To: The Chester Township Community  
Date: July 2, 2020  
From: Chester Township Zoning Commission  
RE: Initiation of Z2020-1

The Chester Township Zoning Commission initiated proposed amendment Z2020-1 on July 1, 2020. The public hearing for this proposed amendment is scheduled for August 5, 2020, 7:00 pm at Chester Town Hall. The public is invited to attend to voice support or opposition to this amendment.

The following documents are attached:

1. Motion to Initiate an Amendment to the Chester Township Zoning Resolution  
2. Rationale for the justification of the need for this amendment; and  
3. The text of the proposed amendment.
FORM NO. 22
MOTION TO INITIATE AN AMENDMENT TO THE
CHESTER TOWNSHIP ZONING RESOLUTION
O.R.C. SECTION 519.12(A)

Michael Lauro moved the adoption of the following motion:

That an amendment to the Chester Township Zoning Resolution, identified as number Z2020-1, consisting of 4 pages, marked Exhibit “A” and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Chester Township Zoning Commission this 1st day of July, 2020.

Jonathan Oswick seconded said motion. Upon the roll being called, the vote of the members of the zoning commission was as follows:

<table>
<thead>
<tr>
<th>Member</th>
<th>Signature</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew Chess</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Cathy Cotman</td>
<td>Absent</td>
<td>Yes</td>
</tr>
<tr>
<td>Michael Lauro</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Anthony Nastasi</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Jonathan Oswick</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
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Attested to by:

Administrative Assistant, Zoning Commission

Print Name: Kris Crews

July 1, 2020
Date
Biodiesel, etc.

PURPOSE OF AMENDMENT: To expand the list of uses that the township has no authority to prohibit.

WHAT ARE THE MODIFICATIONS?
- Adds biodiesel production, biomass energy production, electric or heat energy production and biologically derived methane gas production to the current list of "Powers Not Conferred."

WHY?
- To be consistent with ORC 519.21.

BACKGROUND
- In 2012, the Ohio General Assembly passed an Act that revised the ORC to state that township zoning laws have no authority to prohibit these uses, under specified circumstances, on any land.
Definition of Agriculture

PURPOSE OF AMENDMENT: To modify the definition of "Agriculture."

WHAT ARE THE MODIFICATIONS?
- Adds algaculture to the existing definition.

WHY?
- To be consistent with the Ohio Revised Code definition of "agriculture" found at ORC 519.01.

BACKGROUND
- In 2012, the Ohio General Assembly passed an Act that revised the definition of agriculture in ORC 519.01 to include algaculture.
Type B Family Day-Care Homes

PURPOSE OF AMENDMENT: To add Type B Family Day-Care Homes to the list of permitted uses in residential districts.

WHAT ARE THE MODIFICATIONS?
- Adds a definition for Type B Family Day-Care Homes.
- Adds Type B Family Day-Care Homes to the list of permitted accessory uses in residential districts.

WHY?
- To comply with ORC 5104.054 that says these homes (whether licensed or not) must be considered a residential use of property & must be a permitted use in all zoning districts where residential uses are permitted.
Corrects Section Numbering

PURPOSE OF AMENDMENT: To delete incorrect section number references.

WHAT ARE THE MODIFICATIONS?
• Delete the section references in their entirety

WHY?
• Section reference numbers have changed over the years. The reference numbers are no longer correct. They used to refer to the definition of "flag" and the regulations for "Flags of the United States". The zoning commission finds the references both incorrect and unnecessary.
ARTICLE 1– GENERAL PROVISIONS

Section 1.04.0 POWERS NOT CONFERRED BY CHAPTER 519 OF THE OHIO REVISED CODE OR THIS RESOLUTION

F. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes. As used herein, “biodiesel,” “biomass energy,” and “electric or heat energy” have the same meanings as in Section 5713.30 of the Ohio Revised Code.

G. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,060,710) British thermal units, five (5) megawatts, or both. As used in this section, “biologically derived methane gas” has the same meaning as in Section 5713.30 of the Ohio Revised Code.
ARTICLE 2– DEFINITIONS

Section 2.02.0 WORDS AND TERMS DEFINED

"AGRICULTURE" includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
ARTICLE 2—DEFINITIONS

Section 2.02.0 WORDS AND TERMS DEFINED

“TRUSTEES” means the board of trustees of the township.

“TYPE B FAMILY DAY-CARE HOME” AND “TYPE B HOME” mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time and as defined in O.R.C. Section 5104.01(VV). In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. “Type B family day-care home” and “type B home” do not include any child day camp as defined in O.R.C. Section 5104.01(J).

“UNLICENSED WIRELESS SERVICE” means the offering of telecommunication services using duly authorized devices that do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

ARTICLE 5—DISTRICT REGULATIONS

5.01.02 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES (which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use and subject to the provisions of 5.01.03 of this resolution).

L. Type B family day-care homes and Type B homes (whether licensed or not licensed by the Director of Job and Family Services) within a single family detached dwelling.
ARTICLE 5– DISTRICT REGULATIONS

Section 5.00.02.1 EXTERIOR LIGHTING

c. Night lighting of a flag (as defined and regulated in Section 9.00.0H, and Section 9.04.0A.13) which may use one light fixture, or a monument (as defined in this resolution) which may use one light fixture per face of said monument with a lamp rated up to five thousand five hundred (5,500) initial lumens; these fixtures must emit a narrow cone beam of light that will not extend horizontally beyond the illuminated object. (See figures 1 and 2 below.)