



**Zoning Text Amendment**  
Sharon Township

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**Meeting:** August 5, 2015  
**Applicant:** Sharon Township Zoning Commission  
**Hearing:** March 21, 2013 (Township Trustees)  
**Amendment:** Article III, Definitions. 300-20 Dwelling  
**Reviewer:** Susan Hirsch

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**Proposed Amendments:** (New text is **bold & underlined** and Staff Comments are in *italics*). This amendment proposed by the Sharon Township Zoning Commission provides landscaping requirements for all zoning districts and places the landscaping regulations, lighting, signs, parking and loading, and nonconforming uses in an Article entitled “Regulations Applicable to All Districts”, and there are numerous minor changes throughout the Zoning Resolution. The proposed changes were approved by the Sharon Township Zoning Commission at their June meeting.

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**ARTICLE I      PURPOSE & SEPARABILITY**

For the purpose of promoting public health, safety, comfort, convenience, prosperity and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvement, all in accordance with a comprehensive plan, the Board of Trustees of this Township find it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches, percentage of lot areas which may be occupied, setback building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of the township into districts or zones, under authority of Section 519.02 et seg of the Ohio Code.

**It is hereby declared to be the legislative intent that, if any provision(s) of this Resolution, or the application thereof to any zoning lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision(s) which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separately and fully effective, and the application of any such provision to other persons or situations shall not be effected.**

*Article XV SEPARABILITY has been incorporated into Article I PURPOSE. The text has not changed. The Table of Contents shows combining Separability with Interpretation in Article II. It makes more sense combined with Interpretation as it is an entirely separate topic from the purpose of the Zoning Resolution.*

~~ARTICLE XV      SEPARABILITY (Now a part of the purpose statement~~

~~It is hereby declared to be the legislative intent that, if any provision(s) of this Resolution, or the application thereof to any zoning lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision(s) which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separately and fully effective, and the application of any such provision to other persons or situations shall not be effected.~~

ARTICLE III DEFINITIONS

300-20 Dwelling: Any structure or portion thereof, which is designed or used for residential purposes. For the purpose of Sections 601, 602, & 610 in the Zoning Resolution of Sharon Township, the following terms shall be regarded as synonyms: ~~with the exception of non-conforming conditional uses.~~

~~ARTICLE IV: NONCONFORMING USES~~

*Article IV NON-CONFORMING USES has been incorporated into Article VII REGULATIONS APPLICABLE TO ALL DISTRICTS.. The text has not changed*

~~604-4.B. LANDSCAPING STANDARD (See figures 1 & 2~~

*The entire section has been deleted*

~~611 LIGHTING REGULATIONS~~

*Section 611 has been incorporated into Article VII REGULATIONS APPLICABLE TO ALL DISTRICTS.. The text has not changed*

A.

**611 WTTO-Wireless Telecommunication Tower Overlay District.**

*This entire Section has been relocated to be within ARTICLE VI DISTRICT REGULATIONS. It had been Article XVIII. The only text change is shown below, bold and underlined.*

**Except as provided in this Section XVIII wireless telecommunication facilities are prohibited in the Township.** *This should read Section 611, not XVIII.*

ARTICLE VII REGULATIONS APPLICABLE TO ALL DISTRICTS

700 Sign Regulations

*This should be Section 710. Formatting will need to be corrected throughout. The only change to this Section is in Section 700-5 Signs Conditionally Permitted in the C-2 District and Industrial 1-1,1-2, and 1-3 Districts Zoning Districts Requiring a Permit, which clarifies from what point on the ground a ground sign is measured.*

A. Ground Signs: One sign per property which may be an identification, accessory, secondary, or free standing signs but must relate to the business use of the property the sign is located on. Such sign shall not exceed thirty two (32) square feet in area per side, and the overall height of the sign shall not be more than ten (10) feet from grade level at the site of the sign. **Height shall be measured from the grade level at the sign base, provided that if the ground is augmented in a manner that adds height to the sign, but not the surrounding building(s), the sign shall be measured from the natural grade.** In case of a corner lot, one sign may be placed in the front yard facing each thoroughfare.

