



Planning Commission
App. No. 003-2024 TA

Zoning Text Amendment Sharon Township

Meeting: March 6, 2024
Applicant: Sharon Township Zoning Commission (ZC)
Hearing: March 2, 2023
Amendments: Various Sections to the Zoning Resolution
Reviewer: Denise Testa
Recommendation: **APPROVE WITH MODIFICATIONS**

Proposal: In a letter dated January 3, 2024, Jeffrey Stroup, Sharon Township Zoning Commission Chair, requested a review of various changes proposed to the Sharon Township Zoning Resolution.

New text is underlined, text to be deleted is shown as ~~strikethrough~~. Staff comments are **bold and italicized**.

PAGE 1

WHEREAS, the Board of Trustees of Sharon Township deems it in the interest of public health, safety, morals, comfort, convenience, prosperity and general welfare of said township and its residents to establish a general plan of zoning for the unincorporated area of said township. A resolution known as the Zoning Resolution of Sharon Township to regulate the use of land and buildings by dividing the unincorporated area of Sharon Township into districts: defining certain terms used therein; imposing regulations and restriction, etc. has been adopted.

The addition of the text above is consistent with the purpose in Articles I and II. Based on a review of the entire Zoning Resolution, the use and capitalization of the word “Township” is not consistent. Staff recommend implementing a consistent use of the word “Township” or “township” throughout the document. It appears a semi-colon rather than a colon should be used after the word “districts” and the addition of “and” after the word therein. Staff recommend deleting the word “etc.” in the entire document because it is ambiguous.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Sharon Township:

ARTICLE I PURPOSE

For the purpose of promoting public health, safety, comfort, convenience, prosperity and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvement, all in accordance with a comprehensive plan, the Board of Trustees of this Township find it necessary and advisable to regulate the location, height, built, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches, percentage of lot areas which may be occupied, setback building lines, sizes of yards, courts and other open spaces, the density of population, the uses of building and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residence, recreation or other purposes and for such

purposes divides the unincorporated area of the township into districts or zones, under authority of Section 519.02 et seg of the Ohio Code.

It appears “et seg” needs to be deleted.

ARTICLE II INTERPRETATION AND SEPARABILITY

200-1 In interpretation and application, the provisions of this resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, prosperity, **morals** and general welfare.

The addition of the word “morals” is consistent with Page 1 and Article I.

While not part of the text amendment application, staff recommend adjusting the formatting of Section 200-4 on page 5 to align with Sections 200-1, -2 and -3.

ARTICLE III DEFINITIONS

300-4 Backlot: **A lot Land** which is remote from public roads, streets or Highways, **and tend to become isolated from the development of frontage lots.**

Staff were unable to locate comparable backlot definitions from other Townships. Staff recommend the consideration of flag lot definitions of examples below from A Planners Dictionary published by the American Planning Association.

- 1. A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way. (Schaumburg, IL)*
- 2. A large lot not meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots. (Clarkdale, AZ)*
- 3. A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way. (Bondurant, IA)*

Backlot development is a conditionally permissible use in the R-1 Residential District as seen in Section 700-9 Conditions below. Staff recommend the word “backlot” be used consistently throughout the document.

700-9 Conditions

3. Back Lot Development

To allow for the orderly use of land, to prevent isolation of back lands by frontage development, and to protect the rural character of the township.

As a result of revising the backlot definition, staff recommend changing the words “back lands” to “back lots.”

- A. The minimum area for a back lot shall be five (5) acres exclusive of the drive way with a minimum lot width and depth of 400 feet measured at the line of the proposed dwelling location.

Staff recommend revising the word “drive way” to “driveway.”

- B. A maximum of one single-family dwelling permitted per minimum lot area and per driveway. No dwelling shall be erected, altered, or used unless the same shall have access, to a public street of not less than sixty (60) feet of street continuous frontage, and must be of continued width and such drive may not be counted as part of the main parcel, and must be deeded to the parcel owners. The driveway must be free of all structures.
- C. All buildings and structures shall be located to provide maximum privacy for adjacent lots. No building or structure on a back lot shall be located within one hundred fifty (150) feet of the rear property line of a frontage lot, or within fifty (50) feet of all other back lot property lines.

Only one back lot division can only be allowed with one two hundred (200) minimum frontage lot. On the application, the following warning shall be included: “The undersigned hereby acknowledges that the premises described therein is located upon a non-dedicated easement of access and therefore understand that no government body is responsible or can be held liable for the care or maintenance of the access, or for the response factor in delivering fire or emergency care.

