

Brunswick Hills Township
Zoning Commission
Regular Meeting Minutes
July 11, 2019

CALL MEETING TO ORDER

Vice Chair Mickas called the Brunswick Hills Township Zoning Commission July 11, 2019 regular meeting to order at 7:08 p.m.

- **Board Members in Attendance:** Matthew Mickas (Vice Chair), Barb Porter, Trica Murphy, Linda Kijek
- **Board Members not in Attendance:** Sandra Jenkins (Chair) – Excused Absence
- **Alternate Board Members in Attendance:** Patti Wettermann, Sy Mougrabi
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Trustee John Witthuhn (Zoning Liaison), Mary Jean Milanko (Secretary)

SWEARING IN OF NEW ALTERNATE BOARD MEMBER

Trustee John Witthuhn swore in Sy Mougrabi as the alternate Zoning Commission board member.

APPROVAL OF MINUTES

1. Approval of the June 6, 2019 Regular Meeting Minutes

Motion: Mrs. Kijek made a motion to approve the June 6, 2019 minutes. Mrs. Murphy seconds. **Roll Call:** Mrs. Porter-yes; Mrs. Murphy-yes; Mrs. Kijek-yes; Mrs. Wettermann-yes; Mr. Mickas-yes. **Motion carries to approve the minutes.**

NEW BUSINESS

Vice Chair Mickas stated before we move on to Agritourism, there is one item of new business that Mrs. Czyz (Zoning Inspector) asked that the board address tonight: **Sec. 411 Conservation Development Overlay (5) (B).**

411-5 Application Requirements and Procedures

B. Application and General Development Plan Submission

Subsequent to the Pre-application Meeting with the Zoning Commission, each applicant for a Conservation Development Overlay District shall submit an application for General Development Plan approval to the Township Zoning Inspector. Applications shall be made a least ten (10) days in advance of the meeting at which they are to be considered, shall include such fees and deposits as may be established by the Township Trustees, and shall include fifteen (15) copies of the following minimum information:

Mr. Mickas read the zoning regulation and stated from an administrative perspective where some of the challenges have come in to our township is the ten (10) days. He said if the application is submitted 10 days in advance, then our Zoning Inspector has to pass those on to the board so the board can see them and be prepared for the meeting. Vice Chair Mickas said the recommendation was to increase the ten (10) days to **thirty (30) days** so that would give us that month to review from when it is to be heard. Vice Chair Mickas stated this would be something to consider adding to the other changes we wish to make.

MRS. Mr. Czyz stated for continuity, it should refer to the submission deadline for the Zoning Commission, which is the first Wednesday of the month by Noon to the Zoning Inspector to be placed on the following

month's meeting agenda. Secretary Milanko stated she agreed that it should adhere to the submission deadline which is in our Bylaws.

Mrs. Czyz referenced the same language correction on Page 74, **Sec. 411-5 (F)**

F. **Submission of Final Development Plans**

Final Development Plans submitted to the Zoning Commission for review shall be based on a previously approved General Development Plan and may be for portions or phases of the entire project. Final Development Plans shall be submitted at least ~~ten (10) working~~ **thirty (30)** days prior to the meeting at which said plans are to be reviewed by the Commission. A minimum of fifteen (15) copies shall be submitted. Submission shall include fees and deposits as established by the Township Trustees.

Mrs. Czyz stated she would like this section to also read thirty (30) days and omit the "working days". Mrs. Murphy wondered if we should just refer to the "submission deadline". Mrs. Czyz stated it needs to say thirty (30) days and must be submitted by the first Wednesday of the month by Noon. Mrs. Kijek stated she had notes from a previous discussion where we discussed changing the ten (10) days to thirty (30) to forty-five (45) days. She stated she also had a question mark to question whether it was "working days" or just "days".

Mr. Mickas stated we can go back in the minutes to see if these changes are part of the previous changes we made, and to Mrs. Murphy's point, it might be worthwhile to discuss whether it should refer to our Bylaws. He said if the Bylaws change, would the board want to put the statement in on thirty (30) days? It is something to think about.

