

1 BEFORE THE ALLEN TOWNSHIP ZONING COMMISSION

2 VAN BUREN, OHIO

3 - - -

4 In Re: Allen Township Zoning Commission

5 - - -

6 TRANSCRIPT OF PROCEEDINGS

7 - - -

8 Tuesday, April 9, 2024

9 5:30 p.m.

10 Allen Township Center

11 12829 State Route 613

12 Van Buren, Ohio 45889

13 - - -

14 SUSAN L. COOTS, RPR

15 REGISTERED PROFESSIONAL REPORTER

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APPEARANCES :

CINDY LAND, Attorney at Law
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lmland@co.hancock.oh.us

On behalf of the Allen Township
Zoning Commission.

BOARD MEMBERS:

John Timmerman, Chairperson
Darrin Rehus, Vice Chairperson
Deb Stacy, Secretary
Dave Evans
Clara Pargeon

- - -

1 TUESDAY EVENING SESSION
2 April 9, 2024
3 5:30 p.m.

4 - - -

5 P R O C E E D I N G S

6 - - -

7 BE IT REMEMBERED THAT, on the 9th day of
8 April, 2024, this cause came on for hearing before the
9 Allen Township Zoning Commission. And the parties
10 appearing in person and/or by counsel, as hereinafter
11 set forth, the following proceedings were had:

12 - - -

13 CHAIRPERSON TIMMERMAN: Do we need a motion
14 to start this meeting at this point?

15 MS. LAND: No, you just call to order.

16 CHAIRPERSON TIMMERMAN: Just call to order?

17 MS. LAND: Yep. Listen up. Here we go.

18 CHAIRPERSON TIMMERMAN: All right. Go for
19 it, if you've got something.

20 MS. LAND: The first thing is you need to
21 read and approve the minutes from the last meeting.

22 CHAIRPERSON TIMMERMAN: Okay.

23 MS. LAND: Because I imagine there will be a
24 public records request for them tomorrow. You need to
be prepared.

1 CHAIRPERSON TIMMERMAN: Okay. Do I do that
2 then?

3 SECRETARY STACY: I would.

4 CHAIRPERSON TIMMERMAN: I'm going to do a
5 roll call.

6 Dave Evans.

7 MR. EVANS: Here.

8 CHAIRPERSON TIMMERMAN: Clara Pargeon.

9 MS. PARGEON: Here.

10 CHAIRPERSON TIMMERMAN: Darrin Rehus.

11 VICE CHAIRPERSON REHUS: Here.

12 CHAIRPERSON TIMMERMAN: Deb Stacy.

13 SECRETARY STACY: Yes.

14 CHAIRPERSON TIMMERMAN: John Timmerman,
15 here.

16 We'll do the reading of the April 2nd
17 meeting.

18 SECRETARY STACY: Do you want me to read it
19 since I took them?

20 MS. LAND: That's normally how we do it.

21 CHAIRPERSON TIMMERMAN: Is that something we
22 should, like, email out, rather than --

23 MS. LAND: No, I'd prefer you didn't.

24 CHAIRPERSON TIMMERMAN: Okay. All right.

1 SECRETARY STACY: On other boards, you do.

2 MS. LAND: Yeah, but on this one, let's not.

3 CHAIRPERSON TIMMERMAN: Okay.

4 SECRETARY STACY: Allen Township Zoning
5 Commission, April 2nd, 2024.

6 Attendance: Dave Evans, Clara Pargeon,
7 Darrin Rehus, Deb Stacy, John Timmerman.

8 2404-1M. Deb Stacy made a motion to appoint
9 John Timmerman as the Chairman of the Allen Township
10 Zoning Commission. Clara Pargeon seconded the motion.
11 Motion passed.

12 2404-2M. Deb Stacy volunteered to serve as
13 Secretary of the Allen Township Zoning Commission.
14 Clara Pargeon seconded the motion. Motion passed.

15 2404-3M. Darrin Rehus volunteered to serve
16 as Vice Chairman of the Allen Township Zoning
17 Commission. John Timmerman seconded the motion.
18 Motion passed.

19 Cindy Land, Assistant County Prosecutor,
20 pointed out that the Allen Township Zoning Commission
21 Public Hearing will be held the first part of July.
22 The public hearing to be held by the Allen Township
23 Trustees will need to be held the first part of
24 August.

1 Members of the commission discussed which
2 days of the week, as well as a starting time, would be
3 the most accommodating for them. It was decided that
4 the meeting time would be 5:00 p.m. with a maximum
5 length of two hours. Three of the five commission
6 members would be needed to hold the meeting.

7 The first meeting for the commission is
8 scheduled for April 9th, 2024, at 5:00 p.m. It was
9 proposed to hold the following meetings on:

10 April 11th, April 15th, April 18th, April 22nd,
11 April 25th, April 29th, and May 2nd at 5:00 p.m.

12 The main topic for the April 9th meeting
13 will focus on the definitions as listed in the zoning
14 book.

15 2404-4M. Clara Pargeon moved to adjourn the
16 meeting. David Evans seconded the motion. Motion
17 passed.

18 So you can make a motion to approve those
19 minutes.

20 MS. LAND: Unless there are any additions or
21 corrections.

22 SECRETARY STACY: Are there any additions or
23 corrections, other than changing in the "E" to an "A."
24 I apologize.

1 CHAIRPERSON TIMMERMAN: I don't know that
2 it's an addition or correction, I guess, but it says a
3 maximum length of two hours. Is that, like, locked in
4 at exactly two hours?

5 MS. LAND: No. That's just what was
6 discussed.

7 CHAIRPERSON TIMMERMAN: Okay. Yeah. Then I
8 move to accept the minutes.

9 MR. EVANS: I second.

10 SECRETARY STACY: Okay.

11 CHAIRPERSON TIMMERMAN: All in favor.

12 (Vote taken.)

13 SECRETARY STACY: Motion passed.

14 MS. LAND: The minutes need to be signed by
15 the president, or Chair. Whatever.

16 One thing I do need to point out is we
17 started at 5:30 today. The notices went in at 5:30,
18 and that was my mistake. I had 5:00 and 5:30 both
19 written down in my notes; I couldn't remember which
20 and I picked the wrong one. I have contacted Mark,
21 and he's going to make the announcement or change the
22 notice to have it actually set for 5:00 for next week.
23 This week, though, there's not enough time to get the
24 notices in so we'll have 5:30.

1 VICE CHAIRPERSON REHUS: So Thursday will be
2 5:30.

3 MS. LAND: 5:30, yeah.

4 CHAIRPERSON TIMMERMAN: You said the meeting
5 minutes need to be signed?

6 MS. LAND: Yeah. Just sign the bottom.

7 CHAIRPERSON TIMMERMAN: Just here?

8 MS. LAND: Yeah.

9 CHAIRPERSON TIMMERMAN: This is it? Anybody
10 copy?

11 MS. LAND: That's the official copy. Now,
12 when it's signed --

13 SECRETARY STACY: Yeah.

14 MS. LAND: The other thing is, on
15 April 18th, that Thursday, I'm going to be in Columbus
16 all day. I have a CLE that I have to be at for
17 prosecutors. I will be on the road headed back,
18 though, by about 4:30, so I will talk to you on the
19 phone until I can get here and we can go through it
20 that way if that works for you guys.

21 SECRETARY STACY: Okay.

22 CHAIRPERSON TIMMERMAN: Sure.

23 MS. LAND: I won't be able to look at
24 anything because I'll be driving, but I can at least

1 listen and interject.

2 SECRETARY STACY: Okay.

3 CHAIRPERSON TIMMERMAN: I guess the agenda
4 says the zoning commission will discuss the
5 construction of language, definitions in Exhibit A,
6 and any other pertinent information related to the
7 formulation of the Allen Township Zoning Commission
8 Resolution.

9 MS. LAND: I have a couple of things for you
10 before you get started however.

11 CHAIRPERSON TIMMERMAN: Okay.

12 MS. LAND: One of the things that you need
13 to do, and at any meeting, you can address any issue
14 that can legally be brought before the board, as long
15 as it's a noticed public meeting. That's what you
16 have here.

17 We'll get to that in a minute. But, first,
18 I have some documents to hand out to each of you.
19 They are checklists and guidelines and the code
20 section that sets up a zoning commission. So I've got
21 one for John there.

22 CHAIRPERSON TIMMERMAN: Thank you.

23 SECRETARY STACY: Y'all got one.

24 MS. LAND: This is just a -- it's sort of a

1 timetable. You know, the list of what you need to do.
2 The zoning commission, what your responsibilities are.

3 The code section that is the response that
4 identifies what a zoning commission is and does.

5 And, then, there's a document that Regional
6 Planning provided to us the last time we had attempted
7 to do this. It's just some Frequently Asked Questions
8 about how zoning works and what's expected. Take all
9 of that with a grain of salt because it's very
10 general. It doesn't necessarily apply to only rural
11 township zoning. It's also urban zoning and city
12 zoning and village zoning.

13 But it still gives you a good idea of the
14 scope of what you can do. Zoning is not completely
15 all powerful. There are limits to what you can and
16 what you can't do, and that gives you a little bit of
17 a scope there.

18 The next thing is every public entity that
19 has public meetings needs to adopt a rule that
20 identifies under the Sunshine Law how people can get
21 notice of your meetings.

22 What I have put together for you to consider
23 is a Resolution, and I have two copies of it so you
24 can -- I have another one here. I have three all

1 together, so you guys are having going to have to
2 share.

3 It's a Resolution that will adopt a rule
4 that the township zoning commission will use in the
5 event that anybody wants to ask for any special
6 notice. You've already received one standing request
7 for notice of any time you're going to have a meeting,
8 and that -- you know, we're taking care of that. Mark
9 and I have got that under control.

10 What I put together for you that you would
11 adopt with this Resolution is this rule, and it is
12 exactly like the one that the township trustees use,
13 except it's changed to zoning commission in places
14 where it's appropriate.

15 That way, mostly Mark is the one -- Mark
16 Schimmoeller is the one that's going to be doing the
17 action on this, giving the notices, so I wanted to
18 make it just like his. And, then, also, it's not
19 confusing for residents because it's the same for you
20 as it is for the Trustees.

21 SECRETARY STACY: Okay. So our names go
22 here?

23 MS. LAND: Uh-huh.

24 SECRETARY STACY: And do you want each of us

1 to write our name?

2 MS. LAND: You can write everybody's name.

3 SECRETARY STACY: I can write everyone's
4 name, and then everyone would sign there?

5 MS. LAND: Sign their own with their vote
6 with the little line that's separated by the dash.

7 SECRETARY STACY: Okay.

8 MS. LAND: So you need someone to move, a
9 second, and then a vote on whether or not the
10 Resolution will be adopted.

11 It's almost the exact same Resolution the
12 Trustees use when they adopt it.

13 SECRETARY STACY: Sure. Do you want me to
14 just -- do you want me to print in order --
15 alphabetical order the names here, or how do you
16 want --

17 MS. LAND: Any way you want to. Whatever is
18 convenient.

19 SECRETARY STACY: And, then, do you keep
20 this, or do I keep this and put this -- incorporate
21 this into --

22 MS. LAND: It will be incorporated into the
23 minutes.

24 SECRETARY STACY: For tonight?

1 MS. LAND: Yes.

2 SECRETARY STACY: Okay.

3 MS. LAND: It's probably a good idea to
4 leave the minutes and the Resolutions here.

5 SECRETARY STACY: Okay.

6 MS. LAND: There was a drawer before that
7 Mark gave Heather, when she was doing it, to keep
8 stuff here, so that they're easy for accessibility --

9 SECRETARY STACY: Sure.

10 MS. LAND: -- when we have to provide them.

11 CHAIRPERSON TIMMERMAN: I assume it's in the
12 office?

13 MS. LAND: Yeah. He's not here.

14 CHAIRPERSON TIMMERMAN: And we don't have
15 access to that?

16 MS. LAND: Yeah. So you'll probably have to
17 take them with you tonight. But, after that, we'll
18 talk to Mark about getting that straightened out.

19 SECRETARY STACY: All right. I'm going to
20 go ahead and print everybody's name in alphabetical
21 order. And I will spell yours correctly.

22 Is Dave okay? You don't go by David or
23 anything, right?

24 MR. EVANS: That's fine. I don't know if it

1 makes a difference.

2 MS. LAND: No, it doesn't make any
3 difference.

4 CHAIRPERSON TIMMERMAN: Cindy, did you email
5 all of us?

6 MS. LAND: No. Only those who didn't
7 already have a copy.

8 CHAIRPERSON TIMMERMAN: Yeah. I assumed
9 that's what it was.

10 MS. LAND: I knew you had a copy. I knew I
11 had given Clara one, so I just emailed them to the
12 others.

13 SECRETARY STACY: Clara, I want to make sure
14 I have your last name, P-A-R-G-E-O-N?

15 MS. PARGEON: Yes.

16 SECRETARY STACY: Okay. Thank you.

17 D-A-R-R-I-N. I don't know why that tripped
18 me up. R-E-H-U-S.

19 VICE CHAIRPERSON REHUS: Yeah.

20 CHAIRPERSON TIMMERMAN: D-A-R-R-I-N?

21 VICE CHAIRPERSON REHUS: Yeah.

22 SECRETARY STACY: I have yours right,
23 don't I?

24 CHAIRPERSON TIMMERMAN: Yeah.

1 SECRETARY STACY: Okay.

2 MS. LAND: I pulled in and saw all of those
3 cars and I thought, Oh, holy cow. I was so glad to
4 see all of the kids with baseball bats, let me tell
5 you. We thought it was noisy the last time.

6 SECRETARY STACY: Okay. So I think we're
7 ready for -- if you want to go ahead and make the --
8 somebody want to make a motion.

9 CHAIRPERSON TIMMERMAN: I'll move to accept
10 this.

11 SECRETARY STACY: Okay. Need a second.

12 VICE CHAIRPERSON REHUS: I second.

13 SECRETARY STACY: All in favor.

14 (Vote taken.)

15 SECRETARY STACY: So sign in your
16 appropriate space.

17 MS. LAND: And write your vote beside it on
18 that little line that's separated.

19 SECRETARY STACY: Just a "Yes"?

20 MS. LAND: Just a "Y" or "Yes," or whatever.

21 SECRETARY STACY: Okay.

22 MS. LAND: When they had the commissioners
23 meeting, they all wrote "Yep." Like, seriously?

24 SECRETARY STACY: Y-E-P?

1 MS. LAND: Yeah.

2 MR. EVANS: Must be a rural community.

3 SECRETARY STACY: Must have been feeling a
4 little ornery.

5 MS. LAND: Yes, they were.

6 From the paper trail standpoint, it just
7 needs to be clear that we knew which direction you
8 were thinking. You can say "Aye," or draw a thumbs up
9 for all I care, just so it's clear.

10 This is the rule attached to that.

11 SECRETARY STACY: Do you want me to go ahead
12 and date it, too, and, then, that should wrap it up.

13 MS. LAND: Yeah. Anything that's done by
14 the -- in one of these meetings becomes effective the
15 date that it's reduced to writing and signed. That's
16 why you have to sign the minutes at the next meeting,
17 because whatever action was taken at that last meeting
18 isn't effective until the minutes are approved and
19 signed when it's reduced to writing. And this -- but
20 a Resolution that we sign, that's why we do some of
21 these freestanding, that gets attached to it. It's
22 all part of it.

23 SECRETARY STACY: This is attached to it?

24 MS. LAND: That's the rule because it

1 becomes effective today because you signed it today.

2 SECRETARY STACY: Okay. Do I retype --

3 MS. LAND: No.

4 SECRETARY STACY: I just make reference to
5 this, and, then, this is --

6 MS. LAND: Attached.

7 SECRETARY STACY: -- attached.

8 MS. LAND: You can assign it a number, like
9 the ones you have on there. And, then, how you
10 numbered these, you assign it a number.

11 SECRETARY STACY: Assign it a number, a
12 motion.

13 MS. LAND: And, then, you can have, you
14 know, that number in your minutes and say, "See
15 Attached," and, then, you don't have to worry about
16 retyping it because some of them will get kind of
17 lengthy when you do that.

18 SECRETARY STACY: Sure.

19 MS. LAND: The next item of business before
20 you can get to your real business is, on April 3rd,
21 you received a public records request requesting a
22 number of things from the zoning commission members.

23 You had been zoning commission members for
24 less than 24 hours at that point, so the amount of

1 stuff that you have I think is relatively limited.
2 But I do need to have you do your due diligence and
3 check your files, whether maintained in electronic or
4 paper form, containing, A, communications with or
5 documents to or from Allen Township, any Allen
6 Township Trustee, or any Allen Township Zoning
7 Commission former, proposed, or actual member, and
8 Hancock County Regional Planning Commission. This
9 includes all emails exchanged between or among the
10 Allen Township Zoning Commissioners, and/or Allen
11 Township, including its legal counsel.

12 Okay. Anything from legal counsel, do
13 not -- we don't provide. We'll argue that because
14 legal counsel things are privileged. But there's
15 nothing, so it doesn't matter at this point.

16 I don't know if any of you have any emails,
17 texts, or anything that you received from any of the
18 township trustees or from each other.

19 COMMISSIONER PARGEON: Huh-uh.

20 SECRETARY STACY: No. Nothing.

21 MS. LAND: A couple of you, it's three of
22 you, have emails from me that included that document.
23 I'll identify those, that those were there.

