

**BOSTON TOWNSHIP TRUSTEES
PUBLIC HEARING ON PROPOSED ZONING RESOLUTION CHANGES INITIATED
BY THE ZONING COMMISSION PER ORC 519.12**

August 22, 2012

The Public Hearing on proposed Zoning Resolution changes initiated by the Zoning Commission was opened by Trustee Chair Amy Anderson at 6:00 p.m. The public hearing was advertised according to ORC and announced on the Township website, together with the proposed changes.

In attendance were: Amy Anderson, Trustee Chair, Trustees Jerry Ritch and Randy Bergdorf, Fiscal Officer Joanne Noragon, Legal Counsel Ed Pullekens, Zoning Commission member Lida Flowers Brandt; Zoning Inspector Larry Sulzer, and Assistant Zoning Inspector Doug Mayer .

The Boston Township Zoning Bylaw Amendments revised and approved by the Boston Township Zoning Commission, reviewed at their Public Hearing of July 10, 2012 and reviewed by the Summit County Planning Commission were presented to the Trustees for their Public Hearing.

The Trustees reviewed the proposed changes submitted by the Zoning Commission:

Preamble

On July 25, 2012 the Boston Township Zoning Commission forwarded to the Boston Township Trustees recommendations and documents relating to certain proposed amendments to the Boston Township Zoning Resolution. The Trustees set the date of August 22, 2012, 2012, at 6:00 PM for the public hearing on the proposed amendments as required by the Ohio revised Code. Further, the Township Board of Trustees ordered that notice of the hearing be published in the Cleveland Plain Dealer, a newspaper of general circulation in the township. Said notice of hearing was published in the Cleveland Plain Dealer on August 3, 2012.

For purposes of a general background:

Over the last few months, the Boston Township Zoning Commission has been reviewing proposed changes to the Boston Township Zoning Resolution submitted to the commission for consideration by the Boston Township Trustees. The proposed amendment is to create a new zoning district in Boston Township. Proposed text and zoning map were submitted for review.

The purpose of the review was to address various issues associated with the proposed new district-Chapter 15-Economic Activity District (EA District).

A summary of the proposed text amendment is as follows:

1. Text amendment to add Chapter 15-Economic Activity District (EA District) to accommodate unique economic development activities with a concentration of public and non-profit uses by ensuring compatible and complementary uses.
2. To establish standards to promote compatibility between the EA District and abutting districts within the Township.
3. To facilitate economic activity within the EA District which supports the public services and infrastructure, which the uses in the District require.
4. To provide zoning standards which ensure compatible and complementary uses on private properties, which may become part of the District.

At the start of the review process, the Zoning Commission held numerous hearings to review the proposed new district text and zoning map. The Zoning Commission further reviewed the document at a regular meeting with zoning planner Mark A. Majewski AICP,

Northstar Planning & Design LLC, The Heights Rockefeller Building, 3091 Mayfield Rd. #218, Cleveland Heights, Ohio 44118. Telephone-216.320.9940. Mr. Majewski explained the proposed amendment and answered all questions.

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After review, the Zoning Commission passed a resolution to forward the proposed changes to the Summit County Planning Commission for its input in regard to the proposed EA District and zoning map changes. The amendment text and related documents were then forwarded to the Summit County Planning Commission for review.

The Summit County Planning Commission at a meeting held on May 24, 2012 reviewed the proposed changes--Item #2, File 0905-2012-02- Z (proposed text to add Chapter 15 Economic Activity District to accommodate unique economic development activities associated with a concentration of public and non-profit uses) and on May 25, 2012 issued its recommendations of the proposed changes. In summary, the Planning Commission stated that.... After proper review and due consideration, the Summit County Planning Commission recommended that the proposed text amendments Item #2, File 0905-2012-02- Z-be APPROVED with due consideration to Staff comments.

After review and consideration of the Summit County Planning Commission's recommendations, the Zoning Commission moved to amend the applicable zoning resolutions, taking into consideration the recommendations of the Summit County Planning Commission. On June 12, 2012, the Zoning Commission set the matter for a public hearing to be held on July 10, 2012. Upon conclusion of the public meeting, the Zoning Commission moved to accept the zoning changes and instructed the zoning clerk to forward the same to the Boston Township Trustees.

