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APPLICATION FOR TEXT AMENDMENT TO CREATE AN  
M-3 “CAMPUS INDUSTRIAL DISTRICT” ZONING DESIGNATION  
AND ADDITIONAL AMENDMENTS

**WATERVILLE TOWNSHIP**

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**APPLICATION #:** Z22-C141

**APPLICANT:** Waterville Township Trustees

**ADDRESS:** Waterville Township Hall, 621 Farnsworth Road, Waterville, OH 43566

**REPORT DATE:** June 12, 2026

**HEARING DATE:** June 24, 2026

**STAFF REVIEWER:** Molly L. Maguire

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**Text Amendment Request**

The Waterville Township Trustees passed a resolution requesting the Zoning Commission to initiate the creation of an M-3 “Campus Industrial District” zoning designation and to amend the M-1 and M-2 industrial district regulations, add industrial tier classification standards, and adopt related use, infrastructure, environmental, phasing, development agreement, financial assurance, decommissioning, comprehensive plan review, and definition provisions.

**Case History**

Z22-C140 – Text Amendment modifying Sections 3-1 and 20 to Add Data Processing, approved 8/27/25.

**Existing Conditions**

The previous text amendment allowed for a Data Center in the “A” Agriculture District with a Conditional Use Permit. The proposed text amendment is creating a new industrial district, M-3 “Campus Industrial District.” The proposed amendment adds in additional industrial uses and regulatory conditions for any new application for a data center.

**Proposed Project**

The applicant is requesting the creation of an M-3 “Campus Industrial District” zoning designation and additional amendments. Staff offers **no recommendation** on the Text Amendment request as it was submitted.

## **Analysis**

Staff received the Text Amendment request for the creation of an M-3 “Campus Industrial District” zoning designation and to amend the M-1 and M-2 industrial district regulations, add industrial tier classification standards, and adopt related use, infrastructure, environmental, phasing, development agreement, financial assurance, decommissioning, comprehensive plan review, and definition provisions from Waterville Township and is shown in “Exhibit A.”

## **Development Approval Criteria**

### **Section 15 Zoning Text and Map Amendments**

#### **Section 15.2 Procedures, Letter F.**

Submission to County Planning Commission Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees or the filing of an application, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map(s) pertaining to the case in question to the Lucas County Planning Commission.

The Lucas County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

## **Recommendation**

Section 15.2 Procedures – **No Recommendation** - Text Amendment to create an M-3 “Campus Industrial District” zoning designation and to amend the M-1 and M-2 industrial district regulations, add industrial tier classification standards, and adopt related use, infrastructure, environmental, phasing, development agreement, financial assurance, decommissioning, comprehensive plan review, and definition provisions.

## **Findings**

1. Staff requested the Assistant Lucas County Prosecuting Attorney, Deputy Chief-Civil Division, to review the document prior to the Plan Commission staff review. The Prosecuting Attorney denoted significant concerns throughout the document.

**EXHIBIT “A”**

Adding the following Sections to the Table of Contents:

**SECTION 4 Use Specific Regulations**

**SECTION 4.34 Industrial Tier Classification**

**SECTION 9 Environmental Standards**

**SECTION 9.10 Industrial Infrastructure and Performance Standards**

**SECTION 9.11 Water Supply, Groundwater, Well Protection, and Water Conservation**

**SECTION 9.12 Stormwater Management and Basin Safety**

**SECTION 9.13 Emergency Services and Fire Protection**

**SECTION 9.14 Generator and Backup Power Controls**

**SECTION 9.15 Power Systems and Electrical Infrastructure**

**SECTION 9.16 Air Quality and Emissions Coordination**

**SECTION 9.17 Thermal Discharge and Cooling-System Heat Impacts**

**SECTION 9.18 Construction Controls**

**SECTION 9.19 Wildlife, Wetlands, and Environmentally Sensitive Resources**

**SECTION 10 Landscape Requirements**

**SECTION 10.12 Industrial Buffering and Screening**

**SECTION 14 Review Procedures**

**SECTION 14.5 Industrial Phasing, Development Agreements, and Financial Assurance**

**SECTION 14.6 Decommissioning and Closure**

**SECTION 14.7 Comprehensive Plan Review for M-3 Zoning and Development**

**SECTION 14.8 Continuing Compliance, Monitoring, Complaints, and Enforcement**

## **EXHIBIT “A” (cont’d)**

### **SECTION 1.4 Purpose**

This Resolution is adopted for the purpose of protecting and promoting public health, safety, morals, comfort and general welfare; conserving and protecting property and facilitating adequate but economical provision of public improvements; and amend the Zoning Resolution of the Board of Trustees of Waterville Township, Lucas County, Ohio, effective November 5, 1957, as amended to the date of adoption of this amending Resolution, in each and every part thereof that is inconsistent with this amending Resolution.

**This Resolution is further intended to preserve and protect the rural and agricultural character of Waterville Township by ensuring that high-intensity industrial development is appropriately classified, reviewed, designed, buffered, constructed, operated, maintained, and decommissioned in a manner that protects public health, safety, welfare, agricultural land-use patterns, groundwater, drainage systems, transportation systems, emergency-service capacity, neighboring properties, public infrastructure, and Township character.**

### **SECTION 1.5 Relationship to the Land Use Plan**

This Resolution was prepared in accordance with the Waterville Township Land Use Plan. The administration, enforcement, and future amendment of this Resolution should be in accordance with the recommendations and policies of the Waterville Township Land Use Plan. Amendments to this Resolution should maintain and enhance the consistency between this Resolution and the Land Use Plan.

**Amendments establishing industrial tier classifications, the M-3 Campus Industrial District, and related performance standards shall be interpreted in a manner consistent with the Township’s Comprehensive Plan, including preservation of agricultural land, protection of rural character, orderly development, infrastructure adequacy, environmental protection, transportation safety, and avoidance of incompatible land-use impacts.**

**The establishment of the M-3 Campus Industrial District as a zoning text classification shall not be interpreted as a determination that any specific property is appropriate for M-3 zoning. Any future zoning map amendment requesting application of the M-3 District to a specific property shall be reviewed for consistency with the Comprehensive Plan, surrounding land uses, infrastructure capacity, public services, environmental conditions, transportation impacts, and the purposes of this Resolution.**

## EXHIBIT “A” (cont’d)

### SECTION 1.6 Interpretation and Conflict

#### A. Conflict with Other Public Laws, Resolutions, Regulations, or Permits

In interpreting and applying the provisions of this Resolution, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, and prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any Resolution rules or regulations previously adopted or issued and not in conflict with any of the provisions of this Resolution.

#### B. Conflict with Private Third-Party Agreements

1. It is not intended by this Resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings, premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other Resolutions or agreements, the provisions of this Resolution shall control.
2. In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the township is involved as a party to the agreement.

#### C. State and Federal Preemption; Agency Jurisdiction

Nothing in this Resolution shall be interpreted to regulate matters beyond the zoning authority granted to townships under the Ohio Revised Code. Where a use, structure, facility, utility, discharge, emission, water withdrawal, energy facility, public utility, or other activity is subject to the jurisdiction of another governmental agency, this Resolution shall apply only to the extent not inconsistent with such agency’s lawful authority.

## **EXHIBIT “A” (cont’d)**

### **SECTION 1.8 Uses Exempted from Provisions of Resolution**

#### **A. Exemptions for Agricultural Purposes**

The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture, shall be permitted in all districts established by this Resolution, and no zoning certificate shall be required for any such building or structure, except where regulated in this Resolution on lots of five (5) or less acres within any platted subdivision or in any contiguous area consisting of fifteen (15) or more lots. Farm markets, where fifty percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, shall be permitted in any district, subject to the requirements of Section 4.5 (Agricultural Businesses).

#### **B. Exemptions for Public Utilities and Railroads**

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Resolution. All Structures, however, should conform to yard, height, and setback requirements of this Resolution and other applicable laws and regulations. Telecommunications towers shall be regulated pursuant to the provisions of Section 4.30 (Telecommunication Towers and Radio Towers) of this Resolution. Oil and natural gas pipeline compressor stations should be regulated pursuant to the provisions of Section 4.9 (Compressor and Pump Stations) of this Resolution.

#### **C. Exemption for Alcoholic Beverages**

The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

#### **D. Exemption for Oil or Natural Gas Drilling or Production for On Site Use**

The use of any land owned or leased by an industrial firm shall not be prohibited from the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its plants.

**EXHIBIT “A” (cont’d)**

**E. Uses Exemptions for Public Utilities and Railroads**

Nothing in the provisions applicable to M-1, M-2, M-3, industrial tier classification, power systems, substations, energy infrastructure, or related industrial facilities shall be interpreted to regulate public utilities or railroads in a manner prohibited by ORC 519.211 or other applicable law. Where Township zoning authority is limited, the provisions of this Resolution shall be applied only to the fullest extent lawfully permitted.

**SECTION 2.1 Establishment of Zoning Districts**

The Township is hereby divided into districts under general categories which shall be known as: "Agricultural District", "Residential Districts", "Commercial Districts", "Industrial Districts", "Campus Industrial District," "Flood Plain District" and "Overlay Districts."

**SECTION 2.5 Industrial Districts and Campus Industrial Districts**

**A. "M 1" Industrial/Office Research**

The Industrial/Office Research District is to provide for light industrial, research laboratories, warehousing types of businesses which may be conducted in areas proximate to residential and commercial areas with attempts to provide as much isolation as possible. These uses may include activities of manufacturing, processing, or assembly of products or the provision of services. No offensive or hazardous conditions shall be created by an industry and other disruptive activities shall be minimized to maintain tranquility if near commercial or residential areas. This would include such things as excessive traffic, dust, dirt, noxious gases, smoke, noise, fumes or vibrations. Since certain industrial uses as a part of their operation may have need for sales distribution and sales outlets, it may be permitted only as an accessory use providing that goods and services are produced at the site or are an integral part of a warehousing distribution system. Wherever possible work activities and material handling will be confined to buildings or enclosures. When possible, materials and products will be stored in enclosed structures or areas screened from view of adjoining property. External areas of structures will be landscaped and maintained. Undeveloped areas will be kept free of debris, weeds and routinely maintained by cutting grassed areas.

**B. "M 2" General Industrial**

The "M 2" General Industrial District provides for industries which by their nature and function require large parcels for development, and access to utilities and major transportation networks. These uses may be objectionable to adjacent residential or commercial properties and therefore should be grouped together when similar uses are located. Certain industries may need special consideration because of their potential spillover effect on surrounding areas. These are provided for as a conditional use. These industries may include such activities as fabricating, processing, smelting and refining, extraction of minerals and stone, foundries, blast furnaces and similar industries which have

## EXHIBIT “A” (cont’d)

the potential of creating impacts in the area adjacent to and near the industrial activity. Sales distribution and sales outlets may be permitted as an accessory use providing that goods and services are produced at the site or are an integral part of a warehousing distribution system.

### A. “M-1” Industrial/Office Research District

The M-1 Industrial/Office Research District is intended to accommodate low- to moderate-impact industrial, office-research, laboratory, assembly, fabrication, warehousing, and related business uses that operate primarily within enclosed structures and generate limited off-site impacts.

Uses within the M-1 District shall:

1. Operate at a scale compatible with nearby commercial, office, transitional, or lower-intensity industrial areas;
2. Not require major new utility infrastructure, dedicated substations, high-volume water systems, or campus-scale infrastructure;
3. Not create offensive or hazardous conditions, including excessive traffic, dust, smoke, fumes, noise, odor, vibration, glare, electromagnetic disturbance, or other disruptive impacts;
4. Confine work activities, material handling, and storage within buildings or screened areas to the maximum extent practicable;
5. Comply with the Tier 1 limitations in Section 4.34; and
6. Comply with all applicable industrial performance standards of this Resolution.

Uses within the M-1 District shall not exceed Tier 1 thresholds as established in Section 4.34. Any use exceeding Tier 1 thresholds shall not be permitted in the M-1 District.

### B. “M-2” General Industrial District

The M-2 General Industrial District is intended to accommodate moderate- to high-impact industrial uses, including larger facilities and scalable operations that require greater infrastructure capacity than M-1 uses but do not rise to the level of campus-scale industrial development.

