

**Northfield Center Township
Zoning Commission Regular Meeting
December 12, 2011**

A. CALL TO ORDER:

Meeting called to order at 7:10 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

No vote was taken at this Regular Meeting on the proposed text amendments for internet sweepstakes cafés.

Mr. Schade moved to nominate Greg Yakich as the 2012 Zoning Commission Chair.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

C. ZONING INSPECTOR'S SECTION:

Inspector Saunders discussed swimming pool regulations. He told the Zoning Commission that they may want to consider reviewing the regulations; he had some concern with the soft-sided pools. All pools right now are required to be fenced per the Northfield Center Township Zoning Regulations.

Secretary Flauto told the Zoning Commission that the Trustees passed a resolution to hire Jeff Snell to prosecute zoning violators.

D. APPROVAL OF MINUTES:

Mr. Schade moved to waive the reading and approve the minutes of the 11/14/11 Public Hearing.

Seconded by Mr. Campbell.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 11/14/11 Regular Meeting.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

E. PUBLIC COMMENTS:

None.

F. NEW ITEMS:

Mr. Yakich told the Zoning Commission that he received a phone call from Mr. Jacobs at 8197 Olde Eight Rd. regarding a violation concerning a commercial vehicle (truck) parked on his property. Mr. Jacobs told Mr. Yakich that he had spoken to Trustee Buescher before he bought the large commercial truck and was told he could keep it in his yard. Mr. Yakich stated that he had a problem with a Trustee telling Mr. Jacobs that. Mr. Yakich also stated that he would go on record saying that if there is a Trustee breaking the zoning laws, what good are the laws, just to fit someone's needs? This should have come through the Zoning Commission, and not a Trustee telling a resident that they can break the zoning laws. Mr. Yakich said that he told Mr. Jacobs to save any documentation from Trustee Buescher that he had. Mr. Yakich said that he understood that Mr. Jacobs was going to move the truck and also told him that he could try for a variance.

Inspector Saunders told the Zoning Commission that Trustee Buescher does not have the authority to do so. He also said that Mr. Jacobs uses the excuse each time Inspector Saunders had spoken to him about this truck. No letter was ever sent, but he got a citation notice last spring when the first complaint was received.

Mr. Yakich said that there must be a procedure followed, where everything is documented; letter sent out to the violator and documented follow-up.

Inspector Saunders explained that there was no follow-up after the initial citation because he was told to let it go by the Trustees; Trustee Reville had an issue with the Board of Zoning Appeals informally, after another meeting, letting Mr. Jacobs keep this truck in his yard. At that time, however, the weight of the truck was unknown and the Township was not aware that Mr. Jacobs was also using employees. Mr. Jacobs has sent 4 emails to the Trustees in the last day before this meeting, about various issues; questioning trash in

his neighborhood among other things. The email that Trustee Buescher sent to the other Trustees basically said it shouldn't have been done to begin with. Trustee Sommer and Trustee Reville authorized the violation letter going out to Mr. Jacobs, despite Trustee Buescher's objections to the violation letter and him instructing Inspector Saunders not to send the letter. The letter did not say the truck had to be moved in ten days, but rather Mr. Jacobs had to contact the zoning office within ten days and explain how he would correct the situation.

Mr. Bob Yuzwa, 7488 Foghorn Lane, asked Inspector Saunders if Mr. Jacobs explained to him eighteen months ago that the truck would be moved when the weather broke.

Inspector Saunders said yes, it was going to be moved by April, 2011, and it wasn't.

Mr. Yakich told Inspector Saunders that the Zoning Commission should have gotten notified in May or June that the truck hadn't been moved, and what the next course of action would be; with a Trustee or Trustees deciding which zoning violations will be or will not be enforced, and since the Zoning Inspector works for the Trustees, and issues not being followed up on, residents are aware of lack of enforcement and do not obey zoning regulations.

Inspector Saunders explained that the follow-up would have been taking the violator to court, and that did not happen.

Mr. Schade asked Inspector Saunders if it was standard practice for a violation letter to be reviewed by the Trustees before it is sent out.

Inspector Saunders said no; the reason this letter was reviewed first was because of the previous month's Zoning Commission being so vocal, the Trustees all heard the recording and got involved in this situation.

Mr. Yuzwa said that was not true; he stated Trustees Reville and Sommer spoke directly to him about it and did not have any concerns about the vocality of the last Regular Meeting on November 14, 2011 at which Mr. Yuzwa was present and spoke during the Public Comments section about the situation with Mr. Jacobs. Both Trustees Reville and Sommer knew that Mr. Yuzwa would be attending the meeting in November. He also said that there is the old premise of "a friend of a Trustee."

Mr. Yakich stated that there are Zoning Regulations to be enforced, and that a Trustee should not be telling a resident that they can break a zoning code just because they feel that it is okay. He requested that the Zoning Commission have the status of what violations are outstanding, and that the zoning violation log should reflect if a Trustee says let something go.

Mr. Youel commented that the Trustees take an oath when coming into office to maintain the laws of the Township, etc., and this is not being done.

Mr. Yakich said that if need be, he would go to the newspaper if this becomes a regular practice. The Trustees were sworn in to abide by the laws of the Township, and if they pick and choose, there will be a problem. He would also like to have the violation log reported to the Zoning Commission once a month.

Mr. Campbell asked what would be done if Mr. Jacobs does not comply in the time allotted in the violation citation.

Inspector Saunders said he would request that the Trustees move forward with prosecution. It could take years, as it would be at the end of the pack.

Inspector Saunders also told the Zoning Commission that there was a meeting with Summit County Zoning Officials and Summit County Building and Standards. The County has now computerized their records and all permits are online. This allows for cross-referencing between the County and Townships, etc.

Mr. Campbell stated that the Zoning Commission should just go ahead and enforce the zoning codes as they are written; if the Trustees do not agree with something the ZC is doing, the Trustees can request a change to the codes.

Mr. Yakich stated that the resident on Olde Eight that has been selling cars on his property seems to have stopped; he appreciated that a violation letter was sent from Inspector Saunders.

G. ADJOURNMENT:

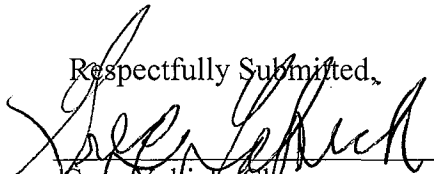
Mr. Campbell moved to adjourn at 7:45 p.m.

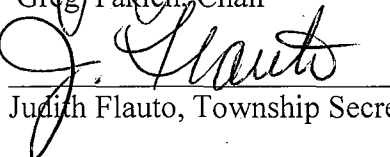
Seconded by Mr. Yakich.


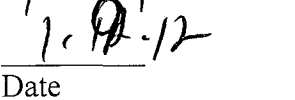
Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

Respectfully Submitted,


Greg Yakich, Chair


Judith Flauto, Township Secretary


Date

Date

**Northfield Center Township
Zoning Commission Public Hearing
December 12, 2011**

A. CALL TO ORDER:

Meeting called to order at 6:40 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, aye.

B. PUBLIC DISCUSSION OF APPLICATION:

This Public Hearing was held to discuss proposed text amendments on internet sweepstakes cafés, and was a continuance from November 14, 2011.

Mr. Yakich felt that the Zoning Commission should move forward with the proposed text amendments on internet sweepstakes cafés, stating that the work has been done. He also felt that the Zoning Commission should vote and see what happens.

Mr. Schade felt that maybe the Zoning Commission should make some changes per Summit County Planning Commission's recommendations.

(REVISED TEXT AMENDMENTS AS A RESULT OF THIS PUBLIC HEARING ARE ATTACHED TO THESE MINUTES.)

Mr. Schade moved to continue this Public Hearing on 1/9/12 at 6:30 p.m.

Seconded by Mr. Campbell.


Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, aye.

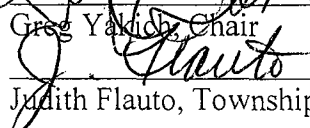
C. ADJOURNMENT:

No motion to adjourn, went into Regular Meeting.

Respectfully Submitted,



Greg Yakich, Chair



Judith Flauto, Township Secretary



Date



Date

Northfield Center Township
Proposed Zoning Amendments to Add Internet Sweepstakes Cafes as a
Conditional Use in the C-4 Commercial District and the I-1 Industrial District
Proposed October 10, 2011

Note: Tracked changes are compared to the Existing Northfield Center Township Zoning Resolution

AMENDMENT 1 - To amend Section 130.02 B, DEFINITIONS, to add a new definition for Internet Sweepstakes Café which will be definition No. 79. New definition No. 79 to read:

79. INTERNET SWEEPSTAKES CAFÉ: Any commercial establishment, whether as a principal or an accessory use situated on a parcel of real estate, where customers purchase "internet time" or "prepaid phone cards" in order to utilize electronic devices or computer terminals to access the internet, play computer games, and to participate in sweepstakes to win prizes of cash, merchandise, or other items of value to be redeemed or otherwise distributed. The value of prizes to be distributed may be determined by the electronic games played or by predetermined odds. These establishments may also serve food and beverages. Other similar uses would include; Cybercafés or Lounges, Internet Sweepstakes, Video Sweepstakes, Video Gaming Arcade, Electronic Gaming Operations, or other related establishments.

A COMPUTERIZED SWEEPSTAKES DEVICE is any computer, machine, game, or apparatus which, upon the insertion of a coin, plate, disc, plug, key, card, token, access number, or similar object, and/or upon the payment of "anything of value", and which may be operated by the public generally for use as a contest of skill, entertainment or amusement. Computerized Sweepstakes Devices do not include: (a) any machine designated for use by the Ohio Lottery Commission, or (b) a juke box, audio book, video player or any similar device from which the only value received is a visual or audio transmission or the playing of a game.

ANYTHING OF VALUE is cash, cash equivalents, tangible objects, credits to play, and any other tangibles or intangibles, no matter how slight. Anything of value includes playing a game, viewing a video display, hearing an audio transmission, and reading entries or outcomes from any other kind of device. A person who gives anything of value for a product or service, whether tangible or intangible, in any way, directly or indirectly, in association with being given access to the use of an entertainment device, is deemed to have given value for the access to the entertainment device.

Note: The existing definitions following new

No. 79 would be renumbered accordingly.



AMENDMENT 2— To amend Part C of Section 350.03, SCHEDULE OF PERMITTED USES, to add Internet Sweepstakes Cafes to be permitted as a Conditional Use in the C-4 Planned Shopping Center District. Amended Part C of Section 350.03 to read:

Sec. 350.03 SCHEDULE OF PERMITTED USES, *Amended via Resolution No. 01/8-6f*

Permitted Uses	B-R Business Residential	T-C Town Center	C-1 Retail Corn.	C-4 Planned Shopping Center
A. Residential				
<i>(Remains Unchanged)</i>				
B. Offices				
<i>(Remains Unchanged)</i>				
C. Retail/Services				
1. Retail use in wholly enclosed building		P	P	P
2. Long-term outdoor display		C	C	
3. Seasonal sales, temporary sidewalk sales		C	C	C
4. Personal service such as barber/beauty shop, dry-cleaning laundry		P	P	P
5. Funeral Home			P	
6. Restaurant, eating and drinking establishment	C	C	C	C
7. Studio for instruction such as dance, karate, art	C	C	P	
8. Hotel, motel				C
9. Party center and banquet hall			C	
10. Dog grooming - no kennel		p	p	
11. Veterinary clinic		C	C	
12. Drive-thru facility in association with a principal use			C	C
13. Internet Sweepstakes Cafe				
<i>(Remainder remains unchanged)</i>				
P=Principal use permitted by right				
C=Conditional use				
Blank cell indicates the use is not permitted in the district				



AMENDMENT 3- To amend Part B of Section 360.03, SCHEDULE OF PERMITTED USES, to add Internet Sweepstakes Cafes to be permitted as a Conditional Use in the I-1 Industrial District. Amended Part B of Section 360.03 to read:

Sec. 360.03 SCHEDULE OF PERMITTED USES.

Permitted Uses	I-1 Industrial	I-2 Industrial
A. Offices		
<i>(Remains Unchanged)</i>		
B. Retail/Services		
1. Retail use in wholly enclosed building	P	P
2. Personal service such as barber/beauty shop, dry-cleaning laundry	P	
3. Restaurant, eating and drinking establishment	P	
4. Drive-thru facility in association with a principal use	P	
5. Funeral Home	P	
6. Flea Market	C	
7. Dog grooming - no kennel	p	
8. Veterinary clinic	P	
9. Kennel	P	
10. Adult Entertainment Uses	C	
11. Internet Sweepstakes Café	C	
C. Auto Oriented		
<i>(Remains Unchanged)</i>		
P=Principal use permitted by right		
C= Conditional use		
Blank cell indicates the use is not permitted in the district		



AMENDMENT 4 - To amend Part B of Section 390.05, Minimum Requirements for Conditional Uses in Commercial and Industrial Districts, to add the requirements for Internet Sweepstakes Cafes. Amended Part B of Section 390.05 to read:

Sec. 390.05 Minimum Requirements for Conditional Use in Commercial and Industrial Districts.

