



Zoning Text Amendment Montville Township

Meeting: August 1, 2018
Applicant: Montville Township Zoning Commission (ZC)
Hearing: July 25 continued to August 8, 2018 (Zoning Commission)
Amendments: Various amendments including Chapters 210, 330, 410, 412, 414, 450, and 790.
Reviewer: Rob Henwood

Proposal: The ZC has submitted the following proposed zoning text amendments to the Montville Township Zoning Resolution (ZR) for review by the Planning Commission; see the amendment report summary table below:

Section (§)	Description	Page
210.9	Add definition for "Agricultural Production"	1
210.10	Add definition for "Agritourism"	2
210.11	Add definition for "Agritourism Provider"	2
210.50	Add definition for "Conservation Practices"	2
210.59	Edit definition for "Dwelling, Detached Single-Family"	2
210.60	Delete definition for "Dwelling, Standard Detached Single-Family"	2
210.71	Add definition for "Farm"	2
210.105	Edit definition for "Junk"	3
210.106	Edit definition for "Junkyard"	3
210.178	Add definition for "Salvage"	3
210.179	Add definition for "Salvage Yard"	3
210.212	Add definition for "Solid Waste"	3
210.212	Add definition for "Swimming Pool/Spa"	3
330.2	Add regulations for Agritourism	3-4
410.8(F)(2)	Edit width requirement for driveways	4
412.3(A)(1)	Edit permitted uses per definition change	5
414.5(A)	Edit permitted uses in dwelling type table per definition change	5
790.3(B)	Edit text for compliance correction period	5

Proposed Amendments: 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.

9. AGRICULTURAL PRODUCTION: Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production

facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provided that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code. *The styles used to write numbers and units should be utilized consistently throughout the zoning text. In this case the percentage should be expressed using both digits and symbols and text in order to be consistent with the remainder of the text proposed; twenty-five per cent (25%).*

10. AGRITOURISM: An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.
11. AGRITOURISM PROVIDER: A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.
50. CONSERVATION PRACTICES: Practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for agricultural purposes. Agriculture as defined in ORC 519.01
59. DWELLING, DETACHED SINGLE FAMILY: A dwelling consisting of a single dwelling unit designed for, and used exclusively for, residential purposes by one family situated upon an individual lot having a front, side, and rear yard. The single dwelling unit shall be separated from other dwelling units by open space from ground to sky. See also Figure 2. ~~A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space from ground to sky.~~
- ~~60. DWELLING, STANDARD DETACHED SINGLE FAMILY: A building designed for, or used exclusively for, residence purposes by one family situated on an individual lot having a front, side, and rear yard. See also Figure 2. Standard Detached Single Family Dwellings.~~
71. FARM: Land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
105. JUNK: Bones, litter and manufactured goods including, but not limited to used ~~serap~~ iron, used ~~serap~~ tin, used ~~serap~~ glass, used ~~serap~~ brass, used ~~serap~~ copper, used ~~serap~~ lead or used ~~serap~~ zinc and all other used ~~serap~~ metals and their alloys, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old and used machinery, used tools, used

appliances, used fixtures, used utensils, used building materials, used boxes or crates, used pipe or pipe fittings, discarded motor vehicles in whole or in parts and used tires that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled or recycled.

106. JUNKYARD: Any lot, land parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. The use of more than 25 square feet of any land, building or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc. are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.
116. SALVAGE: The utilization of waste materials through the process of converting solid waste into salable products.
117. SALVAGE YARD: A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging used, discarded material, or equipment. See Junk; Junkyard.
212. SOLID WASTE: Unwanted or discarded material, including waste material with insufficient liquid content to be free-flowing.
226. SWIMMING POOL/SPA: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land; or an above-ground pool, having a depth of more than twenty-four (24) inches; designed, used, and maintained for swimming and bathing. An outdoor structure capable of containing in excess of two (2) feet of water at its deepest point or having more than 100 square feet of water surface.

Sec. 330.2 AGRITOURISM. (Supplemental District Regulations)

Agritourism operations shall only be permitted when the use is compatible with the area in form and function; will not endanger public health or safety; and is designed in such a way to mitigate potential conflicts with adjacent and nearby land uses and when the following conditions have been satisfied.