Staff recommend adding a quote after the final sentence.

300-16 Congregate Care Facility: A residential facility that provides for needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units designed specifically for the elderly or handicapped, and have common social, recreational, dining and food preparation facilities, and may include skilled nursing care

Staff recommend adding a period after the final sentence.

- 1. A congregate care facility may include one or more of the following types of residential facilities:
 - a. Independent living with congregate dining facilities;
 - b. Congregate living;
 - c. Assisted living;
 - d. Nursing care; or
 - e. ~~Hospital~~

Staff recommend using semi-colons and relocating “or” after “Assisted living” in the above list.

- 2. The density of a congregate care facility shall not exceed the net density set forth below for each area included in the facility.

- a. The net density of an assisted living and/or nursing home and its associated parking facilities shall not exceed 25 ~~patients~~ residents.

Staff recommend adding the word “twenty-five” to remain consistent throughout the document.

- The net density of independent living, hospital, and/or congregate living units and its associated parking facilities shall not exceed 9 dwelling units per acre.
- b. The net density of independent living, hospital, and/or congregate living units and its associated parking facilities shall not exceed 9 dwelling units per acre.
 3. The facility shall provide safety features to ensure the safety of its residents and patients:
 - a. Local police and fire officials shall be provided with an evacuation plan which following approval, shall be posted in a conspicuous location within the facility.
 - b. An overall plan shall be provided to the local police and fire departments, which shall keep the floor plan on file.
 4. The development plan shall indicate the building’s emergency entrances or exists.
 5. The facility and its staff shall be in full compliance with all applicable Federal, State and local laws and regulations, including facility licensure to begin and continue operation. Evidence of such compliance shall be furnished to the Township. Failure to maintain such license, certification or other approval requirements shall constitute a violation of the Zoning Resolution.

Congregate Care Facilities are conditionally permitted uses in the C-2 Commercial District in Section 504 of the Zoning Resolution. The Congregate Care Facility definition appears to include regulatory guidelines in Items 1-5 that are beyond the scope of a definition. Staff recommend moving Items 1-5 to Section 504-2.P Conditionally Permitted Uses. Upon reviewing Section 504-2.P as seen below, staff recommend sending this section, including Items 1-5, to the Prosecutor’s Office for review because it appears to be extremely restrictive.

504-2 Conditionally Permitted Uses

- P. Congregate Care Facility: which includes Hospitals and Nursing Homes, subject to the proponent showing by the preponderance of evidence that:

Staff recommend removing the word “Hospitals” to be consistent with the revised definition in Section 300-16.

- i. There are sufficient utilities serving the proposed project, and
- ii. All proper licenses will be obtained as a condition of opening and the continued operation of the facility, and
- iii. There is sufficient on-premises hard surface parking for all vehicles used by all employees, residents, guests, contractors, and vendors and,
- iv. Traffic, including ingress and egress, will not be unreasonably affected, as demonstrated by an appropriate independent traffic study, and
- v. The facility will not be detrimental to the health and safety to the residents of the

- township, and
- vi. The project design and aesthetics are compatible with similar projects in the Township, and
- vii. The proponent and operator shall reimburse in full, the township for the reasonable value of any emergency medical services rendered to the any person, at any time, and
- viii. The project shall have at all times, green space consisting of plants, planters, grass, and other natural habitat consisting of at least 30% of the area of the project, as certified by a licensed engineer or licensed architect.

300-31 Garage, Private: An accessory building, housing not more than four (4) motor driven private use motor vehicles, ~~the property of and~~ for the use of the occupant of the lot on which the private garage is located.

300-35 Grade:

- ~~A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street. (Where no sidewalk exists, the elevation of the centerline of the street shall be used in lieu of thereof).~~
- ~~B. For buildings having walls adjoining more than one street, the average elevations of the sidewalks at the center of all walls adjoining the streets.~~
- ~~C. For buildings having no walls adjoining the street the average level of the finished surface of the ground adjacent to the exterior walls of the buildings.~~
- ~~D. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining to the street.~~

ARTICLE 400 GENERAL PROVISIONS

400-5 No open space provided ~~about~~ around any building for the purpose of complying with the provisions of this Resolution shall be considered as providing open space for any other building.

