

The Rootstown Township Zoning Commission met in a special meeting on Wednesday, May 20, 2015, at 7:00 p.m. at Rootstown Town Hall.

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

Absent: Steve Brown

Also present:  
Jordan Michael, Zoning Commission Secretary

Audience: Vera Hamrick

Chair, Rob Swauger, called the meeting to order at 7:05 p.m. and asked everyone to stand to recite the Pledge of Allegiance.

Rob asked if everyone had read the minutes from the last meeting. Secretary Jordan Michael said he made a correction prior to the meeting due to an incorrect section number. Rob asked for a motion to accept the minutes. Roger Carpenter made a motion to accept the minutes from the last meeting. Vice Chair George Tishma seconded the motion. All ayes were heard and the motion was passed 4-0. Stan Dannemiller arrived after the vote was taken.

Rob asked if anything has come back from Regional Planning. Jordan said no. Moving on to old business, Rob said they didn't come up with a definition for shipping and storage containers. Roger said they did that already and sent it to Regional Planning. Rob asked if anyone looked into what districts, if any, they want to allow those containers. Roger said he's heard about radiation in these containers and asked if they are being regulated. Rob said maybe the Department of Transportation or the Port Authority. George said he doesn't want to put more rules in the book than necessary if another agency is handling them. Roger said he looked at the Ohio Revised Code and could not find anything. Rob said they probably are not governed once they're out of service. He added that he doesn't think they should be allowed anywhere, because they are an accessory building and he would rather see a traditional accessory building. He is also concerned about fertilizer and diesel fuel being stored inside them. George agreed. Roger said he doesn't have an issue with the containers themselves except that they could be radioactive. Rob said people can always go before the Zoning Board of Appeals.

Roger said that, according to Joe Paulus, having the definition in the book doesn't mean anything. The zoning inspector would not know what to say if someone asks to have a shipping container. Rob said that's our job. Theresa Summers said we were having a hard time determining where in the book to address shipping containers. George said there has to be a time limit so that factories can receive and unload any containers. Stan added that stores might also have shipping containers to unload. Rob also mentioned Pods, a company that provides these containers. He asked if there should be a separate classification for rental storage containers. Roger said shipping containers and Pods are very different. Stan suggested a 30-day time limit. Roger asked if these can be rented for longer than 30 days. Audience member Vera Hamrick said there has been one on Siefer Drive for four years.

Hearing no other discussion, Rob asked for a motion. Theresa asked where they're going to put it in the zoning book. Rob said it would have to go in every district. Stan asked if it could be added to Section 230 as a nuisance. Jordan suggested Section 230.06 C, Temporary Facilities. Everyone agreed on Section 230.06 C. Rob asked again for a motion. Stan made a motion to amend Section 230.06 C by adding shipping containers as #3 and that they be allowed for a limited time of 30 days in all districts. Rob said he doesn't think that would include Pods. Theresa asked if Pods should be included in the motion. Rob suggested the term "rental", since Pods is a proprietary name. George asked if the definition should be added to the motion. Rob said the definition says "shipping" and not "storage". Stan suggested that he add storage container to his motion. He amended his motion to say "shipping container/storage container". George seconded the motion. Stan amended his motion again to add the following to Section 230.06C:

**"3. Shipping containers/storage containers shall not be allowed for a period of time longer than thirty days in all districts."**

George seconded the motion again. The vote went as follows: Stan-aye, Theresa-aye, Roger-aye, George-aye, and Rob-aye. The motion passed 5-0. Roger asked if the motion should be sent to the county. Rob said they will make a motion at the end to send everything together. Roger said the shipping container definition should be changed when it comes back, to include storage containers.

Rob asked everyone for a definition of multi-family. It could be a duplex, an apartment building, a dorm, but not a mother-in-law suite because that's the same family. Roger said multi-family is basically a rental. George said not necessarily. Stan asked what if three or four generations are living together. Roger said multifamily is defined in the Ohio Revised Code as "multiple-unit housing intended for rental occupancy". Theresa asked what happens if they aren't renting the unit. Rob asked what if you buy your own townhome or house within the larger structure. Roger said there are probably 100 families in the township living as multi-family that we don't know about.

