



Planning Commission
App. No. 85-2017-TA

Zoning Text Amendment

Brunswick Hills Township

Meeting:	November 1, 2017
Applicant:	Brunswick Hills Township Zoning Commission
Hearing:	November 2, 2017 (Zoning Commission)
Amendments:	Throughout the Resolution: <ul style="list-style-type: none">• Clarification of roles of the Zoning Inspector and the Board of Zoning Appeals BZA)• “Zoning Inspector” / “Township Zoning Inspector”• Additional amendments for clarification
Reviewer:	Susan Hirsch

Proposed Amendments: Most of the text amendments proposed by the Brunswick Hills Township Zoning Commission are “housekeeping” items intended to clarify and/or provide consistency; Zoning Inspector to Township Zoning Inspector, and clarifying the roles of The Board of Zoning Appeals and the Zoning Inspector for issuing Conditional Zoning Certificates and non-conforming use review. There are also timing changes proposed for the issuance of a Zoning Certificate when a site development plan is required and the issuance for a Zoning Compliance Certificate for non-residential use.

BRUNSWICK HILLS TOWNSHIP ZONING RESOLUTION

ARTICLE II DEFINITIONS

- Plainly Audible - “Zoning Inspector” to “**Township** Zoning Inspector”
- Zoning Compliance Certificate - “Zoning Inspector” to “**Township** Zoning Inspector”

ARTICLE III GENERAL PROVISIONS

Sec 301 ZONING DISTRICTS

- **301-3** “Zoning Inspector” to “**Township** Zoning Inspector”

Sec 303 REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

- **303-5E.3.** “Zoning Inspector” to “**Township** Zoning Inspector”
- **303-6E.** “Zoning Inspector” to “**Township** Zoning Inspector”
- **303-6N.1. & 303-6N.2.a.** “Zoning Inspector” to “**Township** Zoning Inspector”
- **303-6O.2., 303-6 O.3 & 303-6 O.4** “Zoning Inspector” to “**Township** Zoning Inspector”
- **303-10E.** Conditionally Permitted Uses In Intermediate Regional Flood Plains - The following uses of land and structures may be permitted by the application for and the issuance of a Conditional Zoning Permit by the Medina County Engineer’s Office ~~Board of Zoning Appeals Township~~

~~Zoning Inspector~~ that the use pattern and the structures proposed to accomplish said use shall be so designed...

Medina County Engineers Office, Andy Conrad's comments:

As requested, I looked at the proposed text on page 28. The term "Intermediate Regional Flood Plain" is from a study from 1973 that pre-dates the FEMA Floodplain maps. It is no longer recognized. They [the Township] should update their language to meet today's nomenclature.

Also, our office does not issue any zoning permits. They [the Township] should tie their language to the County's Flood Reduction Regulations if that is what they are trying to say.

- **303-11B.5** “Zoning Inspector” to “**Township Zoning Inspector**”
- **303-11B.6** “Zoning Inspector” to “**Township Zoning Inspector**”
- **303-11C.4.** “Zoning Inspector” to “**Township Zoning Inspector**”
- **303-11D.** Deletion of the Board of Zoning Appeals ability to grant variances for buildings and structures within the riparian setback.

It is not necessary to state that the BZA may issue a variance for an area/locational regulation.

- **303-11H.1 and 2** Zoning Inspector” to “**Township Zoning Inspector**

ARTICLE IV USE, AREA, HEIGHT REGULATIONS

Sec 401 OC OPEN SPACE CONSERVATION DISTRICT

- **401-2B.** Conditionally Permitted Uses
The Board of Zoning Appeals Upon approval of the BZA, the Township Zoning Inspector may issue Conditional Zoning Certificates for uses listed herein subject to the requirements of Article VIII.

Once the BZA approves the Conditionally Permitted Use, the Township Zoning Inspector does not have discretion as to the issuance of a conditional zoning certificate; he/she must issue the Conditional Zoning Certificate. Replace the word “may” with “shall”.

This same amendment and corresponding staff comment occurs in all of the zoning districts.

Sec 406 PLANNED MIXED USE OVERLAY DISTRICT

- **406-7A.1.** “Zoning Inspector” to “**Township Zoning Inspector**”

Sec 410 I-1 INDUSTRIAL DISTRICT

- **410-2A.5.** “Zoning Inspector” to “**Township Zoning Inspector**”

Sec 411 CONSERVATION DEVELOPMENT OVERLAY DISTRICT

- **411-5A.** “Zoning Inspector” to “**Township** Zoning Inspector”
- **411-5B.** “Zoning Inspector” to “**Township** Zoning Inspector”
- **411-5D.** “Zoning Inspector” to “**Township** Zoning Inspector”
- **411-6** “Zoning Inspector” to “**Township** Zoning Inspector”

ARTICLE V SIGN REGULATIONS

Sec 502 SIGNS PERMITTED IN ANY DISTRICT

- **502-B.2.** “Zoning Inspector” to “**Township** Zoning Inspector”

Sec 509- MAINTENANCE

“Zoning Inspector” to “**Township** Zoning Inspector” (3)

Sec 510 REMOVAL OF SIGNS

“Zoning Inspector” to “**Township** Zoning Inspector” (6)

Sec 511 SIGNS PERMITTED IN A PLANNED MIXED USE DEVELOPMENT

- **511-I** “Zoning Inspector” to “**Township** Zoning Inspector”

