

**Committee:** Zoning Board Of Appeals/ Planning Commission

Minutes

Meeting Date: March 31, 2022

Present	Title	Name	Present	Title	Name
X	Mayor	Rodney Luma	Absent	Community Member	Chris Kaufman
X	Council Member	Robert Miller	X	Zoning Inspector	Mike Ridenour (non voting)
X	Community Member	Brian Hardin			
X	Community Member	Lisa Nickles			
Absent	Community Member	J. Johnston			

**Guest(s)**

Tim Walti

**Call to order at \_\_\_\_\_ 7:15 PM**

**Approval of Minutes from Last meeting**

Motion by \_\_\_\_\_ Miller \_\_\_\_\_. Second by \_\_\_\_\_ Hardin \_\_\_\_\_

Vote: Miller \_\_\_y\_\_\_ Hardin \_\_\_y\_\_\_ Nickles \_\_\_y\_\_\_ Johnston \_\_\_\_\_ Kaufman \_\_\_\_\_. Luma \_\_\_Y

**Old Business:**

1. Petition for Zoning Re-districting to Residential at 318 E. Wapakoneta

Mike Ridenour reported the re-districting request at 318 E. Wapakoneta street had been withdrawn by the property owner due to property is actually zoned residential not commercial.

2. Fencing at Dollar General

Mike Ridenour reported the solicitor had stated there was nothing legally the Village could do to require Dollar General to put up a fence. The Village could request fencing be put around the dumpster but could not require it. There was nothing in the contract with the company who did the work that required them to put a fence up.

Current Zoning Ordinances do not address fencing around commercial properties.

Commission members discussed the possibility of sending a letter to the property owner and requesting the installation of a fence. There is a great deal of trash that is being blown onto adjacent properties creating a nuisance for property owners and the Village.

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**DRAFT**

The request would be to erect a fence on the north end of the parking lot beginning at the east end of the building continuing to the east edge of the parking lot then turning south along the east edge of the parking lot for approximately 75 feet. If this is not feasible could a fence enclosing the dumpster be installed? Or finally, if none of these options are acceptable would they consider a larger dumpster to hopefully reduce the amount of trash being blown onto adjacent properties.

- 3. Process for moving forward with proposed revisions/additions to the Draft Zoning document, specifically, communication to full council and the village solicitor.

Discussion:

As the revision/additions work will no doubt be a lengthy process it is important that council and the Village Solicitor are kept informed of our progress along the way. It is also crucial that Council and the Village Solicitor have a mechanism to provide feedback to the commission during this time. This feedback in no way is intended to be legal approval or implementation of the changes suggested. The legal approval or implementation process is outlined in ORC and would not start until all suggested revision/additions were completed or as determined by Council and the Village Solicitor.

Moving forward minutes from this commission will follow the same approval process as used by council. They will be created and then voted on at the next scheduled meeting. Once minutes have been approved they will then be available to be posted on the village website for public viewing.

MOTION:

Nickles motioned that all approved minutes be provided to the Fiscal Officer for inclusion in Village Council's monthly meeting packets with a request for council to review and provide feed back to the Planning Commission regarding changes/additions recommended by commission. A copy should also be given to the Village Solicitor for review and feedback.

Motion by \_\_Nickles\_\_\_. Second by \_\_\_\_\_Hardin\_\_\_\_\_

Vote: Miller\_\_y\_\_ Hardin\_\_y\_ Nickles\_\_y\_\_\_Johnston\_\_\_\_\_ Kaufman\_\_\_\_\_. Luma\_\_Y

- 4. Schedule of meetings for the next six months: Meeting time: 7:00 PM Location: Village Municipal Building

Month	Days	Month	Days
April	14, 28	July	7, 21
May	12, 26	August	4, 18
June	9, 23	September	1, 15, 29

Motion to accept above schedule by \_\_Hardin\_\_\_. Second by \_\_\_\_\_Nickles\_\_\_\_\_

Vote: Miller\_\_y\_\_ Hardin\_\_y\_ Nickles\_\_y\_\_\_Johnston\_\_\_\_\_ Kaufman\_\_\_\_\_. Luma\_\_Y

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**New Business**

1. Lack of Procedural forms in Current Zoning.

1. Nickles:

Reviewed Wayne Township's and Perry Township's zoning ordinances in order to get a sense of how other areas have codified similar issues being faced by the planning commission. One area that is lacking in our current Zoning is procedural forms, i.e. request for Zoning variance, change, etc. . It was discussed that the Village is surrounded by land that is part of Wayne Township, using their zoning procedural forms might be a good "reference" in some of our discussions.

Luma provided copies of the current Building Permit form.

Nickles provided copies of the following Zoning procedural forms currently existing in the Wayne Township Zoning Codes for consideration.

1. Application for Zoning Permit/Building Permit
2. Zoning Permit
3. Revocation of Zoning Permit
4. Statement of Zoning Violation
5. Notice of Zoning Violation
6. Notice of Appeal
7. Application for Variance
8. Application for Conditional Use Permit
9. Application for Temporary Use Permit
10. Application for Zoning Map Amendment
11. Application for Zoning Text Amendment
12. Notice of Public Hearing
13. Notice of Public Hearing to Property Owner

Ridenour reported the current practice for requesting a Zoning Variance or change is simply a written request by the property owner. There is no form at this time.