Rob said a brownstone might have multiple families living above a commercial business. Roger asked if that would be built in a residential area. Rob said no. Stan said there is already a definition for multi-family dwelling. Roger said he thinks they want a definition just for "multi-family". Theresa said Section 320.04 had been pointed out previously. Roger said the schedule may need to be revisited or changed entirely. Theresa agreed. It allows multi-family dwellings in all residential districts which conflicts with where two-family dwellings are allowed. Rob said Section 320 is for planned residential developments, which are unique. The only place where a multi-family dwelling is permitted is R-3. Two-family dwelling is only a conditional use. Roger questioned if anything needs to be done. Rob said we're just looking for the definition. Theresa said the issue was knowing the difference between two-family and multi-family. Two-family dwellings are conditionally permitted in R-O and R-V. George said they tried in the past to not allow two-family dwellings within 300 feet of a single-family dwelling, but the trustees turned it down.

Rob said if a definition is established in the Ohio Revised Code, they won't need to do anything. Stan said they have a definition for multi-family rental housing: multiple unit housing intended for rental occupancy. Jordan said it specifies multi-family as greater than two families. Roger asked again why a definition was needed. Rob said because the zoning inspector requested it. Jordan said he and Mark are having issue with the overlap between existing definitions, and that they don't know how to address a mother-in-law suite. Is it considered single-family or two-family? Stan said

to refer to the definition for 'family'. He advised not to overinterpret what is already on the pages. Rob said he thinks the definition for 'attached single-family' also applies. Stan said it can be rented as long as the renter is a family member. Roger asked how that could possibly be enforced. Rob suggested to table this discussion until the zoning inspector is here to give input.

Next item of discussion was carports. Theresa said she has driven around and cannot see them. George said to go on I-76 and look to the right. Theresa said she did find an ad in the paper advertising carports, how windproof and sturdy they are. Rob said when they sell these, they say you don't need a zoning permit. Mark (the zoning inspector) visited a dealer and some of the ones for sale had blown over. They need architectural drawings with wind load and snow load to get a building permit from the county. Theresa asked if something was needed to address these in the book. Rob said if it is addressed for commercial districts/uses, to specify that it needs to meet building department codes. Stan asked why that would not apply to all districts.

Audience member Vera Hamrick said twenty years ago this was just as much a problem as it is now, and we didn't have RVs back then. It took a lot of time and a lot of talking, and that's why the township had people from Cleveland come and write our plan. Rob thanked her for her input and for attending.

Rob said a definition for carports was needed. Jordan said it's in the definition packet. Roger said you can add walls and a garage door and make it a garage. His neighbor has had one for twelve years and it hasn't gone anywhere, but he just got another one and put it five feet from the house. George said a carport, in his mind, just has poles and a metal roof. Rob said people are bringing them in and adding these things to them. George said they should not be allowed. Roger said he does not want to add three definitions and change four different sections just to address this. George said they had advice from Todd Peetz on this, but it was a long time ago. Roger said his neighbor is using it as an accessory building and the other one has chickens, but he doesn't have a problem with it. Rob said there are people who would complain. He said he would like to table this as well so they can further investigate this.

Roger asked Jordan to print the new zoning book pages for everyone so they can be double-sided. Jordan handed out a packet of amendments to be voted on at the public hearing June 2nd. Rob asked for a motion to send tonight's proposed amendment to Regional Planning and the prosecutor. Stan made a motion to send Regional Planning and the prosecutor their request for a change to Section 230.06 C.3, for their rapid turnaround. George seconded the motion. All were in favor and the motion passed 5-0.

Theresa asked if people from Muzzy Lake will be at the next meeting. Jordan said no, they will be on the ZBA's agenda in June. Theresa said they may show up in July if they are denied by the ZBA.

George made a motion to adjourn the meeting. Rob seconded. All ayes were heard and the meeting was adjourned at 8:44 p.m.

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Rob Swauger, Chair

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