Mrs. Porter asked Mrs. Czyz, if we go by our Bylaws, the submission has to be the first Wednesday of the month by Noon to be on the following month's agenda, does that give us time then? Mrs. Czyz said you would get the application on Thursday at your meeting, unless the first Thursday falls on a holiday or the following week. Mrs. Czyz said last year, the submission deadline fell on the July 4th holiday so we moved the deadline to the following week. Mrs. Porter asked if we strictly follow the Bylaws, wouldn't that cover us? Mr. Mickas stated he would like more time to review this and asked what is the normal submission deadline for site development plans? He said the sections we are discussing now are specific to the Conservation Development Overlay. Mrs. Czyz stated all submissions are due by the first Wednesday of the month by Noon. Mr. Mickas asked if we have anything in our book about the regular guidelines for the site plan submissions and does that need to change? Mr. Mickas said Sec. 904 is Site Development Plans but I don't know if it specifies.

Mrs. Czyz stated it would fall under **Sec. 902-2 Submission of Applications** which we discussed at the June 6, 2019 meeting to modify:

Modification specific to Section 902 (from the June 6, 2019 ZC Regular Meeting Minutes)

[Revise – Sec. 902-2]

Sec. 902-2 Submission of Applications

- E. Upon receipt of an application(s) which requires submittal of a site development plan in conformance with Subsection C above, the Township Zoning Inspector shall refer the application(s) to the Township Fire Department for review and comment. The Township Zoning Inspector shall also refer the application to Zoning Commission for review and recommendation for approval, denial, or approval with specified conditions or modifications of the site development plan to the Board of Trustees as set forth in Section 904-3. The Zoning Inspector shall issue a Zoning

Certificate within ~~ten (10)~~ **Thirty (30)** days after approval of a site development plan by the ~~Zoning Commission~~ **Board of Trustees**.

Vice Chair Mickas stated we have a number of sections that we've discussed and a few more still to do. He said we really should start to put these together formerly in a list on the sections we've amended; review it one last time and make sure that is everything we want to put in the book. He said we can add these sections to the list to approve and submit to the Planning Commission and the Prosecutor.

NEW SECTION TO REVIEW OF THE BRUNSWICK HILLS TOWNSHIP ZONING RESOLUTION

Secretary Milanko stated she added Sec. 1103 (A.) (4.) of the Zoning Resolution to review and referenced an amendment to be consistent with the regulations. Secretary Milanko stated the amendment is to include a minimum of **fifteen (15) copies** of applications, maps or zoning amendment requests. She stated the ten (10) copies was changed to fifteen (15) in 2007 when the zoning book was revised and thought Sec. 1103 (A.) (4.) was just missed. Chair Mickas asked the board if there were any questions or issues on adding this section to the updates. No discussion or issues by the board.

➤ **SEC. 1103 CONTENTS OF APPLICATION FOR AMENDMENT TO ZONING RESOLUTION (pg. 117/119)**

A. All applications for a zoning amendment shall include:

4. Each application shall include a minimum of ~~ten (10)~~ fifteen **(15) copies** of the Request for Amendment to Zoning and shall include a minimum of ~~ten (10)~~ fifteen **(15) copies** of map of area showing contours and elevations.

CONTINUED BUSINESS:

1. AGRITOURISM

Chair Mickas stated that Mrs. Murphy provided the board with a new draft of Agritourism language at the last meeting from another township. Mr. Mickas stated at this time he did not have additional information that he put together for this meeting and asked the board if they had anything. Mrs. Murphy stated she put together a new document on Agritourism for the board to review. Mrs. Murphy distributed the document to the board for discussion (**Attachment 1: Patricia Murphy proposed Agritourism draft dated July 11, 2019**).
Patricia

Discussion and Review of the Proposed Language Draft Submitted by Mrs. Murphy [see Attachment 1 for discussion and edit notes]

- Mrs. Kijek noted an edit on page 1, (B) General Requirements, (c.): structures to be used ~~for~~ primarily for agritourism activities....
- Mr. Mickas referenced page 2, (B) General Requirements, (e.) Off-street parking. Mr. Mickas said we've had previous conversations on off-street parking and asked if there were concerns for us referencing Sec. 601 in our zoning code. Mrs. Murphy said we were told either to reference it or pull the actual language. Mr. Mickas said we might want to define that specifically because there are things in Sec. 601 that we cannot regulate, which is my concern.
- Mrs. Czyz referenced the same section and questioned the wording referencing the Board of Zoning Appeals. She asked at what point does this go to the Board of Appeals?