Tonight's public meeting is to consider the Text Amendments to the Boston Township Zoning Resolution and presented as approved by the Zoning Commission. On August 3, 2012 a legal notice of the public hearing for review of the proposed Text Amendment to the Boston Township Zoning resolution was published in the Plain Dealer.

1. The meeting is subject to the Ohio Open Meeting Act-the Ohio Sunshine Law. All comments of the public, discussion and deliberation of the Township Trustees will occur in open session. Comments from the public will be taken with discussion and comments from the Township Board of Trustees. (Executive Sessions or closed-door sessions will NOT be permitted.)
2. Upon the Conclusion of the public hearing and within 20 (twenty) days, the Township Board of Trustees shall either adopt or deny the recommendations of the Township Zoning Commission. The Township Board of Trustees may also choose to some (limited) modification of the proposed amendment.
3. The vote of the Township Board of Trustees to adopt, deny, or modify the Zoning Commission's recommendations requires only a "majority" vote.
4. The proposed amendments, if adopted by the Township Board of Trustees, shall become effective in 30 (thirty) days after the date of its adoption, unless a referendum petition is filed with the Township Board of Trustees to submit the issue of the proposed amendment to the electors of the township, by placing it on the ballot for the next primary or general election.
5. Any referendum petition must be:
 - a. Signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the most recent general election at which a governor was elected.
 - b. Requesting the Township Board of Trustees to submit the amendments to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least 75 days after the petition is filed.
 - c. Each part of this petition shall contain the number and full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name

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- d. by which the amendment is known and a brief summary of its contents (ORC 519.12(H)).
- 6. Within 5 (five) working days after the amendment's effective date, the Township Board of Trustees shall file the amendment in the offices of the County Recorder and the County Planning Commission.

The proposed final changes to the zoning maps of the Township are being processed by the Zoning Commission and will be forwarded to the Summit County Planning Commission by the Zoning Commission for review should the Trustees approve the zoning amendment. The zoning maps amendment shall be subject to hearing and review as set forth in the Ohio Revised Code.

The text amendments and procedural matters were discussed among those in attendance.

Trustee Anderson concluded the discussion at 6:15 pm.

After review and discussion of the request, and recommendation of the Zoning Commission to adopt the text amendments as presented, with all conditions of the law being met, **Motion** by Bergdorf, seconded by Ritch, to accept the text amendments as presented and reviewed. All voting yes. Motion Passed. **[2012-0822PH-01]**

The new text amendments to the Boston Township Zoning Resolution shall becomes effective in thirty (30) days unless an elector petition for a referendum petition. A copy of the approved text amendments are attached hereto and incorporated herein.

Motion by Bergdorf, seconded by Ritch to adjourn. All voting yes. Meeting duly adjourned. **[2012-0822PH-02]**

CHAIRMAN

FISCAL OFFICER

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AMENDED ZONING RESOLUTION TEXT: 2 July 2012

As recommended for adoption by the Boston Township Zoning Commission

**Chapter 15
Economic Activity District (EA)**

1500 Purpose

The Economic Activity District (EA) District is established for the following purposes:

- 1500.01 To recognize and accommodate the unique economic development activities associated with a concentration of public and non-profit uses by ensuring compatible and complementary uses
- 1500.02 To establish standards to promote compatibility between the EA District and abutting districts within the Township
- 1500.03 To facilitate economic activity within the EA District which supports the public services and infrastructure which the uses in the District require
- 1500.04 To provide zoning standards which ensure compatible and complementary uses on private properties which may become part of the District

1501 Permitted Uses

In the EA District, land and structures may be used, occupied, constructed or altered only for the uses specified below unless approved as a conditional use.

