

COLERAIN TOWNSHIP ZONING COMMISSION

Regular Meeting Minutes

Tuesday, July 18, 2023- 6:00 p.m.

Colerain Township Government Complex
4200 Springdale Road - Cincinnati, OH 45251

Meeting called to order: 6:00 pm by Ms. McMullin.

The Pledge of Allegiance was led by Ms. McMullin.

Roll Call: Mr. Bachman - here, Mr. Gehring - , Mr. Westfall - here, Mr. Wilson - here, Ms. McMullin - here, Mr. Hauser - here.

Mr. Gehring was absent.

Mr. Hauser was seated on his behalf.

Present was Jarrod Alig as Staff.

Approval of Minutes:

The minutes from the May 16, 2023, Zoning Commission meeting were presented. Ms. McMullin asked the Zoning Commissioners if they had any comments or edits. Hearing none, Ms. McMullin asked for a motion to approve. A motion to approve was made by Mr. Westfall. Motion was seconded by Mr. Wilson.

Roll Call: Mr. Bachman - yes, Mr. Hauser - yes, Mr. Westfall - yes, Mr. Wilson - yes, Ms. McMullin - yes.

Motion to approve minutes from May 16, 2023, was carried unanimously (5-0) by the Colerain Township Zoning Commission.

Public Address: None.

Final Development Plan: None

Case ZA2023-10: Text Amendment to Article 5 of the Colerain Township Zoning Resolution: “Violations & Penalties”

Ms. McMullin introduced the case and asked if Staff had a presentation. Staff indicated that a presentation had been prepared for the hearing and provided their presentation on:

Case: ZA2023-10,

Application for: Proposed Text Amendment to Article 5 of the
Colerain Township Zoning Resolution: “Violations & Penalties,”

Motion Requested by Staff at the June 20, 2023, Colerain Township Zoning
Commission meeting.

Staff's recommendation for the proposed Text Amendment consisted of two options:

1. Staff recommends **APPROVAL** of a substantial text amendment to remove "minor" and **add** a substantial text amendment to Article 5: "Violations and Penalties."
2. Staff recommends **APPROVAL** of a substantial text amendment to remove "minor" and **add** a substantial text amendment to Article 5: "Violations and Penalties."
 - a. Staff requests the Zoning Commission to discuss and determine what an appropriate graduation of penalties and fines would be to create a Violation(s) Schedule.

This concluded Staff's presentation.

Ms. McMullin asked the Zoning Commissioners if they had any questions for Staff. Hearing no questions for Staff, Ms. McMullin asked the Zoning Commissioners if anyone would like to make a motion to open the public hearing.

A motion to open the public hearing was made by Mr. Wilson. The motion was seconded by Mr. Bachman.

Roll Call: Mr. Bachman - yes, Mr. Hauser - yes, Mr. Westfall - yes, Mr. Wilson - yes, Ms. McMullin - yes.

Public speaker #1: Stan Schmale, Code Enforcement Officer, Colerain Township, 4200 Springdale Rd.

Ms. McMullin asked the Zoning Commissioners if they had any questions for Mr. Schmale.

Mr. Bachman asked if enforcement has been an issue in the past.

Mr. Schmale indicated that he adequately and efficiently adheres to every violation that he can, but that a stricter provision through zoning needs to be set in place.

Ms. McMullin asked Staff how a degree of violations is determined.

Mr. Alig expressed that it can be determined by the Township on a gradual basis with the passing of designated periods of time and potentially based on the severity of the incident. Such cases, dependent on their circumstances, can be heard in a court of law.

Ms. McMullin asked Mr. Schmale if he had any experience working with other Zoning departments.

Mr. Schmale indicated that he had worked for Covington, KY, Newport, KY, and Hamilton, OH.

Mr. Hauser asked Mr. Schmale if Option #2 seemed more viable due to the reinforcing language.

Mr. Schmale indicated that Option #1 would be viable as it allows the Township to ease into the process of handling violations, but at the same time, the process needs to be significantly sped up.

Mr. Bachman asked Staff if the revised Colerain Township ordinance be more restrictive or less restrictive than neighboring Townships.

Mr. Alig indicated that the proposed changes would fall in line with all surrounding Townships except for Symmes.

Mr. Bachman asked Staff if a Violation(s) Schedule was being recommended.

Mr. Alig indicated a desire for guidance during the drafting process.

Ms. McMullin asked Staff if certain violations will still wield specific compliance timelines.