CONDITIONAL USE	District in which a Conditional Use	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See also Section
		Area	Width	Front	Side/Rear	Front	Side/Rear	
A. RESIDENTIAL								
<i>(Remains Unchanged)</i>								
B. RETAIL/SERVICES								
4. Adult entertainment uses	I-1	(a)	(a)	(a)	(a)	(a)	(a)	390.06A
5. Drive-thru facility in association with a principal use	C-1, C-4	(a)	(a)	(a)	(a)	(a)	(a)	390.06K
6. Flee market	I-1	10 ac	500 ft	(a)	(a)	(a)	(a)	390.06L
7. Hotel, motel	C-4	2 ac	200 ft	(a)	(a)	(a)	(a)	
8. Long-term outdoor display	T-C, C-1	(a)	(a)	(a)	(a)	(a)	(a)	390.06R
9. Seasonal sales, temporary sidewalk sales	T-C, C-1, C-4	(a)	(a)	(a)	(a)	(a)	(a)	
10. Studio for instruction such as dance, karate, art	B-R, T-C	(a)	(a)	(a)	(a)	(a)	(a)	
11. Veterinary clinic	T-C, C-1	1 ac	150 ft	(a)	(a)	(a)	(a)	390.06W
12. Internet Sweepstakes Cafes	C-4, I-1	(c)	(c)	(c)	(c)	(c)	(c)	390.06Z
C. AUTO ORIENTED								
<i>(Remains Unchanged)</i>								
NOTES FOR SCHEDULE 390.05								
ac = acres, ft = feet								
(c) shall comply with the district regulations								



AMENDMENT 5— To amend Section 390.06, SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES, to add a new Subsection "Z" to include the supplemental regulations for Internet Sweepstakes Cafes. The new Subsection "Z" in Section 390.06 to read:

Z. Internet Sweepstakes Cafés in the I-I District only shall comply with the Summit County regulations for Entertainment Device Arcades, Chapter 755, as amended, and all other applicable Summit County and State regulations and the District regulations in which the facility is located.



**Northfield Center Township
Zoning Commission Regular Meeting**

11.14.11

A. CALL TO ORDER:

Meeting called to order at 6:48 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

No vote was taken at this Regular Meeting on the proposed text for internet sweepstakes cafés.

C. ZONING INSPECTOR'S SECTION:

Inspector Saunders was not present.

D. APPROVAL OF MINUTES:

Mr. Schade moved to waive the reading and approve the minutes of the 10/10/11 Regular Meeting.

Seconded by Mr. Campbell.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 10/17/11 Special Meeting.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

E. PUBLIC COMMENTS:

Bob Yuzwa, 7488 Foghorn Lane, addressed the ZC. Presented a zoning violation matter that he said had been occurring since 2008. There is a commercial business operating in a residential district at 8197 Olde Eight Rd. This business uses

chemicals and also parks a commercial vehicle in a residential driveway. 3 of the 4 criteria for parking a commercial vehicle in an R-1 are not met. The name of the business is Spotless Windows and Deck Cleaning. Also, 3 employees park their vehicles on the street, creating a safety hazard. Chemicals seem to create a burn pattern in the ditch. Also, Mr. Yuzwa said that another resident, Lori Gabor, complained in 2008.

Mr. Yakich questioned if violation letters are being sent out to violators.

Mr. Campbell commented that letters must have follow-up.

Mr. Youel said that there are cases that Northfield Center Township has turned over to the Summit County and the prosecutor won't do anything.

Mr. Yuzwa said that the County always asks for the original violation letter when residents go to the county to complain. He went on to say that you cannot selectively enforce zoning codes.

Trustee Reville recalled that Lori Gabor sent a letter that was reviewed by a board; he believed it was the Zoning Commission, and the property owner was told it was okay to keep the truck there.

Mr. Schade said that the original review was as long as the truck was moved every 72 hours, it was allowed.

Mr. Yuzwa said that it was not just one code that was being violated on this property, it was 7 codes.

Mr. Yakich asked Secretary Flauto to research any correspondence resulting from the original complaint in 2008 about 8197 Olde Eight and provide any copies to the Zoning Commission.

Mr. Yakich stated that since he has been on the Zoning Commission, he has seen business being run out of residential locations, and has always been told that this is a Township, there is no prosecutor, and these things are unenforceable.

Trustee Reville said that the Township has been trying to enforce codes, working with Summit County Prosecutor. County Prosecutor turned cases over to Stow prosecutor, who said our zoning codes are not strong enough to prosecute with. Township is in the process of interviewing private attorneys to work these cases for the Township.

Mr. Campbell said that he would like Inspector Saunders to inform the ZC of any codes that are weak so they may take a look at them and adjust as necessary.

F. ADJOURNMENT:

Mr. Schade moved to adjourn at 7:35 p.m.

Seconded by Mr. Yakich.

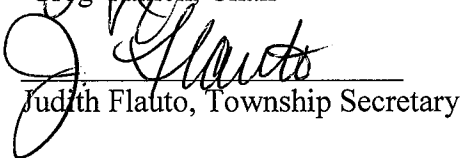
Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

Respectfully Submitted,


Greg Yakich, Chair

12-12-11
Date


Judith Flauto, Township Secretary

12-12-11
Date

**Northfield Center Township
Zoning Commission Public Hearing
November 14, 2011**

A. CALL TO ORDER:

B.

Meeting called to order at 6:30 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, aye.

C. PUBLIC DISCUSSION OF APPLICATION:

This Public Hearing was held to discuss proposed text amendments on internet sweepstakes cafés.

Secretary Flauto informed the Zoning Commission members that they were on the Summit County Planning Commission's agenda for 11/17/11, so recommendations would be available at the December meeting for the ZC.

Mr. Schade questioned the limited hours of operation being proposed for the internet sweepstakes cafés.

Mr. Yakich felt that the hours of operation could be challenged if you start limiting hours outside of the "norm."

The Zoning Commission was in agreement that they would not, however, be inclined to let these establishments run 24 hours/day like some do in neighboring communities.

Mr. Yakich also commented that parking should be looked at; some recommendations may come back from Summit County Planning Commission in regards to parking.

Bob Yuzwa, 7488 Foghorn Lane commented that there can be regulations in place, but if they are not enforced, they don't matter.

The Zoning Commission asked if Secretary Flauto could obtain a copy of Macedonia's internet café regulations, if they have already been approved.

Mr. Lovano moved to continue this Public Hearing on 12/12/11 at 6:30 p.m.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, aye.

D. ADJOURNMENT:


No motion to adjourn, went into Regular Meeting.

Respectfully Submitted,



Greg Yakich, Chair

12-15-11
Date



Judith Flauto, Township Secretary

12-12-11
Date

**Northfield Center Township
Zoning Commission Special Meeting
October 17, 2011**

A. CALL TO ORDER:

Meeting called to order at 7:00 p.m. by Greg Yakich, Chair.

Roll Call:

Dan Schade, aye; Greg Yakich, aye; John Campbell, aye; James Youel, aye;
Basil Lovano, aye.

B. DISCUSSION:

The Zoning Commission was holding this special meeting to discuss the proposed text amendments written/submitted by David Hartt of D. B Hartt for internet sweepstakes cafés.

Mr. Youel asked about the last page, #7, that reads “from time to time the Trustees can promulgate additional application and enforcement procedures.”

The Zoning Commission asked Secretary Flauto to draft a letter to David Hartt asking for further explanation of this #7; then the Zoning Commission can decide what they would like to do.

Mr. Schade suggested deleting number #7.

Mr. Lovano questioned what “additional application” meant.

Mr. Yakich moved to send the proposed text amendments on internet sweepstakes cafés to the Summit County Planning Commission for their November meeting.

Seconded by Mr. Schade.

Roll Call:

Dan Schade, aye; Greg Yakich, aye; John Campbell, aye; James Youel, aye;
Basil Lovano, aye.

Mr. Yakich moved to hold a Public Hearing on the proposed text amendments on internet sweepstakes cafés at 6:30 p.m. on November 14, 2011.

Seconded by Mr. Youel.

Roll Call:

Dan Schade, aye; Greg Yakich, aye; John Campbell, aye; James Youel, aye;
Basil Lovano, aye.

C. ADJOURNMENT:

Mr. Yakich moved to adjourn at 7:25 p.m.

Seconded by Mr. Lovano.

Roll Call:


Dan Schade, aye; Greg Yakich, aye; John Campbell, aye; James Youel, aye;
Basil Lovano, aye.

Respectfully Submitted,



Greg Yakich, Chair

11-14-11
Date



Judith Flauto, Township Secretary

11-14-11
Date

**Northfield Center Township
Zoning Commission Regular Meeting
October 10, 2011**

A. CALL TO ORDER:

Meeting called to order at 7:01 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

Mr. Hartt addressed the Zoning Commission. He distributed a draft of the proposed text amendments on internet sweepstakes cafés (DRAFT ATTACHED TO THESE MINUTES.) He explained to the Zoning Commission what he had included in these proposed amendments. He felt that beyond the basic zoning, the Township can rely on Summit County for fees, inspections and other operational issues. He also provided in the text that the Township can also do these things if it chooses to.

Mr. Youel told Mr. Hartt that as an example, the County Engineer gives bonds back for road projects before they comply with the required regulations. He would like to safeguard the Township against the County doing something without the Township's authorization.

Mr. Hartt said that the proposed amendments still give the Township the authority to issue the permit to an internet sweepstakes café.

Inspector Saunders was concerned with the parking situation; he felt that the way the parking requirements were written, the Township may get challenged on it.

Mr. Schade felt that parking may need to be addressed if an internet sweepstakes café actually comes into the Township.

Mr. Schade felt that the proposed amendments covered the internet sweepstakes cafés quite thoroughly.

Mr. Youel moved to hold a Special Meeting to discuss the proposed text amendments on internet sweepstakes cafés on 10/17/11 at 7:00 p.m.

Seconded by Mr. Yakich.

Roll Call:
Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

C. ZONING INSPECTOR'S SECTION:

Inspector Saunders told the Zoning Commission that Aldi's will be paving the driveway soon.

The gas station at 70 W. Aurora got approval from ODOT for their ingress and egress for Rt. 82.

D. APPROVAL OF MINUTES:

Mr. Schade moved to waive the reading and approve the minutes of the 9/12/11 Regular Meeting.

Seconded by Mr. Lovano.

Roll Call:
Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

E. PUBLIC COMMENTS:

None.

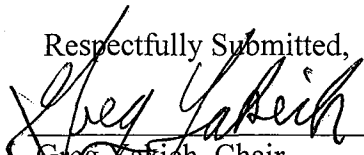
F. ADJOURNMENT:

Mr. Youel moved to adjourn at 7:50 p.m.

Seconded by Mr. Yakich.

Roll Call:
Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

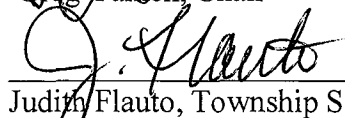
Respectfully Submitted,



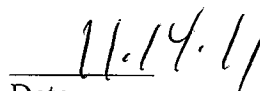
Greg Yakich, Chair



Date



Judith Flauto, Township Secretary



Date

Northfield Center Township
Proposed Zoning Amendments to Add Internet Sweepstakes Cafes as a
Conditional Use in the C-4 Commercial District and the I-1 Industrial District
Proposed October 10, 2011

Note: Tracked changes are compared to the Existing Northfield Center Township Zoning Resolution

AMENDMENT 1 – To amend Section 130.02 B, DEFINITIONS, to add a new definition for Internet Sweepstakes Café which will be definition No. 79. New definition No. 79 to read:

79. INTERNET SWEEPSTAKES CAFÉ: Any business establishment, room, or place where four (4) or more “computerized sweepstakes devices” are located for the use or entertainment of the public, whether or not such building or premises has other business purposes of any nature whatsoever.

A COMPUTERIZED SWEEPSTAKES DEVICE is any computer, machine, game, or apparatus which, upon the insertion of a coin, plate, disc, plug, key, card, token, access number, or similar object, and/or upon the payment of “anything of value”, and which may be operated by the public generally for use as a contest of skill, entertainment or amusement. Computerized Sweepstakes Devices do not include: (a) any machine designated for use by the Ohio Lottery Commission, or (b) a juke box, audio book, video player or any similar device from which the only value received is a visual or audio transmission or the playing of a game.

ANYTHING OF VALUE is cash, cash equivalents, tangible objects, credits to play, and any other tangibles or intangibles, no matter how slight. Anything of value includes playing a game, viewing a video display, hearing an audio transmission, and reading entries or outcomes from any other kind of device. A person who gives anything of value for a product or service, whether tangible or intangible, in any way, directly or indirectly, in association with being given access to the use of an entertainment device, is deemed to have given value for the access to the entertainment device.

Note: The existing definitions following new No. 79 would be renumbered accordingly.

