



Zoning & Subdivision Committee  
Thursday, March 8, 2018  
**12:00 pm**

- Minutes from last meeting of February 8, 2018
- 1. Review of Jerome Village VN-3 Preliminary Plat (Union County) – Staff Report by Brad Bodenmiller
- 2. Review of Darby Township Text Amendment (Union County) – Staff Report by Brad Bodenmiller
- 3. Review of Jackson Township Text Amendment (Champaign County) – Staff Report by Brad Bodenmiller
- 4. Review of Jefferson Township Text Amendment (Logan County) – Staff Report by Brad Bodenmiller
- 5. Review of Paris Township Text Amendment (Union County) – Staff Report by Brad Bodenmiller
- 6. Review of Perry Township Text Amendment (Logan County) – Staff Report by Brad Bodenmiller
- 7. Review of Urbana Township Parcel Amendment (Champaign County) – Staff Report by Brad Bodenmiller
- 8. City of Urbana Parcel Amendment (Champaign County) – Staff Report by Brad Bodenmiller

Members:

Tyler Bumbalough – City of Urbana Engineer  
Scott Coleman – Logan County Engineer  
Weston R. Dodds – City of Bellefontaine Code Enforcement  
Chad Flowers – City of Marysville Planning  
Charles Hall – Union County Commissioner  
Steve McCall – Champaign County Engineer  
Bill Narducci – Union County Engineer's Office  
Vince Papsidero – City of Dublin Planning Director  
Tom Scheiderer – Jefferson & Zane Township Zoning Inspector  
Jeff Stauch – Union County Engineer  
Robert A. Yoder – North Lewisburg Administrator  
Dave Gulden – LUC  
Heather Martin – LUC  
Brad Bodenmiller – LUC



## Staff Report – Darby Township Zoning Amendment

<b>Jurisdiction:</b>	<b>Darby Township Zoning Commission</b> c/o Connie Priday 18540 Sam Reed Road Marysville, OH 43040 (937) 645-5034
<b>Request:</b>	Review of Darby Township Zoning Resolution text amendment, initiated by the Zoning Commission.  The amendment adds/amends: <ol style="list-style-type: none"><li>1. Article II Definitions (amend)</li><li>2. Section 1043 Medical Marijuana Entities (add)</li></ol>
<b>Location:</b>	Darby Township is in Union County.

<b>Staff Analysis:</b>	<p>This analysis breaks-down the proposal and provides a recommendation.</p> <p><b>1. Article II Definitions (RE: Medical Marijuana related definitions)</b></p> <ul style="list-style-type: none"><li>○ The proposed medical marijuana related definitions are from the LUC Model Text.</li><li>○ Staff is not concerned about these changes.</li></ul> <p><b>2. Section 1043 Medical Marijuana Entities</b></p> <ul style="list-style-type: none"><li>○ The proposed language is identical to the LUC Model Text, Version 1.</li><li>○ The Zoning Commission is considering the prohibition of medical marijuana entities. A determining sentence in the proposed language reads, “No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use.” Because no medical marijuana entity is being added to the Official Schedule of District Regulations, this essentially prohibits medical marijuana entities.</li></ul> <p><b>Prosecutor’s Office</b> A copy of this proposal was forwarded to the County Prosecutor’s Office for consideration and comment. Before LUC takes official action on the proposal, the comments from that Office should be reviewed and included in any recommendation.</p>
------------------------	--



## Staff Report – Darby Township Zoning Amendment

--	--

<b>Staff Recommendations:</b>	Staff recommends <b><i>APPROVAL</i></b> of the proposed zoning amendment.  The Township should consider the opinion of the Prosecutor's Office when it is available.
-------------------------------	--

<b>Z&amp;S Committee Recommendations:</b>	
---	--



## Logan-Union-Champaign regional planning commission

### Zoning Text Amendment Checklist

Date: February 8, 2018

Township: Darby

Amendment Title: Article II Medical Marijuana Definitions + Section 1043 General Conditions for Medical Marijuana Entities

**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.

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

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

• Phone: 937-666-3431 • Fax: 937-666-6203  
• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)

**Date of Request.**

February 8, 2018

Logan-Union-Champaign Regional Planning Commission  
c/o Brad Bodenmiller  
PO Box 219  
East Liberty, OH 43319  
[bradbodenmiller@lucplanning.com](mailto:bradbodenmiller@lucplanning.com)

**RE: Zoning Text Amendment Application, Darby Township, Union County  
Medical Marijuana**

Dear LUC Regional Planning Commission Committee Members:

The Darby Township Zoning Commission met at 7:00 PM on Tuesday, February 6, 2018. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

**Description of Zoning Text Amendments.**

The proposal amends Article II Definitions by adding medical marijuana-related definitions and adds Section 1043 General Conditions for Medical Marijuana Entities.

Included with this cover letter, you will find a copy of the existing Zoning Resolution and the proposed zoning text amendments. Please refer to these attachments for further information.

**Public Hearing.**

The Darby Township Zoning Commission of Union County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on Thursday, March 15, 2018, in the Darby Township Hall.

**Point of Contact.**

Please consider me Darby Township's point of contact for this matter. My contact information is below:

Connie Priday  
18540 Sam Reed Road  
Marysville, OH 43040  
(937) 645-5034

Sincerely,



Connie Priday

**Attachments.**

1. Darby Township Zoning Resolution
2. Proposed Zoning Resolution Text Amendments



## **Proposed changes to Darby Township Zoning Resolution.**

### **Add to:**

#### **Article II Definitions.**

##### **Medical marijuana related definitions:**

- a) Cultivate. Means to grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.
- b) Cultivator. Means an entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
- c) Dispensary. Means an entity licensed pursuant to ORC 3796 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.
- d) Dispense. Means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.
- e) Manufacture. Means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
- f) Marihuana. Has the same meaning as defined in ORC 3719.01, as amended from time to time.
- g) Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- h) Medical Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- i) Medical Marijuana Entity. Means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
- j) Medical Marijuana Processor. Means an entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
- k) Testing Laboratory. Means an independent laboratory located in Ohio that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

## **Proposed changes to Darby Township Zoning Resolution.**

### **Create:**

#### **Section 1043 General Conditions for Medical Marijuana Entities.**

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated area of the township.

1. Not an Agricultural Use. Medical marijuana is not considered an “agricultural” use pursuant to ORC 519.21 (D).
2. Zoning Districts. No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.
3. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.

**DARBY TOWNSHIP  
UNION COUNTY, OHIO  
RESOLUTION NUMBER 18.01.15.00**

**A RESOLUTION TO PROHIBIT CULTIVATORS, PROCESSORS, OR RETAIL  
DISPENSARIES PURSUANT TO R.C. §3796.29**

The Board of Township Trustees, Darby Township, Union County, Ohio met in regular session on January 15, 2018, at the Darby Township Hall, 508 Fourth Street, Unionville Center, Ohio, 43077, with the following members present: Doug Alderman, Roger Davenport, and Dennis Blumenschein.

Mr. Blumenschein introduced the following resolution and moved its passage:

**WHEREAS**, the Board of Township Trustees has considered the potential benefits and the potential risks of future activities required to be licensed under Chapter 3796. of the Ohio Revised Code, relating to cultivating, processing, or dispensing at retail medical marijuana; and

**WHEREAS**, the Board of Township Trustees has considered the authority given to it under R.C. §3796.29; and

Based on those considerations, the Board of Trustees finds that it is in the interests of the citizens of Darby Township, Union County, Ohio to exercise the authority in R.C. §3796.26, therefore, be it

**RESOLVED**, by the Board of Township Trustees to prohibit any cultivators, processors, or retail dispensaries required to be licensed, permitted, or that are otherwise regulated, under Chapter 3796. of the Ohio Revised Code from engaging in any activity within the scope of the laws and regulations of Ohio relating to medical marijuana within Darby Township, Union County, Ohio; and be it further

**RESOLVED**, that the foregoing restriction shall not apply to any research related to marijuana conducted at a state university, academic medical center, or private research and development organization located within Darby Township, Union County, Ohio, which is part of a research protocol approved by an institutional review board or equivalent entity; and be it further

**Resolved**, that it is hereby found and determined that all formal actions of this Board concerning an relating to the adoption of this Resolution were passed in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements including Revised Code §121.22.

Mr. Davenport seconded the motion and after discussion, a roll call vote was taken and the results were:

Roger Davenport

Yes

Douglas Alderman

Yes



Dennis Blumenschein

Yes

Passed: January 15, 2018

Attest: Connie Priday  
Connie Priday  
Fiscal Officer

BOARD OF TOWNSHIP TRUSTEES  
DARBY TOWNSHIP, UNION COUNTY, OHIO

Roger H. Davenport  
Roger Davenport

Douglas Alderman  
Douglas Alderman

Dennis Blumenschein  
Dennis Blumenschein

### Certificate

I the undersigned Clerk of the Board of Township Trustees, Darby Township, Union County, Ohio, certify that the foregoing Resolution No. 18.01, 15.00 is taken and copied from the record of proceeding of the Board of Township Trustees, and that I have compare it with the action on the record, and it is a true copy.

Date: January 20, 2018

Connie Priday  
Connie Priday, Fiscal Officer



## Staff Report – Jackson Township Zoning Amendment

<b>Jurisdiction:</b>	<b>Jackson Township Zoning Commission</b> c/o Pat Hill 1689 State Route 235 St. Paris, OH 43072 (937) 663-0374
<b>Request:</b>	Review of Jackson Township Zoning Resolution text amendment, initiated by the Zoning Commission.  The amendment adds/amends: <ol style="list-style-type: none"><li>1. Article II Definitions (amend)</li><li>2. Section 1037 Medical Marijuana Entities (add)</li><li>3. Section 1400 Telecommunications Towers (amend)</li></ol>
<b>Location:</b>	Jackson Township is in Champaign County.

<b>Staff Analysis:</b>	<p>This analysis breaks-down the proposal and provides a recommendation.</p> <p><b>1. Article II Definitions (RE: Medical Marijuana related definitions)</b></p> <ul style="list-style-type: none"><li>○ The proposed medical marijuana related definitions are from the LUC Model Text.</li><li>○ Staff is not concerned about these changes.</li></ul> <p><b>2. Section 1037 Medical Marijuana Entities</b></p> <ul style="list-style-type: none"><li>○ The proposed language is identical to the LUC Model Text, Version 1.</li><li>○ The Zoning Commission is considering the prohibition of medical marijuana entities. A determining sentence in the proposed language reads, “No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use.” Because no medical marijuana entity is being added to the Official Schedule of District Regulations, this essentially prohibits medical marijuana entities.</li></ul> <p><b>3. Section 1400 Telecommunications Towers</b></p> <ul style="list-style-type: none"><li>○ Most townships added the Telecommunications Towers section to the Supplemental Article of their zoning resolutions. In Jackson Township, this language was added as its own article with</li></ul>
------------------------	---



## Staff Report – Jackson Township Zoning Amendment

	<p>corresponding section numbers. Although it may have been intended as Article XIV, it exists in the Table of Contents under Article XIII Mobile Home Parks and Mobile Homes Individually. The unusual placement in the Table of Contents means the Telecommunications Towers language may be neglected by a future Zoning Inspector, zoning official, or persons.</p> <ul style="list-style-type: none"><li>○ The proposed change moves this Section from Section 1400 to Section 1035, which is in the Supplemental Article.</li><li>○ Because Telecommunications Towers was written as its own article, the numbering scheme is different from the numbering scheme in the Supplemental Article. Staff believes the proposed move makes sense, but recommends modifying the numbering scheme of the Telecommunications Towers section.</li></ul> <p><b>Prosecutor's Office</b> A copy of this proposal was forwarded to the County Prosecutor's Office for consideration and comment. Before LUC takes official action on the proposal, the comments from that Office should be reviewed and included in any recommendation.</p>
--	--

<b>Staff Recommendations:</b>	<p>Staff recommends <b><i>APPROVAL WITH MODIFICATIONS</i></b> of the proposed zoning amendment. Those modifications include:</p> <ol style="list-style-type: none"><li>1) Modify the numbering scheme of the Telecommunications Towers section.</li></ol> <p>The Township should consider the opinion of the Prosecutor's Office when it is available.</p>
-------------------------------	--

<b>Z&amp;S Committee Recommendations:</b>	
---	--



## Logan-Union-Champaign regional planning commission

### Zoning Text Amendment Checklist

Date: 2/6/2018

Township: JACKSON CHAMPAIGN CO.