**EXHIBIT “A” (cont’d)**

**Uses within the M-2 District shall:**

- 1. Be located on parcels with adequate access to transportation and utility infrastructure;**
- 2. Be designed to address truck traffic, utility demand, water demand, stormwater demand, noise, lighting, buffering, and public-service impacts;**
- 3. Include enhanced site planning and infrastructure verification where required;**
- 4. Be designed to avoid unreasonable adverse impacts on adjacent residential, agricultural, commercial, or lower-intensity industrial properties;**
- 5. Comply with the Tier 2 limitations in Section 4.34; and**
- 6. Comply with all applicable industrial performance standards of this Resolution.**

**Uses within the M-2 District shall not exceed Tier 2 thresholds as established in Section 4.34. Any use exceeding Tier 2 thresholds shall not be permitted in the M-2 District.**

**C. “M-3” Campus Industrial District**

**The M-3 Campus Industrial District is established to accommodate large-scale, high-impact, campus-style industrial development characterized by extensive land area requirements, significant infrastructure demand, coordinated multi-building or multi-phase development, high energy or water usage, integrated energy or cooling systems, and potential regional impacts.**

**The M-3 District is intended to:**

- 1. Provide a zoning classification for intensive industrial uses that cannot be appropriately accommodated in the M-1 or M-2 Districts;**
- 2. Ensure that campus-scale industrial development is planned, engineered, phased, constructed, operated, maintained, and decommissioned as an integrated development;**
- 3. Protect surrounding properties, agricultural operations, rural character, public infrastructure, groundwater, drainage systems, roads, emergency-service capacity, and public welfare from adverse impacts;**

**EXHIBIT “A” (cont’d)**

- 4. Require full-buildout review, cumulative-impact analysis, coordinated infrastructure planning, environmental protection, buffering, operational controls, long-term maintenance obligations, financial assurance, and decommissioning planning; and**
- 5. Prevent phased, segmented, affiliated, or multi-parcel development from avoiding applicable zoning thresholds or performance standards.**

**Creation of the M-3 District as a zoning text classification shall not, by itself, designate or rezone any specific property. Application of the M-3 District to any parcel shall require a separate zoning map amendment in accordance with applicable law.**

**SECTION 2.7 District Map**

**A. Description**

The location and boundaries of districts established shall be shown on the map entitled "Waterville Township Zoning Plan, 1950." A certified copy of this map is on file in the office of the Board of Waterville Township Trustees. Said map and all notations dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

**B. Zoning Information Online**

Zoning district information for a parcel is available at Lucas County Auditor’s AREIS Online. The information provided by AREIS is deemed a reliable point of reference but is not guaranteed and should be independently verified with Waterville Township.

**C. Replacement**

In the event that the Official District Map becomes damaged, destroyed or lost, the Township Board of Trustees may by Resolution adopt a new Official District Map which shall supersede the prior Official District Map.

- D. The establishment of the M-3 Campus Industrial District as a zoning text classification shall not amend the Official Zoning District Map and shall not apply M-3 zoning to any property unless and until a separate zoning map amendment is approved in accordance with ORC 519.12 and Section 15 of this Resolution.**

## EXHIBIT “A” (cont’d)

### SECTION 3 USE REGULATIONS

SECTION 3.1 Use Table

SECTION 3.2 District Use Restrictions

SECTION 3.3 Temporary Buildings and Uses

SECTION 3.4 Prohibited Uses in all Zoning Districts

#### SECTION 3.1 Use Table

The permitted uses for each district are shown in Table 3.1 (Use Table). The interpretation of uses given in categorical terms shall be as defined in Section 20 (Definitions).

**A. “P” Permitted Uses**

A “P” indicates that a use is permitted by right, subject to compliance with all other applicable regulations of this Resolution.

**B. “C” Conditional Uses**

A “C” indicates that a use is allowed only if reviewed and approved in accordance with the Conditional Use Procedures of Section 14.3 (Conditional Use Permits).

**C. Uses Not Allowed**

A blank cell (one with a “-” and doesn’t contain a “P” or “C”) indicates that the listed use is not allowed in the respective zoning district.

**D. Use Standards**

The existence of use standards for a use category is noted in the last column “Section Reference.” Unless otherwise noted use standards are also subject to all applicable design and development provisions required under this Resolution.

**E. Industrial Tier and Intensity Enforcement**

**1. Industrial uses shall be classified in accordance with Section 4.34.**

**2. A use shall not exceed the intensity thresholds of the zoning district in which it is located.**

**3. A use that meets Tier 2 thresholds shall not be permitted in the M-1 District.**

**4. A use that meets Tier 3 thresholds shall not be permitted in the M-1 or M-2 District.**

**5. Multiple buildings, phases, parcels, applications, affiliated entities, or related uses forming a coordinated or integrated development shall be evaluated as a single use for purposes of this Section.**

**EXHIBIT “A” (cont’d)**

**6. Use classification shall be based on total development impact at full buildout and not solely on individual buildings, phases, parcels, ownership entities, or initial utility demand.**

**7. Where a use is listed as permitted in a district but exceeds the applicable Tier threshold for that district, the Tier classification shall control.**

Industrial Type Uses							R-3	C-1	C-2	C-3	C-4	M-1	M-2	M-3	Sec. Ref.
<b>Bulk Storage / Processing Facility</b>													<b>C</b>	<b>P</b>	<b>4.34, 9.10</b>
<b>Campus Industrial Development</b>												-	<b>-</b>	<b>P</b>	<b>2.5, 4.34</b>
Composting Facilities	-	-	-	-	-	-	-	-	-	-	-	C	C		
<b>Construction Equipment Yard</b>												<b>C</b>	<b>P</b>	<b>P</b>	<b>4.23</b>
<b>Data Processing Facility – Small</b>												<b>P</b>	<b>C</b>	<b>-</b>	<b>4.34</b>
<b>Data Processing Facility – Medium</b>												<b>-</b>	<b>C</b>	<b>P</b>	<b>4.34, 9.10</b>
<b>Data Processing Facility – Campus</b>												<b>-</b>	<b>-</b>	<b>P</b>	<b>4.34, 9.10</b>
Distribution Facilities	-	-	-	-	-	-	-	-	-	-	P <sup>(7)</sup>	P	P		
<b>Hazardous Material Storage – Regulated</b>												<b>-</b>	<b>C</b>	<b>C</b>	<b>9.10, 9.13</b>
<b>Industrial Cooling System</b>												<b>C</b>	<b>C</b>	<b>P</b>	<b>9.11, 9.17</b>
<b>Industrial Service Facility</b>												<b>P</b>	<b>P</b>	<b>P</b>	<b>4.34</b>
<b>Logistics / Distribution Center</b>												-	<b>C</b>	<b>P</b>	<b>4.34, 8.10, 9.10</b>
<b>Manufacturing – Light/Assembly</b>												<b>P</b>	<b>P</b>	<b>P</b>	<b>4.34, 9.10</b>
Manufacturing - General	-	-	-	-	-	-	-	-	-	-	-	C	P	<b>P</b>	<b>4.34, 9.10</b>
Manufacturing - Heavy	-	-	-	-	-	-	-	-	-	-	-	-	C	<b>P</b>	<b>4.34, 9.10</b>
Manufacturing - Restricted	-	-	-	-	-	-	-	-	-	C	P	P	-		

<b>EXHIBIT "A" (cont'd)</b>																		
Metal Stamping/Machine Shops	-	-	-	-	-	-	-	-	-	-	P	P	P					
Motor Vehicle Salvage	-	-	-	-	-	-	-	-	-	-	-	-	P					
Motor Vehicle Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	P		4.22			
<b>Outdoor Storage, Accessory</b>													<b>C</b>	<b>P</b>	<b>P</b>	<b>4.23</b>		
<b>Outdoor Storage, Principle Use</b>														<b>C</b>	<b>P</b>	<b>4.23</b>		
<b>Power Generation – Large</b>															<b>C</b>	<b>4.34, 9.14, 9.15</b>		
<b>Power Generation – On-site, Accessory</b>													<b>C</b>	<b>C</b>	<b>P</b>	<b>4.34, 9.14, 9.15</b>		
<b>Recycling / Resource Recovery Facility</b>													<b>-</b>	<b>C</b>	<b>P</b>	<b>4.34, 9.10</b>		
<b>Research and Development Facility</b>													<b>P</b>	<b>P</b>	<b>P</b>	<b>4.34</b>		
Research Laboratories	-	-	-	-	-	-	-	-	-	C	C	P	P					
Self Service Storage Facilities	-	-	-	-	-	-	C	C	P	-	C	P	-			4.25		
<b>Technology / Industrial Campus</b>															<b>P</b>	<b>4.34, 9.10</b>		
<b>Truck Transport Terminal / Freight Yard</b>	-	-	-	-	-	-	-	-	-	-	-	<b>P</b>	<b>P</b>	<b>C</b>	<b>P</b>	<b>8.10, 9.10</b>		
<b>Utility Substation – Major</b>															<b>C</b>	<b>P</b>	<b>4.34, 9.10</b>	
<b>Utility Substation - Minor</b>															<b>C</b>	<b>P</b>	<b>P</b>	<b>4.34, 9.10</b>
<b>Warehousing – Small</b>	-	-	-	-	-	-	-	-	-	-	-	<b>P</b>	<b>P</b>			<b>4.34</b>		
<b>Warehousing – Large/Regional</b>														<b>C</b>	<b>P</b>	<b>4.34 9.10</b>		
<b>Water-intensive Industrial Use</b>														<b>C</b>	<b>P</b>	<b>4.34, 9.11</b>		
Wholesaling	-	-	-	-	-	-	-	-	-	-	C <sup>[8]</sup>	P	P					

**EXHIBIT “A” (cont’d)**

<b>Other Use Types</b>														
Agriculture														
Agricultural Businesses	P	P	P	P	P	P	P	P	P	P	P	P	P	4.5
Agricultural Product Sales	-	-	-	-	-	-	-	-	P	-	-	-	-	
Agricultural uses on lots between 1 and 5 acres	P	-	-	-	-	-	-	-	-	-	-	-	-	4.6
Nursery	C <sup>[9]</sup>	-	-	-	-	-	-	-	-	-	-	-	-	
Airport or Aircraft landing field	C	-	-	-	-	-	-	-	-	-	-	C	C	
Compressor & Pump Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	4.9
<b>Data Processing Center</b>	<b>C</b>													
Extraction Industries	-	-	-	-	-	-	-	-	-	-	-	-	C	4.12
Extraction of Minerals from Borrow Pits	C	C	C	C	C	C	C	C	C	C	C	C	C	4.13
Landfill	-	-	-	-	-	-	-	-	-	-	-	-	C	
Oil and Gas Drilling Wells	P	-	-	-	-	-	-	-	-	-	-	-	P	
Radio Tower	C	-	-	-	-	-	-	C	C	C	C	C	C	4.30
Telecommunication Tower	C	C	C	C	C	C	C	P	P	P	P	P	P	4.30
Waste Disposal Facility	-	-	-	-	-	-	-	-	-	-	-	-	C	4.32

**SECTION 3.4 Prohibited Uses in all Zoning Districts**

- A. Uses not specifically listed or interpreted by the Board of Zoning Appeals to be included categorically under this section and Section 20 (Definitions) shall not be permitted, except by action of the Zoning Commission and the Board of Trustees in accordance with Section 15 (Zoning Text and Map Amendments).
- B. Manufactured Home Parks
- C. Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with ORC Section 519.21.
- D. Any industrial use that exceeds the applicable Tier threshold for the district in which it is proposed shall be prohibited in that district unless and until the property is rezoned to a district permitting that Tier of use and all applicable approvals are obtained.**

## **EXHIBIT “A” (cont’d)**

### **SECTION 4.24 Ponds**

#### **A. General Requirements**

1. Ponds shall be permitted in all "A" and “R” districts on parcels of three (3) acres or greater; and in all “C” and “M” districts.
2. All ponds shall require a permit and meet requirements of Section 14.1(D) (Application and Issuance of Zoning Certificates), which includes written application for a zoning certificate accompanied with a site plan, including an elevation view of the pond.
3. Ponds shall conform to the U.S. Soil Conservation Service specifications and recommendations.
4. If a pond is deemed to pose a safety hazard because of the density of development or in close proximity to a road in the vicinity of the parcel, the township may require four (4) foot perimeter fencing be installed as specified under Section 4.29 (Swimming Pools).

#### **B. Area and Design Requirements**

1. Minimum pond surface area shall be one quarter (1/4) acre. Maximum surface area shall not exceed the lesser of 25 percent of the net acreage of the parcel or one acre.
2. The side slope of a pond shall be horizontal to vertical at a ratio of 3:1 to a depth of five (5) feet except where a beach is desired.
3. Beach areas may be sloped no less than at a horizontal to vertical ration of 10:1 and shall not exceed 25 percent of the pond surface area.
4. Ponds shall be graded not to exceed four (4) feet in height so it will not obstruct an adjoining property owner's view. Excess dirt may be redistributed on the parcel, but may not be removed from the site unless determined in the site plan approval that it is deemed necessary for landscaping or to provide adequate drainage of the site.
5. To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage from pond development, then diverted to a suitable outlet or drainage ditch.
6. Retention ponds located in subdivisions shall be at least one quarter (1/4) acre in size. Landscaping and mounding must be installed at four (4) feet in height at the right-of-way line for traffic safety purposes.

#### **C. Setback**

1. A pond shall have 100 feet minimum setback from the centerline of public roadway right-of-way.

**EXHIBIT “A” (cont’d)**

2. Ponds on parcels of five (5) acres or less shall have a side yard setback of not less than ten (10) percent of the width of the parcel, with a minimum setback of 25 feet. Ponds on parcels of more than five (5) acres shall have a minimum side yard setback of 25 feet.
3. A pond shall be located no closer than 100 feet to a septic tank, or leach field.
4. Retention ponds located in subdivisions shall be located a minimum of 85 feet from the centerline of the road.