AMENDMENT 2 – To amend Part C of Section 350.03, SCHEDULE OF PERMITTED USES, to add Internet Sweepstakes Cafes to be permitted as a Conditional Use in the C-4 Planned Shopping Center District. Amended Part C of Section 350.03 to read:

Sec. 350.03 SCHEDULE OF PERMITTED USES, *Amended via Resolution No. 01/8-6f*

Permitted Uses	B-R Business Residential	T-C Town Center	C-1 Retail Com.	C-4 Planned Shopping Center
A. Residential				
<i>(Remains Unchanged)</i>				
B. Offices				
<i>(Remains Unchanged)</i>				
C. Retail/Services				
1. Retail use in wholly enclosed building		P	P	P
2. Long-term outdoor display		C	C	
3. Seasonal sales, temporary sidewalk sales		C	C	C
4. Personal service such as barber/beauty shop, dry-cleaning laundry		P	P	P
5. Funeral Home			P	
6. Restaurant, eating and drinking establishment	C	C	C	C
7. Studio for instruction such as dance, karate, art	C	C	P	
8. Hotel, motel				C
9. Party center and banquet hall			C	
10. Dog grooming - no kennel		P	P	
11. Veterinary clinic		C	C	
12. Drive-thru facility in association with a principal use			C	C
13. Internet Sweepstakes Cafe				C
<i>(Remainder remains unchanged)</i>				
P=Principal use permitted by right				
C=Conditional use				
Blank cell indicates the use is not permitted in the district				

AMENDMENT 3 – To amend Part B of Section 360.03, SCHEDULE OF PERMITTED USES, to add Internet Sweepstakes Cafes to be permitted as a Conditional Use in the I-1 Industrial District. Amended Part B of Section 360.03 to read:

Sec. 360.03 SCHEDULE OF PERMITTED USES.

Permitted Uses	I-1 Industrial	I-2 Industrial
A. Offices		
<i>(Remains Unchanged)</i>		
B. Retail/Services		
1. Retail use in wholly enclosed building	P	P
2. Personal service such as barber/beauty shop, dry-cleaning laundry	P	
3. Restaurant, eating and drinking establishment	P	
4. Drive-thru facility in association with a principal use	P	
5. Funeral Home	P	
6. Flea Market	C	
7. Dog grooming - no kennel	P	
8. Veterinary clinic	P	
9. Kennel	P	
10. Adult Entertainment Uses	C	
11. Internet Sweepstakes Café	C	
C. Auto Oriented		
<i>(Remains Unchanged)</i>		
P=Principal use permitted by right		
C=Conditional use		
Blank cell indicates the use is not permitted in the district		

AMENDMENT 4 – To amend Part B of Section 390.05, Minimum Requirements for Conditional Uses in Commercial and Industrial Districts, to add the requirements for Internet Sweepstakes Cafes. Amended Part B of Section 390.05 to read:

Sec. 390.05 Minimum Requirements for Conditional Use in Commercial and Industrial Districts.

CONDITIONAL USE	District in which a Conditional Use	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See also Section
		Area	Width	Front	Side/Rear	Front	Side/Rear	
A. RESIDENTIAL								
<i>(Remains Unchanged)</i>								
B. RETAIL/SERVICES								
4. Adult entertainment uses	I-1	(a)	(a)	(a)	(a)	(a)	(a)	390.06A
5. Drive-thru facility in association with a principal use	C-1, C-4	(a)	(a)	(a)	(a)	(a)	(a)	390.06K
6. Flee market	I-1	10 ac	500 ft	(a)	(a)	(a)	(a)	390.06L
7. Hotel, motel	C-4	2 ac	200 ft	(a)	(a)	(a)	(a)	-
8. Long-term outdoor display	T-C, C-1	(a)	(a)	(a)	(a)	(a)	(a)	390.06R
9. Seasonal sales, temporary sidewalk sales	T-C, C-1, C-4	(a)	(a)	(a)	(a)	(a)	(a)	-
10. Studio for instruction such as dance, karate, art	B-R, T-C	(a)	(a)	(a)	(a)	(a)	(a)	-
11. Veterinary clinic	T-C, C-1	1 ac	150 ft	(a)	(a)	(a)	(a)	390.06W
12. Internet Sweepstakes Cafes	C-4, I-1	(c)	(c)	(c)	(c)	(c)	(c)	390.06Z
C. AUTO ORIENTED								
<i>(Remains Unchanged)</i>								
NOTES FOR SCHEDULE 390.05								
ac = acres, ft = feet								
(c) shall comply with the district regulations								

AMENDMENT 5 – To amend Section 390.06, SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES, to add a new Subsection “Z” to include the supplemental regulations for Internet Sweepstakes Cafes. The new Subsection “Z” in Section 390.06 to read:

Z. Internet Sweepstakes Café in the C-4 and I-1 Districts shall comply with the Summit County regulations for Entertainment Device Arcades, Chapter 755, as amended, and all other applicable Summit County and State regulations and the District regulations in which the facility is located unless such regulations are specifically modified by this Subsection, or other regulatory provisions adopted by the Township:

1. An Internet Sweepstakes Café shall be a minimum of: 1,000 feet from residential zoning districts, libraries, schools, places of worship, public playground or park, and from any other Internet Sweepstakes Café.
2. There shall be no more than one computerized sweepstakes device for each fifty (50) square feet of floor area in each room in which the computerized sweepstakes devices are located.
3. There shall be a minimum of one (1) parking space for each computerized sweepstakes device.
4. The hours of operation are limited to between 9:00 AM and 11:00 PM.
5. No persons shall be permitted in the facility who are less than eighteen (18) years of age.
6. At all times the facility is open there shall be at least one supervisor on the premise who is twenty-one (21) years of age or older.
7. The Township Trustees, by resolution, may from time to time promulgate additional application and enforcement procedures and requirements, and establish reasonable fees for licensing of these facilities and for periodic inspections to assure compliance with all applicable regulations.

**Northfield Center Township
Zoning Commission Regular Meeting
September 12, 2011**

A. CALL TO ORDER:

Meeting called to order at 7:00 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

Mr. Yakich presented his concerns to the members of the Zoning Commission and to Inspector Saunders. He said that the problem house on Olde Eight Rd. that sells cars on the weekends is still doing that. Inspector Saunders told him that the owner received a violation letter, explaining that the Township can request to have his dealership license revoked, as this resident owns an actual dealership elsewhere. Mr. Yakich felt that the Trustees should prosecute this violator. Mr. Yakich also explained that if the Township cannot enforce the zoning regulations, then why is there a Zoning Resolution?

C. ZONING INSPECTOR'S SECTION:

Inspector Saunders discussed the following items:

1. The new Aldi's is being built next to Spitzer Chevy; the driveway is going in right now.
2. Giant Eagle will be starting their expansion construction in the next few weeks.
3. The owner of 70 W. Aurora is coming in on Oct. 13th for a variance hearing in front of the BZA; ODOT did authorize limited RT. 82 access.

D. APPROVAL OF MINUTES:

Mr. Schade moved to waive the reading and approve the minutes of the 8/8/11 Public Hearing.

Seconded by Mr. Campbell.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 8/8/11 Regular Meeting.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

E. PUBLIC COMMENTS:

None.

F. ADJOURNMENT:

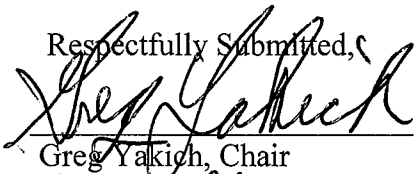
Mr. Schade moved to adjourn at 7:25 p.m.

Seconded by Mr. Lovano.

Roll Call:

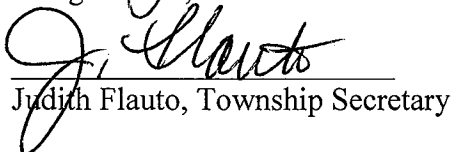
Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

Respectfully Submitted,



Greg Yakich, Chair

10-10-2011
Date



Judith Flauto, Township Secretary

10-10-11
Date

**Northfield Center Township
Zoning Commission Regular Meeting
August 8, 2011**

A. CALL TO ORDER:

Meeting called to order at 6:51 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

Mr. Schade moved to send the Zoning Commission's amended draft of the proposed text amendments on outdoor wood burning furnaces to the Trustees for possible approval.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

The Zoning Commission decided not to take the Conditional Use regulation suggestion by Summit County Planning Commission because they felt it would unnecessarily burden the BZA. Regulations would be included in the Zoning Resolution. Also, the ZC felt that legislation from the Zoning Commission, Summit County Planning Commission and consultant D. B Hartt is strong enough.

The ZC requested that secretary Flauto draft a letter to the Trustees explaining the decision discussed above, and put it with the proposed text amendments being submitted to the Trustees along with a copy of the Summit County Planning Commission's recommendations.

Letter, proposed amendments and Planning Commission's recommendations are attached to these minutes.

C. ZONING INSPECTOR'S SECTION:

Not present.

D. APPROVAL OF MINUTES:

Mr. Schade moved to waive the reading and approve the minutes of the 7/11/11 Public Hearing.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 7/11/11 Regular Meeting.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

E. PUBLIC COMMENTS:

None.

F. ADJOURNMENT:

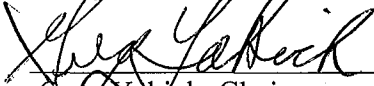
Mr. Schade moved to adjourn at 7:10 p.m.

Seconded by Mr. Campbell.

Roll Call:

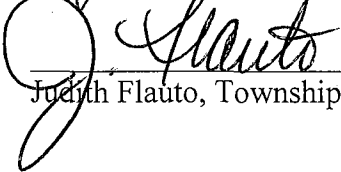
Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

Respectfully Submitted,



Greg Yakich, Chair

9/12/11
Date



Judith Flauto, Township Secretary

9.12.11
Date

NORTHFIELD CENTER TOWNSHIP

9546 Brandywine Road
Northfield Center, Ohio 44067-2408
330-467-7646

ZONING DEPARTMENT

Zoning Inspector
Donald A. Saunders

9/2/11

TO: Northfield Center Township Trustees
FROM: Judy Flauto, on behalf of the Northfield Center Township Zoning Commission
RE: Proposed Text for Outdoor Wood Burning Furnaces



Dear Trustees,

At their Regular Meeting held on 8/8/11, the Zoning Commission unanimously voted to send their amended draft of the proposed text amendments on outdoor wood burning furnaces to the Trustees for their possible approval.

The Zoning Commission would like the Trustees to be aware that they did not take the Summit County Planning Commission's suggestion to make these wood burners a Conditional Use, because they felt that it would unnecessarily burden the Board of Zoning Appeals. The proposed regulations would be included in the Northfield Center Township Zoning Resolution, and also the Zoning Commission felt that their legislation, along with legislation from the Summit County Planning Commission and D. B Hartt is strong enough to regulate these wood burning furnaces.

In your agenda folders, you will see paperwork containing the Summit County Planning Commission's review/recommendation packet, as well as a packet of the proposed recommendations that the Zoning Commission is submitting for your approval. Changes are being proposed to Amendment 1, Subsection C of Section 310.02, "Use Regulations," Amendment 2, Chapter 130 "Definitions," and Amendment 3, Chapter 310, adding a new section 310.11, "Outdoor Wood Furnaces." The changes are underlined in the hard copy packets, and are in bold red in the email version that you will receive. I have included hard copies of both packets so that you have all of the information.

Thank you,
Judy Flauto

Cc: Sam Ciocco
Don Saunders

*Proposed Amendments w/ changes
made by ZC underlined
in red.*

NCT Zoning Commission
June 13, 2011

Proposed Amendments for
Outdoor Wood Furnaces

AMENDMENT 1 - To amend Subsection C of Section 310.02 USE REGULATIONS to add Outdoor Wood Furnaces (OWF) as a permitted accessory use in the O-C, R-1, and R-2 Districts. Amended Subsection C to read:

Section 310.02 USE REGULATIONS

C. An accessory use that is clearly incidental and subordinate to a use permitted by right shall be permitted provided that the requirements of all other township resolutions and this Zoning Resolution have been met. Accessory uses are further regulated as noted below:

1. Accessory buildings including private garages, see also Sec. 310.08.
2. Accessory) off street parking, see also Sec. 310.08 and Chapter 410.
3. Family day care home, type B, see also Sec. 310.10.
4. Fences, walls and hedges, see also Sec. 310.08.
5. Home occupations, see also Sec. 310.09.
6. Keeping of animals, sec also Sec. 310.08.
7. Residential swimming pools, see also Sec. 3410.08.
8. Satellite dish antenna, see also Sec. 310.08.
9. Signs, see also Chapter 420.
10. Parking, storage of commercial and recreational vehicles, see also Sec. 310.08.
11. Outdoor Wood Furnaces, see also Sec. 310.11

AMENDMENT 2 - To add to Chapter 130 "DEFINITIONS" the following definition as a new Number 105:

105 Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part

~~thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to, among other possibilities, as an Outdoor Wood Boiler, Outdoor wood-fired Boiler or Outdoor Wood-fired Hydronic Heater.~~

1. Chimney: Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.
2. ~~USEPA~~ OWHH Phase 2 Program - EPA OWHH (Outdoor Wood-fired Hydronic Heater-Program) Phase 2 Program administered by the United States Environmental Protection Agency (USEPA.) •
3. ~~USEPA~~ OWHH Phase 2 Program Qualified Model - An Outdoor Wood-fired Hydronic Heater that has been EPA OWHH Phase 2 Program qualified. The model has met the EPA OWHH Phase 2 emission level and has the proper qualifying label and hangtag.
4. Existing Outdoor Wood Furnace: An Outdoor Wood Furnace that was purchased and installed prior to which is the effective date of this amendment to the Northfield Center Township Zoning Resolution.
5. Natural Untreated Wood: Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

AMENDMENT 3 - Add to Chapter 310, a new Section, 310.11, to be entitled "Outdoor Wood Furnaces." New Section 310.11 to read:

Sec. 310.11 REGULATIONS FOR OUTDOOR WOOD FURNACES:

- A. No person shall, after _____, 2011, (which is the effective date of this amendment to the Zoning Resolution) construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the applicable sections of this Northfield Center-Township Zoning Resolution which specifically requires:
 1. That all new OWB's meet USEPA Phase 2 white tag emission levels and have the white tag identifying that the Hydronic heater meets USEPA Phase 2 emission levels.
 2. That all such furnaces shall be constructed, established, installed, operated and maintained in Conformance with:
 - a. All Federal, State and local laws, rules and regulations including but not

limited to Ohio HP A Air Pollution Control Division Regulations.

