

# ZONING COMMISSION/ZONING RESOLUTION UPDATE MEETING

Work Session  
September 8, 2011

**Version I**  
**Approved 10/6/11**

Members present: Chairman, Tom Kelley, Richard Bradner, Ed Mazak, Nancy Fay, Scott Meyer, Jeff Kerr, Steve Bell, Paula Dubaniewicz, Jason Boltz, Joy Kosiewicz, Robert Konstand, Trustee Goodrich, Trustee Nelson, Administrator William Snow, Zoning/Administrator Bill Funk and Recording Secretary Martha Ferch. Linda Hastings, Tim Franklin, Carol Franklin and Michael Mack were excused.

Zoning Commission housekeeping: Approvals of minutes and zoning report for August.

Mr. Bradner moved that the August 4, 2011 work session minutes be approved. Mrs. Fay seconded. Approved unanimously. Zoning Report for August was presented by Zoning Inspector William Funk and accepted as presented.

Mr. Kelly, Chairman, turned the meeting over to Wendy Moeller of Compass Point through skype. She updated the committee on Module II on what the committee has reviewed so far: Finished the tables in Module II and made revisions that were looked at last meeting, reviewed changes on the Zoning Map. Continued review Module 2 starting with Section 503-Y, Gas & Oil Wells:

## Article V – Section 503-Y, Gas & Oil Wells

- Ms. Moeller presented that this language was redone with the eliminated parts that the state has taken over. She kept the general standards on access, signage standards and screening requirements around the perimeter.
- Mr. Snow presented Administrative Code and ORC1501 that outlines the Department of Natural Resources, general provisions and ORC1509 Management of Oil and Gas and these codes are used statewide. In ORC1509, there is a reference to Urban Areas which the township falls under. This section deals with setbacks, access roads, site reclamation, etc. In our Section 503-Y-2-A also reference ORC 1501, under D leave it in; E, F, & G leave as is, H we can't enforce, I leave as is, J-L is covered under ORC 1501. Senate Bill 165 is still being worked on and it will make ORC 1501 with stronger standards. By cross referencing the ORC codes, if they change our code will change with it.
- Section 503-Z – Soil Removal or Mineral Extraction – This is on our legal issues list and this language is existing. There is a bill that takes most of the rights away from townships and it should be referenced with the ORC code. Townships can control the truck routes. In the Administrative code there is a section that lists health and safety that can be enforced through that. We will make sure we are in line with the OAC and ORC codes.
- Section 503-AA – it was revised to comply with the ORC code for business districts and for residential districts it is a Conditional Use and property owners are notified no later than 15 days. Standards of conditional use were left in. Maximum tower height is at 200 feet.
- Section 504 – District Development Standards – mainly existing language for lot size and setbacks.
- Section 504-1-A – take out the percentage and keep round it up or down to whole numbers.
- Section 504-2-C – define PO-O district.
- Section 504-A-3-B – change illustration front yard setback to 60' from road right-of-way.
- Section 504-A-3-E – corner lots, the front yard setback applies to both streets.
- Section 504-A-3-G – Change name to Flag lots and fix typo to “width”.
- Section 504-A-3 H-ii — Change “knuckle” to “curved street”.