**Article VII LIGHTING REGULATIONS**

*This should be Section 720. Formatting will need to be corrected throughout. The only change to this Section is the addition of Subsection E. Exemptions:.*

**E. EXEMPTIONS**

1. **Temporary seasonal decorative lighting fixtures are exempt from these regulations.**
2. **Outdoor lighting fixtures existing and legally installed prior to the effective date of this regulation are exempt from its requirements.**

**Article VII PARKING AND ACCESS DRIVE STANDARDS**

*This should be Section 730. Formatting will need to be corrected throughout.*

**No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this resolution. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking shall be provided on the basis of the enlargement or change. Whenever a building or structure existing to at the effective date of this resolution is enlarged to the extent of fifty percent (50%) or more in floor area, or number of employees, or number of housing units, or seating capacity, or by any other measure of activity or capacity, said building or structure shall then and thereafter comply with the full parking requirements set forth herein. Land banking of currently unneeded parking areas is strongly encouraged. As part of the site plan review process, the area to be banked for future parking shall be clearly marked on the site plan.**

*This paragraph contains a lot of diverse regulations. Suggest breaking it up/bullets.*

**A. Parking Space Dimensions**

**A parking space shall have a minimum rectangular dimension of not less than ten (10) feet in width and twenty (20) feet in length for ninety (90) degree parking, ten (10) feet in width and twenty three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty five (45) degree parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. The number of required off street parking spaces is established in this resolution.**

*Again this would be more user-friendly as a chart or bullets for the different angles.*

**B. Loading space Requirements and Dimensions**

**A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street lading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up**

to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

C. Paving

1. The required number of parking and loading spaces as set forth in Section 604 together with driveways, aisles, and other required areas, shall be designed and constructed to provide permanent, durable, all weather paved surfaces.
2. The owner of the lot shall maintain the surface in good condition, free of cracks, holes, trash or debris. Painted or otherwise demarked traffic lanes and parking spaces shall be marked and maintained in good repair.
3. Permanent, durable, all weathered sidewalks shall be constructed and maintained to connect buildings to attendant parking lots.

D. Drainage

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

E. Disabled Vehicles

The parking of a disabled vehicle within Sharon Township for a period of more than ten (10) days shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

F. Width of Driveway Aisle

Driveways serving individual parking spaces shall be not less than ten (10) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one half (17 ½) feet for sixty (60) degree parking, and thirteen (13) feet for forty five (45) degree parking.

G. Access

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking areas from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle enter or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

H. Width of Access Driveway

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: for one way traffic the minimum width of fourteen (14) feet except for forty five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for two-way traffic shall have a minimum

width of twenty four (24) feet. Parking areas shall having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

**I. Striping**

All parking areas with a capacity over twelve (12) vehicles shall be striped.

**J. Type of Use**

Minimum parking space provided

**RESIDENTIAL**

- Single family or two family dwelling – two (2) for each unit. One (1) space for each unit to be under roof.
- Apartments, condominiums or multi-family dwellings. Two (2) for each dwelling plus one (1) for guest parking.
- Boarding housings, dormitories. One (1) for each sleeping room or permanent occupant.

**COMMERCIAL**

- Automobile service garage. Four (4) for each service bay.
- Automobile gas station with retail store. Two (2) for each fuel pump and one (1) for each 300 square feet.
- New and used car sales and service including agricultural equipment sales and service. One (1) for 400 square feet of sales area plus one (1) for each service stall plus one (1) for each employee.
- Hotels, motels. One (1) for each sleeping room plus one (1) space for each two employees.
- Funeral homes and similar uses. One (1) for each 100 square feet of floor area in viewing rooms and service rooms.
- 