- b. The manufacturer's instructions regarding such operation. And
- c. The requirements of this North field Center Township Zoning Resolution, as set forth in Subsection B.

In the event of a conflict, the requirements of this Northfield Center Township Zoning Resolution shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

3. That the owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Zoning Inspector to review prior to the installation and approval.
4. That all new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
5. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by the Zoning Inspector, creating a nuisance, the following steps shall be taken by the owner and the Zoning Inspector:
 - a. Modifications shall be made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace or both.
 - b. The operation of t the unit shall be terminated until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

B. Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following requirements:

1. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, as defined in Section 130.02 No.105) wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:
 - a. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - b. Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.

- c. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - d. Rubber including tires and other synthetic rubber-like products.
 - e. Newspaper, cardboard, or any paper with ink or dye products.
 - f. Any other items not specifically allowed by the manufacturer or this provision.
2. The chimney of any new Outdoor Wood Furnace shall extend at least 2 feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace. If there is an existing Outdoor Wood Furnace already installed and there is new construction of a residence not served by the Outdoor Wood Furnace within 300 feet of such Outdoor Wood Furnace then the owner of such Outdoor Wood Furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Zoning Inspector.
 3. The Outdoor Wood Furnace shall be located in the rear yard and at least 200 feet from all property lines.
 4. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
 5. Outdoor Furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase 2 Program Qualified models.
 6. No such furnace shall be operated between May 15th and September 15th.
 7. ~~The property owner shall obtain all required building permits from the Summit County Department of Building Standards prior to construction.~~
 8. ~~As a condition of approval use, the property owner shall provide access to the property for inspection of the system by Northfield Center Township during periods of operation, to determine compliance with all regulations.~~

NOTE: On last page of packet from Summit County Planning Commission, in "Summary Recommendations," item #1, the Northfield Township Zoning Commission would like it to read:

"Outdoor Wood Furnaces should be allowed as a Permitted Use.



COUNTY OF SUMMIT, OHIO

Russell M. Pry, Executive

175 S. Main Street · Akron, Ohio 44308-1308 · 330.643.2510 · fax: 330.643.2507 · www.co.summit.oh.us

July 29, 2011

Northfield Center Township Zoning Commission
c/o Ms. Judy Flauto, Township Secretary
9546 Brandywine Road
Northfield Center, Ohio 44067-2408

COPIES TO:

<input type="checkbox"/> CLERK	<input checked="" type="checkbox"/> TRUSTEES
<input type="checkbox"/> ROAD DEPT.	<input type="checkbox"/> MISC.
<input type="checkbox"/> FIRE DEPT.	<input checked="" type="checkbox"/> ZONING
	<input type="checkbox"/> W.D.D.

RECEIVED

AUG 01 2011

✓ ZC

Dear Zoning Commission Members:

The purpose of a review by a County or Regional Planning Commission, of proposed Township zoning amendments as required by Section 519.12 of the Ohio Revised Code, is to assist the Township Zoning Commission by providing it with recommendations based on expert opinion, and/or planning and development considerations that often extend beyond township boundaries and which might not be obvious from the local point of view. It is not the function or the intent of the County of Summit Planning Commission to dictate local policies or to regulate the decisions of local governing bodies. It was in the spirit of assistance and advice that the County of Summit Planning Commission considered the proposed text amendments that were submitted for review.

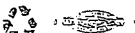
The County of Summit Planning Commission took action at its last meeting held on July 29, 2011. The action concerned the proposed text amendments submitted by the Northfield Center Township Zoning Commission.

Item # 2, File 07-28-2011-02-Z

The Northfield Center Township Zoning Commission proposes text amendments in Chapter 310 to allow Outdoor Wood Furnaces as a permitted accessory use in the O-C, R-1 and R-2 Districts. It is also proposed to add definitions related to Outdoor Wood Furnaces in Chapter 130 Definitions.

RECOMMENDATIONS :

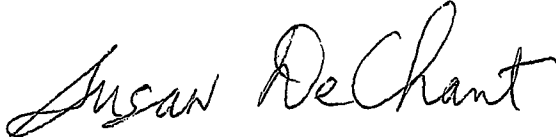
After proper review and due consideration, the Summit County Planning Commission recommended that the proposed text amendments, **Item # 2, File 07-28-2011 -02-Z** be **APPROVED with modifications recommended by Staff.**



The Staff write-ups and recommendations to the County Planning Commission are enclosed. Should you have any questions or comments regarding the recommendations, please feel free to contact our office by phone at 330-643-2005.

In order to keep our records current, the Department of Community and Economic Development requests that a copy of the proposed amendments be sent to this office, if and when they are approved by the Township Trustees.

Sincerely,

A handwritten signature in cursive script that reads "Susan DeChant".

Susan DeChant, A.I.C.P.
Comprehensive Planning Administrator

Enc.

Cc: Don Saunders
Patrick Bravo



Item No.: 2
Meeting: July 28, 2011
Applicant: Northfield Center Township Zoning Commission
Proposal: Chapter 310 adds Outdoor Wood Furnaces as a permitted accessory use
Processor: Susan DeChant

Proposal: The Northfield Center Township Zoning Commission proposes text amendments in Chapter 310 to allow Outdoor Wood Furnaces as a permitted accessory use in the O-C, R-1 and R-2 Districts. It is also proposed to add definitions related to Outdoor Wood Furnaces in Chapter 130 Definitions.

Purpose: The intent of the proposed text, in the absence of federal, state and local regulations, is to provide regulations for Outdoor Wood Furnaces. The U.S. Environmental Protection Agency (USEPA) has model regulations and guidance available, including a Hydronic Heater Voluntary Partnership Program, but the Federal government does not regulate the operation of Hydronic Heaters/Outdoor Wood Furnaces. The Ohio EPA refers to these heating apparatuses as outdoor wood-fired boilers (OWB's). These Outdoor Wood Furnaces are also known as Hydronic Heaters. The Ohio EPA encourages local communities to adopt ordinances to regulate OWB's.

Background: The following is from a fact sheet on frequently asked questions on USEPA's Hydronic Heater Voluntary Partnership Program (<http://www.epa.gov/burnwise/woodboilers.html>). Hydronic heaters heat water that is piped to a nearby building (usually a home) providing both heat and hot water to the structure. An outdoor wood fired boiler which is sometimes called an outdoor wood heater, is an example of a hydronic heater.

Outdoor Wood Furnaces that have a white hangtag meet USEPA's Phase 2 emission levels and are 90 percent cleaner than unqualified units. However, it is not true that existing heaters are as clean as indoor wood stoves. When the USEPA determines how clean or polluting a unit is, they analyze total emissions per hour, stack height, and proximity to other structures to estimate emissions and their impact on air quality and health. Current outdoor wood heaters burn significantly more wood than wood stoves – often 10 times as much or even more. As a result, they emit much more smoke and particle pollution.

Proposed Text Amendments: The text that is proposed in Amendments 2 and 3 is all new text; the proposed new text in Amendment 1, Section 310.02 Use Regulations is **bold underlined**. Staff comments are ***bold italicized***, and text recommended for deletion is ~~struck through~~.

AMENDMENT 1 - To amend Subsection C of Section 310.02 USE REGULATIONS to add Outdoor Wood Furnaces (OWF) as a permitted accessory use in the O-C, R-1, and R-2 Districts. Amended Subsection C to read:

Section 310.02 USE REGULATIONS

C. An accessory use that is clearly incidental and subordinate to a use permitted by right shall be permitted provided that the requirements of all other township resolutions and this Zoning Resolution have been met. Accessory uses are further regulated as noted below:

1. Accessory buildings including private garages, see also Sec. 310.08.
2. Accessory) off street parking, see also Sec. 310.08 and Chapter 410.
3. Family day care home, type B, see also Sec. 310.10.
4. Fences, walls and hedges, see also Sec. 310.08.
5. Home occupations, see also Sec. 310.09.
6. Keeping of animals, sec also Sec. 310.08.
7. Residential swimming pools, see also Sec. 3410.08.
8. Satellite dish antenna, see also Sec. 310.08.
9. Signs, see also Chapter 420.
10. Parking, storage of commercial and recreational vehicles, see also Sec. 310.08.
11. **Outdoor Wood Furnaces, see also Sec. 310.11**

Staff Comments: *The proposed text amendment would have Outdoor Wood Furnaces allowed as a permitted accessory use in O-C, R-1 and R-2 Districts. It would be more appropriate, considering the conditions listed in the proposed text amendments under review, to have this use be a conditionally permitted use. The extra level of review seems appropriate since outdoor wood boilers or outdoor furnaces are known to have nuisance and air quality problems. If conditionally permitted, the applicant would have to submit information to the Zoning Inspector and Board of Zoning Appeals under Chapter 630 Conditional Zoning Certificates and Similar Uses in order to get a conditional zoning certificate.*

Twinsburg, Sagamore Hills and Bath Townships all have outdoor wood furnaces listed as a prohibited use in their Zoning Resolutions. These Townships prohibit the use of Outdoor Wood Furnaces because of health and nuisance concerns, and due to the absence of federal, state and local regulations.

Richfield Township allows OWB's as a conditionally permitted use. Richfield Township requires that the property owner provide access to the property for inspection of the system by the Township during periods of operation, to determine compliance with all regulations.

In addition, it is recommended that Northfield Center Township only conditionally permit Outdoor Wood Furnaces in their O-C Open Space Conservation District, which has a minimum lot size of 5 acres. In the R-1 Single Family District the minimum lot size requirement is 25,000 square feet or approximately half acre lot size for Single Family dwellings. The R-2 Zoning District has the same minimum lot size requirement for Single Family dwellings and a minimum lot size of 40,000 square feet is required for Two Family dwellings. Restricting the use of these units in areas where lots are five acres or more should help address smoke and nuisance complaints (Ohio EPA staff).

AMENDMENT 2 - To add to Chapter 130 "DEFINITIONS" the following definition as a new Number 105:

105 Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to, among other-possibilities, as an Outdoor Wood Boiler, Outdoor Wood-fired Boiler or Outdoor Wood-fired Hydronic Heater.

1. **Chimney:** Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.
2. **US EPA OWHH Phase 2 Program - EPA OWHH (Outdoor Wood-fired Hydronic Heater-Program) Phase 2 Program** administered by the United States Environmental Protection Agency (USEPA.) ***•Instead of EPA OWHH Phase 2 Program, change term to USEPA OWHH Phase 2 Program.***
3. **US EPA OWHH Phase 2 Program Qualified Model - An Outdoor Wood-fired Hydronic Heater** that has been EPA OWHH Phase 2 Program qualified. The model has met the EPA OWHH Phase 2 emission level and has the proper qualifying label and hangtag. ***Instead of EPA OWHH Phase 2 Program Qualified Model, change term to USEPA OWHH Phase 2 Program Qualified Model.***
4. **Existing Outdoor Wood Furnace:** An Outdoor Wood Furnace that was purchased and installed prior ___ to which is the effective date of this amendment to the Northfield Center Township Zoning Resolution.
5. **Natural Untreated Wood:** Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

AMENDMENT 3 - Add to Chapter 310, a new Section, 310.11, to be entitled "Outdoor Wood Furnaces." New Section 310.11 to read:

Sec. 310.11 REGULATIONS FOR OUTDOOR WOOD FURNACES:

- A. No person shall, after _____, 2011, (which is the effective date of this amendment to the

Zoning Resolution) construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the applicable sections of this Northfield Center-Township Zoning Resolution which specifically requires:

1. That all new OWB's meet USEPA Phase 2 white tag emission levels and have the white tag identifying that the Hydronic heater meets USEPA Phase 2 emission levels.
2. That all such furnaces shall be constructed, established, installed, operated and maintained in Conformance with:
 - a. All Federal, State and local laws, rules and regulations including but not limited to Ohio EPA Air Pollution Control Division Regulations.
 - b. The manufacturer's instructions regarding such operation. And
 - c. The requirements of this North field Center Township Zoning Resolution, as set forth in Subsection B.

