



Zoning Text Amendment Montville Township

Meeting: November 2, 2016
Applicant: Montville Township Zoning Commission (MTZC)
Hearing: November 9, 2016 (Zoning Commission)
Amendments: Various amendments including the Chapters 210, 320, 330, 410, 412, 414, 450, 510, 520, 530, 720, and 730.
Reviewer: Rob Henwood

Proposal: The MTZC has submitted the following proposed zoning text amendments for review; see the amendment report summary table below:

Section (§)	Description	Page
210.63	Edit definition for “Façade”	1
210.63	Edit definition for “Structure”	1-2
320.3	Add new text to establish prohibited uses	2
330.7	Add shooting ranges to Supplemental District Regulations	2
410.8(D)(1)	Edit accessory building setback requirements	2
412.11(H)	Edit owner’s association document amendment notice requirements	2-3
414.5(C)	Add duplexes as a permitted use in a Controlled Density PRD	3
414.6(B)	Edit maximum net density	3-4
414.6(F)	Edit owner’s association document submittal requirements	4
414.6(F)	Add owner’s association document amendment notice requirements	4
450.6(M)(2)	Add category of gas station with retail store to conditional use regulations	4
510.3(E)(1)b	Edit ground sign area requirements	4-5
510.3(E)(1)c	Edit ground sign area requirements when located in HC district on SR 18	5
510.3(F)(1)	Edit height restrictions for interstate pole signs	5
520.10(C)(1)	Edit the required width of residential driveways	5
530.7(A)	Clarify area to be landscaped	5-6
720.12	Specify development plan approval periods	6
720.12(B)(1)	Edit what qualifies as a construction start for non-residential development	6
720.12(B)(2)	Add what qualifies as a construction start for residential development	6
720.14	Edit owner’s association document amendment notice requirements	6
730.7(A)	Delete BZA review criterial for conditional uses	7

Proposed Amendments: Complete staff comments are contained within the proposed submitted text below. New text is underlined, text to be deleted is shown as ~~strikethrough~~, and staff comments are *italicized*. Chapter titles are included with section headings when illustrative.

Sec. 210.2 DEFINITIONS.

63. FAÇADE: The exterior walls of a building exposed to public view ~~or that wall viewed by persons not within the building.~~
214. STRUCTURE: Anything constructed or erected, the use of which requires permanent or temporary location on the ground or an addition attached to something having a permanent or temporary location on the ground, including, but not limited to buildings, signs,

billboards, pergolas, roadside stands, fences, walls used as fences, decks, pools, accessory buildings ~~sheds~~, or off-street parking facilities.

Sec. 320.3 USE REGULATIONS — PROHIBITED USES. (General Provisions)

Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in the zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12, or upon the granting of a variance.

Sec. 330.7 SHOOTING RANGES (Supplemental District Regulations)

In accordance with Ohio Revised Code, Section 1533.84, the chief of the division of wildlife establishes standards for private and public shooting ranges in Ohio. Private and public shooting ranges should substantially comply with the guidelines described or explained in “The NRA Range Source Book.” *The MTZC should reference the most recent version of the NRA Source Book, which was published in 2012.*

Sec. 410.8 ACCESSORY USE REGULATIONS. (Single-Family Residential District Regulations)

D. Accessory Buildings.

1. All accessory buildings shall comply with the setback requirements of Schedule 410.8 and shall not be allowed in the front yard, as defined in Chapter 210, Definitions. ~~and~~ Accessory buildings shall be located a minimum of 15 feet from the principal building.

Sec. 412.11 OWNERS ASSOCIATIONS. (Planned Neighborhood Development Regulations)

H. Whenever a homeowners’ association, community association, condominium association, declarant, or similar legal entity amends its bylaws or code of regulations, such amendment shall be submitted to the Montville Township Zoning Office for review and approval by legal counsel prior to the amendment being filed with the Medina County Recorder’s Office. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution. Once an amendment is approved by the Township’s legal counsel and filed with the Medina County Recorder’s Office, a certified copy shall be submitted to the Zoning Office in accordance with Chapter 320, General Provisions, Section 320.8. *This regulation would provide the Township approval authority over contractual agreements between property owners sharing property that they are not party to. Townships have the authority to regulate land use per Ohio Revised Code (ORC) § 519.02(A) but this authority does not extend to include homeowners associations (HOAs).*¹ *Delete this section.*

¹ ORC § 519.02 Board of township trustees may regulate location, size, and use of buildings and lands in unincorporated territory.

