

GENERAL INFORMATION

Subject

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| Request | - | Amendment to the Sylvania Township Zoning Resolution to add Section 831 Electric Vehicle Charging Stations, modifying Article 9 “Conditional Use” and modifying Section 1605-A (8) “Exceptions” |
| Location | - | Sylvania Township |
| Applicant | - | Springfield Township Zoning Commission |

STAFF ANALYSIS

The Sylvania Township Zoning Commission requests an amendment to the Sylvania Township Zoning Resolution to add Section 831 Electric Vehicle Charging Stations, modifying Article 9 “Conditional Use” and modifying Section 1605-A (8) “Exceptions.” The addition of the Electric Vehicle Charging Stations is new language that other Lucas County townships have not addressed to date.

Modification of the Conditional Use permit will allow the township to determine if a Conditional Use is considered Major or Minor. If the Conditional Use permit application does not present new construction then the application will be deemed Minor and will not require the Plan Commission review. Most townships, Waterville, Monclova, and Springfield, have placed their Conditional Use permits as Administrative Review in their township zoning resolutions, and do not require the Lucas County Plan Commission hearing. Most townships require an Administration Review from the planning staff.

Section 1605-A (8) “Exceptions” adds in one additional condition that will allow the Board of Zoning Appeals to grant an exception to the requirement for a public sidewalk along the front of a new development based on several factors listed in Section 1106 Sidewalk (Public) Letter C in the Sylvania Township Zoning Resolution. The exceptions listed address non-residential uses, the site adjoins two (2) or more highway, streets or roads, neither abutting properties have existing sidewalks, and public access to the subject property is limited to only the sides. This language is new and is not practiced in other Lucas County Townships such as Monclova and Springfield; however, each township develops and redevelops properties at different rates. The amendment is shown in EXHIBIT “A.”

REF: Z20-C1074
DATE: July 24, 2024

STAFF RECOMMENDATION

The staff recommends that the Lucas County Planning Commission recommend approval of the proposed amendment to the Sylvania Township Zoning Resolution shown in EXHIBIT "A" to the Sylvania Township Zoning Commission and Township Trustees.

TEXT AMENDMENT
SYLVANIA TOWNSHIP
LUCAS COUNTY PLANNING COMMISSION
REF: Z20-C1074
DATE: July 24, 2024
TIME: 9:00 A.M.

MLM
EXHIBIT "A" follows

EXHIBIT "A"
(Deletions in strike out, additions in bold italics)

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EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

ARTICLE 8 – SUPPLEMENTAL REGULATIONS (cont'd)

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831 ELECTRIC VEHICLE CHARGING STATIONS.....8-17

831 ELECTRIC VEHICLE CHARGING STATIONS

- A. Electric Vehicle (EVs) Charging Stations shall be permitted within any zoning district.***
- B. EV Charging equipment may be installed in any legally established parking space on any lot used for a single-family or two-family dwelling.***
- C. EV Charging Stations and their respective parking areas and infrastructure within a non-residential zone district shall meet the following requirements:***
 - 1. Equipment utilized in the charging of EVs shall not reduce the number of parking spaces below the minimum off-street parking requirements.***
 - 2. Equipment utilized in the charging of EXs shall not be installed within required setbacks.***
 - 3. Equipment utilized in the charging of EVs located in landscaped areas shall not reduce landscaping below required minimums.***
 - 4. Screening shall be installed around the charging equipment to provide year-around visual shielding for the purpose of effectively concealing the equipment, and shall meet the following minimum standards:***
 - a. Screening materials may be any combination of evergreen plantings, fence or wall structure.***
 - b. Screening shall be minimum height of six (6') feet. Fencing shall be no taller than eight (8') feet or if located on a single-family lot, shall be no taller than six (6') feet.***
 - c. All sides of the equipment infrastructure shall be screened.***

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

831 ELECTRIC VEHICLE CHARGING STATIONS (cont'd)

d. Fences, walls, and gates shall be opaque.

e. Fencing shall be maintained in good condition and free of any advertisement.

f. Landscaping shall be maintained and shall be kept free of noxious weeds.

