

DATE & TIME: Tuesday, October 18th, 2022, at 7:00 pm

LOCATION: Millcreek Township Hall, 10420 Watkins Road, Marysville, OH 43040

CALL TO ORDER: Chair (Joni Orders) called the meeting to order at 7:03 pm

ROLL CALL: The Zoning Administrator called the roll

PRESENT: Joni Orders, Chair Maryann Sweeney Jim Lawrenz
 Eryn Staats Ron Todd, ZA

ABSENT: Tim Belmonte Freeman Troyer Kevin Bryant

TRUSTEE & OTHERS PRESENT: Keith Conroy, Trustee Aaron Smith, Planner LUC

READING OF PUBLIC NOTICE: *This public hearing was continued from originally advertised public hearing of 09/20/2022.*

The proposed amendment to the Zoning Resolution, initiated by motion of the Zoning Commission, proposes to:

- To create Article III Administration & Enforcement – Appointments
- Amend Article IV to become Article IV Administration & Enforcement: Permits, Hearings, Conditional Use Permits, & Variances
- Correct grammatical errors and formatting issues
- Add clarification
- Change all “Articles” to “Chapters”

CITIZEN COMMENTS:

PRESENTATION OF HEARING ITEMS(s) and LUC RECOMMENDATIONS DISCUSSION:

Joni Orders presented the draft legislation of Articles III and IV to the zoning commission. Ms. Orders presented the LUC recommendations as outlined below. The LUC recommendation was for DENIAL of the proposed zoning amendment. In addition to the recommendations outlined in LUC the staff report, LUC Staff generally feels that the amendment would benefit from more time being reviewed and drafted by the Zoning Commission along with the assistance of LUC Staff and the Township’s legal counsel. Aaron Smith and the zoning commission discussed the following items from the LUC staff report. Chapter III – Administration and Enforcement – Appointments.

- To avoid confusion with Chapter IV (existing Article IV) LUC Staff feel that the chapter title should not share “Administration and Enforcement” with Chapter IV.

- Section 3000-Purpose Staff feels that this language belongs under “Section 3001 - Office of Zoning Administrator Created”. The purpose statement should be a more general statement about the entire chapter. The proposed one is specific to only a few sections.
- Section 3002 – Alternates for the Zoning Administrator LUC staff feel that this language does not need to be in the Zoning Resolution. The Township Trustees are acting as an employer when hiring/removing a zoning inspector, so that process should be left out of the Zoning Resolution.
- Section 3010 – Removal or Resignation of the Zoning Administrator LUC Staff feel that this language does not belong in the Zoning Resolution. The Township Trustees are acting as employers when hiring/removing a zoning inspector, so that process should be left out of the Zoning Resolution.
- Section 3020 – Powers and Duties of the Zoning Administrator of Staff is unclear about the changes being made in this section. Staff recommends striking A-I and using #1-11 below. Staff recommend moving the language about compensation into Section 3001 Office of Zoning Administrator Created. o Staff recommend moving #12 to Section 3601 Complaints Regarding Violations. o Staff recommend striking #13 as it is covered under #1.
- Section 3120 – Powers and Duties of the Zoning Commission to Staff is unclear about the changes being made in this section. Staff recommends striking the first #1-4 and using #1-9 below.
- Section 3130 – Proceedings of the Township Zoning Commission LUC staff recommends adding “, and at such other times as the board determines” to the end of the sentence “Meetings of the Zoning Commission shall be at the call of the Chair”.
- Section 3130 – Procedure for Hearings of the Zoning Commission: The proposed section number is the same as a previous section. LUC Staff recommend changing it to 3132. LUC staff feels that this is redundant with Section 3120 #5.
- Section 3200 – Board of Zoning Appeals Established There are 3 separate sentences that mention 5-year terms and how to arrange these terms. LUC Staff recommend cleaning up the language so that the overlaps and redundancies are removed.
- Section 3220 – Powers and Duties of the Board of Zoning Appeals LUC staff recommend replacing the text in this section with that of ORC 519.14.

