



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Zoning & Subdivision Committee

Tuesday, June 7, 2011 1:30 pm

Start Time: _____

- Minutes from last meeting of May 10, 2011

1st: _____ 2nd: _____

1. Review of Claibourne Township (Union County) Various Zoning Text Amendments – Staff Report by Jenny Snapp
2. Review of Washington Township (Logan County) Zoning Amendment – Staff Report by Wes Dodds
3. Review of Liberty Township (Logan County) Various Zoning Text Amendments – Staff Report by Jenny Snapp.

- Adjourn End Time: _____

1st: _____ 2nd: _____

Members:

Scott Coleman – Logan County Engineer
Greg DeLong – Marysville Planning
Charles Hall – Union County Commissioner
Jeff Stauch – Union County Engineer
Paul Hammersmith – Dublin Engineer
Fereidoun Shokouhi – Champaign County Engineer
Brad Bodenmiller – Urbana Zoning
Robert A. Yoder – North Lewisburg Administrator
Jenny Snapp – LUC
Wes Dodds – LUC
Heather Martin – LUC

Guests:



STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE
COMMITTEE
June 9, 2011

CLAIBOURNE TOWNSHIP (UNION CO.) ZONING AMENDMENT – VARIOUS TEXT AMENDMENTS

- APPLICANT:** Claibourne Township Zoning Commission
- REQUEST:** Approval of various text amendments to the Claibourne Township Zoning Resolution:
- Section 610 Action by Township Trustees (change)
 - Section 1070 Small Wind Projects less than 5MW with subsequent Definitions (new)
 - Section 1075 General Conditions for Adult Entertainment Use with subsequent Definitions (new)
- The Zoning Commission Public Hearing will be held on Wednesday, June 15 at 7:00 PM at the Village of Richwood Administration Building, 153 N. Franklin Street, Richwood, Ohio.
- BACKGROUND:** Claibourne Township has been working over the last few months drafting these proposed amendments. LUC staff has been attending meetings with Claibourne Township regarding these proposed amendments. The new proposed sections on Small Wind and Adult Entertainment are based on LUC's Model Text for each.
- STAFF ANALYSIS:**
- **DEFINITIONS** – Staff has no problem with the changes and additions to the definitions section. These changes are directly related to the addition of the language for Small Wind Projects and Adult Entertainment Use



Logan-Union-Champaign regional planning commission

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- **SECTION 610 Action by Township Trustees** – This section has been updated to reflect the change in Ohio Revised Code 519.12 that requires only a *majority* vote of the Township Trustees to deny or modify the zoning amendment recommendation of the Zoning Commission. Staff has no problem with this change.
- **SECTION 1070 Small Wind Energy Projects less than 5 MW** – This section is the addition of language for Small Wind Projects Less than 5MW. The Township Zoning Commission used the LUC Model Text on Small Wind when drafting their zoning regulations. The Township is proposing to allow Small Wind Projects as a permitted use in all of the zoning districts provided it meets all of the regulations as outlined in Section 1070. However, the Township chose to increase the setback to 1.25 times the height of the tower (from 1.1 in the Model Text). There were only a few other minor changes from the Model Text. Therefore, staff has no problems with the proposed language for Small Wind Projects Less than 5MW.
- **SECTION 1075 General Conditions for Adult Entertainment Use** – The Township Zoning Commission used the LUC Model Text for Adult Entertainment when drafting their language. The only change to the Model Text is making Adult Entertainment Facilities a Conditional Use in the B-2 Local Business District rather than the M-2 Heavy Manufacturing District. After analyzing their zoning map, the Township Zoning Commission felt that it would be more restrictive in the B-2 District. Staff does not have any concerns with this proposed language.
- **OFFICIAL SCHEDULE OF DISTRICT REGULATIONS** – The Official Schedule of District Regulations will also be updated to include Small Wind and Adult Entertainment in the appropriate columns as permitted and conditional uses.

STAFF RECOMMENDATIONS:

- Staff recommends **APPROVAL** of the proposed zoning text amendments to the Claibourne Township Zoning Resolution based on the staff analysis and comments.

