

**KINGSTON TOWNSHIP ZONING COMMISSION  
MEETING MINUTES**

**APPROVED AS AMENDED: March 17, 2010**

**DATE:** February 17, 2010  
**LOCATION:** Kingston Township Hall  
**TIME CALLED TO ORDER:** 7:05 PM by Vice-Chair Burrell

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

**PUBLIC INPUT/COMMENT:** None Present

Members were reminded that this was the last meeting for Vice-Chair Burrell due to her resignation. She was thanked for her willingness to chair the meeting in light of her resignation and the previous departure of Chairman Doug Harsany. She reflected upon her nine plus years serving Kingston Township through the establishment of local zoning, the writing and passage of both the zoning resolution and comprehensive plan and creation of the zoning office. She indicated that it had been a pleasure to work with all the Members of the Zoning Commission serving in the capacity of Chairperson and Vice-Chair. Members expressed their sincere appreciation for her service to the Township.

**APPROVAL OF MINUTES:**

Vice-Chair Burrell made a motion to approve the January 20, 2010 Meeting Minutes. The motion was seconded by Alternate Filbert (voting status during meeting), and was unanimously approved.

**OLD BUSINESS:**

Members began discussing an article brought in by Alternate Filbert from the Ohio Farm Bureau Magazine regarding the Ohio Supreme Court's decision regarding a fireworks company zoning case in Congress Township, Wayne County, Ohio *referenced as Item 1*. This case had been discussed several times by Members throughout 2009 as it had the potential to impact local zoning for all Ohio townships. In their ruling, the Ohio Supreme Court sided with Congress Township's ability to utilize the county comprehensive plan in accordance with their zoning resolution as required by Ohio Revised Code 519.02, and instructed the Court of Appeals (who originally ruled against the township) to determine if the zoning resolution was in accordance with the county plan. Members were advised that they would receive updates regarding the case as they become available.

Delaware County Regional Planning Executive Director Scott Sanders was present to continue discussions regarding the Zoning Resolution Text Amendment process. To begin, Members revisited Article 25, Section 25.07 D regarding the power of the Board of Zoning Appeal (BZA) to revoke a conditional use permit for noncompliance. Having researched the matter, Executive Director Sanders forwarded an e-mail *referenced as Item 2* and confirmed that the BZA does not have authority to revoke a conditional use permit but instead the matter must be handled as a zoning violation. The current language is consistent with the finding so no text amendment is required.

Members then moved to Article 7, Section 7.04 starting with “D”. After discussion, Executive Director Sanders was asked to make the following text amendments:

- Delete “G” along with “G-1” and “G-2” and then renumber the remaining subsections in Section 7.04.
- Approved the addition of “K-Cemeteries” along with “K-1”, “K-2” and “K-4”. Sanders was asked to delete “K-3” and then renumber.
- Approved the addition of “L-Borrow Pits”. Executive Director Sanders was asked to add a definition for Borrow Pit to Article 4. In addition, Sanders was asked to insert “Delaware” ahead of “County Engineer” for clarification.
- Executive Director Sanders was asked to further research “M-Boarding Kennels, Boarding/Riding Stables and Animal Shelters” to determine if these uses can be regulated or if they are considered “agricultural uses” outside of local zoning. Depending on his research, he was authorized to remove or retain the subsection as appropriate. If the subsection remains, he was asked to change “Berlin” to “Kingston” in “M-3”.
- Regarding “N-Bed and Breakfast House”, Members supported the addition of this use and requested the following:
  1. Delete “short-term” in “N-1”.
  2. Secretary Stites was asked to contact the health department, convention/visitors bureau, county code compliance and research state regulations to determine who regulates the matter and what is regulated. He was asked to report findings at the next meeting.
  3. Executive Director Sanders was asked to define Bed and Breakfast House use in Article 4 including language that the use occur within an owner occupied single family dwelling.
- Move “O-Private Schools or Colleges” to Article 17-Planned Institutional District.
- Move “P-Public or Private Hunt Clubs” to Article 18-Recreational District.

Members then moved to Article 7, Section 7.05. After discussion, Executive Director Sanders was asked to make the following text amendments:

- Rewrite “B-Outdoor Storage” as follows--Outdoor storage of inoperable and/or unlicensed motor vehicles, trailers of any type, boats, motor homes, buses, and equipment of any type for a period exceeding fourteen (14) days during any calendar year is prohibited if visible from any adjoining property or roadway. Inoperable, unlicensed or unused vehicles may be permitted if entirely screened (from view) from adjoining properties or roadway by means of a building or fencing (minimum height of 6’.
- Approved changes to “E” and “F”. *These changes refer to Article 7, Section 7.06.*

- Asked that the words “or accessory structures” be inserted in “H” between the words “buildings” and “be”.
- Approved changes to “N”.

Throughout the discussions above, adjustments were made to the Permitted/Conditional Use Table (*referenced as Item 3*) created by Executive Director Sanders as follows:

<u>Category</u>	<u>FR-1</u>	<u>PRD</u>
Private Schools or Colleges	Moved To Institutional District	
Cemetery	C	C
Borrow Pits	C	C
Boarding Kennels	Executive Director Sanders To Research	
Bed and Breakfast	C	C
Hunt Clubs	Moved To Recreational District	

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 March 17, 2009 starting with Article 8-Planned Residence District. In preparation for the next meeting, Executive Director Sanders was asked to further research and determine the appropriate procedures for changes of use after a rezoning has occurred i.e. a full rezoning vs. administrative approval.

**ZONING REPORT:**

Zoning Inspector Talbott discussed the January 2010 Zoning Reports to the Trustees *referenced as Item 4*. Talbott informed Members that three agricultural exemptions had been issued for accessory buildings and one zoning certificate for a new build home.

**MEDIA ARTICLES:**

One informational news articles was distributed including:

- Summary of Zoning Text Amendments made by other townships in Delaware County during calendar year 2008 and 2009 *referenced as Item 5*.
- Board of Zoning Appeal roster update adding Jim Collins as a Member *referenced as Item 6*.

**NEW BUSINESS:** None

**FOLLOW UP ITEMS:** None

**ADJOURNMENT:**

Vice-Chair Burrell made a motion for adjournment. The motion was seconded by Member Deavers, and was unanimously approved.

**TIME: 9:08 PM**

**SUMBITTED BY:**

Recorded and submitted by Dave Stites, Zoning Secretary.