

RECORD OF PROCEEDINGS

0067

Minutes of

Etna Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

July 5,

2006

NAICS Codes

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The Etna Township Zoning Commission met in the Etna Township Hall on July 5, 2006 for the purpose of conducting a regular meeting and to hold a public hearing on a text amendment to Section 910 General Business regarding NAICS Codes. The hearing was audio and video taped for the township records.

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

Jim VanDyne moved that we adopt the agenda with flexibility. Colburn seconded. Motion passed without objection.

Dee Dunlap moved to waive the public reading and to approve the minutes for the meeting on June 21, 2006. VanDyne seconded. There was no discussion. Motion passed without objection.

**Public Hearing**

The public hearing was open on Section 910 General Business general requirements to replace permitted uses and conditional uses and to add NAICS Codes to Article 2 – Definitions. Mike Kerner reviewed to Licking County Planning Commission Staff Report. The staff recommends to conditionally approve the proposed text with the conditions being Etna Township should provide an appendix in the Etna Township Zoning Resolution with the NAICS codes and titles of the permitted and conditionally permitted uses. Also the recommend the township must make a copy of the NAICS codes available through a copy of the text in the Etna Township offices or link to the NAICS website on the township website or both.

The township has not received the recommendation from the planning commission. There were no public comments. Jim VanDyne moved to recess the public hearing. Dunlap seconded. No discussion, the motion carried without objection.

Paul George discussed the road right-of-ways in the township and has received copies from the engineer's office.

Gary Burkholder discussed the limiting square footage text. Gary Burkholder does not feel this is a dead issue. Mike Kerner asked what the problems were with the original text amendment. Mike Kerner asked for the letter from Licking County Planning Commission. Gary Burkholder feels the minutes from the Trustees meeting should go to the Zoning Commission and the Zoning Commission minutes should go to the Trustees. Jim VanDyne stated the Zoning Commission never received a letter from the Board of Trustees. Mike Kerner would like for the Trustees to decide what they would agree on and then present it to the Zoning Commission. Gary Burkholder stated it would help to have the Zoning Commission member present at the Trustees meeting to answer questions. Mike Kerner asked if the Trustees would send it back to them with recommendations and not to just send it back. Gary Burkholder said he would check with the Prosecutor to see if the process would have to start over. Gary Burkholder would like the Zoning Commission to call a Trustee if they have a concern over the way an amendment vote turned out.

**Old Business**

Hartford Survey-The Zoning Commission discussed the changes for the community survey that was modeled after the Hartford Survey from Licking County Planning Commission. The commission discussed who to send the survey to and the cost. Gary Burkholder discussed the Board of Trustees is doing a firm search to do the Comprehensive Plan. Mike Kerner suggested mailing the survey to 100 voters out of each section at random, that should provide us with the same information if you sent out 1000. Vince Colburn suggested using the precincts that are already established. The survey will be revised and see if the square footage question is ready from Tina Taylor. The survey will be forwarded to the Trustees when updated.

Fence Amendment – The commission discussed whether to measure from Road Right-of-way, center of the road, or edge of pavement. The county engineer's office does not have road right-of-way measurements for all the roads in the township. Gary Burkholder discussed the corner lots and if there are any violations on fences currently in the township. Mike Kerner stated the Zoning Commission was asked to come up with something enforceable. Gary Burkholder stated it is a two step process we need a zoning resolution and it needs to be enforced. Mike Kerner stated the Zoning Commission can not enforce all they can do is provided enforceable text. The commission discussed fences in the rear and side yards and the easements. The commission discussed the pictures that were submitted to the Board of Zoning Appeals during the appeals on fences. The commission discussed different standards for different zoning districts and subdivision regulations versus the rural Etna.

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Mike Kerner moved to amend the fence amendment to state in section 1034 Fences and Hedges in any residential or commercial district and the minimum setback shall be a minimum of 30 feet from the center of the road. VanDyne seconded. Roll call: Dunlap, yes; Colburn, yes; Kerner, yes; and VanDyne, yes. Motion carried 4-0.

New Business

Section 910 General Business limiting square footage – Mike Kerner reviewed the information from Licking County Planning Commission regarding big box retail and limiting square footage. Vince Colburn would like to have correspondence from the Trustees on why they denied the text amendment previously. The commission discussed the options of conditional use. It was discussed if the square footage text amendment would have been passed and Wal-Mart was willing to move to another location they Wal-Mart could not move to another location because the limiting text would have been in place.

Mike Kerner stated the township can start the rezoning process to change the general business zoning on any property in the township and you have to have the public hearings and follow the process. Vince Colburn stated it would not be fair. If you rezone 10 or more properties you legally do not have to mail the property owner letters all you have to do is advertise.

Gary Burkholder stated he was aware of the discussion of Wal-Mart moving. He was concerned if the square footage text was passed then Wal-Mart could not move. The Trustees should have tabled the text amendment and researched. Vince Colburn asked Gary Burkholder if he would pass the text amendment if it was sent to the Trustees today. Gary did not respond. Phil Laurien did say you can rezone properties but it is not favorable.

The meeting was adjourned at 9:14 p.m. without objection.

*Laura Brown*  
Laura Brown, Clerk

Approved July 20, 2006

Approved as corrected/amended \_\_\_\_\_

*Vince Colburn*  
~~Michael Kerner, Chairman~~  
Vince Colburn Chairman  
Pro Temp