



Planning Commission  
App. No. 012-2017-TA

## Zoning Text Amendment Granger Township

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**Meeting:** April 5, 2017  
**Applicant:** Granger Township Zoning Commission  
**Hearing:** March 7, 2017 (Zoning Commission)

**Amendments:**

- Article II, General Provisions, Accessory Buildings
- Article II General Provisions, pools and fences
- Article II General Provisions, driveways
- New Section 205 that regulates medical marijuana
- Article III R-1 residential driveways
- Article III C-1 Local Commercial District,
- Article III C-2 General Commercial District,
- Article III C-2 Commercial District
- Article III I-1 Industrial District, Parking and Driveways
- Article VI Non-conforming Uses, 601.A Alterations
- Article X Definitions for Junk Motor Vehicles and Junk yard

**Reviewer:** Susan Hirsch

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**Proposed Text:**

New text is **bold and underlined**, deleted text is indicated as ~~strikeout~~ and Staff Comments are *italicized*.

### ZONING RESOLUTION OF GRANGER TOWNSHIP, MEDINA COUNTY, OHIO

#### ARTICLE II GENERAL PROVISIONS

Section 203 Regulations Applicable to all Districts or Zones

D. General Regulation of Structures and Construction

5. **Accessory Buildings** *Accessory Building or Use is defined in Article X Definitions as, "A subordinate building or use customarily incidental to, detached from, and located on, the same lot occupied by the main building and use."*

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- a. **Commercial Accessory Buildings (C-1, C-2 and I-1 Districts)**. An accessory building attached to the principal building on a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Resolution applicable to the principal building. Accessory buildings which are not a part of the main building shall not be located closer than twenty-five (25) feet from the main building and shall be located no less than fifteen (15) feet behind the front line of the main building. Accessory buildings shall not be located closer

to lot lines than the minimum requirements of the district in which they are located. An accessory building or buildings **which is/are not part of the main building** shall not occupy more than thirty (30) percent of the rear yard. Accessory buildings shall be limited **to ~~twenty-five (25)~~ thirty (30) feet in height.**

*While not part of the proposed text amendment, the existing text makes reference to attached accessory buildings. As defined above, accessory buildings are detached from the main building. Staff suggests deleting references to attached accessory buildings highlighted in the above paragraph.*

**b. Residential Accessory Buildings (R-1 and R-2 Districts).**

- 1) **Accessory buildings in the R-1 and R-2 districts shall require a zoning permit and conform in size to the following table:**

<b><u>Permitted Square Footage to Accessory Building, rounded to the nearest whole number</u></b>		
<b><u>Acreage</u></b>	<b><u>Lot Square Footage</u></b>	<b><u>Permitted Sq. Feet</u></b>
<b><u>2 Acres</u></b>	<b><u>87,120</u></b>	<b><u>1,800</u></b>
<b><u>2.5 Acres</u></b>	<b><u>108,900</u></b>	<b><u>2,500</u></b>
<b><u>3.0 Acres</u></b>	<b><u>130,680</u></b>	<b><u>3,000</u></b>
<b><u>3.5 Acres</u></b>	<b><u>152,460</u></b>	<b><u>3,500</u></b>
<b><u>4.0 Acres</u></b>	<b><u>174,240</u></b>	<b><u>4,000</u></b>
<b><u>4.5 Acres</u></b>	<b><u>196,020</u></b>	<b><u>4,500</u></b>
<b><u>5.0 Acres</u></b>	<b><u>217,800</u></b>	<b><u>5,000</u></b>
<b><u>For Accessory Buildings greater than 5,000 square feet, a Conditional Zoning Permit is required.</u></b>		

*The above chart indicates that the Township allows for very generous size accessory buildings. In each of the above lots acreages, the allowable square foot accessory building would most likely not be subordinate, at least not in size, to the primary structure.*

- 2) **An accessory building attached to the principal building on a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Resolution applicable to the principal building.**

*As the definition above states, accessory buildings are detached, not attached. Once they are attached they become part of the principal structure. All references to attached accessory buildings in the proposed text should also be deleted. References to attached accessory buildings are highlighted.*

