



Staff Report – Jerome Township (U) Zoning Amendment

Applicant:	Jerome Township Zoning Commission c/o Liz Morrison 9777 Industrial Parkway Plain City, OH 43064 (614) 873-4480 emorrison@jerometownship.com
Request:	The Jerome Township Board of Trustees initiated an amendment to the text of the Zoning Resolution. The proposal amends Article 2 Administration and Enforcement, Article 4 Zoning Map and Zoning Districts, Article 5 Special Zoning Districts, and Article 6 General Development Standards.
Location:	Jerome Township is the southeasternmost township in Union County. It shares borders with Darby Township (north), Paris Township & City of Marysville (northwest), and Millcreek Township (north) as well as Delaware County, Franklin County, Madison County, and the City of Dublin.
Staff Analysis:	<p>210.03 Hearings and Appeals</p> <ul style="list-style-type: none">• 210.03(2) – The proposed text states that any party may appear “in person, or by attorney or authorized agent”. ORC 519.15 states “any person may appear in person or by attorney”.<ul style="list-style-type: none">○ Staff recommends that the Township review the language about attendance with legal counsel and incorporate any comments and recommendations. <p>230.002 Initiation of Zoning Amendments</p> <ul style="list-style-type: none">• 230.002(3) – The proposed text says that an amendment can be initiated by the filing of an application “by at least one (1) owner or lessees of property...” but the existing text matches ORC 519.12. While unlikely, Staff feels like this change could result in unintended consequences.<ul style="list-style-type: none">○ Staff recommends keeping the existing language, as it matches the requirements found in ORC 519.12. <p>230.01 Application for Zoning Amendment</p> <ul style="list-style-type: none">• The proposed text changes the title of the section to “Contents of Application”.<ul style="list-style-type: none">○ Staff recommends changing the title of the section to “Contents of Application for Zoning Amendment”. This is consistent with the proposed change to a prior section, 220.01 Contents of Application for Zoning Certificate.



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- The proposed text adds a requirement for the inclusion a traffic study.
 - Staff recommends that the proposed language be closer to the language found in the checklist already utilized by the Township Zoning Map Amendment Application. Staff believes that the proposed language could be interpreted to not require a traffic study to be completed or to require confirmation that a traffic study is not needed, which Staff feels is important and has lead to successful outcomes for the Township in prior rezonings. Suggested text is: “A preliminary traffic study completed to the requirements for such studies of the County Engineer/ODOT or correspondence from the County Engineer/ODOT or other relevant public agency regarding requirements for improvements for public highways”.

240.02 Notice and Hearing

- The proposed text includes minor modifications to the process of giving notice by mail.
 - Staff recommends including “parties of interest” to the list of recipients of the mailed notice.
- The existing text states that any party may appear “in person, or by attorney or authorized agent”. ORC 519.15 states “any person may appear in person or by attorney”.
 - Staff recommends that the Township review the language about attendance with legal counsel and incorporate any comments and recommendations.

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 - Staff recommends that the Township review the language about attendance with legal counsel and incorporate any comments and recommendations.

500.04 General Provisions

- 500.04(2) – This section deals with conflicts between preliminary development plans and the Resolution.
 - Staff feels that the proposed text is not as clear as the existing text and recommends that the



