

The Chardon Township Zoning Commission (“ZC” or “Board”) met on this date with the following members present: Ted Gdovichin, Carol Kovac, Richard Piraino, Ed Slusarski, and Sandy Smith.

The meeting was called to order at 7:03 p.m.

The Board reviewed the August 10, 2020 meeting minutes.

Mr. Slusarski moved to accept the August 10, 2020 minutes as presented. Mr. Gdovichn seconded the motion.

AYES: KOVAC & SMITH abstained as they were not in attendance at the August 10, 2020 meeting.

The Board then reviewed the draft Agritourism Amendment.

The Board previously asked Ms. Kerry to see where the County put the Agritourism section in Model Zoning. Ms. Kerry explained that Model Zoning has an Agricultural section which is where Agritourism is located, as well as regulations for farm markets, as well as bio products. Therefore, she created a new Agritourism section for the Chardon Township Resolution.

Mrs. Kovac asked if Sage’s Farm Market was in the Township. Ms. Kerry responded no, it is in the City. Mrs. Kovac stated that there are farm markets in the Township. She then stated that H&H Farm Market would be grandfathered.

Mrs. Kovac asked if the Board was able to regulate setbacks for Agricultural buildings. Mrs. Smith read Model Zoning Section 1701.0(B)(2), which reads as follows:

2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by:
 - a. Minimum yards (setback building lines): The regulations for the affected zoning district set forth in this resolution shall apply.
 - b. Maximum height: The regulations for the affected zoning district as set forth in this resolution shall apply.
 - c. Minimum floor area (size of buildings and structures): The regulations for the affected zoning district set forth in this resolution shall apply.

Mrs. Kovac commented that the Board is not able to regulate lots over 5 acres. Mrs. Smith suggested focusing on Agritourism, Mr. Piraino agreed. Mrs. Smith then stated that it can always be changed in the future if need be. She went on to say that the Township has operated without regulations for 200 years. Mrs. Kovac then asked why they are doing an Amendment for Agritourism. Mr. Piraino responded that the Trustees recommended that the Board work on this.

Mrs. Smith read “How do we regulate the allowable factors” from the handout *The Agritourism Exemption*, which reads as follows:

If there is a valid public health and safety reason for doing so, the law allows limited zoning authority over the size and setback lines of structures used primarily for agritourism, the size of parking areas, and egress and ingress. To utilize this limited authority over these “allowable factors” a township should make two considerations.

Mrs. Smith stated that one of the considerations is that “there must be clearly identified public health and safety concerns and specific zoning standards adopted before attempting to regulate the allowable factors.” Mrs. Smith then asked how driveways fall under health and safety. Mrs. Kovac responded that, for example, it is dangerous for people to back out of her driveway. Mrs. Smith then asked how setbacks would fall under health and safety. A couple of the Board members suggested that maybe it would be for the safety of neighbors if there were a lot of people on an adjoining property for agritourism.

Ms. Kerry read the four allowable factors that a township may regulate according to ORC 519.21(C)(4):

1. The size of a structure used primarily for agritourism;
2. Setback building lines for structures used primarily for agritourism;
3. The size of parking areas that may be required;
4. Egress or ingress.

Mrs. Kovac commented that they should state that setbacks are strictly for structures for Agritourism.

Mrs. Smith stated that you have to have agricultural in order to have Agritourism.

Mrs. Kovac asked if all buildings on a farm would have to accommodate setback requirements or only buildings being used for Agritourism. Mrs. Smith responded either you have Agritourism or you don't. Mrs. Kovac responded that is not true, she could use one of her barns strictly for agritourism but not the other buildings on her property.

Mrs. Kovac then read the following from The Agritourism Exemption:

First, there should be guidance for determining whether a structure is used “primarily” for agritourism. Does “primarily” refer to the portion of the structure, the amount of time the structure is used, or both? The statute doesn't define this, but having guidance when making a determination of “primarily” is important, as the determination affects which structures are subject to zoning standards.

Mrs. Kovac stated that they should have a section:

- Regulations for buildings used “primarily” for Agritourism
- For this purpose, primarily means . . .

Mr. Smith said she was reading ORC and it's not so cut and dry. She recommended using what Model Zoning suggested.

Mrs. Kovac commented that the Township is able to regulate Agricultural for properties between 1 and 5 acres but we don't do that. Mrs. Smith commented that she didn't think they should make this so difficult.

Ms. Kerry stated that she could contact the Prosecutor's office to get their opinion.

Mrs. Smith said that she votes for less zoning rather than more zoning. She then said that maybe they should tell the Trustees that they don't think they even need to do an amendment for Agritourism. Mrs. Kovac then commented – “if it ain't broke then don't fix it.”

Chardon Township Zoning Commission
Meeting Minutes
Page 3
September 21, 2020

Mrs. Kovac asked Ms. Kerry to also ask the Prosecutor's office if a new Agritourism business starts in an old building, is there a remedy.

Next meeting is scheduled for October 5, 2020 at 7:00 p.m.

Mrs. Smith moved to adjourn the meeting at 8:05 p.m. Mrs. Kovac seconded the motion.
AYES: GDOVICHIN, KOVAC, PIRAINO, SLUSARSKI & SMITH.

Richard Piraino

Linda Kerry, Secretary