- 3) **Accessory buildings which are not a part of the main building shall not be located closer than twenty-five (25) feet from the main building and shall**

**be located no less than fifteen (15) feet behind the front line of the main building.**

4) **Accessory buildings shall not be located closer than 100 feet from any adjacent principal buildings. The measurements should be taken from the closest points of each building. Accessory buildings shall not be located closer to lot lines than the minimum requirements of the zoning district in which they are located.**

5) **Accessory buildings shall not exceed the following limitations:**

a) **For lots two (2) acres or less, the total square footage of all accessory buildings shall not exceed one-thousand eight-hundred (1,800) square feet.**

b) **For lots greater than five (5) acres, the total square footage of all accessory buildings may not exceed five-thousand (5,000) square feet without conditional approval and a zoning permit.**

*The chart covers a) and b) above; It is not necessary to restate this information. Suggest deleting subsections a) and b) of 5) above.*

c) **In no case shall an accessory building/structure occupy an area greater than ten (10) percent of the rear yard area, as measured within the setback lines.**

d) **Accessory buildings not requiring a zoning permit must adhere to the setback and height regulations to the zoning district where it is located.**

*It is not clear when an accessory building would not require a zoning permit.*

6) **Accessory buildings shall be limited to thirty (30) feet in height.**

*Thirty feet in height and as large as 5000 square feet – the accessory buildings can be larger than most homes.*

e. ~~All athletic fields shall be located behind the setback line of the principal building on the lot and shall meet the minimum rear and side yard requirements. All activities on the athletic field must be for private use only.~~

8. ~~Private swimming pools~~ **Recreational Activities**

a. **Private swimming pools**, exclusive of portable swimming pools with a diameter of less than twelve (12) feet, or with an area of less than one hundred (100) square feet, shall be located behind the setback line of the principal building on the lot. Private pools must comply with the following conditions and requirements.

- 1) The pool is intended and is to be used for the enjoyment of the occupants of the principal use of the property on which it is located and not for commercial use.
  - 2) It may not be located closer than thirty (30) feet to the rear lot line and fifteen (15) feet to the side lot line.
  - 3) The swimming pool, or the entire property on which it is located, shall be walled or fenced to control access by children or other individuals, from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.
    - (i) **Fences shall be constructed so that no more than three inches of open space exists between the bottom of the fencing material and the ground and shall have not more than a four inch opening in any dimension except for doors or gates.**
    - (ii) **Exception: Above-ground pools having sidewalls of four feet or more in height from the finish grade, shall be required to have fencing and gates only where access to the pool may be had.**
- b. **Private tennis courts shall be located behind the setback line of the principal building on the lot, and shall not be located closer than thirty (30) feet to the rear and fifteen (15) feet to the side lot lines.**
  - c. **All athletic fields shall be located behind the setback line of the principal building on the lot and shall meet the minimum rear and side yard requirements. All activities on the athletic field must be for private use only.**

*The term "athletic field" should be defined in Article X Definitions. Depending upon the definition, an athletic field could be anything from a "wide stretch of open land used for outdoor games" to "an outdoor site, often with equipment, designed for formal athletic competition in field sports."*

#### 10. ~~Driveways All Districts Except C-2~~

A driveway shall serve not more than one (1) principal building and be located on the same property as the principal building that it serves. All driveways shall have a minimum width of twelve (12) feet and shall meet the minimum side yard width ~~of the district in which it is located~~ **requirement** including turnaround and apron.

*This statement would prohibit shared driveways in all zoning districts. Shared driveways are permitted in the C-1 and I-1 Districts which would impact the side yard setback requirement. Staff suggests that this subsection be deleted and the subject of driveways be handled specifically within each zoning district.*

205 **Medicinal Marijuana**

**Medical marijuana cultivators, processors and dispensaries are prohibited from being located in the unincorporated territory of Granger Township.**

*A letter clarifying the two methods that townships can take to control medical marijuana activities was sent by the Prosecutor's Office on September 15, 2016. The two methods discussed included:*