D. Any canopy or overhang shall be considered an accessory structure and subject to those regulations as outlined in Section 801.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

ARTICLE 9 – CONDITIONAL USE

900 PROCEDURE

- A. Under certain unusual circumstances, a use of property, which typically affects an area more intensely than those uses permitted in the zoning district in which it is located, may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as “Conditional Uses” on the Use Table in Article 6.
- B. The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where such approval will be consistent with the general purpose and intent of this Zoning Resolution as well as the general purpose and intent of the Sylvania Township Land Use Plan.

C. MINOR / MAJOR CONDITIONAL USE

- 1. A Conditional Use shall be considered MINOR if the proposed use does not include any additional buildings, drives, impervious areas, or any other significant development not already present on the property.***
- 2. Major Home Occupations, as outlined in 813-C shall be considered Minor Conditional Uses.***
- 3. A Conditional Use shall be considered MAJOR if the proposed use includes any development or redevelopment that would otherwise prompt Project Plan Review as outlined in Section 1001-C. This includes but not limited to additional buildings, drives, impervious areas, extension of public utilities, or any other significant development not already present on the property.***
- 4. Final determination on whether a proposed Conditional Use is ascertained to be minor or major may reside with the Planning and Zoning Manager or the Township Administrator.***

901 APPLICATION FOR CONDITIONAL USE

- A. Any person owning or agent designated by the owner of a property may file an application to use such property for one of the Conditional Uses provided for by this Resolution in the zoning district in which the property is situated. An application for a Conditional Use shall be filed with the Planning and Zoning Department on such forms approved by the Board of Township Trustees in accordance with the provisions of this Resolution.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

ARTICLE 9 – CONDITIONAL USE (cont'd)

- B. ~~No application will be considered unless the same is fully completed and accompanied by all required information listed on said approved forms. At a minimum, the application shall contain the following information:~~

Any application for Conditional Use, Minor or Major, shall be completed fully and contain the following information:

1. Name, address, and phone number of applicant(s).
2. Legal description of the property as recorded in the Lucas County Recorder's office.
3. Present zoning district.
4. Description of proposed request for the Conditional Use.
5. ~~A site plan at a legible scale of the proposal for Conditional Use showing the location of all buildings, parking and loading areas, traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, and yard setbacks.~~

A basic site drawing or aerial photograph indicating any relevant information on the property.

6. ~~A statement stipulating how the proposal meets the intent and general requirements of the current Township Land Use Plan and Zoning Resolution.~~

A narrative statement evaluating the effects on adjoining properties such as noise, glare, odor, light, fumes, and vibration; and a discussion of the general compatibility with adjacent and other parcels within the immediate area of the proposed Conditional Use.

7. ~~A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other parcels within the immediate area of the proposed Conditional Use.~~
8. ~~Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.~~

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

ARTICLE 9 – CONDITIONAL USE (cont'd)

- C. ~~The applicant shall also submit the names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property under consideration, as appearing on the Lucas County Auditor's current tax list.~~

In addition to those items outlined in 901-B, applications for a Major Conditional Use shall include the following information:

- 1. A site plan at legible scale of the proposal for Conditional Use showing the location of all buildings, parking, and loading areas, traffic circulation, open space, landscaping, refuse and service areas, utilizes, signs, and yard setbacks.***
- 2. A statement stipulating how the proposal meets the intent and general requirements of the current Township Land Use Plan and Zoning Resolution.***
- 3. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.***

902 REVIEW BY PLAN COMMISSION

- A. All **R** requests for a **Major** Conditional Use, with the exception of Home Occupation, shall be reviewed by the Lucas County Plan Commission prior to the Board of Zoning Appeals public hearing.
- B. The application for Conditional Use will be forwarded to the Plan Commission by the Township Planning and Zoning Department.
- C. The Plan Commission shall hold a public hearing on the proposed Conditional Use and recommend approval or denial of the said use, or approval with conditions, and submit its recommendation to the Township Board of Zoning Appeals. When received, such recommendation shall then be considered at a public hearing held by the Board of Zoning Appeals on said proposed use.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

ARTICLE 9 – CONDITIONAL USE (cont'd)

903 GENERAL STANDARDS FOR CONDITIONAL USES

- A. The Board of Zoning Appeals shall not approve a Conditional Use unless in each specific case, it makes specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all the following requirements:
1. Will be found to be consistent with the general objectives, or with any specific objective or purpose, of this Zoning Resolution.
 2. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and adequate drainage, refuse disposal, water and sewer, and schools.
 4. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be significantly detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 5. Will have vehicular approaches to the property that shall be so designated as not to create interference with existing traffic on surrounding public streets or roads.