ARTICLE VII NONCONFORMING USES, BUILDINGS AND LOTS

Sec 702 REGULATIONS

- **702-H** “Zoning Inspector” to “**Township** Zoning Inspector”
- **702-H.2.** “Zoning Inspector” to “**Township** Zoning Inspector”

Sec 703 CONTINUATION OF EXISTING USES CONDITIONALLY PERMISSIBLE UNDER THIS RESOLUTION

All uses existing at the time of passage of this Resolution or amendments thereto and conditionally permissible in their respective districts under this Resolution shall be issued Conditional Zoning Certificates within one (1) year after the passage of this Resolution or amendments thereto. ~~The Certificates shall be issued by the Board of Zoning Appeals.~~ **Upon approval by the BZA, a Certificate shall be issued by the Township Zoning Inspector.**

Sec 705 CHANGE IN USE, OWNER, OR OPERATOR

A. Any non-conforming use of a building or land shall be reviewed by the **Township** Zoning Inspector ~~and the Board of Zoning Appeals~~ whenever there is a change in the owner or operator or in the use.

ARTICLE VIII CONDITIONAL ZONING CERTIFICATES

Sec 802 APPLICATION AND REVIEW PROCEDURES

- **802-1** Zoning Inspector” to “**Township** Zoning Inspector
- **802-2** “Zoning Inspector” to “**Township** Zoning Inspector” (4)

- **802-4 Basis of Determination**

~~Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals issue a Conditional Zoning Certificate.~~ No Conditional Zoning Certificate shall be approved unless the Board of Zoning Appeals shall establish by the preponderance of the...

- **802-5** “Zoning Inspector” to “**Township** Zoning Inspector”
- **802-7** “Zoning Inspector” to “**Township** Zoning Inspector”

Sec 805 VIOLATIONS AND PENALTIES

- “Zoning Inspector” to “**Township** Zoning Inspector”

ARTICLE IX ADMINISTRATION AND ENFORCEMENT

Sec 901 ADMINISTRATION

- **901-1** “Zoning Inspector” to “**Township** Zoning Inspector” (2)
- **901-4** “Zoning Inspector” to “**Township** Zoning Inspector”

Sec 902 ZONING CERTIFICATES

- **902-1** “Zoning Inspector” to “**Township** Zoning Inspector”
- **902-2.A.** “Zoning Inspector” to “**Township** Zoning Inspector”
- **902-2.D.** “Zoning Inspector” to “**Township** Zoning Inspector”
- **902-2.E.** Upon receipt of an application which requires submittal of a site development plan in conformance with Subsection C above, the **Township** Zoning Inspector shall refer the application to the Zoning Commission for review and approval as set forth in Section 904-3. The **Township** Zoning Inspector shall issue a Zoning Certificate within ~~ten~~ **(4) thirty (30)** days after approval of a site development plan by the Zoning Commission

According to the Township Zoning Inspector, this timing increase is to allow the site development plan to be reviewed and approved by the Trustees prior to issuance of the Zoning Certificate; however, Sec. 904-3 states that it is the Zoning Commission that approves, disapproves or approves with modification the Site Development Plan. There is no requirement that the site plan be referred to the Trustees.

Sec 903 ZONING COMPLIANCE CERTIFICATE

- **903-1** “Zoning Inspector” to “**Township** Zoning Inspector”
- **903-2** Review and Issuance

It shall be the responsibility of the operator of each non-residential use to notify the **Township** Zoning Inspector prior to occupying any building or premises or commencing any such use and to request a zoning compliance inspection. The **Township** Zoning Inspector shall inspect the site for compliance with the provisions of the Zoning Certificate and approved site plan, if any, and all of the applicable provisions this Zoning Resolution. Within ~~ten (10)~~ **fifteen (15)** days of said inspection, the **Township** Zoning Inspector shall issue a Zoning Compliance Certificate identifying the specific use authorized on the premises or notify the applicant in writing of his denial and findings of violations and/or deficiencies.

This amendment reflects current practice of the Township.

- **903-3** “Zoning Inspector” to “**Township** Zoning Inspector”

Sec 904 SITE DEVELOPMENT PLANS

- **904-3** “Zoning Inspector” to “**Township** Zoning Inspector”
- **904-5** “Zoning Inspector” to “**Township** Zoning Inspector”
- **904-6** “Zoning Inspector” to “**Township** Zoning Inspector”

ARTICLE X BOARD OF ZONING APPEALS

Sec 1002 POWERS AND DUTIES

- **1002-1** “Zoning Inspector” to “**Township** Zoning Inspector”

Sec 1003 PROCEDURES

- **1003-1** “Zoning Inspector” to “**Township** Zoning Inspector”
- **1003-4** Decisions

Every decision of the Board of Zoning Appeals shall be by Resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals in the particular case. Each such Resolution shall be filed in the office of ~~the Board of Zoning Appeals~~ **the Township Zoning Inspector** together with all documents pertaining thereto. In granting an approval the Board of Zoning Appeals may impose such conditions and/or stipulations as it may deem necessary to protect the public health, safety, welfare and in furtherance of the purpose and intent of this Zoning Resolution. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the **Township** Zoning Inspector. Such decision shall be binding upon the **Township** Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the same in the Zoning Certificate or Conditional Zoning Certificate to the applicant or appellant, whenever such permit is authorized by the Board.

Sec 1004 APPEALS

“Zoning Inspector” to “**Township** Zoning Inspector”

Recommendation: Staff recommends **APPROVAL WITH MODIFICATIONS** of the numerous amendments to the Brunswick Hills Township Zoning Resolution discussed above, subject to Staff Comments.

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