- Mrs. Murphy stated I don't think it would; I was just trying to put something together so the board can move on it.
- Mr. Mickas said this is regulating the number of parking spaces and the size. Mr. Mickas said if it is footage or whatever, we probably want to define that a little bit more.
- Mrs. Kijek asked for clarification on referencing Sec. 601.
- Mr. Mickas said if we reference Sec. 601, it has areas in there about parking area designs, entrance and exists, restrictions, maintenance, etc. and I'm not sure if we can regulate a lot of those things. He said it is very specific in the ORC (Ohio Revised Code) as to what we can regulate. He said we can only regulate the size, but not any improvements they can do in the parking areas.
- Secretary Milanko referenced the Medina County Planning Commission report (May 1, 2019) on Agritourism regarding off-street parking comments. Vice Chair Mickas read the recommended language and Planning Commission response:

c. 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 Section 601, except as required by the Ohio Revised Code.

- It is not clear which if any of the uses listed in ZR § 601-1 are to be used for determining the number of parking spaces and the size of the parking area to be utilized with an agritourism use. Specify which of the listed uses should be utilized or add a new requirement for an agritourism use.
 - 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." While this § does include the statement "except as required by the ORC," Staff recommends that the ZC state specifically which parts of § 601 are applicable to agritourism uses. § 601 C. Parking Area Design, specifies requirements for surfacing, grading, stormwater management, lighting, and the provision of wheel and/or bumper guards and landscape screening which are expressly prohibited under ORC § 519.21(C)(4); utilizing the provision "except as required by the ORC" is unnecessarily misleading.
- Mrs. Porter referenced the zoning code, Sec. 601 Off-Street Parking and asked if we just included the first sentence if that would cover us?

Sec. 601 OFF-STREET PARKING (pg. 85/119)

In all districts, in connection with every building or part thereof hereafter created and in connection with every use of the land hereafter established, sufficient parking facilities shall be provided off-street to meet all the parking needs.

- Mrs. Porter stated that says they cannot park on the street and they have to have enough parking spaces to meet all needs, but we are not regulating how many parking spaces, which we cannot do, correct? She said it says they have to have sufficient parking facilities to be provided "off-street" to meet all parking needs.
- Mrs. Murphy said so we don't want all Sections in 601, just the first three lines, correct? The board agreed.
- Mrs. Murphy confirmed that on (e) we are removing "section i. and ii" and replacing it with the first three sentences of Sec. 601 Off-Street Parking from the zoning code. The board confirmed.

