

**KINGSTON TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

APPROVED: October 21, 2009

DATE: September 16, 2009
LOCATION: Kingston Township Hall
TIME CALLED TO ORDER: 7:00 PM by Chairman Harsany

MEMBERS PRESENT:	(CHECK ONE)		
BURRELL	YES	NO	X
GROVE	YES	NO	X
STEINHOFF	YES X	NO	
HARSANY	YES X	NO	
DEAVERS	YES	NO	X
FILBERT	YES X	NO	
TALBOTT	YES X	NO	
STITES	YES	NO	X

PUBLIC INPUT/COMMENT: None, no public present

APPROVAL OF MINUTES:

Alternate Filbert (voting status during meeting) made a motion to approve the August 19, 2009 Meeting Minutes. The motion was seconded by Member Steinhoff, and was unanimously approved.

OLD BUSINESS:

The Zoning Resolution Text Amendment process continued with the Zoning Commission electing to review text changes made to date in lieu of Executive Director Scott Sanders attending the meeting. Prior to the meeting, Members had been provided a copy via e-mail attachment of all Zoning Resolution text amendments that had been revised by Sanders after previous meetings, and were asked to review the information and be prepared to discuss it. The revised text was for Articles I through III, Article VI, and Articles XX through XXVIII *referenced as Item 1*. To efficiently analyze the information to insure that it was accurate and consistent with the decisions of the Zoning Commission, copies of approved Meeting Minutes were distributed; April 2009 to Chairman Harsany, May to Alternate Filbert, June to Member Steinhoff, July to Zoning Inspector Talbott and August to Zoning Secretary Stites. Each member was asked to compare the revised text language with the decisions and information in the minutes, and then report any discrepancies or topics that might require further discussion. A period of thirty minutes was allotted for the task.

The following items were discussed by Chairman Harsany after reviewing Article VI—Application of Resolution:

- Need to add a definition for Platted Subdivision in Article IV-Definitions.
- Executive Director Sanders did change all references in Article VI from “Kingston Township” to “Township”. Sanders had been asked to make this change throughout the entire zoning resolution.

- A maintenance clause needs to be added to 6.04 C-4-Development Standards for all Telecommunications Towers in Residential Districts similar to the definition found in 6.05 A-3-General Requirements.
- Title 6.04 C-4 subsection “c” as Clear Fall Zone and include the text in “c” along with “i”, “ii” and “iii”. The remainder of the text that follows should be titled as Ancillary Requirements and renumbered.
- Members would like Executive Director Sanders to explain the difference between 6.04 A and B at the October Zoning Commission Meeting—language appears to be a contradiction.
- 6.04 C-1 b is missing number “vii”—subsection needs to be renumbered.

The following items were discussed by Alternate Filbert (voting member status during the meeting) after reviewing Article XXV--Board of Zoning Appeal and Article XXVI--Amendments:

- Text in 25.09 should read—The Township may at its discretion employ a stenographer to appear at any BZA hearing and provide an official hearing transcript. If no stenographer is present, the notes of the Zoning Secretary of the Board of Zoning Appeals shall serve as the sole transcript of such hearing. Copies of the official hearing transcript may be obtained by the applicant or other interested parties from the Zoning Office according to the township fee schedule. If the applicant desires to have a stenographer present and the decision has been made by the Township not to employ a stenographer, then the stenographer fee shall be paid by the applicant with a copy of the transcript provided by the applicant to the Township at no cost.
- Text in 26.03 should read—The Township may at its discretion employ a stenographer to appear at any Zoning Commission hearing and provide an official hearing transcript. If no stenographer is present, the notes of the Zoning Secretary for the Zoning Commission or Fiscal Officer for the Board of Trustees shall serve as the sole transcript of such hearing. Copies of the official hearing transcript may be obtained by the applicant or other interested parties from the Zoning Office according to the township fee schedule. If the applicant desires to have a stenographer present and the decision has been made by the township not to employ a stenographer, then the stenographer fee shall be paid by the applicant with a copy of the transcript provided by the applicant to the township at no cost.

The following items were discussed by Member Steinhoff after reviewing Article XX—General Development Standards:

- 20.01 B contains a conflict. Two inches of asphalt and six inches of concrete are not equal structurally. This conflict should be resolved by Executive Director Sanders.
- 20.01 F-Handicapped Parking should be changed to G.
- 20.05 C-Water Impoundments delete the word “year-round”.
- 20.07-Drainage delete the wording “Delaware County Urban Sediment Pollution and Water Run Off Control Regulations” and replace with the appropriate document used by Delaware County to regulate drainage.
- 20.08 A implies that the Township requires the County Building Department to maintain the listed records. Perhaps the word “shall” should be deleted and change “maintain” to “maintains” so the point is more informational in nature.

