



Zoning Text Amendment Sharon Township

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| Meeting: | May 2, 2018 |
| Applicant: | Sharon Township Zoning Commission (ZC) |
| Hearing: | May 17, 2018 (ZC) |
| Amendments: | Add new Section (§) 606 Fire Protection of Planned Building Groups |
| Reviewer: | Rob Henwood |
| Recommendation: | DISAPPROVE |

Proposal: In an email dated March 30, 2018 Melissa Hydel, Sharon Township Zoning Clerk, requested a review of the following changes to the Zoning Resolution § 606 Fire Protection of Planned Building Groups (Subdivisions) proposed by the ZC (new text is underlined, text to be deleted is shown as ~~strikethrough~~, and Staff Comments are *italicized*):

606 FIRE PROTECTION OF PLANNED BUILDING GROUPS (SUBDIVISIONS) *The phrase “Planned Building Groups” is vague. Replace this phrase with “Residential Subdivisions.”*

To ensure a reasonable level of fire protection and life safety for the public and firefighters, an approved water supply capable of the required water flow for fire protection shall be provided in accordance with this regulation and the applicable fire code to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction. *The purpose statement is awkward. The township should consider something similar to the following: “The purpose of this regulation is to ensure a reasonable level of fire protection and life safety for the public and firefighters in residential subdivisions that do not have access to central water facilities.”*

606-1 Definitions *All proposed new definitions should be moved to Article III Definitions.*

- A. Approved: Acceptable to the AHJ *This definition is unnecessary; delete.*
- B. Authority Having Jurisdiction (AHJ): The Sharon Township Fire Department. *It is not necessary to create a new definition; directly reference the Sharon Township Fire Department (STFD) as they are the “Authority Having Jurisdiction.”*
- C. Dry Hydrant System: A permanent piping system within *This sentence appears incomplete.*
- D. Fire Pond: A static water source designed and constructed for the purpose of fire protection of a subdivision without available municipal water. *Change reference from municipal to central water service provider.*
- E. Recognized Drafting Point: A Dry Hydrant System that is certified to meet the requirement of the Insurance Service Office, Inc. (ISO)
- F. Subdivision: A planned building group of residential structures. *Rather than defining the term subdivision, make reference to the Major Subdivision definition contained in the 2014 Medina County Subdivision Regulations (Subdivision Regulations) as follows: Subdivision, Major - All subdivisions not classified as minor subdivisions, including but not limited to: subdivisions of more than five lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.*

606-2 Fire Protection

- A. The developer of a subdivision shall provide a minimum of one of the following mechanisms for the purpose of fire suppression:
1. A municipal water supply as provided by the Medina County Sanitary Engineer meeting the flow requirements of the Ohio Fire Code and NFPA 1142, with hydrants placed every 300-500 feet based upon lot density and subject to approval by the AHJ.
 - i. ***Change municipal water supply reference to central water service provider.***
 - ii. ***Reference the STFD.***
 2. A fire pond with dry hydrant system designed and constructed to the Medina County Engineer, Engineering Code for Subdivision Development, Dry Hydrant and Fire Pond Specification and subject to approval by the AHJ.***Reference the STFD.***
 - a. Dry Hydrants shall be placed every 2,000 feet within the subdivision.
 - b. Each, as built, Dry Hydrant Systems shall be certified as a Recognized Drafting Point.
- B. Alternative methods shall be reviewed by the AHJ prior to their consideration for approval. ***Reference the STFD.***

606-3 Maintenance

- A. The Township shall ensure the continual operation and maintenance of the dry hydrant and fire pond.
1. The developer shall indicate a permanent easement to the AHJ permitting the access to the dry hydrant and water source. ***Reference the STFD.***
 2. The owner(s) of affected lots shall not modify, drain, or otherwise change the, as built, design of the fire pond without consultation and written approval of the AHJ. If the AHJ determines that the water supply system has been altered without prior approval, the AHJ may maintain or repair the system. The cost of such maintenance may be levied against the real property within the subdivision and may be foreclosed in any manner allowed by law. ***Reference the STFD.***
 3. If the AHJ determines through normal maintenance that the fire pond requires dredging due to silt build up, it will be the responsibility of the pond owner. ***Reference the STFD.***

606-4 Provisions

- A. All fire ponds shall require a \$20,000 two (2) year cash bond or letter of credit.
- B. No zoning certificate shall be issued for any building, structure, or use within the subdivision until the Township Zoning Inspector has granted approval of the actual dry hydrant installation. ***The County Engineer and the Fire Department should inspect the dry hydrant.***
- C. The township has no liability exposure in regard to the pond other than to see that the dry hydrant is properly installed and maintained.

Comments:

1. According to Stuart Meck and Kenneth Pearlman authors of *Ohio Planning and Zoning Law*, “townships must strictly follow the procedures and standards in state statutes when administering their zoning regulations.”¹
2. Ohio Revised Code (ORC) § 519.02(A) states that the Board of Township Trustees may;
... regulate by resolution... the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, 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, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or 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... may regulate the location of, set back lines for, and the uses of buildings and other structures, including tents, cabins, and trailer coaches, 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... for nonresidential property only, the height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, 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.

In summary, the Board of Trustees may regulate the following by enforcing the zoning resolution within the boundaries of the township:

- a. The location, height, bulk, number of stories, and size of buildings and other structures.
- b. Percentages of lot areas that may be occupied.
- c. Set back building lines.
- d. Sizes of yards, courts, and other open spaces.
- e. The density of population.
- f. The uses of buildings and other structures.

¹ Meck, Stuart and Kenneth Pearlman. *Ohio Planning and Zoning Law: 2017 Edition*. Thomson Reuters, 2017.

- g. The uses of land for trade, industry, residence, recreation, or other purposes.
- h. May establish reasonable landscaping standards and architectural standards excluding exterior building materials.

Regulation of the installation of public improvements, like a fire pond, is not one of areas of authority granted to a Board of Township Trustees under ORC § 519.02(A).

- 3. Fire ponds and dry hydrants are required under § 606(D) of the Subdivision Regulations as follows:

Where central water systems are not available or not sufficient and the local jurisdiction requires dry hydrants, the Planning Commission shall require dry or drafting hydrants and such shall be required on the Final Plat unless the local Fire Department requests in writing a preference that the site not be equipped with such facilities. Access to and maintenance of both the fire pond and dry hydrant shall be designated on the Final Plat. Refer to the Engineering Code for specifications.

- 4. While the recommendation is for disapproval, if the township still decides to move forward, Staff recommends the edits included with the proposed text be made.

Recommendation: Planning Services staff recommends the Planning Commission **DISAPPROVE** the proposed amendments to § 606 of the Sharon Township Zoning Resolution.