



Staff Report – Dover Township (U) Zoning Amendment

Applicant:	Dover Township Zoning Commission c/o Tom Morgan themorgans@myfam.com
Request:	The proposed amendments, initiated by motion of the Zoning Commission, propose to amend Article IV District Regulations by clarifying prohibited uses, amend the prohibited uses in the Official Schedule of District Regulations, amend the minimum yard dimensions and accessory building setbacks in the Official Schedule of District Regulations, amend Article X Administration and Enforcement by changing public notice requirements and general procedures, amend Article XI Amendment by changing public notice requirements and general procedures, amend Article XII Definitions by adding the definition of “Small Off-Site Battery Energy Storage System” and “Data Center” and amending the definition of “Public Service Facility”.
Location:	Dover Township is eastern Union County. The Township is located between Millcreek Township to the south and Leesburg Township to the north. The City of Marysville is located nearby to the west.
Staff Analysis:	District Regulations The Township is adding additional text to their District Regulations which clarifies that uses not listed in the zoning code are prohibited. It also clarifies that if a use is specifically defined in the zoning resolution, it cannot be construed as being included within the definition of any other defined use. Prohibited Uses The Township is removing specific sections listing Prohibited Uses. Instead, it is electing to define certain uses in the Zoning Resolution but to not list them as permitted or conditional uses in any zoning district meaning they are not permissible uses in the Township and are effectively prohibited. Setbacks The Township is reformatting the Minimum Yard Dimensions and accessory building setbacks to provide greater clarity. This is a formatting change and does not change any of the setback requirements. BZA Hearing The Township is changing the time requirement to hold a public hearing for a BZA application from a “reasonable time” after submittal of an application to 40 days.



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Public Notices

The Township is modifying section 1018 in Article X Administration and Enforcement. The change eliminates specific public notice requirements and instead references the relevant ORC language. This is similar to recent changes by other Townships.

Zoning Amendments

The Township is modifying Article XI Amendment. It revises some language, references ORC 519.12 directly, and includes mandatory requirements that the Township submit documents to the Regional Planning Commission and – in some cases – the Director of Transportation. These requirements are required/stipulated by the Ohio Revised Code.

Small Off-Site Battery Energy Storage System

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

Data Center

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

Public Service Facility

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

Relationship to Comprehensive Plan

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

Given the varying level of access to both electrical and water infrastructure throughout the County, it may be prudent for Townships to carefully plan for utility needs and any future development associated with newly available or increased utility capacity should they wish to permit a large utility user. The Plan encourages local jurisdictions to be mindful of their zoning districts, the purpose statements for them, and the permitted and conditional uses within them (pp. 252). For example, a Township wishing to plan for and then permit a large use such as a data



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	center in its U-1 Rural District may need to consider rezoning the affected property as opposed to permitting a large use in a district that may not have been intended for such a purpose. • The Plan notes “data centers are high water users; these types of users should be considered carefully for their impact to the area water supply” (pp.230). • The Plan references “baseline [electric] generation going offline is not being replaced at the same scale and reliability” (pp. 252). It goes on to state that population growth and the location of high end users in the area (such as data centers) can compound this issue. In addition to raising the points above, the Plan also lists multiple goals for the County to pursue. Three of these include: • Ensure transportation, utilities, and broadband infrastructure keep pace with growth to support both urban and rural areas (pp. 132). • Encourage well-managed growth within the County (pp. 153). • Ensure adequate public water supply (pp. 224). Prosecutor’s Office A copy of this proposal was forwarded to the County Prosecutor’s Office for consideration and comment. At the time of the writing of this report, the Prosecutor’s Office has not provided any comments.
Staff Recommendations:	Staff recommends APPROVAL of the proposed zoning text amendment.
Z&S Committee Recommendations:	<i>Options for action:</i> • <i>Approval</i> • <i>Approval with modifications (state modifications)</i> • <i>Denial</i>