with a very narrow subject. He agreed with the statements made earlier, these standards in this Code Section seem to make it very difficult to obtain a Variance and that appeared to be the intent. He wanted to go over first, what the Board has to review versus the valid and well-educated comments that have been made of which the Planning and Zoning Commission and City Council have to consider, next.

Mr. Clower – The Substantial Adverse Effect, just by the language of intent and purpose of the requirement being varied is relatively invalid. – The Board has determined Solar Panels have been accommodated into the Code the only way possible until a code modification can be compiled yet clearly not the intent of the section. That is the intent and purpose of the requirement being varied. If these were solar shingles, we would not be having this discussion because they would not be considered an accessory structure.

Mr. Shamp – There are two clauses in that third criteria. Substantial Adverse Effect to property or improvements in the vicinity or will not materially impair the intent and purpose of this other requirement. Staff stated permitting them in the front materially impairs the intent and purpose of the requirement rather than causes a substantial adverse effect to the property or improvements.

Mr. Clower – The intent of this is to prevent someone from building an aesthetically displeasing structure. He asked what the adverse effect was in this case. In a Zillow study, adding solar panels to the house raises the value by 4.1%. Solar panels do not have a negative effect to the house value, it raises the value of the house. Studies show 80% of buyers say energy efficient features are important when buying a house





and are more inclined to buy solar panels. To address a neighbor's perception of solar panels, a main talking point in Dublin, there have not been any studies on the neighboring land values other than full-scale commercial solar installed, like a giant solar field. A house selling for 4.1% more in a neighborhood because of having solar panels increases the comp value for all the houses in the neighborhood. Zillow is seeing this 4.1% increase of sales on several houses in a neighborhood that increases the value of all houses in the neighborhood. Therefore, he did not see how there can be a substantial adverse effect of someone installing solar panels in a neighborhood, if it raises home values on that house or the surrounding houses.

Mr. Deschler – He asked if Mr. Clower was in favor of passing this Variance.

Mr. Clower – The third requirement does not make any sense for any of the cases to be reviewed this evening. Therefore, the criteria is met for this particular case in front of us.

Mr. Nigh – He asked Mr. Clower if he would grant a Variance in this case.

Mr. Clower – Based solely on requirement three, yes, but requirements one and two still need to be addressed. For criteria two, Action/Inaction: This Board has found in the past, if someone wanted to build a shed, as discussed earlier, there is nothing preventing someone from building a shed in their backyard. Because of the topography, there was no other place to build a shed. It was not the action of wanting to build a shed, it was wanting to build a shed in a particular location because of geography of the land. The solar panel providers have stated installing solar panels on the north side of a house is a "no-go". The snow is dangerous, it is way less efficient, if they are trying to remove the snow, they face potential injury by getting on the roof when there is snow and ice. The solar provider did not want to even give an estimate for installation on the north side for this case and the other two cases we will review later, do not give that estimate, we would be penalizing this applicant for providing the Board with the comparison. The solar panel professionals and the homeowners stated this is not something that is recommended. It is not the fact the homeowners want to build solar panels on the front/south side of the house that is a problem. They literally cannot build solar panels anywhere other than the south-facing side of the house.

Mr. Tomin – Multiple solar providers came out to provide a quote. After the applicant learned Dublin did not allow solar panels on street-facing roofs, two of the three providers said they could not help us. It was only one provider that offered to align with us to fight for a Variance request and the other two completely backed out.

Mr. Clower – Solar panels providers are coming out to these homeowners and stating they would like to install solar panels on the house, but the only place they can be installed is on the south side, which is street-facing. Two-thirds of the providers stated they cannot install panels otherwise. That is not Applicant Action; it is wanting to build solar panels on the only location possible and that is the same as wanting to build a shed on the only viable location possible. That criteria was met in the shed case so the criteria should be found met in this case.

Mr. Clower – Special Condition – If all the houses face the south, there are no special conditions. If 25% of the houses in Dublin are on south-facing streets, none of those houses would be permitted to have solar panels. The City is working on changing the Code but in the meantime, the Board is still held to the specific criteria. In this case, the pitch of the roof is 32%, which is a 50% drop in efficiency. If there is a low-pitched or flat roof, there would be a non-issue. It becomes increasingly more challenging to build solar panels on higher-pitched roofs. The Special Condition for this house applies as there is nothing else in the Code that states all the houses facing a certain side of the street are not permitted to do "X".

When houses have a side-loaded garage, the requirement is to build the house further back on the property making it harder to include patios so Variances for those cases were approved as having a special condition even with other houses in the neighborhood with side-loaded garages. When 25% of the houses in Dublin





are affected, there is a problem including this house, which is a Special Condition with this house and the pitch of the roof is 32% completely prevents it from getting solar panels. The last part of this criteria is the practical difficulty and in this instance is there is no way to install solar panels on the north side of the home as the sun would not produce the same efficiency, the solar panels would be more expensive for a worst result deeming it not economical and a worthless addition.

Ms. Noble – There are location requirements in many sections of the Code.

Mr. Deschler – He asked Mr. Tomin if his house was governed by a Home Owner’s Association (HOA).

Bob Moffit, HOA representative as the treasurer for the last 10 or 15 years or so was present.

Mr. Deschler – He asked Mr. Moffit if there were any Code regulations/declarations, or restrictions under the HOA.

Mr. Moffit – There are three requirements: Must have a certain mailbox; satellite dishes were not originally permitted because when the Code was written they were huge but when they became much smaller, they were installed all over; clotheslines are not permitted; and fences must follow the Dublin City Code requirements.

Mr. Deschler – Mr. Clower sounds like he would be in favor of granting a Variance in this instance.

Mr. Clower – If any of his arguments are wrong, he was willing to entertain those. Personally, he felt strongly about criteria two and three as being met. The first criteria was the one by far that he struggled with the most. He requested comments and feedback from the rest of the Board.

Mr. Murphy – He asked if there were any deed restrictions that would preclude the applicant from installing the solar panels, albeit it does not govern the decision of this Board.

Mr. Tomin – None to his knowledge.

Mr. Murphy – To address the Special Conditions and 25% of the homes in Dublin would not be permitted to enjoy the benefits of solar panels is fairly compelling. Couple that with the inclement weather in Central Ohio and the risks faced, not just with the efficiency of the panels themselves in the winter time but also in the maintenance placed in a certain area of the home would create special conditions.

Action and Inaction depends on our definition but utility charges are an issue and again the maintenance needs to be taken into consideration putting the homeowner in harm’s way.

Intent of the Code – there is an incongruence here with what the Board normally sees with the Variance requests. Going back to the example of the shed proposed for a flagship lot with a significantly sloped backyard. The Variance was granted because the front was the only viable area to place a shed. He was inclined to agree with the arguments made by Mr. Clower.

Mr. Nigh – Intent of the Code. The argument has been that it does not impair the other homes. He asked legal to explain the impairment of the Code. It would directly impact the intent of the Code, if that is to not have someone install panels on a certain facing element. If the Board were to grant that Variance, the Board would be doing the exact opposite of the intent.

Mr. Shamp – Yes, that is what the language states; to not materially impair the intent and purpose of the requirement being varied. They called out examples in the Code are swimming pools and sheds but the requirement the City has determined to apply is accessory use. And the Code states accessory uses are not permitted on the front of the structure. If an accessory structure use is permitted in the front that materially impairs the intent and the purposes of the requirement.

Mr. Nigh – He asked if the intent of the Code is to not permit an accessory structure on the front of the property, how granting a Variance is not contrary.

Mr. Clower – When he hears materially impair the intent and the purposes of the requirement, he hears the City not wanting people having giant sheds or ugly swimming pools in the front making the houses look ugly and decreases materially the resale value of the other houses in the neighborhood and in turn, affecting the tax base. The City is looking out for the taxpayers by not permitting something that would





decrease values. Materially impair implies there is a down side to whatever Variance happens. Materially, solar panels are a good thing for the City.

Mr. Nigh – He did not disagree but thought Mr. Clower was not hearing what the Code is stating. He was trying to get behind Mr. Clower's argument. He is not saying solar panels are good or bad but the Code does not address solar panels, correctly. The intent of the current Code as written is to not permit solar panels no matter the value as a result.

Mr. Clower – The purpose is to keep accessory structures behind the front of the home no matter what they are.

Mr. Murphy – The purpose is also to adhere to setbacks that are applicable to property lines. This applies to the structure in relation to the boundaries of the site itself and not necessarily to the structure.

Mr. Shamp – He understood that argument. The plain reading of the Code is that accessory uses are to be kept to the side or behind the principle structure.

Mr. Nigh – It is clear to this Board that the Code needs to be changed but he felt handcuffed as they had no say in identifying solar panels as an accessory structure. When 25% of the homes have an issue means the City needs to address this immediately. To move forward with this case, he cannot get there. Once the Code has been changed, there will be an even better situation so all the applicants should table and go to the Planning and Zoning Commission and City Council who can make this sweeping pertinent change.

Mr. Tomin – He questioned the purpose of the process since it seems every Variance request should fail based on the interpretation of the materially impair part of it.

Mr. Nigh – If you look at the history, this Board has probably granted most Variances. None of these very valid comments are being dismissed. This body does not have the authority to make these necessary changes. We are only tasked with applying these very strict criteria and standards.

Mr. Deschler – Mr. Clower and Mr. Murphy are supportive of granting a Variance and Mr. Nigh is not. This Board has been put in a very difficult situation until the City has its Code. He was reluctant to grant a Variance where there could be some precedent for this gap period. As of this evening with just four on the panel, the Variance would be disapproved. The applicant has the opportunity to table the decision or get disapproved now and reapply at another time with an alteration. He believed the applicants will get what they want with a change in the Code and will not need to request a Variance. If the applicants do not want to wait, it is possible they could return with the fifth member present that could rule in favor of the Variance. In this case, the applicant has already convinced two Board Members. He wanted the applicant to have solar panels on the south side but with the process, he could not get there.

The Chair adjourned the meeting for a short break so the applicants could respond to the Board's comments.

Upon return, the Chair asked the applicant how they wanted to proceed.

Mr. Tomin – The applicant requested to table the case.

Mr. Murphy moved, Mr. Clower seconded, to table the Non-Use (Area) Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade.

Vote: Mr. Deschler, yes; Mr. Nigh, yes; Mr. Clower, yes; and Mr. Murphy, yes.

[Motion passed 4-0]



## 2. Wadsworth Residence at 6240 Post Road, 22-130V, Non-Use (Area) Variance

The Chair - This is an application for a Variance to allow building-mounted solar panels as an accessory structure to be located on a street-facing façade on a 1.32-acre site is zoned Planned Unit Development District – Indian Run Meadows. The site is located ±250 feet northwest of the intersection of Post Road with Holt Drive.

Mr. Hounshell – He presented an aerial view of the site that for the most part, was rectangular in shape, with a maximum lot depth of approximately 312 feet and a lot width of 149 feet at the front property line. The home is oriented at the center of the site towards the south and is setback ±120 feet from Post Road, 53 feet from the west property line, and 31 feet from the east property line. There are a number of mature trees along Post Road as well as mature vegetation to the rear with a stream that runs along the north property line. A photograph showed the existing conditions from Post Road.

As read from the Code:

- Residential solar panels are not currently listed as a specific use in areas excluding the West Innovation District, Bridge Street District, and the Dublin Corporate Area Plan.
- To allow solar panels with existing Code language, the City utilizes Zoning Code Section 153.074(B)(6)(a) which regulate accessory structures.
- All accessory structures are required to be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure.
- The applicants are requesting solar panels to the front façade of their home which necessitates review by the Board of Zoning Appeals.

A graphic was presented showing the areas proposed for 31 solar panels to be mounted on the south-facing roof.

Staff has reviewed the application against the Non-use Variance Review Criteria and found the first three criteria have not been met when all three are required to be met.

1. Special Conditions – *Criteria Not Met*

The site is one of the larger properties in the area, with the house located at the center of the site and landscaping and mature vegetation along the perimeter of the site. The home has a south-facing front roof façade that is not unique to this site; adjacent sites are the same. No special conditions apply to this site.

2. Applicant Action/Inaction – *Criteria Not Met*

The Variance request is necessitated by the applicant on the basis of switching to renewable energy on the home.

3. Impair the Intent & Purpose of the Requirement – *Criteria Not Met*

The Variance request would directly impact the requirements and intent for all accessory structures to be located forward of the building.

For the second set of criteria, two of the four criteria have been met, which is required for approval.

1. Special Privileges – *Criteria Met*

Several properties within the zoning district could obtain roof-mounted solar panels that meet zoning requirements due to the orientation of each home that does not have a south-facing front façade.





2. Recurrent Nature – *Criteria Not Met*

The request is recurrent in nature to warrant a Code update to contemplate locations and requirements for solar panels in residential district. Staff is aware of the increase in these requests and is working towards a Code Amendment for solar panels.

3. Delivery of Governmental Services – *Criteria Met*

The proposed location of the solar panels would not affect the delivery of governmental services.

4. Other Method Available – *Criteria Not Met*

Utilizing solar energy can be accommodated by other methods that may be less economical but continue to produce energy.

Since the totality of the requirements above were not met per Staff's analysis, disapproval is recommended for the Non-Use (Area) Variance to Zoning Code §153.074(B)(6)(a) to allow solar panels as an accessory structure to be located on a street-facing façade.

