

2014 Minutes of Ellsworth Zoning Meeting 2014-021

November 05, 2014

On Wednesday November 05, 2014 the Ellsworth Township Zoning Commission work session began at 6:05PM at the Town Hall.

Chairman Fred Schrock opened the meeting leading with the Pledge of Allegiance followed by a moment of silence for our service personnel and also remembering Veteran's Day.

Members present were Chairman Fred Schrock, Janine Goddard, Jim Tripp, and alternate Ron Niemiec who filled in for Ishraq Hafiz. Absent were Ishraq Hafiz and Frank Marra.

One (1) guest was present. Larry Spencer. Also present is Consultant George Smerigan.

Tonight's meeting is being recorded.

Fred Schrock immediately turned the meeting over to our consultant George Smerigan to continue where we left off on the Zoning Resolution.

George Smerigan said that he has incorporated all changes discussed at the last meeting into the resolution. George said we have a couple of sections that we need to address in order to finalize the document. First is how do we want to handle amendments to the zoning resolution. One way is to repeat in our zoning resolution what the state statute is for processing an amendment. The advantage of doing it this way is it puts in the document to procedure for someone that wants to pursue it. The disadvantage is if the state statute changes, then we would have to write an amendment to the resolution to incorporate that change.

As a township we must follow step by step the process as outlined in the state statute.

Or we can just put a section in the Resolution that Amendments will be accomplished in accordance to the Ohio Revised Code (O.R.C.).

Some townships put an outline in the resolution giving the steps as an addendum in the Zoning Resolution. George went over the steps.

The commission wants George Smerigan to add page 40; Section XXI from our current resolution regarding Amendments, etc. into our new Zoning Resolution as it is written.

George Smerigan recommended we use according to the O.R.C. for amendments.

The commission is good with the wording of Section 905 – General Signs in the resolution draft. George will provide us some documentation regarding changeable copy signs. And he still needs to provide the commission with criteria regarding billboards.

George Smerigan is still checking with the Prosecutor's office on the first sentence on page 66; Section 903.

Jim Tripp asked about the immediate removal of signs and George Smerigan said that it is clearly going to be removed at the owner's expense, but he can add something to the resolution if we want.

George also said that there are three things we still need to discuss;

- PUD district;
- Finalize Conditional Use section – which do we want to see special standards for;
- Definitions need gone through.

We started with Chapter 8 – Planned Unit Development (PUD) District.

The big question is in regards to the fifty (50) acres required for a PUD. Fred Schrock asked if we want to keep it this way or change it. He felt that it was more important what the development was going to look like not the size.

George Smerigan also said that design quality is very important.

With a PUD we have a say in the layout versus a subdivision which we do not. If a development coming in becomes a PUD, it then becomes locally controlled. County has the say in how a subdivision is set up, not the township and this is state statute. Under Ohio law, townships have the authority to approve or deny PUDs. George Smerigan said that a lot of townships set up regulations so just about every new development is a PUD; so that way the township gets to make the decision within the township instead of the County.

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Fred Schrock said it would make more sense for the township to have the control for the sake of the residents of Ellsworth. We would have more guidelines to make it more favorable to a rural setting. And this is a control to enhance what the Ellsworth residents want.

Ways to do a PUD;

- Rezone to a PUD. This gives the commission the greatest amount of discretion. This is so, because the township is under no obligation to rezone any property.
- Set up as a conditional use; no rezoning process. We set the standards and they must meet all the criteria. PUD is an overlay as a conditional use.

George Smerigan just wanted us to be aware of the different ways we can do PUDs.

We talked about adjusting PUD to single family or multi family. George Smerigan will rewrite PUD section as single family and send it to us to look at. There was much discussion on various settings for PUDs.

We talked about conditional use and if there are any conditional uses that we want to add specific criteria or guidelines. So far we only have them for similar uses. We do have general standards in the resolution on page 72 – 74. With the general standards that we already have, the appeals board can come to some kind of conclusion.

Talked about Bed and Breakfast (conditional use) standards.

We will have standards for Billboards.

Group homes for developmentally disabled is a federally protected group, it is treated like a single family residence. The township has no choice. You just hand them the zoning permit, cannot deny. You cannot even have a hearing. That would be discriminatory.

George Smerigan will look at the current telecommunication amendment and bring it up to date and add the windmill amendment that we already have.

Next we discussed Business and Industrial standards. George questioned if there were any businesses that we wanted to see special standards for. One mentioned was Brine Injection wells.

Next time the commission meets; we will have the PUD to discuss, the Billboard stuff to go in the Signs; additional standards for a few items and we will have clean-up on the definitions.

The resolution draft we receive after the next workshop should be the semi-final product and the commission will be able to review it to make sure this is how we want it to be.

Fred Schrock opened up the floor to the public.

Larry Spencer said that we need to preserve what we have. He was not happy that we are promoting development. We told him that the current Zoning Resolution already promotes it. Our new Zoning Resolution Draft promotes lower density; more strict. Larry said he misunderstood on what we were discussing.

Motion is made to adjourn at 8:22PM by Jim Tripp; seconded by Janine Goddard. Motion carried.

Janine Goddard
Secretary