



Zoning Text Amendment
Guilford Township



Meeting: September 4, 2019
Applicant: Guilford Township Zoning Commission
Hearing: TBD (Zoning Commission)
Amendment: Section (§) 3(1), Add 3(23)(a), Change 3(23)(a) to 3(23)(b), Add 3(26)(a), 4.13(2), Add 5(10), 9(22)(g)
Reviewer: Sonja Pagniano

Proposed Amendments: On July 22, 2019 Guilford Township Zoning Commission (ZC) Secretary, Dave Houk Sr. sent an email to the Department of Planning Services (DPS) staff requesting a review of the following changes to the Zoning Resolution as proposed by the ZC:

- **Section 3, Definitions**, Agriculture Production, Agritourism, Farm, Farm Market, and Hard Surface added
- **Section 4 General Provisions**, Parking Regulations edited
- **Section 5 Agriculture**, Parking Regulations added
- **Section 9 Conditional Zoning Certificates**, Parking Regulations edited

New text is UNDERLINED, text to be deleted is shown as ~~STRIKETHROUGH~~, and Staff Comments are ***BOLD AND ITALICIZED***:

SECTION 3 DEFINITIONS

Add Agriculture definition back into the text as 3.1. Change AGRICULTURE PRODUCTION definition to 3.1(a) and AGRITOURISM to 3.1(b). See Brunswick Hills Township recent text amendment which is consistent with the ORC Section (§) 519.01.

§ 3.1 ~~AGRICULTURE~~AGRICULTURAL PRODUCTION: means commercial aquaculture, algaculture, apiculture, animal husbandry, poultry husbandry; 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. ORC 929.01(A). ~~Includes farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur bearing animals, poultry husbandry and the production of poultry and poultry products, dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms, timber, pasturage, or any combination of the foregoing, the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.~~

It is unnecessary to cite the ORC as part of the definition.

§ 3.1(a) – AGRITOURISM: is 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. ORC 901.80(A)(2).

It is unnecessary to cite the ORC as part of the definition. The addition of agritourism is consistent with ORC § 901.80(A)(2).

Note that ORC § 519.21(B) states that “A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen 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 regulate: (1) A farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety. (4) Agritourism. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to agritourism. Except farm markets as described in division (C)(1) of this section, as size of a structure used primarily for agritourism. Size of parking areas that may be required, setback building lines for structures used primarily for agritourism. And egress or ingress where such regulation is necessary to protect public health and safety. Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement...”

§ 3.15 and § 3.16 have spelling errors. It should READ “Centralized” not “Centalized.”

§ 3.23(a) – FARM: is land that is devoted to “agricultural production” with either no less than ten (10) acres or an average yearly gross income of at least two thousand five hundred dollars (\$2,500) from “agricultural production” ORC 901.80(A)(4).

It is unnecessary to cite the ORC as part of the definition. Staff recommends changing the definition to read, “is 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.” Making this change will ensure there is no confusion and it is completely consistent with ORC § 901.80(A)(4).

§ 3.23(a) § 3.23(b) – FARM MARKET: A structure where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

This definition is consistent with ORC § 519.21(C)(1).

§ 3.26(a) – HARD SURFACE: Is a type of finish that results in a surface that is not changed by weather and remains consistent in nature. This surface is used for parking lots, driveways, walkways and patios. The materials most reflected in a “hard surface” are gravel, concrete, asphalt, road pave, and various sizes of limestone. *Delete. A township may not require any parking area to be improved in any manner.*

Add or edit the following definitions:

- *“Bus” after § 3.68 of Guilford Township Zoning Regulations. Suggested definition is, “any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.”*
- *“Motorcycle” after § 3.68 of Guilford Township Zoning Regulations. Suggested definition is, “a motor vehicle with motive power having a seat or saddle for the use of the operator, designed to travel on not more than three wheels in contact with the ground, and having no occupant compartment top or occupant compartment top that can be installed or removed by the user.”*
- *“Noncommercial motor vehicle” after § 3.68 of Guilford Township Zoning Regulations. Suggested definition is, “any motor vehicle, including a farm truck that is designed by the manufacturer to carry a load of no more than one ton and is used for general transportation.”*
- *Delete “Private” from the “Private Passenger Vehicle” title in § 3.68(1). Update the definition to, “any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.”*
- *Update the definition for a “Commercial Vehicle” in § 3.68(2) of Guilford Township Zoning Regulations. Suggested definition is, “any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle.”*

Staff recommends reviewing the Definitions section and listing all Definitions in alphabetical order instead of breaking up some into different sections so that they are easy to find.

SECTION 4 GENERAL REGULATIONS

§ 4.13 – PARKING REGULATIONS IN RESIDENTIAL AREAS:

While not part of the submitted changes Staff recommends the township consider changing subsection 1 which reads “Private Passenger vehicles, i.e.; automobiles, station wagons, vans, motorcycles, small trucks, and the like shall be permitted” to “Passenger cars, recreational vehicles, motorcycles, and noncommercial motor vehicles are permitted. Recreational vehicles, campers, and boats shall not be used as a dwelling, office, or other business structure, or for storage of any material, and shall have no connections to any electric, telephone, water, sewer, gas, or fuel source.” This way all vehicle types are listed that are clearly defined in the Definitions section.