### Questions for Staff

Mr. Clower - He asked the distance from the west side of the house to the No Build Zone setback.

### Applicant Presentation

Kevin Wadsworth, 6240 Post Road, the houses on the north side of Post Road are on septic systems, with to access to City sewer. His leach bed is in his entire front yard; planting trees is not permitted. Without shade, the electric use is quite high but solar panels on the south/street-facing side of the house is a great alternative. This property has mature trees on a rural road without a sidewalk and the house is set back 120 feet from Post Road. The only way to see the house is a view from the driveway. He took a photograph of the house at eye level which is not visible due to the 30-foot pine trees. This environment makes their property unique as compared to a lot of houses in Dublin and are visually screened from the neighbors. The neighbors to the east are in attendance. Trees were planted back in the 60's between the houses there, which makes them fairly secluded. The underlying assumption of the Code is that solar panels are ugly and are bringing down the aesthetics of the neighborhood so the City does not want them. Even if that was accepted as true, the roof is not visible from the street or the neighbors. This makes for a Special Condition. This is all he had to say at this point since he made points earlier in the meeting for the first case.

### Questions for the Applicant

The Chair found there were no questions for the applicant and was also interested in the setback on the side yard.

Mr. Deschler – He asked if the applicant considered having solar panels installed on the ground on the west side of the house.

Mr. Wadsworth – Generally those are disfavored and more expensive. He uses a lot of electricity and was looking for an economic solution for power. The neighbors stated the panels installed on the ground are less attractive than those that are installed on the roof. A ground-mounted array would detract from the neighbors. The less expensive and more attractive option of a roof-mounted system would be selected over a ground system. He did not need to get a quote; he did research and found the ground-mounted systems were more expensive.



Mr. Deschler – It was his understanding that ground-mounted panels can be tracked and directed towards the sunlight.

Mr. Wadsworth – Those are for commercial uses only and not produced for residential homes.

Mr. Hounshell – At most, the side yard setback is eight (8) feet. Ground-mounted solar panels are considered accessory structures and would need to meet those requirements. The side of the house begins at the front plane of the house.

Mr. Deschler – The applicant would have the option to have ground-mounted solar panels to the side of the house that could go back to the rear yard setback for the near term.

Mr. Nigh – Additionally, the applicant could apply and obtain ground-mounted solar panels without having to receive approval from this Board.

Mr. Wadsworth – That is a different system than what he has requested.

Mr. Clower – He asked Staff if the applicant could build a shed on the west side of the house and add solar panels to that.

Mr. Hounshell – The shed would need to meet the requirements of an accessory structure.

Ms. Noble – If an accessory structure were added to an accessory structure it is considered one accessory structure.

Mr. Deschler – Considering the topography of the side and rear of the yard, is there anything that could further impede having ground-mounted panels such as a steep slope.

Mr. Wadsworth – The rear yard slopes quite a bit, starting at the tree line. The backyard is shaded by the house and the trees. The west side is not appreciably sloping. He has lived here for 20 years and thoroughly understands the topography of the yard.

Mr. Hounshell – He presented a graphic to show there is four feet of slope from the back of the house to mature vegetation.

### **Public Comment**

Jillian Dyer, Ecohouse Solar, said the company does not install ground-mounted panels for residential; those are typically for commercial use as they are large and cost a lot more to maintain. There are more opportunities for animals to come through and chew on wires and it would be difficult to maintain vegetation that would grow under the panels to keep it from damaging any of the equipment. It is more dangerous to have everything right there on the ground if the area is not fenced off. More ground mounts are installed in rural areas. There could be an issue with trenching for the wiring when there is a septic sewer such as this that would also increase the cost. Rotational mounts that were mentioned earlier as an option are not something her company installs for residential use nor does she believe any companies in the Columbus area would do so.

In November 2020, Ecohouse Solar installed a system on the front roof of a house at 567 Tara Hill Drive that was approved by the City. Ecohouse just recently found out they would have to be applying for Variance requests in Dublin. In other jurisdictions, the company has not had issues getting approvals for installations.

Mr. Deschler – He asked Staff when the City began requiring solar panels to be identified as accessory structures.

Ms. Noble – There was no specific date for when a specific policy was written. There were solar panel inquiries coming in that needed avenues for approval. Staff will research that site to ensure there were permits issued.





Jillian Dyer – One of the representatives from Ecohouse Solar attended a Planning and Zoning Commission meeting last year. The company was informed that solar panels would no longer be permitted on the south side if street-facing.

Ms. Noble – The policy would have been in force prior to that meeting because that is what prompted that conversation.

Mr. Nigh – Assuming what Ms. Dyer said was correct, it was sometime after November 2020 but before November of 2021.

Ms. Noble – She wanted to verify there were permits issued.

Ms. Dyer – She had no further comment as everything else was addressed during the first case this evening.

There were no online comments received.

### **Board Discussion**

Mr. Clower – His thoughts were known on the second and third criteria, which were stated for the first case this evening. For the first criteria, he found the septic system to be a Special Condition and even more convincing than the previous case. This prevents trees from being planted in the front yard, causing a higher electricity bill to cool the house and it cannot be shaded to make it more energy efficient. The applicant said the house is visibly blocked which he found to be incredibly true per Google maps. For Intent and Purpose of Code he argued solar panels are fine, if installed with aesthetics in mind.

Mr. Murphy – This Zoning Code seems to be more focused with adding accessory structures that could border the property (shed) needing to be behind all applicable setback lines, and to the rear or side of the structure. The solar panels would be an improvement on the actual structure itself actually affixed rather than something that is additionally placed on the property. That should be underscored with respect to how the Board approaches this. This Code section is so inelegant that there is no one-to-one comparison here. It was difficult to say. The Board is having to address the current Code to come to any conclusions. The Special Condition that exists here, as mentioned, is the significant amount of vegetation in the back which would render ground-mounted panels extensively useless, if the applicant had to install the panels in the backyard. There are the complications with the septic system including a leach bed, forcing the panels off to the side. That all goes into Special Conditions.

Mr. Nigh – The comments about the side yard and the rear yard are not at all compelling to him because the applicant is not asking the Board to rule on the side or rear yard. Some consideration should be given to the property given no trees can be planted for shade of the house but the septic system is the same for the neighbors and not unique to this property. When the applicant states “this is what happens in our neighborhood”, that dismisses the Special Condition. All three cases this evening should be tabled. The Planning and Zoning Commission and City Council should be asked to expedite this process to amend the Code. He asked the members if they believe all three of the solar panel cases this evening should be tabled at least and ask CC and PZC to move on a Code Amendment as expeditiously as possible.

Mr. Wadsworth – There are only six (6) or eight (8) houses in Dublin with these conditions so that still qualifies as special. With so few houses in the entire population of Dublin that have a septic system, he could not believe he was the only one to consider that as special.

Mr. Nigh – He asked Staff how many houses have a septic system like this.

Ms. Noble – Definitely it is a small demographic but in the Summit View area, there are homes on septic systems.

Mr. Clower – He did not want to take the decision away from the applicant about the opportunity to table but he would recommend that the applicant do so.



Mr. Murphy – The most persuasive voice City Council could hear from would be the public. A lot of compelling arguments have been made this evening. Granting a Variance is not an easy decision to make based on the current language of the Code; additional language and guidance is needed. There is no compelling reason this process should continue as it has for solar panels and the applicants being precluded from installation as the legal boundaries described here. He suggested the public reach out to City Council and let them know the feelings on this and tonight's proceedings should not be the last word on this matter. This Board does not have the authority to change the law, we have to adhere to its structure.

Mr. Deschler – Similar to the reasons of the prior case, south facing is not a Special Condition. Our task to follow the Code as currently constituted cannot satisfy that condition. The septic system was not relevant. The applicant could try and convince the fifth member to be supportive but may have an equal chance when the Code is revised. If the applicant moves forward with the vote tonight of 2 – 2, he could appeal to Franklin County.

Mr. Wadsworth – He disagreed with Staff's assertion that this Variance should be disapproved.

Mr. Deschler – The Board has agreed with the applicants but their hands are tied. Everything that has been expressed as far as the compelling arguments need to be restated at City Council. We all want to use renewable energy and the tax credit is going to be extended.

Mr. Wadsworth – He had no idea he would run into these problems because solar panels were permitted as early as two years ago. He wanted to feel good about using renewable energy but his intent was also to save money. He said he would like to table the Variance request.

Mr. Murphy moved, Mr. Clower seconded, to table the Non-Use (Area) Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade.

Vote: Mr. Deschler, yes; Mr. Nigh, yes; Mr. Clower, yes; and Mr. Murphy, yes.

[Motion passed 4-0]

### **3. Yi Residence at 6056 Brigids Close Drive, 22-131V, Non-Use (Area) Variance**

The Chair - This is an application for a Variance to allow building-mounted solar panels as an accessory structure to be located on a street-facing façade on a 0.23-acre site is zoned Planned Low Density Residential District – Dublinshire. The site is located northwest of the intersection of Brigids Close Drive with Curragh Court.

The Chair asked the applicant's representative to approach.

Salvador Pareja, Blue Raven Solar, 2029 Riverside Drive, Suite 102 requested to table the case.

Mr. Nigh moved, Mr. Clower seconded, to table the Non-Use (Area) Variance to allow building-mounted, residential solar panels as an accessory structure to be located on a street-facing façade.

Vote: Mr. Murphy, yes; Mr. Deschler, yes; Mr. Clower, yes; and Mr. Nigh, yes.

[Motion passed 4-0]

### **COMMUNICATIONS**

Tammy Noble stated that during the Joint Session held in August that included City Council, the Planning and Zoning Commission, the Architectural Review Board, and the Board of Zoning Appeals, a request was made of Staff for comparing past cases with similar scenarios to the cases under review. This process was not followed for this meeting as there were no past cases that aligned with the current cases under review for solar panel usage. The process will be followed for applicable cases going forward.






Solar panels are slated to be discussed at the Planning and Zoning Commission (PZC) meeting on October 20, 2022. The public was encouraged to reach out to the PZC and City Council Members with their thoughts concerning solar panels so amendments to the Zoning Code can be expedited.

Mr. Deschler adjourned the meeting at 9:25 p.m.

  
\_\_\_\_\_  
Jason Deschler, Chair  
Board of Zoning Appeals

  
\_\_\_\_\_  
Administrative Assistant II, Recorder





# RECORD OF DISCUSSION

## Planning & Zoning Commission

Thursday, September 15, 2022 | 6:30 pm

The Planning and Zoning Commission took the following action at this meeting:

### 3. Solar Panel Code Amendment, 21-151ADMC

#### Administrative Request – Code Amendment

Proposal: Request for a future Code Amendment to provide regulations in regards to solar panels for residential and commercial properties.

Request: Review and informal discussion with non-binding feedback.

Applicant: Dana L. McDaniel, City Manager, City of Dublin

Planning Contact: Tammy Noble, Senior Planner

Contact Information: 614.410.4649, tnoble@dublin.oh.us

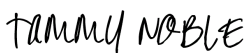
Case Information: www.dublinohiousa.gov/pzc/21-151

**RESULT:** The Commission provided significant feedback regarding potential regulations for both commercial and residential solar energy systems and comments included both ground-mounted and roof-mounted systems. The Commission suggested that commercial use of solar energy allow roof-mounted on flat roofs and on pitched roofs allowed with limitations. For ground-mounted solar energy in commercial districts, should be permitted with limitations and the Commission did not support ground-mounted systems in the front of a principle structure and did not support solar farms. The Commission suggested that solar energy in residential districts be allowed allow roof-mounted on flat roofs and on pitched roofs with limitations. The Commission stated that this should be permitted to the side and rear of a structure, with limitations, and solar energy to the front be limited to solar shingles. The Commission supported ground-mounted systems to the side or rear of a residential structure but did not support to the front.

#### MEMBERS PRESENT:

Lance Schneier	Yes
Rebecca Call	Yes
Mark Supelak	Yes
Kim Way	Yes
Warren Fishman	Absent
Jamey Chinnock	Absent
Kathy Harter	Yes

#### STAFF CERTIFICATION

DocuSigned by:  
  
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 Tammy Noble, Senior Planner





~~A proposal to install a patio and associated site improvements for an existing restaurant on a 17.08-acre site zoned Planned Unit Development, Northeast Quad, Subarea 5A, located northwest of the intersection of Sawmill Road with Hard Road.~~

~~Mr. Supelak moved, Ms. Harter seconded approval of the Amended Final Development Plan with no conditions.~~

~~Vote: Mr. Schneier, yes; Mr. Supelak, yes; Ms. Harter, yes; Ms. Call, yes; Mr. Way, yes.  
[Motion approved 5-0.]~~

## ~~2. Sunny Street Cafe at 7573 Sawmill Road, 22-122CU, Conditional Use~~

~~A request to allow an outdoor dining patio for an existing restaurant on a 17.08-acre site zoned Planned Unit Development, Northeast Quad, Subarea 5A and located northwest of the intersection of Sawmill Road with Hard Road.~~

~~Mr. Way moved, Mr. Supelak seconded approval of the Conditional Use with one (1) condition:  
(1) That the patio amenities be stored off-site during off-season.~~

~~Vote: Ms. Harter, yes; Mr. Schneier, yes; Ms. Call, yes; Mr. Supelak, yes; Mr. Way, yes.  
[Motion approved 5-0.]~~

## ADMINISTRATIVE REQUEST

### 5. Solar Panel Code Amendment, 21-151ADMC, Administrative Request – Code Amendment

An informal discussion of a future Code Amendment to provide regulations regarding solar panels for residential and commercial properties.