Nickles volunteered to create some of the above forms for the next meeting.

2. Amended Zoning Ordinance:

Page REF	Article Number	Proposed Change/Discussion	Action
2-13	4: Definitions	Nickles: In an effort to understand what was new in the amended ordinances as compared to the existing ordinances compared the definitions found in both ordinances. The comparison yielded two documents. New definitions found in the Amended Zoning Ordinance and definitions missing in the Amended Zoning Ordinance. Nickles stated she was not recommending that missing definitions needed to be added to the Amended Document only that as we move forward we should be aware of what might need to be addressed. For example in the Amended Zoning Ordinance there is not a definition of "Permit" or "Building Permit". She provided copies of the two documents and requested members to retain them for future reference.	Retain documents for reference
8	4	Kennel, Dog Kennels:	None

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Page REF	Article Number	Proposed Change/Discussion	Action
	5	<u>Draft Amended:</u> (Kennel, Dog Kennels)	
		The keeping and care of more than three (3) dogs that are more than six (6) months old.	
		<u>Current:</u> (Kennel)	
		Means any lot or premises on which four or more dogs or cats, more than four months of age are kept.	
		DISCUSSION:	
		Nickles: Questioned the removal of cats from the amended definition?	
		Ridenour: Farm animals are not allowed in the village. Need to remember the zoning inspector and police chief are the enforcement officers. We should keep enforcement in mind as we move forward.	
		Hardin: Believes the state indicates animals (ex. puppies) may not be removed from their mothers until six weeks.	
		Additional issues raised:	
		How are Kennel licenses issued currently?	
		There are families/homes currently that have four or more dogs? How is that handled?	
		Why is six months? Other zoning examples list four months.	
		In the interest of time the discussion was tabled. Definitions will need to be included in all revisions/additions discussion as we move forward.	
14		DISTRICTS AND BOUNDARIES THEREOF	
		5.0. DIVISION OF VILLAGE INTO DISTRICTS	
		R-2 Low Density Residence District	Create and possibly add definitions for Low and High Density Residences
		R-3 High Density Residence District	
		DISCUSSION:	
		Low Density and High Density are not currently defined in the definitions. Will need to add definition	
14	5.1	DISTRICTS AND BOUNDARIES ESTABLISHED	
		TEXT IN DRAFT AMENDED ZONING ORDINANCE:	

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Page REF	Article Number	Proposed Change/Discussion	Action
		<ul style="list-style-type: none"> <li>Said districts and boundaries thereof are hereby adopted and established as shown on the Zoning Map of the Village of Waynesfield, Ohio, which map, together with all notation, references, data, district boundaries and other information shown thereon, shall be and the same are hereby made a part of this ordinance. Said Zoning Map, properly attested, shall be and remain on file in the Council Chambers of the Village of Waynesfield. Said Zoning Map to be subject to change in accordance with this ordinance.</li> </ul>	
14	5.1	DISCUSSION:	
		Where are the zoning maps housed?	
		Ridenour stated there used to be one taped to the inside of the bank vault. However, it was missing after the renovations to council chambers were completed. He did not know where it was.	
		The commission was provided with an 8" x 11" copy of a zoning map. It was too small to read. Visitor Tim Walti suggested a new map be made and he could assist with that. He would however need a digital file of the existing Zoning Map to begin the process. Hardin suggested we check with the County Engineer to see if their office had a digital file for the GIS information related to the village.	Hardin to investigate
		An item to discuss after the maps are obtained is the establishment of a dedicated area/file to safely house them	Need to add this as action item for later date
14	5.2	DISTRICTS BOUNDARIES	
		TEXT IN DRAFT AMENDED ZOINING ORDINANCE:	
		street or alley line or other designated line by dimensions shown on said map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of the adoption of this ordinance.	See discussion above related to the establishment of districts and boundaries
14	5.3	UNCERTAINTY AS TO DISTRICT BOUNDARIES:	
		TEXT IN DRAFT AMENDED ZOINING ORDINANCE:	
		If the Village Zoning Board Planning Commission, in its consideration of determining the location of such line or lines, is unable to agree as to such location as hereinbefore provided, then the question of location shall be certified to Council, and such body <u>shall determine the location of such separating line by a simple majority of a quorum, and by resolution, which need not be published.</u>	
		DISCUSSION:	
		<ul style="list-style-type: none"> <li>-What is the intent of this? Council has the sole ability to adjudicate this?</li> <li>- Does a change or uncertainty of district boundaries require 3/4 of the vote of the legislature as stated in ORC 713.12</li> <li>- If this is a "change" would this decision not require a public hearing and notice to residents affected by uncertainty?</li> </ul>	Solicitor Questions

**Other Business for the good of the order**

1. Continue review of Article 5 and 6 for next meeting.

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2. Do we need to elect a zoning board chairman?

Is Mayor Luma chair of the commission? It was unclear but assumed he is. This maybe something that should be clarified with the Solicitor. Nickles offered to act as assistant to the chair.

Motion to adjourn by \_\_Nickles\_\_\_\_ Second by \_\_Hardin\_\_\_\_

Vote: Miller\_\_y\_\_ Hardin\_y\_\_ Nickles\_y\_\_ Johnston\_\_\_\_ Kaufman\_\_\_\_. Luma\_\_y\_\_

Time of adjournment:\_\_\_\_\_8:49 PM