24 SECRETARY STACY: Okay.

1 MS. LAND: And, then, the next question is
2 the record retention schedule. You don't have a
3 record retention schedule. Your record retention
4 schedule is that of the township, because, as a board
5 of the township, you're covered by their records
6 schedule. I will provide that to them. Although, I
7 think it's being provided under the same -- a similar
8 request that came on the same day to the trustees, but
9 we'll deal with that. I'll make sure that it gets put
10 in there.

11 They need this policy you just adopted.
12 And, then, any notes, memoranda, documents, letters,
13 or recordings prepared for or of the Allen Township
14 Zoning Commission, the Allen Township Zoning
15 Commission meeting conducted on April 4th. Was there
16 a meeting on April 4th? Yeah, that's the day you were
17 appointed, right?

18 COMMISSIONER PARGEON: Yeah.

19 MS. LAND: On April 3rd, you weren't even
20 commission members yet. But whatever.

21 We don't -- you don't have any recordings.
22 There are recordings, but they aren't yours.

23 SECRETARY STACY: That's correct.

24 MS. LAND: And the sign-in sheet from the

1 April 2nd Zoning Commission meeting. Was there an
2 April 2nd Zoning Commission meeting?

3 FROM THE FLOOR: Yes. Right after the
4 township meeting.

5 MS. LAND: Well, was there an April 4th
6 meeting then?

7 SECRETARY STACY: No. It was the 3rd.

8 MS. LAND: I don't know about that April 4th
9 thing. No idea.

10 SECRETARY STACY: We didn't meet.

11 MS. LAND: No, I thought it was the 2nd.

12 SECRETARY STACY: The trustees meet the
13 first Tuesday.

14 MS. LAND: They met on the 2nd. You guys
15 meet immediately after.

16 SECRETARY STACY: Correct.

17 MS. LAND: You had no sign-in sheet for your
18 meeting. If there's a sign-in sheet, it was for the
19 trustee's meeting.

20 SECRETARY STACY: Correct.

21 MS. LAND: It's not yours.

22 SECRETARY STACY: That's correct.

23 MS. LAND: So we don't have any record for
24 that.

1 An agenda for the April 2nd meeting. You
2 did not have an agenda because it was an
3 organizational meeting.

4 SECRETARY STACY: Right.

5 MS. LAND: The minutes, draft or otherwise,
6 from the April 2nd meeting. So I need a copy of what
7 was just signed.

8 SECRETARY STACY: Sure.

9 MS. LAND: Documents prepared for use or
10 review at April 2nd. There was nothing prepared for
11 you to review at the April 2nd meeting. You didn't
12 get anything until later when I gave you stuff.

13 And, then, let's see. All materials
14 distributed to the Allen Township Zoning Commission
15 commissioners for purposes of the April 2, 2024, Allen
16 Township Zoning Commission meeting.

17 There wasn't anything distributed for the
18 April 2nd meeting, other than you had some, and Clara
19 had some that I gave that you had access to before you
20 were even commissioners.

21 CHAIRPERSON TIMMERMAN: Right.

22 MS. LAND: But I will provide that book
23 again. I think they probably have a stack this high
24 of these books from the records requests that come

1 from this firm. But we'll provide it again because
2 why not? It's public record. They can have it.

3 So, just for the record, none of you have
4 any emails, other than what you received from me, or
5 texts among yourselves?

6 MR. REHUS: No.

7 MS. LAND: Okay. I'll be able to answer
8 this and have it ready to go. I'll answer it on your
9 behalf, and I'll sign as your attorney.

10 SECRETARY STACY: Okay.

11 MS. LAND: I think that's the last of the
12 housekeeping. We can get to the real work.
13 Hopefully, we won't have so much housekeeping at every
14 meeting.

15 SECRETARY STACY: Yeah.

16 CHAIRPERSON TIMMERMAN: All right. Do we
17 just start at the Title?

18 MS. LAND: Uh-huh.

19 CHAIRPERSON TIMMERMAN: Reviewing other
20 townships, there's all different ways this is done.
21 Is this the standard? Is there a standard, like --

22 MS. LAND: No.

23 CHAIRPERSON TIMMERMAN: Okay.

24 MS. LAND: You can pick any means that you

1 want to say this. You can -- some of the others have
2 shorter enacting clauses; some have longer. It's up
3 to you. It's good to have a more comprehensive like
4 this. I like that better. It's up to you guys,
5 though.

6 CHAIRPERSON TIMMERMAN: That's fine then.

7 And I saw --

8 MS. LAND: Is there anything in there that
9 makes any of you uncomfortable?

10 CHAIRPERSON TIMMERMAN: No.

11 The only question I have with looking at
12 them, and I don't know that I have it directly in
13 front of me, one of them had a different number
14 instead of the 519. Was that done a long time ago and
15 it changed?

16 MS. LAND: For Allen Township?

17 CHAIRPERSON TIMMERMAN: No, not for Allen
18 Township, but looking through other townships and
19 going through --

20 MS. LAND: It might have been a village
21 instead of a township.

22 CHAIRPERSON TIMMERMAN: Okay.

23 MS. LAND: Because they are under different
24 code sections. They would be under 7s instead of 5s.

1 Counties are under 3s. Chapter 3 of the Revised Code
2 has to do with counties. Chapter 5 has to do with
3 township. Chapter 7 has to do with municipalities.
4 That could make a difference.

5 CHAIRPERSON TIMMERMAN: That's probably what
6 it was then. Okay.

7 Do we just read through this then and make
8 sure everybody's okay with it? Has everybody read
9 through this already?

10 SECRETARY STACY: Right. Let me get to
11 where you're at.

12 CHAIRPERSON TIMMERMAN: Right after the
13 Table of Contents. Right after that is the Title and
14 the Preamble.

15 SECRETARY STACY: Right there. Okay.

16 CHAIRPERSON TIMMERMAN: Is anybody a good
17 reader?

18 MR. EVANS: What are the notebooks you guys
19 have?

20 CHAIRPERSON TIMMERMAN: What's that?

21 MR. EVANS: The notebooks, were these just
22 here?

23 CHAIRPERSON TIMMERMAN: We put these
24 together at home.

1 MR. EVANS: Oh, you put them together from
2 printing everything?

3 CHAIRPERSON TIMMERMAN: Right.

4 MR. EVANS: Okay. Gotcha. I read the stuff
5 but didn't print it off.

6 CHAIRPERSON TIMMERMAN: Okay. Is there an
7 extra copy, by chance, if he wants to make --

8 MS. LAND: You want to follow it on your
9 phone?

10 MR. EVANS: Yeah.

11 SECRETARY STACY: Yeah. That would work.

12 I guess I have a question for, I guess,
13 maybe style of language.

14 MS. LAND: Are we under Title?

15 SECRETARY STACY: Yeah. When I'm looking at
16 this, it reads very --

17 MS. LAND: It's got a really long sentence.

18 SECRETARY STACY: Well, is it possible to
19 make it a little more everyday language to make it
20 more user friendly?

21 MS. LAND: Uh-huh.

22 SECRETARY STACY: Because I don't want this
23 to intimidate someone in trying to stumble over
24 something so formally written.

1 MS. LAND: Okay. I think this probably was
2 lifted straight out of statute which is why it's kind
3 of stilted.

4 SECRETARY STACY: That may be. Maybe I'm
5 speaking out of -- I don't know how other people feel.

6 CHAIRPERSON TIMMERMAN: I mean, I don't
7 disagree. I think it would be great if the document
8 reads easily. If it's pulled right out of statute and
9 that is the legal to get the whole thing going, maybe.

10 SECRETARY STACY: So we would have to
11 create -- write it -- rewrite it ourselves, if we
12 want --

13 MS. LAND: Yeah. You'd have to tweak it
14 around yourselves. You still have to have the same
15 general concepts in there.

16 SECRETARY STACY: Sure.

17 MS. LAND: But you could -- I mean, we can't
18 change the scope of what is permitted.

19 SECRETARY STACY: Right. Right.

20 MS. LAND: But we can absolutely work on
21 the -- I don't have anybody else's --

22 MS. PARGEON: Here on Article I, short
23 title, Construction, Language, and Definitions, it has
24 the particular "shall" control the general.

1 No. 2. In case the different meaning or
2 implications between the text of this Resolution and
3 any caption or illustration, the text shall control.

4 No. 3. The word "shall" is always mandatory
5 and not discriminatory.

6 CHAIRPERSON TIMMERMAN: Are you just, like,
7 breaking down how to read it basically?

8 MS. PARGEON: Yeah.

9 CHAIRPERSON TIMMERMAN: Is that what
10 you're --

11 MS. PARGEON: Yeah. That's what this is
12 about. The word "may" is permitted -- is permissive.

13 A building or structure includes any part
14 thereof. The word "person" includes an individual, a
15 corporation, a partnership, and incorporated
16 association, or any other similar entity.

17 CHAIRPERSON TIMMERMAN: All right. Do we
18 want to try -- I mean, I get that that breaks it down.
19 Do we want to try to change it or do we want to --

20 MS. LAND: Some of that is legalese --

21 CHAIRPERSON TIMMERMAN: Right.

22 MS. LAND: -- that is kind of necessary when
23 people start nitpicking about whether they must or can
24 or should. So some of that stuff has to stay that

1 way, especially that stuff that she just read
2 regarding the "shall," and things like that.

3 CHAIRPERSON TIMMERMAN: Yeah.

4 MS. PARGEON: Unless the context clearly
5 indicates to the contrary where a regulation involves
6 two or more items, conditions, provisions, or events
7 connected by the conjunction and/or, either/or, the
8 conjunction shall be interpreted as follows:

9 A. 'And' indicates all connected items,
10 conditions, provisions, or events shall apply.

11 B. 'Or' indicates that the connected items,
12 conditions, provisions, or events may apply singularly
13 or in any combination.

14 C. 'Either/or' indicates that the connected
15 items, conditions, provisions, or events shall apply
16 singularly, but not in combination.

17 And 7. Terms not herein defined shall have
18 the meaning customarily assigned to them.

19 MS. LAND: . And that -- all that language
20 you can leave it in there, or you can remove it. It's
21 statutory issues that, if somebody starts arguing
22 about it, and it's not in there, then we may have to
23 litigate the issue of what -- legally how they are
24 interpreted.

1 This is the stuff we learn in Law School
2 101. You know, those kind of certain words mean
3 certain things. Putting them in there kind of shuts
4 down the nitpicking. But you don't have to have them
5 in there.

6 SECRETARY STACY: I understand that. I
7 don't want to alter the meaning of what's being
8 communicated there. And, obviously, if you can keep
9 it as is, then you're safe on that respect.

10 MS. LAND: Well, the Construction, Language,
11 and Definitions, we could take construction of
12 language out of here, which is the part that Clara
13 just read, and move it to the back, at the end. And
14 when we go to the wrapping up part, so then it's --

15 MS. PARGEON: Good idea.

16 MS. LAND: -- sort of an instructive clause
17 at the end. It doesn't really have that much to do
18 with what the meat of what the Resolution is.

19 The part we leave Definitions here in
20 Article I. It's Article II -- In Article II. My PDF
21 converted it to Word and it scrambled my formatting so
22 badly that I can't -- I have to check back on paper
23 here.

24 But if we're going to make changes, I want

1 to pop them in here so it's easier for my secretary to
2 be able to get it fixed up nicely, she'll otherwise
3 probably clobber me when I hand her a bunch of pages.

4 SECRETARY STACY: We're only talking about
5 that one page.

6 MS. PARGEON: Yes.

7 SECRETARY STACY: Page 2.

8 MS. PARGEON: Yes.

9 MS. LAND: Yeah. I think what we're talking
10 about is construction of language.

11 MS. PARGEON: Right.

12 MR. EVANS: Just Article II.

13 SECRETARY STACY: Article II.

14 MS. LAND: Not all of Article II.

15 MR. EVANS: Right. Section 200.

16 MS. LAND: Yeah. So we will do Article II.
17 Section 200, yeah, will go to the back.

18 So Article II will just be Definitions.
19 And, then, when you get down to Definitions, which is
20 currently Section 201, we'll probably just have to
21 rename that to 200.

22 CHAIRPERSON TIMMERMAN: Uh-huh.

23 MS. LAND: So we'll get that cleaned up.

24 And then the Definitions are the big things

1 that I want you to start plugging through tonight to
2 figure out if there's anything in there that you have
3 questions about or want to have changed.

4 CHAIRPERSON TIMMERMAN: So are we just --
5 we're going to accept the Title and the Preamble?

6 MS. LAND: Well, we can go back to there.

7 CHAIRPERSON TIMMERMAN: Because -- no.
8 I'm okay with that. I mean, if it's --

9 MS. LAND: Do you want me to fiddle with it
10 before I come back the next time and have maybe some
11 options for something that's a little more
12 reader-friendly?

13 CHAIRPERSON TIMMERMAN: Sure.

14 MS. LAND: I think we could spend the rest
15 of the meeting trying to sort that out. I could
16 probably --

17 SECRETARY STACY: Right. I don't want to
18 take the time and use the time --

19 MS. LAND: For something else.

20 I can probably read it to my husband some
21 evening and he'll help me out.

22 CHAIRPERSON TIMMERMAN: Lucky guy.

23 SECRETARY STACY: That sounds exciting.

24 MS. LAND: We're both attorneys. You ought

1 to hear the really exciting stuff we talk about.

2 CHAIRPERSON TIMMERMAN: Does anybody like
3 reading to read through? I assume it works best if we
4 read them out loud and then anybody --

5 MS. LAND: You can probably just take turns
6 reading through them, if you want.

7 Accessory Uses or Accessory is a big thing
8 to pay attention to. It's one of the issues where you
9 end up with more controversy than you would think.
10 When you think accessory building, you think barn,
11 garage, shed.

12 Well, people also want to put people living
13 in those things. They want to have grooms quarters
14 inside barns. So we've got to be careful about how we
15 identify Accessory Use and what's limited -- what it's
16 limited to.

17 CHAIRPERSON TIMMERMAN: Okay.

18 MS. PARGEON: An accessory -- Can I go ahead
19 and read this?

20 CHAIRPERSON TIMMERMAN: Sure.

21 MS. PARGEON: An accessory use includes, but
22 is not limited to the following:

23 Residential accommodations for servants
24 and/or caretakers.

1 No. 2. Swimming pools, tennis courts, or
2 recreational facilities for the use of the occupants
3 of the residence or their guests.

4 No. 3. Domestic or agricultural storage in
5 a barn, shed, toolroom, or similar accessory building
6 or other structure.

7 4. Storage of merchandise normally carried
8 in stock in connection with a business or industrial
9 use, unless storage is excluded in the applicable
10 district regulations.

11 5. Storage of goods used in or produced by
12 industrial uses or related activities, unless such
13 storage is excluded in the applicable district
14 regulations.

15 6. Accessory off-street parking spaces,
16 open or enclosed.

17 7. Uses clearly incidental to a main use,
18 such as, but not limited to, offices of an industrial
19 or commercial complex located on the site of a
20 commercial or industrial complex.

21 No. 8. Accessory or off-street loading.

22 9. Accessory signs subject to the sign
23 regulations for the district in which the zoning lot
24 is located.

1 MS. LAND: And, then, the part above that is
2 Important Accessory Use or Accessory. It's a use
3 which is clearly incidental to, customarily found in
4 connection with, and except in the case of accessory
5 off-street parking spaces or loading located on the
6 same lot as the principal use to which it is related.

7 When "accessory" is used in this text, it
8 shall have the same meaning as "accessory use." So if
9 you say "accessory" it's the same.

10 The thing about what that's saying here is
11 that it has to all be on the same lot. You can't have
12 an accessory use that goes onto another lot the way
13 this is currently written. If you want to have an
14 accessory use that's on another lot, that would be
15 something that you contemplate; it's just not in there
16 now.

17 CHAIRPERSON TIMMERMAN: I was going through
18 Washington Township's and they have accessory,
19 battery/energy storage facility, accessory solar
20 energy system. They don't have wind, but it would go
21 in those same areas.

22 Are we smarter to have that listed as
23 accessory, or are we smarter to put it just more
24 generalized and make it a use, period, rather than

1 just accessory? Does that make sense what I'm asking?

2 MS. LAND: I think when you get to any --
3 the code section, as we're going through here, it gets
4 to where it's regulating wind, solar, and other energy
5 producers of whatever kind they may be. With the
6 river, there could be other ones that come up.

7 CHAIRPERSON TIMMERMAN: Sure.

8 MS. LAND: But I would put that in there and
9 discuss those accessory uses under each particular
10 section. But this identifies -- this is more general
11 of what --

12 CHAIRPERSON TIMMERMAN: Definition.

13 MS. LAND: -- would fall into those
14 categories under each section.

15 MS. PARGEON: Here, for alterations as
16 applied to a building or structure, a change or
17 rearrangement --

18 MS. LAND: Wait a second.

19 CHAIRPERSON TIMMERMAN: That's the next
20 definition.

21 MS. PARGEON: Oh, sorry.

22 MS. LAND: We haven't gotten through all of
23 this one yet.

24 MS. PARGEON: Sorry.

1 MS. LAND: So is there anything on here that
2 you find -- like No. 2. You know, accessory uses or
3 pools, tennis courts, but that would include
4 recreational facilities. There's people who put
5 go-cart tracks on their parcels and call them an
6 accessory use. Do you want to allow that or not? Do
7 you want to limit the kind of accessory uses that
8 would be permitted?