(A) Except as otherwise provided in this section, in the interest of the public health and safety, the board of township trustees may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures..., percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures..., and the uses of land for trade, industry, residence, recreation, or

~~Whenever the Association amends those portions of their bylaws or code of regulations that pertain to maintenance obligations or access to common areas within a Planned Neighborhood Development, such amendment shall be submitted to the Township for review and approval. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution.~~

Schedule 414.5 (Planned Residential Development Regulations)

<i>Unit Type</i>	Conservation PRD	Controlled Density PRD		
	R-R	R-1	R-2	R-3
A. Standard detached single-family dwelling	X	X	X	X
B. Detached cluster single-family dwelling	X	X	X	X
C. Attached single-family dwellings with not more than 2 units attached in one building	--	--	X	<u>X</u>
D. Attached single-family dwellings with not more than 5 units attached in one building	--	--		X
-- Unit type not permitted				

Proposed change adds attached single-family dwellings with not more than two units attached in one building (duplexes) in the R-3 District.

Sec. 414.6 DENSITY AND OPEN SPACE REGULATIONS.

The number of dwelling units permitted and the amount of restricted open space provided as part of any PRD shall comply with the following:

- B. Maximum Net Density – Units on Any One Acre. The number of units permitted on any one acre of the site shall not exceed the net density set forth below in Schedule 414.6. An imaginary square, approximately 209 feet by 209 feet, shall be used to determine ~~if the maximum number of units on any one acre of the site possesses more than the maximum net density permitted in Schedule 414.6.~~ This number will be determined by the number

other purposes in the unincorporated territory of the township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board by resolution, in accordance with a comprehensive plan, may regulate the location of, set back lines for, and the uses of buildings and other structures..., and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and may establish reasonable landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board may regulate by resolution, in accordance with a comprehensive plan, for nonresidential property only, the height, bulk, number of stories, and size of buildings and other structures..., percentages of lot areas that may be occupied, sizes of yards, courts, and other open spaces, and the density of population in the unincorporated territory of the township. For all these purposes, the board may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

of full units and the total of the partial units added together to meet the allowed number of units. *This seems like a particularly awkward and cumbersome method for regulating the proximity of buildings to one another. Setting minimum separation distances between buildings could accomplish the task of ensuring buildings are not sited too close together.*

F. The Association's bylaws or code of regulations shall become part of the development plan and development agreement and shall be placed on record with the Medina County Recorder as a covenant on the land within the Planned Residential Development. A certified copy of all such by-laws or code of regulations filed with the Medina County Recorder's Office shall be submitted to the Township Zoning Office in compliance with Chapter 320, Section 320.8.

~~A certified copy of all Covenants and Restrictions relating to the Planned Residential Development as filed with the Medina County Recorder's Office shall be submitted to the Township Zoning Office in compliance with Chapter 320, Sec. 320.7.~~

G. Whenever a homeowners' association, community association, condominium association, declarant, or similar legal entity amends its bylaws or code of regulations, such amendment shall be submitted to the Montville Township Zoning Office for review and approval by legal counsel prior to the amendment being filed with the Medina County Recorder's Office. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution. Once an amendment is approved by the Township's legal counsel and filed with the Medina County Recorder's Office, a certified copy shall be submitted to the Zoning Office in accordance with Chapter 320, General Provisions, Section 320.87. *Same comments as listed previously regarding approving HOA document changes. Delete this section.*

Sec. 450.6 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES. (Conditional Use Regulations)

M. Gasoline station.

2. For gasoline stations with not more than 5 islands or 10 pumps in association with a retail store not exceeding 5,000 square feet.

2-a) The building setback for such establishment shall be located a minimum of 100 ft. from a residential district and the minimum parking setback shall be 50 ft.

3-b) When located on a corner lot, such uses shall have not less than 200 feet frontage on each of the two intersecting streets.

Sec. 510.3 REGULATIONS AND MAXIMUM AREA FOR SIGNS.

E. **Ground Signs (Permit Required, also see Section 510.8 A):**

1. Nonresidential Districts

All ground signs in nonresidential districts shall conform to the following:

b) Except as permitted below, a ground signs shall not exceed thirty-two (32) square feet and shall not exceed a height of ten (10) six (6) feet. Ground signs may have up to 75 percent of the permitted sign area devoted to changeable copy.