#### Staff Presentation

Ms. Noble stated that this is a topic that has been discussed previously by the Planning and Zoning Commission (PZC), as well as by other City bodies. Currently, the City's Zoning Code remains silent on the issue of solar panels. The Commission is pursuing an amendment to address that. The topic originally was presented to PZC in October 2021 and again in May 2022. The most recent discussion was at the August 31, 2022 Joint Council-PZC-ARB-BZA work session. Currently, requests for installation of solar panels are handled as accessory structures, which permit installations to the side and rear of properties. It does not permit installation of solar panels to the front of properties. At this time, solar panels and sustainable devices are permitted within the Bridge Street District and the West Innovation District, but they are not permitted throughout the City. As part of their analysis, staff looked at surrounding communities and states. They have found that most communities exercise some jurisdiction in regard to solar, wind and geothermal regulation. In term of local regulations, they have benchmarked two other communities that address solar panels as accessory structures, with a variance in regulations as related to Historic Districts. With commercial buildings, it is easier to integrate the panels with the architectural elements of the building. Residential solar panels are more difficult to install aesthetically. This topic was discussed at the Community Services Advisory Commission (CSAC) meeting earlier this week. [Images of different methods of installing solar panels were displayed.]

Ms. Rauch stated that staff also took this item to CSAC for consideration, because they are overseeing the Sustainability Framework topic. Some of the committee members were supportive

of permitting solar panels everywhere; others were supportive of having regulations concerning how and where solar panels could be installed.

Ms. Noble noted that at the Commission's last discussion on this topic, members had requested technical analysis regarding installations and advancements in the industry be provided. Initially, two professionals in the field were scheduled to speak tonight, but due to schedule conflicts, were unable to attend. Tonight, staff is interested in learning Commission members' thoughts on a draft code related to solar panels, specifically in regard to their location.

Ms. Rauch noted that although a professional on this topic was unable to attend tonight, staff has had extensive conversations with the representatives and conducted a significant amount of research. They are able to share what has been learned.

### **Commission Discussion**

Ms. Call stated that discussions on commercial and residential installations would be handled separately, beginning with commercial installation. The discussion should include the desired types and the submission/review process. For instance, should applications be included with the Preliminary and Final Development Plans, or should they be handled differently? Probably the easiest location for commercial installations are flat roof commercial buildings, so discussion will begin with flat-roof installations.

#### Solar Panel Installations on Commercial Buildings with Flat Roofs:

Mr. Way inquired, for clarification purposes, if the assumption is that the panels also are flat, as they often need to be tilted to optimize their solar collection ability.

Ms. Call responded that they could be canted, but the assumption is that they would be shielded, not visible.

Mr. Way indicated he would be supportive of flat roof installations.

Ms. Harter inquired if they would be visible from the street. Additionally, would there be ground-mounted mechanicals?

Ms. Call responded that roof-mounted solar panels would be subject to the usual requirements for screening of mechanicals. Ancillary ground-mounted installations also would be required to be screened.

Ms. Harter inquired if the assumption is that flat roof-mounted installations would not be visible across the street.

Ms. Rauch stated that this would be handled the same as rooftop mechanicals. The intent is that there would be a parapet that would screen them. There may be some instances, however, in which they would be visible.

Mr. Supelak stated that the Code for commercial flat roof installations could be handled the same as HVAC units screened with parapets. Other installations would necessitate different regulations.

Mr. Way inquired if visibility of solar equipment was a negative issue.

Ms. Call stated that some objections are based on their visual impact.

Mr. Supelak stated that if visible, the aesthetics would be a contributing factor.

Mr. Way noted that not every commercial building has a flat roof.

#### Solar Panel Installations on Canted Commercial Building Roofs:



Ms. Call stated that looking at canted roofs, one way to mitigate the visual impact would be to permit them only on parcels that are not adjacent nor street-facing. The only people who would be visually impacted would be those using the building.

Mr. Schneier stated that it would be helpful to have a spreadsheet depicting the taxonomy of this topic. Within that, there are probably only 20 different types.

Mr. Supelak stated that he believes that is what the discussion is attempting to achieve. It is important also to future-proof our Code. It cannot deal only with the types of solar installations currently known. Technology is accelerating so quickly that there will be many types not yet known. The Code should be both specific, yet over-arching.

#### Residential Installations:

Ms. Call directed the discussion to residential installations, including roof-integrated solar shingles, roof-mounted panels framed and frameless; ground-mounted solar panels 18 inches or less off the ground; accessory structures roof-mounted; stand-alone solar structures greater than 18 inches; solar windows, etc.

Ms. Call stated that, beginning with roof-integrated solar shingles – she believes these should be addressed as shingles, therefore would be subject to the City’s Code regulations related to roofs. Similarly, solar windows should be addressed as windows, not solar panels. Future solar collection devices, such as stucco or paneling, would be addressed by the Code section related to those categories. Thereby, we would be future-proofing regulations related to many solar energy devices.

Ms. Call noted that while she believes that would be the best way to address the residential installations, the Commission does not review individual residential applications. Commission members had no objections to addressing residential installation in that manner.

#### Commercial Installations:

Ms. Call asked that, reverting to the commercial installations, what the Commission believed should be addressed by the Code to facilitate the Commission’s review of future applications.

Ms. Rauch noted that staff would take the Commission’s suggestions, develop draft Code and review it with the industry professionals with whom they are in discussions. Those representatives are anticipated to share their recommendations at a future Commission discussion on the topic.

The Commission discussed the components of the images of different types of rooftop mounted versus integrated installations, such as rain-screen solar panels.

Mr. Supelak noted that it would be important to define integrated versus mounted. Accessory structures are different.

Mr. Way suggested that the smaller commercial buildings could be handled the same as residential solar panel installations, i.e., they would be addressed by the Code section related to that building component, such as roofs or windows.

Mr. Supelak agreed, noting that it also could be itemized/referenced in the new Solar Code section.

Mr. Way stated that he is concerned about stating that solar panels should not be permitted on street-facing roofs. There is evidence that solar panels placed on the incorrect side of roofs do not

perform well. The purpose of installation of solar panels is their anticipated performance, so he is less supportive of making the roof location the controlling factor.

Mr. Supelak stated that if homeowners are not permitted to install them on the south-facing façade, they could be dissuaded from installing any solar panels.

Ms. Noble stated that solar companies have provided an analysis that indicates solar panels can function if located to the side or rear of homes, but not as well; those types of installations are also more costly.

Ms. Call directed the discussion to commercial installations on pitched roofs, beginning with traditional framed or frameless solar panels. Is the Commission supportive of any placement, a percentage of roof coverage and any height elevation from the roof? The elevation we used for ground-mounted panels was 18 inches.

Ms. Noble stated that current City regulations limit the height to 18 inches.

Mr. Way stated that the sample solar panel Codes from other cities regulate panels extending above or hanging over rooflines; he would be supportive of using similar language. Aesthetically, he has an issue with the appearance of staggered cells on roofs with valleys, as they make the roofs look "busy." A rectangular or square shape is cleaner. Those are however, more of a concern on residential buildings than commercial. It would be preferable if the panels mimicked the shape of the roof.

Ms. Rauch stated that with the Bexley Code example, that is one of the stated requirements: "The configuration profile of the assembly shall be complementary to the roofline. Installation should minimize the number of corners and should avoid complexity and non-symmetry."

Ms. Call stated that the Bexley language is clear and accomplishes what is desired.

Mr. Way stated that it should require a relationship consistent to the plane of the roof.

Ms. Call stated that in her opinion, the traditional framed or unframed panels should not be located on the front of homes. The location of integrated solar shingles would not be an issue.

Ms. Harter stated that if the solar shingles have a sheen that could be a concern, as they would look different from other shingles.

Ms. Call stated that solar shingles would not be addressed the same as solar panels. They would be addressed by the section of the Code related to roof shingles. The Tesla shingles look like clay shingles.

Ms. Harter stated that she would like to see a sample of the product.

Mr. Way suggested that, rather than saying no front-mounted solar energy devices are permitted, the Code could state that solar shingles would be required, if front-mounted; installation of traditional solar panels would be required to be rear-mounted. That would permit some flexibility.

Ms. Harter inquired the price difference between solar shingles and traditional solar panels.

Ms. Noble stated that solar shingles are much more expensive. None of the solar panel companies with whom staff has been speaking provide solar shingles. She believes some roofing companies are developing the expertise to install them in connection with other roof repairs.

Ms. Call inquired if there are any other recommendations related to residential installations other than that on the front façade, integrated roof shingles would be required; roof-mounted solar panels would be required to be located on rear facades.

Mr. Schneier stated that neighborhoods, such as Martha's Vineyard, would have the most stringent aesthetic solar installation regulations. Their Code provides for a committee to review each application. In comparison, Dublin prefers a Code that provides guidance. Kiawah Island Code states, "Solar panels may be incorporated into the roofscape or installed on an ancillary structure, provided views are screened from neighboring properties. Solar panels may not be rack-mounted, unless integrated into the roof design, using roof wells or parapets. External piping is not permitted. The views must be approved in advance of the installation." He believes that, in practice, this would be very restrictive.

Mr. Supelak recommended Code language that stipulated rear-mounted panels should be coplanar with elevations no greater than 18 inches.

Ms. Harter stated that it would be important that the Code stipulate that rear-mounted solar panels should not be visible from the front.

Ms. Call noted that utilizing language similar to the Bexley Code would address that element.

Ms. Call stated that the definitions should clarify that solar panels are non-integrated; they *are* mounted to the surface of a structure. Solar shingles are integrated and part of the roof's integrity; they *are not* mounted to the roof.

Discussion continued regarding integrated elements that are part of the structure – stucco, paint rainscreens and complete roofs.

Ms. Call noted that those are design elements.

Mr. Way clarified that he is not opposed to front-mounted installations but would concur with the Commission's consensus.

#### Ground-mounted Residential Solar Panels:

Commission consensus was that residential ground-mounted solar panels not be permitted in the front yard. Ground-mounted structures with a height no greater than a certain number of inches (staff would insert a recommended height from a safety perspective) would be permitted in the side or rear yards, if landscaping screening of a matching height were provided. The height of stand-alone solar panels should be minimal, so that they can be screened by landscaping. Standard setbacks would apply.

Ms. Call inquired if they would apply to lot coverage.

Mr. Schneier noted that in the Historic District, such devices, such as air conditioner units, do not count toward lot coverage.

Mr. Way inquired if ground installations would be handled different in sideyards that face a principal street.

Ms. Rauch responded that if it is on a public right-of-way, a corner lot is considered to have two front setbacks.

#### Commercial Ground-Mounted Solar Panels (not accessory):

Ms. Call inquired if commercial solar farms would be permitted.

Ms. Noble stated that it would be a use question. If it is not a free-standing use, it would not be permitted.

Commission consensus was that the frontage would be addressed in the same manner as residential ground-mounted installations. The amount of screening on a large commercial lot would be greater than the amount required on a residential lot.



Residential Accessory Structures (sheds, detached garages, pergolas):

Commission consensus was that the location be limited to the rear of the lot with similar requirements as other solar panels.

Commercial Accessory Structures (covered parking structures):

Ms. Call stated that the Commission would want to see these included in the Preliminary and Final Development Plans and reviewed at that time.

Mr. Supelak stated that the perimeter screening of commercial lots would buffer the views. The solar panels could be integrated and comprise the roof plane.

Ms. Call noted that if they are not integrated and are mounted, an 18-inch height would be too great.

Commission consensus was to permit them.

Ms. Noble inquired about size, shape and concentration of panels.

Ms. Call stated that language similar to the Bexley Code, which requires that it "be complementary to the roof line," would address size, shape and concentration of panels, as well.

Mr. Schneier noted that regulating the number, size and concentration of panels could impact the output.

Ms. Harter inquired if tree removal could potentially occur with these installations.

Ms. Rauch stated that could occur, although would be discouraged. However, homeowners are permitted to remove trees on their single-family residential lot, regardless of solar panel installation; only a permit is required.

Mr. Way stated that the permitted heights has not yet been specified.

Ms. Call responded that staff is researching the height element further before making a recommendation.

Mr. Way stated that the sample Codes from other cities use a height of 6 to 8 feet, so there are models from which we could draw a height requirement.

Ms. Harter inquired if due to the prohibition of front-facing installations, one side of a neighborhood was permitted to have solar panels but the other side was not, that could change the value of some homes in that neighborhood. The City might want to track that factor.

Mr. Way noted that there could be value in the City offering a renewable energy program to which homeowners could contribute and receive some return. Perhaps a solar farm could be located in the West Innovation District.

Ms. Call stated that is an item that could be proposed to City Council for consideration.

Mr. Way inquired if any City buildings had solar panels.

Ms. Noble responded that, currently, there are none. This is a topic, however, that has also been discussed with Dublin City Schools.

Mr. Way stated that perhaps this is an opportunity that could be considered for all public buildings, along with a strategy for contribution.