- 1501.01 Art shops, bike/sport shops, antique shops and similar tourist-related establishments.
- 1501.02 Principal uses permitted in this district may be located on the same parcel as one single family home, however, no more than one residential unit will be permitted per parcel.
- 1501.03 Agriculture, including greenhouses and the usual agriculture buildings and structures.
- 1501.04 Farm market 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(s) in a normal crop year, provided that the farm market shall conform with the following standards in the interest of protecting the public health and safety:
 - a. Farm Market/Roadside Stand. A farm market may be conducted in a roadside stand as defined in this Zoning Resolution. *(See definition #68 for Roadside Stand)*. The roadside stand shall comply with the following:
 - 1. Stand shall not exceed one hundred (100) square feet.
 - 2. Stand shall be located not closer to the public right-of-way than ten (10) feet and not closer to any side lot line than thirty (30) feet.
 - 3. Stand shall be removed from the front yard at the conclusion of seasonal sales.
 - 4. Adequate facilities shall be provided so that not less than two (2) customer vehicles can be parked on the lot at least ten (10) feet from the public-right-of-way. Ingress and egress shall be provided in a manner which

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ensures safe entry and exit from the lot and to not to create a traffic hazard.

- b. Farm Market. A farm market may be conducted in a permanent structure other than a roadside stand in compliance with the following:
 - 1. Shall not exceed five hundred (500) square feet.
 - 2. Shall be located in conformance with the yard and setback provisions of Subsections 1504 and 1505 below.
 - 3. Adequate facilities shall be provided so that not less than two (2) customer vehicles can be parked on the lot outside of the required front and side yards. Ingress and egress shall be provided in a manner which ensures safe entry and exit from the lot and to not to create a traffic hazard.

1501.05 Accessory buildings, incidental to the principal use. Permitted accessory uses are private garage, private stable, storage sheds, pools, decks above ground and fencing.

1502 Conditionally Permitted Uses

The uses which may be approved as conditional uses include the following, provided they conform to the conditions, standards and requirements of this Chapter and are approved in accordance with the administrative provisions of Chapter 8 Conditionally Permitted Uses:

- 1502.01 Churches and other places of worship
- 1502.02 Public or private school.
- 1502.03 Buildings or properties operated by governmental agencies including township halls, community activity buildings, fire and EMS facilities, parks, playgrounds, conservation areas, administrative, operational, maintenance, visitor service, and educational facilities
- 1503.04 Cemeteries.
- 1502.05 Home occupations subject to Section 802(1)
- 1502.06 Boarding Facility for dogs, horses or other domestic animals
- 1502.07 Principal uses as conditionally permitted in this district may be located on the same parcel as one single family home, however, no more than one residential unit will be permitted per parcel.

1503 Lot Requirements

- 1503.01 Minimum Lot Area: Two (2) acres
- 1503.02 Minimum Lot Width: One hundred (100) feet
- 1503.03 Minimum Lot Frontage: One hundred (100) feet
- 1503.04 Maximum Lot Coverage: Ten percent (10%)

1504 Yard Requirements

Except as provided in Section 1505 below, yards shall comply with the following:

- 1504.01 Minimum Front Yard Depth: Fifty (50) feet. Corner lots shall meet the required setback on both streets.
- 1504.02 Minimum Side Yard: Fifteen (15) feet
- 1504.03 Minimum Rear yard: Fifty (50) feet.

1505 Yards Adjoining Residentially Zoned Land

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- 1505.01 Non-residential buildings and uses (such as business, parking, display, or storage) shall not be located or conducted closer than one hundred (100) feet to any lot located in a residential district.
- 1505.02 Screening and buffering may consist of one or more of the following:
 - a. A solid masonry wall
 - b. A solidly constructed decorative fence
 - c. Dense vegetative plantings
 - d. Landscaped mound or berm
- 1505.03 Screening shall be a minimum of five (5) feet in height except in the front yard where height shall not exceed three (3) feet.

1506 Building Requirements

- 1506.01 Principal Building: Height limit thirty-five (35) feet.
- 1506.02 Accessory Building: Height limit fifteen (15) feet, except maximum of thirty-five (35) feet where setback is in compliance with Section 1505

New Definition: “farm market”

“Farm Market: a building, structure, or place used for the sale of produce raised on a farm or farms owned by the operator(s).”

Addition to Section 400:

“The Zoning Inspector shall determine if a proposed use is substantially similar to and compatible with a use listed as a permitted use or conditionally permitted use in a district.”