**BUSINESS, RECREATION OR ENTERTAINMENT**

- Restaurants, taverns, nightclubs, etc: One (1) for each 200 square feet of floor area.
- Bowling alleys: Four (4) for each alley plus one (1) for each 200 square feet of area used for restaurant, cocktail lounge retail or similar use.
- Dance halls, skating rinks: One (1) for each 100 square feet of floor area used for the activity.
- Auditoriums, sports arenas, theaters, and similar uses: One (1) for each four (4) seats.
- Retail stores including beauty and barber space: One (1) for each 250 square feet of floor area.
- Banks, financial institutions and similar uses: One (1) for each 300 square feet of floor area.
- Offices, public, professional or administration: One (1) for each 400 square feet of total floor space.
- Bed and Breakfasts: One (1) space for each guest room plus two spaces for operating personnel.

- **Veterinary clinic: One (1) space for each 400 square feet of floor area, plus one (1) space for each 2,000 square feet of land area.**
- **All other types of business or commercial uses permitted: One (1) space for each 400 square feet of total floor area.**

#### **INSTITUTIONAL**

- **Churches and other places of religious assembly: One (1) space for each five (5) seats.**
- **Hospitals: One (1) space for each bed.**
- **Congregate care facilities, assisted living and independent living unit: One (1) space for every two (2) beds and one (1) space for every three (3) employees.**
- **Group homes: One (1) space for every two (2) beds.**
- **Medical and dental offices: One (1) space for 200 square feet of area of examination, treating rooms, offices and waiting rooms.**
- **Libraries, museums, art galleries and other similar uses: One (1) space for each 400 square feet of floor area.**

#### **SCHOOLS – PUBLIC OR PRIVATE**

- **Elementary and middle schools: Two (2) spaces for each classroom and one (1) space for every eight (8) seats in the auditorium or assembly halls.**
- **High Schools: One (1) space for every five (5) students and one (1) space for each teacher or employee.**
- **Colleges, universities: One (1) space for every four (4) students.**
- **Kindergarten, childcare centers,, nursery schools and similar uses: Two (2) spaces for each classroom but not less than ten (10) spaces per building.**

#### **MANUFACTURING**

- **All types of manufacturing, storage and wholesale uses: One and one half (1 ½) spaces for every one (1) employee plus one (1) space for each motor vehicle used in the business.**

#### **GENERAL INTERPRETATION**

- **Parking spaces for other permitted or conditional uses not listed shall be determined by the Board of Zoning Appeals upon an appeal from the zoning inspector.**

#### **K. OFF STREET WAITING SPACES FOR DRIVE-THRU FACILITES**

**Drive-thru establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street waiting spaces on the same lot as the use which are in addition to the required number of parking spaces specified. The number parking spaces shall comply with the following requirements:**

1. **Minimum Number of Waiting Spaces by Type of Use/Establishment**
  - **Establishments serving and/or selling food or drinks – ten (10) waiting spaces.**



- Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure – ten (10) waiting spaces.
  - Facilities with service windows or service entrances such as banks, ticket booths, drive-up ATM machines and other similar facilities – ten (10) waiting spaces, but not less than six (6) spaces per window or stalls.
  - Self-serve car wash facilities – Two (2) waiting spaces per stall.
  - Gasoline stations – Two (2) waiting spaces per accessible side of a gasoline pump island.
2. Waiting in the Right-of-Way Prohibited - The site plan indicating waiting spaces for service at a drive-thru facility shall not allow for vehicles to wait within the public right-of-way.
3. Waiting Space Dimensions – Each off-street waiting space shall have an area not less than one hundred forty four (144) feet (measured 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

ARTICLE VII LANDSCAPING STANDARD (See figures 1 & 2)

*This should be Section 740. Formatting will need to be corrected throughout.*

PURPOSE

To enhance the architectural features of a structure and improve the appearance of off-street vehicle parking of outdoor sales and service areas along the Route 18 Corridor so as to protect and preserve the appearance, character and value of adjacent properties, thereby promoting general welfare by providing for the installation and maintenance of landscaping for screening effects and aesthetic qualities.

