



The Rootstown Township Zoning Commission met in regular session on Tuesday, May 5, 2015, at 7:00 p.m. at Rootstown Town Hall.

Present: Rob Swauger, Chair
George Tishma, Vice Chair
Theresa Summers
Roger Carpenter

Absent: Steve Brown
Stan Dannemiller

Also present:

Mark Tirpak, Zoning Inspector
Jordan Michael, Zoning Commission Secretary
Joe Paulus, Trustee

Audience: None

Vice Chair, George Tishma, called the meeting to order at 7:12 p.m. and asked everyone to stand to recite the Pledge of Allegiance.

George asked if everyone had read the minutes from the last meeting, and asked for any corrections. Hearing none, George asked for a motion to accept the minutes. Theresa Summers made a motion to accept the minutes from the last meeting. Roger Carpenter seconded the motion. The motion was passed 3-0. Chair Rob Swauger arrived after the vote was taken. Trustee Joe Paulus asked if everyone read his response to the minutes. He said to make sure to verbalize the changes when making a motion, so that it is documented in the minutes. Secretary Jordan Michael said there were two separate votes on some amendments, because whoever made the motion forgot to include sending it to Regional Planning and the prosecutor. Rob said it's the exception, not the rule.

Joe asked where the NEOMed rezoning amendment is. Rob said it's at Regional Planning and the prosecutor's office. Joe said he has the correct legal description from the recorder's office. Zoning Inspector Mark Tirpak said there needs to be a new legal description. Joe pointed out which properties are being rezoned and said it's just being done for the JEDD. Roger said they just wanted to make sure it's right the first time. Joe said he's not worried about rezoning anything in V-C because that will be included in the JEDD district. Mark

asked why we have to send amendments to Regional Planning if we didn't join. Rob said it's required by law unless you're an incorporated entity.

George asked if the amendment for parking and storage of recreational vehicles is law now. Jordan said the trustees voted yes, and it takes effect 30 days after that. Theresa and Roger asked how that gets added to the zoning book. Joe said it needs to be put in, and then the trustees will give everyone a new page. He's waiting for the definitions to be added in order to update everything all at once. Jordan said he found an amendment that was approved in 2012 but never added to the book. Joe said to send it to him. Rob said some things the commission did last year have fallen through the cracks. Joe said they never came back from Regional Planning. Mark said if you don't follow the right timeline, you have to start all over again. Roger asked how these get sent to the trustees. Joe said the Zoning Commission approves amendments as a recommendation to the trustees. George and Roger said they're sure they had a public hearing on the definitions. Theresa said she thinks they sent it back to Regional Planning afterward to fix grammar. Joe said let's go through it again. Theresa said they sent something to the trustees on February 3rd. Rob said that was the trailer and RVs.

Jordan handed out Chris Meduri's input on the zoning amendments. Mark said as a reminder that there was more than just definitions in the packet. George said they can't send these to the trustees because Chris suggested changes. Jordan said they can change it at the public hearing. Joe said they can also propose the change now and approve it at the public hearing. George said something needs to be done about getting a quicker response from Chris and from Regional Planning. Rob asked if Regional Planning sent anything back on these amendments. Jordan said the definition packet was from Regional Planning originally. Mark said Regional Planning reviewed the packet as a whole whereas Chris reviewed each amendment individually. George asked how soon they can have a public meeting. Roger said they can have it next month. Mark said he thinks it has to be a regularly scheduled meeting. Theresa asked if they should go through the amendments, make any changes, and then make a motion for a public hearing. Joe said yes. Rob said they will go over the definitions one at a time.

On item #76, Chris Meduri suggested a change to the definition for garage sales, to clarify a reference to sellers not being required to obtain licenses or collect sales tax by stating:

"in which "block sales" are allowed, and are not sales that would otherwise require the issuance of licenses from any public authority, nor sales in which any type of sales tax is required."