9 Instead of -- yeah. I don't know. Is there
10 anything that you have issues with?

11 CHAIRPERSON TIMMERMAN: I mean, it does say
12 "accessory use includes, but is not limited to."

13 MS. LAND: Right.

14 CHAIRPERSON TIMMERMAN: What's the --
15 clearly a gray area. If you -- I guess probably
16 better to clearly define specific things if you want
17 to --

18 MS. LAND: You may want to make those
19 definitions when you get into residential districts
20 that, you know, these are accessory uses that are not
21 permitted, you know, or accessory uses that are
22 permitted and make a more comprehensive list then.

23 If there's anything that you clearly want to
24 exclude, you should put it in, because, often, the

1 list has to say, "including but not limited to,"
2 because you have no idea what somebody might come up
3 with. They might want a huge jungle gym that looks
4 like a fort. I mean, does anybody care as long as it
5 fits the setbacks and everything.

6 SECRETARY STACY: Right.

7 MS. LAND: But if you don't want somebody
8 having the mobiles put in to be able to jump the
9 four-wheelers, and you want don't somebody to have a
10 dirt bike track, or something like that in a
11 residential area, you may want to identify that later.

12 MS. PARGEON: Or a shooting range.

13 MS. LAND: Shooting ranges are another
14 thing. Paintball --

15 MS. PARGEON: Yeah, paintball.

16 MS. LAND: -- fields. That's a biggie. You
17 really don't want your neighbors having a paintball
18 court.

19 MR. EVANS: Would that have more to do with
20 the zoning or would that --

21 MS. LAND: It's an accessory use. Now, not
22 just playing paintball in your yard. You can't stop
23 that. But if they set up a paintball --

24 MS. PARGEON: Business.

1 MS. LAND: Not even a business. But like
2 they set up a pretty elaborate -- I don't know.

3 CHAIRPERSON TIMMERMAN: Courses.

4 MS. LAND: Courses. Yeah. To be able to
5 run through. That's something that they would have
6 to -- you might want to be able to regulate that.
7 Skate parks, skate ramps, that's another one.

8 We've had a couple of people want to put
9 great big, old skate ramps in their backyards.
10 Neighbors didn't approve because it ended up with
11 30 kids hanging out over there and making lot of noise
12 and speaking in a way that wants you to get out a bar
13 of soap.

14 SECRETARY STACY: Would density in a
15 residential area come into play for something like
16 that? For example, if a house were isolated by itself
17 versus being part of a subdivision?

18 MS. LAND: And you can make a difference.
19 You can identify different types of residential areas,
20 and, then, you can have different things permitted in
21 different kinds of residential areas. Residential
22 areas, you could say R-1 is subdivisions with lots of
23 this size or smaller. And, then, the R-2 is lots of
24 this size or bigger, you know. That way -- and you

1 can permit things on bigger lots than you could in
2 smaller lots. It's just something to keep thinking
3 about.

4 MR. EVANS: I can see where it kind of gets
5 tough where, if somebody's got 20 acres and they say
6 I wouldn't mind on the back of the property having a
7 dirt bike. It's, like, each case is a little bit
8 different than the next.

9 MS. LAND: That's the hook with zoning; it's
10 very difficult, because you do end up with all rules
11 that apply to everybody the same way, regardless of
12 what -- you come along and say, Yeah, but my situation
13 is different. Might be, but the rule is this, and
14 that's the challenge.

15 SECRETARY STACY: It wouldn't make sense,
16 like, over here, in the subdivision for someone to
17 put -- because the houses are so close and it would
18 infringe.

19 MR. EVANS: And I don't know if that has to
20 do with a setback. Let's say somebody says, I want to
21 put up a dirt bike. It's got to be 350 feet away.
22 It's still going to be noisy and dusty and that kind
23 of stuff. But it's, like, since we are in the country
24 you think, what --

1 CHAIRPERSON TIMMERMAN: But not everybody is
2 in the country.

3 MS. PARGEON: Not anymore with the housing
4 developments.

5 CHAIRPERSON TIMMERMAN: Well, I mean, this
6 neighborhood back here, it's a neighborhood, and
7 that's part of the unincorporated part, correct me if
8 I'm wrong.

9 MS. LAND: Which will be an issue in a
10 little while. Yeah. Because, apparently, the village
11 has extended extra territorial jurisdictions out there
12 and already put their village zoning on them, which
13 they have no authority to do.

14 CHAIRPERSON TIMMERMAN: But, at any rate,
15 we're not all out on the country. Some people, at
16 this time -- Hillcrest is still part of --

17 MS. LAND: Uh-huh.

18 MR. EVANS: I could see somebody with
19 20 acres, okay, seems like they should have more
20 leniency. I mean, I paintball on 99 with some guys
21 back in the woods and nobody knew what we were doing.
22 There were a dozen of us.

23 MS. LAND: If you're just playing in the
24 woods, that's different because you're not setting up

1 a course.

2 MR. EVANS: Right. And doing all the ugly
3 things that they do. When we left, no one knew we
4 were there.

5 MS. LAND: Except for the splotches on the
6 trees, right?

7 CHAIRPERSON TIMMERMAN: Almost sounds like
8 this is something we should cover maybe more in the
9 individual sections.

10 MS. LAND: When you get into those sections,
11 yes.

12 But I want you to, while you're going
13 through the definitions, pull out the stuff that you
14 need to be thinking about. With these kinds of
15 things, when you look at these definition, and if you
16 think something needs to be changed on the
17 definitions, to be able to accommodate those things,
18 because we can always keep going back and working on
19 these. But this is -- the definitions are sort of the
20 first touch on everything. So as long as nobody has
21 any --

22 MR. EVANS: You mentioned three or four
23 things. I'm sorry to interrupt you. You mentioned
24 three or four things. I suppose there's 100 more

1 things we haven't even --

2 MS. PARGEON: Yeah, there's a lot of things.

3 MS. LAND: It gets difficult. Yeah.

4 MR. EVANS: It's, like, you want to do kind
5 of the will of the people. If somebody says, I bought
6 50 acres so I could to do this. Or 20 acres and
7 10 acres, or maybe even only 5. But it's, like, we
8 don't want to be a nuisance with it.

9 SECRETARY STACY: Exactly.

10 MS. PARGEON: You have to look at building
11 regulations and everything and how high and how far
12 things have to be away from the property line.

13 MR. EVANS: So there are two sides of the
14 story. This guy says, I bought 10 acres so I can do
15 this.

16 MS. PARGEON: Sorry.

17 MS. LAND: Then he may be able to do it,
18 just not on the edge of the property where it's going
19 to affect the neighbor. That's where zoning comes in
20 to be able to tell him, Yeah, you can do this, but
21 you've got to make sure you're this far back from all
22 of the other people.

23 You really can't have just one type of
24 residential because there's too many different types

1 of residential. There's the guy with 5 acres, or
2 20 acres, or, you know, a house that's 30 feet from
3 his, and those have different kinds of regulations
4 that you'll -- so we'll have different districts.

5 CHAIRPERSON TIMMERMAN: No. 9, it says,
6 "Accessory Signs." What is the definition? Like, is
7 that -- are you going to have billboards at that
8 point?

9 MS. LAND: No. It would be like --

10 CHAIRPERSON TIMMERMAN: Like a business
11 sign?

12 MS. LAND: -- a business sign in front of
13 your house that's permanent would be an accessory
14 sign. There's going to be a sign section.

15 CHAIRPERSON TIMMERMAN: Right.

16 MS. LAND: Each of the -- I think each of
17 the business and industrial have some rules about
18 types of signs. That's always kind of a sticky
19 business, because when you have, you know, like Sheetz
20 coming in, they have a particular kind of sign they
21 always use, and they want to -- but, you know, if you
22 have a regulation that says it can only be so high,
23 they can use that sign, they just have to make it
24 lower. That kind of thing.

1 MR. EVANS: I like what you see in parts of
2 Columbus. There are Sheetz that are probably there,
3 but the signs are down low. They're not --

4 MS. LAND: Delaware is that way when you
5 drive through. Everything is at eye level.

6 MR. EVANS: It doesn't look so --

7 MS. PARGEON: Gaudy.

8 MR. EVANS: -- up to the sky. Yes.

9 MS. LAND: That's a good word.

10 But those are things that you look at and
11 determine when you get to each of the sections.

12 CHAIRPERSON TIMMERMAN: We good to move on
13 then to Alterations?

14 MS. LAND: Uh-huh.

15 CHAIRPERSON TIMMERMAN: Clara, do want to
16 read that one, too?

17 MS. PARGEON: Alterations as applied to a
18 building or structure, a change or arrangement in the
19 structural parts, whether by enlargement or by
20 increasing height, or the moving of a building or
21 structure from one location to another.

22 CHAIRPERSON TIMMERMAN: Seems pretty --

23 MS. PARGEON: Well, if you've got a big
24 building and you want to put it to the edge of your

1 property from where it's at, is it going to block the
2 view of -- overshadow the neighbors?

3 MS. LAND: Do you want to have it apply to
4 height as well as footprint, or do you want it only to
5 be considered an alteration when it has to do with the
6 footprint? That's kind of an issue.

7 CHAIRPERSON TIMMERMAN: Alteration, I think
8 it would include height.

9 MR. EVANS: This is all zoning, right,
10 business.

11 CHAIRPERSON TIMMERMAN: Is it just a generic
12 definition at this point?

13 MS. LAND: Okay.

14 Artificial Pond or Lake. Let's just skip
15 that. I have a new one for you to be able to look at.

16 I think you will end up taking out lake
17 completely because you really don't want a lake
18 because they aren't built easily, and they are
19 something you just don't to want to have to control.

20 Ponds, though, and I am bringing this up
21 because of the problems that Washington Township is
22 having. They have Sunny Farms Landfill is trying to
23 put in a 96-acre, 30-foot-deep pond. That's not a
24 bond; that's a borrow pit. That's a -- yeah.

1 But, according to their -- they have this
2 exact same language, and they're trying to use that to
3 say, It fits your definition. So, now, we're fighting
4 with them that it's not a pond, it's actually a borrow
5 pit. We're going to be in litigation over it.

6 I want to be able to -- they are in the
7 process of changing their zoning to identify it more
8 easily. And what they have put together is pretty
9 good, so we will add that in there, a definition of
10 pond and a definition of borrow pit.

11 CHAIRPERSON TIMMERMAN: Does that include
12 retention and retention ponds, too?

13 MS. LAND: Yes.

14 CHAIRPERSON TIMMERMAN: Okay.

15 MR. EVANS: How do you spell "borrow pit"?
16 Is it B-O-R-R-O-W?

17 MS. LAND: Yeah, I think it is. I've seen
18 it with A-R-R-O-W and O-R-R-O-W. It depends. The
19 ones we got from Louisiana -- I was looking up some
20 definitions or some things about how to change a
21 borrow pit to a pond, and they always spelled it with
22 an "A" there, so I don't know if it's the language
23 there.

24 MS. PARGEON: Probably is. Borrow something

1 from somebody or go to the bank and borrow money,
2 B-O-R-R-O-W.

3 Going to Automobile Repair.

4 Automobile Repair. The general repair,
5 rebuilding, or reconditioning of motor vehicles,
6 engine rebuilding, collision service, such as body,
7 frame, or fender straightening and repair, overall
8 painting and undercoating of automobiles.

9 MS. LAND: Is there any other automobile
10 repair thing that could be included in an automobile
11 repair shop?

12 SECRETARY STACY: You mean an additional
13 service?

14 MS. LAND: Uh-huh.

15 MS. PARGEON: They sell gasoline.

16 MS. LAND: Because if we have these things
17 on here and somebody comes in, We aren't doing those
18 things; we're doing x, Y, and Z, and, then, we're,
19 like, hum. I don't know what else they could do.

20 CHAIRPERSON TIMMERMAN: General repair is
21 just mechanical stuff, is the way I look at it.
22 Rebuilding or reconditioning of motors, that's kind of
23 still general repair, engine rebuilding, collision
24 service.

1 MS. LAND: Would that include detailing
2 shops? Would that include --

3 MS. PARGEON: Yeah.

4 MS. LAND: -- like interior detailing or
5 exterior detailing? Conversions?

6 A lot of people are having their vehicles
7 have gun safes and things put in them, which you have
8 to do in an aftermarket kind of place.

9 CHAIRPERSON TIMMERMAN: I mean, I think
10 adding all of that verbiage is not --

11 MS. LAND: I wouldn't add all of that. But
12 I would say conversions or alterations, something like
13 that.

14 CHAIRPERSON TIMMERMAN: And then the detail
15 stuff. Detailing.

16 MR. EVANS: Is that the reconditioning where
17 it says --

18 SECRETARY STACY: Define detailing.

19 MR. EVANS: Like, when you go in to get it
20 washed and waxed.

21 SECRETARY STACY: Yeah. Getting it cleaned
22 up.

23 MR. EVANS: So I'm wondering if that's under
24 the reconditioning of motor vehicles. Might be; might

1 not be.

2 MS. LAND: Could be. We could find that
3 under there and not have to add it in there.

4 MS. PARGEON: Well, you don't want the place
5 to turn into a big junkyard.

6 SECRETARY STACY: This sounds like a
7 business to me.

8 MS. PARGEON: Yeah.

9 MS. LAND: Oh, it would be.

10 MS. PARGEON: That's what should be a
11 business.

12 MS. LAND: These will definitely be
13 something that will only be permitted when you get
14 down into the business and industrial areas.

15 But when they come in and say it's an
16 automobile repair, then we can look here and say, If
17 you're doing any of these things, then, yeah, it is
18 permitted under these sections. But so we have to --
19 we're just trying to go out there and rake in as many
20 things as we think could be coming along. We may
21 never have some of these things.

22 I think they're trying to draw a distinction
23 between repair shops and body shops and a service
24 station.

1 CHAIRPERSON TIMMERMAN: Is service station
2 just kind of your oil-change place; is that what --

3 MS. LAND: Uh-huh.

4 CHAIRPERSON TIMMERMAN: Okay.

5 MS. LAND: And gas.

6 CHAIRPERSON TIMMERMAN: Sure.

7 MS. PARGEON: Not a chop shop.

8 MS. LAND: Not a chop shop.

9 We can look at what they have in some of the
10 other townships to see if they have anything vastly
11 different, but I think those are pretty common, what's
12 on there.

13 I mean, Amanda Township has generally the
14 same for automobile repair. Automobile service
15 station is a little different. It's a little more
16 streamlined, a place for the dispensing, sale or
17 offering for sale of motor fuels directly to users of
18 motor vehicles, together with the sale of minor
19 accessories and services for motor vehicles, but not
20 including major automobile repair. Automobile repair
21 or major automobile repair.

22 MS. PARGEON: That makes sense.

23 MS. LAND: I like the fact that the one you
24 have also includes lubrication of automobiles,

1 replacement, installation of minor parts. So if you
2 go and get your -- it could be a place like a quickie
3 oil change kind of place would be listed under Service
4 Station versus Repair Shop.

5 CHAIRPERSON TIMMERMAN: Sure.

6 MS. LAND: So yours is a little more
7 comprehensive.

8 MR. EVANS: The only thing they don't say is
9 anything about gasoline.

10 MS. LAND: It doesn't, does it?

11 MR. EVANS: No. And I always thought that
12 was associated with a service station.

13 MS. LAND: Uh-huh.

14 MR. EVANS: Fuel.

15 MS. LAND: Add fuel.

16 MR. EVANS: I don't know whether, in this
17 day and age, do you need to put something in there
18 about charging stations because is that covered
19 anywhere else?

20 MS. LAND: I'll add fuel and/or charging
21 station.

22 CHAIRPERSON TIMMERMAN: Under Service
23 Station.

24 MS. LAND: Under Service Station.

1 (Telephone interruption.)

2 CHAIRPERSON TIMMERMAN: Clara, is that you?

3 SECRETARY STACY: I think it's you.

4 CHAIRPERSON TIMMERMAN: The next one is the
5 board is the Board of Zoning Appeals for Allen
6 Township has to be there.

7 The next one, Boarding or Lodging House.

8 CHAIRPERSON TIMMERMAN: A building designed
9 for or used as a single-family or two-family dwelling
10 and containing guestrooms or lodging, with or without
11 meals, provided on a daily, weekly, or monthly basis.

12 MS. LAND: That would be the bed and
13 breakfasts, or people who just have a boarding house.
14 I don't think that any of those exist anymore.

15 CHAIRPERSON TIMMERMAN: Would that include
16 the Vrbo stuff? Is that all --

17 MR. EVANS: Airbnb.

18 MS. LAND: Yeah. Airbnb, we might have to
19 find something completely different for that. I'll
20 write -- I'll put a note in here to go looking for the
21 Airbnb stuff, which is probably going to be covered
22 with what we're talking about here.

23 You know, we kind of snicker and think, Oh,
24 lodging. You know, boarding houses. But with the

1 problems that we're having now with so many people
2 without lodging, it very well could start happening
3 with people deciding to rent rooms. We want to make
4 sure that -- because those kind of places often get
5 seedy because, I mean, there are a few in Findlay that
6 are -- I mean, there's no way they're going to clean
7 them out. You don't really want that happening, so
8 let's make sure that we include that kind of thing;
9 Airbnb and boarding houses.

10 The definition of building is a huge one.
11 You need to really talk about this and make sure that
12 you're all square on what it is and that you're
13 comfortable with it.