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Zoning Text Amendment Checklist

Date: ~~May 27~~ May 27, 2011

Township: Claibourne (Union County)

Amendment Title: Various Zoning Text Amendments:

Small Wind, Adult Entertainment, Zoning Amendment
Notice: Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted. Vote of Trustees.

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Public Hearing (stated in cover letter) <u>Wed, June 15, 2011</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter) <u>Jim Wiley, Trustee + Vicki Price, Fiscal Officer.</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-LUC Member Fee, If applicable <u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

Revision: Initial, 8/2009

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Claibourne Township, Union County
Zoning Amendments for
Zoning Commission Public Hearing of Wednesday, June 15, 2011, 7:00 PM

Section 610 = Changed/Amended:

Section 610 Action by Township Trustees. Within twenty (20) days after the public hearing required in Section 607, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or adopt some modification thereof **by a simple majority vote**. ~~In the event the Trustees denies or modifies the recommendation of the Zoning Commission, it must do so by a unanimous vote.~~

Section 1070 & Definitions = New Language to be added:

Please note changes from the LUC Model Text are bolded (additions) and struck-out (deletions) where appropriate:

Small Wind Energy Systems less than 5 MW:

Section 1070 Small Wind Projects less than 5MW. Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a **Permitted Use in all Claibourne Township Zoning Districts** if the following conditions are met (both as Permitted and Conditional Use):

- A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
- B. Setbacks: the following shall apply in regards to setbacks.
 - 1. Any turbine erected on a parcel of land shall be setback **1.25** ~~1-1~~ times the height of the tower, ~~and~~ ~~or~~ established "clear fall zone", from all road right-of-way lines, **overhead utility lines**, and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located ~~at~~.
- C. Maintenance
 - 1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project

may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for ~~90 60 30~~ consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within 30 days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

D. Decibel Levels

1. **Decibel levels shall not exceed those provided by the manufacturer as requested in II. Permits, C., 2., e. ~~Operation of wind energy systems shall not exceed 70 decibels except during the short-term events of severe wind storms and utility outages. This information shall be included in the engineering report described below in Section II "Zoning Permits" of this document. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property line.~~**

E. Wiring and electrical apparatuses:

1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

F. Warning Signs:

1. Appropriate warning signs to address voltage shall be posted **as required by the National Electric Code** ~~(where and meeting sign requirements).~~

G. Building Permits:

1. All Small Wind Projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building **Regulations** ~~Permits~~ where required.

II. **Zoning Permits**

- A. A **zoning** permit shall be required before construction can commence on an individual wind turbine project.
- B. As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports.
- C. Applicant shall then provide the Township Zoning Inspector with the following items and/or information when applying for a permit:
 1. Location of all public and private airports in relation to the location of the wind turbine.
 2. An report that shows:
 - a. The total size and height of the unit.
 - b. ~~If applicable,~~ the total size and depth of the unit's foundation structure, as well as soil and bedrock data.

- c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.
 - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
 - f. Hazardous materials containment and disposal plan.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, **overhead utility lines**, and neighboring property lines.
 4. Evidence of established setbacks of **1.25** ~~1.1~~ times the height of the wind turbine and "clear fall zone."
 5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

Definitions:

- **Accessory Structures.** Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.
- **Anemometer.** An instrument that measures the force and direction of the wind.
- **Clear Fall Zone.** An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel **and will not intrude onto a neighboring property.**
- **Cowling.** A streamlined removable cover that encloses the turbine's nacelle.
- **Decibel.** A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
- **Nacelle.** Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.
- **Primary Structure.** For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
- **Professional Engineer (PE).** A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
- **Megawatt (MW).** A unit of power, equal to one million watts.

- **Small Wind Project.** Any wind project less than 5MW which includes the wind turbine generator and anemometer.
 - **Wind Power Turbine Owner.** The person, persons, **or entity** who owns the Wind Turbine structure.
 - **Wind Power Turbine Tower.** The support structure to which the turbine and rotor are attached.
 - **Wind Power Turbine Tower Height.** The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.
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Section 1075 & Definitions = New Language to be added:

Adult Entertainment:

Section 1075 General Conditions for Adult Entertainment Use.