Amendment Title: CREATE SECTION 1037; ADD TO ARTICLE II DEFINITION MOVE AND RENUMBER SECTION 1400 to 1035

**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.

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)	<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"/>	<u>N/A</u>

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

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

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)



**Date of Request.**

February 6, 2018

Logan-Union-Champaign Regional Planning Commission  
c/o Brad Bodenmiller  
PO Box 219  
East Liberty, OH 43319  
[bradbodenmiller@lucplanning.com](mailto:bradbodenmiller@lucplanning.com)

**RE: Zoning Text Amendment Application, Jackson Township, Champaign County  
Medical Marijuana & Telecommunications Towers**

Dear LUC Regional Planning Commission Committee Members:

The Jackson Township Zoning Commission met at 7:00 PM on Thursday, February 1, 2018. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

**Description of Zoning Text Amendments.**

The proposal amends Article II Definitions by adding medical marijuana-related definitions, adds Section 1037 General Conditions for Medical Marijuana Entities, and moves Section 1044 Telecommunications Towers from Section 1044 to Section 1035.

Included with this cover letter, you will find a copy of the existing Zoning Resolution and the proposed zoning text amendments. Please refer to these attachments for further information.

**Public Hearing.**

The Jackson Township Zoning Commission of Champaign County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on Monday, March 12, 2018, in the Jackson Township Hall.

**Point of Contact.**

Please consider me Jackson Township's point of contact for this matter. My contact information is below:

Pat Hill  
1689 State Route 235  
St. Paris, OH 43072  
(937) 663-0374

Sincerely,



Pat Hill

**Attachments.**

1. Jackson Township Zoning Resolution
2. Proposed Zoning Resolution Text Amendments

## **Proposed changes to Jackson Township Zoning Resolution.**

### Add to:

#### **Article II Definitions.**

##### Medical marijuana related definitions:

- a) Cultivate. Means to grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.
- b) Cultivator. Means an entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
- c) Dispensary. Means an entity licensed pursuant to ORC 3796 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.
- d) Dispense. Means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.
- e) Manufacture. Means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
- f) Marihuana. Has the same meaning as defined in ORC 3719.01, as amended from time to time.
- g) Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- h) Medical Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- i) Medical Marijuana Entity. Means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
- j) Medical Marijuana Processor. Means an entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
- k) Testing Laboratory. Means an independent laboratory located in Ohio that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

## **Proposed changes to Jackson Township Zoning Resolution.**

### **Create:**

#### **Section 1037 General Conditions for Medical Marijuana Entities.**

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated area of the township.

1. Not an Agricultural Use. Medical marijuana is not considered an "agricultural" use pursuant to ORC 519.21 (D).
2. Zoning Districts. No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.
3. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.

## **Proposed changes to Jackson Township Zoning Resolution..**

### **Move and Renumber:**

**From Section 1400 Telecommunications Towers. to Section 1035 Telecommunications Towers.**





## Staff Report – Jefferson Township Zoning Amendment

<b>Jurisdiction:</b>	<b>Jefferson Township Zoning Commission</b> c/o John Phillips 62 County Road 5 N Zanesfield, OH 43360
<b>Request:</b>	Review of Jefferson Township Zoning Resolution text amendment, initiated by the Zoning Commission.  The amendment amends: <ol style="list-style-type: none"><li>1. Section 501 Duties of the Zoning Inspector</li><li>2. Section 568 Expiration of Conditional Use Permit</li></ol>
<b>Location:</b>	Jefferson Township is in Logan County.

<b>Staff Analysis:</b>	<p>This analysis breaks-down the proposal and provides a recommendation.</p> <p><b>1. Section 501 Duties of the Zoning Inspector</b></p> <ul style="list-style-type: none"><li>○ The proposed text adds the following language: “[The Zoning Inspector may] revoke a conditional use permit or approval issued contrary to this Resolution or based on a false statement or misrepresentation in an application or due to a change of purpose.”</li><li>○ In theory, the Zoning Inspector already possesses this power; the proposed text just makes it explicit.</li></ul> <p><b>2. Section 568 Expiration of Conditional Use Permit</b></p> <ul style="list-style-type: none"><li>○ The existing text reads, “A conditional use permit shall be limited to the operator to who it is originally issued and is not transferrable to any subsequent operator.”</li><li>○ This prohibits the transfer of a conditional use permit. Staff believes conditional uses relate to land use, not to ownership. Staff is in favor of the proposal to strike this existing text.</li><li>○ Also, the existing text expires a conditional use if for any reason it ceases for 6 months. The proposed text expires a conditional if for any reason it ceases for 2 years.</li></ul> <p><b>Prosecutor’s Office</b> A copy of this proposal was forwarded to the County Prosecutor’s Office for consideration and comment. Before LUC takes official action on the proposal, the comments from</p>
------------------------	---



# Logan-Union-Champaign regional planning commission

## Staff Report – Jefferson Township Zoning Amendment

	that Office should be reviewed and included in any recommendation.
--	--

<b>Staff Recommendations:</b>	Staff recommends <b><i>APPROVAL</i></b> of the proposed zoning amendment.  The Township should consider the opinion of the Prosecutor's Office when it is available.
-------------------------------	--

<b>Z&amp;S Committee Recommendations:</b>	
---	--

## Zoning Text Amendment Checklist

Date: Feb 20, 2018 Township: JeffersonAmendment Title: Conditional Use Permit & Zoning Insp Duties

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

## Township Zoning Amendment Process (ORC 519.12)

**Jefferson Township Zoning Commission**  
**Zanesfield, Ohio 43360**

February 19, 2018

LUC Regional Planning Commission  
PO Box 219  
East Liberty, Ohio 43319

Dear LUC Regional Planning Commission:

Please review the attached changes to the Jefferson Township (L) Zoning Resolution as proposed by the Jefferson Township (L) Zoning Commission. We will have a scheduled Public Hearing on the proposed amendments on March 15, 22 or ~~29~~<sup>27</sup>, 2018 depending on the LUC Regional Planning Commission schedule.

The purpose for amending the Jefferson Township (L) Resolution is due to input provided by the LUC Regional Planning Commission and Logan County Prosecutor regarding Conditional Use Permitting. The input indicated that an amendment dated 6/23/2010 improperly coupled a conditional use to an operator.

We have been working with Mr. Bodenmiller on the proposed amendments and agreed during our reorganization meeting on Thursday, February 15, 2018 to:

1. amend section 501 Duties of Zoning Inspector by:
  - a. adding a line that includes language provided by the City of Urbana (C) and;
  - b. adding language to the City of Urbana (C) provision that addresses the comment provided by the Logan County Prosecutor to "revoke a conditional use permit due to a change of purpose".
2. amend section 568 Expiration of Conditional Use Permit by:
  - a. deleting the amendment from 6/23/2010 that states: "A conditional use permit shall be limited to the operator to whom it is originally issued and is not transferrable to any subsequent operator", and
  - b. change "six (6) months" to "two (2) years"

The language we agreed to adopt is attached along with a copy of the current resolution.

The contact person is John Phillips, Chairman, Jefferson Township (L) Zoning Commission, 62 County Road 5 N, Zanesfield, Ohio 43360.

Thank you for your time and consideration.

Sincerely,



John Phillips

Chairman, Jefferson Township Zoning Commission

## Conditional Use Language

Section 501 Duties of the Zoning Inspector. For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

1. Upon Finding that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violation(s) ordering the action necessary to correct such violations.
2. Order discontinuance of illegal uses of land, buildings, or structures.
3. Order removal of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of illegal work being done;
- 4.5. ~~Revoke a conditional use permit or approval issued contrary to this Resolution or based on a false statement or misrepresentation in an application or due to a change of purpose. Revised x/x/2018~~
- 5.6. Take any action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on zoning and certificate of Occupancy permits and such similar administrative duties as are permissible under the law

Section 568 Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if such conditionally permitted use had not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than ~~six (6) months~~ two (2) years. ~~Revised x/x/2018~~  
~~A conditional use permit shall be limited to the operator to who it is originally issued and I not transferrable to any subsequent operator. Revised 6/23/2010~~



## Staff Report – Paris Township Zoning Amendment

<b>Jurisdiction:</b>	<b>Paris Township Zoning Commission</b> c/o Julie Spain PO box 391 Marysville, OH 43040 (937) 642-4070
<b>Request:</b>	<p>Review of Paris Township Zoning Resolution text amendment, initiated by the Zoning Commission.</p> <p>The amendment adds/amends:</p> <ol style="list-style-type: none"><li>1. Section 300 – Zoning Permits Required (amend)</li><li>2. Section 301 – Contents of Application for Zoning Permit (amend)</li><li>3. Section 712 – R-1 Low Density Residential District, Conditional Uses (amend)</li><li>4. Section 716 – R-1 Low Density Residential District Minimum Yard Setbacks, iv. Side (width) (amend)</li><li>5. Section 811 – B-2 Local Business District Permitted Uses &amp; Section 812 – B-2 Local Business District Permitted Conditional Uses (amend)</li><li>6. Section 822 – Maximum Square Footage for Approved Business Uses in the B-2 District (add)</li><li>7. Section 1901 – Definitions (amend)</li></ol>
<b>Location:</b>	Paris Township is in Union County.

<b>Staff Analysis:</b>	<p>This analysis breaks-down the proposal and provides a recommendation.</p> <p><b>1. Section 300 – Zoning Permits Required</b></p> <ul style="list-style-type: none"><li>○ The proposed text adds the following provision: “If the Zoning Inspector does not issue a permit within ninety (90) days of the application being submitted, then the application shall be deemed denied.”</li><li>○ Staff does not know what a reasonable timeline might be for review of a zoning permit, but staff believes ninety (90) days is excessive.</li><li>○ Staff believes a zoning permit is not approved until the Zoning Inspector issues the zoning permit. If a zoning permit is denied, staff believes the Zoning Inspector should deny it and state the reason. Theoretically, the Zoning Inspector could sit on Zoning Permits for</li></ul>
------------------------	--



## Staff Report – Paris Township Zoning Amendment

ninety (90) days and doing so would automatically deny Zoning Permits. If a Zoning Permit is automatically denied, what decision will applicants appeal to the Board of Zoning Appeals?

- Staff does not recommend this change. Staff recommends the Township work with the Prosecutor's Office to answer the legal questions raised by this proposed change.

### **2. Section 301 – Contents of Application for Zoning Permit**

- The proposed text adds two additional requirements for Zoning Permit applications. Documentation of primary/secondary septic and well locations with verification from the Health Department when appropriate and documentation of any reports and recommendations from the Soil and Water Conservation District as required by the Zoning Resolution.
- Staff recommends the Township leave Health Department requirements in the Health Department's processes/reviews. The Zoning Resolution does not contain regulations associated with placement of primary/secondary septic and well locations. If the language is added and if an applicant proposes to place a building on top of a septic tank, there is no regulation in the Zoning Resolution prohibiting it.
- Staff recommends the Township consider adopting the Adequate Drainage Outlet and Acceptable Soils language from Union County Soil & Water Conservation District. This would go in the Supplemental Article and would be the reason/basis for requiring reports/recommendations from Soil & Water as part of the Zoning Permit application.

### **3. Section 712 – R-1 Low Density Residential District, Conditional Uses**

- The existing language reads, "No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector."
- The proposed language clarifies that a conditional use permit must be approved by the Board of Zoning Appeals and then issued by the Zoning Inspector.





## Staff Report – Paris Township Zoning Amendment

### **4. Section 716 – R-1 Low Density Residential District Minimum Yard Setbacks, iv. Side (width)**

- The proposed language reduces the principal building side setback from 35 feet to 20 feet and increases the accessory building side setback from 15 feet to 20 feet.
- Staff defers to the Township's expertise on determining setbacks, but does not recommend making a setback regulation more restrictive without a very good reason. (This potentially creates non-conformities.)

### **5. 811 – B-2 Local Business District Permitted Uses & Section 812 – B-2 Local Business District Permitted Conditional Uses**

- The proposal requires accessory buildings and accessory uses supporting a conditional use to follow the application process for conditional uses.
- The proposal moves eating and drinking establishments and nursing homes from permitted uses to conditional uses in the B-2 District.
- The proposal strikes transient lodgings and wholesale and warehouse from the permitted conditional uses in the B-2 District.
- The purpose of the B-2 Local Business District is to provide land for small retail and personal service establishments offering convenience-type goods and services for the daily needs of the people in the immediate neighborhood or area.
- In July 2017, LUC recommended the Township consider whether it makes sense to strike some of the uses from the list of permitted/conditional uses in the B-2 District, and the Township is acting on that recommendation.