In the event of a conflict, the requirements of this Northfield Center Township Zoning Resolution shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

3. That the owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Zoning Inspector to review prior to the installation.
 4. That all new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
 5. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by the Zoning Inspector, creating a nuisance, the following steps shall be taken by the owner and the Zoning Inspector:
 - a. Modifications shall be made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace or both.
 - b. The operation of the unit shall be terminated until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.
- B. Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following requirements:
1. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, as defined in Section 130.02 No.105) wood pellets, corn products, biomass pellets ~~or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.~~ The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:

Staff Comments: *The USEPA Phase 2 Voluntary Program does not include OWB's which use gas, oil, propane or coal at this time – so these types of Hydronic Heaters would not meet the USEPA requirements for being a USEPA OWHH Phase 2 Program Qualified Model. Therefore, staff recommends that the struck through text above be deleted.*

- a. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - b. Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
 - c. Any plastic materials including but not limited to nylon, ~~PYC~~, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - d. Rubber including tires and other synthetic rubber-like products.
 - e. Newspaper, cardboard, or any paper with ink or dye products.
 - f. Any other items not specifically allowed by the manufacturer or this provision.
2. The chimney of any new Outdoor Wood Furnace shall extend at least 2 feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace. If there is an existing Outdoor Wood Furnace already installed and there is new construction of a residence not served by the Outdoor Wood Furnace within 300 feet of such Outdoor Wood Furnace then the owner of such Outdoor Wood Furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Zoning Inspector.
 3. The Outdoor Wood Furnace shall be located in the rear yard and at least 200 feet from all property lines.
 4. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
 5. Outdoor Furnaces that use corn, wood pellets or other pelletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase 2 Program Qualified models.
 6. No such furnace shall be operated between May 15th and September 15th.

Staff Comments: *It is recommended that the following additional conditions be added to Section 310.11 B. above:*

1. ***The property owner shall obtain all required building permits from the Summit County Department of Building Standards prior to construction;***
2. ***As a condition of approval of use, the property owner shall provide access to the property for inspection of the system by Northfield Center Township during periods of operation, to determine compliance with all regulations;***

Summary Recommendations:

1. Outdoor Wood Furnaces should be allowed only as a conditionally permitted use, not as a permitted accessory use and only in the O-C Residential District.
2. In Section 310.11 B. delete the reference to “or other listed fuels specifically permitted by the manufacturer’s instructions such as fuel oil, natural gas or propane backup.” OWB’s using these types of fuels would not meet the USEPA requirements for being a USEPA OWHH Phase 2 Program Qualified Model.
3. In Section 310.11 B. add the following conditions:
 - a. The property owner shall obtain all required building permits from the Summit County Department of Building Standards prior to construction.
 - b. As a condition of approval of use, the property owner shall provide access to the property for inspection of the system by Northfield Center Township during periods of operation, to determine compliance with all regulations.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED with modifications recommended by Staff.**

Summit County Planning Commission Action: APPROVAL with modifications recommended by Staff

Northfield Center Township
Zoning Commission Public Hearing Continuation from 7/11/11
August 8, 2011

A. CALL TO ORDER:

Meeting called to order at 6:30 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, aye.

B. PUBLIC DISCUSSION OF APPLICATION:

This Public Hearing Continuance was held to discuss proposed changes to the Zoning Resolution regarding outdoor wood burning furnaces.

Mr. Schade asked if the Zoning Commission didn't go with Summit County Planning Commission's recommendations, would the Trustees take issue with that.

Mr. Youel would like to see outdoor wood burning furnaces as a permitted use. He felt that the BZA doesn't need to be involved in a Conditional Use hearing, as the Planning Commission suggested.

C. ADJOURNMENT:

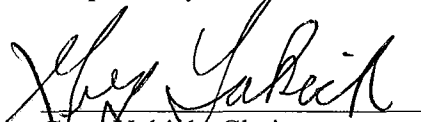
Mr. Schade moved to adjourn at 6:50 p.m.

Seconded by Mr. Youel.

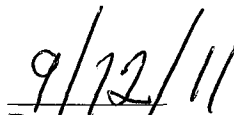
Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, aye.

Respectfully Submitted,



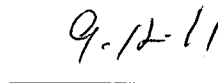
Greg Yakich, Chair



Date



Judith Flauto, Township Secretary



Date

**Northfield Center Township
Zoning Commission Regular Meeting
July 11, 2011**

A. CALL TO ORDER:

Meeting called to order at 6:41 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

C. ZONING INSPECTOR'S SECTION:

Inspector Saunders was not present, but did previously distribute a copy of a legal opinion on the AT & T tower.

D. APPROVAL OF MINUTES:

Mr. Schade moved to waive the reading and approve the minutes of the 5/9/11 Regular Meeting.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, abstain; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 6/13/11 Regular Meeting.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye Basil Lovano, aye.

E. PUBLIC COMMENTS:

None.

F. ADJOURNMENT:

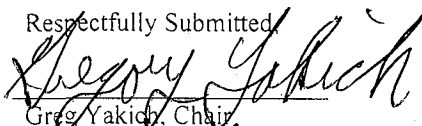
Mr. Yakich moved to adjourn at 6:55 p.m.

Seconded by Mr. Schade.

Roll Call:

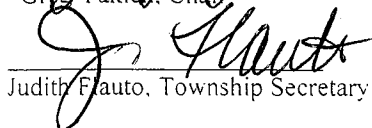
Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye Basil Lovano, aye.

Respectfully Submitted


Greg Yakich, Chair

Date

8-8-11


Judith Flauto, Township Secretary

Date

8-8-11

**Northfield Center Township
Zoning Commission Public Hearing
July 11, 2011**

A. CALL TO ORDER:

Meeting called to order at 6:35 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, aye.

B. PUBLIC DISCUSSION OF APPLICATION:

The purpose of this Public Hearing is to discuss the proposed text amendments regarding outdoor wood burning furnaces.

Secretary Flauto informed the Zoning Commission that the Summit County Planning Commission will hear/review the proposed text amendments on outdoor wood burning furnaces submitted by Northfield Center Township on July 28, 2011.

Mr. Schade moved to continue this Public Hearing on 8/8/11 at 6:30 p.m.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, aye.

C. ADJOURNMENT:

No motion to adjourn, went directly into Regular Meeting.

**Northfield Center Township
Zoning Commission Regular Meeting
June 13, 2011 – 7:00 p.m.**

A. CALL TO ORDER:

Meeting called to order at 7:00 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

Mr. David Hartt of D. B. Hartt was in attendance at this meeting and discussed with the Zoning Commission the details of his progress report regarding zoning for outdoor wood furnaces and internet sweepstakes café's. **THIS REPORT, IN DETAIL, IS ATTACHED TO THESE MINUTES.**

Mr. Lovano moved to hold a Public Hearing on outdoor wood burning furnaces at 6:30 p.m. on July 11, 2011.

Seconded by Mr. Schade.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

C. ZONING INSPECTOR'S SECTION:

D. APPROVAL OF MINUTES:

Mr. Schade moved to waive the reading and approve the minutes of the 2/16/11 Work Session.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 3/3/11 Work Session.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 4/12/11
Public Hearing-TABLED AT THE 5/9/11 REGULAR MEETING.

Seconded by Mr. Campbell.

Roll Call:

Greg Yakich, aye; James Youel, abstain; John Campbell aye; Daniel Schade, aye;
Basil Lovano, abstain.

Mr. Schade moved to waive the reading and approve the minutes of the 4/12/11
Regular Meeting-TABLED AT THE 5/9/11 REGULAR MEETING.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, abstain; John Campbell aye; Daniel Schade, aye;
Basil Lovano, abstain.

E. PUBLIC COMMENTS:

None.

F. ADJOURNMENT:

Mr. Yakich moved to adjourn at 8:10 p.m.

Seconded by Mr. Campbell.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil
Lovano, aye.



planning and development consultants

Memorandum

TO: Northfield Center Township Zoning Commission

FROM: David B. Hartt

SUBJECT: Progress Report Re: Zoning for Outdoor Wood Furnace and Internet Sweepstakes Cafes

DATE: June 13, 2011

A. Proposed Regulations for Outdoor Wood Furnaces (OWF)

Based on updated research and understanding, I generally concur with the regulations that the Township proposed in 2009 and 2010. Nevertheless, I have made the following suggested changes for the Commission's consideration:

1. Organized the changes in three (3) separate amendments since the amendments are in three separate locations in the Zoning Resolution;
2. Reflected the current use of EPA Phase II standards as the only standards now being applicable;
3. Added a provision that OWF's are not to be operated between May 15th and September 15th;
4. Modified the text to avoid duplication and repetition; and
5. Eliminated the reference to the "definition of nuisance" since, while the characteristics of nuisance are referred to in the Zoning resolution, the reference is not a definition.

I've attached two revised versions – one "tracked changes" the second a "clean" copy.

B. Discussion Considerations for Developing Regulations for Internet Sweepstakes Cafes

For this item I have not developed the formal regulations since, I believe, further discussion of the Township's intended direction is required first. Discussion items:

1. There still remains some uncertainty whether these uses are legal under the State gambling laws or not. However, as you know, the Summit County Regulations have been substantially upheld.
2. Based on my research, the impacts of such cafes remain unclear, but local concerns are centered around:
 - a. Concerns, generally, for illegal activity;
 - b. The potential for increased police calls which, to my knowledge, have not yet been fully quantified by any community;
 - c. The floor area for each "computer station" resulting in a concentration of stations and high building occupancy; and
 - d. The amount of parking provided.
3. Based on the above, there is not sufficient documentation at this time, in my opinion, to prohibit these uses.
4. The Township needs to determine in what district these uses should be permitted. In several communities they are being classified as "entertainment facilities" which may guide the Township in determining the district in which they should be permitted.
5. Based on my further understanding, the Township may not regulate, based on latest information, the hours of operation.
6. Regulations could include:
 - a. Distances from residences, schools, places of worship, playgrounds, etc.;
 - b. Parking;
 - c. Maximum number of stations;
 - d. Floor area per station; and
 - e. Spacing between similar facilities
7. The Township may consider establishing the districts in which these are permitted and then adopting the County's regulations.

**Proposed Amendments for Outdoor Wood Furnaces
(With Tracked Changes)**

AMENDMENT 1 – To amend Subsection C of Section 310.02 USE REGULATIONS to add Outdoor Wood Furnaces (OWF) as a permitted accessory use in the O-C, R-1, and R-2 Districts. Amended Subsection C to read:

Section 310.02 USE REGULATIONS

C. An accessory use that is clearly incidental and subordinate to a use permitted by right shall be permitted provided that the requirements of all other township resolutions and this Zoning Resolution have been met. Accessory uses are further regulated as noted below:

1. Accessory buildings including private garages, see also Sec. 310.08.
2. Accessory off street parking, see also Sec. 310.08 and Chapter 410.
3. Family day care home, type B, see also Sec. 310.10.
4. Fences, walls and hedges, see also Sec. 310.08.
5. Home occupations, see also Sec. 310.09.
6. Keeping of animals, see also Sec. 310.08.
7. Residential swimming pools, see also Sec. 3410.08.
8. Satellite dish antenna, see also Sec. 310.08.
9. Signs, see also Chapter 420.
10. Parking, storage of commercial and recreational vehicles, see also Sec. 310.08.
11. Outdoor Wood Furnaces, see also Sec. 310.11

AMENDMENT 2 – To add to Chapter 130 “DEFINITIONS” the following definition as a new number 105:

105 Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to, among other possibilities, as an Outdoor Wood Boiler, Outdoor Wood-fired Boiler or Outdoor Wood-fired Hydronic Heater.

1. Chimney: Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.
2. EPA OWHH ~~Phase 1 and~~ Phase 2 Program – EPA OWHH (Outdoor Wood-fired Hydronic Heater Program) ~~Phase 1 and~~ Phase 2 Program administered by the United States Environmental Protection Agency (USEPA.)
3. EPA OWHH ~~Phase 1 and~~ Phase 2 Program Qualified Model – An Outdoor Wood-fired Hydronic Heater that has been EPA OWHH Phase ~~1 and~~ 2 Program qualified. The model has met the EPA OWHH ~~Phase 1 and~~ Phase 2 emission level and has the proper qualifying label and hangtag. ~~Per NESCUM Model Regulations for Outdoor Hydronic Heaters, no person may distribute or sell, import, or install an outdoor Hydronic heater after March 31, 2010 that has not been certified, ... to meet a particulate matter emission limit of 0.32 lb/MMBtu heat output.~~
4. Existing Outdoor Wood Furnace: An Outdoor Wood Furnace that was purchased and installed prior to ~~the _____~~ which is the effective date of this amendment to the Northfield Center Township Zoning Resolution.
5. Natural Untreated Wood: Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
6. ~~New Outdoor Wood Furnace: An Outdoor Wood Furnace that is first installed, established or constructed after the effective date of this Northfield Center Township Zoning Resolution.~~

AMENDMENT 3 - Add to Chapter 310, a new Section, 310.11, to be entitled “Outdoor Wood Furnaces.” New Section 310.11 to read:

Sec. 310.11 REGULATIONS FOR OUTDOOR WOOD FURNACES:

- A. No person shall, ~~from after~~ _____, 2011, ~~(which is the effective date of this amendment to the Zoning Resolution,)~~ construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the

applicable sections of this Northfield Center Township Zoning Resolution which specifically requires: ~~Northfield Center Township requires~~

1. ~~That all new OWB's meet USEPA Phase 1 yellow tag emission levels until superseded by Phase 2 white tag emission levels and have the white tag or yellow tag that identifies identifying that the Hydronic heaters that meets USEPA Phase 2 emission levels, for the voluntary program.~~
2. ~~.. No person shall, from the effective date of this Zoning Resolution, operate an Outdoor Wood Furnace unless such operation e. That all such furnaces shall be constructed, established, installed, operated and maintained in Conformances with:~~
 - a. all Federal, State and local laws, rules and regulations including but not limited to Ohio EPA Air Pollution Control Division Regulations.
 - b. the manufacturer's instructions regarding such operation, and
 - c. the requirements of this Northfield Center Township Zoning Resolution, regarding fuels that may be burned in an Outdoor Wood Furnace as set forth in Subsection B Sections 3A and 3B of this Zoning Resolution and chimney height as set forth in Section 3D and 3F of this Northfield Center Township Zoning Resolution.

