Changes to the Brown Township Zoning Resolution

Article 4 – Definitions

Section 4.01:

Borrow Pit (General): ~~A pit adjacent to a fill or embankment from which material is taken for the purpose of making the fill or constructing and maintaining that embankment.~~

A temporary excavation from which soil, sand, gravel, clay, or similar earthen materials are removed solely for use in connection with a specific construction or public improvement project, and not for commercial sale to the general public.

Borrow Pit (Off-Site): A temporary excavation located on a parcel **separate from the parcel(s)** on which the construction or public improvement project utilizing the excavated materials is located.

Borrow Pit (On-Site): A temporary excavation located on the same parcel or contiguous parcels under common ownership as the construction or public improvement project for which the excavated materials are used.

Data Center: A building, structure, or group of buildings or structures primarily used to house computer servers, data storage systems, networking equipment, or other computing equipment for the storage, management, processing, transmission, or exchange of digital data. The term includes facilities used for cryptocurrency mining, blockchain processing, or other high-density computational activities. A Data Center may include accessory infrastructure and equipment necessary for its operation, including electrical substations, transformers, switchgear, uninterruptible power supply systems, battery energy storage systems, backup generators, cooling and heat-rejection systems, water treatment or storage systems, telecommunications equipment, and security facilities. A Data Center does not include an office, corporate headquarters, telecommunications switching facility, or other establishment in which data processing or storage is incidental or subordinate to the principal use.

Net Developable Area/Acreage: ~~The net area left after deducting from a planned unit development tract's gross acreage:~~

The Area/Acreage remaining from a planned unit development tract's gross acreage after deducting:

1.) Right of way for streets and utilities (15% of gross acreage when estimating density);

2.) Jurisdictional wetlands, as defined US Army Corps of Engineers' Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of : a) Hydric soils,

   b) Hydrophytic vegetation and

   c) Wetland hydrology (this generally means they support more than 50% wetland vegetation, and are poorly drained soils which are periodically inundated or saturated);

3.) Floodplains within a FEMA 100-year floodplain;

4.) Slopes greater than 20%, including ravines shown to be critical resource areas on the Brown Township Comprehensive Plan;

5.) Utility rights-of-way and easements for above-ground and currently existing utility structures such as above ground pipelines and existing overhead electric transmission (not

6.) Local service) wires;

7.) Existing bodies of water.

Tract: ~~An area, parcel, site, piece of land, or property that is the subject of a development application.~~ Any lot or group of lots which are contiguous or adjacent to one another that are intended and proposed to be constructed as a singular planned development, regardless of whether construction of said development occurs in phases. All concepts and definitions pertaining to lots, such as frontage, lot lines, setback, and yard, shall apply to tracts.

Article 5 – Districts and Boundaries

Section 5.01:

For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated area of Brown Township, Delaware County, Ohio, may be divided into one or more such districts:

FR-1 – Farm Residence District

R-2 – Low Density Residential District

~~R-3 – Medium Density Residential District~~

PRD – Planned Residence District

~~C-2 – Neighborhood Commercial District~~

PC – Planned Commercial and Office District

PI – Planned Industrial District

~~A-1 – Agricultural Preservation District~~

PUD – Planned Unit Development

PFRCD – Planned Farm Residential Conservation District

Commented [BZ1]: Changed

Section 5.052 – Low Density Residential District (R-2):

The R-2 district is provided for sections of the township with moderately low-density single family residential development, and access to centralized water and sewer systems. Minimum lot size is ~~29,600~~ 8,700 square feet.

Commented [BZ2]: Changed to follow the updates made to the R-2 District

~~Section 5.053 – Medium Density Residential District (R-3):~~

~~The R-3 district is provided in appropriate areas of the township for single family dwellings, and conditionally, multifamily residential development where there is access to centralized water and sewer systems, and a land access to a major collector or arterial street.~~

Commented [BZ3]: The R-3 Zoning District will be removed

~~Section 5.057 – Neighborhood Commercial District (C-2)~~

~~The Neighborhood Commercial district was intended to encourage groupings of small retail establishments to promote convenient shopping to residential neighborhoods in the time before the township adopted Planned Commercial zoning. The Neighborhood Commercial District is now archaic and is retained only for the benefit of land already so zoned. It is a standard district, not a Planned Unit Development.~~

