



Proposed Amendments for Public Hearing

Zoning Amendment # 2019-001

Section 440.01 – Purpose, Lighting Requirements

Section 440.01 Existing:

The purpose of this Section is to control the installation of exterior lighting fixtures in Commercial and Industrial Districts (R-O, V-C, C-1, C-2, C-3, PCOD, L-I, and G-I) to prevent light pollution in the forms of light trespass and glare and to preserve, protect and enhance the character of the Township and the lawful nighttime use and enjoyment of property located within the Township. Appropriate site lighting, including lights for signs, parking areas, buildings and streets, shall be arranged so as to provide safety, utility and security; and to control light trespass and glare on adjacent properties and public roadways.

Section 440.01 Proposed (shown in bold):

The purpose of this Section is to control the installation of exterior lighting fixtures in Commercial and Industrial Districts (R-O, V-C, C-1, C-2, C-3, ~~PCOD~~, L-I, and G-I) to prevent light pollution in the forms of light trespass and glare and to preserve, protect and enhance the character of the Township and the lawful nighttime use and enjoyment of property located within the Township. Appropriate site lighting, including lights for signs, parking areas, buildings and streets, shall be arranged so as to provide safety, utility and security; and to control light trespass and glare on adjacent properties and public roadways.

Zoning Amendment # 2019-002

Section 660.03 I – Amendments Initiated by Property Owner(s)

Section 660.03 I Existing:

- I. Public Hearing and Notice by Trustees. Upon receipt of the recommendation from the Zoning Commission, the Trustees shall set a time for a public hearing on the proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission. Notice of the public hearing shall be given by the Trustees by at least one publication in one or more newspapers of general circulation in the Township at least 10 days before the date of the required hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. During such 10 days, the text of the proposed amendment, the maps or plans, if applicable, and the recommendations of the Zoning Commission shall

be on file for public examination in the office of the Clerk of Township or in such other office as is designated by Trustees.

Section 660.03 I Proposed (shown in bold):

- I. Public Hearing and Notice by Trustees. Upon receipt of the recommendation from the Zoning Commission, the Trustees shall set a time for a public hearing on the proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission. Notice of the public hearing shall be given by the Trustees by at least one publication in one or more newspapers of general circulation in the Township at least 10 days before the date of the required hearing. The published notice shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. During such 10 days, the text of the proposed amendment, the maps or plans, if applicable, and the recommendations of the Zoning Commission shall be on file for public examination in the office of the ~~Clerk of~~ Township **Fiscal Officer** or in such other office as is designated by Trustees.

Section 660.03 J – Amendments Initiated by Property Owner(s)

Section 660.03 J Existing:

- J. Action by Trustees. Within 20 days after the public hearing required by Subsection H, above, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Trustees adopt the recommendation of the Zoning Commission, concurrence by a majority of the Trustees shall be required. In the event the Trustees elect to overrule or modify the recommendation of the Zoning Commission, the unanimous vote of all three Trustees shall be required. Wherein the Trustees fail to obtain a unanimous vote, the recommendation of the Commission shall be considered as approved.

Any such proposal may be amended prior to the voting thereon by Trustees without further notice or postponement, if such amendment to the proposal shall be germane to the subject matter thereof and is in accordance with the recommendation of the Commission. The Trustees' approval, with modification of the recommendation of the Commission, shall not be considered as overruling such Commission recommendation.

Section 660.03 J Proposed (shown in bold):

- J. Action by Trustees. **Within twenty days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modification thereof. If the board denies or modifies the Commission's recommendations, a majority vote of the board shall be required.**

Any such proposal may be amended prior to the voting thereon by Trustees without further notice or postponement, if such amendment to the proposal shall be germane to the subject matter thereof and is in accordance with the recommendation of the Commission. The Trustees' approval, with modification of the recommendation of the Commission, shall not be considered as overruling such Commission recommendation.

Zoning Amendment # 2019-003

Section 430.04 – Screening and Buffering When Lot Abuts a Residential District

Section 430.04 Existing:

When a lot in any Commercial or Industrial District abuts a Residential District screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations.

- A. Width of Buffer Yard. Each required buffer yard shall have a minimum width equal to the parking setback required for the district in which the lot is located.
- B. Screening. Screening within the bufferyard shall consist of one (1) or a combination of two (2) or more of the following:
 - 1. A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid continuous visual screen within three years after the initial installation.
 - 2. A non-living opaque structure such as a solid masonry wall, or a solid fence that is compatible with the principal structure.
 - 3. A fence with openings through which light and air pass together with a landscaped area at least ten feet wide.
 - 4. A maintained, landscaped earthen-mound at least 5 feet wide.
 - 5. Maintenance of the existing natural vegetation that, in its natural state, forms a screen with a height not less than six (6) feet.
- C. Height of Screening. The height of screening shall comply with the following:
 - 1. Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect.
 - 2. Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve months after the initial installation.
- D. Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the bufferyard to maximize the screening effect as determined by the Zoning Commission. The bufferyard plan shall be specific to the type of option to be used.