### **6. Section 822 – Maximum Square Footage for Approved Business Uses in the B-2 District**

- The proposed language is a new addition to the Zoning Resolution. It limits the maximum square footage for any approved business use to 10,000 square feet. Any use exceeding 10,000 square feet must follow the conditional use process.
- Staff recommends increasing the maximum square feet and applying it only to buildings. For example, a convenience and dollar stores are typically 10,000 square feet and parking lots can be quite large; the



## Staff Report – Paris Township Zoning Amendment

	<p>proposed language would prohibit a such a store, which seems to fit the purpose of the B-2 District.</p> <p><b>7. Section 1901 – Definitions</b></p> <ul style="list-style-type: none"><li>○ The proposal amends the Service Station definition by adding the following language, “primarily intended for non-commercial vehicles.”</li></ul> <p><b>Public Hearing</b></p> <p>There was confusion about timing of the public hearings. Staff contacted the applicant and discussed the public hearing timeline. Now, the Zoning Commission will hold its public hearing on March 12<sup>th</sup> and the Board of Trustees will meet sometime after that meeting.</p> <p><b>Prosecutor’s Office</b></p> <p>A copy of this proposal was forwarded to the County Prosecutor’s Office for consideration and comment.</p> <ul style="list-style-type: none"><li>○ The Prosecutor’s Office expressed serious reservations about Section 300.</li><li>○ The Prosecutor’s Office advised the Township might wish to consider what is/is not covered by “non-commercial vehicle” and what definition it wants to use/be stuck with. The definition in ORC 4501.01 (H) may be broader than the Township intends.</li><li>○ The Prosecutor’s Office did not think Section 220 is proper. The section reads, “Any use not specifically authorized by the express terms of this Zoning Resolution shall be prohibited unless approval is received from the Board of Zoning Appeals.” It appears to give the Board of Zoning Appeals authority to effectively amend the Zoning Resolution as to what use is permitted.</li></ul>
--	--

<b>Staff Recommendations:</b>	<p>Staff recommends <b>APPROVAL WITH MODIFICATIONS</b> of the proposed zoning amendment. Those modifications are listed below:</p> <ol style="list-style-type: none"><li>1. Staff does not recommend adopting the proposed change to Section 300 – Zoning Permits Required. Staff recommends the Township work with the Prosecutor’s Office to answer the legal questions raised by this proposed change.</li></ol>
-------------------------------	---



**Staff Report – Paris Township Zoning Amendment**

	<ol style="list-style-type: none"><li>2. Staff does not recommend adopting language requiring documentation of primary/secondary septic and well locations.</li><li>3. Staff recommends adopting additional language regarding Adequate Drainage Outlet and Acceptable Soils language from Union County Soil &amp; Water Conservation District. This language would go in the Supplemental Article.</li><li>4. Staff does not recommend increasing the side yard setback for accessory buildings from 15 feet to 20 feet. Staff is concerned this will create non-conformities.</li><li>5. Staff recommends the maximum square feet of 10,000 square feet in Section 822 be increased and only apply to buildings.</li></ol> <p>Also, the Township should consider the opinion of the Prosecutor's Office.</p>
--	--

<b>Z&amp;S Committee Recommendations:</b>	
---	--

**ALLEN, YURASEK, MERKLIN & OWENS-RUFF LLC**

STEPHEN J. YURASEK

JEFFREY A. MERKLIN

TINA OWENS-RUFF

ASSOCIATE

JULIE A. SPAIN

ATTORNEYS AT LAW

233 WEST FIFTH STREET

P.O. BOX 391

MARYSVILLE, OHIO 43040-0391

E-MAIL [aymo@unioncountylaw.net](mailto:aymo@unioncountylaw.net)

TELEPHONE

(937) 642-4070

TELECOPIER

(937) 644-4390

PERSONAL E-MAIL

([jspain@unioncountylaw.net](mailto:jspain@unioncountylaw.net))

February 9, 2018

Logan-Union-Champaign  
Regional Planning Commission  
c/o Brad Bodenmiller  
P.O. Box 219  
East Liberty, Ohio 43319  
(also delivered via email to [bradbodenmiller@lucplanning.com](mailto:bradbodenmiller@lucplanning.com))

Re: Zoning Text Amendment Application,  
Paris Township, Union County  
B-2 & Administrative Amendments

Dear LUC Regional Planning Commission Committee Members:

The Paris Township Zoning Commission met at 7:00 PM on Tuesday, February 6, 2018. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

**Description of Zoning Text Amendments.**

The proposal amends several sections of Paris Township's Zoning Resolution.

Included with this cover letter, you will find a copy of the proposed zoning text amendments. Items in **bold** font are additions to the existing Resolution. Items that have been ~~stricken through~~ are deletions from the existing Resolution. I've also enclosed the existing code provisions.

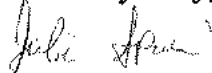
**Public Hearing.**

The Paris Township Trustees will hold a public hearing concerning the proposed amendments on Monday, March 5th, 2018, at 7:00 PM. If needed, the Paris Township Zoning Commission of Union County, Ohio, will also hold a public hearing concerning the proposed amendments at 7:00 PM on Monday, March 12th, 2018. Both meetings will take place in the Paris Township Hall.

**Point of Contact.**

Please consider me Paris Township's point of contact for this matter. My contact information is contained in my letterhead.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Julie Spain".

Julie A. Spain





## Logan-Union-Champaign regional planning commission

### Zoning Text Amendment Checklist

Date: 2-9-18 Township: Paris  
Amendment Title: Misc. Amendments

**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.

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

## **Proposed Changes to Paris Township Zoning Resolution**

### **Meeting of the Board of Commissioners**

**February 6, 2018**

**1. Article III, Section 300 (page 3) – Zoning Permits Required**

**a. Proposed Amended Language:**

No building, or other structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Resolution. **If the Zoning Inspector does not issue a permit within ninety (90) days of the application being submitted, then the application shall be deemed denied.**

**2. Article III, Section 301 (page 3) – Contents of Application for Zoning permit**

**a. Proposed Amended Language:**

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six months or substantially completed within eighteen months of issuance. At a minimum, the application shall contain the following information.

1. Name, address, and telephone number of the applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;

6. Plans in duplicate showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed buildings or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.
11. **Documentation of the primary and secondary septic and well locations, with verification from the Health Department when appropriate.**
12. **Documentation of any reports and recommendations from the Soil and Water Conservation District, as required by other sections of the Resolution.**
13. Fees - The application for a Zoning permit must be accompanied by the appropriate fee required.

3. Article VII, Section 712 (page 24) – R-1 Low Density Residential District Conditional Uses

a. Proposed Amended Language:

**“No conditional use shall be implemented until a conditional use permit is approved by the Board of Zoning Appeals and then issued by the Zoning Inspector or as otherwise provided by Ohio Revised Code § 519.14...”**

4. Resolution section: Article VII, Section 716(iv) (page 26) R-1 Low Density Residential District Minimum Yard Setbacks

a. Change needed: Adjust side set-back so that it is uniform with U1 and with R-1 accessory building set-back. Proposed language:

iv. Side (width): Principal Building: **Twenty (20)** ~~Thirty-five (35)~~ feet on each side as measured from the side lot line. No accessory use or building shall be located closer than **Twenty (20)** ~~fifteen (15)~~ feet to the side lot line.

5. Resolution section: Article VIII, Section 811 (page 27) – B-2 Local Business District

a. Proposed Amended Text:

**Section 811 – B-2 Local Business District Permitted Uses:**

The following uses as defined in this Resolution, developed in accordance with all other provisions of this Resolution, shall be:

- a. Accessory buildings and accessory uses including swimming pools and private garages, provided they meet the standards outlined in this Resolution. **Accessory buildings and accessory uses supporting a conditional use shall follow the application process for conditional uses in the B-2 district.”**
- b. Convenience and shopping type retail
- c. Craft and gift shop
- d. ~~Eating and drinking establishments~~
- e. Nursery (Greenhouse) tree & plant
- f. ~~Nursing home~~
- g. Offices
- h. Personal services
- i. Public and quasi-public uses
- j. Single family dwellings (refer to R-1 District regulations)

**Section 812 – B-2 Local Business District Conditional Uses:**

No conditional use shall be implemented until a conditional use permit is **approved by the Board of Zoning Appeals and then** issued by the Zoning Inspector or as otherwise provided by Ohio Revised Code § 519.14.

- a. Bed & Breakfasts
- b. Non-commercial or Commercial recreation
- c. Drive-in business, including any drive-thru establishment that sells wine, beer or alcohol
- d. **Eating and drinking establishments**
- e. Essential services
- f. Light manufacturing
- g. Multi-family dwelling (refer to R-1 District regulations)
- h. **Nursing home**
- i. Public Service facility
- j. Service business
- k. Service station (*Note: Proposed definition change*)

- l. Storage facility
- ~~m. Transient lodgings~~
- ~~n. Wholesale and warehouse~~

## **6. New Section: 822**

### **Section 822 – Maximum Square Footage for Approved Business Uses in the B-2 District**

**The maximum square footage for any approved business use in the B-2 District shall be 10,000 square feet. Business uses requiring more than 10,000 square feet shall follow the procedures in place for conditional uses. This section shall not apply to public and quasi-public uses.**

- 7. Resolution section: Article XIX, Section 1901 (page 81) – Definitions
  - a. Proposed Change: Amend the “service station” definition as follows:

**Service Station – Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, or accessories primarily intended for non-commercial vehicles.**



**Section 210 – District Regulations:**

All District Regulations are found in subsequent Articles.

**Section 220 – Prohibited Uses:**

Any use not specifically authorized by the express terms of this Zoning Resolution shall be prohibited unless approval is received from the Board of Zoning Appeals.

**ARTICLE III - ENFORCEMENT****Section 300 - Zoning permits Required:**

No building, or other structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Resolution.

**Section 301 - Contents of Application for Zoning Permit:**

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six months or substantially completed within eighteen months of issuance. At a minimum, the application shall contain the following information.

1. Name, address, and telephone number of the applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in duplicate showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed buildings or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;

10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.
11. Fees - The application for a Zoning permit must be accompanied by the appropriate fee required.

**Section 302 - Approval of Zoning Permit:**

Within ten (10) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six months. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector has marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the proposed use or alteration is in conformance with the provisions of this Resolution.

**Section 303 - Submission to Director of Transportation:**

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation, that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution issue the zoning permit.

**Section 304 - Expiration of Zoning Permit:**

If the work described in any zoning permit has not begun within six months from issuance thereof, said permit shall expire and be deemed terminated. The zoning permit holder shall provide the Township written notice of work commencement. The zoning permit shall be deemed void if the zoning permit holder fails to provide written notice of work commencement within six months of the permit's issuance, unless this provision is waived by written acknowledgment of the Zoning Inspector, executed upon the original permit.

If the work described in any zoning permit has not been completed within eighteen months of the issuance thereof, said permit shall expire and be deemed terminated. All work performed pursuant to a zoning permit that expires shall cease and the property restored to the condition existing prior to the permits issuance. If the permit holder fails to promptly restore the property to its prior condition upon receipt of written notice, then the Township may cause

## **ARTICLE VII - R-1 LOW DENSITY RESIDENTIAL DISTRICT**

### **Section 710 – R-1 Low Density Residential District Purpose:**

The purpose of the Low Density Residential District (R-1) is to provide land for low density development not to exceed 3 dwelling units per acre with a central sewage system. The majority of land in the Low Density Residential District does not have access to central water and wastewater service; therefore, development shall be in accordance with the ability of the land to wells and septic systems.

### **Section 711 – R-1 Low Density Residential District Permitted Uses:**

The following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a. Single family dwellings
- b. Projects designed for watershed protection, conservation of soil or water, or for flood control
- c. Public uses as defined in this Resolution
- d. Child day care provided in home for six (6) or fewer children who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as the provider's residence and further provided that such day care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.
- e. Accessory buildings and accessory uses including swimming pools and private garages provided they meet the standards outlined in this Resolution.
- f. Accessory uses are limited to one accessory building or use, which may be in addition to a swimming pool, however, prohibits the parking of commercial tractors, commercial trucks or trailers.

### **Section 712 – R-1 Low Density Residential District Conditional Uses:**

No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector or as otherwise provided by Ohio Revised Code § 519.14.

- a. Home occupations as defined in this Resolution
- b. Non-commercial or Commercial recreation
- c. Public service facilities as defined in this Resolution
- d. Quasi-public uses as defined in this Resolution
- e. Group homes or Residential Care Facilities

f. Roadside sales of agriculturally grown products shall be a conditioned use in this district provided that at least fifty percent of the gross income from the market is derived from sale of produce raised on farms owned or operated by the market operator, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.

g. Essential services, personal services and service business as defined in this Resolution.

h. Multi-family dwelling.

i. Nursing home.

j. Personal services.

k. Service business.

**Section 713 – R-1 Low Density Residential District Development Standards:**

The use of land and structures within this district shall conform to the standards contained in sections 710 - 723.

**Section 714 – R-1 Low Density Residential District Minimum Lot Area:**

The minimum lot size shall be:

Public water and sewer not available: 65,340 square feet;

Public water and sewer available: 21,780 square feet.

