

**KINGSTON TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

APPROVED: February 17, 2010

DATE: January 20, 2010

LOCATION: Kingston Township Hall

TIME CALLED TO ORDER: 7:00 PM by Chairman Harsany

MEMBERS PRESENT:	(CHECK ONE)		
BURRELL	YES	X	NO
GROVE	YES	X	NO
STEINHOFF	YES		NO X
HARSANY	YES	X	NO
DEAVERS	YES		NO X
FILBERT	YES	X	NO
TALBOTT	YES	X	NO
STITES	YES	X	NO

PUBLIC INPUT/COMMENT: None Present

Chairman Harsany took the opportunity to announce his resignation from the Zoning Commission effective immediately due to health issues and his need to reduce external time commitments outside of work and family. He indicated that it had been a pleasure to work with all the Members of the Zoning Commission and to serve Kingston Township for the past five plus years. Members expressed their appreciation for his service to the Township and for him serving as Chairman for the past year.

APPROVAL OF MINUTES:

Chairman Harsany directed everyone's attention to the third bullet on Page 2 under Section 21.03 indicating that he had measured the existing green address sign on his mailbox and found the sign to be 6" X 18". That size was confirmed to be consistent with the current Zoning Resolution text. Member Harsany suggested that draft minutes should be amended to reflect the size information. Member Grove made a motion to approve the November 18, 2009 Meeting Minutes as amended with the address sign size information added. The motion was seconded by Alternate Filbert (voting status during meeting), and was unanimously approved with Member Burrell abstaining.

OLD BUSINESS:

Delaware County Regional Planning Executive Director Scott Sanders was present to continue discussions regarding the Zoning Resolution Text Amendment process. To begin, Secretary Stites asked Members to turn their attention to Section 21.04, Permitted Signs, No Permit Required. As discussed during the November 18, 2009 meeting, Executive Director Sanders was asked to add a letter "L" to address Personal Item Sale Signs with proposed text language to read as follows: Residents may place a vehicle, trailer or equipment owned by them on their property adjacent to the roadway (not in the roadway right-of-way) and post one "for sale" sign in, on or immediately adjacent to the item. At any one time, no more than two items may be advertised for sale, and residents are limited to the sale of four items total per calendar year. Members were asked if the proposed text address all their concerns or issues.

Previously, Member Deavers had suggested that boats be added to the items listed. After discussion, Members agreed with the addition. Members also felt that there should be a limit on the number of days items can be displayed next to the roadway. They agreed that language should be added limiting display of individual items to 30 days in a 60 day period. Finally, Executive Director Sanders suggested that the Personal Item Sale Signs should be listed as "L"; however, the full text should appear in the General Development Standards. Members agreed and asked him to make the changes discussed. The revised text is as follows: Residents may place a vehicle, boat, trailer or equipment owned by them on their property adjacent to the roadway (not in the roadway right-of-way) and post one "for sale" sign in, on or immediately adjacent to the item. At any one time, no more than two items may be advertised for sale, and residents are limited to the sale of four items total per calendar year. Each item may only be displayed for a period of 30 days in a 60 day period.

Attention then turned to Article VII, Farm Residence District (FR-1), Article VIII, Planned Residential District (PRD) and a chart prepared by Executive Director Sanders comparing Permitted and Conditional Uses in each district in relation to Berlin Township's FR-1 District which is the most recently updated code reviewed and approved by the Delaware County Prosecutor's Office. *These documents are referenced as FR-1 Item 1, PRD Item 2 and Comparison Chart Item 3.* The following items were discussed and changes approved regarding Article VII:

