



Planning Commission  
App. No. 056-2021-TA

## Zoning Text Amendment Liverpool Township

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**Meeting:** July 7, 2021  
**Applicant:** Liverpool Township Zoning Commission (ZC)  
**Hearing:** June 3, 2021 (ZC)  
**Amendments:** Sections 301, 302, 303 & 304 add agritourism as a conditionally permitted use  
Section 301.4 delete building separation language  
Section (§) 605 add specific conditions for agritourism  
Article XI add agritourism related definitions  
**Reviewer:** Rob Henwood

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**Proposal:** The ZC has submitted the following proposed zoning text amendments to the Liverpool Township Zoning Resolution (ZR) for review by the Planning Commission.

**Proposed Amendments:** New text is underlined, text to be deleted is shown as ~~strikethrough~~, and Department of Planning Services (DPS) staff comments are *italicized*. Chapter titles are included with section headings when illustrative.

### ARTICLE III District Regulations

#### Section 301 Rural Residential District (R-R)

B. Conditionally Permitted Uses

7. Agritourism *DPS: To be consistent with the other conditionally permitted uses text contained in the Zoning Resolution, the following text should be added “subject to § 604 and § 605, subsection A.27.”*

#### Section 301.4 Yard Requirements

F. Accessory buildings shall meet all yard requirements except the minimum rear yard requirement is twenty (20) feet. For lots less than two (2) acres, the total square footage of all accessory buildings shall not exceed 2.25% of the total square footage of the lot. ~~In addition, an accessory building shall not be built closer than forty (40) feet from any dwelling and not closer than forty (40) feet from any other accessory building.~~

#### Section 302 Commercial District (C-1)

B. Conditionally Permitted Uses

8. Agritourism *DPS: To be consistent with the other conditionally permitted uses text contained in the Zoning Resolution, the following text should be added “subject to § 604 and § 605, subsection A.27.”*

#### Section 303 Industrial District (I)

B. Conditionally Permitted Uses

4. Agritourism *DPS: To be consistent with the other conditionally permitted uses text contained in the Zoning Resolution, the following text should be added “subject to § 604 and § 605, subsection A.27.”*

Section 304 Limited Manufacturing and Research District (M)

B. Conditionally Permitted Uses

5. Agritourism *DPS: To be consistent with the other conditionally permitted uses text contained in the Zoning Resolution, the following text should be added “subject to § 604 and § 605, subsection A.27.”*

**ARTICLE VI**  
**Conditional Zoning Certificates**

**Section 605 Specific And Supplementary Conditions**

A. Specific Conditions

27. Specific Conditions for Agritourism

It is the purpose of this regulation to promote public health and safety associated with agritourism activities, which shall be considered a conditionally permitted use in any district provided all requirements and regulations as set forth below are met.

Pursuant to Ohio Revised Code Section 303.21, Liverpool Township can regulate factors related to Agritourism land uses if the regulations are necessary to protect public health and safety. Application for a permit for agritourism land uses shall be made to the Zoning Inspector on the forms provided. *DPS: § 303.21 is not applicable to Liverpool Township; it is applicable to counties with county rural zoning commissions and county zoning. The Ohio Revised Code (ORC) reference should be corrected to § 519.21.*

The following requirements are applicable to all applicants seeking a conditional-use permit for Agritourism uses:

1. An Agritourism activity applies only to existing farms, by definition, that are otherwise engaged in agricultural production. If the land is first involved in agricultural production, added agritourism activities are permitted. For the purposes of this section, “existing farms” means farms which are currently in operation, or have been in operation within twelve (12) months prior to the application.
2. Agritourism providers must have a safety plan that warns guests about risk inherent in an agritourism activity and any dangerous conditions they may encounter. Providers must also follow the warning sign requirement, posted in a clearly visible location, at either each entrance to the location or at each agritourism activity. The warning notice shall consist of a sign in black letters with each letter to be a minimum of one inch in height. The signs shall contain the following notice of warning:  
“WARNING: Under Ohio law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if that injury or death results from the inherent risks of that agritourism activity.

Inherent risks of agritourism activities include, but are not limited to, the risk of injury inherent to land, equipment, and animals as well as the potential for you as a participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.” **DPS: Staff recommends consulting with the Prosecutor’s Office regarding the proposed warning language.**

3. The agritourism provider shall provide evidence the property(s) on which the agritourism operation is proposed meets the definition of a farm.
4. The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operations to the existing agricultural use of the property and the surrounding agricultural community in general.
5. The agritourism provider shall submit a general site plan of the property illustrating all structures to be used for agritourism activities; setbacks from all property lines for all structures; and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property. Subject to Site Plan Review as set forth in Sec 216.
6. Any structures used primarily for Agritourism must be located at least 250 feet from any lot line.
7. Any parking lot used for Agritourism shall be located no closer than 25 feet from the nearest lot line.
8. Buffers: the BZA may, at its discretion, require a buffer strip between property intended to be used for agritourism purposes and any adjacent property that is primarily used for residential purposes. The buffer strip may be comprised of fencing, mounding, or other shading options such as greenery or shrubs.
9. Agritourism operator shall provide a minimum number of off-street parking spaces as determined by the Board of Zoning Appeals based on intensity of the use such as peak attendance periods and size of the structure and/or land area designated for agritourism activities provided in the application.
10. The agritourism provider shall provide ingress and egress via access points on a public road approved by the Township, County Engineer or Ohio Department of Transportation, depending on 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 id located.
11. Hours of Operation. Hours of operation will be restricted to 8 am-10 pm Sunday-Thursday and 8 am-11 pm Friday and Saturday.

## ARTICLE IX

***DPS: The Zoning Resolution posted online lists the definition chapter as Article XI; the Article number should be changed to XI.***

### Definitions

**AGRICULTURAL PRODUCTION - See Ohio Revised Code Chapter 929.01**

AGRICULTURE - Use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, road side stands, treating, or storing the produce, provided, however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agriculture activities; and
2. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

**See Ohio Revised Code Chapter 519.0** ***DPS: The township did not include the complete ORC § listing; change the reference to § 519.01 which contains the definition of agriculture.***

**AGRITOURISM - 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, as set forth in Revised Code 901.80.** ***DPS: References to the ORC should be made consistently throughout the text. The township has used Ohio Revised Code, Revised Code, and R.C.; the township should select one method of reference and stick with it.***

**AGRITOURISM PROVIDER - A person who owns, operates, provides, or sponsors an agritourism activity or an employee, as set forth in Revised Code 901.80.** ***DPS: References to the ORC should be made consistently throughout the text.***

**FARM - A farm is land that is devoted to “agricultural production” with either no less than ten acres or an average gross income of at least \$2,500 from “agricultural production” R.C. 901.80(A)(4).** ***DPS: To be consistent with the ORC language, add the word “yearly” between “average” and “gross.” References to the ORC should be made consistently throughout the text.***

### Department of Planning Services Comment:

1. It appears that this text amendment is intended to establish zoning regulations that are consistent with changes that were made to ORC § 303.21 and § 519.21 by the 131<sup>st</sup> General Assembly during 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. The proposed text primarily regulates agritourism consistently with the parameters established by the ORC.

**Recommendation:** Planning Services staff recommends the Planning Commission **APPROVE WITH MODIFICATIONS** the proposed amendments to the Liverpool Township Zoning Resolution in accordance with the above staff comments.