**D. Refilling**

The refilling of an area which has been excavated for the development of a pond shall be considered waste disposal and shall meet the requirements as set forth by the Lucas County Board of Health for solid waste disposal under ORC Section 3734.05.

**E. Requirement for Issuance of Permit**

Provide a written description of location and simple site plan.

**F. Stormwater basins, retention ponds, detention ponds, infiltration basins, industrial process-water basins, cooling-related water basins, and similar facilities serving M-1, M-2, or M-3 industrial development shall comply with this Section and with the additional industrial stormwater and basin safety requirements of Section 9.12. Where Section 9.12 imposes a greater restriction or higher standard, Section 9.12 shall control.**

**SECTION 4.34 Industrial Tier Classification**

**A. Purpose**

**The purpose of this Section is to ensure that industrial development is evaluated based on total scale, full-buildout conditions, infrastructure demand, cumulative impacts, and potential effects on surrounding properties, agricultural areas, rural character, public infrastructure, environmental resources, roads, and emergency services.**

**B. Classification Rule**

**Industrial development shall be classified as Tier 1, Tier 2, or Tier 3 based on total projected full-buildout conditions.**

**If a proposed development meets or exceeds any threshold in a higher Tier, it shall be classified in that higher Tier regardless of other characteristics.**

**EXHIBIT “A” (cont’d)**

**C. Full-Buildout Requirement**

**All thresholds shall be evaluated based on:**

- 1. Total planned development;**
- 2. All phases;**
- 3. All structures and facilities;**
- 4. All coordinated or related parcels;**
- 5. All shared or interconnected infrastructure;**
- 6. All affiliated entities;**
- 7. All reasonably foreseeable expansions; and**
- 8. Ultimate development capacity shown in any master plan, utility plan, site plan, development agreement, marketing material, public filing, permit application, or substantially related document.**

**EXHIBIT “A” (cont’d)**

<b>D. Tier Threshold Table</b>			
<b>Criteria</b>	<b>Tier 1 / M-1</b>	<b>Tier 2 / M-2</b>	<b>Tier 3 / M-3</b>
<b>Electrical Demand</b>	<b>20 MW up to and including 100 MW</b>	<b>More than 100 MW up to and including 300 MW</b>	<b>More than 300 MW</b>
<b>Average Daily Water Demand</b>	<b>Up to 250,000 gallons/day</b>	<b>More than 250,000 up to 1,000,000 gallons/day</b>	<b>More than 1,000,000 gallons/day</b>
<b>Criteria</b>	<b>Tier 1 / M-1</b>	<b>Tier 2 / M-2</b>	<b>Tier 3 / M-3</b>
<b>Peak Water Demand</b>	<b>Up to 500,000 gallons/day</b>	<b>More than 500,000 up to 2,000,000 gallons/day</b>	<b>More than 2,000,000 gallons/day</b>
<b>Total Site Area</b>	<b>Up to 20 acres</b>	<b>More than 20 up to 50 acres</b>	<b>More than 50 acres</b>
<b>Total Building Floor Area</b>	<b>Up to 250,000 square feet</b>	<b>More than 250,000 up to 1,000,000 square feet</b>	<b>More than 1,000,000 square feet</b>
<b>Phasing / Campus Development</b>	<b>Single phase typical</b>	<b>Multi-phase allowed</b>	<b>Multi-phase or campus-scale development</b>
<b>Utility Infrastructure</b>	<b>Standard service connections</b>	<b>Upgraded service connections</b>	<b>Dedicated substations, major systems, or integrated infrastructure</b>

**Minimum Electrical Demand Threshold**

The industrial tier classification standards of this Section shall apply to any industrial development with a projected electrical demand of 20 megawatts or greater, or to any industrial development that meets or exceeds any non-electrical Tier threshold established in this Section. Industrial development below 20 megawatts shall remain subject to all otherwise applicable zoning district, site plan, environmental, traffic, utility, and performance standards.

## **EXHIBIT “A” (cont’d)**

### **E. Governing Classification Rule**

**The highest applicable threshold shall determine the Tier classification.**

### **F. Coordinated Development Rule**

**All of the following shall be aggregated and treated as a single project for Tier classification:**

- 1. Adjacent or nearby parcels;**
- 2. Shared access;**
- 3. Shared stormwater, water, wastewater, electrical, cooling, or communications infrastructure;**
- 4. Phased construction;**
- 5. Separate applications relating to the same development concept;**
- 6. Common, related, affiliated, or coordinated ownership or control;**
- 7. Related limited liability companies or business entities;**
- 8. Contractually coordinated facilities; and**
- 9. Development that functions as an integrated industrial campus.**

### **G. Anti-Segmentation Rule**

**Development shall not be divided into phases, parcels, applications, utility requests, corporate entities, leases, ownership structures, or construction packages for the purpose or effect of avoiding Tier classification thresholds, infrastructure requirements, performance standards, or review procedures.**

### **H. Future Expansion Rule**

**If a development is proposed, planned, designed, marketed, engineered, or reasonably anticipated to expand, Tier classification shall be based on ultimate buildout and not solely on the initial phase.**

**EXHIBIT “A” (cont’d)**

**I. Reclassification Requirement**

**Any expansion, modification, additional phase, increase in utility demand, increase in building area, increase in water demand, or addition of coordinated development that causes a use to meet or exceed a higher Tier threshold shall require reclassification and compliance with the requirements of the higher Tier before approval.**

## **EXHIBIT “A” (cont’d)**

### **SECTION 8.10 Traffic Impact Study**

If required by the Lucas County Engineer, the Ohio Department of Transportation, or Waterville Township, a traffic impact study shall be prepared by a qualified professional engineer at the developer’s expense. When a Traffic Impact Study, is required by the Ohio Department of Transportation Highway Access Control Manual, a copy of the submitted TIS shall also be provided to Waterville Township as part of the required site plan review submission materials. When the Ohio Department of Transportation Highway Access Control Manual does not require a TIS, Waterville Township may still require a TIS for multi-family or non-residential development if such proposed development would be expected to generate 100 or more new or additional directional trips during the peak hour of generation according to the most recent version of the ITE trip generation manual. When so required, the developer /property owner shall provide a TIS to Waterville Township which meets all of the requirements established by the Ohio Department of Transportation according to the Highway Access Control Manual.

**For M-2 and M-3 development, and for any M-1 development determined by the Zoning Inspector or reviewing authority to have elevated traffic impacts, the applicant shall submit a traffic impact study addressing:**

- 1. Existing traffic conditions;**
- 2. Construction traffic;**
- 3. Operational traffic;**
- 4. Heavy truck volume;**
- 5. Peak-hour trips;**
- 6. Access-point safety;**
- 7. Intersection performance;**
- 8. Impacts on local roads, state routes, residential roads, agricultural roads, and emergency routes;**
- 9. Proposed truck routes;**
- 10. Roadway improvement needs;**
- 11. Road maintenance impacts;**
- 12. Coordination with the Lucas County Engineer and Ohio Department of Transportation where applicable; and**

**EXHIBIT “A” (cont’d)**

- 13. Road use agreements, road repair agreements, bonding, pre-construction road condition surveys, construction traffic management plans, and maintenance obligations where appropriate.**

**No M-2 or M-3 development shall be approved unless the reviewing authority determines that the road network and access plan are adequate to support the proposed development at full buildout.**

## EXHIBIT “A” (cont’d)

### SECTION 9.5 Lighting

#### A. Purpose

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

#### B. Photometric Plan

An outdoor lighting plan, including a photometric plan, shall be required for the installation or modification of exterior lights for any project requiring site plan review to ensure compliance with the requirements of this section. See Section 14.2 (Site Plan Review).

#### C. Exemptions

Holiday lighting shall be exempt from the requirements of this section.

#### D. Prohibited Lights

Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.

#### E. General Provisions Applicable to All Districts and Development

1. **Glare and Light.** No direct glare or reflected lights which are visible from other properties outside the industrial or commercial district shall be permitted at a height greater than five (5) feet above ground level at the property line when adjacent to commercial uses, and at ground level at the property line when adjacent to residential uses.
2. **Height.** The height of lighting fixtures shall not exceed the distance from the nearest property line with the maximum height limited to the maximum building height permitted in the zoning district, except in residential districts the maximum height of the lighting fixture shall not exceed twelve (12) feet.
3. **Lighting Intensity**
  - a. Lighting shall not exceed an average of five (5) foot-candles in any commercial district. The maximum foot-candle level shall be ten (10). Mercury-vapor lighting fixtures are prohibited, and high-pressure sodium and quartz lighting are to be discouraged in favor of low-pressure sodium, ~~or~~ metal halide, or LED lighting.
  - b. The maximum under canopy light level shall be ten (10) foot-candles for automotive refueling, automated teller machines or similar installations.

**EXHIBIT “A” (cont’d)**

**4. Lighting Quality**

- a. Non-residential outdoor lighting may not exceed a maximum Correlated Color Temperature (CCT) of 3,000 Kelvin (K) unless otherwise approved by the Zoning Commission to no greater than 4,100 K.
- b. Security lighting such as at an ATM or drive thru may be permitted by the Zoning Commission to exceed a CCT of 3,000 K to no greater than 4,100K.
- c. Non-residential lighting shall have a minimum Color Rendering Index (CRI) of 70 percent.

**5. Shielding.** Light fixtures shall be shielded by a full cut-off shade which allows no direct light above a horizontal plane for lighting fixtures higher than 15 feet-or for high pressure sodium and quartz lighting.

**6. Up-lighting.** Up-lighting is only permitted to illuminate flags, buildings, trees, shrubs, or site surfaces.

**7. Swimming Pool Lighting.** See Section 4.29(E) (Lighting)

**F. Variance**

In considering any variance from the provisions of this section, the Township shall take into consideration any state-of-the-art technology that is consistent with the intent of this section as new lighting technology develops.

**G. Industrial Lighting Standards**

**M-1, M-2, and M-3 development shall comply with the lighting standards of this Section and the following additional industrial lighting standards:**

- 1. All exterior lighting shall use full-cutoff fixtures unless otherwise approved for safety or emergency purposes.**
- 2. Exterior lighting shall be directed downward and shall not be directed toward adjacent properties, public roads, residential areas, agricultural areas, parks, trails, or natural areas.**
- 3. Light trespass shall not exceed 0.5 foot-candles at any property line.**
- 4. Where adjacent to or across a road from a residential use, residential district, agricultural residence, park, trail, or other sensitive receptor, light trespass shall not exceed 0.1 foot- candles at the affected property line.**
- 5. Exterior lighting shall have a correlated color temperature of 3000 Kelvin or less, unless otherwise required for safety, security, emergency response, or applicable law.**

**EXHIBIT “A” (cont’d)**

- 6. M-2 and M-3 developments shall implement nighttime dimming, adaptive controls, motion sensors, timers, or equivalent measures sufficient to reduce nonessential lighting by at least fifty percent (50%) during nighttime hours, except where lighting is required for active operations, security, emergency response, or worker safety.**
- 7. A photometric plan shall be required for all M-2 and M-3 development and may be required for M-1 development.**
- 8. M-3 lighting plans shall address full-buildout conditions, security lighting, emergency lighting, construction lighting, parking lighting, truck-court lighting, equipment-yard lighting, building-mounted lighting, and lighting visible from adjacent properties.**
- 9. Post-installation lighting verification shall be required for M-2 and M-3 development. Corrective action shall be required where installed lighting exceeds approved levels.**
- 10. For purposes of industrial lighting controls, nighttime shall mean 9:00 p.m. to 8:00 a.m., unless otherwise modified as a condition of approval.**

**SECTION 9.6 Noise**

**A. Purpose**

Development or use of land in the Township should not produce disruptive or objectionable noise on a regular or periodic basis.

**B. Measurement**

1. A sound-level meter shall be used to measure decibel level.
2. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this Resolution shall be established by the time period.
3. Sound pressure levels shall be measured at the lot line or right-of-way line, at a height of at least four (4) feet above the ground surface.

**EXHIBIT “A” (cont’d)**

**C. Standards**

1. Sound from any source controlled by this Resolution shall not exceed the following limits at the property line of said source.

<b>Table 9-1 Sound Level Limit Standards</b>		
<b>Use Occupancy Category</b>	<b>Time Period</b>	<b>Sound Level Limit dB(A) (see footnote 1)</b>
Residential	7 a.m. – 10 p.m.	50
	10 p.m. – 7 a.m.	45
Commercial, Institutional	7 a.m. – 10 p.m.	65
	10 p.m. – 7 a.m.	55
Manufacturing, Agricultural	Industrial, At all times	75

Footnote

[1] Or the Ambient Noise Level, as submitted in Section 9.6(D) (Ambient Noise Level).

2. The levels specified above may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes in any one day.

**D. Ambient Noise Level**

The Township may request an applicant to establish and report to the Township the pre-development ambient noise level at the project property line prior to the issuance of the zoning certificate.

**E. Exclusions**

This section shall not apply to agricultural operations utilizing equipment with normal silencing devices, home lawn maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, construction or demolition activity, and the emission of sound in the performance of emergency work.