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	<p>Township review the language and make any necessary adjustments to add clarity.</p> <ul style="list-style-type: none">• 500.04(3) – The existing text of this sentence specified that the preliminary development plan had to specify gross density, dwelling type, minimum development standards, and all other uses by type, size and location, but is proposing to strike that language, and Staff could not locate it elsewhere in the Zoning Resolution.<ul style="list-style-type: none">○ Staff recommends that the preliminary development plan contain, for each sub-area, gross density, dwelling type, minimum development standards, and all other uses by type, size and location. Planned developments should be planned and specifying this information provides important information for decision making.• 500.04(4) – About halfway through this section, the proposed sentence “After property has designated Planned Development District...” appears to be missing a word.<ul style="list-style-type: none">○ Staff recommends adding the word “been” to the sentence “After property has <i>been</i> designated Planned Development District...” in 500.04(4).• 500.04(6) – This section deals with what is, and what is not, considered a “minor deviation” for the purposes of detailed development plan review. In the existing text, the purpose of allowing for minor deviation is so that the applicant does not have to file an application to amend the preliminary development plan before being permitted to file an application for the detailed development plan. In theory, this allows for an expedited process. The proposed text does not appear to clearly state that a minor deviation determined by the zoning inspector does not require an amended preliminary plan and leaves what qualifies as a deviation open-ended.<ul style="list-style-type: none">○ Staff recommends adding language to make it clear that a minor modification determination by the zoning inspector would not require the applicant to file for an amendment to the preliminary development plan.○ Staff recommends that minor deviation for consideration #1 specify that the relocation of streets or access points from their proposed locations to new locations would not be considered a minor deviation. As it is written, Staff feels that it is too open-ended and would allow for changes that would be too great to be considered “minor”.
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	<ul style="list-style-type: none">○ Staff recommends striking “but not be limited to” from the last sentence of the first paragraph to make deviations less open-ended. <p>500.08 Procedure for Amending to the PD District</p> <ul style="list-style-type: none">• 500.08(3)(i) – This section outlines what is required as part of a preliminary development plan.<ul style="list-style-type: none">○ Staff recommends not eliminating the requirement for a preliminary traffic study or a letter from the proper authority stating that one is not needed. Suggested text is: “A preliminary traffic study completed to the requirements for such studies of the County Engineer/ODOT or correspondence from the County Engineer/ODOT or other relevant public agency regarding requirements for improvements for public highways”.• 500.08(5)(b) – This section deals with the expiration of a preliminary development plan.<ul style="list-style-type: none">○ Staff recommends reviewing and refining the proposed language to make it clear that this is not a new zoning map amendment.• 500.08(7) – This section gives direction to applicants wanting to change an already adopted preliminary development plan.<ul style="list-style-type: none">○ Staff recommends reviewing and refining the proposed language to make it clear that this is a new zoning map amendment. <p>525.11 D-1 Deviations</p> <ul style="list-style-type: none">• This section addresses deviations in the IPD Overlay area.<ul style="list-style-type: none">○ Staff recommends that the language addressing what is and what is not considered a minor deviations in the IPD District match the minor deviation language found in 500.04(6). <p>Attachment 2 – Innovation Planned Development District Uses</p> <ul style="list-style-type: none">• This attachment is a matrix of principally and conditionally permitted uses and what area of the IPD they are allowed in. The proposed changes in 525.03 Permitted Uses by Subarea do not appear to be reflected on this matrix.<ul style="list-style-type: none">○ Staff recommends reviewing the proposed changes in 525.03 and make sure that those changes are also reflected on the IPD Uses matrix, Attachment 2.○ Staff recommends making “Data Center” a conditional use in the appropriate sub-areas, similar to how the use “518 – Data Processing, Hosting, and Related Services” is being changed to a conditional use in the ORM and COM Districts.
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	<ul style="list-style-type: none">○ Staff recommends that the Township thoroughly review the proposed text to verify that the word “divergence” has been removed or replace in each instance. <p>600.002 Economic Development</p> <ul style="list-style-type: none">● LUC reviewed a zoning text amendment from Jerome Township in June 2023 that contained similar language. The proposed text requires that uses not related to single and two-family residential uses cannot receive zoning permits without first being approved to join the Joint Economic Development District (JEDD).<ul style="list-style-type: none">○ Staff does not recommends adding the language about the requirement to join the JEDD. As previously discussed and recommended in the June 2023 LUC recommendation, Staff does not believe that the proposed language advances the purposes for which townships may enact zoning, found in ORC 519.02. Staff will include a copy of the prior recommendation with the decision letter that is sent to the Township. <p>600.003 Availability of Essential Services</p> <ul style="list-style-type: none">● This proposed text appears to allow any type of application to be denied if “essential services” such as central water and sewer facilities or on-site water and sewer facilities are not available, or if the lot is too small to accommodate those facilities.<ul style="list-style-type: none">○ Staff recommends that this proposed text be reviewed with the Township’s legal counsel. Staff questions if the power of denial due to the availability of essential services should instead lie with the appropriate regulatory agency or provider of those services. <p>662.01 Supplemental Regulations for Specific Uses</p> <ul style="list-style-type: none">● 662.01(6) – This section provides general standards for Data Centers.<ul style="list-style-type: none">○ Staff recommends specifying standards, such as slope angle for mounding, so that the mounds have a softer and more natural look.○ Staff recommends including adjacent residential zoning districts in addition to adjacent residential uses for screening requirements to anticipate future residential uses locating next to existing data centers that may not have been required to provide screening initially, because no residential use existed at the time.
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- Staff recommends reviewing the minimum height requirements for man-made screening of data centers, and consider if the minimums can be lowered. If the screening will not fully screen a very large building completely from view anyways, a lower height would still accomplish the same (or nearly the same) goals and be visually minimal.
- Staff recommends that the Township consider additional requirements for data centers, or verify that they are covered under other parts of the Resolution (such as in the ORM, COM, or IPD), to help emphasize the Township's goals. Many may already be addressed in the underlying zoning district standards, PD regulation text, or other general standards found in the Resolution. This includes, but is not limited to, things like setbacks, height, bulk (façade breakup), mechanical equipment screening, parking/loading, lighting, lot coverage, impervious surface limits, etc...
- LUC is developing sample language that will be shared with the Township when it is complete.

Additional Staff Comments

- Contents of Applications – Several proposed changes in this amendment deals with contents of various applications.
 - Staff recommends that the Township review their application documents and make any changes necessary so that the documents match the language of the Zoning Resolution.
- Paragraph formatting – Some of the text, especially in Chapter 500 Planned Development District (PD), is contained in large blocks of text with long complex sentences.
 - Staff recommends breaking up large blocks of texts with breaks for new paragraphs, numbered lists, bullet points, outlines, or other methods.
- Minor modifications
 - Staff recommends adding the word "been" to the sentence "After property has *been* designated Planned Development District..." in 500.04(4).
 - Staff recommends striking the word "for" at the top of page 32 of the document.

County Prosecutor Comments

A copy of this proposal was forwarded to the County Prosecutor's Office for consideration and comment. At the time of the creation of this report, Staff has received no comments.



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	<ul style="list-style-type: none">○ Staff recommends incorporating any comments made by the Prosecutor’s Office, if and when they are available.
Staff Recommendations:	<p>Staff recommends APPROVAL WITH MODIFICATIONS of the proposed zoning text amendment, with the modifications being those outlined in the staff analysis portion of this report.</p> <p>Staff recommends DENIAL of the proposed text of 600.002 Economic Development. For emphasis, the recommendation given in the Staff Report regarding “Economic Development”, is listed below:</p> <ul style="list-style-type: none">• Staff recommends not adding the language about the requirement to join the JEDD. As previously discussed and recommended in the June 2023 LUC recommendation, Staff does not believe that the proposed language advances the purposes for which townships may enact zoning, found in ORC 519.02. Staff will include a copy of the prior recommendation with the decision letter that is sent to the Township.
Z&S Committee Recommendations:	<p><i>Options for action:</i></p> <ul style="list-style-type: none">• <i>Approval</i>• <i>Approval with Modifications (state modifications)</i>• <i>Denial</i>