Commented [BZ4]: Article on C-2 was deleted previously

~~Section 5.0563 – Agricultural Conservation District (A-1)~~

~~The Agricultural Conservation District is provided for landowners that wish to voluntarily place their land in an exclusively agricultural zoning district.~~

Commented [BZ5]: Removing this District from the Resolution

Article 6 – Farm Residence District (FR-1)

Section 6.03 :

Sections 519.02 to 519.25 of the Ohio Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, removal or enlargement of a telecommunications tower, but not with respect to the maintenance or use of such tower or any change or alteration that would not substantially increase the tower's height.

Public utilities or other functionally equivalent providers may site a telecommunications tower as a Conditional Use in zoning districts FR-1, R-2, ~~R-3,~~ PRD or Owner Initiated Planned Unit Development, provided that the following conditions are met (in addition to any other applicable criteria):

Section 6.04 :

As used in this section, "small wind farm" means wind turbines and associated facilities in a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

Wind Projects Farms of 6MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects Farms less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project farm less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use/Permit Required in any zoning district except those expressly zoned for residential use. A Conditional Use Permit shall be required in all districts zoned for residential use. The areas zoned for residential use shall be deemed to be all land located within the following

districts: Farm Residential (FR-I), Planned Residential (PRD) and Planned Farm Residential Conservation District (PFRCD).

Commented [BZ6]: Clean up

Article 7 – Farm Residence District (FR-1)

Section 7.02 – B:

Accessory buildings ~~and accessory~~, structures and uses including private garages and permanent dwellings for full time domestic help employed on the premises or full time farm labor.

Section 7.02 – D:

Temporary structures such as mobile or manufactured homes for temporary residential use and temporary structures of a nonresidential, including shipping containers, character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

Section 7.02 – M:

On-Site Borrow Pits: Provided that all requirements outlined in Section 21.18 of this Resolution are met

Section 7.03 – Q:

Off-Site Borrow Pits: Provided that all requirements outlined in Section 21.18 of this Resolution are met

Section 7.05 – G:

Rear Yard Requirement: No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building, structure or use, with the exception of fencing, shall be located closer than fifteen (15) feet to said rear lot line.

Article 8 – Low Density Residential District (R-2)

Section 8.02 – B:

Accessory buildings ~~and accessory~~, structures and uses including private garages.

Section 8.05 – A:

Lot Area: Residential lots which are served with approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than ~~29,600~~ 8,700 square feet. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Article 7 of this Resolution.

Section 8.05 – B:

Lot Frontage: All lots or parcels developed within this district having an area of less than one (1) acre shall have a minimum lot frontage of ~~one hundred (100)~~ fifty (50) feet. All other lots or parcels shall have the minimum lot width of Seventy-five (75) feet on an adjoining approved street or road or approved CAD.

Section 8.05 – F:

Side Yard Set Back: Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing under Section 8.03 D of this Resolution, no building or structure shall be located closer than ~~twenty (20)~~ ten (10) feet to any side lot line.

Section 8.05 – G:

Rear Yard Requirement: No principal dwelling shall be located closer than ~~sixty five (65)~~ fifty (50) feet to the rear line of any lot and no accessory building, structure or use, with the exception of fencing, shall be located closer than ~~fifteen (15)~~ five (5) feet to said rear lot line.

Article 9– Medium Density Residential District (R-3)

Remove District

Article 10 – Planned Residential District

Section 10.03:

~~The permitted density is the number of dwelling units in the development. Such number shall be determined by dividing the net developable area by the conventional lot size for the zoning district being overlaid. If the proposed open space development is located in more than one zoning district, then the total number of dwelling units allowed within the tract shall be the sum of those allowed for the portion of land lying within each zoning district.~~

The permitted density shall be determined by dividing the number of proposed Dwelling Units by the Net Developable Acreage.

Section 10.04:

~~Planned Residential Development zoning may be overlaid on the FR-1 and the R-2 zones zoning district pursuant to a zoning map amendment approved by the township~~.