Adult Entertainment Facilities are conditionally permitted within the **B-2 Local Business District** ~~**M-2 Heavy Manufacturing District**~~ only, and subject to conditions set forth in the Zoning Resolution Section 1075 and paragraphs 1-9 hereafter set forth.

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.
6. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within the **B-2 Local Business District** ~~**M-2 Heavy Manufacturing District**~~.

Definitions:

Adult Entertainment Facilities. A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

1. **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.

2. **Adult Booth.** Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
 3. **Adult Material.** Any of the following, whether new or used:
 - a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
 - b. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “specified anatomical areas” or the conduct or simulation of “specified sexual activities.”
 - c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with “specified sexual activities” or that depict or describe “specified anatomical areas.”
 4. **Adult Mini Motion Picture Theatre.** A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
 5. **Adult Motion Picture Theatre.** A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
 6. **Adult Entertainment Business.** Any establishment involved in the sale or services or products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
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Claibourne Township, Union County

Jeffrey Swartz, Trustee
James Wiley, Trustee
Joseph Wiley, Trustee
Vicki Price, Fiscal Officer

May 24, 2011

LUC Regional Planning
P.O. Box 219
East Liberty, OH 43319

Dear Jenny Snapp:

Please review the attached zoning text amendments on the following sections:

- Section 610 Action by Township Trustees (change)
- Section 1070 Small Wind Energy Systems less than 5MW with subsequent Definitions (new)
- Section 1075 General Conditions for Adult Entertainment Use with subsequent Definitions (new)

The Township has been working with LUC on this zoning text for the last several months. We have scheduled the Zoning Commission Public Hearing for Wednesday, June 15, 2011 at 7:00 PM at the Village of Richwood Administration Building, 153 N. Franklin Street, Richwood. Copies of the Zoning Text Amendments have been placed at the Richwood/North Union Library for public viewing.

Thanks. If you have any questions, please contact me at vickiprice77@yahoo.com.

Sincerely,

Vicki Price

Vicki Price
Fiscal Officer, Claibourne Township



STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE
COMMITTEE
June 9th, 2011

WASHINGTON TOWNSHIP (LOGAN COUNTY) VARIOUS ZONING TEXT AMENDMENTS

- APPLICANT:** Washington Township Zoning Commission
7464 C.R. 91
Lewistown, OH 43333
- REQUEST:** Review of Various Zoning Text Amendments to the Washington Township Zoning Resolution, including updating uses to conditionally allow "storage facilities".
- STAFF ANALYSIS:** Over the last year, Washington Township has seen an increase in individuals seeking permits to erect pole barns or similar buildings designed primarily for storage on parcels that do not have any other buildings or structures on them. Ordinarily, the Township would consider such a building an accessory structure, and permit them in accordance with their Official Schedule of District Regulations. However, when a building such as this is erected on a parcel with no other building, it is no longer an accessory building, but it is the principal structure. This presents a problem, as the primary use for such building would be storage, and storage facilities are only permitted as a conditional use in the M-1 District at this time. The Township is wishing to allow the construction of these buildings in certain situations in other districts. This is the reasoning for the zoning amendment, which would ***conditionally*** allow "storage facilities" in all Washington Township Zoning Districts. Staff does not have a problem with this in the U-1, B-1, and B-2 Districts. However, staff cautions the township about allowing "storage facilities" in the R-1 and R-2 districts, as these are the higher density residential districts, thus the potential for conflicting uses is greater.



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Washington Township is also proposing adding a definition for Noxious Weeds. Staff has no problem with this addition, as it is consistent with the definition of Noxious Weeds from OSU Extension.

The definition of "Frontage" is being modified to clarify that on waterfront properties, the water side shall be considered the front.

The remainders of the changes are typographical errors or changes. Staff has no problem with these changes.

STAFF RECOMMENDATIONS:

- Staff recommends ***APPROVAL*** of the proposed text amendments to the Washington Township Zoning Resolution with the incorporation of staff comments above.

ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:

Date of Request: 5/24/2011

Township: Washington

Amendment Title: 2011 Zoning Resolution Text Updates

Description of Zoning Text Amendment changes:

The existing Washington Township Resolution was last updated June of 2010. The recommended changes from the first public meeting of the Zoning Commission Board on May 23, 2011, are shown as comments on the attached MS Word Documents. The ZCB has also reviewed and approved the changes shown. The tentative schedule below shows the public meeting that have been scheduled to date and also the proposed public meeting that will be conducted by the Trustees in the future. We've also attached the Zoning Text amendment checklist and Township Zoning Amendment Process, per ORC 519.12.

Township Contact: Gary Bias, who can be contacted by phone at 937-539-1879 or by email at gbias@washtwp.net

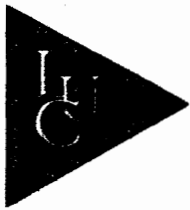
TENTATIVE SCHEDULE

	<u>Dates</u>
1. ZCB public meeting #1 posted at least 10 days prior to this meeting at Twp Bldg & in the Bellefontaine Examiner	5/11/2011
2. Zoning Commission Board (ZCB) reviews proposed zoning text amendments at this 1st public meeting	5/23/2011
3. ZCB reviewed proposed zoning text amendments & sends paperwork to LUC	5/24/2011
A. LUC Paperwork must consist of items shown on ORC 519.12 Checklist	
1. Cover letter	
2. Check list	
3. Description of Zoning Text Changes	
4. Date of Public hearing	
5. Township Point of Contact	
6. Attachment of Zoning Text Amendment with changes highlighted or bolded	
7. Copy of current zoning regulation or section to be modified for comparison	
4. LUC reviews in their Regional Executive Board meeting (2nd Thursday of every month)	6/9/2011
5. LUC issues their recommendation or denial of this to the ZCB Chairman & Zoning Inspector	6/13/2011
6. ZCB public meeting #2 posted at least 10 days prior to this meeting at Twp Bldg & in the Bellefontaine Examiner	6/16/2011
7. Zoning Commission Board (ZCB) reviews LUC recommendations at 2nd public meeting	6/27/2011
8. Zoning Commission Board (ZCB) sends their recommendations to Trustees (Within 30 days)	6/28/2011
9. Trustees public meeting #1 posted at least 10 days prior to this meeting at Twp Bldg & in the Bellefontaine Examiner	6/30/2011
10. Trustees review the Zoning Commission Board (ZCB) recommendations before regular Twp meeting	7/11/2011
11. Trustees make their decision (could take 20 days after the public hearing)	7/11/2011
12. This would take affect 30 days after it was approved by the Trustees (if approved on 7/11)	8/11/2011
13. Filing of resolution with County Recorder & LUC within five (5) days after affective date	8/16/201
14. Unless a petition is filed with the Trustees, see 519.12 H for signature requirements, to place this on a ballot	

* Days shown on LUC flow chart are calendar days not work days

* All are proposed dates which may need to be changed due to people's availability

* Indicates possible changes in schedule if 3rd ZCB` meeting is needed



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Zoning Text Amendment Checklist

Date: 5/24/2011

Township: WASHINGTON

Amendment Title: 2011 ZONING RESOLUTION TEXT CHANGES

Notice: Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-LUC Member Fee, If applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

Revision: Initial, 8/2009

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East Liberty, Ohio 43319

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PROPOSED CHANGES TO THE WASHINGTON TOWNSHIP ZONING RESOLUTION ARE SHOWN BELOW IN THE YELLOW HIGHLIGHT, THE PAGE NUMBER THEY'RE LOCATED ON IN THE RESOLUTION IS ALSO SHOWN

Page 1 – Under the U-1 Rural Undeveloped District

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Public service facility; low-density residence; medium-density residence; home occupation; commercial recreation; service business; mineral extraction; light and heavy manufacturing; signs and advertising structures; mobile home park; storage facility.

