

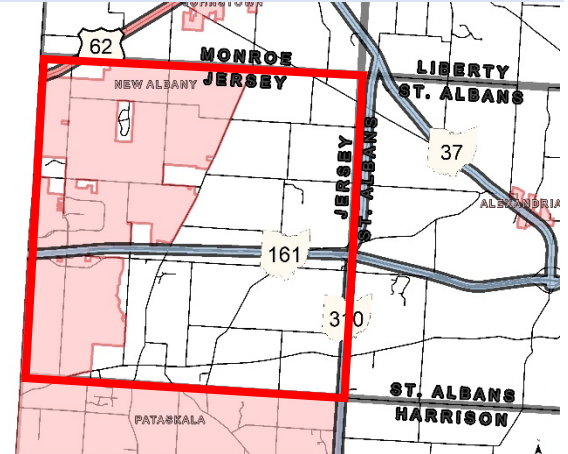


STAFF REPORT

Zoning Text Amendment

Application #: Z-23-25
 Meeting Date: November 20, 2023
 Prepared By: Angela Farley, Development & Design Manager

Jersey Township Board of Trustees	Jersey
APPLICANT	TOWNSHIP
Zoning Text Amendment	
DESCRIPTION	
Jersey Township Zoning Resolution – Section 5.06: Submission to County Planning Commission; Article 16, General Requirements	
REGULATION / SECTIONS	
BRIEF SUMMARY OF REQUEST:	
In accordance with the authority in Article 5: Amendment and Section 5.06: Submission to County Planning Commission of the Jersey Township Zoning Resolution and Section 519.12 of the Ohio Revised Code, the Jersey Township Board of Trustees is requesting a non-binding recommendation on the proposed zoning text amendment to the Jersey Township Zoning Resolution. The Board of Trustees passed a resolution to initiate the process of adopting the proposed text amendment which will add language regarding temporary structures on parcels while a dwelling is being constructed.	



COMPREHENSIVE PLAN	SECTIONS TO BE AMENDED
<ul style="list-style-type: none"> Jersey Township Comprehensive Plan, <i>Embracing the Past, Planning For the Future</i> Adopted/Effective: May 2023 	<ul style="list-style-type: none"> Section 16.38, Types of Temporary Residences

Staff Recommendation: **NON-BINDING RECOMMENDATION OF CONDITIONAL APPROVAL**

Staff Recommendation and Basis: To provide the Jersey Township Officials a non-binding recommendation of **APPROVAL WITH CONDITIONS** for the proposed text amendment (LCPC Application Z-23-25). The condition is the Jersey Township Officials consider the Licking County Planning Commission (“LCPC”) staff recommendations within the “*LCPC Comments*” sections in the LCPC Staff Report. The basis for this recommendation is that the proposed zoning text amendment upon including the LCPC recommendations will be in conformance with the Jersey Township Comprehensive Plan, the Ohio Revised Code, and good planning practices.

Background

The Jersey Township Officials are proposing to add a subsection to Article 16 that addresses the use of a temporary residence on a parcel while a permanent dwelling is being constructed. The proposed text will also address situations that are not acceptable for temporary living such as living in a tent.

Proposed Zoning Text Amendment (Application # Z-23-25)

The following is a summary of the proposed text changes:

Current, unchanged text is in black. **Grey Highlighted & Bold text** is proposed to be added by the Jersey Township officials. **Light Grey, bold stricken text** is proposed to be removed by the Jersey Township officials. LCPC comments are in **Bold & Italic text** and provided under the heading “LCPC Staff Review and Recommendation.”

Article #	Proposed Changes and LCPC Comments
16, Section 16.38 Types of Temporary Residence	<p>Section 16.38 Types of Temporary Residence</p> <p>Section 16.38.A Temporary Residence for Construction A garage, basement, trailer, or motorhome may be temporarily used as a residence on a lot while dwelling is being constructed thereon, but such use shall not be continued for more than 18 months. All provisions of the Licking County Health Board are to be complied with. A zoning certificate for said dwelling construction shall be required and a separate zoning certificate shall be required for the use of a temporary dwelling quarters, subject to renewal by approval of Zoning Commission. (See also Jersey Township Fee Schedule, adopted by the Board of Trustees)</p> <p>LCPC Comments: <i>Is the proposed allowance for a temporary residence strictly proposed for the construction of new homes or would this also be applicable to remodeling or repair of an existing home? Add remodeling or repair of an existing residence as an option if applicable.</i></p>



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Staff recommends modifying the wording above to read as “All provisions of the Licking County Health Department must be complied with.” Instead of ‘are’ which implies more of a provisional statement. This modification will change the wording to read more like a requirement.

