



**Staff Report – Millcreek Township (U) Zoning Amendment**

<b>Applicant:</b>	<b>Millcreek Township Zoning Commission</b> c/o Joni Orders / Ron Todd (614) 309-1158 / (937) 644-3449 <a href="mailto:joniorders@gmail.com">joniorders@gmail.com</a> / <a href="mailto:zoning@millcreektwpohio.us">zoning@millcreektwpohio.us</a>
<b>Request:</b>	The Millcreek Township Zoning Commission initiated an amendment to the text of the Zoning Resolution. The proposal amends “Chapter 8 – Reserved” to create a new chapter, “Corridor Overlay Districts”.
<b>Location:</b>	Millcreek Township is in southeast Union County. The Township is located between Dover & Jerome Township.
<b>Staff Analysis:</b>	<p>This staff report considers the Millcreek Township Zoning Resolution, the Millcreek Township Comprehensive Plan, the Union County Comprehensive Plan, and model text developed in coordination with multiple townships in Union County.</p> <p><b>Union County Comprehensive Plan</b> Chapter 6 of the Union County Comprehensive Plan identifies encouraging well-managed growth within the County as an objective (pp. 153).</p> <p>One of the goals listed in Chapter 6 of the Union County Comprehensive Plan is to “Protect commercial and industrial corridors such as the US33 Corridor and portions of Industrial Parkway. Targeted industries providing an employment multiplier locate along these important corridors which may be under pressure for residential development.” (pp.153).</p> <p><b>Millcreek Township Comprehensive Plan</b> The Millcreek Township Comprehensive Plan identifies the area along US-42 as a part of their “East Planning Area”, which is targeted for commercial, R&amp;D, light industrial, and office uses.</p> <p>The Millcreek Township Comprehensive Plan identifies the area along US-33 as a part of their “West Planning Area”, which is targeted for commercial, R&amp;D, light industrial, and office uses.</p> <p><b>General Comments</b></p> <ul style="list-style-type: none"><li>○ Staff noticed that there are multiple inconsistencies throughout the proposed chapter regarding what the new overlay districts are to be called. Earlier in the chapter, the terms Corridor Overlay District, Overlay Corridor District, Innovation Corridor District, and Corridor District are all used interchangeably with only one (The Corridor Overlay District) being defined. Later in the chapter, the terms ICOD and ICOD District begin to be used interchangeably.</li></ul>



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It is unclear that these terms all refer to the same two districts as opposed to different ones. These inconsistencies could lead to confusion for those unfamiliar with the Township's zoning code, greater difficulty implementing it, and the potential for legal challenges in the future.

- Staff recommends choosing one term (staff would prefer ICOD district), defining it at the beginning of the chapter, and then using it consistently throughout the entire chapter as opposed to switching between multiple terms.

**Section 8000 – Purpose and Intent of Corridor Overlay Districts**

- Staff recommends converting some of this text into bullet points as well as adding (B) and (C) from Section 100.01 of the model text. The text would remain the same until the final sentence of the first paragraph. From that point, the recommended text would read as follows:

*The purpose and intent of the Corridor Overlay District is to:*

*Encourage development that is consistent with the adopted Comprehensive Land Use and Growth Plan of Millcreek Township.*

*Promote the health, safety, convenience, comfort, prosperity, or general welfare of Millcreek Township.*

Following that, the final two paragraphs would be included as written, but as two separate bullet points. (B) and (C) from Section 100.01 of the model text would then follow as two more bullet points.

**Section 8001 – Corridor Overlay District Areas**

- Staff recommends striking the following sentence from this section.

“Upon approval of this Chapter and inclusion to the Millcreek Township Zoning Resolution, the Innovation Corridor Districts identified below shall be added to the Official Zoning Map.”

This language is unnecessary, as LUC can add these districts to the Township's zoning map upon their request. A section of code dedicated to that is not needed.

- Staff also recommends replacing the text “that have been approved for a Zoning Map amendment to one of the Corridor Overlay Districts.” with “that are identified as Corridor Overlay Districts on the official zoning map.”