**F. Industrial Noise Standards**

**M-1, M-2, and M-3 development shall comply with the noise standards of this Section and the following enhanced industrial noise standards.**

**1. Maximum Sound Levels**

**Unless a stricter standard is imposed as a condition of approval, industrial development shall not exceed the following sound levels, measured at the receiving property line or sensitive receptor:**

**EXHIBIT “A” (cont’d)**

<b>Receiving Area</b>	<b>Daytime Limit</b>	<b>Nighttime Limit</b>
<b>Rural / Agricultural Residential use or</b>	<b>55 dBA</b>	<b>45 dBA</b>
<b>Residential District</b>	<b>50 dBA</b>	<b>40 dBA</b>

**Daytime shall mean 8:00 a.m. to 9:00 p.m. Nighttime shall mean 9:00 p.m. to 8:00 a.m.**

**2. Tonal Noise Penalty**

**Where sound from an industrial use contains a prominent discrete tone, hum, whine, pulse, or other tonal characteristic, a five (5) dBA penalty shall be added to the measured sound level for purposes of determining compliance.**

**3. Low-Frequency Noise**

**Where low-frequency noise, vibration, or tonal sound is reasonably suspected, the Township may require supplemental analysis using octave-band or one-third octave-band measurements, indoor receptor evaluation, vibration measurements, or other methods accepted by qualified acoustical professionals.**

**D. Noise Study**

**M-2 and M-3 applicants shall submit a noise study prepared by a qualified acoustical professional. The study shall evaluate full-buildout conditions, cumulative equipment noise, cooling systems, transformers, substations, generators, truck operations, emergency operations, nighttime operations, and backup-generator testing.**

**E. Monitoring and Enforcement**

**The Township may require pre-construction baseline noise monitoring, post-construction compliance testing, periodic monitoring, complaint-based testing, and corrective action. Testing shall be conducted by a qualified acoustical professional using generally accepted measurement methods.**

**Failure to comply with applicable noise limits shall require corrective action, which may include equipment modification, operational limits, acoustic barriers, increased setbacks, berms, building orientation, generator testing restrictions, reduced nighttime operation, or other mitigation approved by the Township.**

**EXHIBIT “A” (cont’d)**

**SECTION 9.10 Industrial Infrastructure and Performance Standards**

**A. Applicability**

**This Section applies to all development within the M-1, M-2, and M-3 Districts. Requirements shall scale based on Tier classification under Section 4.34.**

**B. Integrated Infrastructure Review**

**Industrial development shall be reviewed for the adequacy, compatibility, and cumulative impact of:**

- 1. Electrical systems;**
- 2. Water supply systems;**
- 3. Cooling systems;**
- 4. Stormwater systems;**
- 5. Wastewater systems;**
- 6. Transportation systems;**
- 7. Communications systems;**
- 8. Emergency access and fire protection systems;**
- 9. Backup power systems;**
- 10. Site grading and drainage systems; and**
- 11. Public-service capacity.**

**C. M-1 Infrastructure Requirements**

**M-1 development shall demonstrate:**

- 1. Adequate standard utility connections;**
- 2. No need for major substation construction;**
- 3. No overloading of local utility, road, drainage, or emergency-service systems;**
- 4. Compatibility with existing infrastructure;**

**EXHIBIT “A” (cont’d)**

- 5. On-site stormwater management;**
- 6. Minimal groundwater demand;**
- 7. Limited off-site impacts; and**
- 8. Compliance with Tier 1 thresholds.**

**D. M-2 Infrastructure Requirements**

**M-2 development shall provide:**

- 1. Electrical demand analysis;**
- 2. Water demand analysis;**
- 3. Roadway capacity analysis;**
- 4. Stormwater management analysis;**
- 5. Identification of required utility upgrades;**
- 6. Analysis of phased infrastructure expansion;**
- 7. Evaluation of cumulative impacts;**
- 8. Verification that each phase can be served without overloading infrastructure; and**
- 9. Compliance with Tier 2 thresholds.**

**E. M-3 Infrastructure Requirements**

**M-3 development shall provide a comprehensive integrated infrastructure plan addressing:**

- 1. Total projected electrical load at full buildout;**
- 2. Phased electrical load projections;**
- 3. Substation, transmission, and distribution infrastructure;**
- 4. Backup power systems;**
- 5. Total water demand at full buildout;**

**EXHIBIT “A” (cont’d)**

**6. Peak water demand;**

**7. Cooling-system design;**

**8. Cooling-system design demonstrates compliance with the non-evaporative, closed-loop cooling requirements of Section 9.11.**

**9. Stormwater and drainage systems;**

**10. Wastewater systems;**

**11. Road and traffic improvements;**

**12. Emergency access and fire-protection systems;**

**13. Redundancy and resiliency;**

**14. System interdependencies;**

**15. Failure response;**

**16. Maintenance obligations; and**

**17. Development agreement requirements.**

**18. Water-conservation measures and compliance with the cooling-system requirements of Section 9.11.**

**F. Professional Preparation and Peer Review**

**Integrated infrastructure plans, water demand analyses, stormwater analyses, traffic studies, electrical infrastructure analyses, emergency-services analyses, and other technical reports required for M-2 or M-3 development shall be prepared by qualified professionals licensed or otherwise credentialed in the applicable field.**

**Engineering plans and analyses shall be sealed by a professional engineer licensed in the State of Ohio where required by law or by the reviewing authority. The Township may require independent third-party peer review of any technical study, plan, or report, with the cost of such review paid by the applicant through escrow, fee schedule, development agreement, or other lawful cost-recovery mechanism.**

**EXHIBIT “A” (cont’d)**

**SECTION 9.11 Water Supply, Groundwater, Well Protection, and Water Conservation**

**A. Purpose**

The purpose of this Section is to protect groundwater, wells, water supply systems, agricultural water resources, and regional water resources from adverse impacts associated with industrial development.

**A-1. Great Lakes Compact and Water Conservation Policy**

Waterville Township is located within a region whose water resources are connected to the broader Great Lakes water-resource system. Ohio has enacted the Great Lakes-St. Lawrence River Basin Water Resources Compact, and the State of Ohio has established water-conservation and efficiency policies pursuant to that Compact.

This Section is intended to support water conservation, efficient water use, infrastructure adequacy, and protection of groundwater, surface water, public water systems, private wells, agricultural water users, and Township residents. Nothing in this Section shall be interpreted as superseding or replacing the authority of the Ohio Department of Natural Resources, Ohio Environmental Protection Agency, public water providers, or any other agency having jurisdiction.

**B. M-1 Requirements**

**M-1 development shall:**

- 1. Identify proposed water demand;**
- 2. Identify the source of water supply;**
- 3. Demonstrate that water demand can be served without adverse impact to adjacent users;**
- 4. Avoid measurable interference with nearby wells; and**
- 5. Identify wells within 500 feet where required by the reviewing authority.**

**C. M-2 Requirements**

**M-2 development shall provide:**

- 1. Average daily water demand;**
- 2. Peak water demand;**

**EXHIBIT “A” (cont’d)**

- 3. Source identification;**
- 4. Utility capacity verification;**
- 5. Groundwater impact evaluation where groundwater use is proposed;**
- 6. Nearby well impact evaluation where required;**
- 7. Cooling-system water-use estimates where cooling systems are proposed; and**
- 8. Water-conservation measures.**

**D. M-3 Requirements**

**M-3 development shall provide a comprehensive water and cooling analysis including:**

- 1. Total water demand at full buildout;**
- 2. Peak water demand at full buildout;**
- 3. Source sustainability;**
- 4. Groundwater impact analysis;**
- 5. Aquifer drawdown modeling where applicable;**
- 6. Baseline well testing and monitoring plan as required by this Section;**
- 7. Cooling-system type, design, and expected water consumption;**
- 8. Reuse, recycling, or conservation measures;**
- 9. Failure response plans;**
- 10. Drought or water shortage operating protocols where applicable; and**
- 11. Ongoing monitoring and reporting as required by this Section, conditions of approval, or development agreement.**

**E. Water Conservation Standards for Cooling Systems**

**Industrial cooling systems shall be designed, constructed, operated, and maintained to minimize water consumption, protect groundwater and surface-water resources, reduce avoidable withdrawals, and promote long-term water conservation.**

## EXHIBIT “A” (cont’d)

**These standards are intended to support local land-use planning, infrastructure adequacy, agricultural protection, rural character preservation, and water-resource conservation, and shall be interpreted consistently with applicable state and federal law, including Ohio’s implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact.**

### **1. Tier 3 / M-3 Cooling Requirement**

**All Tier 3 / M-3 development shall use non-evaporative, closed-loop cooling systems for primary cooling operations.**

**For purposes of this Section, “non-evaporative, closed-loop cooling system” means a cooling system that recirculates coolant or heat-transfer fluid in a closed loop and does not rely on ongoing evaporative water loss as a primary means of heat rejection.**

### **2. Prohibited Cooling Systems for Tier 3 / M-3 Development**

**Tier 3 / M-3 development shall not use evaporative cooling towers, open-loop cooling systems, once-through cooling systems, or other cooling systems that rely on continuous or routine water withdrawal and evaporative loss as a primary cooling method, except as expressly permitted under subsection E(5).**

### **3. Tier 2 / M-2 Cooling Preference and Review Standard**

**Tier 2 / M-2 development shall use non-evaporative, closed-loop cooling systems unless the applicant demonstrates, through competent engineering evidence, that such systems are technically infeasible for the specific proposed use and that the proposed alternative will minimize water consumption to the maximum extent reasonably achievable.**

**Where Tier 2 / M-2 development proposes any evaporative, open-loop, once-through, or hybrid cooling system, the applicant shall submit a cooling alternatives analysis under subsection E(4).**

### **4. Cooling Alternatives Analysis**

**Any applicant proposing an industrial cooling system shall submit a cooling alternatives analysis addressing:**

**a. Air-cooled systems;**

**b. Closed-loop liquid cooling systems;**

**EXHIBIT “A” (cont’d)**

**c. Hybrid cooling systems;**

**d. Evaporative cooling systems;**

**e. Once-through or open-loop cooling systems;**

**f. Estimated annual water withdrawal;**

**g. Estimated annual consumptive water loss;**

**h. Peak daily water demand;**

**i. Blowdown or discharge volumes;**

**j. Water reuse, recycling, or recovery options;**

**k. Energy-use tradeoffs;**

**l. Drought or water-shortage operating protocols;**

**m. Long-term water availability;**

**n. Impacts on public water infrastructure, private wells, agricultural water users, groundwater, and surface-water resources; and**

**o. Any proposed mitigation or conservation measures.**

**5. Limited Exception for Emergency or Temporary Conditions Evaporative, open-loop, once-through, or water-consumptive cooling may be used for Tier 3/ M-3 development only for emergency, temporary, or backup purposes where necessary to protect life, safety, equipment integrity, or grid reliability, and only if approved as part of the site plan, development agreement, or emergency operations plan.**

**Any such use shall be limited in duration, metered, reported to the Township, and subject to any conditions necessary to prevent excessive water consumption or adverse impacts to wells, public water systems, agricultural operations, groundwater, or surface-water resources.**

**6. Mandatory Metering and Reporting**

**All M-2 and M-3 industrial cooling systems shall include dedicated water metering for cooling-related water use. The owner or operator shall submit water-use reports at intervals established by the Township, conditions of approval, or development agreement.**

## EXHIBIT “A” (cont’d)

For M-3 development, water-use reporting shall include average daily water use, peak daily water use, cooling-related water use, consumptive water loss, reuse or recycling volumes, and any emergency or temporary water-consumptive cooling events.

### 7. Conservation Conditions

The Township may impose conditions requiring water reuse, water recycling, leak detection, cooling-system maintenance, drought-response measures, operational limits, reporting, third-party review, or other water-conservation measures necessary to protect public health, safety, welfare, infrastructure capacity, agricultural operations, rural character, and water resources.

### F. Baseline Well Study

For Tier 2 and Tier 3 development using groundwater, affecting groundwater recharge, involving substantial water demand, or otherwise determined by the reviewing authority to pose potential groundwater impacts, the applicant shall submit a baseline well study prepared by a qualified hydrogeologist, engineer, or other qualified professional.

The baseline well study shall identify private, agricultural, commercial, institutional, and public wells within a study radius established by the reviewing authority. Unless otherwise modified based on site-specific hydrogeologic evidence, the minimum study radius shall be:

1. Tier 1: 500 feet, where required by the reviewing authority;
2. Tier 2: 1,000 feet; and
3. Tier 3: 2,500 feet, or greater where warranted by hydrogeologic conditions.

The baseline study shall document pre-development water levels, well yield, known well construction information, seasonal conditions, water quality parameters reasonably related to the proposed development, and any other information required by the reviewing authority.

## EXHIBIT “A” (cont’d)

### G. Well Impact Thresholds

A decline in static water level of ten percent (10%) or more from established baseline M-2 and M-3 applicants shall submit a noise study prepared by a qualified acoustical professional. The study shall evaluate full-buildout conditions, cumulative equipment noise, cooling systems, transformers, substations, generators, truck operations, emergency operations, nighttime operations, and backup-generator testing.