- Mrs. Kijek felt the next item “(f.)” regarding ingress/egress should remain.
- Vice Chair Mickas agreed the ingress/egress language should stay.
- Vice Chair Mickas noted page 1 (d.) setbacks in the document and asked if we are allowed to force the standard minimums for the front, sides and rear setbacks? Mrs. Czyz stated no.
- Mr. Mickas questioned whether Sec. B. General Requirements (d.) (ii.) should be removed. Mrs. Czyz said I think it is how it is presented to the applicant to identify where each building is located, simply for our Safety Forces. She said if there should be an incident happening where our Fire Department or the Police Department has to respond, at least they will know where the building is. Mr. Mickas said so you would want this to be in the application, but not necessarily in the general requirements. Mrs. Czyz said yes and that she would forward that on to the Police and Fire Departments. Mr. Mickas stated we may regulate those as he reads over the ORC Sec. 519.21 which says *we may regulate such factors pertaining to Agritourism as size of structure used primarily for Agritourism; size of parking areas may be required; setback lines for structure used primarily for Agritourism; and ingress/egress.* Mr. Mickas said so if we do want something on setbacks, we could leave it in there.
- Mrs. Kijek asked if we are going to do that, can we add the size of the setback and placement of any structure? Mr. Mickas said I think we want to make sure it is definitely in the application, but I’m not sure we want to add it to “ii.” because that would be a regulation.
- Mr. Mickas asked the Zoning Inspector from an Agricultural Use; do you have to follow the setback guidelines? Mrs. Czyz said no and the Building Department can’t regulate it as long as they have an Agricultural Exempt Form signed. Mr. Mickas said it says we can regulate it, but really, what can we regulate? Mr. Mickas stated he would go back to his notes from Mr. Richter (Medina County Prosecutor’s Office) to see what his opinions on this were.
- Mrs. Kijek referred to the draft language and asked if on page 2 under C. Application for Use; (b.) Proposed buildings and/or structures, we should add “Placement of” proposed buildings and/or structures? **Placement of proposed buildings and/or structures:**
- Mr. Mickas wondered if we should reference “specific” sections in the ORC instead of just the ORC in general, i.e. farm definition in ORC. He referenced an example on page 6, Article II of the Zoning Resolution Definitions and stated maybe we need to add something for Agritourism, Farm, etc. as defined in Section (number) of the ORC.
 - **Agriculture:** *Shall be as defined in Chapter 519 of the Ohio Revised Code.*
- Mr. Mickas stated he would look up the specific sections in the ORC and forward to Mrs. Murphy.
- Mrs. Murphy referenced B. General Requirements (a.) (i.) acreage of the farm and said I was thinking of a situation where you have a farm and they are doing agriculture but they have two separate parcels. One parcel is over 10 acres and one is under 10 acres. Maybe we should define acreage of the farm as being the combined contiguous acres together.
- Mrs. Murphy said so now you would have a situation where one person has 12 acres on one parcel and then 9 acres on the other. She said on the first acreage, they are already a farm because it’s over 10 acres, but with the 9 acres now they have to prove their income. Mrs. Murphy stated that is why she added it to the language. (ref. B. General Requirements (a.) (i.).
- Mrs. Czyz stated I think they have to be separate; you have 10 acres here and 10 acres there. Mrs. Czyz asked if they are contiguous and if they are owned by the same person. Mrs. Murphy said yes. Mrs. Czyz said so that person owns them but it can’t be two separate parcels, I think they have to combine them into one. Mrs. Czyz stated she will ask Ron Henwood (Director, Planning Services) tomorrow. *End of discussion.*

NEW BUSINESS CONTINUED

1. Review of Setbacks and Road Right-of-Way definitions and requirements in Zoning Resolution

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Vice Chair Mickas stated Mr. Goodyear mentioned his concern at the last meeting regarding the right-of-way's and setback definitions, and asked the board to review this. Mr. Mickas stated he did not have time to look into that area and asked if other board members had information or comments.

- Mrs. Murphy asked if we were going to try to define the minimum setbacks.
- Mr. Mickas said yes, but the question is from what point do we use.
- Mrs. Murphy referenced Sec. 406-6 (A.) of the Brunswick Hills Township Zoning Resolution:

Sec.406-6 Development Standards

All buildings, structures, and parking areas in a PMUD project shall be located in a manner that complies with the minimum development standards set forth in this section.

A. Minimum Building Setbacks:

1. Setback from Rights-of-Way

- a. Existing Streets: Buildings shall be located a minimum of 50 feet from all public street rights-of-way dedicated as of the date the PMUD general development plan application is submitted.
- b. New or Proposed Streets: Buildings shall be located a minimum of 30 feet from all public street rights-of-way proposed as part of the PMUD project.

2. Setback from Adjacent Districts: The following minimum building setbacks shall apply to the project boundary of PMUD wherever the boundary line abuts a parcel not included in the PMUD district:

The Zoning Classification Adjacent to a PMUD District	Minimum Building Setbacks for Uses within PMUD District		
	Commercial Uses	Residential Uses ^(a)	Multi-family Uses
Commercial	0	50 feet	50 feet
Residential ^(a)	100 feet	35 feet	50 feet
Multi-family	100 feet	50 feet	50 feet
^(a) Includes single-family detached, two-family, and single-family attached dwellings.			