Ms. Call stated that there are many related components, and potentially a Pandora's Box, with which she does not believe the City would want to become involved. However, the idea could be passed along to City Council for consideration.

Mr. Way noted that current social media is reflecting the public's opinion that the City is opposed to solar panels. This legislation is an opportunity for the City to change that messaging to its residents.

Ms. Call suggested that the City's public information office take steps to get in front of that messaging.

Ms. Rauch stated that there was discussion to that effect at the recent joint work session, including the suggestion to provide some information for the Fall Homeowners Association meeting.

Ms. Noble stated that the fact that the City is pursuing a Code amendment shows that the City is interested in permitting solar panels. In the interim, solar panels are being handled as accessory structures, which has the risk of being appealed.

Ms. Call stated that it will be important to control the messaging. Many residents perceive any proposed Code amendments to be for the purpose of restriction. That is the opposite of the City's intent, which is actually to free up the restrictions.

### **Public Comment**

No public comments were received on the proposal for a Code amendment related to solar panels.

Staff will draft a Code amendment consistent with tonight's discussion for future review by the Commission.

### **~~COMMUNICATIONS~~**

- ~~**PZC Meeting Dates Calendar - October 2022 through February 2023**~~

~~Commission consensus was to confirm the remaining calendar dates.~~

~~Ms. Rauch noted that the 2023 PZC Meeting calendar would be developed for Commission consideration after City Council had adopted its 2023 meeting calendar. The Commission calendar also will include the joint meeting, training and project tour dates.~~

- ~~**Upcoming Commission Education/Training Opportunities**~~

- ~~1) OKI Regional Planning Conference, conducted by the American Planning Association's Ohio, Kentucky, and Indiana chapters, will be held in Louisville, Kentucky, September 28-30.~~
- ~~2) Ohio Economic Development Association Annual Summit, "Aligning Housing and Economic Development," will be held October 3-6 at The Exchange. The Conference is sponsored by several local groups, including MORPC and the Ohio Department of Development.~~

~~Ms. Rauch stated that any Commission member interested in attending either of the conferences should contact staff quickly for registration purposes.~~

- ~~**Administrative Approvals**~~

~~Ms. Rauch inquired if the Commission believed there were any additional types of requests that would be appropriate for administrative review. The Commission directed staff to research previous Commission approvals and develop a list of items, which the Commission most often has directed the applicant to work with staff. The list should also include requests typically approved on a Consent Agenda. That list of potential additional Administrative Approval items will be provided to the Commission for consideration and direction.~~

- ~~The next regular meeting of PZC is scheduled for 6:30 p.m., Thursday, October 6, 2022.~~

~~those just in vehicles or walking. It is meant to look at the street as a holistic system. There are several initiatives going on that talk about transit in other mobility options. One option being looked at is bringing CoGo to Dublin which would be a mixture of peddle bikes and e-bikes. There are other initiatives with COTA and bringing bus rapid transit to Dublin, if and/or when that becomes a reality for our region. These are all active initiatives the City is trying to work on to try to provide other options and get people out of their vehicles.~~

~~Ms. Qiu thanked staff and Mr. Shipps for all of the information and the great discussion.~~

#### **V. Solar Panel Discussion – Jenny Rauch**

Ms. Rauch started by introducing herself and explaining that she is here to discuss renewable energy, in particular, solar panels. This is being presented because more recently, there have been numerous request through Building Standards and Planning for single family residents that want to install solar energy on their homes. Staff has had some initial discussions, but in the light of City Council's goal of sustainability and what opportunities that brings to the city, staff wanted this opportunity to talk with this commission and get feedback on this topic before the Planning and Zoning Commission and City Council review a code amendment.

Ms. Rauch provided a quick overview of the current regulations are as they relate to solar panels and renewable energy in the City and how that fits with individual homeowner association (HOA) restrictions and who oversees that. Ms. Rauch said the existing regulations, which are the City's responsibility are as follows:

- Renewable Energy Equipment is considered an accessory use and typically is limited to the side or rear of a structure, including single-family homes
- Planned Unit Developments may be more restrictive
- West Innovation District, Bridge Street District, Historic Dublin and Dublin Corporate Area have additional permissions which are provided
- In all instances a building permit is required prior to installation

Ms. Rauch said the HOA restrictions include:

- Individual HOA's enforce deed restrictions, which may have limitation regarding renewable energy than what the Code would permit
- Senate Bill 61 is a new law that governs how HOA's may apply rules to solar panels on residential properties

Ms. Rauch continued to explain that the Planning and Zoning Commission discussed this topic was in October of 2021 and then again in April 2022. Ms. Rauch highlighted the discussion that took place:

- Support of solar panels and sustainability efforts
- Recommended regulating the location of solar panels as to not be visible from the public rights-of-way to the extent possible.
- Solar energy should be permitted to ensure compatibility with the community's aesthetics, while also pursuing the latest technology

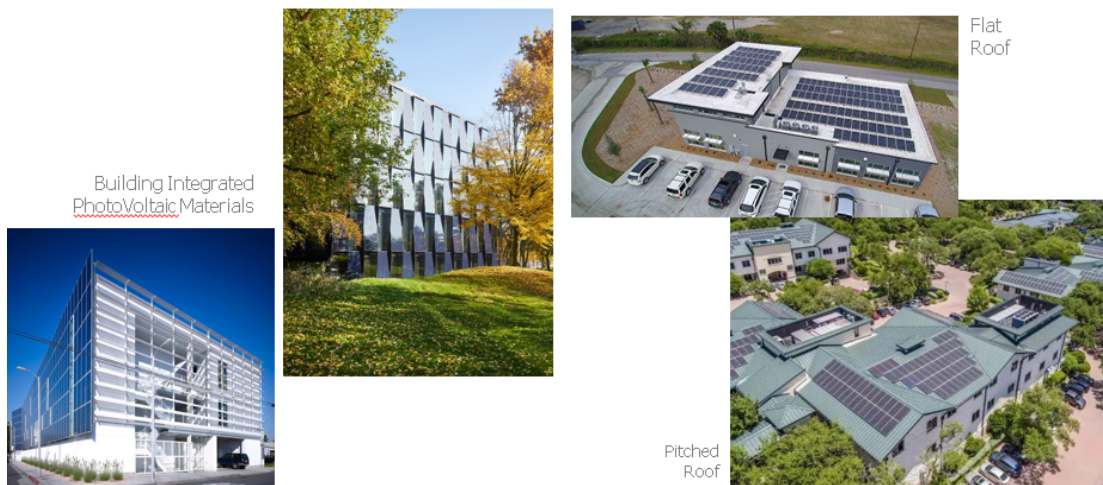


- Discussed incentivizing solar panels for new developments
- Supported the need to balance the approach to solar and provide clearer direction within our Code
- Requested additional information and benchmarking

Ms. Rauch continued to say that two weeks ago there was a joint session between Dublin City Council, Architectural Review Board, Planning and Zoning Commission and the Board of Zoning Appeal Board regarding this topic. They had conversations about roof-mounted solar panels on residential homes and how those should be regulated. There were concerns raised about the general aesthetics of solar panels and the installation of the panels on front elevations. Also, discussed the impacts of the new Senate Bill regarding how HOA's regulate solar panels. The next steps are to be here tonight to discuss this commission's perception of solar panels from your neighborhood, personal experience and as a committee. We would also like to get some feedback about what this commission would like to see, as a part of a potential Code amendment for the Planning and Zoning Commission to take into consideration.

Ms. Rauch said the City did benchmarking with similar communities that have comparable Zoning Code which include Westerville, Worthington, Hilliard, Grove City, Upper Arlington, Columbus, Blue Ash and Montgomery, Ohio and Carmel, Indiana. Blue Ash, Westerville, Worthington, Upper Arlington and Montgomery allow wind, solar and geothermal, which Grove City, Upper Arlington, Worthington and Columbus permit solar only in all districts and locations.

Ms. Rauch provided some non-Dublin commercial building examples and explained the differences between them.





Solar Farms

Solar Vehicular Canopies



Ms. Rauch also provided some non-Dublin residential home examples.





Ms. Rauch said for this evening, staff would like for the Commission to discuss on the following questions.

- What have the Committee members heard from Dublin residents regarding renewable energy, particularly solar panels on single-family residential?
- What should the Planning and Zoning Commission and City Council consider regarding aesthetics, location (front, side and/or rear), and technology types (roof-mounted v. ground-mounted, or solar shingles v. panels) when reviewing a proposed Zoning Code amendment for renewable energy equipment?
- Other considerations of the Committee?

Mr. Arunachalam asked if the City looked at areas similar to Muirfield when benchmarking.

Ms. Rauch said staff did not specifically look at communities with golf courses.

Ms. Qiu said the City has a very robust business community. Ms. Qiu asked if the City could encourage the businesses to install solar panels on their building first, before moving to residential areas.

Ms. Rauch said the City can encourage businesses to do this, but by no means are we suggesting that everyone needs to have solar panels. The challenge is that our Code could be clearer about what we would like to have happen and how to permit that. For single family residential there is the opportunity for federal incentives for them to install solar panels, which is why there has been a push. There has also been interest from residents to put solar panels on the front of their homes, which is currently not permitted in Dublin.

Ms. Qiu said if the City wants to encourage the use of solar panels; it would be helpful to provide educational sessions for the residents. Ms. Qiu said she is very interested, but as she was looking for information online, she realized there is a lot of information out there and it can be overwhelming. It would be helpful for people to understand better the technology and to know which vendors are reputable to provide services.

Ms. Rauch said the City could provide educational sessions once the Code has been adopted. The Mid-Ohio Regional Planning Commission (MORPC) has a program called SolSmart, which can help provide resources to the City and thus to residents. Ms. Rauch asked the commission members if any of their neighbors have solar panels on their homes.

Mr. Dritz said his neighbors do not have any solar panels on their roof. The only one he has seen in Dublin is the one at the Golf Club of Dublin on Hole 14. It is not aesthetically appealing and it is on the back on the house. Mr. Dritz said he imagines that allowing this on the front of the property would decrease the property value of the home.

Ms. Qiu said she is only aware of one person that has solar panels on this home and he is a coworker of hers. He is not a Dublin resident, but she has spoken with him about his solar panels and his



were installed through Tesla and he has had issues after issues. This is why she suggested the educational portion and recommendations on what works well and what does not, for residents that are not familiar with what is available.

Ms. Kanonchoff said depending on how someone's how faces the sun, could depend on where the individual would like to place solar panels, so if there are restrictions that would not allow for equal opportunity. She asked what the points of discussion are, to determine what the City might be looking at, as far as placement.

Ms. Rauch said Ms. Kanonchoff makes a very valid point, which is why this is a very challenging conversation. There may be neighborhoods that completely prohibit them and other neighborhoods that allow them within specific areas of a residential property. This is the nature of zoning requirements for various neighborhoods. The conversation at Planning and Zoning Commission and our joint session, which included Dublin City Council, was largely related to what you would want to see on the front of the property and concerns about the aesthetics. We know we want to be sustainable and we have this opportunity for sustainable equipment and we want to permit that in some capacity, but we also want to make sure we are upholding the character and quality of Dublin. Are solar panels something we want to see on the front of the property? There have been concerns on how to tackle it.

Ms. O'Callaghan said the discussion at the Planning and Zoning Commission would really be focused around #2 and the details. Should there be a desire to accommodate solar panels on residential properties, how could the City best accommodate. Those very specific questions will be discussed, such as location, where should allow them to be placed, what types should be allowed and how best to regulate them.

Ms. Qiu said she feels like residents need to be sure that it will be a good investment before investing in solar panels. Ms. Qiu is only aware of JP Morgan using solar panels. She thought it might be a good idea for staff to check to see if they are getting their money back on their investment. If it is beneficial for them, then maybe it will be worth the investment from a residential standpoint.

Ms. O'Callaghan said if it does seem beneficial for residents to have solar panels, she asked if the commission has any preference on the aesthetics. Are there any suggestions as to how or if they should be incorporated in residential neighborhoods?

Ms. Qiu said if it makes financial sense and if residents are interested, it should be up to the HOA they live in. I think it would depend on where they live and the scenario of what the resident would like to install.

Ms. O'Callaghan said it sounds like Ms. Qiu is stating that it should be up to the HOA as to what each neighborhood will allow, but based on the new law that is in place, that may not be an option for HOA's to determine what is allowable.

Ms. Von Sadowsky said it is something different than people are used to seeing, but with time, people will get used to it. If the goal is for our community to be sustainable, then it goes hand in hand with that. She said she does not have a problem with placement of the solar panels.

Mr. Pryor said he is all for solar panels 100% across the board. He feels that it adds to the general attitude of a sustainable Smart City and he likes the way they look.

Mr. Dritz said he has seen some instances of solar panel that are aesthetically fine. He feels like there should just be guidelines on installation regardless of where they are installed so they look professionally installed.

Mr. Arunachalam said he agrees with Mr. Dritz. He would also like to see solar panels made better so they looked more pleasing than they currently do.

Ms. Kanonchoff asked if this topic is coming up a lot recently; so that it is becoming an issue that does need to be addressed in the near future. She asked if many people are trying to apply for permits for solar panels.