In the event of a conflict, the requirements of this Northfield Center Township Zoning Resolution shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

~~.. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Northfield Center Township Zoning Resolution. In the event of a conflict, the requirements of this Northfield Center Township Zoning Resolution shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.~~

3. ~~That~~ (The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Zoning Inspector to review prior to the installation.
4. ~~.. That~~ aAll new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
5. ~~.. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by the Zoning Inspector, creating a verifiable nuisance, as defined by the Northfield~~

~~Center Township Zoning Resolution~~, the following steps ~~must~~ shall be taken by the owner and the Zoning Inspector:

1. Modifications shall be made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace or both.
2. The operation of ~~Cease and desist operating~~ the unit shall be terminated until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

~~—SUBSTANTIVE REQUIREMENTS:~~

B. Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following ~~conditions~~ requirements:

1. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, as defined in Section 130.02 No.105 wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:

- a) Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
- b) Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
- c) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- d) Rubber including tires and other synthetic rubber-like products.
- e) Newspaper, cardboard, or any paper with ink or dye products.
- f) Any other items not specifically allowed by the manufacturer or this provision.

~~—Chimney heights for new and existing Outdoor Wood Furnaces:~~

2. ~~The chimney of any new Outdoor Wood Furnace~~ shall ~~shall~~ extend at least 2 feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace. ~~-If there is an existing~~

Outdoor Wood Furnace already installed and there is new construction of a residence not served by the Outdoor Wood Furnace within 300 feet of such Outdoor Wood Furnace then the owner of such Outdoor Wood Furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Zoning Inspector.

~~—Setbacks for EPA OWHH Phase 1 and Phase 2 Program qualified models:~~

~~C.3. The Outdoor Wood Furnace shall be located in the rear yard and at least 200 feet from all property lines.~~

~~D.4. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.~~

~~—Chimney heights for EPA OWHH Phase 1 and Phase 2 Program qualified models:~~

~~1. The EPA OWHH Phase 1 and Phase 2 Program qualified model chimney shall extend at least 2 feet above the peak of the residence for which it serves if neighboring residences not served by the furnace are located within 300 feet or the chimney shall extend at least 2 feet above the peak of any residence not served by the furnace within 100 feet, whichever is greater.~~

~~5. Outdoor Furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase 1 and Phase 2 Program Qualified models.~~

~~6. No such furnace shall be operated between May 15th and September 15th.~~

~~1. The outdoor wood burning furnace shall be located in the rear yard.~~

~~2.C. The outdoor wood burning furnace shall be located not less than two hundred (200) feet from all property lines.~~

~~3. The outdoor wood burning furnace shall be installed, maintained and operated in compliance with all Federal, State and local laws, rules and regulations including but not limited to Ohio EPA Air Pollution Control Division Regulations.~~

~~—Severability: If any article, section, paragraph, clause or part of these regulations is held invalid by a court, such judgment shall not affect the validity of the remaining provisions of these regulations.~~

Proposed Amendments for Outdoor Wood Furnaces

(Clean Copy)

AMENDMENT 1 – To amend Subsection C of Section 310.02 USE REGULATIONS to add Outdoor Wood Furnaces (OWF) as a permitted accessory use in the O-C, R-1, and R-2 Districts. Amended Subsection C to read:

Section 310.02 USE REGULATIONS

C. An accessory use that is clearly incidental and subordinate to a use permitted by right shall be permitted provided that the requirements of all other township resolutions and this Zoning Resolution have been met. Accessory uses are further regulated as noted below:

1. Accessory buildings including private garages, see also Sec. 310.08.
2. Accessory off street parking, see also Sec. 310.08 and Chapter 410.
3. Family day care home, type B, see also Sec. 310.10.
4. Fences, walls and hedges, see also Sec. 310.08.
5. Home occupations, see also Sec. 310.09.
6. Keeping of animals, see also Sec. 310.08.
7. Residential swimming pools, see also Sec. 3410.08.
8. Satellite dish antenna, see also Sec. 310.08.
9. Signs, see also Chapter 420.
10. Parking, storage of commercial and recreational vehicles, see also Sec. 310.08.
11. Outdoor Wood Furnaces, see also Sec. 310.11

AMENDMENT 2 – To add to Chapter 130 “DEFINITIONS” the following definition as a new Number 105:

105 Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part

thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to, among other possibilities, as an Outdoor Wood Boiler, Outdoor Wood-fired Boiler or Outdoor Wood-fired Hydronic Heater.

1. Chimney: Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.
2. EPA OWHH Phase 2 Program – EPA OWHH (Outdoor Wood-fired Hydronic Heater Program) Phase 2 Program administered by the United States Environmental Protection Agency (USEPA.)
3. EPA OWHH Phase 2 Program Qualified Model – An Outdoor Wood-fired Hydronic Heater that has been EPA OWHH Phase 2 Program qualified. The model has met the EPA OWHH Phase 2 emission level and has the proper qualifying label and hangtag.
4. Existing Outdoor Wood Furnace: An Outdoor Wood Furnace that was purchased and installed prior to _____ which is the effective date of this amendment to the Northfield Center Township Zoning Resolution.
5. Natural Untreated Wood: Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

AMENDMENT 3 - Add to Chapter 310, a new Section, 310.11, to be entitled “Outdoor Wood Furnaces.” New Section 310.11 to read:

Sec. 310.11 REGULATIONS FOR OUTDOOR WOOD FURNACES:

- A. No person shall, after _____, 2011, (which is the effective date of this amendment to the Zoning Resolution) construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the applicable sections of this Northfield Center Township Zoning Resolution which specifically requires:
 1. That all new OWB’s meet USEPA Phase 2 white tag emission levels and have the white tag identifying that the Hydronic heater meets USEPA Phase 2 emission levels.
 2. That all such furnaces shall be constructed, established, installed, operated and maintained in Conformance with:
 - a. All Federal, State and local laws, rules and regulations including but not

limited to Ohio EPA Air Pollution Control Division Regulations.

- b. The manufacturer's instructions regarding such operation. And
- c. The requirements of this Northfield Center Township Zoning Resolution. as set forth in Subsection B.

In the event of a conflict, the requirements of this Northfield Center Township Zoning Resolution shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

- 3. That the owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Zoning Inspector to review prior to the installation.
 - 4. That all new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
 - 5. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by the Zoning Inspector, creating a nuisance, the following steps shall be taken by the owner and the Zoning Inspector:
 - a. Modifications shall be made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace or both.
 - b. The operation of t the unit shall be terminated until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.
- B. Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following requirements:
- 1. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, as defined in Section 130.02 No.105) wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:
 - a. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - b. Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.

- c. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - d. Rubber including tires and other synthetic rubber-like products.
 - e. Newspaper, cardboard, or any paper with ink or dye products.
 - f. Any other items not specifically allowed by the manufacturer or this provision.
2. The chimney of any new Outdoor Wood Furnace shall extend at least 2 feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace. If there is an existing Outdoor Wood Furnace already installed and there is new construction of a residence not served by the Outdoor Wood Furnace within 300 feet of such Outdoor Wood Furnace then the owner of such Outdoor Wood Furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Zoning Inspector.
3. The Outdoor Wood Furnace shall be located in the rear yard and at least 200 feet from all property lines.
4. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
5. Outdoor Furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase 2 Program Qualified models.
6. No such furnace shall be operated between May 15th and September 15th.

**Northfield Center Township
Zoning Commission Regular Meeting
May 9, 2011 – 7:00 p.m.**

A. CALL TO ORDER:

Meeting called to order at 7:00 p.m. by John Campbell, Acting Chair.

Roll Call:

Greg Yakich, absent; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

Secretary Flauto informed the ZC that the Trustees approved Resolution No. 11/05-02c to retain the services of D. B. Hartt to work on the Zoning Resolution regarding internet café's and outdoor wood burning furnaces.

Mr. Campbell moved to return the Regular Meeting date and time to the second Monday of the month at 7:00 p.m.

Seconded by Mr. Schade.

Roll Call:

Greg Yakich, absent; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

C. ZONING INSPECTOR'S SECTION:

Inspector Saunders gave the Zoning Commission an update on Giant Eagle's expansion plans. Submitted plans to the township today, but they are in front of Macedonia's Planning Commission again. Also gave an update on Aldi's status and the property at 70 W. Aurora, the old AP station.

D. APPROVAL OF MINUTES:

Mr. Campbell moved to waive the reading and approve the minutes of the 1/18/11 Special Meeting.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, absent; James Youel, aye; John Campbell aye; Daniel Schade, abstain; Basil Lovano, aye.

Minutes of the April 12, 2011 Public Hearing and Regular Meeting were TABLED.

E. PUBLIC COMMENTS:

Norbert Zaleski, Brecksville, OH, addressed the Zoning Commission about internet café's in the township. The ZC explained to him that there is a moratorium on these café's until the end of September.

F. ADJOURNMENT:

Mr. Campbell moved to adjourn at 7:30 p.m.

Seconded by Mr. Schade.

Roll Call:

Greg Yakich, absent; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, aye.

**Northfield Center Township
Zoning Commission Regular Meeting
April 12, 2011**

A. CALL TO ORDER:

Meeting called to order at 1:26 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, absent; John Campbell aye; Daniel Schade, aye
Basil Lovano, absent.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

Mr. Schade moved to accept the Summit County Planning Commission's recommendations on the re-zoning of the Giant Eagle parcel from C-1 to C-4 and also requested a letter be sent to the Northfield Center Township Trustees for their review and approval at their regular May meeting.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, absent; John Campbell aye; Daniel Schade, aye
Basil Lovano, absent.

Mr. Schade moved to set the next meeting date for the Zoning Commission Regular Meeting for Friday, May 13, 2011 at 1:00 p.m.

Seconded by Mr. Campbell.

Roll Call:

Greg Yakich, aye; James Youel, absent; John Campbell aye; Daniel Schade, aye
Basil Lovano, absent.

C. ZONING INSPECTOR'S SECTION:

Inspector Saunders was not present.

D. APPROVAL OF MINUTES:

The minutes of the 1/18/11 Special Meeting were tabled; no quorum to vote.

Mr. Schade moved to waive the reading and approve the minutes of the 2/8/11 Public Hearing.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, absent; John Campbell aye; Daniel Schade, aye
Basil Lovano, absent.

Mr. Yakich moved to waive the reading and approve the minutes of the 2/8/11
Regular Meeting.

Seconded by Mr. Schade.

Roll Call:

Greg Yakich, aye; James Youel, absent; John Campbell aye; Daniel Schade, aye
Basil Lovano, absent.

E. PUBLIC COMMENTS:

None.

F. ADJOURNMENT:

Mr. Yakich moved to adjourn at 1:40 p.m.

Seconded by Mr. Campbell.

Roll Call:

Greg Yakich, aye; James Youel, absent; John Campbell aye; Daniel Schade, aye
Basil Lovano, absent.

**Northfield Center Township
Zoning Commission Public Hearing
April 12, 2011**

A. CALL TO ORDER:

Meeting called to order at 1:10 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, absent; Daniel Schade, aye;
Basil Lovano, absent.

B. PUBLIC DISCUSSION OF APPLICATION:

The purpose of this Public Hearing is to discuss the proposed re-zoning of a portion of the Giant Eagle property at 290 E. Aurora from C-1 to a proposed C-4 zoning.

Secretary Flauto read to the Zoning Commission the Summit County Planning Commission's recommendations/ approval of the proposed re-zoning of Giant Eagle. (Recommendations attached to these minutes.)

A brief discussion of the proposed re-zoning followed.

C. ADJOURNMENT:

Mr. Yakich moved to adjourn at 1:25 p.m.

Seconded by Mr. Schade.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, absent; Daniel Schade, aye;
Basil Lovano, absent.



COUNTY OF SUMMIT, OHIO

Russell M. Pry, Executive

175 S. Main Street · Akron, Ohio 44308-1308 · 330.643.2510 · fax: 330.643.2507 · www.co.summit.oh.us

February 28, 2011

Donald Saunders
Northfield Center Twp. Zoning Inspector
9546 Brandywine Road
Northfield Center, OH 44067-7646

RE: Map Amendment

Dear Mr. Saunders:

The purpose of a review of proposed Township zoning amendments by a County or Regional Planning Commission, as required by Section 519.12 of the Ohio Revised Code, is to assist the Township Zoning Commission by providing it with recommendations based on expert opinion and/or planning and development considerations that often extend beyond township boundaries.