14 CHAIRPERSON TIMMERMAN: Any structure,
15 either temporary or permanent, having a roof supported
16 by columns or walls and intended for the shelter or
17 enclosure of persons, animals, or property of any
18 kind. For the purpose of this Resolution, a mobile
19 home shall be considered a building.

20 MR. EVANS: That's not too vague.

21 MS. LAND: I think it misses a few things.

22 Does it need to be affixed to the ground, or
23 can it be on skids? Do you consider a building
24 something on skids, like those sheds?

1 MS. PARGEON: Like, a mobile home would have
2 to be on a foundation of some kind.

3 MS. LAND: Well, mobile homes are on a
4 foundation. They're on wheels, on axles, and blocks.

5 MS. PARGEON: Right.

6 (Telephone interruption.)

7 MS. PARGEON: Is that me again? I'm sorry.

8 CHAIRPERSON TIMMERMAN: So either temporary
9 or permanent. I mean, it could be -- yeah. I mean,
10 either temporary or permanent, does that kind of -- I
11 guess it's a gray area, but does it kind of cover
12 whether it's got a foundation or not?

13 MS. LAND: Uh-huh. I think it --

14 CHAIRPERSON TIMMERMAN: Pretty quickly, if
15 it's temporary, it's probably not going to have a
16 foundation. I don't disagree that maybe we should
17 have a -- call out a foundation.

18 MS. LAND: So you would not consider a shed
19 that's on skids a building?

20 MR. EVANS: Well, the only thing is is that
21 we're doing this for the purpose of when you talk
22 about setbacks and stuff, stating that you have to
23 have a 20-foot setback from the line of all of your
24 buildings, if it's --

1 MS. LAND: If you have a shed on skids, it
2 doesn't need to be.

3 MR. EVANS: -- taking you up to the property
4 line.

5 MS. LAND: If you don't have it listed as a
6 building.

7 MR. EVANS: Right. So, then, it seems like
8 it should be included for the purposes of using your
9 setbacks and things.

10 MS. PARGEON: I mean, a portable building on
11 skids.

12 MR. EVANS: Right. If we see somebody put a
13 shipping container up against a property line, if the
14 setbacks only talk about buildings, then it seems like
15 the shipping container is not a building if you say
16 that's temporary.

17 CHAIRPERSON TIMMERMAN: You need somebody to
18 put a bunch of -- if you get people putting a bunch of
19 shipping containers out there, you're going to get
20 people complaining.

21 MR. EVANS: Right. That's why we have to do
22 our job to make sure.

23 CHAIRPERSON TIMMERMAN: Right.

24 MS. PARGEON: Uh-huh. Because you don't

1 want a bunch of people stacking them up for a house
2 and saying, Okay. We decided to make a two-story
3 house out of shipping containers.

4 MR. EVANS: And, actually, that's getting to
5 be popular.

6 MS. PARGEON: I know. That's the scary
7 part.

8 MS. LAND: But if they put it on a
9 foundation, you can't tell them No.

10 MS. PARGEON: That's right, if they're on a
11 foundation. But if they're sitting there on skids and
12 they let it get junky-looking and everything, yeah.
13 Big difference.

14 MS. LAND: So you have to make that
15 determination. This one says you don't have to have
16 walls, it could have columns is considered a building,
17 so that's a little more restrictive than some.

18 You know, and that kind of makes sense when
19 you put up a shelter house kind of thing. You know,
20 people do that, or gazebos. They aren't on a real
21 foundation. They're probably -- a lot of them are on
22 blocks.

23 VICE CHAIRPERSON REHUS: Probably skids.

24 MS. LAND: That's possible. So you've got

1 to decide if you want to have those considered to be
2 buildings or not.

3 MS. PARGEON: Are they -- but do you
4 consider them as a permanent structure?

5 MS. LAND: This is permanent or temporary.

6 MS. PARGEON: Okay.

7 CHAIRPERSON TIMMERMAN: Goes both ways.

8 MR. EVANS: I mean, I guess it depends on
9 the whole rest of this, when the term "building" is
10 used --

11 CHAIRPERSON TIMMERMAN: When they use it.

12 MR. EVANS: -- for when you're talking about
13 setbacks. Your building must be at least 20 feet, or
14 it seems like you have to talk about temporary or
15 permanent.

16 MS. LAND: You can say whether attached
17 permanently affixed to the ground or not, and that
18 way, the building includes anything that's on skids or
19 on blocks or moveable, especially since you currently
20 have mobile homes shall be considered a building.
21 Many of them don't abandon their -- don't take their
22 axles and put themselves on -- it's just a skirting.
23 It's still there and moveable.

24 Some do. They remove them and become

1 buildings. When they do that, the auditor starts
2 taxing them as a building as opposed to a mobile home
3 and they lose their title. They're no longer a mobile
4 home because they are permanently affixed to the
5 ground.

6 MS. PARGEON: That's what they do with
7 manufactured homes. When you remove the axles and the
8 wheels, is now considered a home. It's not a trailer.

9 MR. EVANS: A lot of times those are on
10 foundations.

11 MS. PARGEON: Mine is on a foundation. I do
12 have one.

13 MS. LAND: Manufactured homes, it depends on
14 if they're a modular home or if they're, like,
15 double-wide manufactured homes. There's kind of a
16 difference. One never has an axle. The modular homes
17 don't transport on an axle; they transport on a
18 flatbed. They don't have axles, but they would always
19 be considered a building.

20 The others, if it's still on its axles, then
21 we -- under this, it's still considered a mobile home
22 and you would consider it a building, and they'd have
23 to adhere to setbacks. Like I said, it's up to you
24 guys. You've got to make some decisions.

1 CHAIRPERSON TIMMERMAN: What's the downside
2 of including whether it's affixed to the ground or
3 not? I think including --

4 MS. LAND: In Marion Township, it includes
5 both. It doesn't matter if it's affixed to the ground
6 or not. It has to --

7 CHAIRPERSON TIMMERMAN: Do you foresee any
8 negatives of including that language?

9 MS. LAND: People get a little ouchy
10 sometimes if it's just a little shed on skids. It may
11 be a little shed on skids to you, but to your
12 neighbor, if it's right abutting up against their
13 property line, it's something big and ugly.

14 So, you know, you're going to have pluses
15 and minuses on whatever you choose and depending on
16 whose ox is being gored.

17 CHAIRPERSON TIMMERMAN: Uh-huh.

18 MS. PARGEON: Keep it away from the property
19 line.

20 MR. EVANS: It seems like that would be
21 included in the definition when you talk about
22 setbacks. Whether a temporary or permanent thing,
23 they all have the same setbacks, if you allow the
24 temporary. Which the temporary is -- you know, if you

1 go out to, like, TSC, those places all have those
2 12 by 16 buildings, those are temporary.

3 CHAIRPERSON TIMMERMAN: Right.

4 MR. EVANS: They sit on blocks.

5 MS. LAND: We have one of those buildings
6 there in front of Menard's. You know those buildings
7 sitting there.

8 MR. EVANS: At The Grainery or wherever.

9 MS. LAND: They came and set it. It's on
10 skids, but it's on a pad so it doesn't sink into the
11 dirt.

12 MR. EVANS: It's temporary.

13 MS. LAND: It could be moved anywhere.

14 MR. EVANS: I mean, there's some bad
15 temporary, and there's good temporary.

16 MS. LAND: In Marion Township, where I live,
17 we had to get a permit to put that, and we had to have
18 setbacks because it's temporary or permanent.

19 MS. PARGEON: It's best to have setbacks.

20 MR. EVANS: Oh, yeah.

21 MS. PARGEON: Because that way it could be
22 mowed around.

23 CHAIRPERSON TIMMERMAN: It will require
24 additional language later on.

1 MS. LAND: Well, I think it would just
2 require the language here. Building is any structure,
3 whether permanently -- whether or not permanently
4 affixed to the ground. Whether or not on a
5 foundation.

6 MR. EVANS: And, then, we deal with things
7 in zoning or the --

8 MS. LAND: In the different districts.

9 MR. EVANS: -- setbacks.

10 VICE CHAIRPERSON REHUS: Like, it has to be
11 so many feet from.

12 MS. LAND: You'll get that when you get into
13 the different areas because some will have 20 feet,
14 some will have 40 feet. You can have 10 feet. You
15 guys can choose. But there are some standards that
16 are general.

17 Usually, in industrial districts and in
18 business, they are a little bigger than they are in
19 residential. You know, 20 to 40 is about common, you
20 know, residential.

21 I think Marion Township has maybe 10 side
22 yard setback, 10 feet from the side, and 10 feet from
23 the back.

24 MR. EVANS: That's pretty close.

1 MS. LAND: Yeah.

2 MR. EVANS: I mean, if it's a city-sized
3 lot.

4 MS. LAND: Which is -- I live in a
5 subdivision. So, yeah, I mean, if you want to have a
6 descent-size house, you would have to get it as close
7 to the edges.

8 So do you want to add temporary or permanent
9 or only on foundations?

10 MS. PARGEON: Temporary or permanent.

11 CHAIRPERSON TIMMERMAN: It already says
12 that, right? So you're saying whether we add --

13 MS. LAND: Whether or not it's affixed to
14 the ground.

15 CHAIRPERSON TIMMERMAN: Affixed to the
16 ground. I say add it, probably, for me.

17 Anybody else have a --

18 MS. PARGEON: Yeah.

19 CHAIRPERSON TIMMERMAN: That doesn't
20 necessarily mean you have to get a permit for a
21 gazebo.

22 MS. LAND: Yeah, you do.

23 CHAIRPERSON TIMMERMAN: At this point, you
24 would have to get a permit for a gazebo?

1 MR. EVANS: That's not all bad. And I don't
2 know how you use discretion when you're going to look
3 at the things. You know what I'm saying? We've all
4 driven around the county and seen where one guy has a
5 nice shed and we've driven a mile away from that and
6 seen where somebody found some plywood, looks like, on
7 the side of the road and nailed it together and it's
8 all leaning.

9 MS. LAND: And there's nothing you can do
10 about the aesthetics.

11 MR. EVANS: Right. Just setbacks.

12 MS. LAND: They can use --

13 MR. EVANS: As long as it's set back.

14 MS. LAND: -- old junk to make a building
15 and paint it purple with yellow dots, and it's
16 allowed.

17 SECRETARY STACY: There's two sides to that.
18 You could have someone say, You're taking my rights
19 away from being able to do what I want to do on my
20 property, versus --

21 MS. LAND: That's the whole point of zoning.

22 SECRETARY STACY: I understand that.

23 MS. LAND: So that's where is going to be
24 the rub.

1 SECRETARY STACY: So you're going to -- not
2 everyone is going to be happy. I don't know where I
3 land. I don't know where I land. I'm just saying.

4 MR. EVANS: It's like we don't want to make
5 this personal for us; it's for the good of the
6 township.

7 SECRETARY STACY: The good of the township.

8 CHAIRPERSON TIMMERMAN: Initially, not
9 realizing that it would be a permit for a gazebo, at
10 some point, do you really need a permit for a gazebo.
11 But, at the other point, do you want somebody to put
12 up a temporary shed essentially on the property line?

13 MR. EVANS: That's where the setbacks, I
14 suppose, come in.

15 MS. PARGEON: Yeah.

16 CHAIRPERSON TIMMERMAN: But if it's not a
17 building --

18 MS. LAND: If it's not a building, the
19 setbacks don't apply it to.

20 CHAIRPERSON TIMMERMAN: -- it doesn't apply
21 to the setbacks.

22 MR. EVANS: Right. That's why I think you
23 have to have the temporary because if somebody moves a
24 shed on pallets, that's a building in this, right?

1 CHAIRPERSON TIMMERMAN: But it doesn't have
2 a -- it's not affixed to the ground so it's not a
3 building.

4 MS. LAND: It can be a temporary.

5 CHAIRPERSON TIMMERMAN: I don't know.

6 SECRETARY STACY: I don't want either.

7 MS. LAND: I think the either temporary or
8 permanent was probably put in there as language to
9 cover that, making sure it doesn't matter if it's on
10 skids or if it's on a foundation.

11 CHAIRPERSON TIMMERMAN: Right.

12 MS. LAND: I think it's too vague. I think
13 it's confusing. So you need to make it very clear
14 whether you want a structure -- it's a structure
15 whether it's affixed to the ground or not. If it has
16 a roof supported by columns or walls, blah, blah,
17 blah, and take out the temporary or permanent.

18 MR. EVANS: So it's any structure having a
19 roof.

20 MS. LAND: Any structure, whether or not
21 it's affixed to the ground, having a roof supported by
22 columns or walls. That's if you want it to be skids
23 and/or not skids. You know, if you want everything,
24 whether it's moveable or not, this is the language.

1 If you want only those that are on foundations, we
2 need to alter that.

3 And that's why you guys get paid the big
4 bucks. Oh, wait. You don't get paid at all.

5 (Laughter.)

6 MS. LAND: It's all for the adoration.
7 There you go.

8 CHAIRPERSON TIMMERMAN: Double-edged sword.

9 VICE CHAIRPERSON REHUS: I think it should
10 be affixed.

11 CHAIRPERSON TIMMERMAN: Affixed to the
12 ground only? Is that what you're saying? For
13 clarity, you're saying it should be only affixed?

14 VICE CHAIRPERSON REHUS: Yeah.

15 CHAIRPERSON TIMMERMAN: Yeah.

16 VICE CHAIRPERSON REHUS: If you throw skids
17 on there, it's going to be sinking.

18 MS. PARGEON: They're going to rot and it's
19 going to fall.

20 MS. LAND: They can still do that. They
21 just won't have to have a permit to do it.

22 CHAIRPERSON TIMMERMAN: They won't be
23 required to have a permit.

24 MR. EVANS: So you're if saying somebody

1 gets a shed from, like, The Grainery, or something
2 like that, that can't go on their property.

3 CHAIRPERSON TIMMERMAN: It won't require --

4 MS. LAND: It won't require a permit. It
5 can still go on the property.

6 MR. EVANS: Oh, I see.

7 MS. LAND: You won't be able to stop them,
8 you just won't be regulating them.

9 MS. PARGEON: But how long will the building
10 last? It might not last very long and it might
11 disappear shortly.

12 CHAIRPERSON TIMMERMAN: It doesn't really
13 matter in this context.

14 MS. PARGEON: It doesn't, no.

15 CHAIRPERSON TIMMERMAN: Well, they've got to
16 get a permit is basically what this comes down to.

17 MR. EVANS: Right. Everybody should get a
18 permit, right? I mean, if it's affixed, once you get
19 a temporary one. When I say "temporary," one that
20 sits on blocks. Is that what we are saying? What are
21 we --

22 CHAIRPERSON TIMMERMAN: I'm trying to dumb
23 it down to the simplest thing. And a gazebo, I'm
24 trying to -- what's even simpler than a gazebo?

1 I don't know. But, I mean, it says any kind of roof,
2 you know. So a breezeway? I don't know. Like, is a
3 breezeway -- you know, just do you need a permit for
4 all of that, is what this comes down to.

5 MS. LAND: One of the other things that you
6 will need to keep in mind is there are portions of
7 this where you get to the percentage of lot coverage
8 that you'll permit, because you don't want somebody to
9 have building on 99 percent of their lot. That turns
10 out to be bad for everybody, you know.

11 MS. PARGEON: It shades their property and
12 nothing grows and all that stuff.

13 MS. LAND: So if you have things like
14 temporary buildings, or things on skids that don't
15 require permits, then you start having some issues
16 with lot coverage because they might have four sheds
17 side by side that are on skids. Some of those
18 buildings, like, from over at Menard's are garages.
19 They're big enough to drive cars in. And if they're
20 on skids, just on a pad of stone, yeah.

21 MR. EVANS: Seems like you could have a nice
22 and a bad of each of those. Like, a nice garage you
23 added or a nasty garage added. Most of it depends on
24 whether it's affixed, I suppose.

1 CHAIRPERSON TIMMERMAN: I think she brings
2 up a valid point. If you can -- my boss just got a
3 two-car garage that was one of these. At some point,
4 if they're putting up -- they are temporary; they're
5 on skids. At some point it's more than just a little
6 shed or a gazebo. I hate the fact that it's a permit
7 for something like that.

8 MS. PARGEON: We've got to come to a
9 conclusion on this.

10 CHAIRPERSON TIMMERMAN: Right.

11 MR. EVANS: I can see where you're talking
12 about building, it's a little tough.

13 MS. PARGEON: Yeah.

14 SECRETARY STACY: I guess I would be
15 interested in knowing maybe general sentiments of the
16 people in the township on something like that.

17 MS. LAND: You will have hearings and you
18 can alter the book at your hearing and make
19 adjustments to it, and, then, make your recommendation
20 based on the adjustments that you've made to the
21 township trustees for them to consider.

22 So maybe leave this one sort of in your
23 minds in Italics to be able to bring it up at the
24 hearing and get some input, see what people say, if

1 you want to do that.

2 MR. EVANS: The purpose of reading this
3 building definition is because every time it's
4 referred to later, that's what --

5 MS. LAND: That is what it means. Yeah.
6 That what we mean.

7 CHAIRPERSON TIMMERMAN: So are we going to
8 move on from that? Do you want to leave it --
9 currently you have it written up with affixed or not
10 affixed?