Ms. Rauch said yes, there has been much more inquiry in the last six months in regards to solar panels than staff has seen over the last several years. Ms. Rauch said it is to the point where there are several homeowners that are not permitted to have solar panels on the front and they have requested a variance to that requirement at the Board of Zoning Appeals.

Ms. Kanonchoff said she was not sure what the issues with aesthetics is. She does not think they look obnoxious and from a commercial standpoint, it makes perfect sense. It might take some getting used to but as Mr. Pryor stated, if Dublin wants to be a Smart City, then this makes sense with how we are trying to project Dublin to be. It makes sense to be energy efficient.

Ms. Qiu said if aesthetics is not a concern, then why we are limiting solar panels just to the backside of the property. She does suggest incorporating some rules such as panels matching the house/shingle and having the solar panel covering 80-90% of shingles so it blends better and aesthetically looks nice.

Mr. Arunachalam commented that there is the possibility of the solar panels being damaged due to hail or other factors. He suggested having language about replacing damaged equipment in a timely manner so it is not an eyesore.

Ms. Rauch thanked the commission for their time and the information and feedback provided by the commission.

~~VI. Dublin Sustainability Framework 2.0 – Emily Goliver~~

**JOINT WORK SESSION OF  
DUBLIN CITY COUNCIL, PLANNING & ZONING COMMISSION,  
ARCHITECTURAL REVIEW BOARD AND BOARD OF ZONING APPEALS**

**AUGUST 31, 2022**

**Minutes**

Vice Mayor De Rosa called the Wednesday, August 31, 2022 work session to order in Council Chamber at 6:00 p.m.

**Attendance**

City Council Members: Ms. Amorose Groomes, Vice Mayor De Rosa, Mr. Keeler, Ms. Kramb, Mr. Reiner, Ms. Alutto [arrived at 7:45 p.m.]; Mayor Fox was excused.

Planning & Zoning Commission (PZC) Members: Ms. Call, Mr. Supelak, Mr. Way, Mr. Schneier, Mr. Chinnock, Ms. Harter [Mr. Fishman excused]

Architectural Review Board (ARB) Members: Mr. Alexander, Mr. Cotter, Ms. Damaser, Mr. Jewell [Ms. Cooper excused]

Board of Zoning Appeals (BZA) Members: Mr. Deschler, Mr. Nigh, Mr. Clower, Mr. Garvin [Mr. Murphy excused]

Staff Members: Ms. Rauch, Ms. O'Callaghan, Mr. Boggs, Ms. Holt, Ms. Noble, Mr. Hounshell, Mr. Will, Ms. Mullinax, Mr. Rogers, Ms. Blake, Ms. Goliver, Ms. Wright

[Dinner Recess]

The work session was reconvened at 6:36 p.m.

**City Council Updates and Policy Discussion**

- City Council 2022 Goals and Strategic Vision Overview

Ms. Rauch presented a brief overview of City Council's 2022 Goals and Strategic Vision. Earlier this year, Council held a Council Retreat out of which came the following four goals for 2022:

1. Most Connected Community
2. 2035 Vision
3. Preservation of Dublin's Historic District
4. Becoming a Destination of Choice

There are many projects in process to help achieve these goals. All of these goals are linked to the City's overall Strategic Vision, which is that "Dublin Ohio is the most sustainable, connected and resilient global City of choice." That vision guides the City in defining its plans and policies.

- Plans and Policy Updates

Ms. Rauch stated that the City's plans and policies, along with its core values and guiding principles, guide the work and services staff provides. The plans currently underway or soon to be initiated include: Dublin area housing study; Parks and Recreation Master Plan update; Sustainable



Framework; curbside management; Economic Development Strategic Plan; speed management; and the Community Plan update.

Vice Mayor De Rosa invited Board and Commission members to share any comments before topic discussions begin.

*Board and Commission comments:*

Mr. Clower stated that one of the things he appreciates about Dublin is its focus on pedestrian paths and bike trails and development within Historic Dublin and Bridge Park. In addition to the Bridge Park development, there are four-five other areas in Dublin that present good opportunities for creation of dense, walkable neighborhoods with a strong de-emphasis on vehicle traffic. Those nodes could then be connected to the cores of the community. Dense, walkable areas promote a sense of community, and require less investment to be made in building infrastructure/roadways in those areas. Walkable communities align with Dublin's 2035 Vision and would ultimately achieve many of its goals.

Ms. Call stated that while we all desire walkable communities where the residents can live, work, shop and play in the same area, much of the transportation network is outside the City's control. The City does not itself provide a public transportation system to multiple destinations. While there is room for improvement in several areas, Dublin has done a good job in planning transportation corridors, and continuing to plan and reserve land in a strategic manner for future use is beneficial.

Mr. Clower stated that there is a problem with how Dublin residents interface with the greater Columbus area, but the City does have the ability to build and provide public transportation on a smaller scale to destinations within the Dublin community itself.

Ms. Harter stated that focusing on the associated safety component would be important.

**Policy Discussion**

- Opportunities for developments to create a sense of place and contribute to the public realm.

Vice Mayor De Rosa invited Ms. Amorose Groomes to lead off the policy discussion.

Ms. Amorose Groomes thanked Board and Commission members for the work they are willing to do. It is Council's hope that, while it may not make the members popular, that they push the development happening in the community to its limits. The City's board and commission members are the guardians of the built environment in the City of Dublin. Planning is what we do best in this community, but if Board and Commission members do not execute those plans, they will not be effective. Council asks that, as they sit at the dais, each member take up the torch to be the keeper of this community and guide its structure. We often talk about a sense of place, but we do not really know what that is until we are there; then we can feel both its positive or negative components. Council challenges members to pursue achieving a sense of place within the community. Board and Commission members are also encouraged, as they drive about the City, to note any opportunities that might exist that could be considered with the upcoming Community Plan update. Community Plan updates do not occur frequently; the last was in 2014. There is not much undeveloped land remaining in Dublin, so how it is used will be very important. Board and Commission members will

be framing those future plans. The intent with our discussion tonight is to learn Board and Commission members' challenges and identify improvements that could be made to help make them more effective. Another agenda topic scheduled for discussion is building materials and construction practices. Commission members will be invited to share some of the challenges they have encountered with building materials or construction.

*Discussion:*

Mr. Chinnock stated that one challenge is the experience with some of the City's recent developments. As great as Bridge Park is, one of its failures is that it is focused on restaurants. There is a lack of entertainment and retail; there is little that encourages "dwell time." Dublin has a long way to go in creating a sense of place within the City. In comparison, Easton is considered the gold standard in development because they have done a good job of achieving "dwell time." People stay for hours in its outdoor parks, entertainment areas, etc. Families go to Bridge Park to get something to eat and then leave, because, other than Pins, there is nothing to do there. While Bridge Park is a great development, it falls short in achieving a sense of place.

Ms. Call stated that the City has some successes in that area. The new hospital development, for instance, will provide walking trails. Unfortunately, there are also areas where attempts at adding a sense of place have been less than successful. Putting benches outside the Chase Bank on Sawmill Road is such an example. Although intended to be a placemaking element, no one would want to sit and eat their lunch on a bench in an uncovered area. The same thing occurred with the Germaine car dealership. While we want to add gathering places and provide dwell time, adding a bench does not achieve that.

Mr. Reiner noted that Easton is referred to as an example of good development; however, they have fallen short, as well; they failed to place residential use above their shops. It is the City's Board and Commission members who create the wealth of the City. How the City's land is used determines the level of profit the City will have to support its schools. Without great schools, the City has much less to offer. Board and Commission members should remain mindful of the financial aspects of their decisions. It is important to consider whether a proposed rezoning and development would help maintain the wealth of the City, enabling it to maintain its roads and parks and retain its great school system, or if it could have a negative impact on the financial health of the City.

Mr. Alexander stated that it is important to clarify what we mean by "sense of place." In Easton, there is a physical presence and quality that give the community a sense of place, but that has been achieved by very restricted and limited development standards. If Dublin wants to create a physical sense of place, we likewise will need to be able to limit the appearance of our developments. There is not the same continuity within Bridge Park that exists in Easton, Grandview Yard or The OSU Campus South Gateway Area. Sense of place is achieved by both function and appearance. Accomplishing that can be difficult because the restrictions placed on development exceed form-based zoning.

Ms. Amorose Groomes stated that if at any time Board and Commission members are struggling with the application of a section of Code that is not working, Code amendments are possible. Members are encouraged to contact staff and suggest any amendments to Code that might be beneficial.

Mr. Reiner noted that although Bridge Park is not perfect, planning consultants from other areas of the nation have shared that they now use the Bridge Street development as a model for building a walkable city. They have referenced the good balance between restaurants and residential, although the retail component is lacking.

Mr. Clower stated that we have pointed out the grievances with Sawmill Road and the new Chase building. In the area around Lowes behind that section of Sawmill Road, the parking lots are 90% empty. Because it is also close to Bridge Park, there are opportunities to integrate it into the City of Dublin and away from Sawmill Road. The strip mall that once existed on the corner of Riverside Drive is now the attractive Bridge Park area. We should continue expanding Bridge Park and make use of the adjacent land that is currently under-utilized.

Mr. Way stated that he believes the Bridge Street District Code addresses the idea of sense of place. It provides the Planning and Zoning Commission great tools with which to have those conversations with applicants. The City's legacy projects are the issue. They have developed over time under different Code. How to build a sense of place in those areas is where we should focus. Metro Center is one of those areas. He served earlier on a task force that discussed ways to make that area a different place. Although the conversation often diverted to Bridge Park, not all development has to be the same as Bridge Park. The City is a collection of many different places. We need to look at our legacy development around the City, including Sawmill Road and the Metro Center, and consider how to introduce a sense of place.

Vice Mayor De Rosa inquired what would be his definition of sense of place.

Mr. Way responded that everybody has their own idea of a sense of place, and every place is different. To him, a sense of place is a place where people want to go; there are activities that draw them there, keep them there and where they want to return more than once. When people share that experience with others, it no longer remains a local sense of place. People come from a wider area to experience it. In addition to retail and dining, it also includes programmed areas of activities. Bridge Park offers the Farmer's Market and the pre-Memorial Tournament event. Easton, of course, also does that well. A private developer curates an experience for people with shopping and events. In summary, an area with a sense of place draws people to it.

Mr. Schneier stated that there can be a disconnect between what we do and what we want. The City's board and commissions operate on a reactive basis. Applicants come to us with something they want to do, and we attempt to ensure their project will work well. We wait in hopes that a developer or applicant will propose a project that will come close to what is desired, then the Commission/Board tweaks what is proposed to make it better. That is a passive approach, but is a more active approach possible? Currently, the biggest developments in Dublin – Muirfield, Metro Center and Bridge Park, were examples of successful reactions to proposals brought to the City. Instead of waiting and welcoming, however, is there any way to promote the type of activity we are interested in having?

Mr. Reiner stated that, actually, the City deliberately solicited developers for the Bridge Park development. Due to the recession, however, only one developer was interested. In regard to areas with a sense of place, we look at OCLC, Ohio University and Upper Metro Place as mini cities within our City, all with different themes. In the 1980s, he served on the Planning and Zoning Commission, and that Commission learned that when they turned down applications that were not right for



Dublin, something better took their place. It is important to have both a vision and certain standards to obtain and maintain the quality we want in this community, and applicants might need to modify their projects to be approved.

Ms. Damaser stated that concerning a definition for a sense of place, she believes it is more than having the amenities that attract people. There is also something that makes it cohesive. It is apparent where the sense of place starts and stops; it has a sense of character. An area with a sense of place has borders, as well as amenities. In essence, it is a neighborhood.

Mr. Keeler stated that he appreciates the earlier comment about an active versus passive approach. Council is currently working on some projects on which it is the thought leader, actively seeking the projects. As referred to earlier, Visit Dublin is interested in a sports campus. Dublin's current sports facilities are inadequate. Residents are traveling outside of the area for sporting events, when it should be possible to keep them right here. Council members are working with Visit Dublin to explore ideas that might make that happen. The developer will come later, at a time of Council's choosing. In regard to a sense of place, it should be a destination in and of itself. Metro Center presents that opportunity. There is the opportunity to create a new identity for a legacy office park, where, in addition to the offices, there could also be restaurants, entertainment and perhaps a Performing Arts Center.

Ms. Amorose Groomes pointed out that local government has the ability to release a Community Plan that indicates the type of developments the City is interested in having, thereby encouraging those types of development proposals. The work the Boards and Commission will be doing on the Community Plan will be critical, because that will be the City's invitation to the development community.

*Follow-up:* Staff will identify opportunities to elevate development design through the review process, particularly with its legacy areas, such as Metro Center. They also will consider ways for the City to be more active, less passive in guiding desired development projects.

- Review of process challenges faced as part of the review process.

*Discussion:*

Mr. Supelak stated that the Bridge Park development is partially completed, and many more lots are underway. Already, there are examples of poor craftsmanship occurring; one example is the sky bridge, the bottom of which is already rusting. There have been discussions about the adequacy of our building material requirements. There are some communities that are known for being "well put together" and cohesive, such as the Florida communities of Seaside and Rosemary. Those communities have very strict standards for aesthetics. In this area, New Albany has been similarly successful. Their aesthetics are clean and consistent, and their building materials are of high quality. The Commission attempts to be vigilant in regard to building materials, but nevertheless, Bridge Park is experiencing some issues with materials and/or contractors. We all want the same thing, but the question is what controls are necessary to achieve it. It is not within PZC's purview to check the specifications on every building material. Additional controls are needed to ensure we are getting the quality of materials and level of cohesiveness and aesthetics desired.