The Brown Township Comprehensive Plan identifies the Planning Areas in which Planned Residential Developments (PRDs) are considered appropriate

Commented [BZ7]: Changed

Section 10.05 – A:

~~Single-Family detached residential dwelling units in FR-1 and R2 PRD's; single family attached dwellings (condominiums separated by vertical firewalls) in R-2 PRD's.~~

Single Family detached residential dwelling units without Conservation Standards; Single Family attached dwellings (condominiums separated by vertical firewalls) with Conservation Standards

Section 10.05 – B:

Common ~~Area~~ Open Space - upon approval of the final development plan by the township, the following uses and improvements may be permitted in the common area:

Section 10.05 – M:

On-Site Borrow Pits: Provided that all requirements outlined in Section 21.18 of this Resolution are met

Section 10.09 – A:

All land within a proposed Planned Development shall be Contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.

Section 10.09 – B:

Unless otherwise permitted via a Divergence that has been reviewed and approved, the Density of land use within a Planned Residential District shall not exceed 1.0 Dwellings per Net Developable Acre when Conservation Development Standards are not utilized or 1.25 Dwellings per Net Developable Acre when Conservation Development Standards are utilized.

Section 10.09 – D:

~~No building shall be constructed within 50 feet of the perimeter property line of the overall PRD tract;~~

Open Space areas shall be provided around the entire perimeter of a Tract. Such areas shall count towards the Planned Development's required Open Space acreage.

1) The required widths of said area shall be:

a) Fifty (50) feet from any Lot within a Planned Residential Zoning District.

b) One hundred (100) feet from any Lot located within a Residential or Non-Residential Zoning District.

c) One hundred (100) feet from the Right-of-Way line of any Street that is not classified as an Arterial or Collector Street.

d) One hundred seventy (170) feet from the Right-of-Way line of any Arterial or Collector Street.

2) The perimeter of said area shall be planted with two (2) evergreen trees and three (3) deciduous trees for every fifty (50) feet of site perimeter.

a) Required plantings shall be planted in staggered rows or groupings to create a natural looking landscape buffer but shall still generally cover the entire linear perimeter of the Tract.

b) Required plantings shall adhere to the size requirements found in Article 23.

c) In sections where existing woody vegetation, which is healthy, mature, and abundant enough to serve as a visual screen, occurs along the perimeter of the Tract, said vegetation may be credited towards the above planting requirements.

3) No Building or Structure shall be permitted within said area unless approved as part of the Planned Development's Common Open Space

4) No Limited Common Element Area shall be permitted within said area

Section 10.09 – I:

Minimum overall tract size for a PRD is ~~40~~ 25 acres, unless adjacent to a neighborhood of comparable density or design, in which case the Zoning Commission may permit the tract size to be reduced to 10 acres;

Section 10.09 – M:

The required percent of open space shall be provided. ~~The percent of open space required varies according to the zoning district overlaid;~~

~~FR-1 - 40% (of gross tract area) open space~~

~~R-2: - 20% (of gross tract area) open space~~

Without Conservation Development Standards:

40% of the gross acreage of the tract will be Open Space, with a minimum of 15% being Common Open Space (accessible to the tenants or residents)

With Conservation Development Standards:

50% of the gross acreage of the tract will be Open Space, with a minimum of 25% being Common Open Space (accessible to the tenants or residents)

In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included. Unbuildable areas, as provided in Net Developable area calculation, may count for up to 50% of the required open space. That portion of land dedicated to public purposes that remain either open and

unbuilt upon by any structure (including parking) or which houses a recreational facility approved by the Zoning Commission on the Development Plan may count toward the open space requirement.

Section 10.09 – O:

~~In FR-1 zones, water supply and sanitary sewage disposal shall be as approved by the Delaware County Board Health District and/or the Ohio EPA. Feasibility shall be indicated by the appropriate agency at the time of the preliminary plan. In the R-2 zone, centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer, Health District and Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.~~

Planned Residential Districts will only be allowed in areas served by central sanitary sewers and Central Water Systems, or developments utilizing other sewage treatment options approved in the development plan. The foregoing shall not preclude any property not meeting this standard but already within this District from being developed in accordance with the terms of this Zoning Resolution.