Minimum Yard Dimensions/Setbacks Measured from Survey Pins (feet)

Front – 100' Feet; One side yard – 50' Feet; Rear – 50' Feet

Page 3 – Under the R-1 Low-density Residential District

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Non-commercial recreation; home occupation; storage facility.

Minimum Lot Size (Square feet per dwelling)

Page 5 – Under the R-2 Medium-density Residential District

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Mobile home park; dwelling, multi-family; non-commercial recreation; home occupation; storage facility.

Page 7 – Under the B-1 Service Business District

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Retail business; offices; wholesale and warehousing; food processing; printing and publishing; transport terminals; signs and advertising structures; public service facility; storage facility.

Minimum Lot Size (Square feet per structure)

With on-site sewage treatment: Prohibited

With group or central sewage treatment: 15,000

Road Frontage Width (feet): 100'

Maximum Height of Principal Buildings

Stories – 3; Feet – 45 Feet

Page 9 – Under the B-2 Local Business District

Conditional Uses (Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)

Shopping-type retail business; service stations; service business eating and drinking establishments; commercial recreation; public service facility; storage facility.

Maximum Height of Principal Buildings

Stories – 2; Feet – 35 Feet

Page 11 – Under the M-1 Light Manufacturing District

Storage facility is currently listed as a "Conditional Use" in this district. This will stay as it is.

ZCB agrees that if these items are met when building a combination residence/storage facility that a zoning permit could be issued without a conditional use permit in U-1, R-1, & R-2 districts.

1. Suppose someone wants to build a combination single-family dwelling and storage facility under one structure?
 - a. Dwelling, Single Family. A dwelling consisting of single dwelling unit only and separated from other dwelling units by open space.
 - b. Dwelling Unit. Space within a dwelling comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.
 - c. Section 521 Determining Minimum Floor Area for Housing Units. The minimum floor area per family in housing units shall include only area used for living quarters. Utility rooms, garages, carports, porches, laundry areas, enclosed decks, and basements shall be excluded.
 - d. Minimum floor area for R-1 is 1,500 sq ft and R-2 is 1000 sq ft

Page 57 – Under Section 1001 – Zoning Permits Required

Propose removing the word “building” from that sentence.

No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore, issued by the Zoning Inspector. No **building** Zoning permit shall be issued by the zoning inspector except in conformity with the provisions of this Resolution unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review, conditional use, or variance as provided by this Resolution.

Page 73 – ZCB agreed to add these two definitions

Noxious Weeds. Any type or species that have been included on the official list of noxious plants for the State of Ohio which includes the following. Wild Mustard, Musk Thistle (Nodding Thistle), Oxeye Daisy, Canada Thistle, Poison Hemlock, Wild Carrot (Queen Annes Lace), Purple Loosestrife, Wild Parsnip, Mile-a-Minute Weed, Russian Thistle, Cressleaf Groundsel, Shattercane, Johnsongrass, and Grapevines (abandoned). Noxious weeds possess one or more of the following attributes: aggressive competition with cultivated plants, toxicity to livestock, natural habitat degradation, threat to public health, safety, or navigation.

Nuisance. A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, debris, or weeds and tall grass measuring over twelve (12) inches.

Under Article XII Definitions (Starting on page 65)

Page 71 - Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. **On waterfront parcels the water side is considered the front.** For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Based on the three (3) definitions below: Do concrete or paver patios, or wooden deck(s), which are not covered, and do not extend one foot (1') above finish grade need to meet the setback requirements for each district? The ZCB agrees that if these conditions are met that setbacks would not apply.

Page 71 - Lot Coverage. The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Page 74 - Setback Line. A line established by the Zoning Resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building other than accessory building or structure may be located above ground, except as may be provided in said code.