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**Sections 8002 – Corridor Overlay District Standards & Applicability**

- Staff recommends that the first sentence of this section be restated to read “Within a district identified on the official zoning map as a Corridor Overlay District and upon election of a property owner, the standards of this Chapter shall be applied.”

**Section 8012 – Corridor Overlay District Application for Site Plan Review**

- (E) Staff recommends that the language “during the Concept Stage Discussion” be struck because Section 8011 states that these are meant to be non-binding conversations.
- (F) Staff recommends this subsection requiring an affidavit from the applicant be struck, as it does not appear in any of the other PUD texts.
- The language as written would effectively give reviewing agencies veto power over development proposals, which seemingly exceeds their authority. Staff recommends that this language be struck and replaced with the following language:

*(I) Adequate evidence showing that such use at the proposed location:*

- *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*

**Section 8013 – Corridor Overlay Site Plan Requirements**

- (A) 5) Staff recommends striking this language and replacing it with “Photometric (lighting) plan”.
- (C) Staff recommends striking all uses of the word “architectural” in this subsection.
- (F) Staff recommends striking the phrase “and purpose (directional / entrance / exit)”, as staff believes this could be interpreted as regulation of a sign based on its content.



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- (G) 1. Staff recommends striking this language concerning the prohibition of construction within the 100-year floodplain. Staff believes that this could be an unconstitutional taking.
- (H) Staff recommends striking all language from the word “during” onward because Section 8011 states that these Concept Stage discussions are meant to be non-binding conversations.

**Section 8015 – Review Criteria for Corridor Overlay Development Applications with Site Plan**

- 2) Staff recommends striking this language and replacing it with the language found in Section 100.04 (B) 1-4 and 7 in addition to Section 100.05 of the model text. The text found in B) 7. of Section 100.04 is especially important, as it explains that a determination of the Zoning Commission is an administrative decision which may be appealed under R.C Ch. 2506.

**Section 8018 – Requests for Modification to Approved Site Plans**

(A) Staff questions who would be qualified to make this determination and if the Zoning Inspector is comfortable making this decision.

- Staff recommends striking this subsection.

B) 1. Staff recommends striking the phrase “amount and” and all text from the word “including” onward.

**Section 8020 – Corridor Overlay Permitted Uses**

Staff questions why transportation and logistics uses have been removed as a permitted use along the US-33 corridor given that planning for such a use was a motivating factor in the creation of the model text.

- Staff recommends including transportation and logistics uses as a permitted use along the US-33 corridor.

Due to the proliferation of data centers in the area, staff would encourage the Township to consider whether or not they want to include data centers as a permitted use in either of the corridor overlay districts. LUC can assist with providing definitions of data centers to include in the Township’s Zoning Resolution, so that the use can be clearly permitted or prohibited.

- Staff recommends the Township consider the direction they want to take regarding data centers within the corridor overlay districts.

**Section 8021 – Corridor Overlay Prohibited Uses**



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(D) This section prohibits “Adult uses” within the overlay districts. The Township’s Zoning Resolution defines “Adult Entertainment” but not “Adult uses”, which could be interpreted to mean a variety of things other than Adult Entertainment.

- Staff recommends replacing the phrase “Adult uses” with “Adult Entertainment”.

(F) This section references US-33 but not US-42, which is also included within an overlay district.

- Staff recommends adding “and US-42” after the mention of US-33 in this section.

**Section 8022 – Accessory Uses and Structures within the ICOD**

(A) c. This section imposes a 100-foot setback for accessory structures. However, in Section 8024, a 50-foot setback is all that is required for principal structures. Staff questions why the setback for accessory structures is double that of the setback for principal structures. These requirements would render some commercial uses virtually impossible to construct on a lot of normal size.

- Staff recommends reducing this setback to at least the principal structure setback.

(C) This section utilizes the term “accessory use structures”.

