Planning Commission
App. No. 110-2019-TA

Zoning Text Amendment

Hinckley Township

Meeting:	January 8, 2020
Applicant:	Hinckley Township Zoning Commission (ZC)
Hearing:	January 9, 2020 (ZC)
Amendments:	Amend Section 4.2 Agricultural Use to clarify agricultural purposes and add building setbacks per ORC 519.21 Agritourism language is added with related definitions and effected Sub-Sections. Amend Section 10.4 Signs Exempt from Regulations to include all signs erected and maintained pursuant to any township function.
Reviewer:	Sonja Pagniano
Recommendation:	**APPROVAL WITH MODIFICATIONS**

Proposal: In a letter dated December 6, 2019, Christopher Kalina, Chair of the ZC, requested a review of several changes to the Hinckley Township Zoning Resolution.

The complete text amendment proposal includes the following:

- Amend Section 4.2 Agricultural Use to clarify agricultural purposes and add building setbacks per ORC 519.21
- Agritourism language is added with related definitions and effected Sub-Sections.
- Amend Section 10.4 Signs Exempt from Regulations to include all signs erected and maintained pursuant to any township function.

New text is underlined, text to be deleted is shown as ~~strikethrough~~. Staff comments are shown as ***bold and italics***. Prosecutor's Office recommendations are shown as ***bold and italics and grey.***

SECTION 4.2 AGRICULTURAL USE

A. Land in any district may be used for agricultural purposes except as otherwise provided herein.

B. Pursuant to Ohio Revised Code Section 519.21***(B)(2)***, 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 the opposite side of the same dedicated public road, on lots less than five (5) acres all agricultural buildings and structures shall have a front setback of not less than the principal building and in no case shall be located closer than 15 feet to any other lot line. ***This is consistent with Section 519.21 (B)(2) of the ORC. Consider specifying the maximum height/size in addition to the setback requirement.***

C. Agritourism, as defined by the Ohio Revised Code, shall be permitted on lots in excess of five (5) acres provided that such use is established with a Zoning Certificate issued pursuant to a site plan approved by the Township Zoning Commission showing: ***Staff suggests removing the condition of "lots in excess of five (5) acres" and treating all Agritourism applicants the same, except for those primarily vinting or selling wine, farm markets, or structures that are located on land any part of which is used for viticulture or only for agricultural purposes per ORC Section 519.21(A).*** ***The Prosecutor's Office***

recommends the following: "Agritourism (as defined by the Ohio Revised Code Section 901.80(A)(2)) shall be permitted on farms (as defined by Ohio Revised Code Section 901.80(A)(4)), provided that such use is established with a Zoning Certificate issued pursuant to a site plan approved by the Township Zoning Commission showing:"

ADD 1. "The lot lines of the farm upon which the Agritourism will be conducted." and change the following numbering accordingly…

1. The location, sizes, and heights of all existing and proposed buildings and structures, including signs, to be used for agritourism purposes.
2. Evidence that proposed buildings and structures comply with the minimum setback requirements and height regulations in the applicable zoning district.
3. The location and size of all parking areas intended to accommodate the general public as part of the agritourism operation.
4. Evidence that sufficient off-street parking facilities as determined by the Zoning Resolution are provided for every building or part thereof hereafter established in connection with every use of the land.
5. The Township shall not require the parking area to be improved, including any requirements governing drainage, parking area base, parking area paving, or other such improvement.
6. The proposed use of all buildings and structures to be occupied or used for agritourism purposes.
7. The location and design of all ingress and egress drives to the agritourism operation and evidence that the provisions for emergency vehicle access are adequate to protect public health and safety.
8. A description of the agritourism operation identifying how it complies with the definition for such uses as set forth in the Ohio Revised Code. ***Staff advises Hinckley Township to consider expanding on specifically how the agritourism operation would identify how it complies with the definition for such uses as set forth in the Ohio Revised Code. Hinckley Township should ensure that each applicant is asked the same series of questions to ensure that compliance is set in an objective way.***

   ADD 10. "Evidence that the land the constitutes the farm is devoted to agricultural production (as defined in Ohio Revised Code Section 929.01" and change the following numbering accordingly…
9. The name, address, and emergency contact information for the operator or provider.

D. Any signage for agritourism facilities shall comply with the provisions of Chapter 10 of this Zoning Resolution.

Brunswick Hills Township recently had a similar text change.

Hinckley Township presents great additions to their text with requiring a Zoning Certificate process for Agritourism to ensure that the public are protected in terms of health and safety, clarifying that the Township shall not require parking area improvements, and clarification with citation of the ORC for Agricultural Use.

Staff recommends sharing the application for Zoning Certificate with the local Fire Department and/or County Building Department for comment.

Staff cautions there are exemptions for structures "used for vinting and selling wine that are located on land any part of which is used for viticulture", "farm markets", and "land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located.".

This proposed text is substantially consistent with ORC Section 519.21.

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 in 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 uses and structures may be regulated by township zoning. The items proposed are to close some loopholes within their text.

SECTION 10.4 SIGNS EXEMPT FROM REGULATIONS

The following signs shall be exempt from regulation under the Zoning Resolution.

A. Any sign inside a building that is located more than twelve (12) inches from the face of the window.

B. Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, or similar devices.

C. All signs erected and maintained pursuant to any township function.

Staff agrees with the addition of "C" in Section 10.4 to clarify that all signs erected and maintained pursuant to any township function should be exempt from regulation under the Zoning Resolution.

We suggest a comma addition in "B" after "pumps".

Recommendation: Planning Services staff recommends the Planning Commission **APPROVE WITH MODIFICATIONS** the proposed amendments to the Hinckley Township Zoning Resolution.

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