### H. Mitigation Responsibility

The applicant, owner, or operator shall be responsible for mitigation of adverse well impacts reasonably attributable to the development. Mitigation may include, but is not limited to:

1. Temporary water supply;
2. Well repair;
3. Well deepening;
4. Replacement well installation;
5. Connection to an available public water supply;
6. Water treatment where water quality is adversely affected;
7. Reimbursement of documented costs; and
8. Other measures approved by the Township.

Required mitigation obligations may be secured through development agreements, financial assurance, escrow, bonds, letters of credit, or other instruments acceptable to the Township.

## SECTION 9.12 Stormwater Management and Basin Safety

### A. Purpose

The purpose of this Section is to prevent flooding, erosion, sedimentation, downstream drainage impacts, basin hazards, infrastructure overload, and long-term stormwater maintenance failures.

**EXHIBIT “A” (cont’d)**

**B. Applicability**

**This Section applies to all stormwater systems serving M-1, M-2, and M-3 development, including detention basins, retention ponds, infiltration basins, drainage swales, storm sewers, industrial water basins, and related stormwater facilities.**

**C. Cross-Reference**

**All stormwater basins and ponds shall comply with Section 4.24. Where this Section imposes stricter requirements than Section 4.24, this Section shall control.**

**D. M-1 Requirements**

**M-1 stormwater systems shall:**

- 1. Manage runoff on-site;**
- 2. Prevent off-site flooding;**
- 3. Maintain pre-development conditions where practicable;**
- 4. Prevent erosion and sedimentation;**
- 5. Comply with Township, county, state, and federal requirements; and**
- 6. Provide basic detention or retention where required.**

**E. M-2 Requirements**

**M-2 applicants shall submit:**

- 1. Hydrologic calculations;**
- 2. Drainage plans;**
- 3. Identification of receiving systems;**
- 4. Peak-flow analysis;**
- 5. Runoff-volume analysis;**
- 6. Phased-development stormwater review;**
- 7. Erosion and sediment-control plans; and**

**EXHIBIT “A” (cont’d)**

**8. Construction-phase drainage controls.**

**F. M-3 Requirements**

**M-3 applicants shall submit a comprehensive stormwater management plan addressing:**

- 1. Full-buildout impervious surface;**
- 2. Cumulative impacts from all phases;**
- 3. Extreme precipitation events;**
- 4. Downstream capacity;**
- 5. Flow-path analysis;**
- 6. Failure and overflow conditions;**
- 7. Stormwater integration with cooling systems, water systems, and site grading;**
- 8. Emergency response for stormwater system failure;**
- 9. Long-term inspection and maintenance;**
- 10. Sediment removal;**
- 11. Vegetation management;**
- 12. Structural repair obligations; and**
- 13. Recorded maintenance instruments or development agreement provisions.**

**G. Basin Safety**

**The Township may require:**

- 1. Fencing or barriers;**
- 2. Controlled access;**
- 3. Locked gates;**
- 4. Warning signage;**
- 5. Safe side slopes;**

## EXHIBIT “A” (cont’d)

6. Safety shelves;
7. Emergency overflow structures;
8. Maintenance access;
9. Rescue access where appropriate; and
10. Corrective action for unsafe basin conditions.

### H. Stormwater Performance Standards

Stormwater systems serving M-2 and M-3 development shall be designed, constructed, operated, and maintained to prevent adverse off-site drainage impacts and to meet or exceed all applicable Township, county, state, and federal stormwater requirements.

At minimum, stormwater systems shall demonstrate:

1. No increase in peak discharge rates from pre-development conditions for design storms required by the Township, Lucas County Engineer, Ohio EPA, or other agency having jurisdiction;
2. Management of runoff volume to prevent downstream flooding, erosion, channel instability, or drainage-system overload;
3. Water-quality treatment for runoff from impervious surfaces, truck courts, loading areas, parking areas, equipment yards, utility yards, and outdoor storage areas;
4. Protection of agricultural drainage systems, field tiles, roadside ditches, streams, wetlands, floodplains, and neighboring properties;
5. Safe conveyance of overflow during extreme precipitation events;
6. Long-term access for inspection, maintenance, sediment removal, and repair;
7. Separation of stormwater systems from industrial process water, cooling water, fuel storage, chemical storage, and hazardous material areas unless otherwise approved by agencies having jurisdiction;
8. Spill prevention, containment, and emergency response measures for areas where fuel, batteries, transformers, generators, chemicals, or hazardous materials are present;
9. Phased stormwater controls that remain functional during each stage of construction and operation; and

**EXHIBIT “A” (cont’d)**

**10. A recorded or otherwise enforceable maintenance obligation for private stormwater facilities.**

**I. No Adverse Drainage Impact Finding**

**No M-2 or M-3 site plan shall be approved unless the reviewing authority finds, based on competent engineering evidence, that the proposed stormwater system will not create unreasonable adverse drainage, flooding, erosion, sedimentation, water-quality, or maintenance impacts on neighboring properties, agricultural operations, public roads, public drainage systems, wetlands, floodplains, or receiving waters.**

**Where the reviewing authority cannot make this finding, the application shall be denied or modified until compliance is demonstrated.**

**SECTION 9.13 Emergency Services and Fire Protection**

**A. M-1 Requirements**

**M-1 development shall demonstrate:**

- 1. Adequate emergency vehicle access;**
- 2. Compliance with applicable fire codes;**
- 3. Adequate address identification;**
- 4. Adequate driveway and access-lane dimensions; and**
- 5. Adequate water supply for fire protection where required.**

**B. M-2 Requirements**

**M-2 applicants shall demonstrate:**

- 1. Adequate fire and EMS response capability;**
- 2. Hydrant availability or alternative fire-suppression water supply;**
- 3. Emergency access routes;**
- 4. Fire-lane design;**
- 5. Emergency turning movements;**

**EXHIBIT “A” (cont’d)**

**6. Hazard identification where applicable; and**

**7. Coordination with the applicable fire department.**

**C. M-3 Requirements**

**M-3 applicants shall submit a comprehensive emergency-services analysis addressing:**

**1. Fire protection requirements;**

**2. EMS response capacity;**

**3. Emergency access and circulation;**

**4. On-site fire-protection systems;**

**5. Water supply for firefighting;**

**6. Hazardous material identification;**

**7. Battery, fuel, generator, transformer, substation, and cooling-system hazards;**

**8. Emergency response procedures;**

**9. Coordination protocols with local responders;**

**10. Access control and emergency-entry measures where required;**

**11. Communication and site-access plans;**

**12. Emergency shutoff procedures;**

**13. Mutual-aid considerations;**

**14. Training needs;**

**15. Equipment needs; and**

**16. Any required development agreement or financial assurance for emergency-service impacts.**

**EXHIBIT “A” (cont’d)**

**D. Fire Protection Plan**

**M-2 and M-3 development shall submit a fire protection plan for review by the applicable fire department and reviewing authority. The plan shall address:**

- 1. Compliance with the Ohio Fire Code and other applicable fire-safety requirements;**
- 2. Fire suppression systems;**
- 3. Firefighting water supply;**
- 4. Hydrant placement or alternative water supply;**
- 5. Emergency vehicle access;**
- 6. Hazardous materials;**
- 7. Battery, generator, transformer, fuel, substation, and cooling-system hazards;**
- 8. Emergency shutoff procedures;**
- 9. Site security and emergency access;**
- 10. Fire lanes and turning movements;**
- 11. Incident command access points;**
- 12. Mutual aid considerations;**
- 13. Training and pre-incident planning;**
- 14. Equipment needs; and**
- 15. Any required owner/operator contribution toward emergency-service impacts.**

**E. On-Site Emergency and Security Personnel**

**For M-3 development, and for M-2 development where required by the reviewing authority after consultation with the applicable fire department, the owner or operator shall provide on-site fire watch, security, emergency-response, safety, or technical personnel appropriate to the scale and risk profile of the facility.**

## EXHIBIT “A” (cont’d)

Such personnel shall not replace public fire, EMS, or law-enforcement services, but shall provide immediate site familiarity, access assistance, emergency coordination, hazard information, and initial response support as approved in the fire protection plan or development agreement.

### SECTION 9.14 Generator and Backup Power Controls

Backup generation and on-site power systems serving industrial development shall:

1. Be identified on all site plans;
2. Include fuel type, capacity, location, enclosure, and operating purpose;
3. Comply with applicable Ohio EPA, fire code, building code, and other regulatory requirements;
4. Be screened and buffered;
5. Comply with applicable noise standards;
6. Minimize impacts from testing and maintenance operations;
7. Include spill-prevention and containment measures where fuel is stored;
8. Include emergency shutoff and access provisions;
9. Be coordinated with fire and emergency-services plans; and
10. For M-3 development, be evaluated cumulatively at full buildout.

### SECTION 9.15 Power Systems and Electrical Infrastructure

#### A. M-1 Requirements

M-1 development shall provide:

1. Estimated peak electrical demand;
2. Identification of service provider;
3. Confirmation of service availability; and
4. Verification that major substation construction is not required.

**EXHIBIT “A” (cont’d)**

**B. M-2 Requirements**

**M-2 development shall provide:**

- 1. Peak load;**
- 2. Average load;**
- 3. Load factor;**
- 4. Identification of substations or distribution upgrades;**
- 5. Redundancy systems where applicable;**
- 6. Screening and buffering of major electrical equipment; and**
- 7. Full-buildout capacity verification.**

**C. M-3 Requirements**

**M-3 development shall provide a comprehensive electrical infrastructure plan addressing:**

- 1. Total projected load at full buildout;**
- 2. Phased load projections;**
- 3. Load diversity analysis;**
- 4. Identification of all power sources;**
- 5. On-site substations;**
- 6. Transmission interconnections;**
- 7. Distribution systems;**
- 8. Backup power systems;**
- 9. Redundancy and resiliency;**
- 10. Regional grid impacts to the extent information is available;**
- 11. Interconnection requirements;**

**EXHIBIT “A” (cont’d)**

**12. Noise, screening, and setback impacts;**

**13. Emergency-service coordination; and**

**14. Integration with cooling, water, stormwater, and operational systems.**

**SECTION 9.16 Air Quality and Emissions Coordination**

**Industrial development shall comply with all applicable Ohio EPA and federal air-quality requirements. Township review shall not replace or supersede Ohio EPA authority.**

**The Township may consider air-quality-related land-use impacts, including:**

**1. Location of generators and combustion equipment;**

**2. Building orientation;**

**3. Setbacks and buffering;**

**4. Operational coordination;**

**5. Cumulative operation of multiple emissions sources;**

**6. Construction dust controls;**

**7. Odor impacts;**

**8. Emergency operations; and**

**9. Consistency with approved state or federal permits.**

**Mitigation measures may include equipment location, enclosure, screening, operational coordination, dust-control practices, and other lawful land-use controls.**

**SECTION 9.17 Thermal Discharge and Cooling-System Heat Impacts**

**Industrial cooling systems shall be evaluated for potential heat, discharge, plume, or thermal impacts to surrounding properties, water systems, buildings, public infrastructure, and environmental resources.**

**EXHIBIT “A” (cont’d)**

**M-3 applicants shall provide, and M-2 applicants may be required to provide:**

- 1. Cooling-system type and capacity;**
- 2. Heat rejection methods;**
- 3. Discharge locations;**
- 4. Thermal impact evaluation;**
- 5. Operational mitigation;**
- 6. Equipment-location alternatives;**
- 7. Integration with water conservation;**
- 8. Integration with generator and backup power controls;**
- 9. Monitoring where required; and**
- 10. Corrective action for noncompliance.**

**SECTION 9.18 Construction Controls A. Construction Management Plan**

**M-2 and M-3 development, and M-1 development where required, shall submit a construction management plan addressing:**

- 1. Construction phasing;**
- 2. Construction access;**
- 3. Haul routes;**
- 4. Road protection;**
- 5. Construction traffic;**
- 6. Temporary stormwater controls;**
- 7. Erosion and sediment control;**
- 8. Dust control;**
- 9. Construction noise;**

## EXHIBIT “A” (cont’d)

10. Construction lighting;
11. Hours of construction;
12. Emergency access during construction;
13. Protection of drainage patterns;
14. Protection of adjacent agricultural operations;
15. Temporary utility systems; and
16. Site stabilization.

No construction phase shall proceed unless adequate temporary and permanent infrastructure is in place or guaranteed to serve that phase.

### B. Road Condition Survey

Before construction begins for any M-2 or M-3 development, and for M-1 development where required by the reviewing authority, the applicant shall submit a pre-construction road condition survey for all Township, county, or state roads expected to be used for construction access, hauling, or heavy equipment movement.

The survey shall include photographs, video, pavement condition documentation, shoulder condition, drainage condition, bridge or culvert observations where applicable, and other information required by the Township, Lucas County Engineer, Ohio Department of Transportation, or another road authority having jurisdiction.