Section 430.04 Proposed (shown in bold):

When a lot in any Commercial or Industrial District abuts a Residential District screening and buffering along the entire length of the common boundary **and/or roadway** shall be provided in accordance with the following regulations.

- A. Width of Buffer Yard. Each required buffer yard shall have a minimum width equal to the parking setback required for the district in which the lot is located.
- B. Screening. Screening within the bufferyard shall consist of one (1) or a combination of two (2) or more of the following:
 - 1. A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid continuous visual screen within three years after the initial installation.

2. A non-living opaque structure such as a solid masonry wall, or a solid fence that is compatible with the principal structure.
 3. A fence with openings through which light and air pass together with a landscaped area at least ten feet wide.
 4. A maintained, landscaped earthen-mound at least 5 feet wide.
 5. Maintenance of the existing natural vegetation that, in its natural state, forms a screen with a height not less than six (6) feet.
- C. Height of Screening. The height of screening shall comply with the following:
1. Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect.
 2. Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve months after the initial installation.
- D. Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the bufferyard to maximize the screening effect as determined by the Zoning Commission. The bufferyard plan shall be specific to the type of option to be used.

Zoning Amendment # 2019-004

Section 430.02 – Landscaping Along the Street Frontage

Section 430.02 Existing:

On any lot devoted to a multi-family use or non-residential use, the area within the required building and parking setback, excluding driveway openings, shall be landscaped. The following minimum plant materials shall be provided and maintained.

- A. Five (5) major shade trees, for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
 - 1. Each tree, at the time of installation, shall have a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.
 - 2. For the purpose of these regulations, a major shade tree shall be a tree normally growing to a mature height of 20 feet and a mature spread of at least 15 feet.
- B. Twenty (20) shrubs for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
- C. Grass, ground covers or other live landscape treatment, excluding paving or gravel.
- D. Trees and shrubs may be aggregated appropriately.

Section 430.02 Proposed (shown in bold):

On any lot devoted to a multi-family use or non-residential use, the area within the required building and parking setback, excluding driveway openings, shall be landscaped. **This requirement may be limited to the street frontage that is part of the project area, as determined by the Zoning Inspector.** The following minimum plant materials shall be provided and maintained.

- A. Five (5) major shade trees, for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
 - 1. Each tree, at the time of installation, shall have a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.
 - 2. For the purpose of these regulations, a major shade tree shall be a tree normally growing to a mature height of 20 feet and a mature spread of at least 15 feet.
- B. Twenty (20) shrubs for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
- C. Grass, ground covers or other live landscape treatment, excluding paving or gravel.
- D. Trees and shrubs may be aggregated appropriately.

Zoning Amendment # 2019-005

Section 350.02 – Use Regulations, Commercial Districts

Section 350.02 Existing:

- A. A use listed in Schedule 350.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 350.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630;
- C. A use listed below shall be permitted as an accessory use in a commercial district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
 - 1. Off-street parking and loading areas as regulated by Section 350.08 and Chapter 410.
 - 2. Signs as regulated by Chapter 420.
 - 3. Other uses of land or buildings which are clearly incident and subordinate to the principal use.

Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660.

Section 350.02 Proposed (shown in bold):

- A. A use listed in Schedule 350.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
 - 1. **Uses similar to principal permitted uses. Where a use is proposed that is not listed or provided for in this section, the Zoning Inspector may make a determination that the proposed use is substantially similar to a specific principal use listed in this section, in which case the similar use shall be permitted as a principal use in those districts where the specifically listed use is permitted.**
- B. A use listed in Schedule 350.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630;
 - 1. **Uses similar to conditionally permitted uses. Where a use is proposed that is not listed or provided for in this section, the Zoning Inspector may make a determination that the proposed use is substantially**

similar to a specific conditional use listed in this section, in which case the similar use shall be permitted as a conditional use in those districts where the specifically listed conditional use is permitted. A similar conditional use shall conform to the general standards for all conditional uses in Section 390.02 and any other numerical or specific standards in Chapter 390 for the specifically listed conditional use to which the proposed use is most similar, and shall be approved in accordance with the administrative procedures in Chapter 630.

- C. A use listed below shall be permitted as an accessory use in a commercial district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
 - 1. Off-street parking and loading areas as regulated by Section 350.08 and Chapter 410.
 - 2. Signs as regulated by Chapter 420.
 - 3. Other uses of land or buildings which are clearly incident and subordinate to the principal use.
- D. **Standards for consideration of similar uses.** The following standards shall be considered by the Zoning Inspector when making a determination that the proposed use is substantially similar to a specific use listed in this section, in which case the similar use shall be permitted as a main use in those districts where the specifically listed use is permitted.
 - 1. The compatibility of the proposed use with the general classification of uses specified in this Zoning Resolution;
 - 2. The nature, predominant characteristics, and intensity of the proposed use in relation to the similar principal or conditional use in that district;
 - 3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses specified in this Zoning Resolution.

