

PIKE TOWNSHIP ZONING COMMISISON

March 30, 2010 - 7:04 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 was, Alternate, Scott Brown, Zoning Inspector, Sharon Perrine, Zoning Secretary, Carol Barto.

Ms. Zaleski read legal notice. **MINUTES** of the March 2ND meeting were read and approved. Ron Morrow made motion to approve minutes, seconded by B.J. Murphy. Unanimous approval.

PARK(S):

ADD TO DEFINITIONS: (with addition of Type E with modification of B & D)

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, miniature golf course 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, trails for animals, outdoor shooting ranges, rodeo grounds or campgrounds.

RECREATION FACILITY, TYPE E. Outdoor recreation facilities which are not classified as Type A, Type B, or Type D, which may generate noise and may otherwise not be compatible with residential uses, including but not limited to, amusement park, race track or trail for motor vehicles, or all purpose vehicles.

PARK(S)

SECTION FOUR, TITLE I (C) (2) (page 25)

R-1 Residential District.....CONDITIONALLY PERMITTED:

- (2) Private or publicly operated picnic areas, playgrounds, **recreational facility Type A, recreational facility Type B**, subject to subsections (1), (2), (3), (5), (10),(12), (13), (14), (15), (17), (32), (44) and (52).
- (6) Governmental or privately owned and/or operated **Type D recreational facilities**
Uses permitted under this category shall be subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (44) and (52).

R-2 Multi-family Residential District.....CONDITIONALLY PERMITTED: (page 28)

- (4) Quasi-public institutionally or organizationally owned and/or operated **recreational, instructional, and meeting facilities**, such as those developed and used by the YMCA, YWCA, Boy Scouts, or various fraternal or community service groups, subject to subsections - (1), (2), (3), (5), (14), (15), and (16).

SECTION FIVE, TITLE I

B-1 (C) COMMERCIAL.....Conditionally Permitted (page 34)

- (3) Quasi-public, institutionally or organizationally owned and/or operated **recreational, instructional, meeting facilities**, such as those developed and used by the YMCA, YWCA, Boy Scouts, or various fraternal or community service groups, subject to subsections (1), (2), (3), (5), (14), and (15).

SECTION FIVE, TITLE II

B-2 (B) *permitted* & (C) *conditionally permitted* COMMERCIAL (pages 35 & 36)

- (3) Indoor and Outdoor **recreational facilities** including, but not limited to theaters, tennis and racquet clubs, health spas, and physical exercise facilities.
- (3) Quasi-public, institutionally or organizationally owned and/or operated **recreational, instructional, meeting facilities**, such as those developed and used by the YMCA, YWCA, Boy Scouts, or various fraternal or community service groups, subject to subsections (1), (2), (3), (5), (14), and (15).

SECTION SIX, Title I, (C)

I-1 RESTRICTED INDUSTRIAL...(C).....Conditionally Permitted (page 40)

- (4) Private or governmental owned and/or operated **Type A recreation facility, Type B recreation facility, Type C recreation facility, Type D recreation facility, Type E recreation facility** subject to subsections (1), (2), (3), (5), (12), (13), (14), (15), (17), (32) and (44).

SECTION SIX, Title II (B)

I-2 GENERAL INDUSTRIALPermitted (page 42)

- (1) All uses specifically permitted in a B-1, **B-2** and I-1 district.

(B-2) Indoor and Outdoor **recreational facilities** including, but not limited to theaters, tennis and racquet clubs, health spas, and physical exercise facilities.

SECTION SIX, Title II (C).....Conditionally Permitted (page 43)

- (4) A recreation facility, Type B recreation facility, Type C recreation facility, Type D recreation facility, Type E recreation facility subject to subsections subject to subsections (1), (2), (3), (5), (10), (14), (15), (17), (32), and (44).

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

The Commission discussed and determined the following definition: (no changes were discussed at 3/30/10 meeting)

“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.

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. (no discussion 3/30/10 meeting)

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. (no discussion 3/30/10 meeting)

(Commission did not discuss morals at 3/30/10 meeting.)

“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 73 & 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.)

OTHER BUSINESS:

Ms. Zaleski asked to set the next meeting. It was agreed to meet again on Thursday, April 29, 2010 at 7:00 p.m.

B. J. Murphy made a motion to adjourn the meeting. Seconded by Ron Morrow. Meeting was adjourned at 9:05 p.m.

