



Richland County Regional Planning Commission
Zoning, Subdivision and Land Use Review Committee (ZSL)
MINUTES
 May 21, 2019

Attendance

Members Name			
ADAM GOVE	Present	SARAH HOWARD	Present
JONATHON ELGIN	Present	ADAM GONGWER	
PAT DROPSEY		LARRY WEIRICH	Present
ELAINE KIEFER	Present	DEBRA M JONES	Present
JOE HARROD	Present	KEVIN PAYNE	Present
ANDY SMALLSTEY	Present	MARC MILLIRON	
KARA RUSSEL	Present		
MATT WALLACE		Guests	
JOE GIES	Present		
BOB MCCAULEY		Carl Neutzling	
		Staff	
		JOTIKA SHETTY	Present

Chair Sarah Howard called the meeting to order at 9.04Am .

The minutes for the March 21, 2019 meeting was distributed for review by email. Andy made a motion to accept the minutes as submitted and Elaine seconded. The motion passed by voice vote.

Recommendation for Springfield Township Amendment to Zoning Text

RCRPC staff Jotika, presented the application submitted by a Springfield Township to amend their zoning text. The amendment was intended to address problem with residents not mowing grass and allowing noxious weeds and growth on land. The Township is aware of its authority through 5579.05 to address noxious weeds on private land in a township, and nuisance weeds and vegetation ORC 505.87 if they determine it a nuisance and allow its removal. They want another tool through their zoning to address the issue.

The staff recommendation was to approve with modification.

Staff Recommendation for Springfield Township Zoning Text Amendment

Approval with modifications (RCRPC text in strikethrough for removal and new text in red)

SECTION 600.19

~~CUTTING REQUIRED~~ **HIGH GRASS, NOXIOUS WEEDS AND**

RANK VEGETATION

1. CUTTING REQUIRED

- a. Whoever owns or has charge of a parcel of land of three acres or less or any contiguous parcels which compromise three acres or less within the Township shall keep such property clear from **high** grass, all noxious weeds, and rank vegetation and shall cut all such grass, weeds and vegetation to a height of no greater than eight inches above the ground,
- b. Noxious weeds and rank vegetation shall include but not be limited to:
 - i. Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, **listed in Ohio Revised Code 901:5-37**;
 - ii. Bushes of the species of tall, common, or European barberry, further known as berberis vulgaris or its horticultural varieties;
 - iii. Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, to a height exceeding eight (8) inches

Discussion followed about the advantages of conservation practices and meadow settings and if the amendment would prohibit such practices as grass needs to be kept below 8 inches. It was recommended that to allow for such practices an exception could be made and limited to 100 feet from property line.

Kara made a motion to accept the staff recommendation with additional language **"except in case of unimproved property used for meadow or conservation it shall be kept clear 100 feet from the property line. "** added. Kevin seconded the motion and it passed.

Recommendation for Jackson Township Amendment to Zoning Text

RCRPC staff Jotika, presented the application submitted by a Jackson Township to amend their zoning text. The amendment was intended to address problem with residents not mowing grass and allowing noxious weeds and growth on land and junk and junk vehicle accumulation. They would like to address the use of box containers for storage. The Township is aware of its authority through 5579.05 to address noxious weeds on private land in a township, and nuisance weeds and vegetation ORC 505.87 if they determine it a nuisance and allow its removal. The Ohio Revised Code, specifically §505.173 outlines the provisions for addressing junk motor vehicles and unlicensed collector vehicles. The Board may adopt a policy-based resolution for its abatement determining vegetation, refuse, junk constitutes a Nuisance. Alternatively the Township can use its police powers through zoning to regulate the use of land in a manner that protects health, safety and general welfare of the Township residents. Regulating through zoning limits the Township from abatement and restricts it to code enforcement by levying fines against violators.

The Township has sought and received a legal opinion from the Prosecutor's office confirming the enforceability of using zoning police powers as a tool for this purpose.

The staff recommendation was to approve with modification.

Staff Recommendation for Jackson Township Zoning Text Amendment
Approval with modifications as shown in Exhibit A.

Jonathon Elgin said the prosecutors office looked at the enforceability of code enforcement for what Jackson Township was proposing and did not see an issue. They did not review for language or clarity.

Discussion followed on whether the conservation exception should be recommended in this case also.

Kara made a motion to accept the staff recommendation with additional language "except in case of unimproved property used for meadow or conservation it shall be kept clear 100 feet from the property line." added. Elaine seconded the motion and it passed.

Proposed Subdivision Amendments Discussion

Jotika provided an update on the public hearing held on May 14th for the subdivision regulation amendments. Joe Harrod and Heather Decker from the health Department were present at the meeting. Commissioner John and Madison township trustee Dan Fletcher attended. There was no general public in attendance. The proposed amendments will be presented to the Full Commission for adoption at their May 29th meeting. The tax map office, county engineer, RCRPC and Public health will continue to meet to streamline the procedure for approval of minor lot splits.