Section 10.09 – R:

Sidewalks or paths shall be provided in the area. Sidewalks shall be at least five feet (5') wide and shall be separated from the paved street surface by at least ~~five feet (5')~~ six feet (6') of landscaped or grassed green strip. Deciduous, broad leaf street trees (i.e., maple, oak, sycamore, chestnut, and sweet gum) shall be planted (or saved) at the rate of one per 60 feet of frontage on both sides of the street. Trees must be at least a 2.5 inch caliper at planting. Trees may be placed in the ~~5~~ 6 foot green strip if permitted by the county engineer and/or Township Trustees; otherwise they shall be placed in the front lawn of the residences.

Section 10.09 – S:

Setbacks: ~~Houses shall be setback a minimum of 50 feet from the street centerline, or as approved per plan.~~

1. Without Conservation Standards:

    a. Front, Side, and Rear Yard Setbacks for detached Single-Family Dwellings on Lots ten thousand (10,000) square feet or greater shall be designed so that no residential Dwelling is closer than twenty (20) feet to any other residential Dwelling. Such Dwellings shall be located no closer than fifty (50) feet to the centerline of any private Street or public Street Right-of-Way.

    b. Front, Side, and Rear Yard Setbacks for all other Dwellings, including those on land commonly owned by a condominium or other similar type of association, shall be designed so that no residential Building is closer than eleven (11) feet to any other residential Building. Such Dwellings shall be

located no closer than thirty (45) feet to the centerline of any private Street or public Street Right-of-Way.

c. Other permitted Principal Uses not otherwise specified above shall have Front, Side, and Rear yards, each of which is at least forty (40) feet from each respective Front, Side, and Rear Lot Line(s). No Buildings consisting of such Use shall be located closer than thirty (50) feet to the centerline of any private Street or public Street Right-of-Way.

2. With Conservation Standards:

a) Residential, excluding Multi-Family Dwellings, none, per plan.

b) Other permitted Principal Uses, including Multi-Family Dwellings, shall have Front, Side, and Rear Yard Setbacks of fifty (50) feet each respective Front, Side, and Rear Lot Line(s).

Section 10.09 – T:

~~None, per plan~~

1. Without Conservation Standards:

a. Ten thousand (10,000) square feet or greater for any detached Single-Family Dwelling situated on its own individual Lot.

b. The Building Envelope of Detached Dwellings situated on land commonly owned by a condominium or other similar type of association shall be at least sixty (60) feet wide and one hundred twenty (120) feet deep.

c. Lots for any other type of Dwelling or Building shall be at least thirty thousand (30,000) square feet in size.

d. Lots designated solely for the purpose of Governmental Facilities, Right-of-Way, designated Open Space preservation, Public Utilities, or stormwater management shall be exempt from minimum Lot Area requirements. Such designation shall be reflected in the Zoning Permit issued for the creation of the Lot if one is required by this Resolution.

2. With Conservation Standards:

a. None required with the exception of Section 10.09.S.2.b below; however, the Township may, as a part of the PRD, with Conservation Development Standards review process, require specific dimensional requirements that are in the best interests of the health, safety, and general welfare of the Township.

b. The Building Envelope of Detached Dwellings situated on land commonly owned by a condominium or other similar type of association shall be at least sixty (60) feet wide and one-hundred twenty (120) feet deep.

Section 10.09 – U:

~~Minimum Lot Width (at the building line): None, per plan.~~

Commented [BZ8]: Removed

Section 10.09 – V :

~~Minimum Side yards: Eight feet each side for houses, eight feet from an attached garage to side lot line. Detached garages with one hour fire rated construction may be constructed within five feet of the lot line provided the garage is located to the rear of the house, and that the garage does not abut an adjacent residence.~~

Commented [BZ9]: Removed

Section 10.09 – W:

~~Minimum Rear yard: Fifty (50) feet for houses and attached garages, or as per plan.~~

Commented [BZ10]: Removed

Section 10.11:

An application for a PRD requires:

Step 1. Zoning Map Amendment and Preliminary Plan. A change in the zoning map to ~~show the~~ change the zoning to PRD ~~as an overlay zone. This includes a~~ A preliminary development plan shall be submitted with the application to show the intend of the development. The change in the zoning map is considered a legislative amendment and is subject to referendum by the citizens of the township.