- Regarding 20.08-Flood Plain Restrictions, Members would like Executive Director Sanders to define the Township’s authority to implement protective overlays on natural resources in any area governed by flood plain regulations?

The following items were discussed by Zoning Inspector Talbott after reviewing additional sections of Article XX--General Development Standards:

- Zoning Inspector Talbott felt that Executive Director Sanders did a good job with new Section 20.13-Model Homes.
- In the first sentence of 20.13 C, change “as directed by The Board of Zoning Appeals” to “during the preliminary development plan approval process”.
- In 20.13 G, change “by the Board of Zoning Appeals” to “during the preliminary development plan approval process”.
- Add model home sign size language consistent with 20.13 G to Article XXI-Sign and Billboard Regulation.
- In 20.02 A-1, change “Zoning Inspector” to “Township Fiscal Officer”.
- It should be noted that existing Section 20.03-Structure Separation has been moved to the commercial district articles as it was being misinterpreted regarding homes lots in planned residential developments.
- Executive Director Sanders should be prepared to discuss Sections 20.11-Lighting Regulations, 20.12-Fencing and 20.15-Minimum Landscaping Requirements at the October Zoning Commission Meeting. Members still have questions that must be addressed before text approval can be given.

The following items were discussed by Zoning Secretary Stites after reviewing additional sections of Article XXI--Sign and Billboard Regulation:

- There are currently two Section 21.02’s—Permits should remain 21.02 and Permanent Street Address Signs should become 21.03 with the rest of the Sections in Article XXI renumbered.
- In the new Section 21.03-Permanent Street Address Signs, there are two subsection B’s. Change the second B to C and re-letter the rest of the section.

In addition to the items listed above, the following items need attention:

- Discuss the Preamble.
- Need to define Permanent and Seasonal Pools in Article IV-Definitions.
- Need to discuss and make a decision regarding the incorporation of the driveway safety marking system into Article XXI requested by the Porter-Kingston Fire District.
- Need further discussion regarding proposed Outdoor Lighting Standards as it relates to Section 20.11-Lighting Regulations. Previously, text language prepared by former Kingston Zoning Inspector LaValle and standards from the Village of Galena, Liberty Township and others was distributed to Members for consideration. It appears that outdoor security lights installed by the power company do not conform with the requirements proposed in 20.11.
- Need to incorporate language in Article XXI-Sign and Billboard Regulations allowing residents the opportunity to place licensed vehicles, trailers and equipment on their property adjacent to the roadway and to post a “for sale” sign in, on or immediately adjacent to the item. At any one time, no more than two items may be advertised for sale.

- Need to incorporate language governing Mother-In-Law Suites in all applicable zoning districts.
- Need to incorporate a definition for “hard surface” in Article IV-Definitions.

ZONING REPORT:

Zoning Inspector Talbott briefly reviewed items found in the August 2009 Zoning Report to the Trustees *referenced as Item 2*. He informed Members that two permits were issued during July including one agricultural exemption and a room addition, and advised them that he would be glad to answer any questions regarding any of the complaints or zoning violation issues listed in the report. He also reiterated that litigation continues regarding the Pastures at Blue Church project, and that the only issue remaining with the NorthStar Final Plan approval is a decision regarding who will be responsible for asbestos removal. He informed them that he would be meeting with the Delaware County Director of Environmental Services (Sanitary Engineer) Chad Antle at his request to discuss ways that his office might be able to assist Kingston Township with sanitary issues in the future.

MEDIA ARTICLES:

Members were provided a copy of an e-mail received from the Ohio Township Association regarding upcoming zoning seminars and *referenced as Item 3*. Each was encouraged to enroll in pertinent seminars and reminded that the cost of the seminar is reimbursable by the Township. Also distributed was an article entitled The Nine Circles of Planning Commission Hell, Planning Commissioners Journal #75, Summer 2009 *referenced as Item 4*, and a copy of a letter and completed survey from Kingston Township to the Delaware County Regional Planning Commission expressing opposition to a proposal that would have them develop a “Model Code” for Delaware Township *referenced as Item 5*.

NEW BUSINESS: None

FOLLOW UP ITEMS:

ADJOURNMENT:

Member Steinhoff made a motion for adjournment. The motion was seconded by Alternate Filbert (voting status during the meeting), and was unanimously approved.

TIME: 9:25 PM

SUMBITTED BY:

Recorded and submitted by Dave Stites, Zoning Secretary.