Ms. Call stated that PZC members are not expected to be experts on everything that comes before them, but there are opportunities for improvement. Commission members would benefit from

having opportunities for training; access to in-house architectural expertise; and access to an electronic database of reference materials.

Mr. Alexander stated that he understands the goal, but in the construction industry, new materials are proposed constantly. Although the materials may have been lab tested, they have not been tested for a length of time in the actual environment. Even if the right materials are used, they will fall apart if installed incorrectly. Some of the information Board and Commission members would benefit from having for their reviews is not in the meeting materials typically provided to members. The finished construction drawings and specifications (specs) contain a deeper level of information. It would be beneficial to incorporate a staff member with the necessary expertise to assess the details related to building materials and installation methods.

Mr. Chinnock stated that there are both performance specs and material specs. The Commission has limited ability to control performance specs, but they could exert more control in regard to material specs. Unfortunately, we often tend to be more lenient with our residents or smaller developers, who might not have the ability to meet stringent criteria. It is easier to hold large developers to high standards.

Ms. Damaser stated that in line with that is the topic of affordability. If our standards are too high, we will be seen as a City with unattainable standards.

Mr. Way stated that it is possible to require quality materials that are also affordable. It is up to us, as reviewing bodies, to understand the materials that are presented. He agrees that is not only what the material is and if it has been well tested, but it is how it is installed. The materials considered should be those that Building Standards has researched, tested and determined to be viable within the City. We also need to be sensitive about the cost of building materials. Residential building material prices are increasing to the point that they may soon be difficult to afford.

Mr. Clower inquired if the City conducted retrospective assessments with developers to evaluate what worked/did not work with their projects. Theoretically, we should be able to get a stronger core of developers who will work with the City to improve their developments and not repeat the same mistakes.

Ms. Rauch stated that staff has begun an inventory, particularly with Bridge Park, where many new materials have been used, of both the new materials used and the application methods. That information will provide ability to inform future projects that come forward. Currently, staff does not conduct an analysis of the materials used on a project, but we can look into that opportunity. Last year's Planning Department budget included funding for the hire of an architectural consultant to provide expertise in material analysis, including the installation process.

Mr. Clower inquired if staff goes back to the developers to discuss any materials that have not held up well in a project, so those materials can be discouraged in future projects.

Ms. Rauch responded that such discussions occur in a project's review process.

Mr. Supelak noted that this issue blends over into the Maintenance Code.

Ms. Kramb inquired if the City tracks Maintenance Code issues encountered with building materials. For instance, Tuller Flats had to replace all the paneling within the first year due to water issues. That was probably an installation issue.

Ms. Rauch responded that Planning would be involved only if a material needed to be replaced with an entirely different material.

Mr. Clower stated that perhaps the City needed to maintain a database of reputable developers. Mr. Supelak responded that developers do not want those types of issues, either; they want the installation to be done correctly. The problem can be with problematic installers.

Mr. Keeler inquired if a building materials database was available from a third party, which was updated regularly with any new tested and approved materials, along with product ratings.

Mr. Alexander responded that testing laboratories maintain such a database, but that level of review would exceed City staff's review ability. A testing lab might indicate that a material could perform a certain way, but if it has not yet been evaluated in the field, it remains a concern. Staff already conducts a significant level of research, and he does not believe the answer lies in providing Board and Commission members with reference materials to research materials.

*Follow-up:* Planning staff will research opportunities to create a reference or database of materials for Board and Commission members to access as part of their application review. They will also utilize architectural consultants to provide review expertise and education. Additionally, staff will identify opportunities to review projects with developers including discussion of satisfaction with the quality and longevity of installed building materials.

### **Board and Commission Discussion**

- Discussion regarding sustainable design elements and how/where these elements should be incorporated (i.e. solar panels use, location, etc.).

Vice Mayor De Rosa stated that several board/commission members had suggested that solar energy devices be included in this evening's discussion. She invited Mr. Deschler to begin the conversation.

#### *Discussion:*

Mr. Deschler stated that the Governor recently signed state legislation that will permit solar panel installation on homes, and members have been advised to anticipate applications for solar panel installations, many on the front rooflines of homes. Currently, City Code does not address the location of solar panels. The City can control the location and reasonability of the device only if there is Code that regulates it. Most of the City's subdivisions do not have HOA documents that address solar devices. There is a need to be prepared to address this issue in the near term.

Ms. Call stated that not all solar energy panels are equal. Some are not the typical box panels, but are aesthetically pleasing and could be installed on the front elevation of homes without negatively impacting the overall appearance of the neighborhood. There are also shoddy materials that if placed on roofs would stand out in a negative way. Different materials should be treated differently. The Commission will begin discussion on a draft Code, which after the Commission's review, would be forwarded to City Council for approval. As we continue to move forward on the aesthetics of solar panels, we look at sustainability, connection and resiliency. While we want our community to be sustainable, we also want our current residents to remain here.



Mr. Deschler stated that there is need for caution in allowing some types of solar panels and not others, as it is essential to avoid the appearance of discrimination. It is also important for homeowners to avoid being accused of causing a reduction in the fair market values of other homes within their neighborhood. Reasonable directions for review of solar panel applications, specifically their location, should be provided. It is his opinion that they should not be located on the front elevations, regardless of their appearance.

Mr. Alexander stated that the recently drafted Historic District Guidelines limit the location of solar energy devices to the back of the house, not visible from the street and not ground-mounted. The ARB has not received any applications for solar panel installations since the new guidelines were drafted, so no issues have been raised at this point.

Mr. Deschler stated that should change, however, as the President recently signed legislation allowing tax credits for the installation of solar panels.

Mr. Supelak stated that although the technology is accelerating on solar panels, the cost of technology eventually goes down. The City's existing Code is very inadequate on this item and must be amended in a manner to be appropriately future proofed.

Mr. Nigh stated that he is a resident of the Ballantrae community and serves on the homeowners association (HOA). They have been dealing with this issue. They hired an architect who they requested to identify the standards of all the major subdivisions within the area. The architect reported that every subdivision precluded solar panels. The survey included Muirfield and The Lakes in Westerville. Consequently, Ballantrae precluded solar panels with similar restrictions, and is now being sued for precluding them. As of September 13, the restrictions HOAs can place on solar panels will change significantly. In a month, this issue is anticipated to erupt. The number of applications for solar panel installations submitted to the HOA's architectural review board have increased from 1 to 50. The entities who will be funding litigation against HOAs are the solar companies. They will encourage and pay for the lawsuits because, ultimately, they will financially benefit.

Vice Mayor De Rosa requested that Assistant Law Director Boggs share any updates regarding the pending state legislation.

Mr. Boggs stated that the state law would become effective September 13, 2022. It deals with the restrictions that homeowner associations can place on solar panels; it does not govern what cities may do with respect to regulation of solar panels, including their placement, aesthetics, etc. At this point, however, City Code does not provide criteria regulating appropriate use of residential solar equipment.

Ms. Rauch stated that PZC will be discussing a draft Code amendment at its September 15 meeting. Mr. Way stated that discussion would focus on all the available technologies, so the Code will be able to deal adequately with different types of proposals.

Mr. Reiner stated that the Muirfield HOA Board is also considering appropriate ways to regulate them. They are currently looking at solar shingles instead of the more unsightly box panels, and are creating guidelines for screening ground-mounted solar collectors. The HOA Board wants to be inclusive and allow solar panels but also address the associated aesthetics.

Mr. Deschler inquired if it is necessary for homeowners to obtain approval from the City to install solar panels.

Ms. Rauch responded that to date, a homeowner must submit a request for a building permit. Because the standards for accessory structures have been used, solar panels have been required to be located to the side or rear of homes.

Mr. Deschler stated that the City needs to communicate with the HOAs in a timely manner, so they are aware of the anticipated applications. They should be advised that, currently, solar panels are treated as accessory structures and a building permit must be obtained from the City. This will enable the City to maintain some level of governance over solar panel installations while the Code amendment is being developed.

Mr. Clower stated that solar panel contractors need to be made aware, as well. Door-to-door solar panel salesmen are attempting to sell solar panels to the homeowners.

Ms. Kramb suggested that the City add a statement to the Fall HOA Leadership meeting materials. The statement could share the anticipated Code amendment and timeframe for completion. It is very expensive for the HOA to update their guidelines, and if the City will be enacting Code, which would override HOA regulations, they would not need to update their HOA documents.

Mr. Way inquired what would be the process for areas that do not have HOAs.

Ms. Rauch stated that the default would be City Code.

*Follow-up:* Staff will continue to keep Council updated on the progress related to solar panels, including the draft Code amendment. They will communicate with HOAs regarding the forthcoming new state law and need for homeowners to apply for building permits for accessory structures until passage of the Code amendment.

- Identify training opportunities/needs for Board and Commission members to support their work.

Vice Mayor De Rosa invited board and commission members to share their thoughts on any additional ways that staff and Council could help support the work they do.

*Discussion:*

Mr. Alexander stated that ARB reviews would benefit from having a digital 3D model of the Historic District. The City's Code says much about massing, which is actually a three-dimensional evaluation. Two-dimensional drawings of elevations do not provide a massing perspective. The criticism ARB sometimes receives is rarely about the appearance of what is approved, but it is frequently about the size of it. The 3D model would provide more context. It could be made open source, permitting applicants to use it. He believes the 3D model would be very helpful and would not require a significant amount of investment.

Mr. Clower stated that some cities achieve this by utilizing a video game engine. Within that environment, a viewer can "walk around" and view the proposal from different angles.

Ms. Rauch stated that Planning staff is working on a project with GIS Urban, which will ultimately create a 3D model. The intent is that, eventually, proposed project specifications can be uploaded into that model. The Historic District may be a good place to begin.

Ms. Harter stated that type of model could also provide a better perspective of proposed landscape packages.

Ms. Call noted that concerning additional training and education needs, while most members cannot attend the annual APA Conference, they could attend a local weekend class.

Mr. Garvin inquired if Dublin partners with other communities to learn what they might be doing in regard to certain challenges.

Ms. Rauch responded that Dublin does have a collaborative relationship with other communities, although nothing formal has been provided for the boards and commission. If members would be interested in having that type of conversation, it would not be difficult to coordinate.

Mr. Nigh stated that BZA members would benefit from having access to a historical database, which would make them aware of any precedents that have been established on certain types of requests. This would ensure applications are being treated in a similar and fair manner.

Ms. Amorose Groomes inquired if members have identified any gaps in their skillsets. If members would benefit, a mini APA-type of conference could be held for members.

Mr. Nigh stated that he has found that the expertise of City staff meets BZA members' needs.

Ms. Kramb noted that the annual Heritage Ohio Conference will be held October 3-5, 2022 in Toledo, Ohio. It is an excellent historic preservation conference. She would encourage ARB members to look at the agenda online and see if they would be interested in attending.

Mr. Schneier stated that he believes PZC members complement each other in their reviews due to their different skillsets. They can learn from one another, and there is a balance that works well.

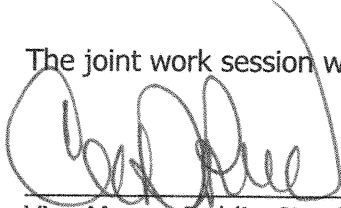
Mr. Jewell noted that, as an ARB member, he was fortunate to attend the National Alliance for Preservation Commission conference this year. Attendees came from throughout the nation. The common theme expressed by most attendees was that they experienced a lack of support in their cities, and their decisions were often overrode. He was able to share his experience with Dublin's level of training and support for its board and commission members. He learned that boards throughout the nation are experiencing similar issues, i.e. infill projects, demolition and building materials. He believes the City of Dublin provides great support staff.

*Follow-up:* Staff will provide upcoming training and education opportunities for Board and Commission members, including local, national and in-house training. Staff will work to provide additional history and information in the review materials for cases. Staff will continue to work on developing a digital 3D model of the Historic District.

Vice Mayor De Rosa thanked Board and Commission members for sharing their thoughts. Council is aware and appreciative of the tremendous work they do. The goal of this discussion is to enable continuous improvements. Feedback will be provided to members on the topics that were covered tonight.



The joint work session was adjourned at 8:00 p.m.



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Vice Mayor, Dublin City Council



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Chair, Planning and Zoning Commission

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Chair, Architectural Review Board

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Chair, Board of Zoning Appeals

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Assistant Clerk of Council

should be added to enliven it, such as coining and brick coursework. As proposed, the south wall appears solid and closed, which must be addressed. Landscaping will enliven the project.

Ms. Call stated that at this point, the plan has good building blocks, and working with staff, the applicant will be able to add the architectural details needed to develop within the City of Dublin. One concern is having overnight stays within a medical plaza. Currently, there are no other overnight stay facilities in that area. The public safety needs for an area that is occupied at night are different than those for an area not occupied at night. That is her primary concern. She has no objections to waiving the 3-acre minimum for a 13,500 square foot building.

Ms. Call inquired if the applicant requested any additional input from the Commission. The applicant indicated that they needed no additional input to proceed.

