

RECORD OF PROCEEDINGS

Minutes of

**Danbury Township Board of Trustees Special
Public Hearing ZC-2016-029**

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

April 27, 2016

Held

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The special meeting of the Danbury Township Board of Trustees held at the Danbury Township Hall building on April 27, 2016, was called to order at 6:15 p.m. by President Charles B. Scott; the pledge of allegiance was recited, with Mr. Scott, Ms. Dianne M. Rozak, and Mr. David M. Hirt in attendance. Also present Fiscal Officer Shelley Seamon and Zoning & Planning Administrator Kathryn Dale.

Visitors in attendance were John Paul Dress and Sherry Roberts.

Trustee Charles Scott stated that the purpose of the special meeting was to hold a public hearing for multiple text amendments to Chapters 2,3,4,5, & 6 of the Zoning Resolution for Danbury Township. Case #ZC-2016-029.

Zoning & Planning Administrator Kathryn Dale provided a summary of each of the changes listed below.

Article 2, Definitions specifically Section 2.2

- #1 Accessory Structures – Eliminate decks, signs, & billboards.
- #15 Automotive Sales & Service - To include Marine Sales & Service.
- #40 Commercial Amusement Enterprise – Expand definition.
- #80 Helipad/Heliport (New)
- #82 Home Occupation – Expand definition & relocate requirements to Chapter 4.
- #83 Hospital – Expand definition.
- #92 Limited Home Base Business (New)
- #106 Marina – Expand definition.
- #117 Nursery School – Cross reference to #35 “Child Day Care Center”.
- #133 Recreational Facility – Expand definition; eliminate old #134 & #135 defining Commercial & Private Recreational Facility.
- #158 Temporary Building/Structure/Use – Eliminate specific uses listed.

Article 3 Zoning Districts - Expanded “Permitted & Conditional Uses” for each zoning district and moved some “Conditional Uses” to “Permitted Uses”, and Section 3.5.12 moved the “Temporary Use” language, including mobile vending to Chapter 4 under New 4.21 Temporary Uses.

Article 4 Standard Uses - Clarify how the article is used and created all new sections for uses that were listed as Conditional Uses, but never had any specific standards or requirements listed. Due to the creation of standards, some uses are also now “Permitted” provided the additional standards are met.

Article 5 Site Standards, Section 5.8 Swimming Pools. Language was modified so that swimming pools have the same setback standards as accessory uses.

Article 6 Section 6.1.2.G. - Erroneous reference eliminated and Section 6.2 unnecessary language explaining what a Conditional Use is eliminated.

Mrs. Dale shared that the Ottawa County Regional Planning Commission (OCRPC) met on March 15, 2016 to consider the text amendments and indicated the OCRPC voted unanimously to recommend approval as presented.

Mrs. Dale reported that the Danbury Township Zoning Commission (DZC) met on April 6, 2016 to consider the text amendments and voted to unanimously to recommend approval of the text amendments with grammatical corrections.

Mrs. Dale spoke briefly about how discussion of the “Recreational Facility” definition came about, which was due to some concern over a motocross user on a piece of property along State Route 163 discussed in September of 2015.

Mrs. Dale acknowledged that Ottawa County Prosecutor Mark Mulligan had reviewed the proposed text amendments and shared that Mr. Mulligan did not have any suggestions or comments.

Ms. Rozak commented that she appreciated all of work that went into this and she knows these changes did not happen at one meeting.

John Paul Dress President of the DZC commented that Mrs. Dale did a tremendous amount of work on the text amendments.

Mr. Scott shared that Mark Messa the Director of the OCRPC was going to take sections of the text amendments and recommend them to other Township's that have zoning and stated especially the P.O.D. section. Mr. Scott indicated that the OCRPC was very complementary of the text amendments.

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Mr. Scott opened the floor for public input, whereas there was none, Ms. Rozak moved and Mr. Scott seconded the motion to approve the multiple text amendments as presented in Resolution No. 05-2016. The vote was unanimous and motion carried. (Listed below is a copy of Resolution No. 05-2016).