- Staff recommends striking the word “use”, so that “accessory structures” remains. This maintains consistency in wording throughout this section while avoiding a term that is not explicitly defined in the Township’s Zoning Resolution.

**Section 8023 – Innovation Corridor Overlay District Development Standards**

This section is blank.

- Staff recommends either eliminating this section or including some relevant content within it.

**Section 8024 – ICOD Minimum Lot Area & Width, Maximum Lot Coverage & Setbacks**

Staff questions why the minimum lot width is listed as “Per the Union County Engineer”, as the Engineers Office does not set minimum lot widths.

- Staff recommends setting the minimum lot width at 200 ft.

**Section 8027 – ICOD Loading and Service Areas Standard**



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- Staff recommends replacing the phrase “the ICOD District” with “an ICOD District”, as the plan is to have two of these districts in the Township (US-33 and US-42) and not one.
- The term “main corridor thoroughfare” is used repeatedly throughout this section. However, this phrase is not defined anywhere in the Zoning Resolution. Staff recommends referring directly to US-33, US-42, and Industrial Parkway instead.

**Section 8029 – ICOD Buffering Standards**

(A) Staff recommends replacing the phrase “the ICOD District” with “an ICOD District”, as the plan is to have two of these districts in the Township (US-33 and US-42) and not one.

- (A) 1. Staff recommends replacing the phrase “per Appendix A” with “in compliance with” or “in conformity with” Appendix A. This stresses that Appendix A does not provide reference material or suggestions (as “per” could potentially be interpreted), but rather requirements.

**Section 8031 – ICOD Outdoor Storage Standards**

(C) This section references US-33 but not US-42, which is also included within an overlay district.

- Staff recommends adding “or US-42” after the mention of US-33 in this section.

**Section 8032 – ICOD Sign Standards**

The first sentence of this section references Chapter 11 of the Zoning Resolution. By referencing this in addition to the requirements of the Zoning Resolution, overlapping sets of standards are created. While this technically works from a legal standpoint, it makes the code more difficult to administer for planning and zoning officials.

- Staff recommends that the Township include all of the sign standards that they want to apply to the ICOD Districts within their Sign Standards section, even if they already exist in other sections of the Zoning Resolution. In this way, this overlap is not created and the ICOD Sign Standards are able to stand on their own.

(B) This subsection does not include any text for large-scale commercial and industrial buildings, which often require larger wall signs in order for them to remain proportionate to the building itself. The alternative to providing this would be a BZA variance.

- Staff recommends including Section 100.12 (A) 9. of the model text, which addresses large-scale commercial and industrial buildings.





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	<p>(B): Unlike the previous section on freestanding signs, it is not specified whether there is a maximum number of wall signs. To remove this ambiguity, staff believe it prudent to include a sentence or two to make this clear.</p> <ul style="list-style-type: none"><li>○ Staff recommends utilizing Section 100.12 6. of the model text, as it addresses this.</li></ul> <p>(3) While nearly identical to the model text, one sentence has been omitted from this section that causes it to reference additional wall signs without first describing the rules for their permitting. The sentence in question is included in the following subsection (8032 (B) 4)).</p> <ul style="list-style-type: none"><li>○ Staff recommends matching the language in 8032 (B) 3) to that of 100.12 (A) 7. in the model text.</li></ul> <p><b>Section 8033 – ICOD Noise and Lighting Standards</b></p> <ul style="list-style-type: none"><li>○ Staff recommends including the example lighting images found in 100.13 of the model text.</li></ul>
<b>Staff Recommendations:</b>	Staff recommends <b><i>APPROVAL WITH MODIFICATIONS</i></b> of the proposed zoning text amendment. These modifications include all of the items listed above in this staff report.
<b>Z&amp;S Committee Recommendations:</b>	<p><i>Options for action:</i></p> <ul style="list-style-type: none"><li>○ <i>Approval</i></li><li>○ <i>Approval with modifications (state modifications)</i></li><li>○ <i>Denial</i></li></ul>