**Section 715 – R-1 Low Density Residential District – Minimum Lot Width and Frontage:**

- i. Lots with public water and sewer not available: 150 feet frontage
- ii. Lots with public water and sewer available: 125 feet frontage

The widths of all lots shall conform to the lot measurement – lot width limitations reflected in the definitions of this resolution.

**Section 716 – R-1 Low Density Residential District Minimum Yard Setbacks:**

No principal building or accessory building shall be located nearer than the distances established herein:

- i. Lots with public water and sewer not available: 50 feet as measured from the road right of way
- ii. Lots with public water and sewer available: 35 feet as measured from the road right of way

f. Roadside sales of agriculturally grown products shall be a conditioned use in this district provided that at least fifty percent of the gross income from the market is derived from sale of produce raised on farms owned or operated by the market operator, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.

g. Essential services, personal services and service business as defined in this Resolution.

h. Multi-family dwelling.

i. Nursing home.

j. Personal services.

k. Service business.

**Section 713 – R-1 Low Density Residential District Development Standards:**

The use of land and structures within this district shall conform to the standards contained in sections 710 - 723.

**Section 714 – R-1 Low Density Residential District Minimum Lot Area:**

The minimum lot size shall be:

Public water and sewer not available: 65,340 square feet;

Public water and sewer available: 21,780 square feet.

**Section 715 – R-1 Low Density Residential District – Minimum Lot Width and Frontage:**

- i. Lots with public water and sewer not available: 150 feet frontage
- ii. Lots with public water and sewer available: 125 feet frontage

The widths of all lots shall conform to the lot measurement – lot width limitations reflected in the definitions of this resolution.

**Section 716 – R-1 Low Density Residential District Minimum Yard Setbacks:**

No principal building or accessory building shall be located nearer than the distances established herein:

- i. Lots with public water and sewer not available: 50 feet as measured from the road right of way
- ii. Lots with public water and sewer available: 35 feet as measured from the road right of way



iii. Rear (depth): Thirty (30) feet as measured from the rear lot line for principal buildings. No accessory use or building shall be located closer than ten (10) feet to the rear lot line.

iv. Side (width): Principal Building: Thirty-five (35) feet on each side as measured from the side lot line. No accessory use or building shall be located closer than fifteen (15) feet to the side lot line.

**Section 717 – R-1 Low Density Residential District Maximum Building Height:**

For any non-farm structure – Thirty-five (35) feet. For any non-farm accessory structure – Twenty (20) feet.

**Section 718 – R-1 Low Density Residential District Minimum Living Space Requirements:**

For any residential dwelling unit (exclusive of the porch, basement and garage) - 1,400 square feet

**Section 719 – R-1 Low Density Residential District Maximum Lot Coverage:**

Ground floor area – Twenty-five percent (25%)

**Section 720 – R-1 Low Density Residential District Depth to Width Ratios:**

a) Minimum – 1:1

**Section 721 – R-1 Low Density Residential District Screening and/or Landscaping:**

Landscaping shall be in compliance with the provisions of Article XIII.

**Section 722 – R-1 Low Density Residential District Off-street Parking and Loading:**

Off-street parking and loading shall be in compliance with the provisions of Article XI.

**Section 723 – R-1 Low Density Residential District Signs**

Signs shall be in compliance with the provisions of Article XIV.

## **ARTICLE VIII - B-2 LOCAL BUSINESS DISTRICT**

### **Section 810 – B-2 Local Business District Purpose:**

The purpose of the local business district is to provide land for retail and personal service establishments offering convenience-type goods and services for the daily needs of the people. Shopping-type retail facilities are also permitted within this district.

### **Section 811 – B-2 Local Business District Permitted Uses:**

The following uses as defined in this Resolution, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a. Accessory buildings and accessory uses including swimming pools and private garages provided they meet the standards outlined in this Resolution.
- b. Convenience and shopping type retail
- c. Craft and gift shop
- d. Eating and drinking establishments
- e. Nursery (Greenhouse) tree & plant
- f. Nursing home
- g. Offices
- h. Personal services
- i. Public and quasi-public uses
- j. Single family dwellings (refer to R-1 District regulations)

### **Section 812 – B-2 Local Business District Conditional Uses:**

No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector or as otherwise provided by Ohio Revised Code § 519.14.

- a. Bed & Breakfasts
- b. Non-commercial or Commercial recreation
- c. Drive-in business, including any drive-thru establishment that sells wine, beer or alcohol
- d. Essential services

- e. Light manufacturing
- f. Multi-family dwelling (refer to R-1 District regulations)
- g. Public Service facility
- h. Service business
- i. Service station
- j. Storage facility
- k. Transient lodgings
- l. Wholesale and warehouse

**Section 813 – B-2 Local Business District Development Standards:**

The use of land and structures within this district shall conform to the standards contained in sections 814 - 820.

**Section 814 – B-2 Local Business District Minimum Lot Area:**

No minimum lot size required. However, lot size shall be adequate to provide the minimum lot width, setback requirements, building size, parking requirements, maximum height and percentage of lot coverage requirements reflected in sections 815 – 820.

**Section 815 – B-2 Local Business District – Minimum Lot Width and Frontage:**

- i. Lots with public water and sewer not available: 150 feet frontage
- ii. Lots with public water and sewer available: 100 feet frontage

The widths of all lots shall conform to the lot measurement – lot width limitations reflected in the definitions of this resolution.

**Section 816 – B-2 Local Business District Minimum Yard Setbacks:**

No principal building or accessory building shall be located nearer than the distances established herein:

- i. Lots with public water and sewer not available: 30 feet as measured from the road right of way
- ii. Lots with public water and sewer available: 30 feet as measured from the road right of way
- iii. Side yards: A side yard setback of 15 feet shall be required.
- iv. Rear yard setback: A rear yard setback of thirty (30) feet shall be required.

Regularly features or regularly shown – A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

Research, Development and Testing – Establishments, structures, facilities and areas devoted to research, product development and scientific testing whether in connection with the development of new products, the discovery of causes of product failure or malfunction, and specifically including without limitation the conduct of research, development and testing concerning; automotive, vehicular and other forms of transportation; engines, power products and equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic.

Right-of-Way (ROW) – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment (such as grade separation, landscaped areas, viaducts, and bridges).

Rotor Diameter - means the cross sectional dimension of the circle swept by the rotating blades.

Rubbish / Trash – Combustible and noncombustible waste materials including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Salvage Motor Vehicle – Any motor vehicle which is in a wrecked, dismantled, or worn out condition, or unfit for operation as a motor vehicle.

Scale – The proportional relationship of the size of the building or structure to its surroundings.

Seat – For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Semi-trailer / Sea-land Containers – A vehicle designed or used for carrying persons or property with another separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. A semi-trailer shall not be used for storage, advertising, business, or residence.

Service Station – Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, or accessories.



## Staff Report – Perry Township Zoning Amendment

<b>Jurisdiction:</b>	<b>Perry Township Zoning Commission</b> c/o Melony Baker 9362 Foundry Street East Liberty, OH 43319 (937) 666-4773
<b>Request:</b>	Review of Perry Township Zoning Resolution text amendment, initiated by the Zoning Commission.  The amendment adds/amends/strikes: <ol style="list-style-type: none"><li>1. Section 523 Private Swimming Pools, 3. (strike)</li><li>2. Section 564 General Conditions for Medical Marijuana Entities (add)</li><li>3. Article XII Definitions (amend)</li><li>4. Official Schedule of District Regulations (amend)</li></ol>
<b>Location:</b>	Perry Township is in Logan County.

<b>Staff Analysis:</b>	<p>This analysis breaks-down the proposal and provides a recommendation.</p> <p><b>1. Section 523 Private Swimming Pools, 3.</b></p> <ul style="list-style-type: none"><li>○ The existing text reads, “The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than six (6) feet in height and maintained in good condition with a gate and lock.”</li><li>○ The proposed change is to strike this text; private swimming pools will no longer require a fence.</li><li>○ Zoning is intended to protect the public health, safety, and general welfare. Staff does not recommend this change.</li><li>○ Staff recommends modifying the existing language in a way that protects the public health, safety, and general welfare. For example, the fence regulations for the Residential Building Code of Ohio require a fence four (4) feet in height and allow the pool wall of an above ground pool to serve as the barrier. This would be less restrictive, but still ensure enclosed pools.</li></ul>
------------------------	---





## Staff Report – Perry Township Zoning Amendment

	<p><b>2. Section 564 General Conditions for Medical Marijuana Entities</b></p> <ul style="list-style-type: none"><li>○ The Zoning Commission is considering allowing Level II Cultivators as a conditional use. The proposed language is adapted from the LUC Model Text.</li><li>○ The proposed language strikes conditional use provisions specific to dispensaries in the LUC Model Text. This is because the proposal as written prohibits dispensaries.</li><li>○ The proposed language adds a condition, that only Level II Cultivators are permitted in Perry Township.</li><li>○ Staff recommends additional definitions be added for Level I and Level II Cultivators.</li></ul> <p><b>3. Article XII Definitions (RE: Medical Marijuana related definitions)</b></p> <ul style="list-style-type: none"><li>○ The proposed medical marijuana related definitions are from the LUC Model Text.</li><li>○ Again, staff recommends additional definitions be added for Level I and Level II Cultivators.</li></ul> <p><b>4. Official Schedule of District Regulations</b></p> <ul style="list-style-type: none"><li>○ The proposal adds “medical marijuana cultivator” to the conditional use column of the M-1 Light Manufacturing District.</li></ul> <p><b>Prosecutor’s Office</b></p> <p>A copy of this proposal was forwarded to the County Prosecutor’s Office for consideration and comment. Before LUC takes official action on the proposal, the comments from that Office should be reviewed and included in any recommendation.</p>
--	--

<b>Staff Recommendations:</b>	<p>Staff recommends <b>APPROVAL WITH MODIFICATIONS</b> of the proposed zoning amendment.</p> <ol style="list-style-type: none"><li>1. Do not strike Section 523 Private Swimming Pools, 3. Consider modifying the existing language in a way that protects the public health, safety, and general welfare.</li><li>2. Add additional definitions to Article XII Definitions. Specifically, define Level I and Level II Cultivators.</li></ol> <p>The Township should consider the opinion of the Prosecutor’s Office when it is available.</p>
-------------------------------	--



Logan-Union-Champaign  
regional planning commission

**Staff Report – Perry Township Zoning Amendment**

---

<b>Z&amp;S Committee Recommendations:</b>	
---	--



## Logan-Union-Champaign regional planning commission

### Zoning Text Amendment Checklist

Date: 2-22-2018 Township: Berry  
Amendment Title: Medical Marijuana AND Section 523

**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.

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)	<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 checked="" 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

**Date of Request.**

February 22, 2018

Logan-Union-Champaign Regional Planning Commission  
c/o Brad Bodenmiller  
PO Box 219  
East Liberty, OH 43319  
[bradbodenmiller@lucplanning.com](mailto:bradbodenmiller@lucplanning.com)

**RE: Zoning Text Amendment Application, Perry Township, Logan County  
Medical Marijuana & Swimming Pools**

Dear LUC Regional Planning Commission Committee Members:

The Perry Township Zoning Commission met at 7:30 PM on Wednesday, February 21, 2018. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

**Description of Zoning Text Amendments.**

The proposal eliminates the enclosure requirements for private swimming pools by striking Section 523 Private Swimming Pools 3., adds Section 564 General Conditions for Medical Marijuana Entities, amends Article XII Definitions by adding medical marijuana-related definitions, and amends the Official Schedule of District Regulations by adding medical marijuana cultivators to the M-1 District conditional uses.

Included with this cover letter, you will find a copy of the existing zoning text with changes shown in **bold** and ~~strike through~~. Please refer to these attachments for further information.

**Public Hearing.**

The Perry Township Zoning Commission of Logan County, Ohio, will hold a public hearing concerning the proposed amendments at 7:30 PM on Thursday, March 28, 2018, in the Perry Township Hall at 3261 South Main Street East Liberty, OH 43319.

**Point of Contact.**

Please consider me Perry Township's point of contact for this matter. My contact information is below:

Melony Baker  
9362 Foundry Street  
East Liberty, OH 43319  
(937) 666-4773

Sincerely,



Melony Baker

**Attachments.**

1. Proposed Zoning Resolution Text Amendments (**Bolding** is proposed text. ~~Strike through~~ is removed text.)

## Proposed changes to Perry Township Zoning Resolution.

### Strike:

Section 523 Private Swimming Pools, 3.

A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- (2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which it is located; and
- ~~(3) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than six (6) feet in height and maintained in good condition with a gate and lock.~~

## Proposed changes to Perry Township Zoning Resolution.

### Create:

#### Section 564 General Conditions for Medical Marijuana Entities.

In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated area of the township.