11 MS. LAND: I don't want to leave temporary
12 or permanent in there no matter which way you go.

13 SECRETARY STACY: Okay. We can strike that.

14 MS. LAND: Yeah. Then we'll end up
15 adding -- either I add "whether or not it's affixed to
16 the ground" or "affixed to the ground."

17 MS. PARGEON: Yeah. Okay.

18 MS. LAND: Affixed to the ground makes it
19 more liberal because anything that's on skids, they
20 don't have to get permits for, and it can be placed at
21 the -- you know, at the needs of the landowner.

22 If it's "whether or not it's affixed," then
23 there's a permit and they have to meet setbacks and do
24 whatever, even if it's not going to be permanent.

1 So you guys can -- do you want to chew on
2 that for a while and we can revisit it next time.

3 MS. PARGEON: Being a small building, a lot
4 of them are just for temporary use for if they're
5 storing stuff for something and it's not there very
6 long. They don't last forever anyways.

7 MR. EVANS: But if it lasts for 20 years,
8 maybe when you say that, you think how many people
9 bring a building to store stuff --

10 MS. PARGEON: And they never move it.

11 MR. EVANS: -- and it sits there for three
12 years.

13 MS. PARGEON: And it's still there.

14 MS. LAND: I think most people who build a
15 building, whether it's a shed that's on skids or on a
16 foundation, plan on it to be a pretty permanent thing.

17 CHAIRPERSON TIMMERMAN: Right. Yeah.

18 MR. EVANS: I mean, I like the "weather or
19 not affixed to the ground," I don't know whether it's
20 possible just to see how you guys feel about what she
21 said about that, include that language, "whether or
22 not affixed to the ground," as opposed to temporary or
23 permanent. Do most of you like that?

24 CHAIRPERSON TIMMERMAN: I think, for the

1 moment, I like it.

2 SECRETARY STACY: Yeah.

3 MS. LAND: We'll put an asterisk beside it
4 to make sure it's discussed at a hearing that you
5 bring it up. Is that okay? That way you'll get an
6 idea and you'll have to do probably some other more
7 discussing at the hearing about what you want to do
8 for your recommendation.

9 MS. PARGEON: It would depend on the size,
10 be a limit of how big it could be?

11 MS. LAND: That could be.

12 MR. EVANS: Oh, okay.

13 MS. PARGEON: Be a two-car garage or a
14 one-car.

15 CHAIRPERSON TIMMERMAN: Would it be that
16 detailed or further back?

17 MS. LAND: Yes. You could say any
18 structure, whether or not it's affixed to the ground,
19 larger than "X."

20 MS. PARGEON: Yeah. Exactly.

21 MS. LAND: You can do that.

22 MR. EVANS: Are you saying that because you
23 want to limit the size?

24 MS. LAND: A small shed could be moved

1 around.

2 MS. PARGEON: Yeah, a small shed.

3 MS. LAND: A larger would have to have a
4 permit. So what's small?

5 MR. EVANS: Yeah. Right.

6 CHAIRPERSON TIMMERMAN: You can't just put
7 "small"?

8 MS. LAND: Well, what I think is small and
9 what somebody else thinks is small might not --

10 MR. EVANS: Right.

11 MS. LAND: I have an 8 by 10 and it seems
12 pretty small.

13 CHAIRPERSON TIMMERMAN: Sure. Do we just
14 want to put anything on that then? Does that make as
15 much sense as anything?

16 MR. EVANS: What do you want to say?
17 8 by 10, that's 80 square feet? Or 8 by 8.

18 CHAIRPERSON TIMMERMAN: Well, it's going to
19 be anything bigger than this is going to require --

20 MS. PARGEON: A permit.

21 CHAIRPERSON TIMMERMAN: Is going to require
22 a permit. 8 by 8, you might as well include
23 everything at that point.

24 MS. LAND: Except the outhouses.

1 MS. PARGEON: Yeah. Yeah.

2 CHAIRPERSON TIMMERMAN: We finally have the
3 simple -- it's not simple. Let's not go there.

4 MS. PARGEON: Yeah.

5 SECRETARY STACY: I could see where this
6 could -- people would stand their ground having a
7 problem. I mean, I understand what we're trying to
8 say, and I totally understand that. But I could also
9 see this as being people using this as ammunition to
10 shoot down --

11 MR. EVANS: Zoning.

12 SECRETARY STACY: -- the whole thing.

13 MR. EVANS: That's where I think the
14 setback --

15 SECRETARY STACY: Because -- you know,
16 because I think we were hearing that people wanted
17 to -- you go back to the same old argument. You know,
18 No one should tell me what I can and can't do. I
19 think when you start getting too specific and
20 requiring permits, and what have you, I think you're
21 wandering into that territory where it might be hard
22 to do and die on that hill. I understand -- I
23 understand the argument the other way, too. I'm just
24 saying.

1 MR. EVANS: Maybe setbacks takes care of
2 most of that, because, like you said, you can't govern
3 what the shed looks like.

4 SECRETARY STACY: And things shouldn't be on
5 a property line, right?

6 MS. LAND: You're not considering something
7 that's on -- I keep saying on skids, but you know,
8 it's on --

9 MR. EVANS: Blocks.

10 MS. LAND: Yeah. If you're not considering
11 it a building, it won't be covered by any of those
12 things, not by setbacks.

13 SECRETARY STACY: Okay.

14 MS. LAND: It will have the ability to be --

15 SECRETARY STACY: Okay. It needs to be a
16 building to have setbacks?

17 MS. LAND: Yeah.

18 MR. EVANS: That's why I think it's good to
19 have that language, "whether or not affixed to the
20 ground," because that basically covers anything.

21 MS. LAND: As we're going through here, if
22 we find someplace else where we can accomplish what
23 you're concerned with, we can always go back and
24 revisit this and change it to a building can only be

1 something affixed to the ground and find another place
2 where it does help regulate what we're worrying about
3 with things that are not affixed. It can be put
4 anywhere. Make sense?

5 I'm not sure where that is yet because I
6 haven't read this for a long time. It might -- as
7 we're thinking on it, we'll probably go along, Oh,
8 hey, why we don't we try this here and see what
9 happens.

10 CHAIRPERSON TIMMERMAN: I'm with you, Deb.
11 People are going to -- they're not going to like
12 pulling permits for everything.

13 SECRETARY STACY: No.

14 MS. PARGEON: Because it costs. It costs a
15 lot.

16 CHAIRPERSON TIMMERMAN: But if you don't do
17 that at all, I mean --

18 SECRETARY STACY: It's a double-edged sword.

19 CHAIRPERSON TIMMERMAN: It is, completely.

20 MS. LAND: One of the other options is this
21 is a living document and you can go ahead and make it
22 only affixed, which is the more liberal. If you find
23 that it really turns out to be a real problem and
24 you're having issues, then you can revisit, perhaps,

1 amending some day to be able to narrow it down where
2 you actually need it, instead of the wide sweep of
3 everything. You may have a better idea of how you
4 would need to limit it.

5 CHAIRPERSON TIMMERMAN: But the argument
6 against that is, if you let it get to that point,
7 they're grandfathered, you get to live with that
8 point.

9 MS. LAND: Yeah. But it's one of those
10 things that you'll have to be vigilant. Whenever you
11 start zoning, that's the most important thing. You've
12 got to kind of take a snapshot -- you must take a
13 snapshot at the beginning to see what is there and
14 what's already permitted. And, then, you've got to
15 sort of see how things are progressing and what is
16 flying, what isn't flying, what's causing problems.
17 And, then, almost any zoning book needs to be amended
18 within the first couple years because we're sitting
19 around talking about all of these could be, could be,
20 could be. And, then, real life comes in and we find
21 out what it really is. You may need to do some
22 amending to make it fit that.

23 I wouldn't get too hung up on something
24 where we're worried about all of the could bes, and

1 let's just pick one. I think the consensus has been,
2 with a lot of people, to go with the more liberal kind
3 of book. If that's the case, then we'll just make the
4 ones that are affixed and we'll see what happens.

5 CHAIRPERSON TIMMERMAN: Okay.

6 MS. PARGEON: Okay.

7 MS. LAND: That work for you guys?

8 SECRETARY STACY: Yeah.

9 CHAIRPERSON TIMMERMAN: Sure.

10 MS. LAND: So I'll say, "Any structure
11 permanently affixed to the ground, having a roof
12 supported by columns or walls." And then the rest of
13 it. That makes sense? That's the more liberal
14 reading.

15 SECRETARY STACY: Okay.

16 CHAIRPERSON TIMMERMAN: Keeping on?

17 MS. LAND: Building Height.

18 CHAIRPERSON TIMMERMAN: Building Height.

19 The vertical distance measured from the
20 established grade to the highest point of the roof
21 surface for flat roofs, to the deck line of a Mansard
22 roof, to the average height between eaves and ridge
23 for gable, hip, and gambel roofs, and two-thirds of
24 the vertical distance between the eaves for the ridge

1 for A-frame roofs.

2 MS. LAND: Okay.

3 CHAIRPERSON TIMMERMAN: Where does that come
4 from? Why is it that half distance?

5 MS. LAND: Because, actually, one of the
6 other townships has these really nifty illustrations
7 to show you what those things are.

8 CHAIRPERSON TIMMERMAN: So does ours.

9 MS. LAND: I would suggest that you put
10 those in there. Oh, yours does?

11 MR. EVANS: Yeah.

12 MS. LAND: Yeah.

13 SECRETARY STACY: Is that basically so
14 you're not obstructing your neighbor's view, or what?

15 MS. LAND: Or blocking light.

16 SECRETARY STACY: Blocking light.

17 MS. PARGEON: If they've got a garden and
18 it's shaded, that's not good.

19 MS. LAND: Yeah. The height of things.
20 You're not going to have many four-story buildings
21 coming up here, residences, residential areas.
22 However, when you're talking about industrial areas,
23 you could end up with some pretty tall buildings.

24 CHAIRPERSON TIMMERMAN: Right.

1 MS. LAND: Some of those -- like the
2 distribution centers, those are pretty big, you know,
3 when you get to them, and you have higher heights that
4 are permitted in Industrial.

5 CHAIRPERSON TIMMERMAN: That's called out
6 later. Right. This is just the definition of the
7 height.

8 MS. LAND: Of where you measure from to get
9 the heights.

10 MS. PARGEON: Right.

11 SECRETARY STACY: Gotcha. Okay.

12 MS. PARGEON: That definitely need to be.

13 CHAIRPERSON TIMMERMAN: Do you have any idea
14 of why they go from these weird --

15 MS. LAND: Well, because it's useable area.
16 You can't use clear up to the peak of an A-frame, and
17 you can't -- so they are kind of picking from where --

18 CHAIRPERSON TIMMERMAN: The usable area.

19 MS. LAND: There are a lot of houses that
20 have these great big, steep roofs and mostly it's
21 one-story houses. That's where they would --

22 CHAIRPERSON TIMMERMAN: Okay. That's the
23 exact same as what's in Washington Township's and
24 apparently there's many of them.

1 MS. LAND: Yeah.

2 CHAIRPERSON TIMMERMAN: I think that's the
3 standard definition.

4 MS. LAND: That came from Regional Planning
5 years ago and it's kind of just stuck there.

6 MS. PARGEON: We'll leave it there.

7 CHAIRPERSON TIMMERMAN: Keep it, I guess.

8 Building Line. A line formed by the face of
9 the building, and for the purpose of this Resolution,
10 a minimum building line is the same as the front
11 setback line.

12 Again, that's a standard definition.

13 MR. EVANS: I think there is a drawing of
14 that too, isn't there, on the next page?

15 MS. LAND: Right.

16 CHAIRPERSON TIMMERMAN: That looks like it's
17 the furthest forward point.

18 MS. LAND: Yeah. And if you have a house
19 that's sitting diagonal on the lot, then it's the
20 closest corner to that point.

21 CHAIRPERSON TIMMERMAN: Is there any reason
22 to call that out saying specifically the closest
23 point, or that's --

24 MS. LAND: No. I think that's pretty

1 standard.

2 CHAIRPERSON TIMMERMAN: Okay.

3 MS. LAND: Some of these things you look at
4 and think these are just dumb that we have to define
5 them, but we're only defining them because somebody's
6 questioning them.

7 CHAIRPERSON TIMMERMAN: Right.

8 MS. LAND: The Commission is you guys.
9 Comprehensive Land Use Plan.

10 CHAIRPERSON TIMMERMAN: Comprehensive Land
11 Use Plan of Allen Township, Hancock County, Ohio,
12 including graphic and written proposals indicating the
13 general location for streets, parks, schools, public
14 buildings and all physical development of the
15 township, and including any unit or part of such plan.

16 MS. LAND: The Comprehensive Land Use Plan
17 will be a map that you guys have besides the zoning
18 map. You'll have two. The Comprehensive Land Use
19 Plan is more of a guide. So you can see -- and for
20 the one that you guys are going to have, Regional
21 Planning is putting it together and has current uses
22 on it. So you'll be able to have -- you know, this is
23 a snapshot of what we have now and what the current
24 uses are. It's a tool.

1 MR. EVANS: That would be a good tool.

2 MS. LAND: It will be.

3 MR. EVANS: We'll have that soon in, like,
4 weeks?

5 MS. LAND: Well, I thought they would be
6 here tonight, but, apparently -- I don't know why they
7 aren't here. I didn't call and remind anybody, so
8 maybe they didn't get the memo.

9 Okay. Convalescent or Nursing Home.

10 CHAIRPERSON TIMMERMAN: A structure with
11 sleeping rooms where persons are housed or lodged and
12 are furnished with meals, nursing, and medical care.

13 Sounds pretty standard.

14 MS. LAND: Cold sounding, but, yeah. Housed
15 or lodged.

16 MS. PARGEON: That's where you park them.

17 MS. LAND: Yeah. County, Hancock. You
18 can't change that.

19 CHAIRPERSON TIMMERMAN: District. Portion
20 of the incorporated area of Allen Township, within
21 which certain regulations and requirements apply under
22 the provision of this Resolution.

23 Again, I assume that's a standard.

24 MS. LAND: That's standard.

1 MS. PARGEON: Yeah.

2 CHAIRPERSON TIMMERMAN: Dwelling Unit. A
3 building, portion of a building, designed for
4 occupancy by one family for residential purposes, and
5 having cooking facilities.

6 MS. LAND: That is -- the reason that it has
7 "cooking facilities" in there is because you'd be
8 surprised how many people have a bedroom and a
9 bathroom in a shed in the backyard. And for the tiny
10 house for the mother-in-law suite, or whatever, then
11 you want to -- I mean, that's --

12 MS. PARGEON: Make it livable.

13 MS. LAND: Yeah. That's not considered a
14 dwelling unit in your township according to this,
15 unless you want it to be.

16 MS. PARGEON: No. No.

17 CHAIRPERSON TIMMERMAN: Keep going?

18 MS. LAND: Uh-huh.

19 CHAIRPERSON TIMMERMAN: One-family Dwelling.
20 A building designed for and occupied exclusively by
21 one family.

22 Two-family Dwelling. A building designed
23 exclusively for occupancy by two families living
24 independently of each other.

1 MS. LAND: That's important because you
2 don't want two families living in one home. I don't
3 care if you want it or not, that's not the point. You
4 could want it. But this says that, for it to be a
5 two-family, they have to be independent. So it has to
6 be a duplex where they have separate units, as opposed
7 to two families living in one house.

8 MS. PARGEON: Right.

9 MS. LAND: That's something that dwelling,
10 the one-family unit is one family lives in there.

11 SECRETARY STACY: How do you define
12 "family"?

13 MS. LAND: That will probably be defined
14 down here later.

15 MR. EVANS: You see a lot of that these
16 days.

17 MS. LAND: A family is down here in
18 Definitions.

19 SECRETARY STACY: Okay.

20 MS. LAND: And you guys can deal with what
21 that definition is.

22 SECRETARY STACY: Uh-huh.

23 CHAIRPERSON TIMMERMAN: So I assume you're
24 saying to keep that definition as is for the

1 two-family?

2 MS. LAND: Uh-huh. And multi-family --

3 CHAIRPERSON TIMMERMAN: We're going to need
4 that clarity later.Okay.

5 MS. LAND: -- is just for more units than
6 two. And I would prefer that you keep those that way
7 for now. If you decide that you want to change those.
8 Once you get into the residential stuff, we can go
9 back and revisit them. But there's good reason to
10 have those defined that way to be able to keep your
11 districts.

12 MS. PARGEON: Separate apartments.

13 MS. LAND: Okay. Erected. Built,
14 constructed, altered, reconstructed, moved upon, or
15 any physical operations on the premises which are
16 required for construction. Excavation, fill, drainage
17 and the like shall be considered part of that process.

18 Anything on there you don't like or want to
19 change?

20 MS. PARGEON: No. That fits.

21 MR. EVANS: Maybe I should -- Go back to
22 that dwelling unit. I see it has cooking facilities.
23 Is it bad to have, like, where you say it has to also
24 have running water and that sort of thing, because I'm

1 just saying, what's the definition of "cooking
2 facilities"?

3 SECRETARY STACY: You can have a little
4 stand and put a crock pot on there and that could be
5 your cooking facilities.

6 MR. EVANS: I'm saying, okay, if it's got
7 running water with a bathroom, how do you define that?
8 I mean, just to make it so -- like you said, there's a
9 shed out back that somebody is living in. Is that too
10 much?

