

RECORD OF PROCEEDINGS

Minutes of

Danbury Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 2, 2018

The Danbury Township Zoning Commission was called to order at 6:30 p.m. at the Danbury Township Meeting Room by Chair, Jodi Kopanski. The pledge of allegiance was recited and the roll call showed the following present: Ms. Jodi Kopanski, Mr. Richard Kracer, Mr. Michael Brown, Mr. Robert Strauss, Mr. Vito Kaminskas and Alternate Jack McGrew. Also present were Kathryn Dale, Zoning and Planning Administrator and Cheryl Harmsen, Zoning Assistant. No Visitors were present.

**Approval of the April 4, 2018 Minutes**

Mr. Kracer made a motion to approve the minutes for the April 4, 2018 meeting. Mr. Strauss seconded the motion. All Ayes. The motion carried.

**Public Hearing**

The Chair reviewed the procedures for the meeting and announced the application is for a Text Amendment. This Commission is a recommending body to the Board of Trustees. Staff will review what hearings have taken place regarding the application, but essentially this is the 2<sup>nd</sup> hearing of a 3-hearing process. Following our hearing this evening, our recommendations will be forwarded onto the Township Board of Trustees at their next regular meeting. Upon receipt of our action, the Trustees will establish at that meeting when they will schedule a public hearing on this application. All notifications for these hearings are published in the Port Clinton News Herald 10 days prior to the hearing. Final action to approve or deny is made by the Board of Trustees.

The Chair asked Mrs. Harmsen to introduce the first case of the evening.

**Public Hearing  
ZC-2018-045  
Text Amendment**

**Request for a Text Amendment Article 7, Section 7.5.3 & Section 7.8.1.B Establish term limits for the elected positions of the Zoning Commission and Board of Zoning Appeals. Section 7.5.4 & Section 7.8.1.C Tie vote on an application under consideration shall be placed on the next agenda. Article 7, Section 7.6 General simplification, clarification and number restructuring to refer to ORC 519.12 regarding the Zoning Commission amendment process and notification requirements. Article 7, NEW Section 7.6.3.B – Optional language consideration dependent on the outcome of HB 500 by time the zoning resolution is codified at the end of 2018. Language is in regards to whether State statute requires applications to be forwarded to Regional Planning for a recommendation as a mandatory requirement or optionally. Danbury Township, Applicant.**

No members had conflict of interest or abstained.

Mr. Strauss made a motion to open the public hearing and Mr. Kracer seconded. All were in favor and the motion carried.

The Chair asked Ms. Dale the Zoning Administrator, to give the Commission an overview of this application. Ms. Dale explained this came about with the reviewing of the Bylaws for both the Board & Commission. The Board of Zoning Appeals agreed they wanted to establish term limits for Chair, Vice-Chair and Secretary. Zoning Commission already has term limits. We're putting term limits in the code so everyone understands term limits now exist for both boards. Also, the Bylaws explain what should happen in a tie vote situation. The zoning code states if you didn't receive a majority vote, the item fails. If it ended in a tie vote, that's not a majority, the item technically fails. This language is being modified, in the case of a tie vote, the item would be placed on the next agenda to allow a full board to consider the decision. The other language is to simplify repeating everything that the ORC already states, specifically about notifications. That is something staff handles on behalf of the applicant, therefore the property owners do not have to be concerned with it. It's a State statute requirement. Recommendation from legal counsel is for our Commission not to be repeating ORC language since the ORC does change. Our zoning code needs to explain the process for a Text and Map Amendment and that is why we are addressing that paragraph.

House Bill 500, currently under consideration would make Map or Text Amendment applications being forwarded to OCRPC optional instead of mandatory. Right now the State Statute says Text and Map Amendments have to be forwarded to Regional Planning for their review, this Commission then has to consider their recommendation at your hearing. House Bill 500 states the Commission 'may' instead of 'shall', making the Regional Planning review optional. Since we last met, there is the Ohio Township Association who looks out for the welfare of Township Government but there is also a County Commissioners Organization in the State of Ohio. Once the County received information on this Bill being considered, they are going to the State level and are recommending this not be adopted. There has been a lot of testimony in Columbus related to this and what is now being considered is a modification where this Bill would be an option for Home Ruled Townships only. Danbury Township

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is not a Home Ruled Township, therefore this Bill would still make it mandatory for us to submit to the County for review. We have both options prepared in this text amendment, but will only codify the option that is adopted by the State. House Bill 500 is anticipated to be approved and adopted by Fall 2018. This text amendment would be codified and placed into our code in December or January. Regional Planning did meet on this and they had no objections to anything we were proposing with the understanding we only insert the correct paragraph at the end of the year. As a Township, we are only allowed to do what the State allows us to do. We can't make up our own laws like a city.

Ms. Dale reviewed this Commission previously held a work session regarding these matters. A recommendation was made for the Trustees to review and consider these changes. Now this is the official public hearing regarding these matters. This decision will next go to the Trustees for a final review and hearing. If they approve, it will become effective 30 days later.

Mr. Strauss asked for a review of the term limits. Ms. Dale answered the Zoning Commission term limit is 3-years. The Board of Zoning Appeals term limit is proposed for 2-years. All Board Members are appointed for a 5-year term, the idea is the positions should rotate and each member will have an opportunity to hold a position.

There was no one else present who wished to speak. Mr. Kaminskas made a motion to close the public comment segment of the hearing, seconded by Mr. Brown. All were in favor and the motion carried.

The Commission deliberated and considered the 5 Decision Criteria for this request.

Mr. Kaminskas made a motion to Approve case ZC-2018-045, as presented herein and found that Decision Criteria "iii" of Section 7.6.7.A. of the Danbury Zoning Resolution is satisfied, and furthermore that the benefits of said request outweighs any potential pitfalls presented this evening. Mr. Kracer seconded the motion.

The roll call vote was as follows: Mr. Brown – yes; Mr. Kracer – yes; Mr. Strauss – yes; Ms. Kopanski – yes; Mr. Kaminskas – yes. All in favor, the motion carried 5-0.

The Chair stated the Application has been recommended for APPROVAL. The final decision hearing will be before the Board of Trustees.

Old Business

There was none.

New Business

There was none.

Other Business

There were none.

Reports and Communications from Members and Staff

Ms. Dale stated training for both Zoning Commission and Board of Zoning Appeals is scheduled for May 30th at 6:00 pm. Ms. Dales gave an overview of the training.

Public Comments Regarding Zoning Items Not on the Agenda.

There was none.

Adjournment

The Chair asked for a motion to adjourn. Mr. Kracer moved to adjourn the meeting and Mr. Strauss seconded the motion. All Ayes. The motion carried.

The meeting was adjourned at 6:50 p.m.

RECORDING SECRETARY

Handwritten signatures of committee members over horizontal lines.

ZONING COMMISSION