In the interest of promoting the public convenience, comfort, prosperity and general welfare of the residents of Sharon Township, these regulations provide for the use, location and function of landscaping. More specifically, the purposes of these regulations are to:

- Provide reasonable, yet appropriate landscaping for all conditional uses authorized by this zoning resolution.  
*The Township may want to consider expanding this to include any site plan for commercial or industrial development*
- Ensure that landscapes are located, designed and installed to maintain a safe and orderly pedestrian and vehicular environment
- Maintain and protect the beauty, unique character and aesthetic environment of the Township.
- Provide review procedures that enable the township to comprehensively evaluate

**the appropriateness of a landscape plan to the site, building and surroundings.**

- **Provide for continuing maintenance of all landscaping.**

**A. LANDSCAPE APPLICATION REQUIREMENTS**

**No zoning certification shall be issued for the construction, alteration or improvement of any conditionally permitted building, structure or parking and loading area unless a landscape plan is submitted.**

*See above comment under Purpose*

**B. PLANTING AREA REQUIREMENTS**

1. **PLANTED FRONT YARD**

A minimum depth of twenty (20) feet from the road right-of-way: ~~across the total front yard.~~ **the entire frontage. Landscaping shall consist of a combination of living materials such as grass, ground covers, shrubs, trees and may include non-living durable material such as rocks, decorative walls, but shall exclude paving**