### C. Traffic Management Plan

No construction shall begin until a construction traffic management plan has been submitted and approved. The plan shall address haul routes, delivery routes, worker access, staging, hours of heavy hauling, school bus routes, emergency access, road closures, dust control, signage, flagging, and coordination with affected road authorities.

### D. Road Repair Agreement

The applicant, owner, or operator shall enter into a road repair or road use agreement where required by the Township, Lucas County Engineer, Ohio Department of Transportation, or another road authority. The agreement may require financial assurance sufficient to repair damage caused by construction traffic, hauling, or heavy equipment movement. The applicant, owner, or operator shall be responsible for repair of road damage reasonably attributable to construction activities.

**EXHIBIT “A” (cont’d)**

**SECTION 9.19 Wildlife, Wetlands, and Environmentally Sensitive Resources**

**A. Applicability**

M-2 and M-3 development, and M-1 development where required by the reviewing authority, shall identify wetlands, floodplains, woodlots, hydric soils, drainageways, watercourses, wildlife habitat, and other environmentally sensitive resources located on or adjacent to the site.

**B. Required Review**

M-3 applicants shall submit, and M-2 applicants may be required to submit, environmental studies, wetland delineations, habitat assessments, wildlife reviews, or other resource evaluations prepared by qualified professionals.

**C. Protected Resources and Agency Coordination**

Where wetlands, streams, floodplains, threatened or endangered species habitat, eagle habitat, migratory bird habitat, or other protected resources may be affected, the applicant shall document coordination with federal, state, county, or other agencies having jurisdiction, including but not limited to the Ohio Department of Natural Resources, Ohio Environmental Protection Agency, United States Army Corps of Engineers, or United States Fish and Wildlife Service where applicable.

**D. Mitigation and Conditions**

The Township may impose lawful land-use conditions addressing setbacks, buffers, site design, lighting, construction timing, stormwater controls, vegetation preservation, erosion control, and other mitigation measures to protect environmentally sensitive resources, provided such conditions do not conflict with agencies having jurisdiction.

**EXHIBIT “A” (cont’d)**

**Section 10.12 Industrial Buffering and Screening**

**M-1, M-2, and M-3 development shall provide buffering and screening appropriate to the intensity of the use.**

**A. M-1**

**M-1 buffering shall be sufficient to screen outdoor storage, loading areas, mechanical equipment, and service areas from adjacent residential or agricultural properties and public roads.**

**B. M-2**

**M-2 buffering may include increased landscape buffers, berms, fencing, evergreen screening, enhanced setbacks, and screening of truck courts, equipment yards, substations, cooling equipment, and loading areas.**

**C. M-3**

**M-3 development shall provide enhanced buffering and screening, including one or more of the following as required by the reviewing authority:**

- 1. Increased setbacks;**
- 2. Landscape buffers;**
- 3. Berms;**
- 4. Fencing or walls;**
- 5. Evergreen screening;**
- 6. Preservation of existing vegetation;**
- 7. Screening of substations, generators, cooling equipment, truck courts, loading areas, outdoor storage, and utility yards;**
- 8. Visual impact analysis;**
- 9. Buffer maintenance obligations; and**
- 10. Recorded maintenance or development agreement provisions.**

**EXHIBIT “A” (cont’d)**

**D. Minimum Setbacks and Buffer Widths**

Unless a greater setback or buffer is required elsewhere in this Resolution or as a condition of approval, industrial development subject to Section 4.34 shall comply with the following minimum landscape buffers:

<b>Tier</b>	<b>Minimum Landscape Buffer</b>
<b>Tier 1</b>	<b>50 feet</b>
<b>Tier 2</b>	<b>100 feet</b>
<b>Tier 3</b>	<b>150 feet</b>

Unless a greater setback is required as a condition of approval based on site-specific impacts, Tier 3 / M-3 principal buildings shall be set back not less than 300 feet from exterior property lines.

Tier 3 / M-3 principal buildings, substations, generators, battery energy storage systems, fuel storage areas, cooling towers, transformer yards, truck courts, loading areas, and outdoor utility yards shall be set back not less than 500 feet from existing residential dwellings, residential zoning districts, schools, parks, trails, churches, cemeteries, public gathering places, and other sensitive receptors.

The reviewing authority may require greater setbacks for substations, generators, battery energy storage systems, fuel storage areas, cooling towers, transformer yards, truck courts, loading areas, or other high-impact components where necessary to address noise, fire safety, emergency access, lighting, vibration, heat, visual impact, stormwater, environmental conditions, or compatibility with surrounding land uses.

The reviewing authority may approve a reduced setback only upon written findings that the applicant has demonstrated that alternative site design, building orientation, berms, evergreen screening, acoustic barriers, fire-safety measures, lighting controls, stormwater controls, or other mitigation will provide equal or greater protection to adjacent properties, sensitive receptors, agricultural operations, rural character, and the public health, safety, and welfare.

Required buffers may include berms, evergreen screening, preserved vegetation, fencing, walls, or other measures approved by the reviewing authority. Buffer areas shall be maintained for the life of the use.

## **EXHIBIT "A" (cont'd)**

### **SECTION 14.2 Site Plan Review**

#### **A. Applicability**

A detailed site plan review shall be required prior to a zoning certificate application for:

1. All multi-family and non-residential uses which are original uses;
2. Existing uses, when a building or structure is erected, changed, or enlarged by 50 percent or more or 5,000 square feet or greater in floor area; and
3. Proposed or expanded off-street parking developments over five (5) spaces.

#### **B. General Submission Requirements**

- 1, A formal letter of submittal shall accompany the site plan. The letter should give reference to a Toledo-Lucas County Plan Commissions case file number if one has been assigned for the property and shall provide the name, address and phone number of any parties who should be informed of the progress of the request. Parties to be notified should include the landowner, developer, attorney, architect, engineer, landscape architect or other appropriate consultant.
2. All site plans shall have a title indicating the type of request being made, i.e., a request for a zone change, conditional use permit, etc.
3. The site plan shall be accompanied by a complete legal description of the subject property and a general location sketch showing nearby section lines and/or residential and major roadways.

#### **C. General Submission Format Requirements**

1. The site plan shall indicate the scale of the drawing and shall use an engineer's scale.
2. The site plan shall have the north arrow pointing either toward the top of the drawing or to the left side of the drawing. The location map and site plan orientation should be identical.
3. Twelve (12) blueline or blackline prints of the site plan on paper no larger than 24" X 36." Detailed drawings other than the site plan need not be submitted at this time for the site plan review process; The Township may also request the site plan be submitted in digital form.
4. A good quality black and white reduction of the original print shall be submitted at a size ranging from 8 1/2" by 11" to 11" by 17."
5. It is recommended all site plans required by this section be prepared by persons professionally qualified to do such work as required by the ORC. A Professional Engineer's or Professional Surveyor's seal may be required pursuant to the ORC Chapter 4733, as determined by the Zoning Inspector.

## **EXHIBIT "A" (cont'd)**

### **D. Basic Site Plan Information**

1. The site plan shall show the zoning classification(s) and existing uses of the subject property and all abutting property. It shall also show the approximate location of buildings and driveway locations opposite to and adjacent to the subject property.
2. The site plan shall indicate the dimensions of the property and shall show the dimensions of existing and proposed buildings to be constructed. The site plan shall indicate any building removals or other alterations to occur on the property.
3. The site plan shall indicate the distance of existing and proposed structure(s) to the right of way line and the distances of the structure(s) to the side and rear property lines.
4. The site plan shall indicate by name all adjacent roadways. The site plan shall show both right of way and pavement widths measured from the centerline of the roadway.
5. The site plan shall indicate the locations, size (height), and material of all existing and proposed fencing and/or walls on the subject property.
6. The site plan shall show the location, height and dimensions of existing or proposed signs on the property.
7. The site plan shall include a "lighting plan" which indicates the location, the height above grade, the type of illumination, the source lumens, and the luminous area for each source light which is proposed.
8. The site plan shall indicate the width(s) and location(s) of existing or proposed sidewalks if any and drive approach aprons. The drive approach width(s) shall be dimensioned where the apron meets the roadway pavement and shall be dimensioned at the throat.
9. Site plans shall show any ditches, creeks, or other natural features that may affect the development of the property. Where appropriate, the two (2) foot contours and the 100-year high water elevation shall be shown on the site plan. Information on this requirement may be obtained from the Lucas County Engineer's Office.
10. The site plan shall show the existing and proposed method of storm water drainage and/or areas to be used for storm water detention/retention.
11. The site plan shall show existing and proposed sanitary and storm sewers, watermains and the location(s) of fire hydrants if present. In the event these improvements are not available, the site plan shall indicate the location of proposed or existing wells and/or on lot sewage systems both on site and on abutting parcels.

## **EXHIBIT “A” (cont’d)**

12. The site plan shall indicate the location of existing or proposed off street parking spaces and drive aisles with complete dimensions. The drawing shall include the number and size of the proposed parking stalls including handicap spaces. The type of pavement composition of the parking area, i.e., treated gravel, asphalt or concrete shall be indicated. If the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any between the two areas, shall be shown.
13. A site plan with a proposed drive thru window operation shall indicate where the vehicles will be lined up and how many vehicles can be stored at one time while waiting to use the order board and/or drive up window.
14. A landscape plan as required in Section 10 (Landscape Requirements).
15. Building elevation drawings, showing the front, rear and side views, shall be submitted with the site plan.

### **E. Application Procedure**

1. Site plans shall be filed with the Zoning Inspector.
2. The Zoning Inspector shall transmit the completed site plan to the:
  - a. Zoning Commission for permitted uses, except in the Route 64 (Waterville-Swanton Road) Overlay District.
  - b. Board of Zoning Appeals for conditional uses. The site plan shall also be transmitted to the Zoning Commission, or to the Architectural Review Board if in the Route 64 (Waterville-Swanton Road) Overlay District, for review and recommendation to the BZA (See Section 14.3(D)(2) Referral to County Planning Commission and Township Zoning Commission); and
  - c. Architectural Review Board for permitted uses in the Route 64 (Waterville-Swanton Road) Overlay District.
3. The date a commission or board accepts the site plan shall constitute the official filing date.
4. No permit shall be issued for any use or change in use prior to the review and recommendation of the site/development plan by the appropriate review body. Conditions or modifications may be attached to these plans.
5. The review time for site plans, generally shall be in keeping with the time requirements established for zoning changes.
6. Any change in the site plan once approved shall require a review by the original approving body.

**EXHIBIT “A” (cont’d)**

7. The Zoning Commission and Boards may seek information and recommendations from the Lucas County Planning Commission or other appropriate agencies to aid in their review of the site plan.

**F. Industrial Site Plan Review Requirements**

**All M-1, M-2, and M-3 development shall be subject to site plan review as required by this Resolution.**

**M-2 and M-3 site plans shall include, as applicable:**

- 1. Full-buildout site plan;**
- 2. Phasing plan;**
- 3. Master development plan;**
- 4. Existing and proposed parcel boundaries;**
- 5. Building locations;**
- 6. Building areas;**
- 7. Utility infrastructure;**
- 8. Electrical demand;**
- 9. Water demand;**
- 10. Cooling alternatives analysis and projected annual consumptive water loss;**
- 11. Cooling-system design, including documentation of compliance with the non-evaporative, closed-loop cooling requirements of Section 9.11, or any approved limited exception;**
- 12. Stormwater plan;**
- 13. Traffic impact study;**
- 14. Emergency-services analysis;**
- 15. Fire-protection plan prepared in accordance with Section 9.13, including Ohio Fire Code compliance, emergency access, firefighting water supply, hazard identification, emergency coordination, and any required on-site emergency or security personnel.**

**EXHIBIT “A” (cont’d)**

- 16. Lighting plan;**
- 17. Noise study;**
- 18. Landscape and buffering plan;**
- 19. Construction management plan;**
- 20. Development agreement terms where applicable;**
- 21. Financial assurance proposal where applicable;**
- 22. Decommissioning plan where applicable;**
- 23. Comprehensive Plan consistency statement where required by Section 14.7; and**
- 24. Any additional information necessary to determine compliance with this Resolution.**

**G. Industrial Cumulative Impact Findings**

**Approval of any M-2 or M-3 industrial site plan shall require affirmative findings that:**

- 1. Infrastructure capacity is sufficient to support the development at full buildout;**
- 2. The development will not result in unacceptable cumulative impacts when considered with existing and reasonably foreseeable development;**
- 3. Environmental systems, including groundwater and stormwater systems, will not be adversely impacted beyond applicable thresholds;**
- 4. Public services, including transportation, fire protection, and emergency response, are adequate to support the development;**
- 5. The development complies with applicable Tier requirements;**
- 6. Phasing will not create temporary or permanent noncompliance;**
- 7. Required infrastructure will be installed or guaranteed prior to or concurrent with the phase it serves;**
- 8. The development is compatible with surrounding uses through setbacks, buffering, screening, operational controls, or other mitigation; and**
- 9. The development has been evaluated for consistency with the Comprehensive Plan where required by Section 14.7.**

**EXHIBIT “A” (cont’d)**

**10. The development includes adequate continuing compliance, monitoring, reporting, complaint-response, and corrective-action procedures where required by Section 14.8.**

**If the reviewing authority is unable to make any required finding, the application shall be denied or modified until compliance is demonstrated.**

**SECTION 14.3 Conditional Use Permits**

**A. Purpose**

In addition to uses specifically classified and permitted in each district in this Resolution, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. The "conditional uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or the planned development of the community.