- Mrs. Murphy asked if we can just add it to the general definition section if that is how the board wants to proceed. She said the question is where the setback would start from.
- Mr. Mickas said his concern about putting a definition in is that there may be other sections in the book that contradicts it.
- Trustee Witthuhn said what if you stated “unless otherwise stated, setback shall mean....” and then provide the definition and that would take care of your conflict.
- Mr. Mickas said unless you want to change that regulation in each section, because if it states something different, you want to be consistent throughout the book. He said that is his only

concern because it puts more stress on Evelyn if she has to look in different sections of the book all the time – unless there is a reason for it to be different.

- Mr. Mickas asked what do we want to have it be? Is it from the right-of-way, from the center of the road? He said if there are differences, then what should the regulation be?
- Mrs. Kijek said if we go from the center of the road, what happens if they widen the road?
- Mrs. Czyz stated and that has happened.
- Trustee Witthuhn asked the Zoning Inspector if she said in the last meeting that she was taught it was always from the curb? Trustee Witthuhn said some of our sections say from the right-a-way. Trustee Witthuhn said that could be a 30 ft. difference.
- Mrs. Czyz said, but again, what if they widen the road.
- Mrs. Kijek referenced Sec. 405 R-3 Residential (405-4 Yard Requirements) and noted it said what Trustee Witthuhn suggested: “*except as otherwise specified in Article III*”:

Sec. 405

R-3 RESIDENTIAL DISTRICT

Sec. 405-4

Yard Requirements

A. Minimum Front Yard Depth

1. Single-family dwelling - Fifty (50) feet, except as otherwise specified in Article III, Section 303-5.E.
 2. Two-Family dwelling - Fifty (50) feet, except as otherwise specified in Article III, Section 303-5.E.
 1. Single-family Attached dwelling – Seventy (70) feet, except as otherwise specified in Article III, Section 303-5.E.
 2. Multifamily dwelling - Seventy (70) feet, except as otherwise specified in Article III, Section 303-5.E.
- Mr. Mickas said so you are saying we can say “unless otherwise specified” in our definition.
 - Mrs. Czyz asked the board to look at page 15/119 **Definitions of Yard Front**:
 - **Yard, Front**: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot. Where a major or collector thoroughfare is designated in the Comprehensive Land Use Plan, the front yard depth shall be measured from the proposed street right-of-way line.

PUBLIC COMMENT: Mr. Mickas opened the meeting to Public Comment and board discussion.

1. **Dave Goodyear, 691 Pearl Road, Brunswick Hills, Ohio, 44212.** Mr. Goodyear addressed the board and said we are talking right now about the middle of the road, the side of the road, the top of the road, the bottom of the road and whatever. He said, if you are talking about what I asked about, all it really needs, in my opinion, is that we don’t allow any more buildings within what we already have – plus an additional lane of traffic on each side of the road. He said, so I’m just asking to add 15 feet more to the setback to keep from having the mess that we’ve already got on Rt. 42 as I mentioned a couple of weeks ago. Mr. Goodyear said I am not into your zoning or an expert so that is up to you. He stated his opinion that he doesn’t think it’s really a complicated thing. Mr. Goodyear suggested the board ask what the State of Ohio is looking for when widening Rt. 42 or Rt. 303 and then all you have to do is add that onto the setbacks.