400-6 No parcel of land ~~held under one ownership~~, with or without building(s), at the time this Resolution becomes effective shall be so reduced nor shall any parcel be subdivided, in any manner below the minimum lot required by this Resolution.

ARTICLE 500 DISTRICT REGULATIONS

501 R-1 Residential District

Uses: Except as otherwise provided in this Resolution, no building or premises in Residential District (R-1) shall hereafter be erected, altered, used, arranged, or designed to be used in whole or in part for any other purpose or in any manner than as follows:

- A. Permitted Uses:
 - 1. A single-family dwelling
 - 2. ~~Accessary~~ Elderly dwelling unit
 - 3. Home occupation in dwelling used as a private residence

4. Agriculture as defined in ORC Section 519.01
5. Roadside stands consisting of removable structures solely for the display and sale of products produced on the premises provided such stands are at least thirty (30) feet back from the traveled portion of the road.
6. Accessory buildings and uses ~~excluding~~ including tents, cabins, trailer, coaches, and all other temporary living quarters except no more than on trailer coach may be temporarily used as a residence for not more than sixty (60) days in one year for any purpose and not more than sixty (60) consecutive days.

501-2 Provisions:

A. Lot Area:

No single-family residence shall be erected on any parcel of land smaller than two (2) acres ~~in-area~~.

G. Foundation Area:

No building shall have a foundation area, exclusive of open porches, breezeways, and a garage of less than:

1,600 square feet for ~~basement less or~~ partial structures without a basement

1,400 square feet for one-story single-family dwelling with full basement

1,100 square feet for a single-family two-story dwelling with full basement, area of not less than 1,900 square feet.

502 R-2 RESIDENTIAL DISTRICT

Uses: Except as otherwise provided in this Resolution no building or premises in the Residential R-2 District (R-2) shall hereafter be erected, altered, used, arranged, or designed to be used in whole or in part for any other purpose or in any manner than as follows:

A Permitted Uses:

1. A single family dwelling
2. A two (2) family dwelling
3. Home occupation in a dwelling used as a private residence
4. Agriculture as defined in ORC section 519-01
5. Roadside stands consisting of removable structures and solely for the display and sales of products produced on the premises provided such stands are at least thirty (30) feet back from the traveled portion of the road.
6. Accessory buildings and uses ~~excluding~~ including tents, cabins, trailer coaches and all other temporary living quarters. One trailer coach may be temporarily used as a residence for not more than sixty (60) consecutive days.
7. Signs-see Article VII
- ~~8. Trailer camps are not permitted.~~

B. Conditionally Permissible Uses:

1. Tourist homes, rooming houses, and boarding homes not accepting more than six (6) guests at any one time.

2. Premises used for the exercise of religion or a system of religious belief. Excludes activities primarily commercial in nature.
3. Educational (kindergarten through grade 12 only), or public uses
4. Recreational use areas, including but not limited to the following: Golf, boating, swimming, picnic areas, civic or country clubs, and uses accessory to recreational areas.
- ~~5. Hospitals or Rest Homes.~~

502-2 Provisions:

A. Lot Area:

No single-family residence shall be erected on any parcel of land smaller than one (1) acre in area.

Staff recommend deleting “in area” to be consistent with the next sentence.

No two-family residences shall be erected on any parcel of land smaller than one and a half (1 ½) acre ~~in area~~.

J. Off Street Parking:

There shall be off street parking as prescribed by Article ~~IX~~ X of this Resolution. (correction)

Staff recommend revising the word “off-street.”

503 C-1 Commercial District

503-4 Conditionally Permitted Uses

- E. Signs subject to the minimum provisions of Article VI ~~hereof~~.

504 C-2 COMMERCIAL DISTRICT

504-1

The purpose of this district is to accommodate multipurpose retail and business development, free from any heavy industrial or residential activities, with adequate levels of traffic flow along those major roads serving its activities, as provided in the adopted Route 18 Corridor Action Plan. The Board of Zoning Appeals will issue the final order

Staff recommend adding a period at the end of the final sentence.

Uses: Within the C-2 General Commercial District, any lawful use will only be conditionally permitted use as authorized by the Board of Zoning Appeals. The Board of Zoning Appeals may authorize the issuance of Conditional Zoning Certificates for uses and conditions listed herein, subject (Section 800-1 through 800-8 inclusive of Article VII and other sections of Article VII as listed below:

504-4 Building Design Regulations

B. Setting

Buildings shall be engineered as part of ~~an~~ and integral with the site rather than an appearance of being simply "placed" on the site. Structures should be designed to reinforce the natural character of the terrain (e.g. flat terrain-a building with strong horizontal lines).