1. **Not An Agricultural Use.** Medical marijuana is not considered an “agricultural” use pursuant to ORC 519.21 (D).
2. **Zoning Districts.** No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.
3. **Fully Enclosed Buildings & Screening.** Activities related to the use of property by medical marijuana cultivators, processors, and dispensaries shall take place within fully enclosed buildings. Such activities shall be completely screened and shall not be visible from any lot line. Additionally, outside storage is prohibited.
4. **Mobile Building Prohibited.** No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.
5. **Odor.** In addition to Section XXXX Special Provisions for Commercial and Industrial Uses, odors traveling off-site and being detectable by a person with a normal sense of smell from a public place, the right-of-way, and other lots are prohibited.
6. **Distance from Other Uses.** Pursuant to ORC 3796, no medical marijuana cultivator, processor, or dispensary shall be located within five hundred (500) feet of the boundaries of a lot having situated on it a school, church, public library, public playground, or public park. The distance shall be measured as the shortest straight line from property line to property line.
7. **Applications.** Any zoning application—including and not limited to a zoning certificate, zoning permit, variance application, conditional use application—shall include:
  - a. A scale map showing the lots involved in the request are in compliance with the requirements for **Distance from Other Uses** and **Distance from Other Medical Marijuana Dispensaries**.
  - b. Proof of compliance with all security requirements in ORC 3796 and the rules and standards adopted thereunder.
8. **Limit on Cultivator Size.** Only Level II Cultivators shall be permitted in Perry Township.



## **Proposed changes to Perry Township Zoning Resolution.**

### Add to:

#### Article XII Definitions.

##### **Medical marijuana related definitions:**

- a) **Cultivate.** Means to grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.
- b) **Cultivator.** Means an entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
- c) **Dispensary.** Means an entity licensed pursuant to ORC 3796 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.
- d) **Dispense.** Means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.
- e) **Manufacture.** Means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
- f) **Marihuana.** Has the same meaning as defined in ORC 3719.01, as amended from time to time.
- g) **Marijuana.** Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- h) **Medical Marijuana.** Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- i) **Medical Marijuana Entity.** Means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
- j) **Medical Marijuana Processor.** Means an entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
- k) **Testing Laboratory.** Means an independent laboratory located in Ohio that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

## Proposed changes to Perry Township Zoning Resolution.

Amend:

Appendix A, Official Schedule of District Regulations.

<u>ZONING DISTRICTS</u>	<u>PERMITTED USES</u>	<u>CONDITIONAL USES</u>	<u>PLANNED UNIT DEVELOPMENT</u>
(Symbols as used on the Official Zoning Map)	(Accessory uses and essential services are included)	(Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)	(permitted upon Approval by the Board of Zoning Appeals)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>B-2 LOCAL BUSINESS</b>	Convenience-type retail; Personal services; Office; Service business; Public & quasi-public uses; Single & multi-family dwellings*;	Shopping-type retail; Eating & drinking estab.; Commercial recreation; Public service facility;	Residential; Commercial; Public & quasi-public uses individually or in combination;
<b>B-3 CENTRAL BUSINESS</b>	Retail business; Offices; Service business; Eating & drinking estab.; Transient lodgings; Commercial recreation; Public & quasi-public uses; Single & multi-family dwellings*;	Drive-in business; Printing & publishing; Public service facility;	Residential; Commercial; Public & quasi-public uses individually or in combination;
<b>M-1 LIGHT MANUFACTURING</b>	Light manufacturing and related offices; Public and quasi-public uses; Very low residential*; Wholesale & warehousing;	Printing & publishing; Storage facilities; Transport terminals; Signs & advertising structures; Public Service facility; <b>Medical marijuana cultivator</b>	Commercial; Industrial; Public and quasi-public uses individually or in combination;
<b>M-2 HEAVY MANUFACTURING DISTRICT</b>	Light & heavy manufacturing & related offices; Wholesale & warehousing; Printing & publishing; Transport terminals; Supply yards; Service business; Public & quasi-public uses; Very low residential*;	Signs & advertising structures; Mineral extraction; Junk storage & sales; Public service facility;	Commercial; Industrial; Public and quasipublic uses individually or in combination



## Staff Report – Urbana Township Zoning Amendment

<b>Jurisdiction:</b>	<b>Urbana Township Zoning Commission</b> c/o Daniel Rooney 1074 W. Hickory Grove Road Urbana, OH 43078 (937) 484-3051
<b>Applicant:</b>	<b>Robert Thorpe</b> 2117 US Highway 68 S Urbana, OH 43078 (937) 653-6700
<b>Request:</b>	<p>Review of Urbana Township Zoning parcel amendment, initiated by application. The proposal would rezone 0.68 acres from Low Density Residential District (R-1) to Service Business District (B-1).</p> <p>Parcel(s) involved:</p> <ul style="list-style-type: none"><li>• K41-11-11-21-00-005-00</li></ul> <p>Total acreage:</p> <ul style="list-style-type: none"><li>• 0.68 acres</li></ul> <p>Acreage proposed to be rezoned:</p> <ul style="list-style-type: none"><li>• 0.68 acres</li></ul> <p>Existing use:</p> <ul style="list-style-type: none"><li>• R1 residential</li></ul> <p>Proposed use:</p> <ul style="list-style-type: none"><li>• B1 business</li></ul>
<b>Location:</b>	Urbana Township is in Champaign County.

<b>Staff Analysis:</b>	<p>This analysis breaks-down the proposal and provides a recommendation.</p> <p><b>Planning Documents</b></p> <p>The Champaign County Comprehensive Plan was most recently updated in 2004. The Plan provides a guide for the future growth and physical development of the unincorporated land area of the County (Plan, pp. 7).</p> <p>The Plan identifies key issues and opportunities. An important opportunity listed is protection and preservation of agricultural lands, stream corridors, wood areas,</p>
------------------------	--



## Staff Report – Urbana Township Zoning Amendment

groundwater aquifers, and environmentally sensitive areas. An important issue identified is managing growth and checking costly sprawl. The Plan recommends managed growth, managed by defining a rational pattern of development (Plan, pp. 12).

The Plan cautions against land use decisions in outlying areas, ones generating more in the way of costs than revenues generated to pay for public services (Plan, pp. 13). The Plan also cautions against lot-by-lot conversion to prevent commercial strip development (Plan, pp. 15).

### **Vicinity Land Uses & Zoning**

According to the Urbana Township Zoning Inspector, rezoning this property allows expansion of an existing business. The business, This Old Car, is located on the south side of the property proposed to be rezoned. The use involves motor vehicle service, parts, and body work.

Heading south on US Highway 68 from Urbana, there are a mix of uses along the road. The predominant use is agriculture, but there are several small commercial uses on the east side of the road and large institutional uses on the west side of the road on County-owned land. Institutional uses include offices and a senior care facility.

The property involved in the rezoning request is on the east side of the road and the property's current use is as single-family dwelling. Properties to the south have commercial components and those uses include landscaping, storage, nursery, and automobile work. North of the property is another single-family dwelling. Other adjacent uses are single-family dwellings with pasture components.

The adjacent zoning districts are U-1 and B-1. The U-1 District is intended for agriculture, conservation, very low density residential, and public and quasi-public purposes (Zoning Resolution, pp. 33). The B-1 District is intended for sales, service and repair establishments requiring highway orientation or larger tracts of land (Zoning Resolution, pp. 33).

### **Public Hearing**

There was confusion about timing of the public hearings. The Zoning Commission was tentatively scheduled to meet and potentially act on the proposal before receipt of LUC's recommendation. Staff contacted the Zoning Commission



## Staff Report – Urbana Township Zoning Amendment

	<p>and attended the public hearing. The Zoning Commission continued the hearing to March 27<sup>th</sup>. It will consider LUC's recommendation at that time.</p> <p><b>Conclusion</b></p> <p>In this case, the cluster of businesses already exists and staff does not believe the rezoning creates a commercial strip of development; it slightly expands the existing B-1 District by 0.68 acres (Plan, pp. 15). The existing business being expanded fits within the B-1 District purpose. Staff believes this proposal achieves the balance of competing needs, between protecting the rural landscape and allowing for rational patterns of development, referred to by the Comprehensive Plan (Plan, pp. 22).</p>
<b>Staff Recommendations:</b>	Staff recommends <b>APPROVAL</b> of the proposed zoning amendment based on the current land use pattern, Article VIII Establishment and Purpose of Districts in the Zoning Resolution, and the 2004 Champaign County Comprehensive Plan for Unincorporated Areas.
<b>Z&amp;S Committee Recommendations:</b>	





# Logan-Union-Champaign regional planning commissio

## Zoning Parcel Amendment Checklist

Date: 2-21-18

Township: Urbana

Amendment Title: Thorp Rezoning

**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 Parcel Amendment change must be received in our office along with a cover letter, explaining the proposed zone 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 (which is the 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 Parcel 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"/>
Parcel Number(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Completed Zoning Amendment Application	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Applicant's Name and contact information	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Current Zoning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Zoning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Current Land Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Land Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Acreage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Zoning Text associated with proposed district(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Contiguous and adjoining Parcel Information, including Zoning District(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Any other supporting documentation submitted by applicant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Non-LUC Member Fee, If applicable	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Additionally, after final adoption regarding this zoning parcel amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted parcel change (s).

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

9676 E. Foundry St, PO Box 219  
East Liberty, Ohio 43319  
• Phone: 937-666-3431 • Fax: 937-666-6203  
• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)



**URBANA TOWNSHIP**  
**CHAMPAIGN COUNTY**

BUILDING LOCATION: 2564 St. Rt. 54  
MAILING ADDRESS: 1074 W. Hickory Grove Road, Urbana, Ohio 43078

**TRUSTEES**

Lewis Terry  
937-215-6468  
Roger Koerner  
937-631-1770  
Paul Wright  
937-605-6880

**FISCAL OFFICER**

Ruth Rooney  
937-484-3051

February 21, 2018

Parcel # K41-11-11-21-00-00<sup>5</sup>-00

The proposed amendment applied for by Robert Thorpe proposes to change the zoning classification from the present R1 District to the proposed B1 District.

Public Hearing - February 27, 2018 at 7:30 p.m.

Contact – Daniel Rooney – 937-484-3051 or 937-760-3058

Applicant – Robert Thorpe – 2117 US Hwy 68 – Urbana, OH –

Acreage – 0.34 Acres  
68

## APPLICATION FOR ZONING AMENDMENT

Urbana Township  
Champaign County, Ohio

Application # 111

The undersigned, owner(s) of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

1. Name of Applicant(s) Robert ThorpeMailing address 2117 US Hwy 68 STelephone 653-6700 cell 206-14442. Locational description: Section 21 Range 11 Township 5OR Virginia Military Survey Number \_\_\_\_\_

Lot # \_\_\_\_\_

(If not located in a platted subdivision or community attach a legal description)

3. Existing use R1 residential4. Proposed use B1 business5. Present zoning district R16. Proposed zoning district B1

7. Supporting information: Attach the following items to the application.

(a) A vicinity map showing property lines, streets (roads) and existing and proposed zoning.

(b) A list of all property owners within, contiguous to and directly across the street (road) from the the proposed rezoning area if ten or fewer parcels are proposed for rezoning.