It is neither the function nor the intent of the Summit County Planning Commission (SCPC) to dictate local policies or regulate the decisions of local governments. It was in the spirit of assistance and advice that the SCPC considered the proposed rezoning that was submitted for review.

The SCPC took action on **Item #1** at its February 24, 2011 meeting:

PROPOSAL: The Northfield Center Township Zoning Commission proposes to rezone the western portion of parcel 4004069 from C-1 Retail Commercial to C-4 Planned Shopping Center. The proposed Map Amendment area is approximately 3.1 acres.

STAFF RECOMMENDATION: APPROVAL

SCPC RECOMMENDATION: APPROVAL

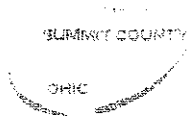
In order to keep our records current, the Department of Development requests that a copy of the proposed amendment as incorporated into the Township Zoning District Map, if adopted, be sent to this office.

Attached is the final report.

Sincerely,

Nick Lautzenheiser
SCPC Staff





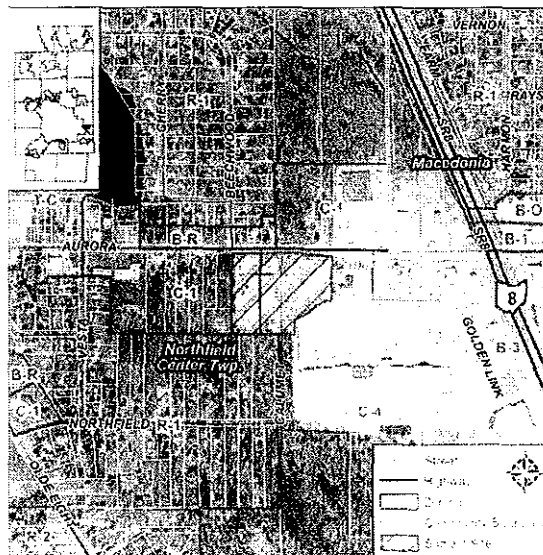
Planning Commission
Map Amendment
290 E. Aurora Rd.
 Northfield Center Township

Meeting:	February 24, 2011	Ex. Land Use:	Commercial Grocery
Item No.:	1	Pr. Zoning:	C-4 Planned Shopping Center
Applicant:	Zoning Commission	Pr. Land Use:	Commercial Grocery
Owner:	Sacco of Macedonia, LLC	Utilities:	DOES sanitary sewer, North Hills Water District water
Address:	290 E. Aurora Rd.	Council Dist.:	1, Nick Kostandaras
Parcel No.:	4004069	School Dist.:	Nordonia City
Acreage:	3.1 acres	Processor:	Nick Lautzenheiser
Ex. Zoning:	C-1 Retail Commercial		

Adjoining Properties – Zoning and Uses:

Direction	Zoning	Land Use
North	B-R Business Residential	Multifamily residential, commercial
East	C-4 Planned Shopping Center	The Crossings at Golden Link shopping plaza
South	R-1 Single Family	Single family residential
West	C-1 Retail Commercial	Commercial/shopping plaza

Location: The subject site is located on the south side of Aurora Road, just east of Beechwood Drive in northern Northfield Center Township (see location map). The site includes the western portion of parcel number 4004069, which is the Giant Eagle supermarket in the Crossings at Golden Link.



Proposal: The Northfield Center Township Zoning Commission (NCTZC) wishes to rezone the western portion of parcel 4004069 from C-1 Retail Commercial to C-4 Planned Shopping Center. The proposed Map Amendment area is 3.1 acres.

Site Conditions: The site includes the western (rear) half of the Giant Eagle supermarket and parking and loading areas. The site is flat and almost entirely impervious (see attached GIS map). The site is served by central water and sanitary sewer.

Map Amendment Considerations:

1. *Is the proposed Map Amendment reasonable given the nature of the surrounding area?* Yes. Currently, the Giant Eagle property is zoned both C-1 and C-4, with the district boundary line bisecting the building. The Map Amendment will change the C-1 portion of the Giant Eagle property to C-4.
2. *Can the property reasonably be used as currently zoned?* Yes. Retail

- establishments are permitted in both districts. The listed purpose for the C-4 District is to provide for large-scale shopping facilities.
3. *Is the proposed Map Amendment consistent with the objectives and goals of the comprehensive plan?* The proposed Map Amendment area is not specifically addressed in the 1998 Comprehensive Plan.
 4. *Is the proposed Map Amendment consistent with the stated purpose and intent of the zoning resolution and the applicable districts?* The purpose of the C-4 District is to provide for large-scale shopping development along major thoroughfares. The Giant Eagle supermarket is an anchor tenant of the Crossings at Golden Link shopping plaza.
 5. *How will the proposed Map Amendment impact public services and facilities?* There will be no impact upon public service delivery as the land use will remain unchanged.
 6. *How will the proposed Map Amendment impact traffic, especially traffic safety?* Traffic will not be impacted. No new points of ingress or egress are proposed.
 7. *Will the proposed Map Amendment adversely affect adjoining properties?* No. The proposed Map Amendment will not alter the land use.
 8. *Is this an appropriate location for the proposed use or are there other available locations better suited for it?* The land use currently exists in this location. The district boundary is being amended to conform to the land use..
 9. *Will the proposed Map Amendment change the character of the neighborhood?* No. The land use will not change.
 10. *Has there been a change in conditions that renders the original zoning inappropriate?* The NCTZC desires to have a single zoning district for the Giant Eagle property. The intent of the amendment is to have the district boundary correspond to the land use.

Recommendation: Staff recommends APPROVAL for the proposed Map Amendment.

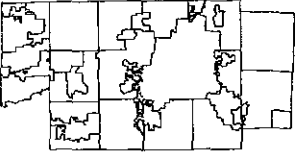
SCPC Action: APPROVAL

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Humphrys, Helen	X			X		
Killian, Bruce	X			X		
Kostandaras, Nick	X	X		X		
Mavrides, Allen	X			X		
Moore, John	X			X		
Shapiro, Ilene						
Snell, Rose Mary						
Stoiber, Dennis	X			X		
Terry, Robert	X		X	X		
Wiedie, Chuck	X			X		

Attachment: GIS map

M:\Development\Planning\ReZoning\2011\February\Item1.doc

290 E. Aurora Rd.
Northfield Center Township



- Parcel
- Zoning
- Community Boundary
- Map Amendment Area
- Parcel #4004069



Summit County Dept. of Development, N.L.L. 2/15/11

MACEDONIA

NORTHFIELD CENTER

GOLDEN LINK

AURORA

CAUMMET

LEONARD R-1

BEECHWOOD

B-R

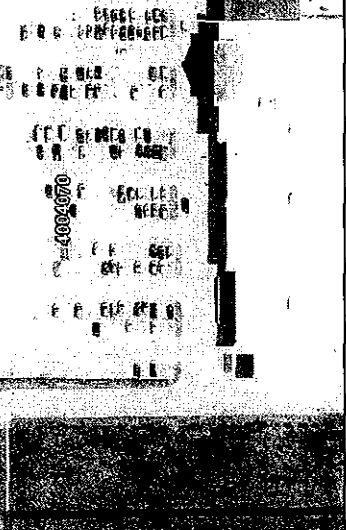
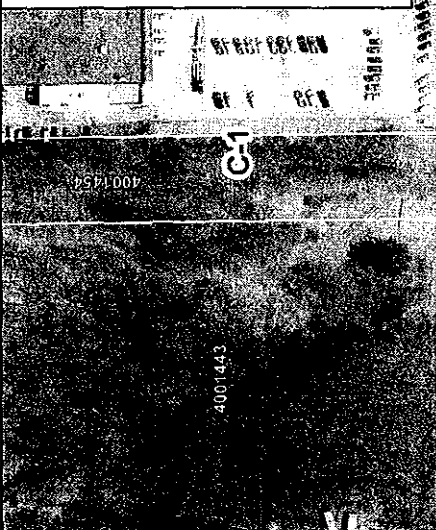
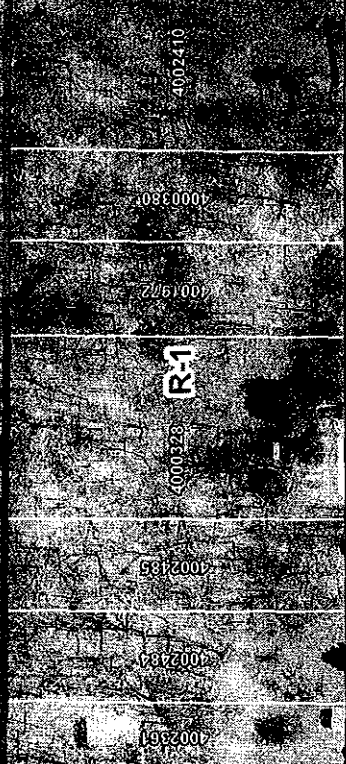
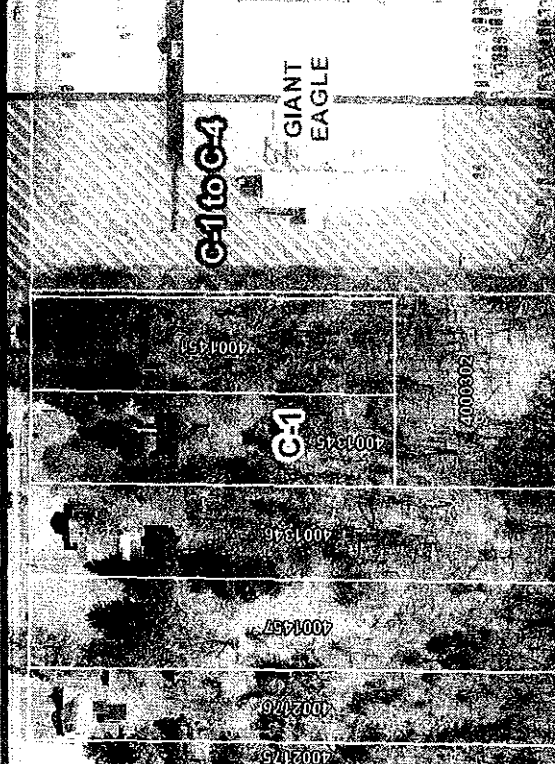
C1 to C4

C1

GIANT EAGLE

C-4

R-1



**Northfield Center Township
Zoning Commission Work Session**

With Trustees in Attendance

March 3, 2011 - 6:00 p.m.

A. CALL TO ORDER:

Meeting called to order at 6:00 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, via Skype.

Also in attendance were Trustees Reville, Buescher and Sommer.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

Mr. Yakich explained that at the previous Zoning Commission meeting, the Springfield Township Zoning Inspector presented a lot of information that is cause for concern for the Township to look into getting some regulations on the books for internet café's.

Trustee Buescher asked the Zoning Commission for their top three concerns regarding internet café's.

Mr. Youel said he was concerned about the crime related to these café's.

Mr. Campbell also expressed concern about the possible need for additional policing for these café's; who would absorb the cost?

Trustee Buescher asked about any County recommendations.

Trustee Reville said that it was Springfield Township that led the march on internet café's to get them cleaned up. Springfield Township originated the list, then the County prosecuted the case.

Mr. Youel felt that Northfield Center Township should look more closely at Springfield's regulations than Akron's because it is incorporated.

Inspector Saunders said that there are five potential locations for internet café's along Rt. 82 and Olde Eight that have been asked about.

Trustee Reville said that Sagamore Hills Township is trying to do 1,000 feet from any school or liquor establishment for internet café's.

Mr. Youel stated that in the Northfield Center Township Zoning Regulations, adult entertainment establishments are allowed in the industrial district with a 1,000-foot buffer.

Trustee Sommer said that patrons buy a calling card at the internet café; that card has a code on it, and the card is used in the machines, not cash. The card has a bar code that can be scanned to determine immediately whether it is a winning card or not.

Mr. Campbell felt that if a 1,000-foot buffer was used in regulating internet café's, that would protect the whole center of the Township.

Mr. Youel said that there is no definition for these café's in the definition section, but there is one in Section 390. This type of business can be regulated under "adult entertainment." He also suggested using D.B. Hartt to write some proposed regulations, it would be faster and more thorough than the Zoning Commission could do.

Trustee Buescher was also concerned about the enforcement of these proposed zoning regulations; Northfield Center Township has enough problems enforcing zoning codes.

Trustee Reville said that there are several things that these establishments have to do through the county first; they must register each machine and get it certified, and they must get permits.

Mr. Yakich said that there is also a concern over surprise openings; businesses are already open and running before the Township even knows about it. Perhaps the Township would need to put a lock on these internet café's if they open up illegally.

Mr. Schade said that if proposed text is written by D. B. Hartt and it is eventually forwarded to the Planning Commission for review, and the Planning Commission does not approve/recommend approval, Northfield Center Township Zoning Commission and Trustees must be on the same page to go forward with it.