- Section 3240 – Procedure for Public Hearings – Board of Zoning Appeals LUC believes that this section should be removed. The procedure for each administrative appeal, conditional use, and variance should be included with those sections that govern each of those three topics. Also, with variance and conditional use hearings in Chapter 4, it is unclear if hearing requirements in Chapter 3 apply in those situations.
- Section 3301 – Appeals for Administration and/or Interpretation of this Resolution This section contains quite a bit of information. LUC staff recommends that the Township verify that all the language found in ORC 519.15 that pertains to appeals is covered in that language and is not contradicted. Article IV - Administration and Enforcement – Permits, Conditional Uses & Variances
- Titled as “Article”, when Township stated Articles are to become “Chapter.”
- To avoid confusion with Chapter III (existing Article IV) LUC Staff feel that the chapter title should not share “Administration and Enforcement” with Chapter III.
- LUC Staff is unsure about the changes being made in Section 4001 and 4130.
- Section 4130 - Issuance of Zoning Permits By eliminating the 1st sentence of Section 4100, a permit for a STRUCTURE is now no longer in the language, only BUILDINGS and USES. LUC Staff recommends adding “Structure” back into the language requiring a permit.
- Section 4003 – Application for Zoning Permit Staff recommend using the term “lot” instead of “parcel”.
- Section 4003 – Changes to Plans During Construction of Staff believe the language should be left vague, not relate changes only to maximum/minimum requirements, so that the Administrator can make the determination if further action is needed. o Staff recommend removing the required number of on-site inspections and instead replacing it with language that expresses inspections should be done “when deemed necessary” by the zoning inspector.
- Section 4010 Issuance of Zoning Permit for Projects Requiring Site Plan Review LUC Staff are unable to locate language in the existing Zoning Resolution that states that a site plan is required for Mobile Home Parks. Regardless, Staff believe that neither the Zoning Commission nor Trustees SHOULD be involved in that approval process, unless it is a Planned Unit Development or zoning amendment process. Therefore, Staff recommend striking letter A. (Conditional uses likely require site plan reviews, but that is part of the BZA hearing process.)

- Section 4105 – Conditional Use Permit Application & Plan Required
 - o LUC staff recommend replacing the introductory paragraph starting with “An application for a conditional use permit shall be filed with the Zoning Administrator by at least one owner or lessee of the property for which the conditional use is proposed. At minimum, the application shall contain:”. Other similar sections of the Resolution do not state that “Millcreek Township shall provide an application” for any other type of application.
 - o Staff also recommend removing the redundant language that states that the application requests certain things and then list those things again below.
 - o (C) says “Description of the nature of the variance requested” when the application is for a conditional use. Staff recommends fixing this.
- Section 4105.01 – Conditional Use Permit Plan Required Staff recommends reviewing this list, because it appears that many of the numbers contain duplicate information.
- Sections 4110 through 4332 These sections cover conditional uses and variances. Because this amendment has quite a few proposed modifications, Staff is concerned that something important from the existing Resolution might be left out as well as additions that may have unintended consequences. Therefore, Staff recommend reviewing this section with the assistance of LUC Staff and the Township’s legal counsel.
- Sections 4300 through 4346 –Staff recommend matching the language of these sections with ORC 519.12 Zoning Amendments as closely as possible. LUC Staff also believe that the model text originally developed for LUC jurisdictions contains language that is satisfactory to copy into the Millcreek Township Zoning Resolution. LUC Staff can provide a copy of this upon request.

Zoning Commission Hearing Item(s) Recommendation & Motion:

Joni Orders asked for any public comment. There was none. After discussions with Aaron Smith and the Commission, the following motion was presented. Jim Lawrenz motioned to continue the public hearing until the next scheduled Zoning Commission on November 15th, 2022. Eryn Staats seconded the motion. All voted aye.

Adjourn: 8.08 pm

Prepared: _____
Ron Todd, Zoning Administrator Date

Accepted: _____
Joni Orders, Chair Date