

Minutes
Nimishillen Township Board of Zoning Commission
4422 Maplegrove NE, Louisville, OH 44641
Wednesday, February 1, 2023 – 7:00 PM

Board Members Present: Regan Starkey, Chairman
Larry Marks, Vice Chairman
Rich Lindner, Member

Board Members Absent: Herb Klebaum, Member
Brent Hunter, Member
Tony Marko, Alternate

Zoning Inspector: Jeff Shipman

Purpose: Work session to discuss first 8 pages of Zoning Resolution

Call Hearing to Order:

Chairman Regan Starkey introduced the Board and other staff members present.

New Business:

Zoning Amendments:

Mr. Starkey reminded the board that at the last meeting they decided to keep the Zoning Resolution the same for 2023. This would allow the board to not have to have the extensive updates turned in to the County by March 1, 2023.

Mr. Marks prepared a page with “Zoning Reason and Purpose” and “The overarching principles of local zoning” to get the board started. These would be used as a reference to go back to to make sure the rest of the book matches up with it. Mr. Marks read through these sections (see attached)

After some discussion, it was decided to not do a resolution for each change, but to do one resolution at the end of the meeting to accept changes decided on during this meeting.

The board then discussed passed changes that have been approved, but are not in the current book; i.e.: Airbnb. It was suggested that amendments be put in the back of the book. Mr. Starkey said that he felt that as they are redoing the book, they should include the resolutions where they belong. Also, anything that is part of the Ohio Revised Code does not need to be written out in our book.

Introduction Page:

Mr. Starkey said that this is establishing there will be zoning, a 5-person board, there will be a map, and the date it was adopted. No changes need to be made.

ARTICLE I-PURPOSE AND CONFORMANCE:

There was discussion that this would be a good place to put the “Zoning Reason and Purpose”. No other changes need to be made.

ARTICLE II-TITLE:

No changes.

ARTICLE III-TITLE: INTERPRETATION OF STANDARDS AND EXEMPTIONS AND LIMITATIONS:

SECTION 310.1 – AGRICULTURE EXEMPTED – There was discussion that this is covered by the ORC. It was decided to cross this section out and replace it with Lexington Township’s section 102 wording.

SECTION 310.2 – PUBLIC UTILITIES – It was decided to leave this section as it is since it is only one sentence referring to the ORC.

SECTION 310.3 – RETAIL ESTABLISHMENTS AND ALCOHOLIC BEVERAGES – Change the word “power” to “authority”.

SECTION 310.4 – OIL AND GAS DRILLING – This section is covered by ORC, but the township can adopt health and safety standards. It was decided to leave section 310.4 as it currently is.

SECTION 310.5 – OUTDOOR ADVERTISING – No changes will be made.

SECTION 310.6 – SUBMISSION TO THE DIRECTOR OF TRANSPORTATION – There was discussion that this refers to roads that are State or Federal roads. This would not apply if a new allotment were going in with new roads maintained by the township. No changes were made.

SECTION 310.7 – LICENSED FAMILY HOMES AND LICENSED HOMES FOR DEVELOPMENTALLY DISABLED PERSONS – There was discussion that the wording in this section is confusing. The first sentence says “limited from zoning control” and the second sentence says “will be regulated by this Resolution”. The board feels that this means that the zoning resolution can determine where these establishments can exist. Mr. Marks said that he felt it was saying that the state regulates these homes but that the township zoning could also impose regulations. Mr. Starkey this would be similar to Oil and Gas Drilling where it is covered by ORC, but the township can adopt health and safety standards. It was determined, that with this understanding, the board would not change this section.

ARTICLE IV-DEFINITIONS:

Mr. Starkey informed the board that they will just read through them one by one and determine if there were changes that needed made:

ACCESSORY USE OR STRUCTURE: No changes

ADULT BOOK STORE: There was discussion about utilizing ten (10) percent. It was decided not to make any changes.

ADULT ENTERTAINMENT USE: No changes

ADULT CABARET: No changes

ADULT HEALTH CLUB: No changes

ADULT MATERIAL: No changes

ADULT MINI-MOTION PICTURE THEATER: Remove since they no longer exist

ADULT MOTION PICTURE THEATER: Remove since they no longer exist

AGRICULTURE: No changes

ALLEY: No changes

APARTMENT: No changes

AUTOMOBILE SERVICE STATION: It was discussed that rather than list gasoline and kerosene separately it would be better to just put “A place where any motor vehicle fuel . . .”. Electric vehicle

charging was addressed, but since this is usually done at a public establishment it was decided to not include it at this time.

BASEMENT: After discussion, it was decided no changes where needed.

BILLBOARD: No changes.

BOARD: Change to **BZA** instead of “BOARD” and leave the definition as is.

BOARDING OR LODGING HOUSE: After discussion, it was felt that this would be covered under Airbnb and this definition should be removed.

BUILDING: No changes

BUILDING HEIGHT OF: It was decided to remove the words “average established curb grade”.

CARPORT: No changes

CEMETERY: No changes

CENTRAL SEWER SYSTEM: No changes

CHILD DAY-CARE CENTER: No changes

CHURCH: No changes

CLINIC: No changes

COMMERCIAL WIND ENERGY SYSTEM: No changes

COMMISSION: Change to **ZONING COMMISSION** instead of “COMMISSION” and leave the definition as is.

COMMUNICATION TOWERS: No changes

CONDITIONAL USE: No changes

COURT: Change name to **COURTYARD**

DENSITY: No changes

DEVELOPMENT AREA: No changes

DEVELOPMENTAL DISABILITY: No changes

DISCARDED MOTOR VEHICLE: No changes

DISTRICT: No changes

DRIVE-THRU FACILITY (DRIVE-IN/DRIVE UP): No changes

DWELLING: No changes

DWELLING, SINGLE FAMILY: Change to: A building containing one dwelling unit with not more than one family

DWELLING, TWO FAMILY: Change to: A building containing two dwelling units with not more than one family each

DWELLING, MULTI-FAMILY: No changes

DWELLING, GROUP: Remove “and around a common court or courts”

DWELLING, UNIT: No changes

ESSENTIAL SERVICES: No changes

FAMILY: Remove “of not more than any five persons”

FAMILY HOME: Change “habilitation services” to “rehabilitation services”

FENCE: No changes

FLOOR AREA: Would like to have “usable space” and not list all of the areas not included

FRONTAGE: No changes

GARAGE, PRIVATE: No changes

GARAGE, PUBLIC: No changes

GRADE: No changes

GROUP HOME: Change “habilitation services” to “rehabilitation services”

HOME OCCUPATION: No changes

HOSPITAL: No changes

HOTEL: Remove “as distinguished from a boarding house or lodging house”

JUNKYARD: No changes

LANDSCAPE: No changes

LOADING SPACE: No changes

LOT: No changes

LOT AREA: No changes

The next meeting date will be February 15, 2023

Motion to Approve the Minutes from January 4, 2023 - All voted Aye

Adjournment:

REAGAN STARKEY MOTIONED TO ADJOURN AT 8:28 PM SECONDED BY RICH LINDNER. The Board responded by saying ‘I’. ALL WERE IN FAVOR. MOTION CARRIED.

Regan Starkey, Chairman
Nimishillen Township Board of Commission

Brent Hunter, Secretary
Nimishillen Township Board of Commission

/sks
Zoning Board of Commission Minutes: 2023 February 1