2/8/18  
Date[Signature]  
Applicant's Signature

For Official Use Only  
 Zoning Commission

Date filed \_\_\_\_\_

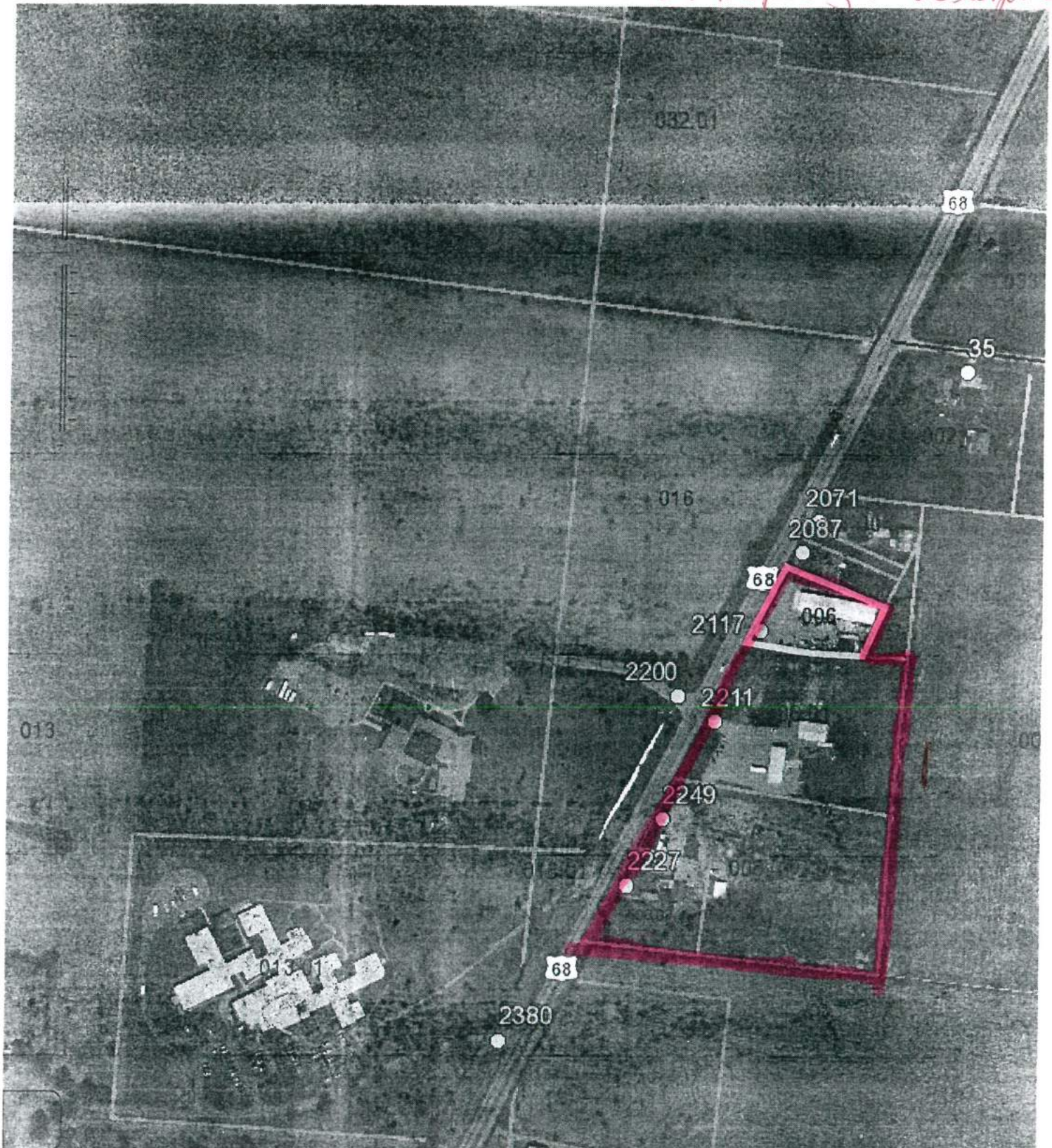
Date of Public hearing \_\_\_\_\_





(<http://www.co.champaign.oh.us/>)

*Red outline zoned B1  
2087 Property to be removed*



[Click here for Legal Disclaimer](#)





near owner's name -  
2087 property to be rezoned



400ft

[Click here for Legal Disclaimer](#)



**CHAMPAIGN CO., OH  
TRANSFERRED**

OCT 22 1999

BONNIE M. WARMAN, AUDITOR  
By *[Signature]* Deputy

This Conveyance has been examined and  
the Grantor has complied with Section  
319.202 of the Revised Code.

FEE \$ 65.00  
EXEMPT \_\_\_\_\_  
CONVEYANCE 99-781  
BONNIE M. WARMAN  
Champaign, Co. Auditor

**GENERAL WARRANTY DEED\***

**LEONARD V. COLLINS**, unmarried, of Champaign County, Ohio for valuable consideration paid, grant with general warranty covenants, to **ROBERT THORPE**, whose tax-mailing address is 2117 S. State Route 68, Urbana, Ohio 43078, the following **REAL PROPERTY**: Situated in the Township of Urbana, in the County of Champagne, in the State of Ohio:

Being a tract of land lying in the Northwest Quarter of Section 21, Town 5, Range 11, M.R.S., known as Tract D, of the Vanscoy Subdivision of 2.65 acres therein, and bounded and described as follows:

Commencing at the Northwest corner of the said Northwest Quarter of Section 21; thence South 83° 27' East 666.6 feet to a point in the center line of the existing pavement of U.S. Route 68; thence with center line of the existing pavement of U.S. Route 68, South 27° 00' West 525.8 feet to a point in the center line of said existing pavement, said point being the point of beginning of the tract hereinafter described; thence South 83° 38' East 300 feet to an iron pipe, passing the East right of way line of U.S. Route 68 at 41.67 feet; thence South 27° 00' West 50 feet to an iron pipe; thence North 83° 38' West 300 feet to a point in the center line of the existing pavement of U.S. Route 68; thence with center line of the existing pavement of U.S. Route 68, North 27° 00' East 50 feet to the point of beginning, containing 0.34 acre, more or less, subject to an easement to the State of Ohio recorded in Book 120, Page 176, of the Deed Records of Champaign County, and legal highways.

ALSO the following real estate, situate in the State of Ohio, County of Champaign and Township of Urbana, known as Tract E of the Vanscoy Subdivision of 2.65 acres in the Northwest Quarter of Section 21, Town 5, Range 11, M.R.S., bounded and described as follows:

Commencing at the Northwest corner of the said Northwest Quarter of Section 21; thence South 83° 27' East 666.6 feet to a point in the center line of the existing pavement of U.S. Route 68; thence with center line of the existing pavement of U.S. Route 68, South 27° 00' West 575.8 feet to a point in the center line of said existing pavement, said point being the point of beginning of the tract of land hereinafter described; thence South 83° 38' East 300 feet to an iron pipe, passing the East right of way line of U.S. Route 68 at 41.67 feet; thence South 27° 00' West 50 feet to an iron pipe; thence North 83° 38' West 300 feet to a point in the center line of the existing pavement of U.S. Route 68; thence with center line of the existing pavement of U.S. Route 68, North 27° 00' East 50 feet to the point of beginning, containing 0.34 acres, more or less, subject to an easement to the State of Ohio, recorded in Book 120, Page 176, of the Deed Records of Champaign County, and legal highways.

This deed is executed, acknowledged and delivered by the Grantor and accepted by the Grantee subject to all easements, restrictions and covenants of record, applicable building, zoning and use regulations, and Grantee assumes and agrees to pay the December, 1999 installment of taxes and assessments and thereafter.

Prior Instrument Reference: Vol. 204, Page 639 and Vol. 287, Page 782 of the Deed Records of Champagne County, Ohio. Witness his hand this 19th day of October, 1999.

Signed and acknowledged  
in the presence of:

*[Signature]*  
Witness Myra L. Oliver  
Print Name

*[Signature]*  
Witness William J. Heiderman  
Print Name

*Leonard V. Collins*  
By *Richard L. Collins, P.O.A.*  
Richard L. Collins, Power of Attorney  
for Leonard V. Collins

199900007941  
Filed for Record in  
CHAMPAIGN COUNTY, OHIO  
CAROLYN J. DOWNING  
On 10-22-1999 At 12:33 pm.  
WARRANTY DEED 14.00  
OR Book 288 Page 833 - 834

PROOFREAD

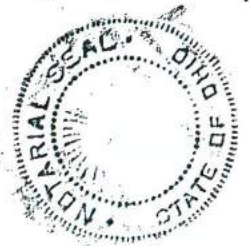
State of Ohio, County of Champaign, SS:

BE IT REMEMBERED, That on this 19th day of October, 1999, before me, the subscriber, a Notary Public in and for said State, personally came, RICHARD L. COLLINS, Power of Attorney for the Grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal this day and year aforesaid.

William J. Heitman  
Notary Public

William J. Heitman  
Notary Public, State of Ohio  
My Commission Expires Mar. 23, 2003



Return to Champaign Bank

This instrument was prepared by Joseph A. Downing, Attorney at Law, DYSINGER & STEWART, A Legal Professional Association, 249 S. Garber Dr., Tipp City, Ohio 45371 (937) 667-4481.

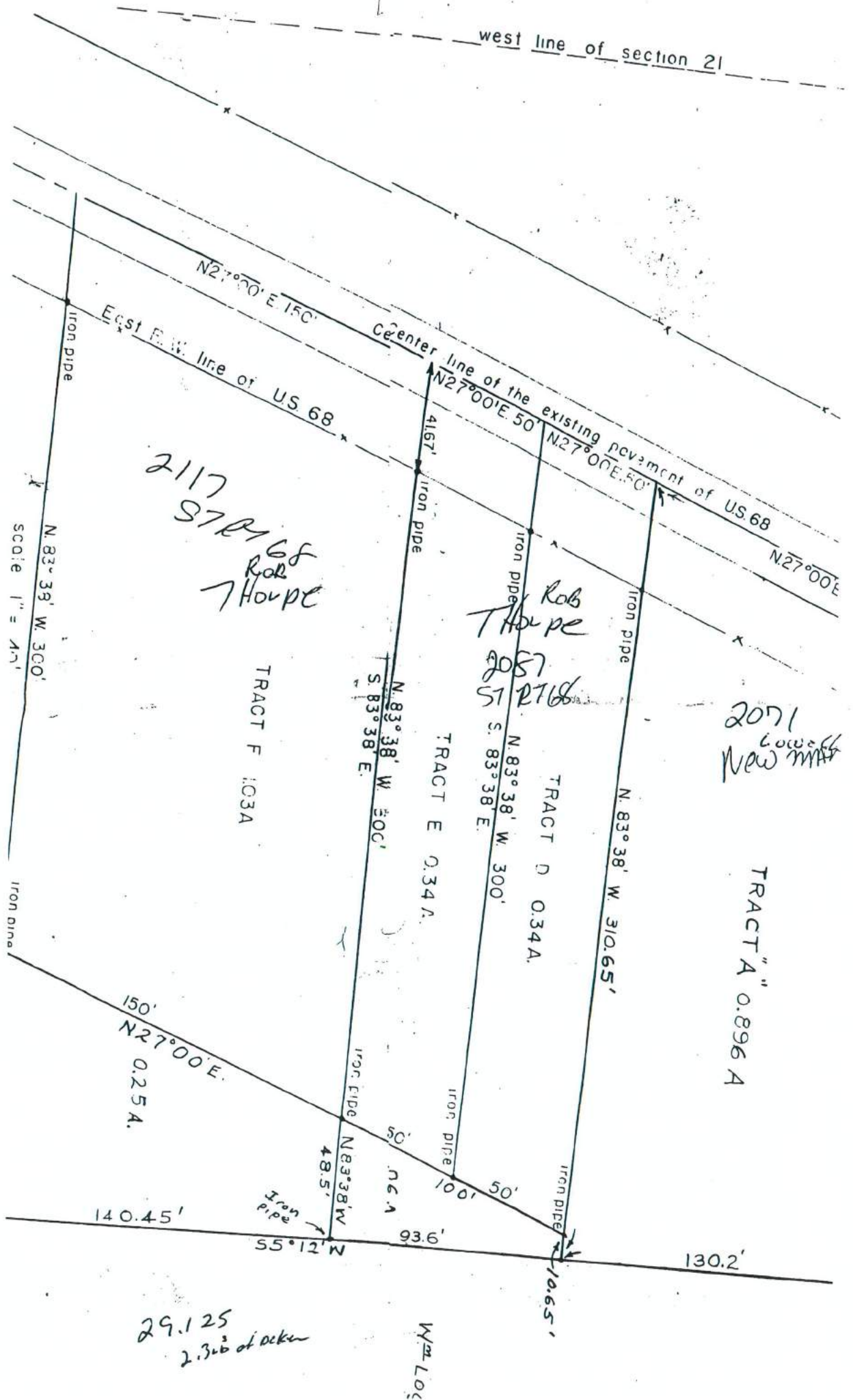
\*See Sections 5302.05 and 5302.06 Ohio Revised Code.