- Section 504-A-5-A-ii-a – include roof enhancements such as cupolas, parapets for flat roofs in height measurements. Parapets should be 1/3 of a story or 42” inches.
- Footnote #83 – keep the 150 feet wide at the building setback line and 100’ width at street in the R-3 districts. **Change table 504-1**, also R-1 change to 150’ and 100’ same as R-2 and R-3.
- Footnote #84 – change “about” to “amount”, related to business district.
- Table 504-1 – Site Development Standards, change height in B-3 and B-4 - back to 35’ and delete Footnote #85.
- Section 504-B-2-D-4-b – Change footprint to 3000 sq. ft. and 6000 total gross square feet in B-1 and delete Footnote #86.
- Section 504-B-2-D-6-a & b – Visibility at Intersections was changed to 30’ from street curb line and from driveway it was changed to 20’ from edge of driveway.
- Section 504-B-2-D-6-c – Clarify that mailboxes are excluded. Structure mailboxes built are regulated by Public Works Department of the County. Anything masonry with a footer needs to have specific language added, also non-masonry mailbox in a non-concrete footing that is filled with stone and clay are a problem for the snow plows. Service Director Association and the Postal Service have guidelines to look at. Wendy will look at some guidelines and standards to put in place probably in the site development standards.
- ARTICLE 6: Overlay Zoning Districts – Added Bed and Breakfast Establishments – Put in Hamlets as Permitted and certain distances from Hamlets as Conditional use.
- Section 602-C-3-A-i – Change adjoining to adjacent lot.
- Section 602-C-3-A-ii – Change bedrooms to 4 instead of 5 and **add iii**. At least one bathroom shall be dedicated to guest use.
- Section 602-C-3-A-vi – requirement: meals are strictly served for guests only.
- Section 602-C-3-A-vii – requirement: only two contiguous weeks of stay.
- Section 602-C-3-B – new section – add - no expansion of adaptive reuse buildings.
- Section 602-C-3-B-iii-c – delete signage requirement.
- Sections 602-D, E and F – stays the same. The setback is still at 400-450’ setback from center line of roads in the B-1 district and all of the Cleveland-Massillon overlay will be identified on the Zoning Map.
- Take out from the C-M overlay, the Bed and Breakfast and Adaptive reuse and make them permitted use in the Hamlets and outside the Hamlets within 150’ make them conditional uses.
- Everything in these overlay districts will be reviewed by the ARC.
- Section 603 – RC-O Riparian Corridor Overlay District – just some minor tweaks to this section.
- Section 603-B-4-A – “established by FEMA 100 year floodplain” - add ‘at time of application’.
- Delineate lakes related to streams on the map as riparian corridor. Man-made, farm ponds are harder to define because there is no inlet. Look at the aerials for larger ponds/lakes to be included in the riparian district.
- Any alteration to streams or identified lakes would be in violation and fall under the Army Corp of Engineers regulations and also would have to come to the BZA.
- Riparian districts should also be a Conditional Use and use best management practices.
- Section 603-C-2-d – add “landowner reasonably deems necessary”
- Section 603-C-1-f – Best Management Practices - add review by the Township through the BZA as a variance but make it a Conditional use to verify that they are following these practices. BMP – add “appropriate to specific site”. Further expand this section.
- Time limit for Conditional Uses are one year to build it and followed appropriately. Yearly inspection or report for Conditional Uses are done on a case by case basis.
- The 100 year floodplain lines will change according to 2009 FEMA setbacks. The County also controls the floodplains.

- After finalization of the Riparian District – a bulleted sheet can be done to outline the changes made.
- Section 604 – PD-O State Rt. 18 District – new section that addresses the southwest corner of the township.
- The current R-2 district is still in place but this overlay district would be put over this and the property owner would have the option to use this for development. Mrs. Moeller explained the reasons there has been such concern over this area for controlled development since there is such growing development to the south and to the west of State Rt. 18 with water and sewer availability to the south, west and east of the Bath Rt. 18 properties. The township vision for this area was for residential development but with these pressures, we needed to come up with a Planned Development Overlay as a tool to use this overlay development with review procedures, general standards with ARC review and allow for some reasonable density with protection of the character of the surrounding areas.
- To address these concerns the following steps would be a pre-application conference with the Zoning Inspector; then if ready go to the Zoning Commission for a preliminary action plan; a Public Hearing then if the development is approved; this application goes to the Township Trustees for their process. At each level a public hearing to present plan to public would be held. Add extra step needs to be added for the ARC to review plans at the preliminary and final review level. Public input is part of this at all levels.
- Section 604-C-6 – This the judicial function powers of the Zoning Commission.
- Section 604-D - Zoning Commission also has the option to hire an expert to help with the review standards with the ARC in the loop for these reviews.
- Section 604-F – should there be a minimum/maximum acreage required?
- Further discussion ensued by the committee. More discussion is needed on the Rt. 18 topic.
- Mrs. Kosiewicz with talk with the Harmony Hills Homeowners on the PD-O State Route 18 overlay and report back next meeting.

Next meeting on Thursday, October 6, 2011 at 6:30 PM – Start with Article VII: Accessory and Temporary Use Regulations. Earlier time will be announced if the committee feels they need to meet before regular meeting and also when will committee have another section to look at?

Respectfully submitted,

Martha M. Ferch  
Zoning Commission Recording Secretary