

ZONING COMMISSION/ZONING RESOLUTION UPDATE MEETING

Work Session

June 2, 2011

Version I

Approved 8/4/11

Members present: Chairman, Tom Kelley, Richard Bradner, Ed Mazak, Tim Franklin, Joy Kosiewicz, Carol Franklin, Jeff Kerr, Steven Bell, Paula Dubaniewicz, Jason Boltz, Trustee Goodrich, Zoning/Administrator Bill Funk and Recording Secretary Martha Ferch. Linda Hastings and Michael Mack were excused.

Zoning Commission housekeeping:

Minutes for May 5, 2011 was moved to be approved by Mrs. Kosiewicz and seconded by Mrs. Franklin. Minutes approved unanimously. May Zoning Report was presented by Zoning Inspector: Zoning Department issued 17 zoning permits. Zoning Commission, May 5, 2011 Zoning Commission regular meeting: The Zoning Commission along with selected members of the Board of Zoning Appeals and the Appearance Review Commission met with Wendy Moeller of Compass Point Planning to continue the process of updating the Zoning Resolution. The outline of the process was reviewed.

Appearance Review Commission, May 2, 2011, reviewed the following cases: ARC 11-09, Michael Sturgeon, Flexsys, Inc., recommended to approve the proposed new monument sign, 260 Springside Dr., located in the B-3 district. ARC 11-10, Jim Frericks, Today's Bride Magazine & Show, recommended to approve the proposed changes to the roof of the building, 1930 N. Cleveland Massillon Rd., located in the B-1 district. ARC 11-11, Randall Matejka, Designwise Inc. for Five Guys Burgers and Fries, recommended to approve the proposed new outdoor dining patio, 3863 Medina Rd., located in the B-2 district. ARC 11-12, David Wells, Huntington Bank, recommended to approve the proposed new building sign, 3899 Medina Rd., located in the B-2 district. May 17, 2011, Board of Zoning Appeals heard the following cases: BZA-11-07, Bath Business Association, approved variance request to allow for outdoor sales for a Farmers Market, 800 Wye Rd., located in the B-1 district. BZA-11-08, Carl & Opal Duncan, approved variance request for a reduction in the minimum lot width at the street right-of-way to modify the existing lot, 2346 N. Cleveland-Massillon Rd., located in the R-2 district. BZA-11-09, Randall Matejka, Designwise Inc. for Five Guys Burgers and Fries, approved variance request for an outdoor dining area, 3863 Medina Rd., located in the B-2 district. BZA-11-10, Paul McGhee, Akron General Medical Center, approved variance request to allow for outdoor sales for a Farmers Market, 4125 Medina Rd., located in the B-4 district. BZA-11-11, Ken Stewart, Ken Stewarts Lodge, denied variance request for an advertising sign, 1911 N. Cleveland-Massillon Rd., located in the B-1 district.

Chairman turned the meeting over to Wendy Moeller of Compass Point. Mrs. Moeller went over the first three rewritten articles along with article thirteen, enforcement, of the Zoning Resolution. This will be on the web site next week, also it was noted that the font was difficult to read.

Article I – Highlights

- Section 106 is new – Relationship with Third Party Private Agreement – township does not enforce deed restrictions or covenants, this sections clarifies it.
- Sec. 103-A - Resolution authority is established through the ORC code but need to reference the Comp Plan and need to follow the Comp Plan.
- Section 104 – New. Reference the ORC code. Signage language should also be included.
- Section 105-A – language is from the ORC code.
- Section 109 – New - references the transitional rules.

- Section 110 – References annexed lands.
- Sections 112, 113 and 114 is new.
- Section 113 – tables shall be considered text. When there is a conflict with tables and text the more restrictive will apply.
- Section 114 – add “included in but not limited to”

Article II – Highlights

- Section 202 – Change table to figure in heading, also change Table 202-1 to Graphic 202-1. Add signs to this section. Who can legally do site plan review? First Zoning Inspector, ARC and if there is a variance, then the BZA with recommendations by the ARC. Boards needs to have as much control as possible. The graphic is good for people who like to use the visual process.
- Section 203 – New addition for **Board of Trustees**.