### **3. Veterinary Emergency Group at 3800 Tuller Road, 22-056WR, Waiver Review**

Ms. Call stated that this is a request for approval of a waiver to reduce the required street-facing transparency along Tuller Road on a 1.87-acre site zoned Bridge Street District, Sawmill Center Neighborhood, located northeast of the intersection of Tuller Road with Dublin Center Drive.

#### **Staff Presentation**

Ms. Mullinax stated that this is a request for review of and approval of a waiver to reduce the required street-facing transparency at 3800 Tuller Road for an animal hospital. This 6,100-square foot building was previously used as a Chase Bank facility. In February 2022, the Administrative Review Team (ART) approved a Minor Project for exterior modifications for the veterinary hospital, which included the removal of a drive-through canopy and associated features. The existing building resembles a commercial center building type, which determines the façade transparency requirements. Modifications to existing structures are permitted if the improvements bring the building closer to compliance with the requirements of the Bridge Street District (BSD) Code. Per Code, commercial center buildings must have a minimum of 65 percent transparency on any ground story, street-facing facade. Existing conditions indicate only 44 percent transparency on the west façade, so it is already deficient. Additional reductions in transparency require a waiver.

The applicant is requesting to further reduce the transparency of the west façade to 29 percent through the application of an opaque, white polyester film with a semi-gloss finish on the inside of the storefront windows. The proposed window film will accommodate the specific needs of the animal hospital by providing additional shade, which will prevent the animals from overheating and becoming subsequently ill. Staff is supportive of the waiver, since there have been previous instances where the Commission has approved window film within the Bridge Street District, and this is a unique site for this use. The window film is not a permanent material and could be removed, if a new tenant were to occupy this space in the future. Furthermore, the reduction in transparency is facing Tuller Road, not Sawmill Road. Tuller Road is a neighborhood street, which diminishes the impact to the character of the district as a whole. Staff has reviewed the application against the applicable criteria and recommends approval with no conditions.

#### **Commission Questions**

Mr. Chinnock inquired if the applicant had explored the opportunity for shades or another type of sun protection for the animals.

Ashley Schulz, Director of Design, Veterinary Emergency Group, 4400 South Broadway – Lower Level 3, White Plains, New York, stated that there are actual animal housing cages located against the glass. Shades would help but would not fully block the solar heat received from the windows. A wall actually will be built in front of the windows to provide a physical element against which to back the cages. Additionally, medical gas is run through that wall to supply oxygen to those cages, when needed. The window film is part of that overall assembly, allowing them to provide the appropriate operational needs within those areas of the facility.

Mr. Way inquired if only part of the wall of glass is being treated, or if light would enter from the upper portion, also causing the heat situation.

Ms. Schulz responded that a ceiling would be added. The room has been designed so that there will be a ceiling that would extend to the horizontal mullion. The light entering from above would not cause solar heat gain within the room containing the animals.

Mr. Way inquired if the primary purpose of the opaque film was to hide the wall.

Ms. Schulz responded that its primary purpose was aesthetic. Without it, the backside of the wall would be visible against the glass.

Mr. Chinnock inquired if the film would not extend to the ground.

Ms. Schulz responded that it would extend to the ground. As she understands it, City Code is explicitly concerned about the area from two feet to eight feet above the floor.

Mr. Chinnock inquired if the applicant meets the transparency requirements on the Sawmill Road frontage.

Ms. Mullinax responded that the façade transparency requirement exists for all sides of the building, but the film would be added only to the west side. It would be extended 8 feet.

Mr. Chinnock inquired if the transparency requirement on the other sides of the building was less.

Ms. Mullinax responded that there is a difference between a non-street façade versus a street-facing façade.

Ms. Martin responded that the entire building is deficient, because it pre-dates 2012.

Mr. Way inquired if there is an existing door in the front façade.

Ms. Schulz responded that the door is a new addition; it will not have film on it.

Mr. Way stated that photos were provided of other facilities where the applicant has applied the film. The film has been extended to the white band, but if it were extended all the way to the top on the two panels on the right, it would achieve the same results, but would be more aesthetically pleasing.

### **Commission Discussion**

Mr. Chinnock stated that he is supportive of the request, as long as it can be tied to this particular use. With any future tenant, the Commission could require the film to be removed.

Mr. Way stated that he is concerned that placing the film halfway across the glass façade and not all the way to top will not be aesthetically pleasing.

Mr. Supelak inquired if the signs have been approved.





# RECORD OF ACTION

## Planning & Zoning Commission

Thursday, April 21, 2022 | 6:30 pm

The Planning and Zoning Commission took the following action at this meeting:

**3. Solar Panels  
21-151ADMC** **Administrative Request – Code Amendment**

Proposal: A Code Amendment to provide regulations for solar panels in residential and commercial zoning districts within the City of Dublin.  
Request: Review and recommendation of approval to City Council for an Administrative Request for a Code Amendment under the provisions of Zoning Code §153.234.  
Applicant: Dana L. McDaniel, City Manager, City of Dublin  
Planning Contacts: Tammy Noble, Senior Planner  
Contact Information: 614.410.4649, tnoble@dublin.oh.us  
Case Information: www.dublinohiousa.gov/pzc/21-151

**MOTION:** Mr. Schneier moved, Mr. Supelak seconded, tabling the proposed Code Amendment, pending further study.

**VOTE:** 6 – 0.

**RESULT:** The Administrative Request – Code Amendment was tabled.

**RECORDED VOTES:**

Lance Schneier	Yes
Rebecca Call	Yes
Mark Supelak	Yes
Kim Way	Yes
Warren Fishman	Yes
Jamey Chinnock	Absent
Kathy Harter	Yes

**STAFF CERTIFICATION**

DocuSigned by:  
  
B62DEF02B6D24C7...  
Tammy Noble, Senior Planner



~~Mr. Way stated that the signs are attractive and designed well with simple, clear messaging. He supportive of the additional signage.~~

~~Mr. Supelak, Mr. Fishman, Mr. Schneier and Ms. Call also expressed support.~~

~~Mr. Schneier moved, Mr. Supelak seconded approval of the Amended Final Development Plan with one (1) condition:~~

- ~~1) That the applicant obtain sign permit approvals through Building Standards, prior to installation.~~

~~Vote: Mr. Fishman, yes; Ms. Call, yes; Mr. Supelak, yes; Mr. Way, yes; Mr. Schneier, yes; Ms. Harter, yes.~~

~~[Motion approved 6-0.]~~

### **3. Solar Panels, 21-151ADMC, Administrative Request – Code Amendment**

Ms. Call stated that this is a request for recommendation to City Council of a Code Amendment to provide regulations regarding solar panels for residential and commercial properties within the City of Dublin.

#### **Staff Presentation**

Ms. Noble stated that staff has been working on a proposed Code amendment related to sustainability practices within the City of Dublin for both commercial and residential properties. This proposed amendment relates specifically to solar panels. Due to the influx of requests for solar panels, there is a need for Code language to deal with those requests. In 2018, Council approved the Dublin Sustainability Framework Plan, and staff has been working on the Plan's recommendations. Currently, renewable energy solar panels are permitted in only three areas in Dublin, the West innovation District, the Bridge Street District and the Dublin Corporate Area Plan. This amendment would expand that ability to all commercial and residential districts within the City. There are tax incentives available, limited to this year, to residential property owners to install renewable energy equipment. The Commission reviewed an initial Code amendment proposal in October 2021, and based on that feedback, staff has revised the language. The proposed amendments establish a new section within the General Development Standards, permitting renewable energy equipment – solar (i.e. solar panels) in all zoning districts. Regulations are provided for ground-mounted and roof-mounted equipment. The proposed language indicates renewable energy equipment as an accessory use in all zoning districts and ground-mounted renewable energy equipment as a detached accessory structure. Consistent with the BSD, roof-mounted renewable energy is limited to eighteen inches above the roofline of a building and ground-mounted equipment is screened to the extent possible. The proposed Code language allows solar panels to the side and rear of a building with an administrative approval of a Certificate of Zoning Plan Approval. Staff requests Commission review and feedback, and when a final draft is achieved, a recommendation of approval to City Council.

#### **Commission Discussion**

Mr. Schneier stated that the Code contains a definition of renewable energy, however, that could include other forms of renewable energy. There may be a need for a separate definition for solar energy.

Mr. Supelak expressed agreement.

Ms. Call stated that there is a need to address the type, as well. Solar shingles are very different from solar panels. She agrees that a definition is needed. A simple description of ground-mounted is also insufficient. One of the most preferential locations would be on top of a pergola, an accessory structure, which is usually taller than 6 feet. Technically, that is ground-mounted, not roof-mounted, because it is not on the roof of the principal structure.

Mr. Way stated that the proposed amendment attempts to combine all districts, but there is a difference between residential and commercial. He is not opposed to ground-mounted equipment, if it located within a campus in some manner. He would prefer to see the commercial and residential districts separated.

Ms. Call stated that she believes there is consensus on the Commission for that suggestion. Many commercial buildings have flat roofs, but not many homes do.

Mr. Supelak stated that there might be merit in refining the proposed language. In this case, the approach is more economical than environmental. Fuel is a commodity, which continues to increase in price over time. Solar is a technology, which decreases in cost over time. Moore's Law which has proven to be accurate for 60-80 years, is a data-driven trajectory that can be used to project the future. There are also data-driven trajectories around solar energy, i.e. the price decreases by 20% and the amount generated increases x10. At some point, we will be able to get all our energy from the sun. Part of this was included in discussions regarding the 2035 Framework Plan. Solar energy is evolving so quickly that we have insufficient case studies to identify agreeable vs. disagreeable elements. Although we might identify a short-term solution for now, there is a long-term trajectory for which the Commission needs to plan.

Mr. Way expressed agreement. There is a need for a short-term solution, as residents currently are installing solar panels on their homes. The City needs to provide guidance for that.

Ms. Call stated that there is a concern with the traditional framed solar panels in residential neighborhoods. There are other alternatives less disagreeable. She is not comfortable deferring all those projects to staff until Code is adopted that will govern it.

Mr. Schneier recalled that there were past issues with satellite dishes during the time where no appropriate regulatory authority had been established. Is there model legislation on the renewable energy topic?

Ms. Call suggested that the Commission confirm the issues that they have already identified, then direct staff to conduct additional research, engaging industry leaders and experts.

Mr. Schneier suggested that staff contact the Governmental Affairs contact from the American Solar Panel Society and learn what they would recommend, which we may or may not accept.

Mr. Fishman suggested a special meeting be scheduled to provide an opportunity for producers of solar panels to present the technology and future of that technology. Education about solar panels is necessary in order to define our long-term process. Learning from the existing issues with old TV antennas remaining on homes, regulations should be included for this newer technology that will address the disposal of the older elements.



Ms. Harter stated that at the Statehouse, the Senate recently passed a bill that would prevent homeowner associations from banning solar energy elements. That bill will now progress to the House, so the legislation will move quickly.

Mr. Fishman stated that the City does not want to ban the technology, but have Code in place that provides protections and addresses the evolution of that technology. 20 years from now, we do not want to have old solar panels attached to roofs. The intent is not to restrict the technology, but intelligently evolve with the technology.

Ms. Call stated that this is an intelligent community interested in making good choices. We have the opportunity to elevate that thinking. For example, if the City Code were to recommend solar shingles, as opposed to solar panels, because they are more aesthetically pleasing, we could educate our community on how to embrace the technology in a way that is as aesthetically pleasing, as well as future thinking. Tonight's discussion has identified the need for definitions in the Code; to separate commercial and residential districts; separate the technologies, addressing the different types, technologies and placement. As future technologies emerge, the Code should require them to follow an approval process.

Mr. Way stated that staff's research should also include costs. Tesla shingles, for instance, cost much more than traditional solar panels, although the product and costs will evolve. We need to understand over the short term what will be attractive to our residents, and that cost will be an issue. Understanding the cost of each technology should be included in our considerations.

Ms. Call stated that costs can be part of our consideration, but we would not provide a preference for one solution based on costs. We can attempt to understand how the economies affect decision-making.

Mr. Way stated that there should be sufficient flexibility, so our residents can adopt affordable technology, or help them find a way to pay for it, such as subsidization.

Mr. Fishman stated that the Commission needs to recommend the appropriate product for the appropriate place, and also address the removal of obsolete structures.

Ms. Call recommended that staff reach out to technology leaders. There probably is an organization, which draws these technologies together. Staff could also contact the sponsor of the Senate legislation, as they have already conducted the research and might also be able to provide useful contacts.

Mr. Schneier inquired how to expedite the process, when the topic requires extensive study. We want to address the topic correctly. Hopefully, Dublin can create model legislation that other communities might want to emulate. Due to the current demand, however, there is also a need to not stall the topic.

Mr. Fishman reiterated the need for the Commission to have a meeting where knowledge experts explain the issues and options.

Mr. Schneier noted that the public might need to know that the Code development process could take some time to complete.

Ms. Call stated that it is important to place a priority on acquiring the needed information to make a good decision, but we want to expedite the gathering of that data. If residents have pertinent information, they are invited to share in the public comment portion of the Commission's meeting discussion.

Ms. Noble requested clarification of Mr. Fishman's comment regarding either the replacement of old technology with current technology or the removal of abandoned technology.

Mr. Fishman responded that he is suggesting that the Code require the removal of obsolete solar structures.

