



Zoning Text Amendment Liverpool Township

Meeting:	June 6, 2018
Applicant:	Liverpool Township Zoning Commission (ZC)
Hearing:	June 7, 2018 (ZC)
Amendments:	Add a new Section (§) 301.2(D) Limitations on Agricultural Use
Reviewer:	Rob Henwood
Recommendation:	APPROVED WITH MODIFICATIONS

Proposal: On May 3, 2018 Liverpool Township Zoning Commission Secretary, Theresa Scherry sent an email to the Department of Planning Services (DPS) staff requesting a review of the following change to the Zoning Resolution as proposed by the ZC and recommended by the Staff of the Prosecutor's Office (new text is underlined):

Article III, District Regulations

§ 301 Rural Residential District

301.2 Uses

(D) Limitations on Agricultural Use

Use of any parcel in any platted subdivision approved under Ohio Revised Code Sections 711.05, 711.09, or 711.10 or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road:

- 1) On lots of one (1) acre or less, agriculture shall be prohibited;
- 2) On lots greater than one (1) acre but not greater than five (5) acres by structures used for agricultural purposes shall be subject to setback building lines, height, and size;
- 3) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Revised Code.

After thirty-five percent (35%) of the lots are developed, any existing use of the land and structure dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Revised Code.

Comments (recommended new text is underlined and text to be deleted is ~~stuck through~~):

1. It appears that this text amendment is intended to establish zoning regulations that are consistent with changes that were made to 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. ORC § 519.21(B) indicates that a township zoning resolution may regulate certain agricultural uses in platted (major) subdivisions and on adjoining parcels and on those opposite to one another on dedicated public roads which were created by minor subdivision. This text amendment attempts to establish regulations for agricultural uses and structures in accordance within these limits as established by the ORC.

2. As written this text would only apply in the R-R district, however it may prove valuable to address frontage subdivisions that were created and are now located in the Commercial, Limited Manufacturing, or Industrial Districts, if such subdivisions exist. The ZC may wish to move this section to Article II General Regulations if they wish these regulations to be effective in other zoning districts.
3. § D should be edited to read as follows, “Agricultural Use of any parcel in any platted subdivision approved... and adjacent to the opposite side of the same dedicated public road shall be subject to the following....” The term agricultural should be added to the beginning of the sentence and the phrase “shall be subject to the following limitations” should be added at the end of the sentence to clarify the intent of the regulations.
4. Medina County does not approve subdivisions per ORC § 711.09 because:
 - a. The township in which the territory is located has a zoning resolution covering all the unincorporated territory in the township.
 - b. The county in which the territory is located has a county planning commission.
 - c. Subdivision regulations other than municipal subdivision regulations are in effect in the county in which the unincorporated territory is located.

In addition, ORC § 711.10 is effective. As such, the reference to ORC § 711.09 should be deleted.

5. Subsection 2 should be edited to read as follows, “On lots greater than one (1) acre but not greater than five (5) acres, ~~by~~ structures used for agricultural purposes shall be subject to applicable setback building lines, and height, and size restrictions....” The proposed edits clarify which regulations will be applicable to agricultural structures.
6. Each of the subsections of the proposed text amendments corresponds to an area agricultural use that may be regulated under ORC 519.21(B). Subsection (B)(3) establishes that dairying and animal and poultry husbandry uses on lots greater than one but not greater than five acres may be regulated by townships when at least thirty-five percent of the sublots have are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes.

While the ZC’s proposed amendment is clear about what uses may be regulated it does not clearly establish how these uses may be regulated. DPS staff recommends that subsection 3 be edited to read similarly as is recommended for subsection 2 as follows:

Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent

(35%) of the lots in the subdivision are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Revised Code shall be subject to applicable setback building lines and height and size restrictions.

Recommendation: DPS staff recommends the Planning Commission **APPROVE WITH MODIFICATION** the proposed amendments to § 301.2(D) of the Liverpool Township Zoning Resolution subject to staff comments.

If the ZC is interested, DPS staff would welcome the opportunity to assist in the preparation of future zoning amendments. DPS staff also encourages the ZC to submit text proposals for informal review prior to formally submitting for Planning Commission review.