

**KINGSTON TOWNSHIP ZONING COMMISSION  
MEETING MINUTES**

**APPROVED: April 21, 2010**

**DATE:** March 17, 2010  
**LOCATION:** Kingston Township Hall  
**TIME CALLED TO ORDER:** 7:03 PM by Zoning Secretary Stites in the absence of an elected Chairperson or Vice-Chairperson. New Members Tom Filbert and John Fink were welcomed having been appointed by the Trustees on March 2, 2010.

<b>MEMBERS PRESENT:</b>	<b>(CHECK ONE)</b>		
<b>GROVE</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>STEINHOFF</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>FINK</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>DEAVERS</b>	<b>YES</b>		<b>NO X</b>
<b>FILBERT</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>TALBOTT</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>STITES</b>	<b>YES</b>	<b>X</b>	<b>NO</b>

**ELECTION OF OFFICERS:**

Zoning Secretary Stites opened nominations for election of the Chairperson position. Member Fink made a motion nominating Tom Filbert to serve in the position. The motion was seconded by Member Grove. With no further nominations, the motion was brought to a vote and Member Filbert was elected Chairperson unanimously. Chairperson Filbert then opened nominations for election of the Vice-chairperson. Chairperson Filbert made a motion nominating Bill Steinhoff to serve in the position. The motion was seconded by Member Fink. With no further nominations, the motion was brought to a vote and Member Steinhoff was elected Vice-Chairperson unanimously.

**PUBLIC INPUT/COMMENT:** None Present

**APPROVAL OF MINUTES:**

Chairperson Filbert asked members if they had any comments or corrections regarding the February 17, 2010 Meeting Minutes. Executive Director Sanders pointed out a discrepancy found on Page 2, last bullet point; indicating that the approved changes listed applied to Article 7, Section 7.06 rather than 7.05. After review, Members concurred with the discrepancy. Vice-Chair Steinhoff made a motion to approve the February 2, 2010 Meeting Minutes as amended. The motion was seconded by Member Filbert, and was approved with Members Grove and Fink abstaining.

**OLD BUSINESS:**

Delaware County Regional Planning Executive Director Scott Sanders was present to continue discussions regarding the Zoning Resolution Text Amendment process. To begin, Members took a final look at the issue of proposed changes (minor and major/substantial) to an approved development plan found in Article 8-Planned Residential Development, Section 8.02 "H-1" and

“H-2”. Discussion focused upon recent text amendments by Harlem Township where they implemented a two step process; specifically listing changes that would be considered substantial which would require approval through a rezoning process with all other changes being handled through an administrative approval process. Members compared that process to the existing language found in the Kingston Township Zoning Resolution which uses a similar, reversed process; detailing minor changes that qualify for approval by the Zoning Commission with all other changes being considered major that receive approval by a process similar to a rezoning. Members decided to retain the current format listed in the Kingston Zoning Resolution, and asked Executive Director to amend the text language as follows:

- Change “H-1-a.-i.” second sentence to “They do not result in an increase in the number of units over and above those in the approved plan.”
- Delete “H-1-a.-iv.”
- Add examples of significant plan alterations to “H-2”, Major Amendment including but not limited to:
  - Change in ingress/egress routes (access routes)
  - Change in the size and use of open space
  - Reduction of acreage within a planned development

The Zoning Staff were asked to develop a fee structure for minor and major changes and present to the Trustees for approval and inclusion in the Official Township Fees. The minor fee would be \$500 to cover administrative review costs and the major fee would be based on the acreage impacted by the proposed change or a minimum fee for all things requiring no adjustment in acreage.

Members then focused upon Article 7, Section 7.04 “M-Boarding Kennels”. Executive Director Sanders suggested that the subsection be removed from consideration for conditional approval as the matter is clouded within the Ohio Revised Code definition of Agriculture and authority to regulate is unclear. Members concurred with his recommendation and he was instructed to delete the subsection.

Attention turned to regulations regarding bed and breakfast operations. Zoning Secretary Stites provided a research document *referenced as Item 1* that outlines jurisdictional authority and operational requirements. Members were advised the following:

- The Delaware County General Health District has authority regarding food service license, potable water and on-site sanitary disposal matters.
- The Delaware County Convention & Visitors Bureau currently does not assess a bed tax against bed and breakfast operations.
- The Delaware County Code Compliance Office regulates the placement of smoke detectors and guest room egress.
- The Porter-Kingston Fire District does have safety inspection requirements related to guest rooms and the adjacent area outside guest rooms. Also, guest rooms numbering 5 or more change the building code designation used for boarding houses, hotel and motels.

Stites encouraged Members to consider the following items regarding bed and breakfast subsection language:

- Limit the number of rooms to four (4) to remain exempt from food service licensing and under the building code and state fire marshal designation as a boarding house, hotel or motel.
- Designate one off-street parking space per guest room.
- Require owner occupation.
- Limit meals to breakfast only to remain exempt from food service licensing.
- Require inspection approval letters from the Health District, Code Compliance and Fire District prior to the issuance of an occupancy permit from Kingston Township.
- Designate that guests must be transient and limit the number of days of occupancy to ensure that the operation does not turn into a boarding house.
- Require proper screening to reduce impacts on adjacent neighbors.
- Consider a minimum number of acres to reduce impacts on adjacent neighbors.
- Restrict the sale of baked goods or other items.

After considerable debate, Members felt that bed and breakfast operations were more commercial in nature than should be considered for a conditional use in a farm residence district, and requested that Executive Director Sanders delete Section 7.04 “N”.

Based on the length of time taken to discuss the topics listed above, Members agreed to close the text amendment discussions for the evening. The Kingston Township Zoning Commission will begin meeting discussions on April 21, 2009 starting with Article 8-Planned Residence District.

#### **ZONING REPORT:**

Zoning Inspector Talbott discussed the February 2010 Zoning Reports to the Trustees *referenced as Item 2*. Talbott provided highlights of several training sessions attended by Zoning Office Staff at the Ohio Township Association Winter Conference. He informed them that general information had been obtained from several architectural/engineering firms attending the conference experienced in the design and construction of township buildings. These firms will likely be asked to make presentations to the Trustees when a decision is made to move forward with a new township hall. Members were provided a copy of the Phantom Fireworks vs. Congress Township, Wayne County case ruling by the Ohio Supreme Court (courtesy of Member Deavers) *referenced as Item 3*. A brief discussion of the case took place to acquaint Member Fink with the history and background.

#### **MEDIA ARTICLES:**

One informational news articles was distributed including:

- Zoning Commission Roster update adding Tom Filbert and John Fink as a Members *referenced as Item 4*.
- Ohio EPA Notice NorthStar Wetlands Permit, The Delaware Gazette, August 19, 2009 *referenced as Item 5*.
- Drilling Rule Debate, The Columbus Dispatch, December 14, 2009 *referenced as Item 6*.
- Delaware County Health Ranking, The Sunbury News, February 25, 2010 *referenced as Item 7*.
- Liberty Township Zoning Battle, The Sunbury News, February 25, 2010 *referenced as Item 8*.

**NEW BUSINESS: None**

**FOLLOW UP ITEMS:**

Zoning Office to develop fee language for minor and major changes to approved development plans and present to the Trustees for approval.

**ADJOURNMENT:**

Member Grove made a motion for adjournment. The motion was seconded by Vice-Chair Steinhoff, and was unanimously approved.

**TIME: 9:20 PM**

**SUMBITTED BY:**

Recorded and submitted by Dave Stites, Zoning Secretary.

KZC Minutes 03-17-10