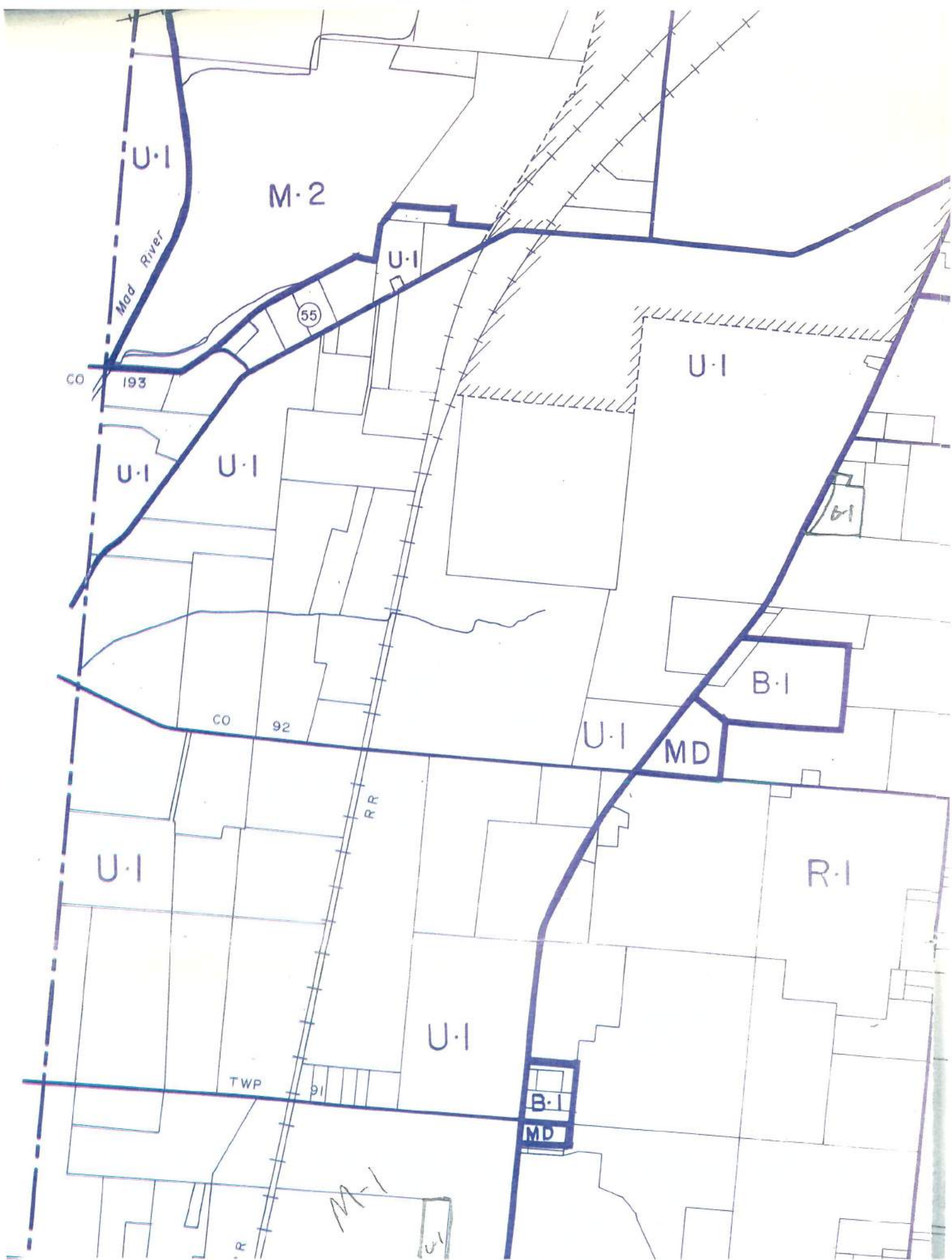
\\DATA\\C - B\\Collins, Mildred L., Estate\\General Warranty Deed.wpd0

O.R. 288 PAGE 834



west line of section 21





K 41-11-11-21-00-004-00  
2071 US. Hwy. 68

Lowell Newman

K 41-11-11-21-00-005-00  
2087 US. Hwy. 68

Robert Thorpe  
(property to be rezoned)

K 41-11-11-21-00-006-00  
2117 US. Hwy. 68

Robert Thorpe  
31 This Old Car

K 41-11-11-21-00-008-01  
2211 US. Hwy. 68  
P.O. Box 518

Daniel Roberts  
Jan & Karen Engle

K 41-11-11-21-00-016-00  
2200 US. Hwy. 68

Champaign County Infirmary

EAST MAINS LAWN CARE

AN ENGL

PO BOX 518

LEBANON, OHIO

LOWELL NEW MAL

2071 S. US. HWY 68

LEBANON, OHIO

(ESC) OLD LAWN VIEW

DAN KAUFFMAN - BUSH

2200 S. US. HWY 68

LEBANON, OHIO

#### NOTICE OF PUBLIC HEARING

The Urbana Township Zoning Commission, Champaign County, Ohio will hold a public hearing concerning a proposed amendment to the Urbana Township Zoning Resolution on February 27, 2018 at 7:30 p.m. at the Urbana Township Building, 2564 St. Rt. 54, Urbana, Oh.

The proposed amendment applied for by Robert Thorpe proposes to change the zoning classification from the present R1 District to the proposed B1 District for the following properties owned by the following persons at the following addresses:  
Owner - Robert Thorpe, 2117 S. US Highway 68 S, Urbana, OH  
The application for Zoning Amendment will be available for public examination at the Urbana Township Building by calling 937-484-4148 for an appointment for a period of at least ten days prior to the public hearing.

At the conclusion of such hearing the matter will be submitted to the Urbana Township Board of Trustees for its action.

Daniel Rooney, Chairman  
Urbana Township Zoning Commission  
February 19, 2018  
Order #90016026



## **ARTICLE VIII – ESTABLISHMENT AND PURPOSE OF DISTRICTS**

### **Section 800 Intent.**

The following zoning districts are hereby established for the township. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes as set forth in the Preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

### **Section 810 Rural District (U-1).**

The purpose of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residential and public and quasi-public purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under the County's Subdivision Regulations. (A major plat consists of 6 or more lots). Some residential, commercial and industrial development may be permitted as conditional uses under Section 560.

Onsite water and sewer facilities are permitted provided such facilities comply with the County Health Department's regulations. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

### **Section 811 Low Density Residential District (R-1).**

The purpose of the low-density residential district is to provide land for single family dwelling units not to exceed four dwelling units per acre with a central sewerage system. This district shall also include land that is subdivided which requires a major plat under the County's Subdivision Regulations. (A major plat consists of 6 or more lots). Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

### **Section 812 High Density Residential District (R-3).**

The purpose of the R-3 District is to permit the establishment of high-density multi-family dwellings not to exceed 16 dwelling units per gross acre. Single-family and manufactured dwellings are also permitted in this district. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

### **Section 813 Service Business District (B-1).**

The purpose of the B-1 District is to provide land for sales, service and repair establishments which require highway orientation or larger tracts of land not normally found in local business areas. A variety of convenience and shopping-type activities may be available in addition to service businesses. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

### **Section 814 Light Manufacturing District (M-1).**

The purpose of the M-1 District is to provide land for manufacturing or industrial type facilities which are relatively clean, quiet and free of objectionable elements such as noise, odor, dust, smoke, etc.; operate mostly within closed structures; and do not generate as much traffic as would be found in the heavy manufacturing district. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

### **Section 815 Heavy Manufacturing District (M-2).**

The purpose of the M-2 District is to provide land for major manufacturing, processing, storage, warehousing, mineral extraction, research and testing facilities, and similar operations. These activities usually require large sites, extensive community services, have large, open storage and service areas, generate greater industrial traffic than in the M-1 district, but create

# OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

## Urbana Township, Champaign County

<u>ZONING DISTRICTS</u>	<u>PERMITTED USES</u>	<u>CONDITIONAL USES</u>
(Symbols as used on the Official Zoning Map)	(Accessory uses and essential services are included)	(Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)
<b>1</b>	<b>2</b>	<b>3</b>
<b>U-1 RURAL DISTRICT</b>	Agriculture; Very low density residential; animal hospital; clinic; agricultural products processing & sales; public use; quasipublic use; Home Occupation;	Kennel; Public service facility; Low & medium density residential*; Commercial & Non-commercial recreation; Service business; Light & heavy manufacturing; Signs; Mobile homes, Mobile Home Park.
<b>R-1 LOW DENSITY RESIDENTIAL DISTRICT</b>	Single-family housing; Public & quasi-public uses	Agriculture; Commercial & noncommercial recreation; home occupation; light manufacturing; Service business; Personal Services; Offices; Multi-Family Housing; Mobile homes in accordance with Section 1300; telecommunication towers;
<b>MEDIUM DENSITY (MD/R-3) RESIDENTIAL DISTRICT</b>	Single-family Dwelling, Public and Quasi-public Use	Multi-family Dwelling, Non-commercial Recreation, Home Occupation, Mobile home Park, Mobile homes individually in Accordance with Section 1300, service Business, Personal Services
<b>B-1 SERVICE BUSINESS</b>	Service business; Drive-in business; Eating & drinking estab.; Commercial recreation; Animal Hospital, clinic; Transient lodgings; Retail business; Offices; Personal services; Public & quasi-public uses; Single & multi-family dwellings*;	Wholesale & warehousing; Food processing; Printing & publishing; Transport terminals; Signs & advertising structures; Public & service facility; Adult Entertainment Facilities
<b>M-1 LIGHT MANUFACTURING</b>	Light manufacturing and related offices; Public and quasi-public uses; Very low residential*; Wholesale & warehousing; Mineral Extraction	Printing & publishing; Storage facilities; Transport terminals; Signs & advertising structures; Public Service facility;
<b>M-2 HEAVY MANUFACTURING DISTRICT</b>	Light & heavy manufacturing & related offices; Wholesale & warehousing; Printing & publishing; Transport terminals; Supply yards; Service business; Public & quasi-public uses; Very low residential*;	Signs & advertising structures; Mineral extraction; Junk storage & sales; Public service facility;



# OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

## Urbana Township, Champaign County

ZONING DISTRICTS  (Symbols as used on the Official Zoning Map)	MINIMUM LOT SIZE			MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED (Principal and Accessory Buildings)	MINIMUM FLOOR AREA (Square Feet)	MAXIMUM HEIGHT OF (PRINCIPAL) BUILDINGS		MINIMUM YARD DIMENSIONS (feet)			
	Square feet/household		Frontage (Width) (Feet)					Front	Side Yards		Rear
	With On-Site Sewage Treatment	With Group or Central Sewage Treatment							One Side Yard	Sum of Side Yards	
1	5	6	7	9	10	11	12	13	14	15	16
U-1 RURAL DISTRICT	43,560		150	25%	1,300	2 1/2	35	50	20	40	30
R-1 LOW DENSITY RESIDENTIAL DISTRICT	43,560		150	25%	1,300	2 1/2	35	50 (35)	20 (10)	40 (20)	30 (30)
		10,800	80								
MEDIUM DENSITY (MD/R-3) RESIDENTIAL DISTRICT	14,520		90	30%	575	3	40	25	8	20	30
		2,700									
B-1 SERVICE BUSINESS	43,560	15,000	150 100	50%	none	3	40	30	none	none	20
M-1 LIGHT MANUFACTURING	43,560	15,000	150* 100	40%	none	4	50	50	10	30	30
M-2 HEAVY MANUFACTURING DISTRICT	130,000	40,000	200 150	50%	none	4	60	80	20**	50**	40**

# OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

## Urbana Township, Champaign County

ZONING DISTRICTS  (Symbols as used on the Official Zoning Map)	ACCESSORY BUILDINGS			MINIMUM (MANDATORY) OFF-STREET PARKING SPACE	MINIMUM (MANDATORY) OFF-STREET LOADING SPACE	SIGNS PERMITTED	OTHER PROVISIONS AND REQUIREMENTS (Supplementary regulations, prohibitions, notes, etc.)
	Maximum Height (feet)	Minimum Distance In Feet To					
1	17	18	19	20	21	22	23
U-1 RURAL DISTRICT							
	20	10	10	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*1,300 square feet for mobile dwelling.
R-1 LOW DENSITY RESIDENTIAL DISTRICT	15	10	(5) 10 (10)	SEE ARTICLE XI	See ARTICLE XI	SEE ARTICLE XII	*1,300 for Mobile Homes.
MEDIUM DENSITY (MD/R-3) RESIDENTIAL DISTRICT	15	2	5	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*Refer to R-1 District Regulations.
B-1 SERVICE BUSINESS	20	none	none	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*Refer to appropriate R district regulations. Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.
M-1 LIGHT MANUFACTURING	25	5	10	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*Refer to R-1 District Regulations.
M-2 HEAVY MANUFACTURING DISTRICT	25	10	20	SEE ARTICLE XI	SEE ARTICLE XI	SEE ARTICLE XII	*Refer to R-1 District Regulations. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure.



Zoning & Subdivision Committee  
Thursday, March 8, 2018

The Zoning and Subdivision Committee met in regular session on Thursday, March 8, 2018 at 12:03 pm at the LUC East Liberty Office.

Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Tyler Bumbalough, Cale Jacobs for Scott Coleman, Wes Dodds, Chad Flowers, Dave Gulden, Charles Hall, Mark Mowery for Steve McCall, Heather Martin, Bill Narducci, Tammy Noble for Vince Papsidero, Tom Scheiderer and Andy Yoder. Absent member was Jeff Stauch.

Guests included: Adam Moore, City of Urbana; Doug Crabill, City of Urbana; Justin Wollenberg, Terrain Evolution; John Phillips, Jefferson Township; Julie Spain, Paris Township; Ron Quesenberry, TIS Inspection Services.

Wes Dodds chaired the Zoning & Subdivision Committee Meeting.

Charles Hall moved a motion to approve the minutes from the February 8, 2018 meeting as written and Andy Yoder seconded. All in favor.

