

RESOLUTION NO. 09 - 2014

RESOLUTION DECLARING AND AUTHORIZING A MORATORIUM FOR SIX (6) MONTHS EFFECTIVE THE DATE OF THIS RESOLUTION ON THE ENFORCEMENT OF THE WEST CHESTER TOWNSHIP ZONING RESOLUTION AS IT PERTAINS TO THE PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY AND THE DEFINITION OF COMMERCIAL VEHICLES AND DECLARING AN EMERGENCY AND DISPENSING WITH THE SECOND READING

WHEREAS, Section 9.18 of the West Chester Township Zoning Resolution defines COMMERCIAL VEHICLE as any vehicle or trailer that exceeds eighty-four (84) inches in width. The determining width shall be whichever of the following measures the widest: 1) the width as measured by the outside of the tire most protruding to the outside of the opposite most protruding tire, 2) the width of the box or 3) the width of the bed. A vehicle or trailer shall be exempt from this definition if the owner demonstrates that the vehicle or trailer is for personal use only, or that it is a Recreational Vehicle, or that it falls within the exemption for agriculture; and,

WHEREAS, Section 10.31 of the West Chester Township Zoning Resolution provides that no Commercial Vehicle shall be parked on any lot within any residential neighborhood or agricultural district unless for the purposes of providing commerce or services to that property or unless being stored within an entirely enclosed building under the same ownership as the Commercial Vehicle. No Commercial Vehicle shall be parked on any lot within any commercial district unless it is for the purposes of providing commerce or services to that property, is licensed to or affiliated with the business located thereon, is being repaired thereon, or the lot is an approved truck terminal or truck stop; and,

WHEREAS, Section 10.311 of the West Chester Township Zoning Resolution states that Section 10.31 shall not apply under the following circumstances: 1) If the driver of the vehicle is patronizing a location where the vehicle is parked for a period of time not to exceed four (4) hours within any twenty-four (24) hour period; 2) If the driver of the vehicle is visiting the driver's personal residence and the vehicle is parked for a period of time not to exceed four (4) hours within any twenty-four (24) hour period; or 3) If the Commercial Vehicle is parked at an establishment that offers overnight accommodations, provided the driver of the vehicle is a guest at such establishment; and,

WHEREAS, the West Chester Township Board of Trustees is concerned about the clarity and specificity of these sections of the West Chester Township Zoning Resolution; and,

WHEREAS, the West Chester Township Board of Trustees has directed staff to draft new language for these sections of the West Chester Township Zoning Resolution that more clearly defines Commercial Vehicles and is more specific regarding the parking of such vehicles on residential property; and,

WHEREAS, the West Chester Township Board of Trustees wishes staff to suspend enforcement of current Sections 9.18, 10.31 and 10.311 of the West Chester Township Zoning

Resolution for a period of six (6) months until such time as they can be redrafted and adopted per Ohio Revised Code Section 519.12 and Section 6.01 of the West Chester Township Zoning Resolution.

NOW THEREFORE, BE IT RESOLVED the West Chester Township Board of Trustees does hereby agree:

SECTION 1. Direct West Chester Township Community Development staff to suspend enforcement of Sections 9.18, 10.31 and 10.311 until such time as they can be redrafted and adopted per Ohio Revised Code Section 519.12 and Section 6.01 of the West Chester Township Zoning Resolution.


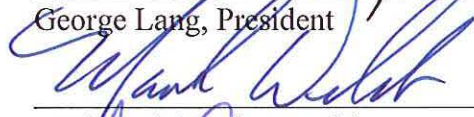
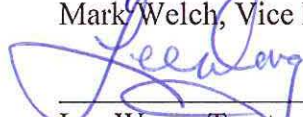
SECTION 2. Direct the West Chester Township Community Development staff to investigate and redraft Sections 9.18, 10.31 and 10.311 so that they clearly define Commercial Vehicles and are more specific regarding the parking of such vehicles on residential property.

SECTION 3. Find that all formal actions of the Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board and that all deliberations of this Board of Trustees and of any of its committees that resulted in formal action were in meetings open to the public in compliance with all legal requirements, including 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, and for the further reason that the Board desires to suspend the enforcement of the Township Zoning Resolution as it pertains to Commercial Vehicles in Residential Districts within the unincorporated territory of the township until the appropriate sections are redrafted and adopted, and for these reasons, this Resolution shall be effective upon passage per Ohio Revised Code Section 504.11

This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public peace, health, safety, or welfare of the community and shall become effective at the earliest date permitted by law.

Adopted this 25th day of March, 2014.

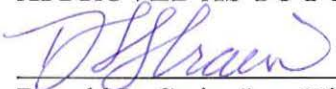
 _____ George Lang, President	<u>YES</u> Yes / No
 _____ Mark Welch, Vice President	<u>YES</u> Yes / No
 _____ Lee Wong, Trustee	<u>NO</u> Yes / No

ATTEST:



Bruce Jones, Township Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director