Page 29 - Section 553 Architectural Projections. Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

Page 74 - Recreational Vehicle Site. A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit ~~or~~ **on** a temporary basis



STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE
COMMITTEE
June 9, 2011

LIBERTY TOWNSHIP (LOGAN CO.) ZONING AMENDMENT – VARIOUS TEXT AMENDMENTS

- APPLICANT:** Liberty Township Zoning Commission
- REQUEST:** Approval of various text amendments to the Liberty Township Zoning Resolution:
- Section 610 Action by Township Trustees (change)
 - Section 1040 Small Wind Projects less than 5MW with subsequent Definitions (new)
 - Section 1045 General Conditions for Adult Entertainment Use with subsequent Definitions (new)
 - Section 1050, 1051, 1052, 1053 Residential Care Facilities with subsequent Definitions (new)
- The Zoning Commission Public Hearing will be held on Tuesday, June 14 at 7:00 PM at the Liberty Township Hall in West Liberty.
- BACKGROUND:** Liberty Township has been working over the last several months drafting these proposed amendments. LUC staff has been attending meetings with Liberty Township regarding these proposed amendments. The new proposed sections on Small Wind, Adult Entertainment, and Residential Care Facilities are based on LUC's Model Text for each.
- STAFF ANALYSIS:**
- **DEFINITIONS** – Staff has no problem with the changes and additions to the definitions section. These changes are directly related to the addition of the language for Small Wind Projects, Adult Entertainment Use, and Residential Care Facilities.



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- **SECTION 610 Action by Township Trustees** – This section has been updated to reflect the change in Ohio Revised Code 519.12 that requires only a *majority* vote of the Township Trustees to deny or modify the zoning amendment recommendation of the Zoning Commission. Staff has no problem with this change.
- **SECTION 1040 Small Wind Energy Projects less than 5 MW** – This section is the addition of language for Small Wind Projects Less than 5MW. The Township Zoning Commission used the LUC Model Text on Small Wind when drafting their zoning regulations. Here are a few changes from the Model Text:
 - The Township is proposing to allow Small Wind Projects as a Permitted Use in all of the zoning districts except the R-1 Low Residential District which they are listing as a Conditional Use to give the Township more control over the placement of Small Wind Energy Projects in that District.
 - The Township chose to increase the setback to 1.25 times the height of the tower (from 1.1 in the Model Text).
 - In order to track the placement of Small Wind Energy Projects and to ensure that all such units are in good working order, the Township added a section under "Maintenance", #2., "*the owner shall notify the Township Zoning Inspector no later than January 31 of every year that the wind energy system is in good working order. These yearly maintenance forms shall be provided for this purpose by the Township Zoning Inspector when the proper permits are filed for the wind energy system.*" Staff agrees that this can be a good administrative organizational and tracking tool.
 - The Township Zoning Commission chose to propose stricter regulations related to noise by providing a decibel level that the turbine is not to exceed (70 decibels). Staff cautions that measuring this decibel level could be difficult. In addition, if they adopt this noise requirement, levels should be measured prior to the erection of a turbine at neighboring property lines and at different times of the day to measure the "normal" range of noise.

There were only a few other minor changes from the Model Text. Therefore, staff has no problems with the proposed language for Small Wind Projects Less than 5MW and the subsequent changes to the LUC Model Text. Through working with the Township, I believe every effort was made to research regulations that best fit

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their needs and addressed their concerns.

- **SECTION 1045 General Conditions for Adult Entertainment Use –**
The Township Zoning Commission used the LUC Model Text for Adult Entertainment when drafting their language. Staff does not have any concerns with this proposed language as it reads just like the Model Text.
- **SECTION 1050, 1051, 1052, 1053 Residential Care Facilities -**
These sections are the addition of zoning text for Family Care Homes, Group Care Homes, Homes for Adjustment, and Institutions. This language is taken from the LUC Model Text for Residential Care Facilities. This language has been previously approved for adoption by the Logan County Prosecutor's Office and the LUC Executive Committee. Staff has no problems regarding these sections. The only change that the Township Zoning Commission added to the LUC Model Text includes adding #15. under each Section that reads, "*these regulations do not apply to Foster Homes as defined in Article II, Definitions.*" The Zoning Commission wanted to take care to distinguish that a Foster Home is different from other types of group homes, and hence, should not be regulated.