~~A rezoning to another district may be submitted simultaneously with a PRD overlay application. For example, if a PRD/R-2 were desired for land zoned FR-1; a rezoning from FR-1 to R-2 would be filed with the application for PRD. No double fees shall be charged. In order to receive the PRD at the higher density, both zoning would need to be approved;~~

Step 2. Final Development Plan. Following the effective date of the PRD zoning amendment, the applicant shall submit a final development plan in accordance with Section 10.14. The final development plan is to stay as consistent as possible with the approved preliminary plan. ~~The submission and approval of a final development plan. Unless simultaneously adopted as part of the zoning map change, the~~ The subsequent approval or disapproval of the final development plan is an administrative act by the Township, based on the PRD standards adopted of this Resolution. Approval or disapproval of the final development plan is an administrative action, but is subject to the review and approval by the Township for appropriateness.

Section 10.12 – Process for Zoning Map Amendment:

Simultaneous with the application for a PRD, the applicant ~~shall~~ may schedule a on-site walkabout ~~on the site~~ with the Zoning Commission to familiarize all parties with the lay of the land, and the general design intent of the applicant The on-site walkabout is a public meeting pursuant to Ohio Sunshine Law (ORC §121.22) and must be properly noticed and open to the public.

Planned Residential Developments ~~may~~ shall be approved according ~~to one of the following procedures:~~ to the following procedure:

A. The applicant, being a land owner, may apply for designation of the land as a PRD ~~overlay.~~ A preliminary development plan must be submitted with the application. If the application is approved, ~~then the zoning map is amended to PRD overlay, either FR-1/PRD or R-2 /PRD~~ it will constitute a Zoning Map Amendment that rezones the property to PRD. (This is a legislative act and is subject to referendum).

B. ~~The applicant, being a land owner, may apply for designation of the land as a PRD and simultaneously submit, along with the application for the zoning change, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum).~~

Commented [BZ11]: Changed

Section 10.13

~~Upon approval of the PRD district, all previous regulations shall no longer be in effect, and the regulations for the PRD shall prevail.~~

Article 14 – Planned Commercial and Office District

Section 14.04 – K:

On-Site Borrow Pits: Provided that all requirements outlined in Section 21.18 of this Resolution are met

Article 17 – Planned Industrial District (PID)

Section 17.03 – Permitted Uses:

On-Site Borrow Pits: Provided that all requirements outlined in Section 21.18 of this Resolution are met

Section 17.04 – Conditional Uses:

C. Data Centers meeting the following conditions:

1. Data Centers shall not be located within one thousand (1,000) feet, measured to the closest lot line of the property the use is located on, of any Residential or Planned Residential Zoning District; another Data Center; cemetery, crematorium, funeral home, or mortuary; cultural center; day care center of any type; educational institution serving students in grade 12 or below; hospital; hotel or motel; Natural Resource Protection area; public library or museum; public park or playground; or religious establishment.

2. Total land occupancy by all buildings and impervious surfaces shall not exceed seventy-five percent (75%) of the lot/tract.

3. A landscaped earth mound or berm with a slope of three (3) feet horizontal to one (1) foot vertical (3:1) shall be installed within a fifty (50) feet setback of the perimeter of the lot/tract. The berm shall be planted with a minimum of six (6) evergreen trees and nine (9) deciduous trees for every fifty (50) linear feet of the tract perimeter. Trees shall be planted in staggered rows or groupings to create a natural-looking landscape buffer while providing general coverage along the entire perimeter of the tract. Existing healthy, mature, and sufficiently dense woody vegetation located along the tract perimeter may be credited toward the required planting quantities where such vegetation provides adequate visual screening.

4. The operation of a Data Center shall not produce a sound level exceeding sixty-five (65) dBA, measured at any lot or tract line of the property on which the Data Center is located. The data center owner or operator shall conduct periodic sound measurements at all lot or tract lines and provide written reports to the Zoning Inspector or other designated authority. Reports shall be submitted annually or more frequently if requested by the Township Zoning Inspector to verify compliance with this standard. Failure to maintain sound levels at or below 65 dBA at the required setback lines or to submit the required reports shall constitute a zoning violation and may result in enforcement actions.