Resolution No. 05-2016

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in special session at 6:15 p.m., on April 27, 2016, at the Danbury Township Building, 5972 E. Port Clinton Road, Marblehead Ohio 43440, with the following members present:

Ms. Dianne Rozak; Mr. Charles Scott; Mr. David Hirt

Ms. Rozak introduced the following resolution and moved its adoption:

**RESOLUTION NO. 05- 2016
A RESOLUTION ADOPTING
MULTIPLE TEXT AMENDMENTS
TO THE DANBURY TOWNSHIP ZONING RESOLUTION**

WHEREAS, on March 2, 2016 the Danbury Township Zoning Commission, in accordance with Ohio Revised Code section 519.12(A)(1) initiated, by motion, the following amendments to the Danbury Township Zoning Resolution:

- Article 2, Definitions, specifically Section 2.2:
 - # 1 Accessory Structures – Eliminate decks, signs & billboards;
 - #15 Automotive Sales & Service – To include Marine Sales & Service
 - #40 Commercial Amusement Enterprise – Expand definition
 - New #80 Helipad/ Heliport
 - #82 Home Occupation - Expand definition & relocate requirements to Chapter 4
 - #83 Hospital - Expand definition
 - New #92 Limited Home Based Business
 - #106 Marina – Expand definition
 - #117 Nursery School – Cross reference to #35 “Child Day Care Center”
 - #133 Recreational Facility – Expand Definition, eliminating old #134 & #135 defining Commercial & Private Recreational Facility
 - #158 Temporary Building/Structure/Use – Eliminate specific uses listed.
- Article 3, Zoning Districts – Expand “Permitted & Conditional Uses” for each district. Moving some “Conditional Uses” to “Permitted”.
 - Section 3.5.12 - Move “Temporary Use” language, including mobile vending to Chapter 4 under New 4.21 Temporary Uses.
- Article 4, Use Standards – Clarify how the Article is used. Create all new sections for uses that were listed as Conditional Uses, but never had any specific standards or requirements listed. With the creation of standards, some uses are also now “Permitted” provided these additional standards are met.
- Article 5, Site Standards, Section 5.8 Swimming Pools – Modify language for swimming pools to have same setback standards as accessory uses.
- Article 6, Section 6.1.2.G – Eliminate erroneous reference and Section 6.2 – Eliminate unnecessary language explaining what a Conditional Use is.

WHEREAS, said text amendments were forwarded to the Ottawa County Regional Planning Commission (OCRPC) March 7, 2016 and considered by the Ottawa County Regional Planning Commission (OCRPC) on March 15, 2016 where the Commission recommended unanimous approval of said text amendments as presented; and

WHEREAS, the Danbury Township Zoning Commission held a public hearing on April 6, 2016 and by motion and vote, the Zoning Commission unanimously recommended approval of said text amendments with grammatical corrections; and

WHEREAS, the Board of Trustees held a public hearing on April 27, 2016 and, at the conclusion of the public hearing, voted to accept the recommendation of the Zoning Commission as set out in Exhibit A as attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Danbury Township, Ottawa County, Ohio:

- 1) The Board finds that:
 - a. The proposed amendment will improve the public health, safety, or general welfare of Danbury Township; and
 - b. The proposed amendment will clarify the intent of the Resolution.

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- c. The proposed amendment will better implement the intent of the Resolution.
 - d. The proposed amendment will improve enforcement of the Resolution.
- 2) The Board does hereby adopt the amendment to the Danbury Township Zoning Resolution attached hereto as Exhibit A; and
 - 3) That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and
 - 4) That this Resolution shall be effective at the earliest date allowed by law.

Mr. Scott seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rozak-yes; Mr. Scott-yes; Mr. Hirt-yes.

ADOPTED this 27th day of April, 2016.

There being no further business before the Board, Mr. Scott moved and Mr. Hirt seconded the motion to adjourn at 6:31 p.m. The vote was unanimous and motion carried.



Fiscal Officer



Danbury Township Board of Trustees

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