The only recommendation Staff has for change is in the consistency of section headings in singular and plural. Suggestion for change: Section 1050 Family Care Homes, Section 1051 Group Care Homes, Section 1052 Homes for Adjustment, and Section 1053 Institutions.

It should be noted that the Township spent much time discussing the proposed Sections on Residential Care Facilities. There is a history of the Adriel facilities being in geographic proximity to the Township (West Liberty). Therefore, residents are used to having such a facility in the "neighborhood" and enjoying a good relationship with Adriel. Although the Zoning Commission chose to move forward with the Residential Care Facilities language, I have cautioned them during meetings that if they are unsure about adopting such language, that they should move forward with the other proposed zoning text and take more time with this.

- **OFFICIAL SCHEDULE OF DISTRICT REGULATIONS –** The Official Schedule of District Regulations will also be updated to include Small Wind, Adult Entertainment, and Residential Care Facilities in the

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appropriate columns as permitted and conditional uses.

STAFF RECOMMENDATIONS:

- Staff recommends ***APPROVAL*** of the proposed zoning text amendments to the Liberty Township Zoning Resolution based on the staff analysis and comments.

ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:

**Liberty Township, Logan County
Zoning Commission**

**Warren Kauffman, Chair
422 Tracemore Lane
West Liberty, Ohio 43357
Phone 937.592.2420**

May 23, 2011

LUC Regional Planning
P.O. Box 219
East Liberty, OH 43319

Dear Jenny Snapp:

Please review the attached zoning text amendments on the following sections:

- Section 610 Action by Township Trustees (change)
- Section 1040 Small Wind Energy Projects less than 5MW with subsequent Definitions (new)
- Section 1045 General Conditions for Adult Entertainment Use with subsequent Definitions (new)
- Sections 1050, 1051, 1052, 1053 Residential Care Facilities with subsequent Definitions (new)

The Township has been working with LUC on this zoning text for many months. We have scheduled the Zoning Commission Public Hearing for Tuesday, June 14, 2011 at 7:00 PM at the Liberty Township Hall. Copies of the Zoning Text Amendments have been placed at the West Liberty Library for public viewing.

Thanks. If you have any questions, please contact me at 937-592-2420.

Sincerely,

Warren Kauffman

Warren Kauffman, Chair
Liberty Township Zoning Commission



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Zoning Text Amendment Checklist

Date: May 23, 2011

Township: Liberty (Logan County)

Amendment Title: Various Zoning Text Amendments:

Small Wind, Adult Entertainment, Residential Care Facilities,
Notice: Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted. Zoning Amendment Vote of Trustees

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Date of Public Hearing (stated in cover letter) <u>Tues., June 14, 2011</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter) <u>Warren Kauffman, ZC Chair</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-LUC Member Fee, If applicable <u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

Revision: Initial, 8/2009

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Zoning & Subdivision Committee

Tuesday, June 7, 2011 1:30 pm

The Zoning and Subdivision Committee met in regular session on Thursday, June 7, 2011, at 1:30 pm at the LUC Office in East Liberty. Zoning & Subdivision Committee Members were in attendance as follows: Greg DeLong, Wes Dodds, Charles Hall, Paul Hammersmith, Heather Martin, Fereidoun Shokouhi, Jenny Snapp, Bill Narducci for Jeff Stauch and Andy Yoder. Absent members were Brad Bodenmiller and Scott Coleman. Guests included Gary Bias, Washington Township Zoning Inspector; Warren Kauffman, Chair of Liberty Township Zoning Commission; John Strapp, Zoning Inspector for Liberty Township.

Greg DeLong chaired the Zoning & Subdivision Committee Meeting in the absence of Scott Coleman.

Minutes of the May 10, 2011, meeting were approved as written with Paul Hammersmith making the first motion to approve and Fereidoun Shokouhi making the second motion. All in favor.