904 SUPPLEMENTARY CONDITIONS

- A. In granting any Conditional Use, the Board shall insure that the specific conditions and standards established in Article 8, Supplemental Regulations have been adequately addressed. The Board may prescribe other appropriate conditions and safeguards, as it deems necessary to ensure that the use will be conducted in conformance with the intent and purpose of this Resolution.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

ARTICLE 9 – CONDITIONAL USE (cont'd)

905 PUBLIC HEARING

- A. The completed application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held. Notice of such hearing shall be sent by first class mail to the owner(s) appearing on the Lucas County Auditor's current tax list or the Lucas County Treasurer's mailing list. Said notice will be sent to property owners within 200 feet of the proposal, contiguous to and directly across the street, at least ten (10) days prior to the public hearing. Notice of such hearing shall also be advertised in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed request.

906 ACTION BY BOARD

- A. The Board of Zoning Appeals shall make its decision within twenty (20) days of the public hearing. The Board of Zoning Appeals shall act by Resolution and every action shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason(s) for granting or denying the request. The granting or denial of a resolution shall require the affirmative vote of a majority of a quorum of the Board. A copy of the Board's Resolution, accompanied by the Board's findings of fact, shall be mailed to the Applicant by ordinary mail.

907 PUBLIC INFORMATION

- A. All communications to members of the Board of Zoning Appeals, written or oral, which pertain to any matter before the Board and shall be reduced to writing and made a part of the record. The official record of the Board's proceeding in any matter shall be kept on file in the Township Hall, subject to the order of the Lucas County Common Pleas Court and available for inspection by the public.

908 FEES

- A. The Township Trustees shall establish fees as deemed appropriate to defray the costs associated with the advertisement, mailings, or other required or necessary expenses incurred.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

ARTICLE 9 – CONDITIONAL USE (cont'd)

909 EXPIRATION OF CONDITIONAL USE

- A. A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within two (2) years of the date on which the permit was issued, or if for any reason such use shall cease for more than two years. Applicants may submit to the Board of Zoning Appeals a request for an extension every two (2) years, commencing (2) years after the date the initial permit was issued.

EXHIBIT "A"

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1605 EXCEPTION

- A. In hearing and deciding appeals, the Board has the authority to grant an exception in the following instances:
1. Interpretation of the provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map indicating the Zoning Districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout as indicated on the Zoning Map.
 2. Reconstruction of a non-conforming building when it has been damaged by explosion, fire, or act of God to the extent of more than 60% of its fair market value where the Board finds some compelling necessity requiring a continuance of the non-conforming use.
 3. Parking lot/ parking space modification or loading space requirements may be permitted where, in the particular instance, such modification would not be inconsistent with the purpose and intent of such requirements or to allow the following:
 - a. The dual use of parking facilities (i.e. by stores during the day and theaters or other uses during the evening) and provided there is no overlapping of uses and spaces of the different peak parking demands and operating hours.
 - b. The waiver of the requirement that automobile spaces be provided on the same lot with a dwelling, if other suitable and convenient parking space is available.
 4. Public parking in A or Residential Districts, or storage garages adjacent to any existing or proposed use in a multiple dwelling, commercial, or industrial district.
 5. Determine whether an industry should be permitted within an M Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding Zoning Districts.
 6. The substitution of a non-conforming use existing at the time of enactment of this Resolution to another nonconforming use, if no structural alterations (except those required by law); no change shall be authorized to any use, which is not a permitted or conditional use in any District.

EXHIBIT "A"

(Deletions in strike out, additions in bold italics)

1605 EXCEPTION (cont'd)

7. Temporary Structure and Use. The Board may permit the temporary use of a structure or premise in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure.
 - a. A Zoning Permit for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period.
8. ***Sidewalk Requirement – The Board may grant an exception to the requirement for a public sidewalk along the frontage(s) of a new development or redevelopment pursuant to the circumstances outlined in Section 1106 C.***