When an additional ground sign is permitted for a corner lot as determined by Section 510.3 E.1.a) above, the combined total sign area shall not exceed fifty-six (56) square feet, and the square footage of any one sign shall not exceed thirty-two (32) square feet; and

- c) A lot in the Highway Commercial District with frontage on S.R. 18 shall be permitted to have a ground sign along the frontage on S.R. 18 that does not exceed fifty (50) square feet and does not exceed a height of twenty (20) feet. The ground sign may have up to 75 percent of the permitted sign area devoted to changeable copy.

When an additional ground sign is permitted for a corner lot as determined by Section 510.3 E. 1. a), the combined total sign area shall not exceed eighty-two (82) square feet, and the square footage of any one sign shall not exceed fifty (50) square feet;

F. Interstate Pole Sign (Permit Required, also see Section 510.8 A):

1. Nonresidential Districts – The area of an interstate pole sign shall not exceed 160 square feet. An interstate pole sign shall be greater than twenty (20) feet in height and shall not exceed a height of 100 feet. The minimum height of the pole shall be fifteen (15) feet, and the maximum height of the pole shall be 100 feet. Such sign shall be located....

Sec. 520.10 REGULATIONS FOR ACCESS DRIVES. (Off-Street Parking and Loading Regulations)

The location, width and number of entrance and exit access drives to accessory parking spaces shall be provided in accordance with the following:

Location. Access drives shall be located so that they interfere as little as possible with the use of adjacent residential property, the flow of traffic on adjacent streets, and to avoid undue interference with pedestrian access to street corners. *Although not submitted as a proposed amendment, this item should be shown as item A in the list of access drive requirements.*

B. Number of Access Drives.

1. Parking areas having a capacity of 25 spaces or less shall

C. Width. The width of access drives shall comply with the following:

1. Driveways for single-family detached and attached dwelling units shall be not less than twelve (12) 8 feet in width.

Sec. 530.7 BUILDING FAÇADE LANDSCAPING. (Landscaping, Screening and Outdoor Lighting Regulations)

Every building in commercial, districts and conditional uses in residential districts shall be provided with landscaped materials along its façade according to the following:

- A. At least 75% of the building façade that is facing the public/private roadway shall be landscaped, and such landscaping shall be located within 20 feet of the building façade.

Sec. 720.12 EXPIRATION OF DEVELOPMENT PLAN APPROVAL. (Development Plan Review)

An approved development plan shall remain valid for a period of 12 months for non-residential development and 18 months for residential development following the date of its approval, unless the Zoning Commission authorizes a longer period at the time of approval.

- B. Final Development Plan. If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Chapter. ~~Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.~~

1. Construction for non-residential development is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.
2. Construction for residential development is deemed to have begun when excavation for roadways and utilities has begun for the whole project or for the initial phase of a multi-phased project. Subsequent phases of a multi-phased project shall be submitted to the Zoning Commission for review before construction begins on the subsequent phases. *It is not clear why the MTZC would need to re-review each phase of a subdivision or residential development at the commencement of each phase. If there have not been changes proposed, no such review would be necessary unless the site plan (MTZC) or subdivision (Medina County Planning Commission) approval/s have expired. Remove sentence requiring plan re-submittal at the commencement of each phase.*

Sec. 720.14 REVISIONS TO ASSOCIATION DOCUMENTS APPROVED BY TOWNSHIP'S LEGAL ADVISOR.

Whenever a homeowners' association, community association, condominium association, declarant, or similar legal entity amends its bylaws or code of regulations, such amendment shall be submitted to the Montville Township Zoning Office for review and approval by legal counsel prior to the amendment being filed with the Medina County Recorder's Office. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution. Once an amendment is approved by the Township's legal counsel and filed with the Medina County Recorder's Office, a certified copy shall be submitted to the Zoning Office in accordance with Chapter 320, General Provisions, Section 320.8. *Same comments as listed previously regarding approving HOA changes. Delete this section.*

~~Whenever a homeowner's association, community association, condominium association or similar legal entity amends those portions of their bylaws or code of regulations that pertains to maintenance obligations or access to common areas within a residential development such amendment shall be submitted to the Township's legal advisor for review and approval. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution.~~

Sec. 730.7 REVIEW CRITERIA. (Conditional Zoning Certificates)

The Board of Zoning Appeals shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Resolution.... In addition, the Board of Zoning Appeals:

- A. ~~Shall review the development plan for the proposed conditional use according to the development plan review procedures set forth in Chapter 720.~~

Recommendation: Planning Services staff recommends the Planning Commission **APPROVE WITH MODIFICATIONS** the proposed amendments to the Montville Township Zoning Resolution in accordance with the above staff comments.