**B. Initiation**

Pursuant to Section 13.3 (Authority to File Applications), any person having authority to file applications may initiate an application for a conditional permitted use.

**C. Applicability**

The provisions of this section apply to the location and maintenance of any and all Conditional Uses. Permits are required before any use listed as a conditional use in Section 3.1 (Use Table) may be established or expanded.

**D. Procedure for Conditional Uses**

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 Resolution as well as the general purpose and intent of the Waterville Township Land Use Plan.

**1. Application.** An applicant shall file with the Zoning Inspector the following:

- a. Name, address, and phone number of applicant(s).
- b. Legal description of the property.
- c. Present zoning district.
- d. Description of proposed request for the Conditional Use.
- e. A detailed site plan when required in Section 14.2 (Site Plan Review).
- f. 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.

**EXHIBIT “A” (cont’d)**

- g.** Statements explaining how the proposed conditional use complies with the general standards and any applicable specific standards for conditional uses in Section 14.3(F) (Conditional Uses Review Criteria).
  - h.** Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.
  - i.** A fee, in accordance with Section 19.5 (Schedule of Fees, Charges, and Expenses,) shall accompany each application for a Conditional Use Permit.
- 2. Referral to County Planning Commission and Township Zoning Commission**
- a.** All requests for a Conditional Use shall be referred to the Lucas County Planning Commission for review and recommendation prior to the Board of Zoning Appeals public hearing.
  - b.** The application for Conditional Use will be forwarded to the Lucas County Planning Commission by the Zoning Inspector.
  - c.** The Lucas County Planning Commission’s recommendation for approval or denial of the said use, or approval with conditions, shall be submitted to the Township Board of Zoning Appeals. When received, such recommendation shall then be considered at a public hearing held by the BZA on said proposed use.
  - d.** Conditional Use applications subject to Section 14.2 (Site Plan Review) shall be referred to the Zoning Commission, or to the Architectural Review Board if in the Route 64 (Waterville-Swanton Road) Overlay District, for review and recommendation prior to the Board of Zoning Appeals public hearing. When received, such recommendation for approval or denial of the site plan, or approval with conditions, shall be considered at a public hearing held by the BZA on said proposed use.
- 3. Public Hearing.** Once the completed application has been received:
- a.** The applicant must post in a secure fashion and maintain one or more on-site notices within five (5) feet of the lot line adjacent to the public road during the period in which the application is being considered by the Lucas County Planning Commission and the Waterville Township Board of Zoning Appeals. The applicant shall remove the posted notices within ten (10) days after the decision of the Board of Zoning Appeals. No one except the applicant, agent or Township shall remove or tamper with any such notice during the time it is required to be posed and maintained. Waterville Township will provide the form of the notice and its content.

## **EXHIBIT “A” (cont’d)**

- b. The Board of Zoning Appeals shall schedule a reasonable time for the hearing of a matter to come before it and shall give at least ten (10) days’ notice to the parties in interest including adjacent and contiguous property owners, stating the time and place. In addition, notice of such public hearing shall be given in one publication in one or more newspapers of general circulation at least ten (10) days before the date of such hearing.

4. **Action by Board.** The Board of Zoning Appeals shall make its findings and determination in writing within 20 days of the public hearing. At the hearings, any party may appear in person by agent or by attorney and shall be given the opportunity to be heard. A copy of the findings and determination made by the Board of Zoning Appeals shall be transmitted to the applicant by ordinary mail.

### **E. Public Information**

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 at the Township Hall, subject to the order of the Lucas County Common Pleas Court and available for inspection by the public.

### **F. Conditional Uses Review Criteria**

In reviewing conditional uses, the Board of Zoning Appeals shall consider the following:

1. The use is a conditional use, permitted with approval by the Board in the district where the subject lot is located;
2. The use is in accordance with the objectives of the Waterville Township Land Use Plan and Zoning Resolution; and
3. The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
4. The Board shall also consider the following as applicable to the subject application:
  - a. The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;
  - b. The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
  - c. The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
  - d. The capacity of adjacent streets to handle increased traffic in terms of traffic volume;

**EXHIBIT “A” (cont’d)**

- e. The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;
- f. The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential fire or other hazards created by the proposed use;
- g. The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
- h. The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;
- i. The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;
- j. The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation;
- k. The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature; and
- l. Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.

**G. Industrial Conditional Use Criteria**

**For any industrial conditional use in the M-1, M-2, or M-3 District, the Board of Zoning Appeals shall consider:**

**1. Tier classification under Section 4.34;**

**2. Full-buildout impacts;**

**3. Cumulative impacts;**

**4. Infrastructure capacity;**

**5. Water demand and groundwater impacts;**

**6. Stormwater and drainage impacts;**

**EXHIBIT “A” (cont’d)**

**7. Traffic and road impacts;**

**8. Noise, lighting, odor, dust, vibration, emissions, and operational impacts;**

**9. Emergency-services capacity;**

**10. Fire-protection capacity;**

**11. Compatibility with surrounding agricultural, residential, commercial, public, institutional, and industrial uses;**

**12. Adequacy of buffering and setbacks;**

**13. Phasing controls;**

**14. Development agreement requirements;**

**15. Financial assurance requirements;**

**16. Decommissioning or closure requirements; and**

**17. Comprehensive Plan consistency.**

**G. H. Imposition of Conditions**

1. In granting any Conditional Use, the Board of Zoning Appeals shall insure that the specific conditions and standards established in Section 4 (Use Specific Regulations), have been adequately addressed.
2. 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. Such conditions and safeguards may include:
  - a. Increased landscaping requirements.
  - b. Screening between any proposed Conditional Use and adjacent property and/or roadway.
  - c. The location of parking areas.
  - d. Regulating the hours and/or days of operation.
  - e. Lighting locations, intensity and areas to be illuminated.
  - f. Any other item deemed necessary to protect the general health, safety and welfare of the community.

**EXHIBIT “A” (cont’d)**

**H. I. Expiration of Conditional Use Permit**

A Conditional Use Permit shall be granted for only one (1) particular use and said permit shall automatically expire if, for any reason, the conditional use is not initiated within one (1) year of the granting of the permit or if the conditional use ceases to exist for more than two (2) years.

**SECTION 14.5 Industrial Phasing, Development Agreements, and Financial Assurance**

**A. Phasing Plan Requirement**

Applications involving phased industrial development shall include a phasing plan demonstrating:

- 1. Sequence of development;**
- 2. Anticipated buildout timeline;**
- 3. Infrastructure installation timing;**
- 4. Compliance at each phase;**
- 5. Compliance at full buildout;**
- 6. Utility capacity per phase;**
- 7. Stormwater capacity per phase;**
- 8. Emergency access per phase;**
- 9. Traffic impacts per phase; and**
- 10. Measures to prevent temporary or permanent noncompliance.**

**B. No Partial Approval Where Full Buildout Fails**

The Township shall not approve any phase of development where the full buildout of the project would not comply with this Resolution.

**C. Infrastructure Timing**

Required infrastructure shall be installed, bonded, guaranteed, or otherwise secured prior to or concurrent with the phase it serves.

No phase shall proceed without adequate infrastructure capacity.

**EXHIBIT “A” (cont’d)**

**D. Unified Project Evaluation**

Multiple applications, parcels, development phases, affiliated entities, or related facilities that are part of a coordinated development shall be evaluated as a single project for purposes of Tier classification, infrastructure capacity, cumulative impact analysis, phasing, financial assurance, development agreement requirements, and Comprehensive Plan consistency.

**E. Development Agreements**

A development agreement shall be required for all M-3 development. The Township may require a development agreement for M-2 development where necessary to address:

- 1. Infrastructure improvements;**
- 2. Timing of improvements;**
- 3. Road improvements;**
- 4. Emergency-service impacts;**
- 5. Stormwater maintenance;**
- 6. Water and well monitoring;**
- 7. Construction controls;**
- 8. Phasing obligations;**
- 9. Financial assurance;**
- 10. Decommissioning;**
- 11. Ongoing reporting;**
- 12. Inspection access;**
- 13. Default remedies; and**
- 14. Long-term compliance obligations.**

**EXHIBIT “A” (cont’d)**

**F. Financial Assurance**

**Financial assurance shall be required for all M-3 development and may be required for M-2 development where determined necessary by the reviewing authority.**

**Financial assurance may be required for:**

- 1. Required infrastructure improvements;**
- 2. Stormwater facilities;**
- 3. Road repairs;**
- 4. Landscaping and buffering;**
- 5. Decommissioning;**
- 6. Emergency-service mitigation;**
- 7. Erosion and sediment control;**
- 8. Construction-phase obligations; and**
- 9. Other required public or site improvements.**

**Financial assurance may include bonds, letters of credit, escrow agreements, cash deposits, or other instruments acceptable to the Township. For M-3 development, financial assurance shall include a component sufficient to secure stormwater basin stabilization, inspection, maintenance, sediment removal, structural repair, and emergency corrective action for private stormwater facilities.**

**G. Amount of Financial Assurance**

**Financial assurance shall be in an amount sufficient to secure all required public improvements, site improvements, stormwater obligations, road repair obligations, decommissioning obligations, abandoned construction stabilization, site restoration, emergency-service mitigation, and other obligations imposed as a condition of approval or development agreement.**

**EXHIBIT “A” (cont’d)**

**Unless a higher amount is required based on an engineer’s estimate, decommissioning estimate, development agreement, or condition of approval, the minimum financial assurance shall be the greater of:**

**1. One percent (1%) of total estimated construction cost at full buildout, or**

**2. The following minimum amount:**

<b>Tier</b>	<b>Minimum Financial Assurance</b>
<b>Tier 1</b>	<b>\$2,500,000</b>
<b>Tier 2</b>	<b>\$7,500,000</b>
<b>Tier 3</b>	<b>\$15,000,000 minimum, or higher as determined by the Township</b>

**Financial assurance shall be provided in a form acceptable to the Township, including bond, letter of credit, escrow, cash deposit, or other approved security.**

**Financial assurance required under this Section is separate from application fees, professional review escrows, inspection fees, enforcement cost recovery, and any fees adopted by separate Township fee schedule.**

**H. Review and Adjustment**

**The Township may periodically review financial assurance and require adjustment where costs increase, project scope changes, compliance concerns arise, or additional obligations are imposed.**

**I. Default and Enforcement**

**Failure to comply with required obligations shall constitute default. Upon default, the Township may draw upon financial assurance, complete required work, enforce agreements, seek injunctive relief, or pursue any other remedy available under this Resolution or law.**

**EXHIBIT “A” (cont’d)**

**SECTION 14.6 Decommissioning and Closure**

**A. Applicability**

A decommissioning or closure plan shall be required for M-3 development and may be required for M-2 development where the reviewing authority determines that the use involves substantial infrastructure, utility systems, cooling systems, substations, generators, batteries, hazardous materials, stormwater facilities, or other improvements requiring closure planning.

**B. Required Contents**

A decommissioning plan shall address:

1. Removal of obsolete structures;
2. Removal or securing of equipment;
3. Removal or stabilization of utility systems;
4. Generator, fuel, battery, and hazardous material removal;
5. Stormwater basin stabilization;
6. Soil stabilization;
7. Site restoration;
8. Continued maintenance obligations;
9. Environmental compliance;
10. Timeline for decommissioning;
11. Financial assurance;
12. Responsible parties; and
13. Township inspection rights.