E. Materials

While style is subjective, there are certain regulations that are more precise and can help achieve the Township's goal of an overall quality development. ~~The criteria include but are not limited to~~ The criteria shall include but are not limited to the following:

- i. No exposed concrete or cinder block on the front or sides of any building (except split face or other special "architecturally patterned" block) or through-the-wall block
- ii. No exposed unstained woods including pressure treated "green" lumber
- iii. All windows should have the same sill level and be the same height window styles should not be mixed
- iv. No exposed steel nails shall be used on any wood surface that will rust and cause streaking and staining of the facade.
- v. Non-matching materials such as brick (size, color, texture, etc.), window treatments (type number of panes, etc.), siding (type, spacing, etc.), wall lighting (color, intensity, uniformity, etc.), roofing (color, type materials, etc.)
- vi. No scrap or salvaged materials showing different degrees of "aging" or "weathering" shall be placed on the visible building facade unless there are sufficient amounts to complete the entire project
- vii. No exposed incandescent bulbs or exposed fluorescent lighting strips. All bulbs must be enclosed in luminaries.
- viii. No unpaved parking areas or access driveways will be allowed. Paving will be required to the building setback line, with all area; positively drained.
- ix. Changes in the roof elevation should be accompanied with a corresponding change in an offset in the location of the building face.

Staff recommend adding periods at the end of each item in the list above.

507 I-3 INDUSTRIAL DISTRICT

The purpose of the I-3 Industrial District is to create a buffer zone between the Residential/Commercial areas.

507-1 Uses:

No residential housing shall be permitted in the I-3 Industrial District. No building or premises in the Industrial District (I-3) shall hereafter be erected, altered, used, arranged, or designed to be

used, in whole or in part for any purpose or in any other manner than as follows: ~~No residential housing shall be permitted in the I-3 Industrial District.~~

A. Conditionally Permitted Uses:

1. Office Buildings and Professional Buildings
Bakery, Cabinet Making, Carpenters Shop,
Shoe and Clothing Manufacture, printing,
Publishing or Engraving, Warehouses,
Light Assembly
2. The above and any other use consisting of manufacturing, fabrication,
assemblies other than handling of products provided that:
 - 2.1 No smoke, gas, dust, fumes, heat, odors or other atmospheric pollutant or
emissions, noise or vibrations from any use shall be detectable from outside the
structure.
 - 2.2 Such use does not constitute a fire, explosion or other physical hazard.
 - 2.3 No water pollution results from the operation of such use, 607-2
3. Signs subject to the minimum provisions of Article VI

SECTION 510 R-PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

~~The primary objective of this district is to provide a transition between the lower density areas in Sharon Township and more developed areas in the city of Wadsworth.~~

In order to provide continuity in the document, staff recommend adding a brief description or title to the list below.

- A. To encourage more efficient use of land and public services through unified development.
- B. To establish a review process that maintains the local review and approval of the overall development plan and that results in the timely consideration of an application.
- C. To ensure that the proposed transitional development is in compliance with the objectives of the Sharon Township Comprehensive Plan.

510-8 Project Review Procedures:

Under the authority established in ORC S519.021, the Township Zoning Commission shall review and approve development plans for a proposed planned residential development according to the procedures set forth in this section.

A. ~~General~~ Preliminary Development Plan:

2. Review for Completeness: Within ~~five (5)~~ ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection A.I above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.

5. Action by the Zoning Commission. The Zoning Commission shall take action on the submitted Preliminary Development Plan by either:
 - a. Approving the Preliminary Development Plan as submitted
 - b. Approving the Preliminary Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general lot and street layout.
 - c. Denying approval of the preliminary ~~general~~ development plan.

6. Timeframe to Act: The zoning Commission shall hold a public hearing within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, and shall render a decision on the applicant's request of the general development plan.

B. Final Development Plan:

2. Review for Completeness: Within ~~five (5)~~ ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection B.1 above. If the application is deemed complete and the application fee is pad, the Zoning Inspector shall officially accept the application on that date.

It appears the word “pad” should be revised to “paid.”