Ms. Call suggested issuing permits valid for a specific period of time, which either must be renewed to retain the structures or said structures must be removed. A permit process would provide the City an opportunity to offer any associated education regarding solar technology, as well.

Mr. Way stated that use of recyclable technologies would be preferable.

Mr. Fishman suggested that an educational presentation be scheduled as soon as possible for a future Commission meeting.

Mr. Supelak that there are products and applications that are more preferable. He would suggest the Commission be provided copies of images of the different products and applications for discussion purposes. The Code must address the current needs and obsolete structures, but it should also be cognizant of anticipated future technology. It should also include a non-prescriptive, "catch all" phrase concerning appearance standards.

Ms. Call stated that if staff should happen to identify a city that has addressed solar technology in a manner that appears to be consistent with the Commission's direction, discussion should be scheduled as soon as possible for an upcoming Commission meeting.

Mr. Fishman noted that it might be easier to address the commercial use, as solar structures could be hidden in the same manner in which other mechanicals are hidden.

Mr. Supelak stated that identifying the definitions, categories and infrastructure will be important.

Ms. Call stated that it will not be possible to future-proof the Code but addressing the general appearance and equipment that is no longer used would be beneficial.

Ms. Noble requested Commission input on the preferred review process. Would the Commission have any hesitations regarding an administrative review component?

Ms. Call responded that it would depend on the Code language. If it is vague, the Commission would prefer Commission approval; if the requirements can be clearly identified, an administrative review component could be considered.

Mr. Supelak stated that in the long term, an administrative review component might be possible.

Ms. Call noted that, ultimately, the preferred review process would be determined by City Council.

Ms. Noble stated that there could be a short-term solution and eventually, a long-term solution. The process can be revised.

Ms. Call stated that with new development, the solar energy component would likely be part of the Preliminary Development Plan review.

Mr. Way stated that the Commission would not be approving plans for individual parcels within neighborhoods.

Ms. Call stated that staff is inquiring if once the Code is established, the Commission would be agreeable to staff administering that Code. Her view is that it would depend on how well that Code is structured.

Mr. Schneier moved, Mr. Supelak seconded tabling the proposed Code Amendment, pending further study.

Vote: Mr. Schneier, yes; Mr. Fishman, yes; Ms. Call, yes; Mr. Supelak, yes; Ms. Harter, yes; Mr. Way, yes.

[Motion carried 6-0.]

## **COMMUNICATIONS**

### Single-Family Residential Code:

Ms. Rauch reported that at Council's work session Monday, April 18, staff updated Council on the Commission's recent discussion; individual members' input to staff; and their general direction and recommendations regarding Single-Family Residential Development Standards. Council provided additional input and requested that a proposed solution be shared with the Commission for consideration.

Mr. Supelak inquired if individual Commission member-staff discussions would be a desirable process for the solar energy topic, as well.

Ms. Call stated that she believes the needs are different. She would prefer a full discussion on the latter, as the individual members would benefit from hearing other members' perspectives. Individual discussions with staff also are not publicly noticed; therefore, no opportunity is provided for public input.

### April 20, 2022 Joint PZC-ARB-Work Session Feedback:

Ms. Call noted that the joint PZC-ARB-BZA work session on April 20 broadened members' perspectives of the respective boards' review processes, specifically, the public's understanding of the board's process.

### Tentative Tour of Past Development Projects:

Ms. Rauch reported that PZC members have expressed continued interest in a tour of past development projects, and a tour is tentatively being scheduled for one of PZC's regular June meetings. Members will be invited to share suggestions for the projects they would like to view.

- The next regular meeting of PZC is scheduled for 6:30 p.m., Thursday, May 5, 2022.

The meeting was adjourned at 8:52 p.m.

  
\_\_\_\_\_  
Chair, Planning and Zoning Commission

  
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Assistant Clerk of Council





# RECORD OF DISCUSSION

## Planning & Zoning Commission

Thursday, October 14, 2021 | 6:30 pm

The Planning and Zoning Commission took the following action at this meeting:

**6. Solar Panel Code Amendment  
21-152ADMC**

**Administrative Request**

Proposal: Introduction of a Code Amendment to establish general regulations in regards to solar panels for residential and commercial properties.  
Applicant: Dana L. McDaniel, City Manager, City of Dublin  
Planning Contact: Nichole M. Martin, AICP, Senior Planner  
Contact Information: 614.410.4635, nmartin@dublin.oh.us  
Case Information: www.dublinohiousa.gov/pzc/21-152

**RESULT:** The Commission considered an Amendment to the Zoning Code to accommodate solar energy within commercial and residential districts in the City. Presently, the Code addresses these requests in a very limited manner, and greater guidance for the public, Staff, and Boards and Commissions is sought. The Commission agreed that the City should support and incentivize solar energy, when also meeting aesthetic goals, as well.

**MEMBERS PRESENT:**

Jane Fox	Yes
Warren Fishman	Yes
Mark Supelak	Absent
Rebecca Call	Yes
Leo Grimes	Absent
Lance Schneier	Yes
Kim Way	Yes

**STAFF CERTIFICATION**

DocuSigned by:  
*Nichole M. Martin*  
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Nichole M. Martin, AICP, Senior Planner



~~Ms. Fox stated that the ARB Code provides criteria for demolition. It does not provide a penalty for Code violation. What makes it difficult for Historic District property owners is that the pertinent Code sections are in different places. There are Historic Design Guidelines in addition to that Code. It is difficult for them to know and find what is applicable to them. It is important that the City begin to educate the owners of any historic properties. They should be provided educational pamphlets and a handbook with the Code and Guidelines. Otherwise, the property owners may make mistakes and be subject to penalty. She would prefer to focus on demolition of all historic properties within the City. The Appendix G listing is smaller than the total number of historic structures.~~

### **Public Comments**

~~Ms. Martin stated that one public comment in support of the proposed amendment was received in advance of this meeting, which was included in the Commissioners' packets. No additional public comments were received.~~

~~Staff will revise the proposed Code amendment reflective of the Commission's guidance.~~

## **5. Solar Panel Code Amendment, Administrative Request, 21-152ADMC**

Introduction of a Code Amendment to establish general regulations in regard to solar panels for residential and commercial properties.

### **Staff Presentation**

Ms. Martin stated that requests for solar energy components have been increasing, both with commercial and residential applications. Existing City Code addresses renewable energy equipment and solar energy in a very limited manner. In reviewing the Code, it was found that solar panels are explicitly regulated only in the West Innovation District (WID) and Bridge Street District (BSD). The City of Dublin Zoning Code permits solar panels in the WID and BSD. In the WID, Renewable Energy is permitted as an accessory use in all districts with use-specific standards. In the BSD, Renewable Energy Equipment is permitted as an accessory use in all districts with use-specific standards. The Accessory Structures section of the Code identifies solar panels, but they are defined as an accessory structure and have no use-specific standards. To inform the discussion, Planning staff contacted municipalities in Ohio and Indiana regarding each city's current regulation of REE (solar panels, geothermal units, and wind turbines). Most of the cities contacted have specific sections within their code that provides details on if, and where, REE may be installed. The communities contacted include Blue Ash, Mason, Grove City, Westerville, Worthington, Upper Arlington, and Montgomery, Ohio, and Carmel, Indiana. Approximately 50% of the jurisdictions allowed a variety of alternative energy solutions, including solar, wind and geothermal. The discussion tonight will focus solely on solar. All of the benchmark research was provided in the meeting packet.

[Representative images shown.] Ms. Martin stated there are a variety of options available for commercial buildings. On a flat roof, the solar panels can be treated as a mechanical structure and be fully screened behind a parapet. On a commercial building with a pitched roof, the solar panels cannot be screened as a mechanical, so judgments must be made according to location on a street-facing façade, sustainability, and the community's character. Additionally, there are architecturally integrated panels available for commercial applications. These could be appropriate in the BSD and the West Innovation District. In regard to commercial sites, there are a variety of site and implementation considerations and options. Two examples are solar farms and solar vehicular

canopies. In regard to residential properties, almost every home in the City has a pitched roof, consistent with the City's Residential Standards. With pitched roofs, solar panels cannot be screened and must be exposed to the sun. There are different installation options; there is also the option of Tesla roof solar tiles. Additionally, there is the option of detached, accessory structures and residential site installations. Staff has provided a number of questions to guide the Commission's discussion:

- 1) Does the Commission support solar in all, or some, locations (residential, commercial, City-owned property, etc.) within the City of Dublin?
- 2) Should regulations vary based on land use: specifically, should roof and ground-mounted equipment be permitted in all districts?
- 3) Should Use Specific Standards regulate the location of solar panels, despite the importance of direct sun? (i.e. solar panels are currently discouraged on the fronts of homes).
- 4) Should there be guidance for solar panel installation, regardless of location, in order to meet Dublin's aesthetic goals?

### **Commission Questions/Discussion**

Mr. Schneier stated that the images do not reflect anything desired, because the examples are aesthetically lacking. However, we do not want to prohibit these uses when the City is interested in pursuing sustainability objectives and goals. He is supportive of advancing solar energy uses, but guidance for installation or design guidelines are needed.

Mr. Fishman stated that solar panels are becoming increasingly popular. Having them on commercial buildings with flat roofs is not an issue, because they are not visible. The Tesla shingles are the most attractive of the options. There is a need to embrace technology, but it must be done aesthetically. Technology continues to improve, and in time, solar panels likely will not be discernable from the roof shingles.

Ms. Fox stated that she is supportive of solar panels in all locations. She believes that solar energy will become a right, the same as the usual utilities. She does not believe they should be based on land use. Many municipalities are doing this, and we need to do the necessary research. The proposed Code should permit solar energy in a way compatible with the community's aesthetics. She believes the City should allow this new path, with the caveat that the concerns will need to be managed.

Mr. Way stated that the 2035 vision for Dublin should declare Dublin a solar city. This technology is here, but it is changing rapidly. There are now windows that are solar panels. There probably are many solar energy options. The examples shown are old technology; the Commission can encourage pursuing the latest technology for solar energy. We probably do not want free-standing solar panels, but he is supportive of the opportunity for solar.

Ms. Call stated that she is supportive of the opportunity; however, guidance should be provided, and the location should be regulated in a manner so as to meet Dublin's high aesthetics standards. Mr. Way stated that he does not believe solar panels should be accessory structures. They should be integral to the structure.

Ms. Call stated that she sees two types. The integrated option would be part of the structure. If there is a separation of 18 inches, it is an accessory structure, similar to an air conditioning unit.

Mr. Way stated that it would need to be defined.



Mr. Fishman stated that in Dublin, it is necessary to have a permit for installation of many items. There is no reason a permit should not be required to attach a solar panel.

Ms. Call stated that Tesla roof shingles have been in existence ten years, but they are not perfected nor are they prevalent. There are other similar competitors. Most of the applications the City would receive today would be for the older technology. The standards would have to be applied to those, but the integrated option could be treated differently. If it looks like shingles, it can be treated as shingles; if it looks like a mounted solar panel, it would be treated as such.

Mr. Fishman noted that at this point in time, there might be a need to hide the panels. With future technology, that may not be necessary.

Mr. Way inquired if incentives should be granted for developing solar panel projects.

Ms. Call noted that would not be a Planning and Zoning item.

Ms. Martin stated that Mr. Way may be referring to a density bonus. All of the items being considered by the Commission would require Code changes, which means the Commission would send a recommendation to Council for decision. Several drafts would be prepared for the Commission's consideration before they would make a Code recommendation to Council.

Mr. Kim stated that solar options should be part of the review of development applications, and he would encourage this direction.

Ms. Fox noted that the Commission can make recommendations for any type of changes regarding land use.

Ms. Call stated that there is consensus on the Commission that solar energy in the City is something that the Commission believes should be incentivized. Could the communications shared with Council also include the Commission's encouragement to consider the opportunity to incentive the solar energy with development? If Council is receptive, a recommendation could be drafted and forwarded to Council for approval.

Ms. Martin indicated that it would be shared with Council. She inquired if the Commission would be supportive of requiring solar features on a large-format commercial building. For instance, if a building footprint and roof were over 20,000 square feet, would the City require that 50% of the roof space have alternative energy integrated into it?

Ms. Call stated that she would be more supportive of incentivizing than requiring. She also would encourage that the Code be sufficiently strict and rely less on interpretation. Currently, the Code requires the minimum requirements, so that is what we get.

## **Public Comment**

No public comments were received on the case.

Staff will revise the proposed Code amendment reflective of the Commission's input.

## **COMMUNICATIONS**

- Ms. Call indicated that she has images of well-done large-scale retail, office and big development in Eldorado Hills, California that she would like to share with staff and the Commission.

Ms. Martin responded that there is an Urban Design subfolder in the Commission's One Drive folder for inspirational images. Commissioners are encouraged to upload any mages they would like to share into that folder.

- A PZC Special Meeting has been scheduled for 1:00 p.m., Monday, October 18, for a site review of the northeast corner of Bright Road/Emerald Parkway. A revised Concept Plan for a senior housing development on the site is scheduled for November 4.
- The next regular PZC meeting is scheduled for 6:30 p.m., Thursday, November 4, 2021.

The meeting was adjourned at 9:50 p.m.

  
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Chair, Planning and Zoning Commission

  
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Assistant Clerk of Council