**C. Triggering Events**

Decommissioning may be required upon:

1. Permanent cessation of operations;

**EXHIBIT “A” (cont’d)**

- 2. Abandonment;**
- 3. Expiration of approvals;**
- 4. Failure to maintain required permits;**
- 5. Failure to maintain the site;**
- 6. Unsafe conditions;**
- 7. Removal of principal operations; or**
- 8. Other conditions established in an approval or development agreement.**

**SECTION 14.7 Comprehensive Plan Review for M-3 Zoning and Development**

**A. Applicability**

**Any application to apply the M-3 Campus Industrial District to a specific property, and any site plan or conditional use associated with M-3 development, shall include a written statement addressing consistency with the Township Comprehensive Plan.**

**B. Required Comprehensive Plan Consistency Statement**

**The applicant’s Comprehensive Plan consistency statement shall address, at minimum:**

- 1. The applicable planning area designation;**
- 2. Preferred land uses identified for the applicable planning area;**
- 3. Community Preservation strategies;**
- 4. Connectivity strategies;**
- 5. Infrastructure considerations;**
- 6. Environmental considerations, including floodplain, drainage, wetlands, woodlots, hydric soils, groundwater, and other sensitive resources;**
- 7. Transportation and access-management considerations;**
- 8. Compatibility with surrounding agricultural, residential, commercial, public, institutional, and industrial uses;**

**EXHIBIT “A” (cont’d)**

- 9. Consistency with the Township’s rural character and agricultural land-use patterns;**
- 10. Impacts on public services, including fire, EMS, police, roads, water, sewer, stormwater, and drainage systems; and**
- 11. Any proposed mitigation measures, development agreements, infrastructure commitments, buffering, screening, open-space preservation, or design measures intended to address Comprehensive Plan concerns.**

**C. Review Standard**

**No application for M-3 zoning or M-3 development shall be approved unless the reviewing authority determines that the application is consistent with the Comprehensive Plan or that any inconsistency is adequately justified by specific findings in the public record.**

**D. No Predetermination**

**The creation of the M-3 Campus Industrial District as a zoning text classification shall not be interpreted as a finding that any specific parcel is suitable for M-3 zoning or M-3 development. Suitability shall be determined only through review of a specific application, the Comprehensive Plan, the Zoning Resolution, public testimony, infrastructure conditions, environmental conditions, and the evidence in the public record.**

**SECTION 14.8 Continuing Compliance, Monitoring, Complaints, and Enforcement**

**A. Continuing Compliance**

**All approvals for M-1, M-2, and M-3 industrial development shall be conditioned upon continuing compliance with the Zoning Resolution, approved site plans, conditions of approval, development agreements, financial assurance requirements, monitoring requirements, and all applicable performance standards.**

**B. Monitoring Program**

**The Township may require monitoring of noise, lighting, water usage, groundwater, wells, stormwater, traffic, environmental conditions, fire protection systems, emergency access, hazardous materials, construction impacts, and other matters necessary to determine compliance.**

**For M-3 development, a continuing compliance monitoring program shall be required unless waived or modified by the reviewing authority based on specific findings.**

**EXHIBIT “A” (cont’d)**

**C. Reporting**

The owner or operator shall submit monitoring reports at intervals established by the Township, conditions of approval, or development agreement. Reports shall be prepared by qualified professionals where required.

**D. Complaint Submission and Investigation**

The Township shall maintain a process for receiving complaints regarding alleged violations or adverse impacts. Complaints may concern noise, lighting, water, wells, stormwater, traffic, dust, odor, safety, construction impacts, or other zoning-related matters.

Upon receipt of a complaint, the Zoning Inspector or designated Township representative may investigate, require information from the owner or operator, conduct inspections, require third-party testing, and determine whether corrective action is required.

**E. Corrective Action**

If a violation or adverse impact is confirmed, the Township may require corrective action, including operational changes, physical improvements, additional buffering, equipment modification, revised lighting, noise mitigation, water mitigation, road repair, stormwater repair, emergency-service measures, or other actions necessary to restore compliance.

**F. Cost Recovery**

Where a violation is confirmed, the owner or operator shall reimburse the Township for reasonable costs of investigation, professional review, third-party testing, inspection, legal review, and enforcement to the extent permitted by law and any applicable development agreement.

**G. Suspension or Revocation**

Failure to comply with this Resolution, conditions of approval, approved plans, monitoring requirements, development agreements, financial assurance requirements, or corrective action orders may result in suspension, modification, or revocation of zoning approval, zoning certificate, conditional use approval, site plan approval, or other Township approval to the extent permitted by law.

Suspension or revocation shall occur only after notice and opportunity to be heard, unless immediate action is necessary to address an imminent threat to public health, safety, or welfare.

**EXHIBIT “A” (cont’d)**

**SECTION 16 Appeals, Variance and Exceptions**

- Section 16.1 Purpose
- Section 16.2 Initiation
- Section 16.3 Jurisdiction
- Section 16.4 Review Procedures

**SECTION 16.1 Purpose**

**A. Appeals**

The purpose of the appeals is to set forth the standards and procedures by which administrative relief may be taken from any order, requirement, decision, or determination made by any administrative official in the enforcement of this Resolution.

**B. Variances**

The variance procedure is intended to provide a means by which relief may be granted from unforeseen particular applications of this Resolution that create practical difficulties or particular hardships. When such difficulties or hardships may be more appropriately remedied, if at all, pursuant to other provisions of this Resolution, the variance procedure is inappropriate.

**C. Exceptions**

Exceptions are permitted and require a careful review of such factors as location, design, configuration, and relation to adjacent uses to determine the desirability of authorizing the exception on any given site. Exceptions may or may not be appropriate in a particular location depending on the impacts on adjacent uses and how adverse impacts may be minimized through building design, building siting, location of driveway, parking, and screening.

**SECTION 16.2 Initiation**

**A. Appeal**

An appeal to the Board of Zoning Appeals shall be taken by any person aggrieved or by any administrative officer of the Township affected by any decision of the Zoning Inspector.

**B. Variance and Exception**

Pursuant to Section 13.3 (Authority to File Applications), any person having authority to file applications may initiate an application for a variance or exception.

**SECTION 16.3 Jurisdiction**

The Board of Zoning Appeals shall have appellate jurisdiction relative to appeals and variances including the granting of exceptions as provided herein.

## EXHIBIT “A” (cont’d)

### A. Appeals

1. The Board shall have the power to hear and decide where it is alleged there is an error in any order, requirement, decision or determination made by any administrative official in the enforcement of this Resolution.
2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board after the notice of appeal shall have been filed with it, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.
3. The Board may, in conformity with the provisions of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its option ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

### B. Exceptions

In hearing and deciding exception appeals, the Board shall have the power to grant an exception in the following instances:

1. **Interpretation.** Interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this Resolution where the street layout actually on the ground varies from the street layout as shown on such map.
2. **Replacement of Nonconforming Buildings.** Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 60 percent of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
3. **Modification of Parking and Loading Space Requirements.** Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit:
  - a. the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building; or

**EXHIBIT "A" (cont'd)**

- b. the dual use of parking facilities (i.e., by stores during the day and theaters during the evening) provided there is no overlapping of use and the parking space requirements for each building or use are complied with during each period.
4. **Public Parking Areas Location.** Permit in the "A" district, public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial or industrial districts.
5. **Use Impact Determinations.** ~~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.~~ **Determine, where authorized by this Resolution, whether an industrial use is properly classified within an M Industrial District because of the methods by which it would be operated, its Tier classification under Section 4.34, its full-buildout and cumulative impacts, its consistency with the Comprehensive Plan where applicable, and its effect upon uses within surrounding zoning districts. No use impact determination shall authorize a use in a district where such use exceeds the applicable Tier threshold for that district.**
6. **Substitution of Nonconforming Uses.** The substitution of a nonconforming use existing at the time of enactment of this Resolution of another nonconforming use, if no structural alterations except those required by law or resolution are made; provided, however that in an "A" district, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any "A" district, and in a "C" district no change shall be authorized to any use which is not a permitted or conditional use in any "C" district.
7. **More Than One Main Building on a Parcel.** Within any zoned district, the placing of more than one (1) main non-residential building on a lot, when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single party. In such cases, the yard requirements shall apply along all edges of the lot, but shall not be required for the internal arrangement of the buildings on the lot. An application for the placing of more than one (1) main non-residential building on a lot shall be accompanied by a detailed site plan.
8. **Temporary Structures and Uses.** Permit the temporary use of a structure or premises for purpose of development activity (i.e. construction trailers, temporary sales office, mobile home for use during construction or reconstruction of a permanent dwelling, etc.), 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 zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12-month period in undeveloped sections of the Township and not more than six (6) months

## **EXHIBIT “A” (cont’d)**

in developed sections, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. The Board may renew this permit once for the above time period respectively.

### **C. Variances**

In hearing and deciding appeals, the Board shall have the power to authorize such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this Resolution. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Resolution only if all of the following findings are made:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of this Resolution in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare;
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

### **D. Nonconforming Uses - Extensions or Permit**

The Board shall have the authority to grant an extension or permit completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on date such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension shall not exceed in all 100 percent of the floor area of the existing building or buildings devoted to a nonconforming use.

## EXHIBIT “A” (cont’d)

### SECTION 20.3 Interpretation of Terms or Words

For the purpose of this Resolution certain terms and words are herein defined as follows:

- The words "used for" include "designed for" and vice versa;
- words used in the present tense include the future;
- words in the singular number include the plural number and vice versa;
- the word "building" includes the word "structure";
- the word "dwelling" includes the word "residence";
- the word "lot" includes the word "plot";
- and the word "shall" is mandatory and not directory.

The following definitions will be added to or subtracted from Section 20.3 in alphabetical order:

#### **Campus Industrial Development**

**A large-scale industrial development consisting of multiple buildings, phases, parcels, or coordinated operations designed or operated as an integrated site with shared or interconnected infrastructure systems.**

#### **Closed-Loop Cooling System**

**A cooling system that circulates coolant, water, or other heat-transfer fluid within a closed circuit and does not require continuous intake and discharge of water as part of normal operations.**

#### **Comprehensive Plan**

**The adopted comprehensive plan, land use plan, or successor planning document used by Waterville Township to guide land-use decisions, zoning amendments, capital-improvement decisions, development review, community preservation, connectivity, infrastructure planning, and related planning decisions.**

#### **Cooling System**

**Equipment, infrastructure, or processes used to remove heat from industrial, technological, manufacturing, data processing, energy, or related operations, including air-cooled, water-cooled, evaporative, hybrid, or other cooling systems.**

#### **Coordinated Development**

**Development involving multiple buildings, phases, parcels, applications, owners, operators, affiliated entities, infrastructure systems, or operational components that function together as a unified or related project.**

#### **Consumptive Water Loss**

**Water withdrawn or supplied for a use that is not returned to the same water source or watershed in substantially the same quantity and condition, including water lost through evaporation, drift, incorporation into products, or other non-returned use.**

## EXHIBIT “A” (cont’d)

### Data Processing Center

A facility housing computer equipment for storing, processing and distribution of data, inclusive of any power generating facilities specific to the data processing center.

### Data Processing Facility

A facility used primarily for housing computer systems, servers, telecommunications equipment, data storage systems, network equipment, or related infrastructure for the processing, storage, management, transmission, or exchange of digital data.

### Evaporative Cooling System

A cooling system that rejects heat primarily through evaporation of water, including cooling towers, evaporative condensers, swamp coolers, and similar systems.

### Full Buildout Condition

The maximum extent of development reasonably anticipated, proposed, planned, engineered, marketed, phased, or permitted for a site or coordinated development, including all buildings, phases, infrastructure, expansions, and related improvements.

### Industrial Cooling System

A cooling system serving an industrial, manufacturing, energy, technology, data processing, or campus industrial use.

### Industrial Tier

A classification of industrial development intensity based on full-buildout conditions, infrastructure demand, water demand, electrical demand, site area, building area, phasing, and cumulative impacts.

### Integrated Infrastructure

The coordinated design, construction, operation, and maintenance of utility and support systems, including electrical, water, wastewater, stormwater, cooling, transportation, communications, emergency-service, and backup power systems.

### M-3 Campus Industrial District

A zoning district established to accommodate Tier 3 campus-scale industrial development subject to the standards of this Resolution.

### Non-Evaporative Cooling System

A cooling system that rejects heat without relying on ongoing evaporative water loss as a primary cooling mechanism, including air-cooled systems, dry coolers, closed-loop liquid cooling systems, or comparable technologies.

## **EXHIBIT “A” (cont’d)**

### **Once-Through Cooling System**

**A cooling system that withdraws water from a groundwater, surface-water, public-water, or other source, passes the water through equipment or a heat exchanger for cooling, and then discharges the water without recirculating it in a closed loop.**

### **Open-Loop Cooling System**

**A cooling system that withdraws water from a groundwater, surface-water, public-water, or other source and does not continuously recirculate the same water or coolant within a closed system.**

### **Power Generation, On-site / Accessory**

**Power generation equipment or systems located on the same site as a principal use and designed primarily to serve that principal use, including backup, emergency, standby, supplemental, or resiliency power systems.**

### **Stormwater Management System**

**A system of structures, facilities, and practices designed to collect, convey, store, infiltrate, treat, control, or discharge stormwater runoff, manage water quality, reduce flooding, and prevent downstream impacts.**

### **Tier 1 Industrial Use**

**An industrial use that does not exceed Tier 1 thresholds established in Section 4.34.**

### **Tier 2 Industrial Use**

**An industrial use that exceeds one or more Tier 1 thresholds but does not exceed Tier 2 thresholds established in Section 4.34.**

### **Tier 3 Industrial Use**

**An industrial use characterized by high infrastructure demand, large land area, major utility demand, campus-scale development, coordinated multi-phase development, or potential regional impacts, and which meets or exceeds one or more Tier 3 thresholds established in Section 4.34.**

### **Utility Infrastructure - Major**

**Utility infrastructure serving a large-scale industrial or campus development, including but not limited to substations, transmission interconnections, major distribution systems, large-capacity water or wastewater systems, major cooling systems, and related support systems.**

### **Utility Infrastructure - Minor**

**Utility infrastructure serving on-site, small-scale industrial development, and related support systems.**

**EXHIBIT “A” (cont’d)**

**Water-Intensive Industrial Use**

**An industrial use that requires substantial average or peak water demand for operations, cooling, manufacturing, processing, cleaning, fire protection, or related activities.**