

0101
RECORD OF PROCEEDINGS

Minutes of

Etna Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 2,

2006

~~Fences~~
~~Fleet Storage~~

20

~~Accessory Structures~~

The Etna Township Zoning Commission met in the Etna Township Hall on August 2, 2006 for the purpose of conducting a regular meeting and to hold public hearings on Section 909 Local Business, 910 General Business, 912 Light Manufacturing and the definitions section regarding fleet storage, to add Section 1035 Accessory Structures, and Section 300 Zoning Permits Required, Section 1034 Fences and Hedges, Section 1008 Setback Requirements for Corner Buildings, and the Definition Section regarding fences. The hearings were audio and video taped for the township records.

The meeting was called to order at 7:00 p.m. by Chairman Colburn with the following members present: Mrs. Dunlap, Mrs. Taylor, Mr. Stepp, Chairman Colburn, Mr. VanDyne, and Clerk Laura Brown.

Mr. VanDyne moved that we adopt the agenda with flexibility. Stepp seconded. Roll call: Motion passed 5-0.

Announcements

Dee Dunlap will be out of town the first meeting in September, the alternate will be notified.

Jim VanDyne stated that all three Trustees will respond by August 11, 2006 on what they want regarding the square footage text. The Trustees will discuss at the meeting with the Zoning Commission on August 16, 2006.

Dee Dunlap made a motion to waive the public reading and to approve the minutes for the meeting on July 19, 2006. Colburn seconded. Roll call: Motion passed 5-0.

Public Hearings recessed on July 19, 2006

A. Section 909 Local Business, 910 General Business, 912 Light Manufacturing and the definition section regarding fleet storage. Jim VanDyne moved to bring the hearing at of recess at 7:10. Dunlap seconded. Motion passed 5-0.

Chairman Colburn read the non-binding recommendation from Licking County Planning Commission. The Licking County Planning Commission recommends to conditionally approve the text amendments. The township should consider removing "Fleet Storage" from the Local Business District, which "commercial vehicles" it wants to address, and to add "Commercial Vehicle" to Article 2 - Definitions. The Zoning Commission discussed the recommendations from the Planning Commission.

Dee Dunlap moved to close the public hearing at 7:25. VanDyne Seconded. Motion passed 5-0.

Vince Colburn moved to recommend to the Trustees to add Fleet Storage - Outdoor storage of 6 or more commercial vehicles and/or industrial equipment to Article 2 - Definition Section. In Section 910 - General Business to add under Conditionally Permitted Uses, Item J. Fleet Storage. In Section 912 - Light Manufacturing District (M-1) to add under Conditionally Permitted Uses, Item A. Fleet Storage. Also in Section 912 - Light Manufacturing District (M-1) to delete Fleet Storage under Permitted Uses, Item Y. To add Commercial Vehicle - A motor vehicle used for commercial purposes with or without an attached or permanently attached delivery body and includes vehicles such as catering or canteen trucks, buses, cube vans, tow trucks, tilt and load trucks, dump trucks, tractor trailers, semi-trailers, and any vehicle which has an exterior fixture or fixtures for the purposes of carrying equipment, materials, or supplies for commercial uses. This definition shall exclude township vehicles, public and private school buses and vehicles, police and fire vehicles to Article 2 - Definition Section. Stepp Seconded. Motion passed 5-0.

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~~Held~~
~~B. Add Section 1035 Accessory Structures. Dee Dunlap moved to bring the hearing on-~~
 Section 1035 Accessory Structures out of recess at 7:35. Stepp seconded. Motion passed 5-0.

Chairman Colburn read the non-binding recommendation from the Licking County Planning Commission. The planning commission conditionally approved with the conditions being to add a reference to Section 1008 – Setback requirements for Corner Buildings, add language to include other districts with residential uses, and add language to exempt structures with agricultural uses.

The Zoning Commission and Stan Robinson discussed the language of the text amendment.

Dee Dunlap moved to close the public hearing at 7:55. Colburn seconded. Motion passed 5-0.

Trent Stepp moved to recommend to the Board of Trustees to add Section 1035 Accessory Structures. In any district where the primary use is residential, the total area covered by accessory structures on any lot of record shall not exceed 1% of the total lot area. Area of the structure will be determined by using its outside dimensions.

There shall be no more than 3 accessory structures allowed per acre on any given lot of record.

Accessory structures shall not exceed 12 feet in height. Minimum setback requirements shall be at least ½ height of the structure and in compliance of Section 1008 Setback Requirements for Corner Buildings. E.g. a building 10 ft. in height will have a minimum setback of ½ of 10 feet (5 feet) from property lines. Accessory structures shall be clear of any easements of record where structures are prohibited.

EXCEPTION: Detached private garages as defined on page 2-6 of this resolution will be limited to 600 square feet total, shall not exceed the height of the principal building and need to be in compliance of Section 1008 Setback Requirements for Corner Buildings. Minimum setback requirements for detached garages shall be ½ the height of the structure. Seconded by Taylor, motion passed 5-0.