- a. "Resolution to Prohibit or Limit: A township is authorized under ORC § 3796.29 to adopt a resolution to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under ORC Chapter 3796 within the unincorporated territory of the township."*
- b. "Modify Zoning Resolution to Prohibit or Limit: Townships have separate authority under ORC § 519.21 to prohibit or regulate the location of medical marijuana cultivators, processors, or retail dispensaries in the unincorporated territory of the township." In order to exercise this authority the township will need to modify its zoning resolution through the regular zoning amendment procedure."*
- c. The Prosecutor's Office recommends that if a Township chooses to regulate or prohibit medical marijuana activities, the Township should incorporate those limits using both methods.*

*The subject text amendment proposed by Granger Township will prohibit the location of medical marijuana activities through an amendment to their zoning resolution.*

*The wording of their text amendment differs from the legislation. Staff, after discussion with the Prosecutor's Office, suggests the following wording, to be consistent with Section 512.21(D). "Medical marijuana cultivators, processors, and dispensaries are prohibited from being located in all zoning districts of Granger Township."*

**Staff Comments, Article II in general:** *Items in Article II General Provisions, Section 203 are regulations that apply to all zoning districts . If they are specific to one district or a combination of districts, such as residential districts, they are more appropriately placed in the district regulations. Section 203 (D.)( 5.) a. and b., should be moved to Article III District Regulations.*

**ARTICLE III DISTRICT REGULATIONS**

301 R-1 Residential District

D. Parking Requirements

**2. Driveways**

**A driveway shall serve not more than one (1) principal building and be located on the same property as the principal building that it serves. All driveways shall have a minimum width of twelve (12) feet and shall meet the minimum side yard width requirement of 15 feet including turnaround and apron.**

*This subsection would prohibit shared driveways in the R-1*

**303 C-1 Local Commercial District**

**C. Area, Yard, and Height Regulations**

**1. Principal Building**

No more than one principal building shall be permitted on any one lot.

~~**2. Accessory Buildings**~~

~~The aggregate building area of all accessory buildings on a lot shall be less than the building area of the principal building.~~

~~**2. 3. Minimum Lot Size**~~

The minimum lot size shall be two (2) acres.

~~**3. 4. Minimum Lot Width**~~

The minimum lot width at the building line shall be one hundred seventy-five (175) feet.

~~**4. 5. Minimum Lot Frontage**~~

The minimum lot frontage shall be a minimum of one hundred seventy-five (175) feet continuous frontage on a public or approved private street and a minimum of one hundred seventy-five (175) feet of continuous lot width on and from the street right of way to the setback line.

**D. Parking and Loading Requirements**

**1. Parking**

a. Required

1) Physically challenged (handicapped) spaces shall comply with ADA (American with Disabilities Act).

2) Standard parking spaces shall be at least nine (9) feet wide by eighteen (18) feet long, exclusive of access drives or aisles

3) All driveways, customer parking area, and all non-customer parking areas shall be paved with commercially acceptable asphalt, concrete and/or motor paving for the intended use.

*“Motor paving” is not a commonly used term. It should be defined in Article X Definitions, replaced with a more commonly used term, or deleted.*

**2. Access**

**d. Location and Alignment**

Driveways, travel lanes, and parking areas shall be designed and related to public thoroughfares to provide for both pedestrian and vehicular safety both in the right-of-way and on site. On-site circulation shall provide for adequate access by emergency vehicles. Access driveways shall be located a minimum of twenty-five (25) feet from the side lot lines, **except for shared driveways, which shall meet the minimum side yard requirement, including turn around and apron.**

*The term “shared driveway” should be defined in Article X Definitions”*

*Shared driveways are permitted in the C-1 District; however, it may be difficult for a shared driveway to meet side yard setbacks.*

### 304 C-2 General Commercial District

#### C. Area, Yard, and Height Regulations

##### 4. Minimum Lot Frontage

The minimum lot frontage shall be **a minimum of one hundred seventy five (175) feet continuous frontage on a public or approved private street and a minimum of one hundred seventy-five (175) feet of continuous lot width on and from the street right-of-way to the setback line.**

*The C-2 District is silent concerning shared driveways. This may be an oversight since shared driveways are permitted in the C-1 district.*

#### D. Parking and Loading Requirements

##### 1. Parking

###### a. Required

- 3) All driveways, customer parking area, and all non-customer parking areas shall be paved **with commercially acceptable asphalt, concrete and/or motor paving for the intended use.**