1. Executive Director Sanders was asked to add language to Section 7.03, "A" Single Family Dwellings indicating that manufactured homes (not motor homes or mobile homes) could be built with references to applicable definitions in Article IV including modular homes, premanufactured homes, minimum manufacturer standards, permanently sited in compliance with the General Development Standards in 7.06.
2. Members approved clarifying Home Occupations in 7.03 "G" by adding the word "Limited" at the start of the sentence.
3. Members agreed that the entire paragraph 7.03 "G" 2 should be moved by Executive Director Sanders to Article XX General Development Standards and renumber the section.
4. A handout regarding adult homes and residential facilities and prepared by Executive Director Sanders was distributed and *referenced as Item 4.* Members discussed the following items:
 - Acknowledged that Adult Family Homes are already permitted under 7.03 "H".
 - Asked Executive Director Sanders to research Adult Group Homes and add it to Article VIII if required by law.
 - Asked Executive Director Sanders to add Residential Facility-Type A as an additional letter after "H" and to research Type B to determine if it applies.
 - Asked Executive Director Sanders to research and correct Ohio Revised Code reference numbers within our current definition in Article IV of Adult Care Facilities.
5. Change 7.03 "K" from Class B Residential Day Care to Class B Child Day Care.
6. Members approved the addition of Religious Land Uses as 7.03 "L". The Use Table would then change to show a P under FR-1 for Religious Land Use.

7. Members approved the first sentence of 7.03 "M" and asked Executive Director Sanders to strike the second sentence. The Use Table would then change to show a P under FR-1.
8. Members discussed existing language within the first paragraph of Section 7.04 wherein the Board of Zoning Appeal has the option to approve a conditional use permit permanently to run with the land or temporary to expire once the property is sold by the current owner. Under the temporary approval, a new owner would be required to reapply for a continuation or modification of the conditional use. Members agreed to leave the current language unchanged.
9. Members approved clarifying Home Occupations in 7.04 "A" by adding the word "Expanded" at the start of the sentence.
10. Executive Director Sanders was asked to move all language within 7.04 "A" 6 and 7 to Article XX General Development Standards.
11. Executive Director Sanders was asked to change "Design Group I Airport" to "private landing field" in 7.04 "B". Members also asked that this section be reestablished in Article VIII, and that the Use Table would then change to show a C under PRD.
12. Regarding 7.04 "C", Members asked that the first two proposed words "Kindergarten or" be deleted. Executive Director Sanders was asked to research Child Care Facilities to determine specific legal requirements exist that we must comply within Expanded Home Occupations. He was instructed to put all language beyond what is legally required into Commercial Districts.

Based on the length of time taken to discuss the topics listed above, Members agreed to close the text amendment discussions for the evening. The Kingston Township Zoning Commission will begin meeting discussions on February 17, 2010 starting with Section 7.04 "D"—Page 7-4.

ZONING REPORT:

Zoning Inspector Talbott discussed the November and December 2009 Zoning Reports to the Trustees *referenced as Items 5 and 6*. Talbott provided Members with a recap of all Zoning Office activity for calendar year 2009. He then introduced a perceived conflict regarding what constitutes a substantial change to an approved development plan in a planned residential district and the approval process for the substantial change either through a second rezoning or an administrative approval. Harlem Township recently revised their code regarding modifications of development plans to define changes that would be considered substantial and established language to define when each of the approval processes are used. The Ohio Revised Code indicates that any approval or disapproval of subsequent uses of rezoned property may be handled as an administrative process only.

Executive Director Sanders was asked to research this potential conflict further and the matter would be discussed during review of Article VIII, Section 8.07 "H" 2.

MEDIA ARTICLES:

One informational news articles was distributed including:

- I-71/Route 36/37 Intersection Study, The Delaware Gazette, December 3, 2009 *referenced as Item 7*.

NEW BUSINESS: None

FOLLOW UP ITEMS:

ADJOURNMENT:

Member Burrell made a motion for adjournment. The motion was seconded by Alternate Filbert (voting status during meeting), and was unanimously approved.

TIME: 10:00 PM

SUMBITTED BY:

Recorded and submitted by Dave Stites, Zoning Secretary.

KZC Minutes 01-20-10