C. Definition section, Section 300 Zoning Permits Required, Section 1034 Fences and Hedges, and Section 1008 Setback Requirements for Corner Buildings.

Trent Stepp moved to bring the public hearing regarding the definition section, Section 300 Zoning Permits Required, Section 1034 Fences and Hedges, and Section 1008 Setback requirements for Corner Building out of recess at 8:02. Dunlap seconded, motion passed 5-0.

Chairman Colburn read the non-binding recommendation from Licking County Planning Commission. The planning commission recommends conditional approval with the conditions being as followed: To add if no road right-of-way is specified, then said setback shall be 60' from the centerline of the road. Etna Township removes the language in regards to fencing construction materials.

Neil Ingle stated he has a copy of the road right-of-ways in the township. He is only aware of three sections of the township that do not specify road right-of-way. He does not have a copy of the road right-of-ways with him. Paul George stated he has some of the road right-of-ways provided from the Engineers office. Loop Road and part of Palmer road has no width specified. The commission discussed the architectural review board.

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Dee Dunlap moved to close the public hearing at 8:25. Taylor seconded, motion passed 5-0.

The Zoning Commission discussed concerns with the text amendment. The commission discussed architectural review board in regards to fence materials.

Trent Stepp moved to recommended approval to remove fences from the definition of Structure and to add a definition for a fence and to add fence in two places in Section 300, and to add Section 1034 Fences and Hedges and to add fence in Section 1008 Setback Requirements for Corner Buildings.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

Fence: An enclosure or barrier, such as wooded posts, wire, iron, etc. used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Section 1008 Setback Requirements for Corner Buildings: On a corner lot the principal building, its accessory structures and fences shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which the structures and fences are located if no road right-of-way. If no road right-of-way is specified, then said setback shall be 30' from the centerline of the road.

Section 300 Zoning Permits Required

No building, fence, or other structure shall be erected, moved, added to, structurally altered, nor shall any building, fence, structure, or land be established or changed in use without a permit therefore, issued by the zoning inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the zoning inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance or from the Board of Township Trustees approving a planned unit development district, as provided by this resolution.

Section 1034 - Fences and Hedges: In any residential or commercial district fences or hedges in front and side yards must not exceed 2 ½ feet in height measured from grade level. That portion of a fence extending from a line even with the back of the dwelling to the rear property line and extending across the back of the property to the side property line shall not exceed 6 feet in height. Hedge height in front or side yards shall not exceed 2 ½ feet in height. Fences and hedges shall be required to have the same setback distance from the road right-of-way lines as the principal building. If no road right-of-way is specified then said setback shall be 30' from the centerline of the road.

Front yard fences and hedges on corner lots must comply with Sections 1008, 1009 and 1010 of this resolution. Where agriculture property abuts residential property, Ohio Line Fence Law as specified by ORC Chapter 971 shall apply. VanDyne seconded. Motion passed 5-0.

The Zoning Commission discussed concerns Stan Robinson had regarding to what defines a structure. Patio in not above ground and he interprets that it is not a structure then. Trent Stepp feels the patio is a structure because it is on the ground. Does a sand box need a zoning permit?

Old Business

A. Hartford Survey from LCPC – Tina Taylor's square footage question. The survey has been updated and copied to the Zoning Commission and the Trustees.

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Held ~~B. Section 910 General Business Limiting Square Footage. A letter to the Trustees~~²⁰ was submitted to the Trustees. Paul George feels if we limit the square footage the township will have a lawsuit. Tina Taylor wants to discuss this with the Trustees and the Zoning Commission. Vince Colburn stated the Zoning Commission will review the letters from the Trustees on their opinions regarding the square footage text.

C. Section 1401 Definition of Junk Motor Vehicles. The Zoning Commission discussed junk motor vehicles and text amendment options.

Dee Dunlap moved to start the text amendment on adding the word "or" to the end of number 1 and number 2 to Section 1401 of its Zoning Resolution. as shown below. VanDyne seconded.

Section 1401 Definition of Junk Motor Vehicles

For the purpose of this section, "junk motor vehicle" means any motor vehicle, which is:

1. Without current license plates and registration or
2. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission or
3. Apparently inoperable, that is left uncovered by not being housed in a garage or other suitable structure, in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the Ohio Revised Code; or regulated under other sections of this Zoning Resolution.

The below items will be carried over to old business at next meeting.

- D. Section 1027 Culverts
- E. Section 311 Penalties for Violation
- F. Signs
- G. Animals in residential districts

Adjourned at 9:40 by Chairman Colburn



 Laura Brown, Clerk

Approved August 16, 2006

Approved as corrected/amended _____



 Vince Colburn, Chairman Pro Temp