Jotika proposed that the ZSL Committee schedule bimonthly meetings for the second and fourth Tuesday of the month at 9.00 AM. If there was no business it would be cancelled. But this way it was on the public calendar and public had notice.

Andy made a motion to schedule ZSL Committee meetings for the second and fourth Tuesday of the month at 9.00 AM. Larry seconded and the motion passed.

There being no other business to discuss, the meeting was adjourned at 9.45am by a call by Adam, seconded by Debra and duly passed.

Submitted by:
Jotika Shetty

EXHIBIT A

Section 200.1(37) – Shall be amended as follows (additions in **bold**, deletions in ~~strikethrough~~):
RCRPC modifications (deletions in ~~strikethrough highlighted yellow~~, additions in red)

37. Junk: **Junk is defined herein to include:**

- a. Scrap metals, **oil, ashes**, bones, rags, ~~used~~ cans, bottles, **glass, paper**, paper packaging, **cartons, rubber products**, ~~old or used~~ machinery, tools, equipment, appliances, junk motor vehicles or parts thereof, **batteries, rubbish, garbage, waste**, used construction materials, **furniture (other than furniture designed for outdoor use in good repair)**, and any other manufactured goods which are so worn, deteriorated or obsolete as to make them unusable in their present condition, but which may be subject to salvage or re-manufacture and wood of all types except firewood. ~~and any other type of accumulation of materials as to give an unsightly appearance and detracts from the residential or commercial nature of the district.~~
- b. “Junk motor vehicle” that meets any of the following criteria and has remained in such condition for a continuous period of fourteen (14) days:
 1. Apparently inoperable.
 2. Does not display a valid license plate.
 3. Partially damaged/wrecked including but not limited to any of the following:
 - a. missing wheels;
 - b. tires;
 - c. engine;
 - d. transmission; or
 - e. other mechanical parts.
 4. Partially dismantled or discarded condition.

Section 500.24 – Shall be added as follows:

500.24

500.23 JUNK ACCUMULATION AND VEGETATION

1. **An owner, agent, occupant, or tenant in possession, charge or control** ~~No occupant or tenant having possession~~ of any lot or premises, **occupied or vacant**, within Jackson Township shall **not** accumulate litter, junk, or trash or permit litter, junk, or trash ~~or unsightly or uncontrollable vegetation that exceeds twelve (12) inches in height~~ to be accumulated, thrown, discarded, or deposited upon such lot or the open part of such premises. ~~as are in the possession of such occupant or tenant.~~

2. **An owner, agent, occupant, or tenant in possession, charge or control** ~~No owner of any vacant lot or unoccupied premises of any lot or premises, occupied or vacant, within Jackson Township, or the agent of such owner with respect to such lot or premises, shall accumulate litter, junk, or trash or permit litter, junk, trash, or unsightly or uncontrollable vegetation that exceeds twelve (12) inches in height to be accumulated, thrown, discarded, or deposited upon such lot or premises or such lot or unoccupied premises as remains under the control or possession of such owner or such owner's agent.~~ **shall keep it clear of high grass, weeds, and rank vegetation and shall cut all such grass, weeds and vegetation to a height of no greater than twelve (12) inches above the ground.**

3. Notice to the owner, tenant, and the agent of the owner under paragraph 1 or 2 of this section may be made by registered or certified mail, return receipt requested at such owner(s), tenant(s), or agent(s) last known address or to the address to which tax bills are sent. Service may also be made by the township zoning inspector or his or her designee personally serving the owner, tenant, or agent written notice.

4. The notice shall list each violation and steps necessary to remediate the violation. Notice shall direct the owner, tenant, or agent to correct all enumerated violations within ten (10) days. The notice shall also specify penalties for failure to comply with the notice.

5. Whoever violates paragraphs 1 or 2 of this section and does not come into compliance within the 10 day notice period specified in paragraph 4 shall be guilty of a minor misdemeanor for the first offense and subject of a fine of up to \$100.00 per day and a misdemeanor of the fourth degree for each subsequent offense and subject to statutory penalties. Prosecution shall be for a first offense unless the affidavit upon which prosecution is instituted contains the specific allegation that the offense is a second or repeated offense. Each day of non-compliance following the 10-day notice shall constitute a separate offense.

Section 500.2, paragraph 4 shall be added as follows:

4. Semi-trailers, whether on or off axel, “box truck” boxes, whether on or off chassis, and shipping cargo containers for the purpose or use of storage shall not be permitted in any zoning district except for Industrial.

~~This section shall not apply to trailers or containers used for storage or transportation of grains, livestock, or agricultural commodities.~~

This section shall not apply to semi-trailers docked in a loading dock or parked in preparation for transit for a period not to exceed forty-eight (48) hours.

This section shall not apply to commercial pack and ship containers (e.g. PODS, U-Pack, or other “Moving Cubes”) on private property for a period not to exceed seven (7) days.