11 MS. LAND: I can look and see if we can find
12 some definitions that add stuff like that.

13 MR. EVANS: It seems like it makes a big
14 difference if there's running water.

15 SECRETARY STACY: Yeah. I can see -- yeah.
16 Uh-huh.

17 MR. EVANS: If you have running water, at
18 least you have a way -- sources for bathrooms and
19 stuff.

20 SECRETARY STACY: Right.

21 MS. LAND: So would it have to be running
22 water and sewer facilities?

23 MR. EVANS: Yeah.

24 MS. PARGEON: Yeah.

1 MR. EVANS: What do you guys think?

2 MS. PARGEON: Definitely.

3 SECRETARY STACY: If you're going to live in
4 it, you'd want it to.

5 MS. PARGEON: You want to have a bathroom.

6 CHAIRPERSON TIMMERMAN: So to argue that
7 point, if doesn't have running water, does it mean
8 that nobody can live in it?

9 MR. EVANS: What I'm getting at is, say,
10 somebody lives in a family lot -- you're saying that's
11 designated for a single family. Oh, I see what you're
12 saying. You're saying if they have a building out
13 back, and there's no running water, can they live
14 there.

15 MS. LAND: If there's a house with no
16 running water or indoor plumbing.

17 MR. EVANS: I see what you're saying.

18 MS. LAND: There could be some of those.

19 CHAIRPERSON TIMMERMAN: I mean, what you're
20 saying is it has to have running water to be --

21 MS. PARGEON: To have a bathroom.

22 MR. EVANS: To be a house.

23 CHAIRPERSON TIMMERMAN: -- to be considered
24 a house?

1 MR. EVANS: Dwelling. Right.

2 MS. LAND: It doesn't have to have running
3 water to have a bathroom. They can have --

4 CHAIRPERSON TIMMERMAN: Composting.

5 MS. LAND: -- composting.

6 SECRETARY STACY: That's true.

7 MR. EVANS: I guess maybe that shouldn't be
8 put in there.

9 CHAIRPERSON TIMMERMAN: Right.

10 MR. EVANS: Right. I agree. It shouldn't
11 have that in there.

12 MS. LAND: Should not have the running
13 water?

14 MR. EVANS: I mean it should not have that
15 put in there where running water because --

16 CHAIRPERSON TIMMERMAN: Then it won't fall
17 under that.

18 MR. EVANS: Right.

19 CHAIRPERSON TIMMERMAN: I don't know if
20 that's good or bad.

21 MR. EVANS: At first, I was thinking we want
22 that building to have running water if somebody is
23 living in there.

24 MS. LAND: But if you don't want people

1 living in there, and if that's your goal to not have
2 people living in there, then you would want to add
3 that it has to have sewer facilities, it has to have
4 running water, and it has to have cooking facilities.

5 CHAIRPERSON TIMMERMAN: That would be added
6 later, though.

7 MS. LAND: Well, that would have to be added
8 under "dwelling unit."

9 CHAIRPERSON TIMMERMAN: We couldn't consider
10 it a dwelling unit, it would have to have those
11 things?

12 MS. LAND: Yes. So if they have a shed out
13 back that they put a futon in and put a dresser in for
14 the teenager to live in because they can't stand him,
15 then they wouldn't be able to do that.

16 CHAIRPERSON TIMMERMAN: If it didn't have --

17 MS. LAND: Children's Services probably
18 wouldn't be pleased either.

19 MR. EVANS: I thought it would be the
20 opposite of that. If we said a dwelling has to have
21 running water and sewage, then somebody -- you know,
22 the kid's out back there in a futon, that's not
23 actually a dwelling.

24 MS. LAND: And they can't be in there. If

1 they really want to have the kid out there living,
2 they have to make sure that they have --

3 CHAIRPERSON TIMMERMAN: Your way would
4 require that they would have plumbing, sewer,
5 whatever?

6 MS. LAND: Yeah.

7 CHAIRPERSON TIMMERMAN: Maybe it is the --

8 MS. LAND: So that's the more restrictive
9 version. If you want to go more liberal, you wouldn't
10 have to have the running water and sanitary sewer
11 facilities, just cooking facilities. So a futon and a
12 hotplate.

13 SECRETARY STACY: You could have a cooler
14 with your beverages.

15 MS. LAND: And the kid's got a mini fridge,
16 right? Oh, electric.

17 MR. EVANS: Oh, yeah. Exactly.

18 SECRETARY STACY: Living off the grid.

19 MS. LAND: Big extension cord.

20 MR. EVANS: Maybe we better leave it alone.

21 CHAIRPERSON TIMMERMAN: That's a very broad
22 definition right now.

23 MS. LAND: And broad is more liberal.

24 CHAIRPERSON TIMMERMAN: Right.

1 MS. PARGEON: So leave it as is for now.

2 CHAIRPERSON TIMMERMAN: I think so.

3 Essential Services. Keep going?

4 MS. LAND: Uh-huh.

5 CHAIRPERSON TIMMERMAN: The erection,
6 construction, alteration, or maintenance by public
7 utilities, municipal, or other governmental agencies,
8 of underground, surface, or overhead gas, electric,
9 steam, fuel, or water transmission, or distribution
10 systems, collections, communications, supply of
11 disposal systems, including poles, wires, mains,
12 drains, sewers, pipes, conduits, cables, fire alarm,
13 and police call boxes, traffic signals, and hydrants
14 and connection herewith, but not including buildings
15 which are necessary for the furnishing and adequate
16 service by such utilities or municipal departments for
17 general health, safety, or welfare.

18 MS. LAND: Basically you're going to find
19 out that essential services, you can't regulate them a
20 lot. You know, if they want to put cable lines
21 through, or if they want to -- AEP wants to change
22 their lines, zoning doesn't have much control over it.

23 We're in the part of 519 where we're
24 enacting zoning. There are sections of 519, the code

1 section, or that chapter, that deal with things that
2 zoning can't regulate, and one of the things are
3 utilities. This is just defining what we consider
4 essential services.

5 MS. PARGEON: So that stays.

6 CHAIRPERSON TIMMERMAN: Is there any
7 regulating, like, buried or above-ground? It seems
8 like most stuff tends to be buried.

9 MS. LAND: No.

10 CHAIRPERSON TIMMERMAN: There's no control
11 at all?

12 MS. LAND: Huh-uh. You have a slight bit of
13 control over cell towers, where they are in
14 conjunction to residential districts kind of thing.
15 Not so much you can tell them no, but there are some
16 notice and setback issues. And, then, there's a
17 possibility under the more recent statutes for control
18 of solar and wind. Which, you know, and there's that,
19 are they utilities or not. They might produce
20 utilities. They may not be utilities. It's a big
21 question. But that statute specifically addresses
22 that, so it takes that question out of the issue.
23 We'll get to that as a section to drop in here later.

24 CHAIRPERSON TIMMERMAN: Anybody else want to

1 read?

2 SECRETARY STACY: Exception. A use
3 permitted only after review of an application by the
4 Board of Zoning Appeals or Zoning or Planning
5 Commission or Township Trustees. A modification in
6 the standards of this Resolution specifically
7 permitted after review by the Board of Zoning Appeals,
8 Zoning, or Planning Commission --

9 This seems redundant.

10 MS. LAND: It does.

11 SECRETARY STACY: -- Commission or Township
12 Trustees.

13 After review being necessary because the
14 provisions of this Resolution covering conditions
15 precedent or subsequent are not precise enough to
16 applications without interpretation and such review an
17 exception is provided for by this Resolution, an
18 exception is provided for by this Resolution. An
19 exception is not a variance.

20 MS. LAND: Let's just go back and visit that
21 later. I'm going to go do some checking on that and
22 see if there's something we can do about it because,
23 number one, it's pretty clunky.

24 SECRETARY STACY: It is clunky and it's

1 cumbersome.

2 MS. LAND: And I'm not sure that an
3 exception is something that can still be in a Zoning
4 Resolution. You know, there are variances, use, and
5 area variances that are permitted.

6 Exception is basically saying somebody comes
7 in and says, Your plan just doesn't work for me. Can
8 I do it in my own way? That's bad. In that way lies
9 danger. We don't want that kind of thing. I'll
10 review that and see what I can come up with.

11 MS. PARGEON: It says an exception is not a
12 variance. That's for sure.

13 MS. LAND: Yeah. Variances have certain
14 rules that apply, where exceptions would not have
15 rules applied to them which throws you very clearly
16 into that possibility of doing something arbitrary, or
17 something that they consider that anybody -- you know,
18 it may be okay for you. But they may want to assume
19 because that's not fair that he gets to do that and
20 the rest of us don't. We don't want that. That's not
21 something that's comforting.

22 I'll check and see if we're even allowed to
23 still do that. I kind of remember some case law in
24 the last ten years or so that said those were pretty

1 much extinct.

2 Exit Ramps.

3 SECRETARY STACY: A roadway connecting a
4 limited access highway with a feeder road and used for
5 access from such limited access highway to a feeder
6 road.

7 MS. LAND: Okay. That's pretty
8 straightforward.

9 CHAIRPERSON TIMMERMAN: Is there a
10 definition that follows that with leader -- or with a
11 feeder road and limited access?

12 MS. LAND: Those are things that are in the
13 County Subdivision or the Access Management
14 Regulations. That's where those are defined. Since
15 they're defined at the county level, we can't define
16 them at a township level. They have to be the
17 county's. We can't change something the State says,
18 and the County can't change the State. Townships
19 can't change the County.

20 MS. PARGEON: Family. One or two persons or
21 parents with their direct descendants, and adopted
22 or foster children, including any domestic employees,
23 together with not more than three persons not so
24 related living together in the whole or part of a

1 dwelling comprising of a single housekeeping unit.

2 That's what a family is.

3 MS. LAND: That's pretty liberal.

4 MS. PARGEON: Yeah.

5 Farm. The carrying on of any agricultural
6 activity or the raising of livestock as a source of
7 income.

8 MS. LAND: I don't know that we're allowed
9 to add "as a source of income." There is a definition
10 of -- well, you could. Under Farm, you can leave that
11 in.

12 MS. PARGEON: Yeah.

13 MS. LAND: Agricultural, you cannot add in
14 that it has to be money-making to be agricultural.

15 MS. PARGEON: You never know.

16 MR. EVANS: There's hobby farms.

17 MS. LAND: Every farmer I've ever talked to
18 says it's not a money-making thing.

19 SECRETARY STACY: Here's the other thing.
20 You could have a house and have three chickens out
21 back and you sell a dozen eggs every couple of weeks.

22 MS. LAND: Yep.

23 SECRETARY STACY: So it kind of waters
24 down --

1 MS. LAND: Agricultural use, the definition
2 is very, very large, and it covers everything you can
3 imagine, from sod growing, bees. Dog breeding,
4 though, if it's only in a kennel kind of thing, does
5 not fall into animal husbandry. I don't know why, but
6 it doesn't.

7 MS. PARGEON: Feeder Road.

8 CHAIRPERSON TIMMERMAN: Does Feeder Road
9 just automatically come out if it's defined at the
10 county level?

11 MS. LAND: Uh-huh.

12 CHAIRPERSON TIMMERMAN: We don't even need
13 it in here?

14 MS. PARGEON: Don't need it.

15 MS. LAND: I would leave it in there. Just
16 when you get to the county level, and then we say what
17 a feeder road is, we define it there as opposed to --

18 SECRETARY STACY: Okay. All right.

19 MS. LAND: I don't really want to put the
20 definition in here because if the county's definition
21 changes, then you've got to go in and adopt and redo
22 your -- do an amendment.

23 CHAIRPERSON TIMMERMAN: So you're saying
24 keep it in here in the Definitions section?

1 MS. LAND: Uh-huh. Well, it's not in the
2 Definitions. Well, let's take it out.

3 MS. PARGEON: Yeah. Take it out. It's
4 right there. It's right there.

5 SECRETARY STACY: So you're pulling that?

6 MS. LAND: It doesn't hurt. Just leave it
7 there.

8 MS. PARGEON: The road's there.

9 MS. LAND: That's not at all the way they go
10 into it at the other. I mean, they have so much more.
11 This is so broad, then they'll define it more.

12 MS. PARGEON: Floor Area, Residential. For
13 the purpose of computing the minimum allowable floor
14 area in a residential dwelling unit, the sum of the
15 horizontal area of each story of the building shall be
16 measured from the exterior faces of the exterior walls
17 or from the centerline of walls separating two
18 dwellings. The floor area measurement is exclusive of
19 areas of basements, unfinished attics, attached
20 garages, breezeways, and enclosed and unenclosed
21 porches.

22 Floor Area.

23 MS. LAND: You don't want to -- you don't
24 really want to take something like this out because --

1 well, unless you -- do you want tiny houses? I mean,
2 people may have tiny houses that have floor spaces of
3 less than 80 feet. Some of them are teeny tiny.

4 CHAIRPERSON TIMMERMAN: This just defines
5 what floor area is.

6 MS. LAND: Right.

7 CHAIRPERSON TIMMERMAN: It doesn't say --

8 MS. LAND: It does say how you count it.

9 MS. PARGEON: Just leave it in there.

10 MS. LAND: Right. You don't want basements.
11 You really don't want basements determined, unless you
12 want to identify a basement that's a walkout basement,
13 if it's built on a hill and it's a walk-in from the
14 outside, you might want to count that then. Right
15 now, it would not be counted as floor space.

16 SECRETARY STACY: Right.

17 MS. LAND: I don't know how Realtors do it.
18 Do they count that as floor space or not? I don't
19 think they count your regular basement when they're
20 looking at your square footage of your house.

21 MS. PARGEON: Shall we go to Grade?

22 The ground elevation established for the
23 purpose of regulating the number of stories and the
24 height of the buildings or structures.

1 The building grade shall be the level of the
2 ground adjacent to the walls of the building or
3 structure if the finished grade is level. If the
4 ground is not entirely level, the grade shall be
5 determined by averaging the elevation of the ground
6 for each face of the building.

7 CHAIRPERSON TIMMERMAN: Everywhere else it
8 says "building or structure." Should we add "or
9 structure" at the end?

10 MS. LAND: Hold on a minute. Yeah. If you
11 like, you can. Is that a "Yeah"? Do you want me to
12 add that?

13 MS. PARGEON: Yes.

14 SECRETARY STACY: Go ahead.

15 MS. PARGEON: Home Business. Any
16 occupational activity carried on exclusively by a
17 member of an immediate family residing on the premises
18 and conducted entirely on the premises. No commodity
19 shall be sold on the premises, nor mechanical
20 equipment used the external effects of which may
21 adversely affect adjacent property. Home businesses
22 shall be clearly incidental and secondary to the use
23 of the premises for dwelling purposes and shall not
24 change the structural character thereof.

1 SECRETARY STACY: That's pretty solid.

2 CHAIRPERSON TIMMERMAN: Does the definition
3 of "no commodity shall be sold" --

4 MS. LAND: You don't want a retail business
5 on it.

6 CHAIRPERSON TIMMERMAN: How about with like
7 an Etsy store?

8 MS. LAND: It's not sold on the premises;
9 you ship it out. You don't want people driving up.

10 CHAIRPERSON TIMMERMAN: There's just so many
11 people that do those kind of things now.

12 MS. LAND: Exactly.

13 SECRETARY STACY: But it's good to bring it
14 up because --

15 CHAIRPERSON TIMMERMAN: So it's not sold on
16 the premise?

17 MS. LAND: Right.

18 CHAIRPERSON TIMMERMAN: Okay.

19 MS. PARGEON: Home occupation. Any
20 occupational activity carried on exclusively by a
21 member of the immediate family residing in the
22 dwelling and conducted entirely within the dwelling.
23 No commodity shall be sold on the premises, nor
24 mechanical equipment used, the external effects of

1 which may adversely affect adjacent property.

2 Home occupations shall be clearly incidental
3 and secondary to the use of the dwelling for dwelling
4 purposes and shall not change the structural character
5 thereof.

6 CHAIRPERSON TIMMERMAN: So occupation is
7 something that goes on entirely within the house, and
8 business is on the property.

9 How about -- I'm just thinking. I haven't
10 thought it all the way through. Somebody like a
11 plumber or something and they operate out of their
12 house. Is that in this? Or the fact that they
13 conduct their business off sight?

14 MS. LAND: Yeah. That doesn't -- yeah. It
15 could be accountants who work from their home. They
16 get people's books in and do them there. The Etsy
17 kind of thing, if they're making jewelry or making
18 pottery or whatever and selling it, you know, shipping
19 it out. But that's all done within the home.

20 You can't use -- like, you could have a
21 woodworking shop, for example. But if you're out
22 there planing wood and it's extremely loud and
23 bothering your neighbors, it may not be permitted. If
24 it's inside a building where it's muffled and doesn't

1 bother the neighbors, then the external effects of the
2 machinery you're using are not adverse to the
3 neighbors.

4 So some of it has to do with whatever they
5 are planning to do, a zoning inspector will have to
6 evaluate it and determine whether it fits or doesn't.
7 If the zoning inspector comes along and says, No, that
8 doesn't fit for home occupation or home business, then
9 there's the option of them appealing to the Board of
10 Zoning Appeals, saying, We disagree with his decision.
11 This is what it is.

12 So there's that -- the zoning inspector will
13 have a lot of discretion in determine what something
14 is. But there's always that, if you don't agree with
15 it, they have a chance to go to the Board of Zoning
16 Appeals and state their case.