5. Timeframe to Act: The Zoning Commission ~~æt~~ shall hold a public hearing within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, and shall render a decision on the applicant's request of the final development plan.

6. Period of Approval

Except as otherwise provided in these regulations, Final Plan Approval will be for a period of twelve (12) months

Staff recommend adding a period (.) after the word “months.”

a. Effect of Approval

A Final Plan approved by the Planning Commission shall not be affected by any changes of these regulations during the initial twelve (12) month approval period, or during any single period of extension.

The Planning Commission approves the Final Plat.

b. Extension of the Approved Preliminary Plan

Prior to the expiration date of the initial twelve (12) month approval period for the Final Plan, the applicant or developer must complete an Extension Request Application, and accompanying narrative explaining the progress of the project, and submit five folded copies of the Preliminary Plan to the Sharon Township Zoning Inspector. The zoning inspector will have 10 days to approve the application. If approved the request will be placed on the agenda of the Zoning Commission at the next regularly scheduled public meeting under Other Business for discussion. The Zoning Commission will then have 20 days to approve the extension. Up to three six (6)-month extensions may be approved for a Final Plan.

After the 12-month period, or any approved extensions, any phase(s) or portion(s) of the originally- approved Final Plan not having received Final Plat Approval, must be resubmitted for formal processing under the then current Zoning Regulations.

Staff recommend revising the statement above to, "Once the 12-month approval period has expired including extensions and all phases or portions of the original, approved Final Plan with no approval of a Final Plat, the applicant must resubmit the plan to be processed and reviewed based on the current Zoning Regulations.

511 WTTO-WIRELESS TELECOMMUNICATION TOWER OVERLAY DISTRICT

The Wireless Telecommunication Tower Overlay District is established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses, conditional uses, and accessory uses depending upon the specific land areas of the Township in which they are proposed to be located. The purpose of this Overlay District is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the Township in regulating wireless communication towers and related facilities for the following purposes: to regulate a commercial use so as to provide for orderly and safe development within the Township; to protect property values; to maintain the aesthetic appearance of the Township, including its rural character; to provide for and protect the health, safety, morals and general welfare of the residents of the Township; to protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the Township from the adverse effects of towers and related facilities; to promote collocation of wireless telecommunication facilities in order to decrease the number of towers in the Township; and to maintain, where possible, the integrity of the existing zoning regulations contained in the Zoning Resolution.

The Wireless Telecommunication Tower Overlay District regulations shall control and supersede wherever they are inconsistent with other provisions of the Zoning Resolution. If no inconsistency exists between the provisions of this Overlay District and the provisions of the underlying zoning district, the underlying zoning district regulations and other provisions of this Zoning Resolution shall remain in full force and effect and shall regulate all land use and development.

The Wireless Telecommunication Tower Overlay District establishes a hierarchy of acceptable land areas for location of wireless telecommunication towers and related facilities through the establishment of such use as a permitted use in certain land areas, as a conditional use in other, more sensitive land areas, or as an accessory use for erection of antennas only, which determination is dependent upon the location and characteristics of such land areas and the impact such towers will have on adjoining properties. Except as provided in this Section XVIII wireless telecommunication facilities are prohibited in the township.

D. Standards applicable to all Wireless Telecommunications Tower Facilities.

17. Removal of facilities.

1. The owner/operator shall agree to remove a nonfunctioning facility within six (6) months of ceasing its use. The owner/operator of the antenna and/or tower shall, on no less than an annual basis from the date of issuance of the zoning certificate. File a declaration with the Zoning Inspector as to the continuing operation of every facility, which is subject to ~~this Section 5.9.~~ the owner/operator of the antenna and/or tower shall sign a written consent agreeing: to permit periodic inspections of the wireless telecommunication facility by the Zoning Inspector or his designee.

Staff recommend the following revisions in Item 1, “The owner/operator shall agree to remove a nonfunctioning facility within six (6) months of ceasing its use. The owner/operator of the antenna and/or tower shall file a declaration with the Zoning Inspector within twelve (12) months of the zoning certificate issuance date. The declaration shall address the continuing operation of every facility which is subject to the owner/operator of the antenna and/or tower signing a written consent agreeing to permit periodic inspections by the Zoning Inspector or designee of the wireless telecommunication facility.”

Recommendation: Planning Services staff recommend the Planning Commission **APPROVE WITH MODIFICIATIONS** the proposed amendments to the Sharon Township Zoning Resolution.