5. All data centers must connect into central water and sewer services. Closed-loop cooling systems and/or other high-efficiency low-water use systems (Immersion, Air-Cooled, etc.) are required. Open-loop water use systems are not permitted.

6. Except for emergency back-up power, behind the meter power generation is not permitted.

D. Off-Site Borrow Pits: Provided that all requirements outlined in Section 21.18 of this Resolution are met

Article 18– Agricultural Preservation District (A-1)

Remove District

Article 21 – General Development Standards

Section 21.01– B:

Paving: Except in the Farm Residence Zoning District (FR-1) ~~and the Agricultural Preservation District (A-1)~~ all common parking areas and adjacent aisles or driveways shall be paved with asphalt material or cement.

Section 21.01– F.1.:

Single Family Residential: four (4) per dwelling unit (garages and driveways count in FR-1 ~~and A-1.~~

Commented [BZ12]:

Section 21.05– B:

No impoundment shall be located in the front yard in any district except the FR-1 ~~or A-I~~ district except upon issuance of a conditional use permit pursuant to Article 28 of this Resolution or as approved in plans of development or approved subdivision plats. Newly constructed water impoundments may not significantly affect existing waterways or their collection systems.

Section 21.09– A:

USE CLASSIFICATION ROAD CLASSIFICATION

	Class A	Class B	Class C
FR-1 – Residential	130	90	90
R-2 – Residential	~~130~~ 5	~~75~~ 5	~~60~~ 5
~~R-3 – Residential~~	~~130~~	~~60~~	~~60~~
PRD – Residential	*As approved in Development Plan*		
~~C-2 Commercial/Office~~	~~130~~	~~80~~	~~60~~
PC - Commercial Office	*As approved in Development Plan*		
PI – Planned Industrial	*As approved in Development Plan*		

~~A-1 – Agricultural~~	~~130~~	~~90~~	~~90~~

Section 21.11– B.13:

A property proposing a secondary or additional driveway access shall be required to obtain a new driveway access permit prior to establishing such access.

Section 21.17.A.1:

Each span of any fence or wall shall be uniformly constructed of any commonly used fencing materials, such as: masonry, wood, chain link, wrought iron or wire, "span" being defined as any portion of a fence or wall without corners. Barbed wire, razor wire or electrified fences are prohibited on residential lots of one (1) acre or less ~~except in the A-1 Agricultural District~~. Fences or walls must be constructed and maintained according to commonly accepted practices.

Section 21.18 – Borrow Pits

The purpose of this section is to regulate temporary borrow pits in order to protect the public health, safety, and general welfare; prevent the establishment of permanent or commercial extractive operations under the guise of temporary excavation; minimize adverse impacts on adjoining properties and public roadways; and ensure timely and complete reclamation of disturbed land, consistent with Ohio Revised Code Chapter 303. A zoning permit/certificate shall be required prior to starting the excavation.

A. On-Site Borrow Pits

1. **Approval Requirements:**

a. Approval shall be granted by the Zoning Inspector upon determination that the proposed excavation complies with this section.

b. The application shall include a site plan, description of the associated project, estimated volume of material, duration, and a reclamation plan.

2. **Development and Operational Standards:**

a. Setbacks: Minimum twenty-five (25) feet from any property line and fifty (50) feet from all public road right-of-way lines. Any excavation extending more than twenty-five

(25) feet below the existing grade at the nearest property line, the setback shall be increased by one and one-half (1.5) feet for each one (1) foot of additional depth.

b. Traffic and Access: On-site borrow pits shall minimize haul traffic on public roads to the greatest extent practicable.

c. Hours of Operation: On-site borrow pits may be subject to reasonable conditions imposed by the Zoning Inspector.

d. Duration: Excavation shall be limited to the duration of the associated construction activity and shall cease upon completion of the principal use.

e. Reclamation and Financial Assurance: All borrow pits shall be reclaimed in accordance with an approved reclamation plan. Financial assurance for on-site borrow pits may be required at the discretion of the Zoning Inspector if warranted by site conditions.