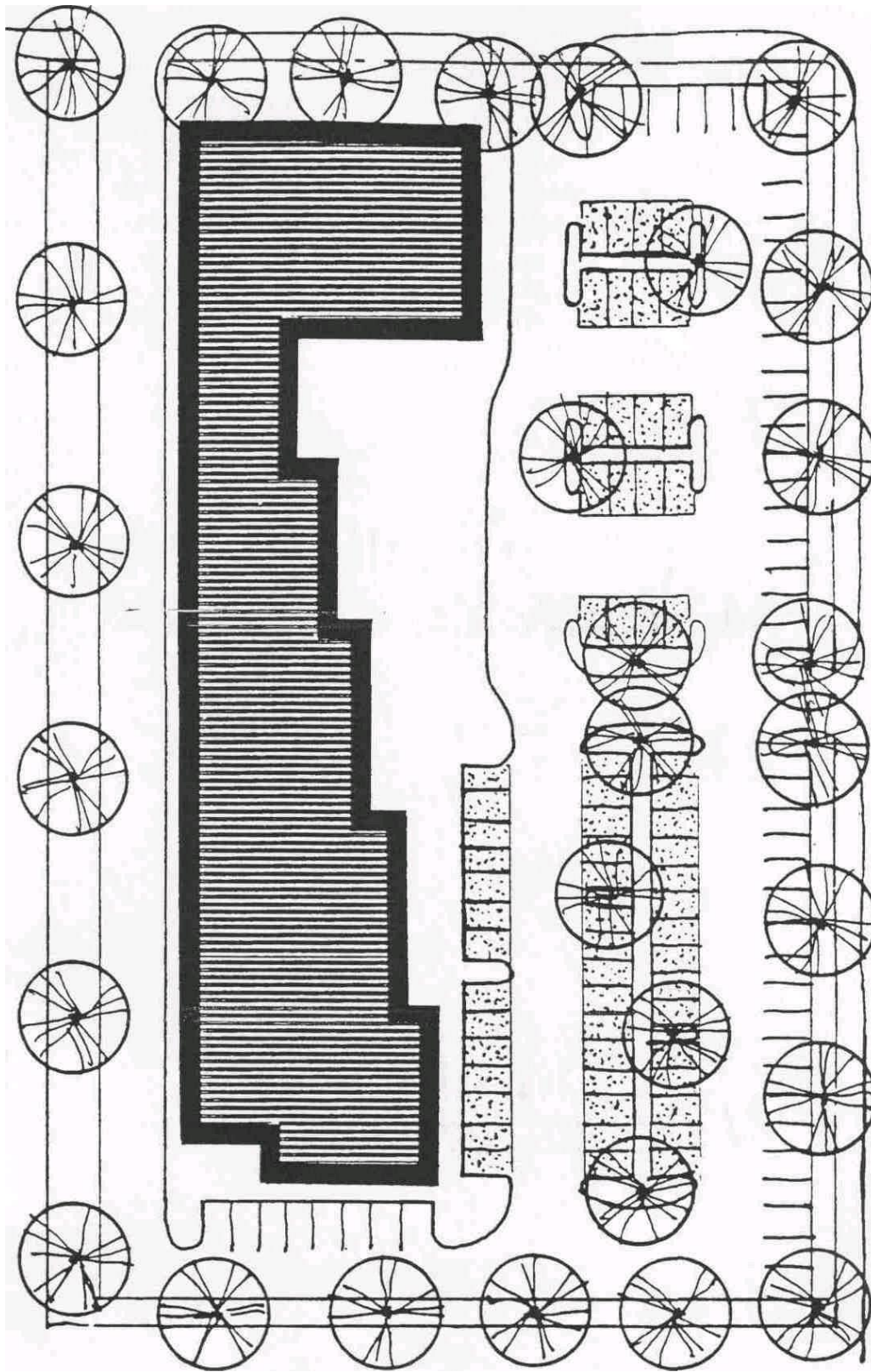
2. **PLANTED BUILDING FRONT**

A minimum of ten (10) feet wide, the length of the building width and within ~~twenty five (25)~~ twenty (20) feet of the facade. Area may be broken by the entrance walks, but walk area shall not exceed fifty (50) percent of the building front area.

*Suggest that front landscaping be adjacent to the building rather than within 20 feet to provide maximum softening impact.*

3. **PLANTED SIDE YARD**

A minimum of ten (10) feet wide from the front yard to the rear yard with the remainder being paved or landscaped with the exception of areas used for shared driveways which shall also be paved.



INTERIOR LANDSCAPING - PARKING LOTS

FIGURE 2

4. PLANTED REAR YARD

- Forty (40) feet where rear yard borders residentially zoned property.
- Thirty (30) feet where rear yard borders commercially zoned property.

5. LANDSCAPE MATERIAL QUALITY STANDARDS

The following minimum standards shall apply to the installation of all planted materials.

All plants shall conform to the American Association of Nurserymen standards "American Standards for Nursery Stock", latest edition (ANSE Z60.1)

The following tree species may be used in any landscape plan but shall not be acceptable for allowance against the required quantity standards:

- Miniature tree species
- Poplars
- Cottonwood
- American Elm
- Ailanthus (Tree of Heaven)
- Mountain Ash
- Oregon Maple
- Box Elder
- Sumac
- Catalpa

The following tree species shall not be used:

- Thorne Honey Locust
- Osage Orange
- Hawthorn (thorn varieties)
- Willow

6. LANDSCAPE MATERIALS SIZE STANDARD

- EVERGREEN SHRUBS Plants shall be no less than twenty-four (24) inches in height, or in the case of spreading varieties of shrubs, no less than twenty-four (24) inches in branch spread.
- DECIDUOUS SHRUBS Plants shall be no less than thirty (30) inches in height.
- CONIFERS EVERGREEN TREES Shall be no less than five (5) feet in height measured from the top of the soil ball.
- DECIDUOUS TREES Shall be no less than one and three fourths (1-3/4th) inch caliper (trunk diameter) as measured at six (6) inches above the crown of the roots (if bare root) or from the top of the soil ball
- TURF Shall be either commercially grown sod or lawn quality seed

7. LANDSCAPE MATERIAL QUALITY STANDARDS

- FRONT YARD REQUIREMENTS

All areas between the existing pavement and the developed portion of the site shall be landscaped within the commercial district.