17 MS. PARGEON: Junkyard. An area where
18 waste, used, or secondhand materials are bought and
19 sold, exchanged, stored, baled, package, disassembled,
20 sorted, or handled, including, but not limited to
21 scrap iron and other metals. Paper, rags, rubber
22 tires, and bottles. A junkyard.

23 SECRETARY STACY: It goes on.

24 MS. PARGEON: It goes on. Includes --

1 that's it? Okay.

2 Junkyard includes automobiles, wrecking
3 yards, salvage yards, recycling yards, and includes
4 any open area of more than 200 square feet for
5 storage, keeping abandonment of junk.

6 That's a junkyard.

7 SECRETARY STACY: So does somewhere address,
8 like, you know, fencing, and, you know --

9 MS. LAND: Well, in any of the areas where
10 you'll permit some of these kinds of things, you have
11 the option of making things conditional uses. Under
12 the conditional uses, you have the conditions that
13 would need to be met to be able to have it in that
14 area. Like, in an industrial area, you might be able
15 to have a junkyard with just, go ahead and have your
16 junkyard. But if they want to do it in a Light
17 Industrial area, then you may have it under
18 Conditional Use that you can have it, if it's got
19 these kind of walls, enough fence, and setbacks, and
20 that kind of stuff. So yeah. You'll be able to put a
21 little bit more in.

22 SECRETARY STACY: So for the areas that we
23 currently have, the fact that they have fencing is of
24 their own choosing? It's not because of no zoning if

1 there's no --

2 MS. LAND: It will still be fencing of their
3 own choosing. We know can't choose the fence.

4 SECRETARY STACY: No. But I mean, there
5 would be some type of fencing to try to conceal. So
6 they have that up because -- actually, they wouldn't
7 need to be concealing that, would they?

8 CHAIRPERSON TIMMERMAN: You're saying
9 currently?

10 SECRETARY STACY: Yeah. Everything I'm
11 seeing has some type of --

12 MS. LAND: There are some regulations of
13 junkyards that have nothing to do with zoning.
14 However, they are so gutted in the past, I don't know,
15 15 to 20 years, it's almost impossible to do anything
16 with them. The sheriff's office has been working with
17 us for years trying to figure out a way, and we just
18 really can't.

19 The biggest ability to deal with junkyards
20 is through the township trustees going after junk and
21 debris and/or noxious weeds, if there are weeds
22 growing through it. But they have to clean it up to
23 do that and then charge them for it.

24 SECRETARY STACY: Sure. Right.

1 MS. LAND: There's always that possibility
2 that if it costs too much, people don't pay their
3 taxes and then you're stuck with it. They don't --
4 you never get the money back. You'd be surprised how
5 many people don't pay their taxes.

6 CHAIRPERSON TIMMERMAN: Just coming off of
7 junkyard, I didn't see, at a quick glance, landfills,
8 which we clearly have.

9 MS. PARGEON: They are considered different.

10 SECRETARY STACY: Sanitary. That's
11 considered a sanitary landfill, correct? But can we
12 prohibit any new landfills?

13 MS. LAND: But not the County's because you
14 can't stop the government. Even if it's
15 grandfathered, the County isn't subject to zoning on
16 their properties.

17 SECRETARY STACY: Right.

18 MS. LAND: Neither is the City. They aren't
19 subject to zoning.

20 SECRETARY STACY: I'm talking about a new
21 landfill for -- as in the private business.

22 MS. LAND: Okay. Let's see about finding a
23 landfill definition.

24 CHAIRPERSON TIMMERMAN: Is that something

1 you'll do?

2 MS. LAND: Yeah, I'll look.

3 CHAIRPERSON TIMMERMAN: Okay.

4 MS. LAND: I'll look for something there.

5 MS. PARGEON: Go to Loading Space next.

6 An off-street space on the same lot with a
7 building or group of buildings for the temporary
8 parking of commercial vehicle while loading and
9 unloading merchandise, materials.

10 That makes sense.

11 A lot -- are we done with Loading Space?

12 MS. LAND: Nobody has any comments.

13 MS. PARGEON: Everybody okay with that?

14 CHAIRPERSON TIMMERMAN: Yeah.

15 MS. PARGEON: Lot. A parcel of land
16 occupied or intended to be occupied by a main building
17 or group of such buildings and accessory buildings and
18 uses.

19 CHAIRPERSON TIMMERMAN: That's fine.

20 SECRETARY STACY: But you could have a bare
21 lot with nothing on there.

22 CHAIRPERSON TIMMERMAN: Correct. Or
23 intended to be occupied.

24 SECRETARY STACY: Or intended to be

1 occupied.

2 MS. PARGEON: Leave it as is.

3 Lot, Corner. A lot where the interior angle
4 of two adjacent sides of the intersection of two
5 streets is less than 135 degrees. A lot abutting upon
6 a curve street or street shall be considered a corner
7 lot for the purpose of this Resolution. If the arc is
8 of less radius than 150 feet and the tangents to the
9 curve at the two points where the lot lines meet the
10 curve or the straight street line extend to form an
11 interior angle of less than 135 degrees.

12 SECRETARY STACY: Is there a reason why we
13 need to identify a lot as either a corner or interior?

14 MS. LAND: Setbacks. Because if you're a
15 corner lot, you have frontline setbacks on both sides.

16 MR. EVANS: Which they kind of have pictures
17 of that on --

18 MS. LAND: I live on a corner lot. It
19 narrows down where you can put things pretty
20 considerably.

21 MR. EVANS: Side setback is completely
22 different.

23 MS. LAND: A side setback is the same as the
24 frontline, and then front setback is the same as the

1 frontline so it puts your house over farther.

2 SECRETARY STACY: Right. Right.

3 MS. PARGEON: A Lot, Interior. Any lot
4 other than a corner lot.

5 MS. LAND: There you go.

6 MS. PARGEON: Okay. Lot, Zoning. A single
7 tract of land which, at the time of filing for a
8 zoning certificate, designated by its owner or
9 developer as a tract to be used, developed, or built
10 upon as a unit under single ownership or control.

11 MS. LAND: That's a zoning lot.

12 MS. PARGEON: That's a zoning lot.

13 A zoning lot shall satisfy this Resolution
14 with respect to area size dimensions and frontage as
15 required in the district in which the zoning lot is
16 located. A zoning lot, therefore, may not coincide
17 with a lot of record as filed with the County Recorder
18 but may include one or more lots of record.

19 CHAIRPERSON TIMMERMAN: What does that mean?

20 MS. LAND: You may have a lot that's too
21 small to do something on, but you have two lots, two
22 parcels; you can make them one zoning lot.

23 SECRETARY STACY: Okay.

24 MS. LAND: That gets kind of weird with

1 setbacks and stuff because there are still lot lines
2 there, so it's up -- a lot of times when you come to
3 subdivisions it gets like that. You know, they have
4 several parcels that have one subdivision on plots of
5 building lots. It's weird. I don't know.

6 MS. PARGEON: Lot area.

7 CHAIRPERSON TIMMERMAN: Hold on. Are we --

8 MS. LAND: I'm not sure we're done with
9 that.

10 SECRETARY STACY: Is this referring to,
11 like, someone whose got a fair bit of undeveloped
12 ground that's in ag and they lot it off anticipating
13 that zoning could go in place? And if it's a
14 buildable lot prior, then it remains valid if it meets
15 the specifications for the health department for 2
16 acres, is it addressing that or not?

17 MS. LAND: I don't think that's what this is
18 addressing.

19 SECRETARY STACY: Okay.

20 MS. LAND: Because that would go under the
21 Nonconforming Use. Because if you have a
22 nonconforming lot that exists -- because if you --
23 when you get down to lot size for the separate
24 different areas, say you have to have 2 acres to build

1 a house, or, say, 3 acres to build a house, it's up to
2 you guys. If I have a one-and-a-half-acre lot that
3 the health department would give me the ability to put
4 a septic system on, or that I can get to the sanitary
5 sewer with, so that they don't care how about big the
6 lot is, it's too small to be a building lot after what
7 you guys said was 2 acres. But I would still get to
8 build -- be able to have a building permit on it
9 because it existed before you put zoning in. You
10 can't have zoning take away a right that already
11 existed --

12 SECRETARY STACY: Correct.

13 MS. LAND: -- with something like that.

14 MR. EVANS: It'd be nice if you could make
15 that well known, public knowledge --

16 SECRETARY STACY: I'm sure we could.

17 MR. EVANS: -- so people would know.

18 MS. LAND: You know, you could. But it
19 might be easier to address it with the way you do your
20 density rules, when you get to -- there are all kinds
21 of weird density formulas. Some of them say for every
22 20 acres you own, you can split off a 2-acre building
23 lot. If you have 80 acres, you could put four lots
24 along then road, and then the rest of those 80 acres

1 couldn't have anything on them.

2 Some of the townships have just the rule, if
3 you have 2 acres, you can build a house. Some of them
4 say, if you have 5 acres, you can build a house. They
5 don't have any more difficulty with the density issue,
6 getting dense, you know, too much, than anybody else.

7 It's the most liberal way by saying, you
8 know, if you have a size lot, you can build on it.
9 That way you cut down on the farmer having to cut into
10 large tracks to be able to -- because you can't -- if
11 you own 80 acres over here and 8 acres here that
12 aren't connected, you can't do that with these because
13 it's not part of that lot. So that's -- you could end
14 up with, you know, I don't know, 40 houses on
15 80 acres.

16 SECRETARY STACY: Is Washington Township --
17 who is it?

18 MS. LAND: Washington Township says you have
19 to have 35 acres to build a house.

20 MS. PARGEON: 35 acres?

21 MS. LAND: Yes.

22 MR. EVANS: That's, like, Arcadia.

23 MS. LAND: That is Arcadia. The thing is,
24 they have been -- you can't get -- you can't get

1 conventional funding -- you know, a conventional
2 mortgage on more than a 5-acre lot. Banks won't give
3 it to you. So the people couldn't build any houses,
4 so they let them have a 5-acre lot, if they have
5 35 acres. They let them -- that's where this would
6 come into play where they let them have -- you know,
7 they have 35 acres, but it's in a 5-acre and a 30-acre
8 chunk. It's that kind of thing. If you're not going
9 to do something that's really goofy with density, you
10 may not even need that extra bit there.

11 CHAIRPERSON TIMMERMAN: Within that 35-acre
12 scenario do you have to essentially get your lot split
13 in some fashion?

14 MS. LAND: Usually you'd have to to be able
15 to get your financing.

16 CHAIRPERSON TIMMERMAN: Financing.
17 Interesting.

18 MS. LAND: Yeah. But they will let them
19 have their 35 acres in two parcels so they have their
20 35 acres.

21 CHAIRPERSON TIMMERMAN: So, again, to your
22 point, we might not even need this section.

23 MS. LAND: Perhaps you'll need a little bit
24 of it, but some of it you probably won't.

1 CHAIRPERSON TIMMERMAN: Do we just leave it
2 alone for right now?

3 MS. LAND: Yeah. Because you may -- I keep
4 thinking of other scenarios. One of the things that
5 you probably want to consider is frontage: How much
6 frontage is permitted. Because most of them have
7 150 or 250 feet of frontage required for a building
8 lot. If you have -- there's also that trend to have
9 60 feet, and, then, the pole back to a big lot back
10 behind, and it's less expensive to get that on the
11 road. Fire departments hate it. It's something
12 that's a real difficult thing to do. So you may want
13 to keep this whole issue to be able to make sure that
14 they have enough frontage. They only are using
15 60 feet back to their road. Make sense?

16 You can get some pretty funky looking lots
17 when people decide that they want to maneuver the
18 zoning to get what they need. This is just their, you
19 know --

20 CHAIRPERSON TIMMERMAN: But if you called
21 out road frontage of 150 or 200 feet, whatever, later
22 on, if you're calling that out, is this necessary?

23 MS. LAND: It might be, because --

24 CHAIRPERSON TIMMERMAN: Might still be

1 necessary?

2 MS. LAND: -- what if you have two parcels
3 and one of them is going to be your building lot and
4 the other one is still farm ground, you could use that
5 part of your farm ground as part of your frontage then
6 by making part of your lot.

7 CHAIRPERSON TIMMERMAN: Okay.

8 MS. LAND: Even though it's not part of that
9 same parcel.

10 We may not need it. You can decide when you
11 get up there about frontage how you want to handle it.
12 I can see, though, where this might be necessary
13 sometime.

14 CHAIRPERSON TIMMERMAN: Okay. So leave it
15 for right now?

16 MS. LAND: Yeah.

17 CHAIRPERSON TIMMERMAN: Okay.

18 MS. LAND: Lot Area.

19 MS. PARGEON: The total horizontal area
20 within the lot lines is a lot.

21 Lot Coverage. The part or percent of the
22 lot occupied by buildings, including accessory
23 buildings.

24 Lot Depth.

1 CHAIRPERSON TIMMERMAN: Is there anything
2 else that would go in that, by chance?

3 MS. LAND: Lot coverage?

4 CHAIRPERSON TIMMERMAN: Yeah. This goes
5 back to what's considered a building.

6 MS. LAND: Yeah. It will be different based
7 on what -- on the different areas. You know,
8 residential areas, agricultural areas, and business
9 and industrial areas have different parts of covered
10 because there is quite a lot larger percentage of a
11 lot covered in industrial and business because of
12 paved parking lots and huge buildings and things like
13 that that you wouldn't want in a residential district
14 because you want yards and open space and air between
15 houses, and that's part of what you're trying to do.

16 The purpose of zoning is to promote the
17 orderly growth, so you want to be able to have every
18 rule that you're looking at, you need to think, will
19 that help make it so it's a better developed -- you
20 know, they won't end up with houses that you can share
21 a cup of sugar out the window into the other. You
22 don't want that.

23 MS. PARGEON: Lot Depth. The horizontal
24 distance between the front and the rear lot lines

1 measured along the median between the side lot lines.

2 Lot Lines. The lines bounding a lot as
3 defined herein.

4 Front Lot Line. In the case of an interior
5 lot is that line separating said lot from the street.
6 In the case of the through lot is that line separating
7 said lot from either street.

8 What a puzzle.

9 Rear Lot Line. That lot line opposite the
10 front lot line. In the case of the lot pointed at the
11 rear, the rear lot line shall be an imaginary line
12 parallel to the front line, not less than 10 feet
13 long, the line furthest from the front lot line and
14 wholly within the lot.

15 SECRETARY STACY: That's a lot of "lots."

16 MS. PARGEON: That is a lot.

17 MS. LAND: When you get places with
18 cul-de-sacs, though, you end up with some of these
19 lots that have points.

20 MS. PARGEON: Yeah, the corner lots
21 mentioned in that.

22 Side Lot Line. Any lot line other than the
23 front lot line or rear lot line, a side lot line
24 separating a lot from another lot or lots in an

1 interior side lot line.

2 MS. LAND: Say that three times fast.

3 You guys can look those over, and see if you
4 can find some way to make them a little less
5 confusing.

6 SECRETARY STACY: That wording on that is
7 horrendous.

8 MS. LAND: That's painful.

9 MS. PARGEON: A Lot of Record. A parcel of
10 land, the dimensions of which are shown on the
11 document or the map on file with the County Recorder
12 or in common use by County officials in which actually
13 exist as so shown.

14 Lot Width. The horizontal straight line
15 distance between the side lot lines measured between
16 the two points where the front setback line intersects
17 the side lot lines.

18 Here we go. Major Thoroughfare. An
19 artificial street --

20 MS. LAND: Arterial.

21 MS. PARGEON: Oh, arterial -- thank you --
22 street which is intended to serve as a large volume
23 traffic way for both the immediate area and the region
24 beyond and is designated as a major thoroughfare,

1 parkway, freeway, expressway, or equivalent term on
2 the Comprehensive Land Use Plan to identify those
3 streets comprised the basic structure of the area's
4 highway system.

5 MS. LAND: Major thoroughfare is going to
6 need to be changed to a different definition. We
7 don't use that term anymore. They use -- it's
8 something different than that. I'll have to go back
9 and check.

10 SECRETARY STACY: So the word "thoroughfare"
11 is --

12 MS. LAND: Thoroughfare is --

13 SECRETARY STACY: -- switched out?

14 MS. LAND: Yeah.

15 SECRETARY STACY: Needs to be switched out
16 with something else.

17 MS. LAND: I will find that and fix it.

18 MS. PARGEON: Mobile Home. A structure of
19 vehicular portable design built on a chassis and
20 designed to be moved from one site to another, and to
21 be used with or without a permanent foundation.

22 MS. LAND: Okay. The point of that, saying
23 "with or without a permanent foundation," under, like,
24 County records, if you take the axles off and you put

1 it on a permanent foundation, it becomes a building
2 and they tax it as a building. But, under zoning, you
3 can still identify it as a mobile home whether it's
4 permanently on a foundation or not, and that's what
5 this is doing.

6 MR. EVANS: So our definition can be
7 different from theirs?

8 MS. LAND: That's just what they use for
9 taxing purposes. Because mobile homes are taxed way,
10 way, way cheaper than real estate tax. So once they
11 affix themselves on a permanent foundation, they
12 switch them over to real estate tax.

13 MS. PARGEON: Mobile Home Park.

14 CHAIRPERSON TIMMERMAN: Is that something
15 that we want to discuss before moving on?

16 SECRETARY STACY: Does that make a
17 difference to us whether it's permanent or moveable?
18 Is that what you're asking?