Roger said it sounds like it's saying the same thing. George said it's nailing it down that you don't have to collect taxes if the sale doesn't require a license. Roger said the definition already states that sellers are not required to obtain a license or collect sales tax. Mark said some people may still get a license and therefore be required to collect sales tax. Someone may sell a new product from their garage. Rob asked for a motion to accept Chris Meduri's recommendation for the proposed amendment of Section 150.02. George made a motion to change the proposed definition from:

"GARAGE SALES: A garage sale, also known as a yard sale, rummage sale, tag sale, lawn sale, attic sale, moving sale, garbage sale, thrift sale or junk sale, is an informal,

irregularly scheduled event for the sale of used goods by private individuals, in which "block sales" are allowed so that sellers are not required to obtain business licenses or collect sales tax. Typically the goods in a garage sale are unwanted items from the household with the home owners conducting the sale."

to:

"GARAGE SALES: A garage sale, also known as a yard sale, rummage sale, tag sale, lawn sale, attic sale, moving sale, garbage sale, thrift sale or junk sale, is an informal, irregularly scheduled event for the sale of used goods by private individuals, **in which "block sales" are allowed, and are not sales that would otherwise require the issuance of licenses from any public authority, nor sales in which any type of sales tax is required.** Typically the goods in a garage sale are unwanted items from the household with the home owners conducting the sale."

Theresa seconded the motion. All were in favor and the motion passed 4-0. George asked Rob about the other highlighted areas in the definition packet. Joe said those are done unless Chris has anything to say about them.

Next review was Section 310.13 for reasonable accommodation. Roger asked where this recommendation came from. Jordan said it came from Regional Planning. Rob asked for a motion to accept Section 310.13. George asked what the prosecuting attorney says. Rob said he stated it's a federal law. Roger said it is all helpful and not hurtful, so he would make a motion. Joe said Chris Meduri may be saying something different from Regional Planning. Theresa made a motion to accept the changes to Section 310.13.1 as advised by Chris Meduri, regarding reasonable accommodation. Joe said that's just one section. Theresa amended her motion to accept the amendments from Chris Meduri on reasonable accommodation, Sections 310.13.1, 310.13.2, 310.13.3, 310.13.4 and 5, 310.13.4.A, 310.13.4.5, 310.13.6, and to omit divisions 7 and 8 of 310.13. George seconded the motion. All were in favor and the motion passed 4-0.

Rob asked Jordan if he had a review of Schedule 370.03 from Chris Meduri. Jordan said he took that one out because it was still at Regional Planning. Rob asked about 410.08, parking spaces for people with disabilities. Joe said Chris may not have responded if he had nothing to say about it. Rob read the proposed change: in the phrase "In accordance with the Americans with Disabilities Act (ADA) of 1990", to replace "of 1990" with "as amended". Rob asked for a motion to accept this recommendation. George made a motion to accept Regional Planning's recommendation on Section 410.08, parking spaces for people with disabilities. Roger seconded the motion. All were in favor and the motion passed 4-0.

Next review was Section 370.04. Rob asked for a motion for Section 370.04, to reverse Light Industrial and General Industrial specifications on lot sizes and widths, from Regional Planning's recommendations. Theresa made a motion to accept Regional Planning's recommendation on Schedule 370.04 regarding Light Industrial and General Industrial districts' requirements to be reversed. George seconded the motion. All were in favor and the motion passed 4-0.

Next review was Schedule 370.07. Regional Planning recommends Light Industrial setback from street right of way to be 20 feet, General Industrial to be 80 feet. Rob asked for a

motion to accept this recommendation. Theresa made a motion to accept Regional Planning's recommendation on Schedule 370.07 A for Light Industrial and General Industrial setback from street requirements. George seconded the motion. All were in favor and the motion passed 4-0.

