

## PIKE TOWNSHIP ZONING COMMISISON

March 2, 2010 - 7:00 p.m.

7134 E. Sparta Ave. S.E., East Sparta, Ohio

Ms. Zaleski opened the meeting with five **members** present: Ron Morrow, David Ross, Nick Botean and B.J. Murphy. Also present were Commission Alternate, Scott Brown, Zoning Inspector, Sharon Perrine, Zoning Secretary, Carol Barto, Trustee, Doug Baum, and Johnny Miller.

**MINUTES** of the February 2<sup>th</sup> meeting were read and approved.

**PARK**: The Commission decided that Lake Township's would better fit Pike, with the following modifications:

### **ADD DEFINITIONS:**

**RECREATION FACILITY.** A place designed and equipped for sports, leisure-time, or entertainment activities, but not including those uses otherwise specifically defined or regulated in this Resolution. As provided in this Resolution, recreation facilities are of four types:

**RECREATION FACILITY, TYPE A.** Outdoor recreation facilities, usually requiring a large space, which are relatively quiet and compatible with residential uses, including but not limited to such activities as a regulation golf course and club house, picnic area, playground, trails for walking, bicycling, or horse-riding (excluding trails used by motor vehicles or all purpose vehicles); fishing; non-motorized boating; observation of nature; and similar facilities and activities.

**RECREATION FACILITY, TYPE B.** Outdoor recreation facilities for intense sports and athletic activities including but not limited to field sports, baseball field, soccer field, swimming pool, tennis court, basketball court, or golf driving range.

**RECREATION FACILITY, TYPE C.** Indoor recreation and entertainment facilities, including but not limited to those required for indoor court sports, shooting ranges, athletic clubs, bowling alleys, theaters, auditoriums, lodge halls, or social clubs.

**RECREATION FACILITY, TYPE D.** Outdoor recreation facilities which are not classified as Type A or Type B, which may generate noise and may otherwise not be compatible with residential uses, including but not limited to miniature golf course, amusement park, race track or trail for motor vehicles, all purpose vehicles, or animals, outdoor shooting ranges, rodeo grounds or campgrounds.

**RECREATIONAL VEHICLES:** Ron Morrow had submitted *ORC 4519.01 SPECIAL VEHICLE DEFINITIONS*.

The Commission discussed and determined the following definition:

“Motor vehicle” means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. “Motor vehicle” does **not** include utility vehicles as defined below of this section, used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery,& farm machinery.

**ADD:** UTILITY VEHICLE (see Recreational Vehicles)

“Utility vehicle” means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling or similar activities.

“All- purpose vehicle” means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, snowmobiles, mini-bikes and trail bikes. “All-purpose vehicle” does not include a utility vehicle as defined in this Resolution or any vehicle principally used in playing golf.

**COURT REPORTER FEES:** The Commission agreed to ask the Trustees to add the following sentence to the fee schedule and the denial form initiated by the Zoning Inspector.

The applicant shall bear all direct and related costs for any special investigations, inspections, consultants, hearings, court reporter and other expenses necessary for the review of the application or appeal as determined by the Pike Township Board of Trustees.

**R-3 MOBILE HOME PARK:** Ms Zaleski conducted research to compare the existing regulations to other townships to determine if the present text should be amended. It was determined, by her research, that the existing regulations are as strong as, or better than the other townships.

**EX OFFENDER RE ENTRY HOUSING:** The Commission reviewed Canton Township’s Amendment and, after much discussion decided, along with Regional Planning, the definition was too broad and needed to be revised. Mr. Murphy agreed to check with city governments to see how they address the issue.

**DUST CONTROL ON MINING ACCESS ROADS** Mr. Murphy checked with ODNR for a basis to determine what the Township can legislate. He concluded that the Township, can somewhat legally control the problem. Zoning Inspector, Sharon suggested that, even though the EPA controls the air quality, the BZA could use the dust control issue as a negotiating tool, like they do with operating hours, to get the mining companies to agree to some type of dust control, as a condition for the Conditional Use Certificate.

**“Morals”** in zoning was another issue. The word “morals” appears four (4) times in the Resolution: The Commission suspected that the word “morals” was taken directly from ORC and they will check, and if it is, they will refer to Attorney Hall for opinion.

## **Introduction (paragraph 1)**

**WHEREAS**, the Board of Trustees of Pike Township, Stark County, Ohio, has deemed it advisable to promote the public health, safety, **morals** and general welfare of the residents of said township; and

## **Section One Title I Purpose (pg. 1) (taken directly from ORC 519.02) (page 1)**

For the purpose of promoting the public health, safety, and **morals**, the Board of Township Trustees may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts and other spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches, and the use of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township and for such purposes may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and areas as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use through any district or zone, but the regulations or zone may differ from those in other districts or zones.

**SECTION ELEVEN, TITLE I (G) (2)** (page 74)

- (2) The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and **morals** and in furtherance of the purposes and intent of this Resolution.

**SECTION TWELVE, TITLE I (D)** (page 78)

**(D) INSPECTIONS**

For the purpose of enforcement of this Zoning Resolution in a manner consistent with the intent to promote public health, safety, **morals**, and general welfare in the Township, the Pike Township Zoning Inspector shall make, or cause to be made, such zoning inspections as he or she, or the Pike Township Board of Zoning Appeals, deem necessary or advisable, from time to time.

**CLUSTER OR LOW IMPACT HOUSING:** The Commission did not discuss the Cluster or Low Impact Housing at this meeting, but will remain on the issues to be discussed at a later date.

Mr. Murphy had previously presented a draft of an amendment addressing a “Conservation Development.” **(the Commission decided to wait until the draft has been finalized and approved by Regional Planning and then address the situation for possible inclusion in the Pike Resolution.)**

Ms. Zaleski thanked everyone for attending the RPC Government Law Seminar, February 20<sup>th</sup> and requested that the Commission be made aware of any like sessions so they can take advantage of the opportunity to educate themselves.

Ms. Zaleski asked to set the next meeting. It was agreed to meet again on Tuesday, March 30<sup>th</sup> at 7:00 p.m.

B. J. Murphy made a motion to adjourn the meeting. Seconded by Ron Morrow. Meeting was adjourned at 8:56 p.m.

*Minutes read and approved:*

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Ron Morrow

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(date)

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David Ross

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(date)

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Nick Botean

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(date)

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Robert Murphy

\_\_\_\_\_  
(date)

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Linda Zaleski

\_\_\_\_\_  
(date)