19 CHAIRPERSON TIMMERMAN: I mean, if it's
20 not -- depending upon how other things go, if it's not
21 affixed to the ground, is it considered a building?
22 Do you need a permit for a mobile home at that point?

23 MS. LAND: You do have it as a building up
24 in the Building definition.

1 CHAIRPERSON TIMMERMAN: Okay.

2 MS. LAND: And I think you do want it to
3 continue to be a building because it will end up being
4 a residence, and that's more than an accessory
5 building.

6 SECRETARY STACY: Right.

7 MS. LAND: And it's something -- I think you
8 should leave it in as being treated as a building.

9 CHAIRPERSON TIMMERMAN: Right.

10 MS. LAND: The question is: Do you want to
11 consider it a mobile home anymore once it's put on a
12 foundation, or do you want to consider it as a regular
13 building?

14 MS. PARGEON: Would be better to be
15 considered a regular building.

16 MS. LAND: Up to you guys.

17 MS. PARGEON: Because the axles are down.
18 The wheel are gone.

19 MR. EVANS: I guess it kind of depends on
20 the rest of where the rest are and how they address
21 mobile homes.

22 MS. LAND: One of the other things that you
23 may want to consider that I've seen in other codes is,
24 when you talk about a mobile home, you identify an age

1 limit on them; that if they're old, they can stay
2 there. But if they take one out and put one in, it
3 can't be older than X, because, you know --

4 MS. PARGEON: They depreciate so fast.

5 MS. LAND: Yeah.

6 MS. PARGEON: That's good. That's good.

7 MS. LAND: Do you want to find some sort of
8 age limitation on them or leave it as is?

9 MS. PARGEON: Leave it as is. Because it
10 depends on the make how fast they fall apart.

11 SECRETARY STACY: Yeah.

12 MS. LAND: With or without permanent
13 foundation. It becomes more liberal if you only say
14 "without permanent foundation." Right?

15 MS. PARGEON: Well, if it needs to be moved
16 real fast and it still has its axles there, they can
17 throw wheels on it and get it out of there quicker, if
18 it has to be.

19 MS. LAND: Those don't move fast.

20 MS. PARGEON: I know. I know.

21 MS. LAND: It's up to you. With or without,
22 or do you want that changed in some manner?

23 SECRETARY STACY: I think it makes it a
24 little more clear if you have "with or without."

1 CHAIRPERSON TIMMERMAN: That's fine.

2 MS. PARGEON: Mobile Home Park. Any plot of
3 ground upon which two or more mobile homes occupied
4 for dwelling or sleeping purposes are located.

5 CHAIRPERSON TIMMERMAN: That's
6 straightforward.

7 MS. PARGEON: Nonconforming Building. A
8 building or a portion of a building lawfully existing
9 at the effective date of this Resolution and that does
10 not conform to the provisions of the Resolution in the
11 district in which it is located. That's the
12 definition for it.

13 Nonconforming Uses. The use of land or a
14 building, or a portion thereof, which does not conform
15 with the use Regulation of the district in which it is
16 situated.

17 CHAIRPERSON TIMMERMAN: Is that always a
18 grandfathered situation?

19 MS. LAND: Uh-huh.

20 CHAIRPERSON TIMMERMAN: Okay.

21 MS. LAND: Nonconforming uses have to be
22 grandfathered. That's a statute: You must do it.

23 However, it also says, if they cease to be
24 the grandfathered use for a period of time, I think

1 it's three years, then they no longer have the
2 grandfathered protection.

3 The other thing, when you get into
4 nonconforming uses, that section, then you'll start
5 analyzing how much a nonconforming use can be changed.
6 Some zoning books say a nonconforming use can't be
7 changed at all. Once it gets changed, it loses its
8 grandfather. Others say it can be changed as much as
9 you want, as long as you don't leave the lot it's on.

10 Some say it can be changed up to, you know,
11 15 percent more, 20 percent more, if they want to
12 expand it.

13 There's also some provisions that, if it is
14 destroyed by a certain percentage, then it cannot be
15 rebuilt. If it's destroyed up to, like, 50 percent,
16 if it's destroyed, it can't come back. It's lost its
17 grandfathered and you've got to do something else with
18 it. So those are things to think about when you get
19 to the nonconforming use stuff.

20 CHAIRPERSON TIMMERMAN: That's all later,
21 though.

22 MS. PARGEON: Off-street Parking Lot. A
23 facility providing vehicle parking spaces along with
24 adequate drives and aisles for the parking of more

1 than three vehicles.

2 MS. LAND: Well, my teenagers are in
3 trouble.

4 MS. PARGEON: Yeah. You need more spaces,
5 huh?

6 MS. LAND: I do.

7 MS. PARGEON: Parking Space. An area of
8 different length and width, fully accessible, for the
9 parking of permitted vehicles, and said areas shall be
10 exclusive of drives, aisles, and entrances giving
11 access to the space.

12 Principal Use. The main use to which the
13 premises are devoted and the principal purpose for
14 which the premises exist. That's what Principal Use
15 means.

16 Prosecutor. The Hancock County Prosecutor.

17 Public Utility. A person, firm, or
18 corporation, municipal department, board of
19 commission, duly authorized to furnish and furnishing
20 under federal, state, or municipal regulations to the
21 public gas, electric, sewage, disposal, communication,
22 telephone, transportation, or water.

23 Recreation Vehicle. A vehicle or --

24 MS. LAND: Before you go on. Public

1 Utility, I'm going to check and see if there's any
2 additions or changes in that definition for anything.

3 MS. PARGEON: Okay.

4 MS. LAND: I don't know that there are, but
5 I will check it.

6 MS. PARGEON: Sounds good.

7 Recreational Vehicle. A vehicle or a unit
8 that is mounted on or drawn by another vehicle
9 primarily designed for temporary living. Recreational
10 vehicles include travel trailers, camping trailers,
11 truck campers, and motor homes.

12 Room. For the purpose of determining lot
13 area requirements and density in a multi-family
14 district, a room is a living room, dining room, or
15 bedroom equal to at least 80 square feet in area. A
16 room shall not include the area in kitchen, sanitary
17 facilities, utility provisions, corridors, hallways
18 and storage. Plans presented showing one-, two-, or
19 three-bedroom units, and including a den, library, or
20 other extra room shall count such extra rooms as a
21 bedroom for the purpose of computing density.

22 Okay. If all of a sudden all the kids come
23 home from school, you put them in the den or the
24 library.

1 Setback. The distance required to obtain
2 minimal front, side, or rear yard open space
3 provisions of this Resolution.

4 Sign. The use of any words, numerals,
5 figures, devices, designs, or trademarks by which
6 anything is made known such as to show an individual
7 firm, profession, or a business, and are visible to
8 the general public.

9 Sign, Accessory. A sign which is related to
10 the principal use of the premises upon which it is
11 located.

12 CHAIRPERSON TIMMERMAN: That would be a
13 business sign?

14 MS. LAND: Yes.

15 CHAIRPERSON TIMMERMAN: And Non-Accessory
16 might be a billboard?

17 MS. LAND: Yeah.

18 MS. PARGEON: Sign, Non-Accessory. A sign
19 which is not related to principal use of the premises
20 upon which it is located. These include outdoor
21 advertising, such as billboards and the like.

22 Street. A public-dedicated right-of-way,
23 other than an alley, which affords a principal means
24 of access to abutting property.

1 Structure. Anything constructed or erected,
2 the use of which requires location on the ground or
3 attachment to something having location on the ground.

4 Temporary Use or Building. A use or
5 building permitted to exist during the specified
6 period of time by the Board of Zoning Appeals or other
7 authorized body or official.

8 Use. The principal purpose for which land
9 or a building is arranged, designed, or intended, or
10 for which land or a building is or may be occupied.

11 A Variance. A modified of the literal
12 provision of the Zoning Resolution granted when strict
13 enforcement of the Zoning Resolution which would cause
14 undue hardships owing to the circumstances unique to
15 the individual property for which the variance is
16 granted.

17 The crucial points of the variance are:

- 18 A. Undue hardship.
19 B. Unique circumstances.
20 C. Applying to property.

21 A variance is not justified unless all three
22 elements are present in the case. A variance is not
23 an exception.

24 MS. LAND: Variances also are something that

1 cannot be of the making of the individual asking for
2 the variance. They may have -- it's not an undue
3 hardship if you make your own hardship; something that
4 you do that requires a variance.

5 CHAIRPERSON TIMMERMAN: Is that something
6 you add in there?

7 MS. LAND: I don't know. I was thinking
8 about that. I'm going to highlight it here on my
9 text, and I'll -- that's something I'll think about.

10 CHAIRPERSON TIMMERMAN: Okay.

11 MS. PARGEON: Wall Obscuring. A structure
12 of definite height and location to serve as an
13 obscuring screen in carrying out the requirements of
14 this Resolution.

15 SECRETARY STACY: You're in the home
16 stretch.

17 MS. PARGEON: Yards. The open spaces on the
18 same lot with the main building and occupies an
19 unobstructed from the ground upward, except as
20 otherwise provided in this Resolution and is defined
21 herein. Also see Setback.

22 Front Yard. An open space extending the
23 full width of the lot, the depth of which is a minimum
24 horizontal distance between the nearest point of the

1 main building and the proposed road right-of-way line
2 as depicted on the Allen Township Comprehensive Land
3 Use Plan.

4 Rear Yard. An open space extending the full
5 width of the lot, the depth of which is the minimum
6 horizontal distance between the rear lot line and the
7 nearest point of the main building. In the case of a
8 corner lot, the rear yard may be opposite either
9 street frontage.

10 Side Yard. An open space between a main
11 building and the side lot line extending from the
12 front yard to the rear yard, the width of which is the
13 horizontal distance from the nearest point on the side
14 lot line to the nearest point of the main building.

15 Zoning Inspector. Zoning inspector of Allen
16 Township, Hancock County, Ohio, or his authorized
17 representative.

18 Zoning District Maps. The zoning district
19 map or maps of the township, together with all
20 amendments subsequently adopted.

21 MS. LAND: I have a number of things that I
22 need to check on for you.

23 Is there anything that you guys want to
24 revisit or don't like? Do you like the drawings? Do

1 you want those to stay? The illustrations?

2 CHAIRPERSON TIMMERMAN: I think they are
3 very handy for clarification.

4 MS. PARGEON: Yes.

5 MR. EVANS: Especially when you're talking
6 about 135 degrees to that corner.

7 MS. LAND: See somebody out there with a big
8 protractor.

9 At least you know the qualification for the
10 zoning inspector is good math.

11 Okay. What would you guys like to -- I
12 think it's close to getting time to wrap up.

13 CHAIRPERSON TIMMERMAN: Yeah.

14 MS. LAND: For the next time, what is it you
15 would like to -- how far do you want to go in looking
16 at things next time?

17 MS. PARGEON: Principal Uses.

18 MS. LAND: Article III is the next one.

19 MS. PARGEON: Yeah.

20 MS. LAND: So that's -- you probably want to
21 do -- do you want to go through Agricultural and the
22 Residential Uses?

23 MS. PARGEON: Yeah. Which one is that?

24 MS. LAND: That would up through

1 Article VIII.

2 CHAIRPERSON TIMMERMAN: Through VIII or to
3 VIII?

4 MS. LAND: To VIII. Yeah. Because VIII is
5 Local Business.

6 There's not a lot of pages, but there's a
7 lot a stuff to determine in these.

8 MS. PARGEON: Okay.

9 MS. LAND: Unless you want to --

10 MS. PARGEON: We'd go up to that --

11 CHAIRPERSON TIMMERMAN: Page 18. I'm sorry.
12 Page 20.

13 MS. LAND: Page 20. We'll do 19. So 11
14 through 19. If you would like, go ahead and look at
15 all of the way up to 34.

16 CHAIRPERSON TIMMERMAN: 34, all the way
17 through the different districts.

18 MS. LAND: Yeah. All the way up through all
19 the different districts. That way, if we go through
20 something quicker, we can move on to the next ones.

21 So, for the next time, it's review and be
22 ready for the districts. But all things considered,
23 I think we will probably not get through them in two
24 hours. It looks like a tiny little bit, only doing

1 eight pages, but it's a big bit.

2 MS. PARGEON: Yeah. It's big.

3 MS. LAND: It's the most meat that you've
4 got in the entire zoning book.

5 CHAIRPERSON TIMMERMAN: That will be
6 Thursday.

7 MS. LAND: Thursday at 5:30.

8 CHAIRPERSON TIMMERMAN: We're going to do
9 5:30 because that's what's in the paper next week.

10 How does that play out? Are you going to
11 try to get it corrected back to 5:00?

12 MS. LAND: I talked to Mark already. He's
13 going to have it corrected for next week. We couldn't
14 get it done for this week because it takes too long to
15 get to the paper. They have too long of a lead time
16 to be able to publish.

17 CHAIRPERSON TIMMERMAN: Yeah.

18 MS. LAND: That was just my goof.

19 SECRETARY STACY: Do you need the
20 original --

21 MS. LAND: No. You keep the original. I'd
22 like a copy.

23 SECRETARY STACY: You want a copy?

24 MS. LAND: Yeah. I need a copy sooner,

1 rather than later, of that. And as well as --

2 SECRETARY STACY: How do you want me to get
3 that to you?

4 MS. LAND: Do you want me to take those with
5 me and make a copy and then give them back to you?

6 SECRETARY STACY: That works.

7 MS. LAND: I'll take that and the copy of
8 the minutes -- the signed copy, and, that way, I can
9 get them copied and bring them on Thursday back to
10 you.

11 MR. EVANS: Do you want these back or do we
12 keep these?

13 MS. LAND: I'll take those. That, you keep.
14 This, I'll take back.

15 SECRETARY STACY: The Chairman's signature
16 is on there.

17 CHAIRPERSON TIMMERMAN: Do you want that
18 back?

19 MS. LAND: No. Those are for your
20 reference.

21 MS. PARGEON: Good.

22 SECRETARY STACY: I guess I'm wondering if,
23 because I'm not going to retype that, I'm going to
24 refer to that. But you're going to have it until we

1 meet.

2 MS. LAND: Here's a copy of one you can --

3 SECRETARY STACY: If it's just a copy, that
4 works.

5 MS. LAND: Okay. Anything else anybody
6 wants to discuss before we go?

7 CHAIRPERSON TIMMERMAN: Do we want to open
8 up for any comments, just five minutes?

9 MS. LAND: You're welcome to do that, if
10 that's what you'd like to do.

11 CHAIRPERSON TIMMERMAN: Anybody have
12 thoughts?

13 MS. LAND: You put them in a coma.

14 FROM THE FLOOR: It's a pretty sleepy group
15 out here.

16 CHAIRPERSON TIMMERMAN: Does anybody have
17 any comments? We're going to open up it up for just a
18 couple minutes, if anybody has any thoughts.

19 MS. PARGEON: Questions?

20 CHAIRPERSON TIMMERMAN: We're going to cover
21 through the zoning districts next week.

22 MS. LAND: Thursday.

23 CHAIRPERSON TIMMERMAN: Sorry. Thursday.

24 We're going to start covering them. So whatever that

1 looks like. Okay.

2 No questions. No comments. Perfect.

3 CHAIRPERSON TIMMERMAN: Can you email me
4 just so I have contact information? Just "Hi."

5 MS. LAND: Sure. I have a list of
6 everybody's addresses and contact information. I'll
7 send it out to each of you.

8 CHAIRPERSON TIMMERMAN: Do you want
9 contact -- communication to go through you, though?

10 MS. LAND: Yes. But in case you need to
11 call --

12 CHAIRPERSON TIMMERMAN: For whatever reason.

13 MS. LAND: -- and talk with anybody, you'll
14 have it.

15 CHAIRPERSON TIMMERMAN: Okay.

16 MS. LAND: I also will send blind copies to
17 you guys so that when you respond back, it only comes
18 to me. None of the rest of you will see it. So what
19 you get, you'll know everybody else has gotten, too.

20 I need your email.

21 MS. PARGEON: I will get it to you.

22 SECRETARY STACY: I might want to add my
23 cell phone to my home phone to you.

24 MS. LAND: Okay.

1 MR. EVANS: Do we need to move to adjourn?

2 CHAIRPERSON TIMMERMAN: We will, once this
3 is over. Yes.

4 MS. LAND: Done talking. Yeah.

5 CHAIRPERSON TIMMERMAN: Trying to keep
6 everything related to this during the meeting.

7 MR. EVANS: Oh, yeah. Sure.

8 MS. LAND: I'll just add it on to that list.

9 CHAIRPERSON TIMMERMAN: Beforehand we were
10 trying to indicate the half height before the meeting
11 started. You were trying to talk about, and I'm,
12 like, we'll discuss zoning stuff during the zoning
13 meeting.

14 MS. LAND: Yes.

15 CHAIRPERSON TIMMERMAN: Is there anything
16 else?

17 (No response.)

18 MS. PARGEON: See you Thursday.

19 CHAIRPERSON TIMMERMAN: Is there a motion to
20 adjourn the meeting?

21 MS. PARGEON: I make a motion that we
22 adjourn.

23 VICE CHAIRPERSON REHUS: I second.

24 SECRETARY STACY: Darrin seconded.

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Everyone say "Aye," if you agree.

(Vote taken.)

SECRETARY STACY: Motion passed.

- - -

And, thereupon, the proceedings were
concluded at 8:03 p.m.

- - -

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