App. No. 082-2025-TA

Zoning Text Amendment

Litchfield Township

Meeting: December 3, 2025
Applicant: Litchfield Township Zoning Commission (ZC)
Hearing: TBD
Amendments: Litchfield Township Zoning Resolution
Reviewer: Denise Testa
Recommendation: **APPROVE WITH MODIFICATIONS**

Proposal: Frank Baluch, Chairperson of the Litchfield Township Zoning Commission, requested a comprehensive review of the proposed revisions to the Litchfield Township Zoning Resolution. Most updates were prepared by a consultant and reflect input from the Zoning Commission. This staff report provides the comments and recommendations of the Department of Planning Services (DPS) regarding the attached zoning resolution.

ARTICLE I: GENERAL PROVISIONS

Section 101 – Purpose

1. The purpose section repeats similar statements regarding public health, safety, and welfare in multiple paragraphs. Staff recommend consolidating those statements for clarity and avoiding internal inconsistency.
2. The phrase, "This is an affirmative regulation" appears both at the beginning of the section and again in Section 104. Staff recommend placing it once, in Interpretation, where it is more commonly located.
3. The statement. "Uses which are not specifically permitted… shall be considered prohibited" is clear, but the Township may want to note whether "similar" or "substantially similar" uses may be determined by the Zoning Inspector or BZA to avoid rigidity or unintended exclusion of modern/evolving uses.
4. The paragraph listing height, bulk, stories, tent/cabin/trailer coach regulation, etc., is lengthy and could be better summarized. Staff recommend referencing Ohio Revised Code (ORC) Section 519 authority more directly for cleaner language.
5. The final paragraph appropriately references both the Township Comprehensive Plan and the ORC. It could be strengthened by explicitly describing how the Resolution implements the Comprehensive Plan including but not limited to preservation of rural character, managed growth, and protection of natural resources.

Section 103 – Authorization

6. It may be helpful to clarify that the Resolution is adopted *pursuant to the authority granted to townships* in ORC 519.01–519.99, rather than "derived from," to match statutory phrasing seen in most township zoning resolutions.

Section 104 – Interpretation

7. This section repeats the same prohibited-use language from Section 101. Staff recommend keeping it in one location to avoid future confusion.
8. The final sentence of this section appears again in Section 105. To avoid duplication, the Township may want to consider consolidating the "more restrictive requirement shall apply" clause to one section only.

9. The text references "internal incompatibility," and it may be beneficial to clarify whether this is determined administratively, by the zoning inspector, or by the Board of Zoning Appeals.

Section 106 – Revisions and Amendments

10. The section notes the adoption date and that amendments have occurred, but does not reference procedures for future amendments (e.g., ORC 519.12). Consider adding a cross-reference or noting that amendment procedures appear elsewhere in the Resolution.

Section 107 – Reference to Other Regulations

11. The language adopts future amendments automatically ("most recent enactment"). This is common in zoning resolutions but could raise interpretation questions if an amended statute conflicts directly with local regulations. Staff recommend adding, ""…to the extent such amendments do not conflict with this Resolution or local authority under ORC Chapter 519."

ARTICLE II: ZONING DISTRICTS AND USES

Section 204 – Uses in Zoning Districts

1. The structure is consistent with modern township zoning but could be strengthened with clearer policy language regarding interpretation of unlisted uses.
2. Staff recommend adding criteria or a process for determining "substantially similar" uses to avoid rigid exclusion of emerging uses.

Section 204.02 – Conditional Use

3. Staff recommend verifying that criteria in Section 208 are broad enough to address diverse conditional uses.

Section 204.03 – Accessory Use

4. Staff recommend defining "clearly incidental and subordinate" or linking to a general definition section.

Section 204.04 – Compliance

5. Staff note that listing a use alone does not guarantee approval. Staff recommend ensuring consistency with site plan review requirements elsewhere.

Section 204.05 – Uses Not Listed Are Prohibited

6. Staff recommend considering whether the Township wants to allow administrative determination of "similar uses" to avoid frequent amendments or use variance requests.

Section 204.06 – Permit Required

7. The section effectively outlines permit needs for all use types. Staff recommend clarifying the distinction between:
    - Zoning Certificate (by Zoning Inspector);
    - Conditional Zoning Certificate (by BZA); and
    - Site Plan approval (by BZA or Trustees, depending on structure).

Sections 205–209 – Specific Use Standards, Accessory Standards, Exemptions, Conditional Uses, Prohibited Uses

8. These sections appear comprehensive and cover many contemporary uses (solar, wind, home business, ponds, towers). Staff recommend ensuring consistency between specific-use standards and district regulations and scalability to accommodate emerging land uses such as EV charging infrastructure, small-scale manufacturing, agritourism, data centers, and short-term rentals (if applicable).

Section 207: Uses Exempt from Zoning or Subject to Limited Regulations

9. Staff recommend this section should closely align with ORC 519.21 and related case law to avoid overregulation of agriculture, public utilities, and other protected uses.

Section 208: Standards for Conditional Use

10. The emphasis on *harmonious design, traffic management, public services, and nuisance control* aligns with standard conditional use frameworks. The Township may want to consider hours of operation, traffic impacts, and neighborhood character is appropriate for both rural and suburban contexts.

Section 208.01: General Standards Applicable to All Conditional Uses

11. The standards reference the Township's "general objectives" but do not directly reference the Comprehensive Plan as some communities prefer explicit linkage to avoid interpretation issues.

Section 208.02: Specific Standards for Conditional Use

The detailed requirements provide predictability for applicants and reduce ambiguity for decision-makers. Most categories appropriately address the unique impacts of each land use.