- A. Agritourism use is approved through the development plan review process (Discussion and Preliminary and Final Development Plans) by the Zoning Commission.
- B. Preliminary and final development plans shall be prepared by a registered engineer or licensed surveyor and drawn to an appropriate scale. Plans shall indicate the following:
1. Location and dimensions, including height, of all existing and proposed buildings and structures; building/structure spacing; setbacks; off-street parking lots and parking areas; drives, common drives and all points of ingress and/or egress; walkways; and any existing or proposed well and/or on-site wastewater disposal system area(s);

2. Use of existing and proposed buildings and structures, other than proposed units on fee simple lots;
3. Location of all public right-of-ways and private streets; and
4. Proposed and existing fences, walls, signs, and lighting.
- C. The proposed use is physically suitable for the parcel on which it is proposed.
- D. The proposed and existing structures are located to limit the impact to adjoining properties.
- E. The size and setback for any structure used primarily for agritourism activities shall be determined by the Zoning Commission per township regulations. **Which regulations? The ZC needs to be specific.**
- F. Access by public emergency equipment such as fire, ambulance and police vehicles shall be provided.
- G. Adequate pedestrian circulation, vehicular traffic movement and off-street parking shall be provided.
- H. Off-street parking lots and all points of ingress and/or egress shall be built and maintained in a manner necessary to protect public safety and shall comply with Chapter 520 (Off-Street Parking and Loading Regulations) except as required by the Ohio Revised Code. **Ohio Revised Code (ORC) Section § 519.21(C)(4) does allow for the regulation of the “size of parking areas that may be required” however it expressly prohibits townships from requiring “any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.”**
- I. The agritourism provider shall provide evidence the farm on which the agritourism operation is located meets the following:
 1. Currently enrolled and in good standing with the Current Agricultural Use Value (CAUV) program with Medina County; and
 2. Ten (10) or more acres are devoted exclusively to commercial agricultural use; or if less than ten acres are devoted to commercial agricultural use, evidence shall be provided that such farm produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- J. The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.

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

- F. Additional Regulations for Parking Areas and Driveways.
 2. Driveways shall be a minimum of twelve (12) ~~eight (8)~~ feet wide and shall extend from the pavement of the street upon which the lot fronts to the garage and parking area associated with the residence.

Sec. 412.3 PERMITTED USES. (Planned Neighborhood Development Regulations)

- A. Principal Uses:
 1. ~~Standard~~ Detached single-family dwelling.

Sec. 414.5 DWELLING TYPES. (Planned Residential Development Regulations)

The types of dwelling units that may be included as part of a PRD are listed below in Schedule 414.5, and are noted by the letter “X” for the district in which the PRD is located.

Schedule 414.5

	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	X

Sec. 790.3 ACTIONS TO BRING ABOUT COMPLIANCE WITH ZONING REGULATIONS. (Enforcement and Penalty)

1. Correction Period. ~~After a written order is issued, all violations shall be corrected within the period of time as specified by the Zoning Inspector based on the nature of the violation. Any violations not corrected within the specified time period shall be reported to legal counsel who shall initiate prosecution procedures. All violations shall be corrected within a period of ten (10) days after the written order is issued or a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within a specified time period shall be reported to the County Prosecutor who shall initiate prosecution procedures.~~

Comments:

1. It appears that much of this text amendment is intended to establish zoning regulations that are consistent with changes that were made to Ohio Revised Code Section (ORC) (§) 519.21 by the 131st General Assembly during August and September of 2016. These changes were enacted in order to provide protections to entities engaged in agritourism and associated businesses. One of the ways these changes addressed agritourism was to specifically identify what and how agritourism and farm market uses and structures may be regulated by township zoning. The proposed text primarily regulates agritourism consistently with the parameters established by the ORC.
2. ORC § 519.21(C)(4) expressly prohibits townships from requiring “any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.” ZR § 520.12 and 520.13 require off-street parking areas meet improvement standards including paving, drainage, lighting, curbs and wheel/bumper guards, marking, signs, and landscaping all of which are not permitted under ORC § 519.21(C)(4). The ZC should consider amending the text to state specifically which sections of Chapter 520 are applicable to agritourism uses.

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.

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