1. Review of Claibourne Township (Union County) Various Zoning Text Amendments – Staff Report by Jenny Snapp
 - Jenny presented the staff report.
 - Paul – was there a reason for the setback change?
 - Jenny – no they just wanted it to be stricter.
 - Bill – on the wind language it looks like they removed the sound limit?
 - Jenny – Claibourne said upfront they want it as easy as possible. They felt this was the easiest way for them to deal with it.
 - Greg – We're working on this language in Marysville, but what is this, stand no longer then 12 months. Does this seem long?
 - Jenny – we didn't feel that this would be too long depending on what parts are needed, it could take 90 days or longer.
 - Andy – is there a definition of abandonment?
 - Jenny – what Liberty Township has come up with it, it was presented to Claibourne but again they wanted whatever was easiest.
 - Greg read the definition of abandonment.
 - Paul – I don't disagree that a year seems long, but for a township, this probably isn't a long time.
 - Greg – are all their parking standards the same in the B-2?
 - Jenny – I don't know I didn't look at the parking.
 - Charles – when it talks about taking it down, are we talking taking it down to the base?



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- Jenny – yes, taking it down to the base or foundation. When talking to the townships, they feel that the foundation is the property owner's issue.
 - Fereidoun Shokouhi made the first motion to accept the staff's recommendation of approval for the Claibourne Township Zoning Text Amendments and Andy Yoder made the second motion to accept the staff's recommendation of approval for the Claibourne Township Zoning Text Amendments. All in favor.
- 2. Review of Washington Township (Logan County) Zoning Amendment – Staff Report by Wes Dodds
 - Wes presented the staff report.
 - Charles – what about size or height of structure?
 - Wes - in my view if it's going to be the only structure on that lot, it's going to fall under the specifications for primary structure.
 - Gary – most of the building are such large sizes that they fit the principle structure specifications.
 - Jenny – are you getting a lot of cases?
 - Gary – when I drove around there were probably 20 and in the past month I've had 6 requests.
 - Paul – What are the sizes of these?
 - Gary – Most are about 30 x 60. I get a lot from people living in condos.
 - Jenny – at the lake you get the unique situations of people needing to store RVs, boats, etc.
 - Paul – is there any architecture standards on them?
 - Wes – no
 - Greg – are these individually owned, or does it open it up to being a business?
 - Gary – not if it's in R-1 or R-2
 - Charles – that brings up a point, what if someone went in and put in a bathroom and ran electrical, etc.
 - Gary – there are requirements that if they add certain things it could become a residence, and it would have to meet the minimum square footage.
 - Fereidoun – if they meet that requirement you have no objections?
 - Gary – no
 - Charles – In the lists of noxious weeds, it lists a lot of things, what about fragmite?

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- Jenny – we’ve always just used what OSU Extension uses as their list. I just had a thought Wes that it should include: “or as defined by OSU Extension” in case the list changes.
 - Wes – I checked OSU Extension’s web-site and it’s listed verbatim for what’s on their web-site.
 - Paul Hammersmith made the first motion to recommend approval of the Washington Township Zoning Text Amendments with the additional verbiage from Jenny. Charles Hall made the second motion to recommend approval of the Washington Township Zoning Text Amendments with the additional verbiage from Jenny. All in favor.
- 3. Review of Liberty Township (Logan County) Various Zoning Text Amendments – Staff Report by Jenny Snapp.
 - Jenny gave the staff report.
 - John – we did consult, and had meetings with the CEO of Adriel. The new CEO attended and she felt that we were going in the right direction considering different things that have happened in the County over the past several years. Since the trend is for Adriel to get away from group homes in the County, they only have one remaining; they keep them on their campus. This language won’t affect their future expansion.
 - Charles Hall made the first motion to accept the recommendation of the staff to approve the Liberty Township Zoning Text Amendments with staff recommendations for change and Paul Hammersmith made the second motion to accept the recommendation of the staff to approve the Liberty Township Zoning Text Amendments with staff recommendations for change. All in favor.
- 4. Other
 - Charles – With the meeting only being 30 minutes, this could have been done before the Executive Committee meeting.
 - Paul – We’ll leave it up to the Director to use her best discretion, if she thinks we can get through it pretty quick.

The Zoning and Subdivision Committee adjourned at 1:58 pm with Fereidoun Shokouhi making the first motion to adjourn and Bill Narducci made the second motion to adjourn.