Any use not denoted as either a permitted principal or conditional use in a particular zoning district, shall be prohibited in that zoning district and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660.

Section 370.02 – Use Regulations, Industrial Districts

Section 370.02 Existing:

- A. A use listed in Schedule 370.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 370.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630;

- C. A use listed below shall be permitted as an accessory use in any industrial district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
1. Off-street parking and loading areas as regulated by Sections 370.07 and Chapter 410.
 2. Signs as regulated by Chapter 420.
 3. Vending area, snack bar or cafeteria primarily for employees.
 4. Other uses of land or buildings which are clearly incident and subordinate to the principal use.

Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660.

Section 370.02 Proposed (shown in bold):

- A. A use listed in Schedule 370.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
1. **Uses similar to principal permitted uses. Where a use is proposed that is not listed or provided for in this section, the Zoning Inspector may make a determination that the proposed use is substantially similar to a specific principal use listed in this section, in which case the similar use shall be permitted as a principal use in those districts where the specifically listed use is permitted.**
- B. A use listed in Schedule 370.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 630;
1. **Uses similar to conditionally permitted uses. Where a use is proposed that is not listed or provided for in this section, the Zoning Inspector may make a determination that the proposed use is substantially similar to a specific conditional use listed in this section, in which case the similar use shall be permitted as a conditional use in those districts where the specifically listed conditional use is permitted. A similar conditional use shall conform to the general standards for all conditional uses in Section 390.02 and any other numerical or specific standards in Chapter 390 for the specifically listed conditional use to which the proposed use is most similar, and shall be approved in accordance with the administrative procedures in Chapter 630.**
- C. A use listed below shall be permitted as an accessory use in any industrial district. Such use shall be permitted as a subordinate building or use when it is clearly

incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.

1. Off-street parking and loading areas as regulated by Sections 370.07 and Chapter 410.
2. Signs as regulated by Chapter 420.
3. Vending area, snack bar or cafeteria primarily for employees.
4. Other uses of land or buildings which are clearly incident and subordinate to the principal use.

D. Standards for consideration of similar uses. The following standards shall be considered by the Zoning Inspector when making a determination that the proposed use is substantially similar to a specific use listed in this section, in which case the similar use shall be permitted as a main use in those districts where the specifically listed use is permitted.

1. **The compatibility of the proposed use with the general classification of uses specified in this Zoning Resolution;**
2. **The nature, predominant characteristics, and intensity of the proposed use in relation to the similar principal or conditional use in that district;**
3. **The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses specified in this Zoning Resolution.**

Any use not denoted as either a permitted principal or conditional use in a particular zoning district, shall be prohibited in that zoning district and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660.

Zoning Amendment # 2019-006

Section 420.09 – Signs Exempt from Regulation

Section 420.09 Existing:

The following signs shall be exempt from regulation under the Zoning Resolution.

- A. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
- B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than 3 feet beyond the building in which such sign is located.
- C. Works of art that do not include a commercial message.
- D. Religious and other holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.
- E. Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.
- F. Political signs, as long as they are free from blocking street sight lines.

Section 420.09 Proposed (shown in bold):

The following signs shall be exempt from regulation under the Zoning Resolution.

- A. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
- B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than 3 feet beyond the building in which such sign is located.
- C. Works of art that do not include a commercial message.
- D. Religious and other holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.
- E. Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.
- F. Political signs **and real estate signs**, as long as they are free from blocking street sight lines.

Zoning Amendment # 2019-007

Section 310.09 D – Additional Requirements for Accessory Buildings

Section 310.09 D Existing:

- D. Additional Regulations for Accessory Buildings.
1. Accessory buildings that are detached from the principal building shall comply with the setback requirements of Schedule 310.09 and shall be located a minimum of 20 feet from the principal building.
 2. All other accessory buildings shall be attached to the principal building, shall be made structurally a part thereof, and shall comply with the setback requirements for principal buildings set forth in Schedule 310.05.
 3. Any building or structure requiring a county building permit shall also require a township zoning permit, and all buildings or structures shall meet all zoning setback requirements.

Section 310.09 D Proposed (shown in bold):

- D. Additional Regulations for Accessory Buildings.
1. Accessory buildings that are detached from the principal building shall comply with the setback requirements of Schedule 310.09 and shall be located a minimum of 20 feet from the principal building, **except carports which have no minimum spacing requirement from the principal building.**
 2. All other accessory buildings shall be attached to the principal building, shall be made structurally a part thereof, and shall comply with the setback requirements for principal buildings set forth in Schedule 310.05.
 3. Any building or structure requiring a county building permit shall also require a township zoning permit, and all buildings or structures shall meet all zoning setback requirements.