Mr. Alig confirmed that this is true. However, Mr. Alig expressed that “grace periods” are not required by the Township but are done so to retain a two-way good-faith effort. It can, however, be incorporated into the Zoning Resolution.

Ms. McMullin asked Staff how the Schedule process shall rollover or potentially restart.

Mr. Alig indicated that with persisting issues, language like what was implemented with nuisances can be utilized to reinforce incremental degrees and fees, or even the pursuit of a court proceeding.

Ms. McMullin asked Staff for example of what a Violation(s) Schedule may look like.

Mr. Alig presented Crosby Township’s Violation(s) Schedule.

Ms. McMullin asked if this was a recommendation for the Zoning Commissioners.

Mr. Alig emphasized that the O.R.C. already establishes that everyday a violation continues, it is to be considered a separate violation.

Mr. Hauser asked whether a citation must be issued every day.

Mr. Schmale indicated that it does.

Ms. McMullin asked Staff for clarification regarding who receives the fees for day-to-day citations.

Mr. Alig clarified that with any criminal violation of the O.R.C., any associated fee is adjudicated to the court system. The overall goal, however, is to reduce the time of the process, limit the financial constraints imposed upon

the department, and be better suited for any potential civil actions.

Ms. McMullin asked Staff if there were established violations, or if more needed to be added.

Mr. Alig indicated that such violations and fee schedules can be built from the O.R.C. and existing ordinances from surrounding Townships to maintain a standard of fairness.

Mr. Alig asked the Zoning Commissioners if a fee schedule of \$150.00, \$250.00, and \$500.00 be a reasonable route.

Mr. Bachman indicated that he did not have enough knowledge for comment, redirecting action back to Staff. Mr. Bachman emphasized that the strictness of the violation schedule will help with creating a more efficient timeline.

Mr. Alig tentatively proposed a 1st, 2nd, and 3rd degree upon conviction of any proceeding. 365 consecutive days would result in a graduated violation until reaching the maximum penalty.

Mr. Wilson asked Staff if the goal is to still adhere to such violations before 365 consecutive days have passed, such as on a one-month, two-month, three-month basis, for example.

Mr. Alig confirmed, yes.

Ms. McMullin asked the Zoning Commissioners if they had any additional questions for Staff or Mr. Schmale. Ms. McMullin asked the audience if they had any comments. Ms. McMullin asked the Zoning Commissioners for a motion to close the public hearing.

A motion is made by Mr. Bachman. The motion was seconded by Mr. Westfall.

Roll Call: Mr. Bachman - yes, Mr. Hauser - yes, Mr. Westfall - aye, Mr. Wilson - yes, Ms. McMullin - yes.

Ms. McMullin asked the Zoning Commissioners if they had any questions for Staff or the applicant. Hearing no questions for Staff, Ms. McMullin asked the Zoning Commissioners if anyone would like to entertain a motion.

A motion to **APPROVE** Option #2 was made by Mr. Bachman, emphasizing the creation of a violation schedule at a graduated scale by violation, as well as an individual vs. corporation difference. Motion was seconded by Ms. McMullin.

Hearing a motion and second, Ms. McMullin asked Staff for a roll call vote on the item.

Roll Call: Mr. Wilson - yes, Mr. Westfall - aye, Mr. Hauser - yes, Mr. Bachman - yes, Ms. McMullin - yes.

Motion for approval with conditions for Case ZA2023-10 was carried unanimously (5-

0) by the Colerain Township Zoning Commission.

Informal Concept Review: None.

Old Business: None.

New Business: Staff, David Peters: Request of a motion from the Zoning Commission to initiate a Text Amendment banning the sale of recreational marijuana in Colerain Township.

A motion to initiate a Text Amendment was made by Ms. McMullin. Motion was seconded by Mr. Wilson.

Hearing a motion and second, Ms. McMullin asked Staff for a roll call vote on the item.

Roll Call: Mr. Hauser - yes, Mr. Westfall - aye, Mr. Wilson - yes, Mr. Bachman - yes, Ms. McMullin - yes.

Motion to initiate Text Amendment was carried unanimously (5-0) by the Colerain Township Zoning Commission.

Administration: None

Announcements: Staff will be reviewing documents by KZF to ensure alignment with the recommendations made in the Imagine Colerain plan and the current Zoning Resolution.

Next Meeting: August 15, 2023.

Adjournment: Ms. McMullin thanked everyone for attending and providing feedback.

In favor - All

Opposed - None

The meeting was adjourned at approximately 7:05 P.M.

W. McMullin

David J. R...