The following minimum plant materials shall be provided and maintained:

- One (1) tree for each fifty (50) linear feet of lot frontage or fraction thereof, not including drive entrances
- One (1) shrub for each ten (10) linear feet of lot frontage or fraction thereof, not including drive entrances
- Grass, ground covers or other approved live landscape treatment, excluding paving or gravel

- BUILDING FRONT REQUIREMENTS

- At least one-half (1/2) of the building front area shall be landscaped
- Landscape materials shall include trees, shrubs, live ground covers and/or lawn
- The minimum number of trees required shall be according to the following schedule based on the building width:
- Building width      Number of Trees required
  - to 80 feet                      2
  - 81'-120'                         3
  - over 120'                        4
- Each tree shall be planted in an individually landscaped area of not less than one hundred (100) square feet.

- PERIMETER SIDE AND REAR YARD LANDSCAPING RELATING TO ABUTTING PROPERTIES

The side yard shall be landscaped (as defined in 604-4.B.2.C.) which may include shrubs or trees not to exceed four (4) feet in height (ultimate or maintainable growth) in front of the building setback line, with no height restriction behind the building set back line or in the rear yard.

ARTICLE VII NONCONFORMING USES

*This should be Section 750. Formatting will need to be corrected throughout.*

1. A nonconforming use existing at the time this Resolution takes effect may be continued, except if it is voluntarily discontinued for two (2) years or more it shall

then be deemed abandoned and any further use must be in conformity with the uses permitted in such districts.

2. Any building arranged, intended or designed for nonconforming use, the construction of which has been started at the time of the passage of this Resolution or Amendments thereto thus creating a nonconforming use, may be completed and put to such nonconforming use, providing it is done within six (6) months after this Resolution or Amendment take effect.
3. Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building which has been destroyed or damaged by fire, explosion or Acts of God provided such restoration is done within two (2) years from date of such destruction or damage.
4. A building or structure devoted to a nonconforming use at the time this Resolution takes effect may not be altered or enlarged so as to extend said nonconforming use except to make it a conforming use.
5. When a nonconforming use has been changed to a conforming use or a useless in conflict with the character of the district in which it is located, such use shall not thereafter be changed to a nonconforming use
6. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

~~ARTICLE IX – PARKING AND LOADING~~

*Entire Article deleted here and relocated to ARTICLE VII REGULATIONS  
APPLICABLE TO ALL DISTRICTS.*

**ARTICLE XV – ARCHITECTURAL REVIEW BOARD**

*This Section should be reformatted to be consistent with the existing Zoning Resolution*

Section 1007 Powers and Duties

B. Determine whether said proposed work is of such design, material (excluding exterior building materials), or location that it will result in a substantial impairment or destruction of value in neighboring real estate, and whether the use of such proposed design, materials, and location, or substantially similar one, are reasonably necessary to the development of the property involved, and to recommend the approval, disapproval or modifications of plans, drainage, and specifications accordingly. The Architectural Review Board shall use the Sharon Township Design Guidelines in evaluating proposed work and making recommendations.

*Suggest referencing the location of the Sharon Township Design Guidelines.*

Section 1008 Intent

The Architectural Review Board shall advise the BZA, Zoning Inspector or township resident on design, amenities, quality, relationships to natural features and other aspects of building and site development plans which relate to the appearance of an entire project, all of its parts and its surroundings. All standards, regulations and criteria contained in the Zoning Resolution shall be considered by the Architectural Review Board in its review. Each submission shall be reviewed on its own merits and shall not set precedence for other submission.

*It is not clear how or under what circumstances the Architectural Review Board would advise a resident. If it is the intent to permit residents to receive advice from the Architectural Board, it is suggest that submittal criteria and a procedure be established.*

**Staff Recommendation:**

Staff recommends the MCPC **APPROVE WITH MODIFICATIONS** the proposed amendment to the Sharon Township Zoning Resolution subject to Staff Comments.

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