



Staff Report – Allen Township (U) Zoning Amendment

Applicant:	Allen Township Zoning Commission c/o Charlotte Blumenschein 20570 State Route 245 Marysville, OH 43040 dudley@centureylink.net
Request:	The proposed amendments, initiated by motion of the Zoning Commission, propose to amend Article II Establishment of Districts by eliminating Objectionable and Prohibited Uses in all districts as well as eliminating the Special Recreation District – Park (SR 3) zoning district, Article IV District Regulations by updating the agriculture exemption language and by clarifying prohibited uses, Article V Supplementary District Regulations by adding new sections for Agritourism and Short-Term Rentals, Article X Administration and Enforcement by changing public notice requirements and general procedures, Article XII Definitions by updating multiple definitions, and their Official Schedule of District Regulations by updating it to reflect the changes being made to their Zoning Resolution.
Location:	Allen Township is western Union County. The Township is located between Union Township to the south and Liberty Township to the north. Paris Township borders to the east.
Staff Analysis:	Article II Establishment of Districts and Objectionable and Prohibited Uses The Township is reworking the zoning district purpose statements and is removing specific sections listing Objectionable and Prohibited Uses. Instead, it is electing to define certain uses in the Zoning Resolution but to not list them as permitted or conditional uses in any zoning district meaning they are not permissible uses in the Township and are effectively prohibited. This better aligns with LUC's model text and the style used by other townships in the three counties. Special Recreation District – Park (SR 3) The Township is removing Special Recreation District – Park (SR 3) as a zoning district to bring the zoning districts into greater alignment with LUC model text. Article IV District Regulations (Prohibited Uses) The Township is adding additional text to their District Regulations which clarifies that uses not listed in the zoning code are prohibited. It also clarifies that if a use is specifically defined in the zoning resolution, it cannot be construed as being included within the definition of any other defined use.



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Article IV District Regulations and Section 575

The Township proposes to adopt LUC's Agritourism Model Text which is where the language in these sections comes from.

Short-Term Rentals

The Township is adding additional text to their Definition Article and Supplementary District Regulations which provides regulations for Short-Term Rentals. This language mirrors the most recent text used by other townships.

BZA Hearing

The Township is changing the time requirement to hold a public hearing for a BZA application from 30 days of submittal of an application to 40 days.

BZA Public Notices

The Township is modifying several sections in Article X Administration and Enforcement. The change eliminates specific public notice requirements and instead references the relevant ORC language. This is similar to recent changes by other Townships.

Battery Energy Storage System, Small Off-Site

The Township is proposing to adopt a definition for "Battery Energy Storage System, Small Off-Site", which has been used in several recent township zoning amendments. The Township is electing not to list it as a permitted or conditional use in any zoning district, meaning it is not a permissible use in the Township and is effectively prohibited.

Data Center

The Township is proposing to adopt a definition for "Data Center", which was provided by LUC Staff. The Township is electing not to list it as a permitted or conditional use in any zoning district, meaning it is not a permissible use in the Township and is effectively prohibited.

Enclosed Storage, Storage Facility, and Personal Storage Facility

The Township had a definition for "Enclosed Storage" which was a permitted or conditional use in certain districts. This definition was vague, overlapped with accessory buildings (which could already be constructed), and could have – in theory – allowed situations in which a commercial building could be constructed in a residential district.

The Township is proposing to replace this definition with a definition for "Storage Facility" (which centers on commercial users) and with a definition for "Storage Facility, Personal" (which centers on public storage for individuals).



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Family

The Township is proposing to amend the definition of “Family”. This mimics the definition used by other townships in recent amendments.

Vehicle Fueling and/or Charging Station

The Township is proposing to adopt a definition for “Vehicle Fueling and/or Charging Station”.

Public Service Facility

The Township is proposing to amend the definition of Public Service Facility based on old model text and makes clearer uses specified elsewhere like principal solar energy are not included in the definition.

Setback Line, Front

The Township is proposing to adopt a definition for “Setback Line, Front” which clarifies that it is determined from the edge of the road right-of-way.

Official Schedule of District Regulations

The Township is updating their Official Schedule of District Regulations to reflect the aforementioned changes made to their Zoning Resolution and align permitted and conditional uses with updates zoning district purpose statements.

Relationship to Comprehensive Plan

The Union County Comprehensive Plan is intended as a policy guide (not legislation) for decisions about the physical development of the County (pp. 7).

Given the varying level of access to both electrical and water infrastructure throughout the County, it may be prudent for Townships to carefully plan for utility needs and any future development associated with newly available or increased utility capacity should they wish to permit a large utility user. The Plan encourages local jurisdictions to be mindful of their zoning districts, the purpose statements for them, and the permitted and conditional uses within them (pp. 252). For example, a Township wishing to plan for and then permit a large use such as a data center in its U-1 Rural District may need to consider rezoning the affected property as opposed to permitting a large use in a district that may not have been intended for such a purpose.

- The Plan notes “data centers are high water users; these types of users should be considered carefully for their impact to the area water supply” (pp.230).
- The Plan references “baseline [electric] generation going offline is not being replaced at the same scale and reliability” (pp. 252). It goes on to state that population



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	growth and the location of high end users in the area (such as data centers) can compound this issue. In addition to raising the points above, the Plan also lists multiple goals for the County to pursue. Three of these include: • Ensure transportation, utilities, and broadband infrastructure keep pace with growth to support both urban and rural areas (pp. 132). • Encourage well-managed growth within the County (pp. 153). • Ensure adequate public water supply (pp. 224). Prosecutor's Office A copy of this proposal was forwarded to the County Prosecutor's Office for consideration and comment. At the time of the writing of this report, the Prosecutor's Office has not provided any comments.
Staff Recommendations:	Staff recommends <i>APPROVAL WITH MODIFICATIONS</i> of the proposed zoning text amendment. The modifications are: • Allen Township has adopted multiple zoning amendments in the past which do not appear in the Zoning Resolution on the Township website. Staff recommends that the Township ensure that these are reflected within this round of amendments.
Z&S Committee Recommendations:	<i>Options for action:</i> • <i>Approval</i> • <i>Approval with modifications (state modifications)</i> • <i>Denial</i>