*“Motor paving” is not a commonly used term. It should be defined in Article X Definitions, replaced with a more commonly used term or deleted.*

### 305 C-3 Commercial District

#### C. Area, Yard, and Height Regulations

##### 4. Minimum Lot Frontage

The minimum lot frontage shall be **a minimum of one hundred seventy five (175) feet continuous frontage on a public or approved private street and a**



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**minimum of one hundred seventy-five (175) feet of continuous lot width on and from the street right-of-way to the setback line.**

**D. Parking, Access and Loading Requirements**

1. Parking

a. Standards

- 3) All driveways, customer parking area, and all non-customer parking areas shall be paved **with commercially acceptable asphalt, concrete and/or motor paving for the intended use.**

*The C-3 District is silent concerning shared driveways. This may be an oversight since shared driveways are permitted in the C-1 district.*

306 I-1 Industrial Commercial Districts

3. Area, Yard and Height Regulations

e. **Requirements for Parking and Driveways**

- 1) One and one-half (1-1/2) car spaces per employee.
- 2) **The driveway and parking space with commercially acceptable asphalt, concrete and/or motor paving for the intended use.**
- 3) **Width of driveway**  
**Ingress and egress driveways shall comply with the following standards:**  
**Maximum Width 36 feet**  
**Minimum Two-Way 24 feet**  
**Minimum One-Way 14 feet**
- 4) **Radii.**  
**Pavement or curb radius (at the highway edge) shall be in accordance with ODOT standards.**
- 5) **Location, Alignment, and Spacing**  
**(i) Driveways, travel lanes, and parking areas shall be designed and related to public thoroughfares to provide for both pedestrian and vehicular safety both in the right-of-way and on site.**  
**(ii) On-site circulation shall provide for adequate access by emergency vehicles.**  
**(iii) Access driveways shall be located a minimum of twenty-five (25) feet from the side lot lines, except for shared driveways, which shall meet the minimum side yard requirement, including turn around and apron.**

*Shared driveways are permitted in the I-1 District; however, it may be difficult for a shared driveway to meet side yard setbacks.*



**(iv) The minimum spacing, except as otherwise set forth herein, between access driveways shall be 300 feet where possible and shall be coordinated where possible with driveways on the opposite side.**

**ARTICLE VI: NONCONFORMING USES**

**601 Regulations**

The lawful use of any building or land existing at the effective date of this Resolution may be continued although such use does not conform with the provisions of this Resolution; provided the following conditions are met:

**A. Alterations**

A nonconforming building or structure may be altered, improved or reconstructed. However, to be enlarged or extended, any application shall be submitted through the Township Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose; ~~the Board of Zoning Appeals shall be required to refer the proposed conditional zoning certificate to the Zoning Commission and the Board of Trustees for recommendations. Said recommendations of the Zoning Commission and Board of Trustees shall be returned to the Board of Appeals within ten (10) days.~~ Each application shall be accompanied by the payment fee as indicated in the Fee Schedule.

*Suggest some minimal enlargement percentage, i.e.10%, which does not require BZA approval.*

**ARTICLE X: DEFINITIONS:**

**Junk Motor Vehicles: As defined in ORC 505.173(E) (1), (2) and (3).**

*The following is the ORC definition for "Junk Motor Vehicle". Suggest including the language of the ORC rather than requiring users of the Zoning Regulations to look it up.*

**505.173 Storage of junk motor vehicles.**

*(E) As used in this section, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:*

- (1) Three model years old, or older;*
- (2) Apparently inoperable;*
- (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.*

**Junk Yard:** Any land or building used for abandoning, storing, keeping, collecting, or baling, of paper, rags, scrap materials, other scrap or discarded materials, or for abandoning, demolishing, dismantling, storing, or for salvaging or impounding of automobiles or other vehicles or machinery not in running condition for parts thereof. ~~Two or more automobiles or other vehicles not currently registered and licensed shall be deemed a junkyard.~~

**Recommendation:** Staff recommends the MCPC **APPROVE WITH MODIFICATIONS** the proposed amendments to the Granger Township Zoning Resolution subject to Staff Comments..

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