

PIKE TOWNSHIP ZONING COMMISISON

May 18, 2010 - 7:00 p.m.

7134 E. Sparta Ave. S.E., East Sparta, Ohio 44626

Ms. Zaleski opened the meeting with five **members** present: Ron Morrow, Scott Brown, Nick Botean and B.J. Murphy. Also present was, Alternate, Carol Barto, Zoning Inspector, Sharon Perrine, Zoning Secretary, Denise Young.

Ms. Zaleski read legal notice. **MINUTES** of the April 29 meeting were discussed and approved. Motion to approve by Ron Morrow and seconded by BJ Murphy. Minutes from the March 30, 2010 meeting were approved. Motion to approve made by BJ Murphy and seconded by Nick Botean.

ADD TO DEFINITIONS: (page 14)

RECREATIONAL 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 five types:

RECREATIONAL 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.

RECREATIONAL 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.

RECREATIONAL 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.

RECREATIONAL FACILITY, TYPE D. Outdoor recreation facilities which are not classified as Type A, or Type B, which may generate noise, including, but not limited to, outdoor shooting ranges, rodeo grounds or campgrounds.

RECREATIONAL 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.

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

MODIFY:

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

- (2) **Recreational facility Type A, Recreational facility Type B, both** subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (17), (32), (44) and (52).
- (6) **Recreational facility, Type D,** subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52).

ADD: (page 26)

- (14) **Recreational facility, Type C,** subject to subsections (1), (2), (3), (5), (10), (12), (14), (15),(16), (17),(30), (32), (44), (51) and (52).

SECTION FOUR, TITLE II (C) Conditionally Permitted (page 27)

MODIFY:

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

- (4) **Recreational facility, Type C,** subject to subsections (1), (2), (3), (5), (10), (12), (14), (15),(16), (17),(30), (32), (44), (51) and (52).

ADD: (page 28)

- (6) **Recreational facility Type A, Recreational facility Type B, both** subject to subsections (1), (2), (3), (5), (10),(12), (13), (14), (15), (17), (32), (44) and (52).
- (7) **Recreational facility, Type D,** subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52).

SECTION FOUR, TITLE III (D) Conditionally Permitted (page 30)

R-3 Mobile Home Park District..... CONDITIONALLY PERMITTED: (Page 30)

ADD: (page 30)

- (3) **Recreational facility Type A, Recreational facility Type B, both** subject to subsections (1), (2), (3), (5), (10),(12), (13), (14), (15), (17), (32), (44) and (52).
- (4) **Recreational facility, Type C,** subject to subsections (1), (2), (3), (5), (10), (12), (14), (15),(16), (17),(30), (32), (44), (51) and (52).

- (5) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52).

COMMERCIAL BUSINESS DISTRICT (B-1)

SECTION FIVE, TITLE I (C)..... Conditionally Permitted (page 34)

MODIFY:

- (3) Recreational facility, Type C, subject to subsections (1), (2), (3), (5), (10), (12), (14), (15),(16), (17),(30), (32), (44), (51) and (52).

ADD:

- (7) Recreational facility Type A, Recreational facility Type B, both subject to subsections (1), (2), (3), (5), (10),(12), (13), (14), (15), (17), (32), (44) and (52).
- (8) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52).

COMMERCIAL BUSINESS DISTRICT (B-2)

SECTION FIVE, TITLE II (B)..... PERMITTED USE (page 35-36)

ADD:

- (19) Recreational facility Type A, Recreational facility Type B, Recreational facility Type C.

SECTION FIVE, TITLE II (B)Conditionally Permitted (page 36)

MODIFY:

- (3) Recreational facility, Type C, subject to subsections (1), (2), (3), (5), (10), (12), (14), (15),(16), (17),(30), (32), (44), (51) and (52).

ADD:

- (19) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15),(16), (17), (32), (44), and (52).

INDUSTRIAL DISTRICT (I-1) RESTRICTED INDUSTRIAL DISTRICT (page 39)

SECTION SIX, Title I, (B).....Permitted Use (page 40)

ADD:

- (7) Recreational facility Type A, Recreational facility Type B, Recreational facility Type C.

SECTION SIX, Title I, (C) - 1 RESTRICTED INDUSTRIAL (1-1).....Conditionally Permitted (page 40)

MODIFY:

- (4) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52).

ADD:

- (7) Recreational facility, Type E, subject to subsections (2), (3), (5), (6), (10), (12), (13), (15), (16), (17), (32), (44), (51), (52), and (53).

SECTION SIX, Title II (C) GENERAL INDUSTRIAL (1-2).....Conditionally Permitted (page 43)

MODIFY:

- (4) Recreational facility, Type D, subject to subsections (1), (2), (3), (5), (10), (12), (13), (14), (15), (16), (17), (32), (44) and (52).

ADD:

- (12) Recreational facility, Type E, subject to subsections (2), (3), (5), (6), (10), (12), (13), (15), (16), (17), (32), (44), (51), (52), and (53).

RECREATIONAL VEHICLES: (page 14 – definitions)

The Commission discussed and determined the following definition:

MODIFY: (page 13 –definitions)

MOTOR VEHICLE: means any vehicle, including mobile homes and recreational vehicles, that are 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 within this section, used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery,& farm machinery.

MODIFY: (page 14 – definitions)

RECREATIONAL VEHICLE: *see Motor Vehicle, Utility Vehicle and/or All Purpose Vehicle*

ADD:

UTILITY VEHICLE: 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: 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, but not limited to, all-terrain vehicles, all-season vehicles, snowmobiles, mini-bikes, dirt bikes, 4-wheelers, 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 discussed and concluded they would take no action at this time and review at a later date when more information was available.

DUST CONTROL ON MINING ACCESS ROADS Mr. Murphy checked with ODNR for a basis to determine what the Township can legislate. He was advised, the Township could legislate to control the problem and the Commission decided to confer with Attorney Hall for the correct language.

"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. (no action was taken during the 5/18/2010 meeting)

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. It was noted ORC has replaced “morals” with “general welfare”.

CLUSTER OR LOW IMPACT HOUSING: The Commission discussed the Cluster or Low Impact Housing at the 5/18/10 meeting. It was decided that the commission would take no action at this time, but would review the issue at a later date when it is better defined.

OTHER BUSINESS:

Ms. Zaleski called for a motion to submit all changes to Regional Planning for their recommendations. BJ Murphy moved the motion and Ron Morrow seconded.

Ms. Zaleski asked to set the next meeting which will be a hearing. It was agreed to set the hearing for Thursday, June 17, 2010 at 7:00 p.m.

Nick Botean made a motion to adjourn the meeting. Seconded by BJ Murphy. Meeting was adjourned at 8:00 p.m.

Minutes read and approved:

Ron Morrow

(date)

Scott Brown

(date)

Nick Botean

(date)

Robert J. Murphy

(date)

Linda Zaleski

(date)