Automotive Fueling Station & Car Wash

- Traffic impact study requirements are strong and appropriately scaled.
- Setbacks and screening are consistent with protection of nearby residential areas.
- Restrictions on repair work, outdoor activity, and storage help mitigate nuisance impacts.
- These standards align well with typical service-commercial zoning practices.

Assisted Living, Event Centers, Funeral Homes, Day Care, Bed & Breakfast, Churches, Government Facilities, Schools

- Across these categories, the repeated themes of adequate parking, safe circulation, and 50-foot buffers are appropriate and consistent.
- These uses often generate high traffic at peak times; requiring access from appropriate roadways is a strong planning practice.
- Screening requirements protect residential areas and maintain visual character.

Veterinarian / Animal-Related Uses

- Large setbacks and stringent sanitation controls mitigate noise and odor, especially important where agriculture and residential areas interface.

Manufacturing Processes / Industrial Uses

- The reference to OEPA permits is appropriate and helps avoid regulatory overlap.
- It is important to note that according to the Ohio Township Association, under the ORC Section 505.172 Noise Control, "Townships may adopt noise resolutions in unincorporated areas which are zoned for residential use. These areas include true residential zoning districts, as well as other zoning districts permitting residential use."
- According to Forge Solar, "glare is defined as a continuous source of bright light associated with stationary objects…" Determining the existence of glare impacting a nearby or adjacent property is a challenging task and may be problematic and expensive to confirm with small scale solar panels/systems. Ohio communities such as Highland and Knox Counties have considered glint and glare studies for large-scale solar projects. Staff did not find a strategy to address glare.

Salvage Yards

- Large setbacks, screening, landscaping, and minimum acreage are consistent with best practices for high-impact uses.
- The 200-foot transition to residential is appropriate.

ARTICLE III: LOTS, YARDS, BUILDINGS AND SITE STANDARDS

Section 301.01: Dimensional Standards for Lots, Yards, Setbacks, Buffers, and Screening

1. Staff recommend revising "Tabel" to "Table."
2. Front setback maximum of 1,500 feet (in Residential District) appears unusually large.
3. Buffers apply only when principal use is non-residential, and this is consistent but may leave gaps for certain conditional uses (e.g., large accessory structures).

Section 301.02: Riparian Setback Requirement

4. Define how the "ordinary high-water mark" is determined and by whom (e.g., must be surveyed, field-verified by zoning inspector, etc.).
5. Consider referencing the County Stormwater Manual if applicability is intended.

Section 302: Lot Standards
Sections 302.02 & 304.01.02 (frontage required)

6. These restate the same rule. Consider consolidating to reduce redundancy.
7. Rear lot standards are extensive and restrictive, which is positive for orderly development; however;
    - The 200-ft minimum width for the buildable area is high—may limit flexibility in subdividing irregular parcels.
    - "Only two accessways abutting one another" will require close record review at subdivision stage.
    - Requirement that accessways be *fully owned land* (not easements) is strong policy but may cause practical difficulty in long-standing parcel layouts.

Section 302.07: Township Plat Approval

8. Recommend adding review timeframe expectations if not already in another section.

Section 303 – Setback Requirements

9. Section 303.03 allows existing setback lines for additions—good flexibility. The Township may want to consider requiring documentation (e.g., survey, aerial) for enforcement.
10. Section 303.05 road right-of-way:
    - "Maintained free from obstructions as possible" is vague. The Township may want to consider specifying permitted encroachments (mailboxes, fences, planting, etc.) and coordinate language with the County Engineer's ongoing ROW standards.

Section 305.03: Exterior Lighting

11. Parking lot lighting curfews tied to "close of business" may be difficult for mixed-use or variable-hour operations—consider defining default curfew (e.g., 10 PM).
12. Add standards for maximum footcandles at property lines if desired for enforcement consistency.

ARTICLE V: NON-CONFORMING

Section 502: Nonconforming Uses

Sections 502.01-502.06 provide clear guidance on the continuation, abandonment, and modification of nonconforming uses.

1. Use of BZA discretion for determining "less conflict" ensures flexibility but could invite subjective interpretations—good documentation and clear criteria would help.
2. The 25% expansion limit is typical but may need periodic review to reflect changes in development patterns or neighborhood context.

Section 503 Nonconforming Buildings or Structures

3. This section balances property rights with public safety by allowing rebuilding while limiting expansion.
4. The Township could reference building code compliance for reconstruction to clarify applicability.

Section 504: Nonconforming Parcels

5. The reference to setbacks tied to existing structures provides consistency but may need clarification for corner lots or irregular parcels.
6. The resolution could benefit from examples or diagrams to guide property owners and staff.

ARTICLE IX: DEFINITIONS

1. Comprehensive and Detailed: The definitions cover a broad spectrum of land uses, structures, building types, utilities, and special facilities. This provides clarity for enforcement, permitting, and development review.
2. Consistency with State Law: Many definitions reference the ORC (e.g., agriculture, child day care, manufactured homes), which ensures legal alignment and reduces potential conflicts.
3. Mixed Level of Specificity: Some definitions are highly specific (e.g., junk, junk motor vehicle, fences) while others are broader (e.g., cultural or public use, use). This allows flexibility in interpretation but could create inconsistencies in enforcement.
4. Modernization and Sustainability Considerations: Inclusion of alternative energy systems (solar PV, wind turbines) and telecommunication facilities reflect current trends in planning and development.

Department of Planning Services Recommendation: The text amendments have been sent to the Medina Conty Prosecutor for further review. Staff recommend the Medina County Planning Commission **APPROVE WITH MODIFICATIONS** the proposed text amendments to the Litchfield Township Zoning Resolution.

Attachment: Litchfield Township Zoning Resolution