Zoning Commission

- Section 204-F-B change “decision” to “limit it to”. ”Written findings” is straight from the ORC.
- Section 205-C – Also list that all signs are reviewed by the ARC. ARC recommendations goes to the BZA is there is a variance. Also, reference should be made to the Design Guidelines.
- Site plan reviews should also go to the ZC and BZA. Boards should have as much control on site plan reviews as possible. Will modify table to show this.
- Minimum standards on attendance should apply and should be used for all the boards.
- Chair will decide when alternates vote.
- Trustees set all the bylaws for each board and appoint first and second alternates to the boards.
- There should be a procedure for election of offices for the boards.
- Zoning Commission makes decisions/recommendations to Trustees in writing and they have the final decision.

Appearance Review Commission

- Revised existing Section 1101
- Section 205-C – include review of signage.
- Section 205-C-A – change decision to review and determine. Make it a defining term in Definitions, denied, modified? (also change in Graphic).

Board of Zoning Appeals

- Same guidelines as stated for the other boards.
- Section 206-C- Decide should be changed to a defining term such as - can be approved, denied, modified (also change in Graphic).
- Section 206-C-F - Limit the use variance and restrict it as much as possible and added a pre-existing building and undue hardship.

Zoning Inspector

- Section 207-A – add sign section.
- Section 207-B-A – change “A” to Any.
- Section 207-B-B – within six months and can get an extension for another six months provided that there is no modification to original plans and only for one year approval total.
- Section 207-B-C – combine it with B
- Section 207-B-D – Appeals has to be in writing and also included in Section 207-A.
- Take out 207-B-E.

Article III - Highlights

- Section 302-A-A – add “as defined by ORC code”.
- Tie it in under Definitions as a separate item for Agriculture Use.

- Gardens and home grown produce on lots of one acre for personal use, can't regulate. Discussion ensued on various ways to sell agricultural produce. Define gardens for personal use.
- Do we want to regulate roadside stands? Is it considered a Home Occupation? It's a problem of scale.
- Section 302-A-B-3 – take out from “or that is subject to the tax on manufactured and mobile homes”.
- Five acres can be used as agricultural use and two contiguous lots functioning as one.
- Section 302-B – Townships can't regulate public utilities. Take this out and cite the ORC code section.
- Define Public Utility in Definitions.
- Section 303 is new.
- Section 303-A-A – Add “to provide written proof”. Should have signature line for property owner's approval or authorized agent and at the discretion of the Zoning Inspector.
- Section 303-A-B – Zoning Inspector should have a check list for review requirements.
- Section 303-B-A-1 – change established to “recommended”.
- Section 303-C and Section 303-E – check to see if it is in the ORC code.
- Section 303-C-2 change five business days to “a reasonable time” and add “after certification”. Discussed Zoning Commission applications as it applies to time frames. Will discuss later.
- Section 303-F-A – Chairman should swear in anyone wishing to speak at a Public Hearing.
- The Bylaws should state that any voting member lawfully appointed can administer an oath.
- Section 303-F-B-2 – change department to “Inspector”.
- Section 304-B-E – use same language as previously agreed on.
- Zoning Inspector should have a yearly inspection progress report, two years to complete after certificate is issued and if not complete Zoning Inspector may allow an extension.
- Section 304-E-B – Temporary certificate should be for 30 days only.
- Create a Site Plan Review Application and notification to adjacent properties should extend out by 500' in all directions.
- Section 305-A-A – add – growing parking or any changes to site plan.
- Section 307-B-C – use variances not to be used to rezone, can be used as a denser residential use within the same zoning district.

The rest of the article is same as existing. – Next session members will receive second set of article and possible an update of this one.

It was moved to have next meeting on Thursday, July 14, 2011 at 6:30 PM. – It will be announced in the paper.

Mr. Bradner moved to adjourn meeting at 9:25 PM.

Respectfully submitted,

Martha M. Ferch
Zoning Commission Recording Secretary