Trustee Sommer told the Zoning Commission that if they recommend forwarding proposed text to the Trustees, a representative from the Zoning Commission should attend in order to answer questions from the Trustees.

Trustee Reville also talked about the outdoor wood burning furnaces; this issue needs to be concluded. Sagamore Hills is in the process of writing their regulations and are not going to allow them.

Mr. Youel felt that five or 6-acre lots for wood burning furnaces would be all right.

Trustee Reville felt that it would be difficult to restrict these furnaces to 5-acre lots, there could be challenges.

Trustee Sommer suggested that a parcel be classified as agricultural before a wood burning furnace could be installed.

The Trustees and Zoning Commission members all agreed to keep the moratoriums that are already in place on both internet café's and outdoor wood burning furnaces until legislation has been written to regulate them in Northfield Center Township.

Zoning Commission and Trustees agreed that the Township should request D. B. Hartt to write proposed text amendments for internet café's and outdoor wood burning furnaces.

C. ADJOURNMENT:

Mr. Yakich moved to adjourn at 6:55 p.m.

Seconded by Mr. Schade.

**Northfield Center Township
Zoning Commission Work Session
February 16, 2011 - 1:00 p.m.**

A. CALL TO ORDER:

Meeting called to order at 1:03 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye;
Basil Lovano, via Skype.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

Bill Arnold, interim Zoning Inspector for Springfield Township attended. The topic of discussion was internet café's.

Mr. Arnold explained that about 2 years ago, internet café's began opening in Springfield Township. Being a Township, there were not many regulations on these café's in comparison to cities. Once an internet café opens in his Township, it is usually without any notification, licenses or permits. Springfield Township has to treat each of these businesses like any other permitted businesses as far as giving first, second notice and then take them to court to try to close them.

Springfield Township Trustees put a moratorium on these internet café's; for the last year, it has stopped any more new ones from coming in.

Mr. Arnold said that there are issues that are a result with these internet café's. Many of them are robbed. There is no control over how much money these café's make. The township does not know how much is being reported as income. In the future, he expects to see some heavy tax violations.

Mr. Arnold explained that the County will begin closing down the café's that do not have the proper paperwork. There are only three companies in the United States that can certify these machines.

Mr. Schade asked Mr. Arnold to explain what a "gaming machine" was.

Mr. Arnold said they look like a video arcade machine; they have multiple pictures on the screen; some have traditional slot machine styles.

From a zoning standpoint, the only thing Mr. Arnold can do is get these café's to file for a zoning permit, which would initiate an occupancy permit/fire inspection. Also, there are signage regulations.

Mr. Lovano asked who got the fees from this.

Mr. Arnold explained that the County gets the fees, eventually 75% of the fees are proposed to come back to the Township.

Mr. Arnold also said that the new county ordinance requires 50 square feet per machine, which could hinder smaller places from opening that do not make this size requirement.

Mr. Schade asked about the type of regulations that Springfield Township has for these internet cafés.

Mr. Arnold said that Springfield Township only has an occupancy permit requirement.

Mr. Youel asked if these permits were a permitted or conditional use.

Mr. Arnold explained that the skills machines are under a prohibited use because they are not a listed permitted use. The new section of their ordinance for the game rooms treats the game rooms like a retail business.

Mr. Campbell asked if Northfield Center Township could possibly restrict these café's to specific zoning districts, such as Industrial or Commercial.

Mr. Arnold said that their new zoning book makes them a Conditional Use in one of their commercial districts and in one of their industrial districts also.

Mr. Campbell asked if Northfield Center Township could use a 1000-foot restriction, because of the proximity of schools and daycares in the area.

Mr. Arnold said that there are several café's in close proximity of schools.

Mr. Arnold also explained that parking is also an issue; it can endanger other businesses in an area if internet café patrons filled all of the parking.

Mr. Yakich suggested that a possible regulation could be to require one parking spot per machine.

Mr. Lovano asked what else is in these buildings aside from the internet machines.

Mr. Arnold said that there could also be food and beverages.

Mr. Campbell stated that if Northfield Center Township had zoning regulations on these internet café's, a potential business owner would have to come to the Township first before going to the county; then Northfield Center Township could give an applicant a copy of the Zoning Resolution.

Mr. Arnold said that the Township does not have the ability to determine which portion of the business is primary or secondary.

Mr. Yakich stated that the experience that the Township has had with taking businesses to court, there are other cases that would take priority over internet café's.

Mr. Schade felt that the Township should be proactive and put some regulations on these internet café's; at least it would put these businesses on hold if they have to go to court.

Mr. Arnold suggested that any proposed regulations should include making the permit for these internet café's a Conditional Use.

The Zoning Commission all agreed that they should sit down with the Trustees for a work session to discuss these café's in order to make sure they are all on the same page before the Trustees next Regular Meeting in March.

Mr. Youel also suggested that Northfield Center Township talk with the prosecutor as well.

C. ADJOURNMENT:

Daniel Schade moved to adjourn at 2:00 p.m.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, via Skype.

**Northfield Center Township
Zoning Commission Regular Meeting
February 8, 2011**

A. CALL TO ORDER:

Meeting called to order at 1:17 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye Basil Lovano, absent.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

N/A following Public Hearing from 1:00 p.m.

C. ZONING INSPECTOR'S SECTION:

Inspector Saunders referred to a notice from Trustees for Zoning Commission to add internet café's into the Northfield Center Township Zoning Resolution under a Conditional Use, which would require each café to go before the Board of Zoning Appeals. Trustees also asked ZC to indicate which zoning districts they would be allowed in. Trustee's moratorium on internet café's can be challenged soon as far as gaming parlors wanting to come into the Township. Something needs to be on the books so that the Township can regulate these types of internet café's.

D. APPROVAL OF MINUTES:

Mr. Schade moved to waive the reading and approve the minutes of the 1/10/11 Regular Meeting.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, absent.

E. PUBLIC COMMENTS:

None.

F. ADJOURNMENT:

Mr. Youel moved to adjourn at 1:55 p.m.

Seconded by Mr. Schade.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye Basil Lovano, absent.

**Northfield Center Township
Zoning Commission Public Hearing
February 8, 2011**

A. CALL TO ORDER:

Meeting called to order at 1:00 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, absent.

B. PUBLIC DISCUSSION OF APPLICATION:

The purpose of this Public Hearing is to discuss the proposed re-zoning of a portion of the Giant Eagle property at 290 E. Aurora from C-1 to a proposed C-4 zoning.

Mr. Campbell asked Inspector Saunders what, if anything, the impact of this re-zoning would be.

Inspector Saunders answered that Giant Eagle should not have been built in C-1, it does not allow for large retail. This re-zoning would bring Giant Eagle to a conforming structure, and when it gets back into the JEDD, the zoning can never be changed again.

Mr. Youel asked Inspector Saunders what would happen if the C-1 zoning were just eliminated.

Inspector Saunders explained that the 200 foot width shows as being C-1, it should be the same zoning as the rest of the lot.

Mr. Yakich asked if this zoning change was not done, would it affect Giant Eagle's future expansion.

Inspector Saunders said that the bulk of the expansion is planned for the C-4 area anyhow.

Mr. Schade moved to refer the proposed map change for the Giant Eagle re-zoning to either a Township attorney or other professional expert for review and to request authorization from the Trustees to do so.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, absent.

Mr. Yakich moved to continue this Public Hearing until March 8, 2011 at 1:00 p.m.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, absent.

C. ADJOURNMENT:

Mr. Yakich moved to adjourn at 1:16 p.m.

Seconded by Mr. Campbell.

Roll Call:

Greg Yakich, aye; John Campbell, aye; Jim Youel, aye; Daniel Schade, aye;
Basil Lovano, absent.

**Northfield Center Township
Zoning Commission Special Meeting
January 18, 2011**

A. CALL TO ORDER:

Meeting called to order at 1:05 p.m. by Greg Yakich, Chair.

Roll Call:

Dan Schade, absent; Greg Yakich, aye; John Campbell, aye; James Youel, aye;
Basil Lovano, aye.

B. VOTE:

Bill Boron of Atwell Engineers addressed the Zoning Commission and reviewed their plans that have been submitted for the proposed Aldi's driveway on Spitzer's property. The old armory next to Spitzer Chevrolet will be removed and the new Aldi's will be built with a new driveway. There is an agreement between Spitzer and Aldi's regarding the driveway. City of Macedonia' Planning Commission has already approved the project as well as ODOT approving the traffic study. All that is left is to go the Northfield Center Township BZA for the variances needed for the driveway and monument sign.

Mr. Lovano moved to deny the application for the driveway opening and signage as submitted by Atwell Engineers for the proposed Aldi store for the following reasons:

1. the proposed sign is too close to the road and 1 inch too high.
2. monument signs must be on the property that the building is on.
3. width of the drive apron at road and right-of-way exceeds allowed width in the NCT Zoning Resolution.

Seconded by Mr. Yakich.

Roll Call:

Dan Schade, absent; Greg Yakich, aye; John Campbell, aye; James Youel, aye;
Basil Lovano, aye.

C. ADJOURNMENT:

Mr. Lovano moved to adjourn at 1:25 p.m.

Seconded by Mr. Yakich.

Roll Call:

Dan Schade, absent; Greg Yakich, aye; John Campbell, aye; James Youel, aye;
Basil Lovano, aye.

**Northfield Center Township
Zoning Commission Regular Meeting
January 10, 2011**

*****THE DECEMBER, 2010 REGULAR MEETING WAS CANCELLED DUE TO
INCLEMENT WEATHER*****

A. CALL TO ORDER:

Meeting called to order at 7:00 p.m. by Greg Yakich, Chair.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye Basil Lovano, aye.

B. DISCUSSION OF VARIOUS ZONING TOPICS:

Mr. Schade moved to appoint Greg Yakich as the 2011 Zoning Commission chair.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye Basil Lovano, aye.

Mr. Schade moved to change the meeting time and day to the second Tuesday of the month at 1:00 p.m.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye Basil Lovano, aye.

Mr. Yakich moved to request to the Trustees that Trustee-approved zoning text amendments be added to the township database within 30 days after approval and also copies be given to the ZC to add to their zoning books.

Seconded by Mr. Schade.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye Basil Lovano, aye.

C. ZONING INSPECTOR'S SECTION:

Inspector Saunders explained to the Zoning Commission that the ZC must review preliminary plans for development plans for the proposed Aldi's to be located next

to the Spitzer property on Rt. 82. Variances needed include a driveway width variance and also a variance to size and location of the monument sign.

Bill Boron of Atwell, LLC, the engineers of the Aldi's project also addressed the ZC. He gave a short summary of the development plans being submitted. He also explained that Atwell is looking to be denied by the Zoning Inspector in order to submit a variance application for a Public Hearing in front of the Board of Zoning Appeals.

The ZC set a date of 1/18/11 for a Special Meeting at 1:00 p.m. to discuss further the proposed development plans.

Inspector Saunders informed the ZC of several issues with the old/empty Marathon Gas Station located at 70 W. Aurora Rd. He explained that there was a total of about 13 variances needed to come into compliance. The owner also needs to contact ODOT to get approval to access onto Rt. 82. The building has been empty for over 4 years. Also, underground storage tanks need approval by environmental agencies. Northfield Center Township is also fighting the liquor license application because of the proximity of a school.

Inspector Saunders explained to the Zoning Commission that Giant Eagle, located in the Crossings at Golden Link is situated in two different zonings, C-1 and C-4 because it sits across two parcels. He would like to get the zoning changed to C-4 for the whole building.

Inspector Saunders questioned the Zoning Commission about the building next to Johnson Romito Funeral Home on Rt. 82 that burned. The building is a non-conforming building because it is too close to the road. The addition on the building which was added on to the original home was not damaged. How should this be handled-does the back portion of the structure count or not to determine how much of the structure was burned?

Mr. Youel felt that if the building was rebuilt in the same footprint, no permits would be necessary just to repair the building.

Mr. Schade agreed with Mr. Youel.

Mr. Campbell felt that the non-conformance does not play into this situation.

D. APPROVAL OF MINUTES:

Mr. Schade moved to waive the reading and approve the minutes of the 10/11/10 Regular Meeting, tabled at the 11/8/10 meeting.

Seconded by Mr. Campbell.

Roll Call:

Greg Yakich, abstain; James Youel, aye; John Campbell aye; Daniel Schade, abstain; Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 11/8/10 Regular Meeting.

Seconded by Mr. Lovano.

Roll Call:

Greg Yakich, abstain; James Youel, abstain; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 11/17/10 Work Session.

Seconded by Mr. Youel.

Roll Call:

Greg Yakich, abstain; James Youel, aye; John Campbell aye; Daniel Schade, aye; Basil Lovano, aye.

Mr. Schade moved to waive the reading and approve the minutes of the 12/8/10 Work Session.

Seconded by Mr. Yakich.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye
Basil Lovano, aye

E. PUBLIC COMMENTS:

None.

F. ADJOURNMENT:

Mr. Yakich moved to adjourn at 7:55 p.m.

Seconded by Mr. Lovano.

Roll Call:

Greg Yakich, aye; James Youel, aye; John Campbell aye; Daniel Schade, aye Basil Lovano, aye.