~~2 – The overnight or weekend parking of one commercial vehicle, less than twenty-six (26) feet or whose width is less than seven (7) feet or whose height is less than seven (7) feet, and has carrying capacity of one ton or less shall be permitted without a zoning variance provided all of the following provisions are observed: in length or seven (7) feet or less in width and whose height is seven (7) feet or less, and the load carrying capacity is one (1) ton or less, shall be permitted to be parked outside. The overnight or weekend parking of all commercial vehicles over twenty-size (26) feet in length, whose width is greater than seven (7) feet, whose height is greater than seven (7) feet and has a load carrying capacity of one (1) ton or more shall be parked in a building and shall not be visible from any adjacent property or road right-of-way. The building shall meet all township zoning and setback requirements and if a new construction shall receive a zoning certificate from the zoning inspector.~~

- A- The contents of the vehicle shall not omit offensive orders.
- B- There is stored within the confines of the vehicle, only such items as hand tools, spare parts and small amounts of supplies and items normally used in conjunction with residents occupation. In no event is such vehicle to be used as a warehouse for the storage of substantial goods, supplies or other material.
- C- There are no animals, fish or fowl, stored in the vehicle.
- D- There is no foodstuff or other organic material stored in the vehicle, which would create a condition that, would attract, harbor or contain vermin, insects, or rodents.
- E- There are no other health or safety hazards caused by the parking of such vehicle.

Clarify that the building is an accessory building and not just a building. Delete- “The building shall meet all township zoning and setback requirements and if a new construction shall receive a zoning certificate from the zoning inspector.” Accessory Buildings are already defined within the Guilford Township zoning code.

Staff recommends moving the PARKING REGULATIONS IN RESIDENTIAL AREAS section to its own section after GENERAL REGULATIONS. See Montville Township’s OFF-STREET PARKING section as an example. Staff recommends clearly defining the parking there for each (RESIDENTIAL AREAS, AGRICULTURE, and CONDITIONAL ZONING CERTIFICATES).

SECTION 5 AGRICULTURE

§ 5.10 – Agritourism Parking

1. All parking will be out of the road right-of-way. Parking must also provide a clear line of sight for transportation exiting into traffic.
2. A hard surfaced; i.e. concrete, asphalt, gravel or limestone, parking facility must be provided with a minimum of six (6) spaces.
3. Bus parking must be accommodated.
4. Ingress and egress approaches are at the owner’s discretion, but a minimum of one entrance/exit must connect to road and be of the same type of surface as provided in the parking lot.
5. A single 2x2 foot sign, designating a parking area is permitted as long as it meets the township requirements for a sign.

6. Parking and parking lots for Agritourism are subject to the purveyance of the zoning inspector.

Parking requirements (1, 2, 3, and 4) should be listed with the other Parking Space Requirements under § 4.14 in the Guildford Township Zoning Resolution and then moved to their own section within the Zoning Resolution as suggested in the previous comment so that they are compliant with the ORC. Most of these parking regulations are not applicable to Agriculture uses.

Delete item 2. ORC519.21(C)(4), specifically prohibits a township from requiring hard surface paving.

4. Delete: “and be of the same type of surface as provided in the parking lot”. Note as previously cited ORC § 519.21(B), “Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement...”

In Section 5 AGRICULTURE, it may be best to have a separate section that defines rules for signage.

SECTION 9 CONDITIONAL ZONING CERTIFICATES

§ 9(22)(g) – A commercial vehicle, not exceeding twenty-six (26) feet in length, seven (7) feet in height, nine thousand (9,000) pounds Gross Vehicle Weight, or one (1) ton load capacity, shall be permitted. The overnight or weekend parking of one commercial vehicle less than twenty-six (26) feet in length or seven (7) feet or less in width and whose height is seven (7) feet or less, and the load carrying capacity is one (1) ton or less, shall be permitted to be parked outside. The overnight or weekend parking of all commercial vehicles over twenty-six (26) feet in length, whose width is greater than seven (7) feet, and has a load carrying capacity of one (1) ton or more shall be parked in a building and shall not be visible from any adjacent property or road right-of-way. The building shall meet all township zoning and setback requirements and if new construction, the building shall receive a zoning certificate from the zoning inspector.

Clarify that the building is an accessory building and not just a building. Delete- “The building shall meet all township zoning and setback requirements and if a new construction shall receive a zoning certificate from the zoning inspector.” Accessory Buildings are already regulated within the Guilford Township zoning resolution.

§ 9(22)(g) should be listed with the other Parking Space Requirements under § 4.14 in the Guildford Township Zoning Resolution or as their own main section (i.e. SECTION 5 PARKING REGULATIONS) as suggested in the previous comment. Within that section it can be clarified what the parking regulations are for Conditional Zoning Certificates.

Comments:

1. The ZC provided parking definitions and regulations that work better for other sections but not for Agriculture.

- a. 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” for Agriculture.
2. Staff recommends the ZC create a separate section wherein parking is clearly defined for each applicable section. There is no need to reference back to the parking regulations then within those sections because parking will already be defined once.
3. Staff recommends re-submitting the proposed text amendment with the changes to ensure that the Guilford Township Zoning Resolution is in compliance with the ORC.

Recommendation: Staff recommends the Planning Commission **APPROVE WITH MODIFICATIONS** the proposed text amendment to the Guilford Township Zoning Resolution subject to Staff Comments.