Mark asked about changes to 390.06 W, regarding two-family dwellings. He asked what a non-single-family district is and why that term is included. Joe said it would be a two-family or multi-family residential district. Jordan said it may include R-O too. Mark said all they wanted was to eliminate the 300-foot rule and allow dwellings to be rebuilt. Jordan checked the original proposal and said it matches with what Regional Planning sent back. The only difference was an issue with the numbering. Joe asked the commission if they wanted to take two-family dwellings out of single-family districts by not letting them rebuild. Rob said they don't want to screw anyone over. Theresa asked if they're going to extend the same thing to Sandy Lake or Muzzy Lake. Rob said he has contacted the corporations and is waiting to hear back. He asked for a motion to accept the commission's proposal on Section 390.06 W. Roger made a motion and George seconded. All were in favor and the motion passed 4-0. Joe said he wants to know what the proposal was. Roger amended his motion to include the following:

"4. Two-family units may be approved in locations where the proposed site is in a non-single-family residential district. Any existing non-conforming two-family dwellings may be rebuilt as originally built if destroyed by fire or natural disaster."

Jordan found the numbering error and said it was his mistake. Roger amended his motion again to change #4 to #1. Theresa seconded the motion. All were in favor and the motion passed 4-0.

Joe asked about the amendment to Section 660.03 D&E to increase the time limit for sending proposed amendments for review, from 5 to 10 business days. George made a motion to strike that proposal because it's not legal in the Ohio Revised Code. Roger seconded the motion. All were in favor and the motion passed 4-0.

Roger asked about amendment two in the definition packet, regarding zoning district boundaries and the ability to approve extensions of zoning districts. Joe said the zoning commission said no to that originally because the zoning inspector wouldn't have the authority to do that. It was an idea from Regional Planning. The commission agreed not to change this section, so no motion was heard.

Last to be reviewed was Section 230.06, increasing temporary mobile home use from six months to one year, and adding a six-month extension. Mark asked what Regional Planning said. Rob said they went along with the commission. Roger made a motion to amend 230.06 C 2a to say:

"Such mobile home may be used for a period not to exceed one (1) year in any area with one six (6) month extension."

Theresa seconded the motion. All were in favor and the motion passed 4-0.

Rob asked for a motion to schedule a public hearing. George made a motion to accept changes made to Section 150 definition 76, Sections 310.13, 410.08, 370.04, 370.07,

390.06, and 230.06 C 2a, and have a zoning commission public hearing at the next scheduled meeting, June 2nd. Roger seconded the motion. The vote went as follows: Theresa-yes, Roger-yes, George-yes, Rob-yes. The motion passed 4-0.

George asked about item 53 in the definitions. Mark explained that someone built a single-family home, added a second unit and is now selling it as two-family. Joe said to let the realtor know and the owner know that it's not a two-family home. Mark said the definitions kind of allow this. He read the definition for attached single-family dwelling. Joe asked if that is the same thing as a duplex. Mark said that is what it sounds like. Joe asked if there is anywhere in the resolution that allows it. Mark said no, but it means they recognize it. Roger asked why that definition is there. Joe said it's just a definition but it doesn't mean it is legal anywhere in the book. Mark found it in Section 320.04, which permits attached single-family in R-1 and R-2. Rob said the section also allows a maximum of four units to be attached. Roger said the problem is that it is contradicted everywhere else. George suggested getting rid of that as soon as possible.

Theresa asked about the zoning commission having more meetings. Mark said he asked Chris Meduri about visiting sites and was told they can go two at a time; three members together would make it a public meeting. Work sessions would be open to the public as well. Joe said they can go into executive session but only if they are meeting with Chris Meduri. The other purposes for executive session would not apply to the zoning commission.

Mark said people from Muzzy Lake will be here next month because someone wants to build an addition there. Jordan said they'll go to the BZA meeting first. Roger asked how they pay property taxes there. Rob said the owner pays it, and the homeowners pay dues. Joe said in Marsh Creek there are multiple houses on a lot but everyone pays property tax.

Rob asked if another meeting is needed. All members agreed. Mark suggested if they're going to do something about carports, to drive around and visit and see what the carports are. Joe said there needs to be a notice in the paper ten days in advance. Rob confirmed a special meeting for the zoning commission on Wednesday, May 20th at 7:00 p.m.

Rob asked for a motion to adjourn. George made the motion to adjourn. Theresa seconded. The meeting was adjourned at 9:16 p.m.

Rob Swauger, Chair
Rootstown Township Zoning Commission