B. Off-Site Borrow Pits

1. **Approval Requirements:**

a. Approval shall require a Conditional Use permit issued by the Board of Zoning Appeals.

b. The application shall include a site plan, description of the associated project, estimated volume of material, duration, and a reclamation plan

2. **Development and Operational Standards:**

a. Setbacks: Minimum one hundred (100) feet from any property line, one hundred and fifty (150) feet from all public road right-of-way lines and three Hundred (300) feet from any existing dwellings on neighboring properties.

b. Traffic and Access: Off-site borrow pits shall require haul route approval by the ODOT, Delaware County Engineer, or Brown Township Road Superintendent and may require a road maintenance agreement.

c. Hours of Operation: Off-site borrow pits shall be subject to the hour limitations of 7AM-5PM Monday thru Friday. No operation on Saturday and Sunday.

d. Duration: Off-site borrow pits shall be limited to a maximum duration of two (2) years, unless extended by the Board of Zoning Appeals.

e. Reclamation and Financial Assurance: All borrow pits shall be reclaimed in accordance with an approved reclamation plan. The Board of Zoning Appeals may require financial assurance for off-site borrow pits to guarantee reclamation.

Article 27 – Amendments

Section 27.01 - B:

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. ~~Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.~~ Notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using at least one of the following methods:
(a) In the print or digital edition of one or more newspapers of general circulation in the township;
(b) On the official public notice web site established under section 125.182 of the Revised Code;
(c) On the web site and social media account of the township.
The published notice shall contain such information as may be required under the provisions of Section 519.12 of the Ohio Revised Code.

Section 27.01 – G:

The Board of Township Trustees shall, upon receipt of such recommendation set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. ~~Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.~~
Notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using at least one of the following methods:
(a) In the print or digital edition of one or more newspapers of general circulation in the township;
(b) On the official public notice web site established under section 125.182 of the Revised Code;
(c) On the web site and social media account of the township.
The published notice shall contain such information as may be required under the provisions of Section 519.12 of the Ohio Revised Code.

Article 28 – Board of Zoning Appeals

Section 28.05

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by ordinary mail to the applicant and any abutting property owners within 500 feet of the property at question, give ~~notice of such public hearing by publication in a newspaper of general circulation within the township at least ten (10) days prior to the date of such hearing, and decide the same within a reasonable time after it is submitted~~ notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using at least one of the following methods:
(a) In the print or digital edition of one or more newspapers of general circulation in the township;
(b) On the official public notice web site established under section 125.182 of the Revised Code;
(c) On the web site and social media account of the township.
The published notice shall contain such information as may be required under the provisions of Section 519.15 of the Ohio Revised Code. At the hearing, any party may appear in person or by attorney.

Section 28.06 - A

Public Notice: Written application for a variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall give written notice by ordinary mail to the applicant and all owners of land within five hundred (500) feet of the exterior boundaries of the land for which a variance is requested. An application for a variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, ~~in a newspaper of general circulation within the township. The notice shall state the time and place of the public hearing, and the nature of the proposed appeal or variance.~~ The notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using at least one of the following methods:
(a) In the print or digital edition of one or more newspapers of general circulation in the township;
(b) On the official public notice web site established under section 125.182 of the Revised Code;
(c) On the web site and social media account of the township.
The published notice shall contain such information as may be required under the provisions of Section 519.15 of the Ohio Revised Code.

Section 28.06 – C

Notice: Notice of the application for Conditional Use permit and the hearing thereon shall be given to the applicant and all property owners within five hundred (500) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition, ~~one notice of said meeting shall be published in a newspaper of general circulation within the township not less than ten (10) days prior to the scheduled hearing~~. The notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using at least one of the following methods:

(a) In the print or digital edition of one or more newspapers of general circulation in the township;

(b) On the official public notice web site established under section 125.182 of the Revised Code;

(c) On the web site and social media account of the township.

The published notice shall contain such information as may be required under the provisions of Section 519.15 of the Ohio Revised Code.

The notice shall set out the time, date and place of the meeting, as well as the general nature of the conditional use.