Consider adding minimum setbacks for the placement of a temporary residence or specify that the setbacks must meet the minimum standards in the district in which the home is being constructed.

The township may also want to consider a limit to the number of temporary residences and visitors permitted on one lot. The Ohio Revised Code defines a “Manufactured home park” as any tract of land upon which three or more manufactured or mobile homes are used for habitation. This definition is also found within the Newark Township Zoning Resolution.

Also consider that by court opinion, “a mobile home, less its wheels and springs, is placed on a concrete block foundation on a lot in a residential zone to make it a permanent residential structure, it must be treated as a conventional dwelling under a zoning resolution” (Sylvester v. Howland Township Board of Zoning Appeals). “So long as the residence met all other township zoning requirements for a permanent residential structure, said the court, it must be permitted.”

Note: The current fee schedule posted to the Jersey Township website does not list a zoning certificate for a temporary dwelling.

**Section 16.38.B Temporary Residence Structures For Non-Construction Prohibited
No tent, trailers, motor or non-motor vehicles used as living quarters may be used as a temporary or permanent residence in excess of 90 continuous days**

LCPC Comments: This section may be difficult to enforce. Will a permit for any of these extended uses be required? It may be simpler to either not allow for it at all or allow for the temporary use for a longer period of time such as nine months to a year to minimize the administrative headache of trying to keep track of the status of each permit. If there is not a review necessary every 3 months (i.e. progress inspection, etc.) then it seems more appropriate to allow the permit to extend the full year.

This section implies that temporarily living in a trailer, tent, etc. is ‘prohibited’ but then it states that it is permitted for up to 90 continuous days. It is recommended that these temporary living situations are not permitted at all or that the word ‘prohibited’ is removed from the title.

Licking County Prosecutor’s Office:

The Licking County Prosecutor’s Office reviewed the proposed amendment language and provided feedback that has been incorporated into this report.

Zoning Compatibility

As a general requirement applicable to all zoning districts within the township, there do not appear to be any issues with compatibility.

Compatibility with the Ohio Revised Code:

The proposed text and recommendations appear to be in accordance with the Zoning Authority in Section 519 of the Ohio Revised Code.

Compatibility with the Jersey Township Comprehensive Plan:

The proposed text does not appear to be in conflict with the new Jersey Township Comprehensive Plan.

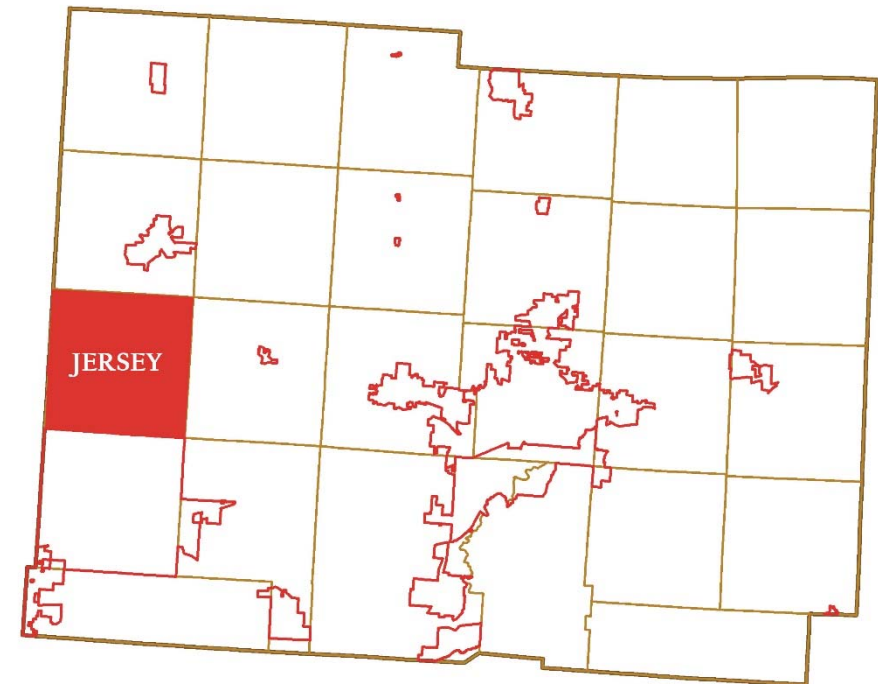
November 20, 2023

ZONING AMENDMENT - TEXT

Z-23-25

Jersey Township Zoning Resolution

-Section 16.38: Types of Temporary Residence (*new*)



APPLICANT

Jersey Township Zoning Commission
c/o Bud Witney, Zoning Inspector