1. Review of Jerome Village Preliminary Plat Extension (Union County) – Staff Report by Brad Bodenmiller
  - Justin Wollenberg – We're going to request to withdraw the application and remove it from the agenda. We will resubmit at some point in the future.
  - Brad Bodenmiller – No action is needed for this.
2. Review of Darby Township Text Amendment (Union County) – Staff Report by Brad Bodenmiller
  - Andy Yoder moved a motion to recommend approval of the Darby Township Text Amendment in accordance with the staff report and Tyler Bumbalough seconded. All in favor.
3. Review of Jackson Township Text Amendment (Champaign County) – Staff Report by Brad Bodenmiller
  - Tom Scheiderer moved a motion to recommend approval of the Jackson Township Text Amendment in accordance with the staff report and Andy Yoder seconded. All in favor.
4. Review of Jefferson Township Text Amendment (Logan County) – Staff Report by Brad Bodenmiller



- Tyler Bumbalough – What timeframe do other jurisdictions use for expiration if not continued for a conditional use? Urbana has one year; but what do other jurisdictions use?
    - John Phillips – The Ohio Revised Code says two years for discontinued non-conforming uses so we're bringing our code in line with that section of the code.
  - Tom Scheiderer moved a motion to recommend approval of the Jefferson Township Text Amendment in accordance with the staff report and Tammy Noble seconded. All in favor.
5. Review of Paris Township Text Amendment (Union County) – Staff Report by Brad Bodenmiller
- Julie Spain – I work privately and am also legal counsel for the township. Regarding the Section 300 recommendation in the staff report, we're going to strike that. That issue came up with a neighboring township because the township didn't respond to the permit. We're going to strike that section. In regards to the well and septic, we've had issues recently, and is a big deal. We've issued two permits and they weren't able to get their stuff sorted out. While we don't want to tie our process to the health department, I think there's some benefit in adopting the language in the staff report. There has to be something we can do to head off this issue that we're having. We hope this will be the last amendment for a while. The rest of the feedback is helpful. For the yard setback, I think they'll follow the recommendation and make the changes to it. My question was the well and septic issue and to get feedback regarding this issue. Certainly, there are other methods and the zoning inspector wants that in there.
  - Tammy Noble – It would only fall to the health department if it's commercial only? When I was at Franklin County, we had developers create lots that knew they couldn't service the area.
  - Bill Narducci – I think we deal with that as well. Our Map manager reviews all splits and if it's under five acres tries to get permission from the health department regarding septic before approving. I could see how there could be an issue when you have an existing lot.
  - Tammy Noble – Is there anything in the zoning that has a generic statement about having adequate services?
  - Brad Bodenmiller – It typically falls in their schedule of regulations; there are separate rules for septic and well, but nothing prohibiting placement of buildings on top of septic or well areas. At Urbana, we added disclaimers and contact information to our permits. That satisfied concerns we received from OUPS.
  - Andy Yoder – Sometimes a disclaimer on the application can make a difference.
  - Julie Spain – I think a disclaimer would be helpful and help resolve this issue.
    - Andy Yoder – This way it's not regulatory for you, but it makes them aware of the issue.



## Logan-Union-Champaign regional planning commission

- Wes Dodds – By signing off saying this is an acceptable location, and if it's not, then there's going to continue being issues.
- Dave Gulden – We had a training with the Health Department. Zoning is zoning and health is health.
- Julie Spain – I like some of those suggestions better than putting it in the regulations.
- Wes Dodds – The area where you're removing the transient lodging/wholesale/warehouse in B2, is it permitted elsewhere?
  - Julie Spain – I believe that's allowed in U1?
  - Brad Bodenmiller – They have warehouse or storage activity in the M1 district. We can add that to the recommendation.
- Wes Dodds – On section 822, I'm curious what the township feels the need for that is. It feels like the other regulations you have already limit the size. It doesn't make sense to limit that size if you have a large area.
  - Julie Spain – The concern is the impact on neighboring properties. They're just worried that if it gets too big, what's the impact on traffic and the neighbors. They want to keep it smaller and convenience type shops not a Walmart or box store.
    - Dave Gulden – Is it because you're adjacent to Marysville? Is there coordination between the codes?
      - Julie Spain – We're aware of and try to consider Marysville's codes, but there's no formal working together.
    - Chad Flowers – From a utility standpoint, the city would require sewer and water before annexing.
- Wes Dodds – My preference would be to follow the regulations you already have regarding the size of buildings. Does it make sense if you have 100 acres and you say only a 10,000 square foot building can be put on there? In another area of the code, you already have constraints built in.
- Tammy Noble – What is the part about service stations being primarily for noncommercial vehicles?
  - Julie Spain – They want to allow small community gas stations, but they don't want a truck stop. We can look at what we're defining as noncommercial.
- Wes Dodds – The size of the parcel should determine the size of the building, not just an arbitrary number.
- Tammy Noble – You could say anything above 10,000 is a conditional use.
  - Julie Spain – Most of those above 10,000 are a conditional use.
- Julie Spain – Regarding Section 220 that the prosecutor's office has concerns with? In my reading of this text, I don't see that there's an issue.
  - Andy Yoder – Anything that would fall under the approved and conditional use, they'd have to amend the text.
  - Chad Flowers – If uses aren't permitted or conditionally permitted than they're not permitted in the city.

10820 St. Rt. 347, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 •

• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)





- Andy Yoder – If it's not here or there, then you have to make an adjustment to resolutions to permit those.
  - Julie Spain – Would it make sense to just stop after the word prohibit?
  - Wes Dodds – Because that's a comment from the Prosecutor's office, you should talk to them. They're your legal counsel, they have to defend it if it goes to court.
  - Charles Hall – It does sound like you're giving somebody authority to do something that they don't have authority to do
  - Tyler Bumbalough – So, for the motion and reading the recommendations from the staff report, we recommend denial on 1 and 2. For 2, we prefer disclaimer statement on the zoning permit.
  - Cale Jacobs – Doesn't the Engineer's Office have a pamphlet that provides the information regarding building? The zoning inspector could hand it to them and say, here's a general guide.
    - Julie Spain – The issue comes in with accessory structures being built over back-up systems.
    - Tammy Noble – Does someone inspect backup systems?
    - Julie Spain – Yes but not under backup systems.
  - Tyler Bumbalough asked for clarification regarding Item #3 on the Staff Report recommendations. Item #5 recommendation for denial and recommend striking it instead.
  - Andy Yoder – They should utilize their lot occupancies to create those standards for size.
  - Julie Spain – This was really helpful.
  - Tyler Bumbalough moved a motion to recommend approval with modifications with the following changes from the staff report recommendations of the Paris Township Text Amendment: 2. Z&S Committee does not recommend adopting language requiring documentation of primary/secondary septic and well locations. Z&S Committee recommends adding a notice or disclaimer to the zoning permit. 5. Z&S Committee recommends striking Section 822. The regulations for minimum lot size and coverage control this. Andy Yoder seconded.
6. Review of Perry Township Text Amendment (Logan County) – Staff Report by Brad Bodenmiller
- Tammy Noble – Why do they want to strike the fence?
    - Dave Gulden – They don't like them.
    - Brad Bodenmiller – They don't want to require them. The Prosecutor's Office general guidance is if you don't fence your pool and someone drowns, that leaves the homeowner liable. If the township has zoning regarding fencing, and the township doesn't enforce it, that's an additional concern.
    - Tammy Noble – Isn't it a Building Department code?



- Brad Bodenmiller – It's not in Logan County.
  - Bill Narducci – It's part of the Ohio Residential Code. Each County could choose to adopt it or not.
  - Bill Narducci – What is defined as a pool? We did have pushback when people installed semi-permanent pools that were easily drainable. What was the prosecutor's take on it? Sounds like they are fine without having them?
  - Tammy Noble – I think that's a really bad idea.
  - Charles Hall – If they require it and don't put one up, who enforces it?
    - Brad Bodenmiller – The zoning inspector enforces it.
    - Wes Dodds – The burden would be to prove that the township knew about the pool and wasn't enforcing the fencing rule.
    - Tyler Bumbalough – Does the pool go through a permit process?
    - Andy Yoder – Depends on what your definition is.
    - Brad Bodenmiller – The Prosecutor reviewed that language and said it's very clear what the definition of pool is.
  - Andy Yoder moved a motion to recommend approval of the Perry Township Zoning Amendment with modifications per the staff report and the committee strongly recommends consultation with the Prosecutor's Office for Section 523 and Charles Hall seconded. All in favor.
7. Review of Urbana Township Parcel Amendment (Champaign County) – Staff Report by Brad Bodenmiller
- Charles Hall moved a motion to recommend approval of the Urbana Township Parcel Amendment in accordance with the staff report and Bill Narducci seconded. All in favor with Tyler Bumbalough abstaining.
8. City of Urbana Parcel Amendment (Champaign County) – Staff Report by Brad Bodenmiller
- Doug Crabill – Part of this is trying to understand what to do with the residential strip that resides between these areas. Adam did a lot of research and this parcel has always been retail business, but it's never been zoned as retail. That's the dilemma. We have B-2 south of there and it's a quasi-residential neighborhood. We're trying to understand where we should go with the B-2 district. If this moves forward, what do we do with the area between? We're seeing more interest on the south end of town. We think we'll see more development.
  - Charles Hall – Is Clark's Market BR-1 and south of it? What's in that area now?
    - Doug Crabill – Historically it was Buckles.
    - Tyler Bumbalough – Those uses predated the zoning code.
    - Doug Crabill – Even before this development proposal there was discussion if this was appropriate as a BR-1 area. It's been retail businesses for 50 years, but the uses are B-2. We're trying to understand from a land use point of view where we're going.





## Logan-Union-Champaign regional planning commission

- Adam Moore – It makes sense where the BR-1 is now to transition the neighborhoods. An issue we're seeing is we've had some development and we're starting to hear some whispers about commercial development on the south end of town. We went through what we have available in the B-2 districts and we don't have a lot. The comprehensive plan talks about building on the east side. We're trying to get an understanding if this is the best place.
- Charles Hall – Does State Route 68 have 4 lanes throughout there?
  - Adam Moore – No, but there probably is room for a turn lane in the middle of the road but it would delete the parking.
  - Chad Flowers – Sounds like with all the potential, you need to do a corridor study and plan to determine what you should do.
  - Andy Yoder – What else is down there?
    - Adam Moore provided explanation of the area.
- Wes Dodds – What's the anticipated change of traffic with the new schools?
  - Doug Crabill – We added a new left turn because of it.
  - Tyler Bumbalough – School traffic study showed that turn lanes were needed.
  - Doug Crabill – We've talked with the Casey's Group and they're doing a traffic study and improving the turning radius of that corner. There was a concept the city had to improve that intersection previously.
- Wes Dodds – Once the buildings are up, you're going to see an increase in traffic.
- Charles Hall – It makes good sense to change it.
- Tammy Noble – What does your comprehensive plan say?
  - Adam Moore – It's old. It calls for development on the east end.
  - Doug Crabill – The City's planning efforts are dated at best, and it's creating an issue. The county is starting a comprehensive plan update and the goal is for the city to follow that process. This isn't the first proposal that's given us angst because we have such dated plans.
- Charles Hall – Any indication of making improvements through US68?
  - Doug Crabill – We'll be looking at speeds near the school sites. The rezoning request was initiated by Casey's General Store.
  - Ron Quesenberry – We bought the building and put a new roof on it and brought it up to code. Because of the zoning, it's very limited use. We're currently operating as legal non-conforming. We want it brought up to code. We'd like it zoned for what it's been used.
- Charles Hall – Should the others be B-2?
- Tammy Noble – It should be more comprehensive.
- Andy Yoder – That's where the pattern is taking it. Change it to B-2.
- Chad Flowers – What's the nonconforming code say about selling to another business?
  - Adam Moore – As long as it doesn't set for a year.

10820 St. Rt. 347, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 •

• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)



## Logan-Union-Champaign regional planning commission

- Ron Quesenberry – We have a willing participant to help us fix the development.
- Doug Crabill – We need feedback on whether to include other BR-1 properties; do we make it contiguous?
  - Brad Bodenmiller – I'd make it contiguous.
  - Wes Dodds – We're not against the use but more how it's all tied together.
- Charles Hall moved a motion to recommend approval with modifications of the City of Urbana Parcel Amendment including paragraph 2 of the staff recommendation and encouraging the city to not piece meal the zoning but instead look at the entire strip holistically and Chad Flowers seconded. All in favor.

The Zoning and Subdivision Committee adjourned at 1:23 pm with Charles Hall moving the motion to adjourn and Andy Yoder seconding. All in favor.

10820 St. Rt. 347, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 •

• Email: [luc-rpc@lucplanning.com](mailto:luc-rpc@lucplanning.com) • Web: [www.lucplanning.com](http://www.lucplanning.com)