- Mr. Mickas said I think my concern is if we have 15 feet, where am I adding that 15 feet to? He said, am I adding 15 feet to the curb, or am I adding 15 feet so it is really 70 feet? He said and then if it is already on the curb and then when they widen the road, then I need all of those new buildings to adhere to that that 30 feet already if it is from the curb because then you are widening the street and then you are on the curb. He said so they would have to adhere to the 30 feet from the curb, even though they widen the street 50 feet, we are already 30 feet off of it. He said so that is my concern, is it the center of the road, or is it the curb of the road, or is it the tree line?
- Mr. Goodyear said so what does our zoning call for right now?
- Mrs. Czyz and several board members said that is what we are trying to determine right now.
- Mr. Goodyear expressed his examples again of the businesses on Rt. 42 and Rt. 303 that are close to the road now.
- Mr. Mickas stated his opinion that they would be grandfathered in and wouldn't have to adhere to those setback lines because we can't ask them to knock down their house.
- Mr. Goodyear said I mentioned Honey Hut before and they are going to lose parking spaces to their business if they widen the road. He said we should have already known this stuff if it is that important and all I want to do is to see us add on to what we have. He said the taxpayer's cost is so much money if they do add on to the road because ODOT will be taking the land.
- Mrs. Czyz said they can take it by eminent domain.
- Mr. Goodyear said but they will still have to pay something.
- Mrs. Czyz said if they take it by eminent domain, they do not have to reimburse that property owner because it is in their right-of-way.
- Mr. Goodyear said I just don't want to see one of you buy a house on Rt. 42 or Rt. 303 and put a house in according to our zoning today and then in 10 years they add an additional lane on each side of the road and then here you are looking at buses, semis, and cars buzzing by you.
- Mr. Mickas said his concern is that we need to understand where we are measuring from first so we know what the math is. He said because I also don't want to set a setback line so far from the road that they can't do anything on their property. He said that is a good chunk from center of the road vs. the curb.
- Trustee Witthuhn said he just pulled a zoning book up on his phone from a township just south of here and their definition says specifically: "**Setback**: the required minimum horizontal distance between a lot line and a structure. The front setback shall be measured from the proposed right-of-way line."
- Mrs. Kijek asked where is the right-of-way?
- Mrs. Czyz said from the curb.
- Trustee Witthuhn said right-of-way is your tree lawn, or typically on a road without sidewalks, it would be from the road to the telephone pole or utility.
- Mr. Bill Thorne said you have it defined in your code.
- Mr. Mickas said it is in the yard frontage and in the definitions, but I want to make sure we don't have exceptions throughout the code.
- Mr. Mickas said he would like the board to review it for discussion at the next meeting.

ADDITIONAL BUSINESS

1. Training Opportunity: Announcement of BZA Mock Trial Training, Thursday, July 25 at 6:30 p.m., Montville Township Administrative Building, 6665 Wadsworth Road, Medina, OH 44256.

Mr. Mickas announced the BZA Mock Trial training session on Thursday, July 25th. Trustee Witthuhn said you asked me at the last meeting about doing a training session for the Zoning Commission. Mr. Richter (Medina County Prosecutor's Office) said he is happy to do the training on a given Thursday at the town hall. He only asks that it be at 5:00 p.m.

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Mr. Mickas asked board members if they could make a 5 p.m. training session on a Thursday in August. Mrs. Czyz said not for me. He said we can try to look at different times if that helps. Mrs. Czyz I cannot make it on a Thursday, maybe a Tuesday or a Wednesday would be better for me. Mr. Mickas said should we try to look at something different then? Mrs. Czyz said possibly. Mr. Mickas said he will check with Sandra Jenkins on her schedule and then talk to Mr. Richter about options. Mrs. Wetterman said if Evelyn can't attend, then let's go with a Thursday.

PUBLIC COMMENT: None

ANNOUNCEMENT OF NEXT MEETING DATE: Thursday, ~~August 8, 2019~~

- Trustee Witthuhn said August 8th is the second Thursday of the month. Secretary Milanko checked the calendar and said August 8th should be August 1st (first Thursday of the month).
- Mrs. Czyz noted the submission deadline for the ZC is Wednesday, August 7th.
- Mr. Mickas asked if we want to move the meeting date to August 8th because of the submission deadline so the board can receive the submission before the September meeting.
- Trustee Witthuhn said Evelyn can still get the packets to you after August 7th if you meet on August 1st. The Board agreed to keep August 1, 2019.
- Mrs. Kijek noted she will be on vacation for the August 1st meeting.

MOTION TO ADJOURN

Motion: Mrs. Kijek made a motion to adjourn the meeting. Mrs. Wetterman seconds.

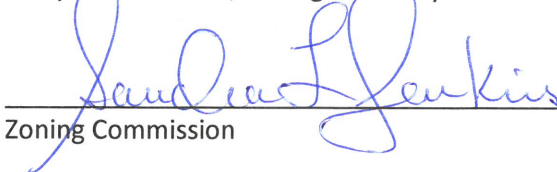
Discussion on the Motion: Mrs. Czyz stated before the vote, John and I were wondering if it would be better to move your meeting to August 8th because you would need to set a public hearing if something is submitted on August 7th. Mrs. Czyz stated this way, you will receive the packets on Thursday, August 8th. Mr. Mickas stated that is a good point, otherwise, we might have to schedule an emergency meeting.

Motion to Change the August Meeting Date from August 1st to August 8th at 7 p.m. **Motion:** Mrs. Kijek made a motion to move the August 1st meeting to August 8, 2019 at 7 p.m. Mrs. Porter seconds the motion. **Roll Call:** All in favor.

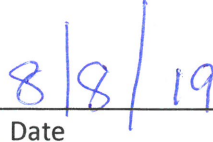
ANNOUNCEMENT OF NEXT MEETING DATE: August 8, 2019 @ 7 p.m.

Motion to Adjourn the Meeting Continued: **Motion:** Mr. Kijek made a motion to adjourn the meeting. Mrs. Wetterman seconds. **Roll Call:** All in favor. Meeting officially adjourned at 8:21 p.m.

Respectfully Submitted,
Mary Jean Milanko, Zoning Secretary



Zoning Commission



Date

ZC July 11, 2019

Attachment 1: Patricia
Murphy Proposed Draft on
Agritourism

Proposed draft language for review by the Zoning Commission

SEC. 303-14 Agritourism:

A. Purpose

In the interest of public health and safety, no agritourism operation shall be permitted unless the following conditions have been satisfied and an Agritourism Use Form has been issued by the Township Zoning Inspector.

B. General Requirements

- a. The agritourism provider shall attest that the farm on which the agritourism operation is proposed conforms to the definition of farm in the ORC. *specific section of ORC for farm.
- i. As used herein, acreage of the farm for purposes of the definition shall be the total acreage of the one or more contiguous parcels within the Township that are used as the farm on which the agritourism operation is proposed.
- b. 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.
- c. The agritourism provider shall submit a floor plan of the buildings and/or structures to be used for primarily for agritourism activities and a site plan of the property illustrating all structures and setbacks from property lines for all structures used primarily for agritourism activities.
- d. The size and setback for any structure used primarily for agritourism activities shall meet the following requirements:

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- Question to Remove? or Require in the application.
- Question to Remove? or add 601-off-street Parking language first 3 lines only.
- i. All structures used primarily for agritourism shall comply with the height requirements defined in Section 303-6-B.
 - ii. All structures used primarily for agritourism activities shall be subject to the standard minimum front, side, and rear yard setbacks for principal structures for the zoning district regardless of the size of such structure.
 - e. The agritourism operator shall provide off-street parking in accordance with Sec. 601 and the following:
 - i. Agritourism operations providing educational, entertainment, historical, cultural, and/or recreational activities in a farm setting and open to the general public, regardless of whether or not an entry fee is charged, shall provide a minimum number of parking spaces as determined by the Board of Zoning Appeals based upon the intensity of the use, such as peak attendance periods, and the size of the structure and/or land area designated for agritourism activities provided in the application.
 - ii. The Board of Zoning Appeals shall not require the parking area be improved, including any requirements governing drainage, parking area base, parking area paving or other such improvement.
 - f. The agritourism operator shall provide ingress and egress via access points on a public road approved by the Township, County Engineer, Ohio Department of Transportation, and/or other entity, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access to the satisfaction of the fire department having jurisdiction over the property upon which the agritourism operation is located.

C. Application for Agritourism Use

Agritourism use is approved through the submission of an application, General Development Plans, and Final Development Plans in accordance with the provisions of Section 902 herein and should include the following:

- (add)
Placement of
- a. The total acreage of the farm;
 - b. Proposed buildings and/or structures;
 - c. Floor plan of the buildings and/or structures to be used for primarily for agritourism activities;

- d. Spacing of buildings and structures;
- e. Setbacks of building and structures used primarily for agritourism activities;
- f. Off-street parking lots and parking areas;
- g. All points of ingress and/or egress;
- h. Walkways providing means of travel between buildings used primarily for agritourism activities;
- i. Use of existing and proposed buildings and/or structures;
- j. Location of all public rights-of-way;
- k. 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;
- l. The agritourism provider shall attest that the farm on which the agritourism operation is proposed conforms to the definition of farm in the ORC and as provided in this section.