



**MINUTES  
COMMITTEE MEETING  
LEGISLATION AND CODES  
8/3/2020**

**Roll Call:**

Members present: Daniels (chair), Schaber, Thomas

With a quorum present, Daniels called the meeting to order at 6:38 PM.

**Old Business: None**

**New Business:**

**Item 1. ORDINANCE AMENDING SECTIONS 901.03, 337.13 and 331.38, OF THE MARION CITY CODE AND DECLARING AN EMERGENCY**

Law Director Russell has worked closely with administrators, the zoning compliance, and code enforcement in police department. They have identified some areas that could have some clarifications or enhancements.

Section one is related to zoning, as 901.03 and 903.07 address installation of driveways. Right now, if a resident wants a driveway, they must get a zoning permit. The main purpose is that the new driveway must meet zoning codes. The main restriction is that the driveway cannot cover more than 40% of the front yard. There are additional controls and regulations regarding width. This clarifies an existing requirement that a zoning permit is required.

Section two relates to updating 337.13 to change headlights to lighted lights. This came up in a case last year.

Section three is requested by Patrolman Thomas. We have learned that they only parking control in the tree lawn is where there was a tree lawn with a curb. When there isn't a curb, there were no controls by regulation – they could park there without registration for unlimited time. This is to update regulation to make streets without curbs the same as those with curbs. This would require that cars be registered and moved every 72 hours.

Neff asked for clarification on first change that requires a permit for a driveway on private property. Takes us to 903.7 requires a 6" concrete slab or 8" base with 2" asphalt. What is the catalyst for this change because it has been there since 1965? 903.7 that there is no change

per Russell. Those requirements already exist in code. If council wants to take those up, they can. Neff believes that this needs to be taken up to change to 4". No one is installing a 6" slab for a driveway, specifically for a driveway off an alley. He thinks that the 6" is overkill.

Thomas would prefer that if they were going to discuss that to have a first reading on this and add the other requirements. He is not sure what all of those other requirements are. He does know that past practice has for streets and driveways has been 6" for the approach. He would prefer to see more information, rather than just add and not know what they are doing.

Schaber questioned section on parking with no curbs. He is reading it as though you can no longer park in that area whether your registration is current or not. There are a number of places like that for parking in the 3<sup>rd</sup> Ward. Russell said that they would be OK as long as they were parking on an approved pavement area. One of the things that came to the attention of the PD, some of the grass tree lawn areas were getting torn up and there were pools of water after rain. There needs to be a proper aggregate or asphalt parking area. Schaber believes he has a lot of parking in 3<sup>rd</sup> Ward that would be impacted. Pre-existing stone parking areas would be grandfathered. No mandate to replace aggregate. If nothing exists, they would need to get a permit to establish a parking area. One of the considerations will be what the other parking areas on that street are like.

Daniels clarified that this would not prohibit the use of stone in areas that are already using stone. Russell affirmed that and that Bischoff would take into consideration other parking in areas.

Daniels asked if anyone knew of a reason that driveway should be poured 6". Schaber asked if all drives need to be asphalt or concrete – is that current code? Daniels does not believe that it is. Daniels thought this would be arduous for some areas. He cannot envision telling someone that a drive must be concrete or asphalt if 80% of the neighborhood is stone.

Neff disagreed in his understanding. He understands it to say that any driveway must meet those requirements. He does not think that this is warranted. That will be very burdensome to a lot of city residents. Permit will trigger inspection and they will go to section that requires concrete or asphalt. That is the way he is understanding it.

Daniels said there is a precedence for this. There is a section in zoning code regarding setbacks. Most setbacks are required to be 30'. There are exceptions to this in code when looking at the average of neighbor's setbacks. They considered that in certain neighborhoods it would be fine to have a 10' setback because every other house on the street is 10'. He agrees with Neff that there is no sense to the depths required on a private driveway.

Russell suggested that they needed to have more discussion. He suggested pulling section 1 and going ahead to send section 2 and 3 to council to assist Patrolman Thomas. This would leave the two lighted headlights (to clarify existing section) and parking on tree lawn areas and dealing with cars with expired tags or left there for an extended period of time.

Thomas made a motion to approve with changes as specified by Russell; Schaber 2<sup>nd</sup>. Roll Call: Ayes – Daniels, Schaber, Thomas: Nays -- none

**Legislation recommended to council (3-0)**

**Items not on the agenda:**

Daniels asked if Matthew Allen Meade was in attendance. No response. Meade had sent a 27-page proposal from Reynoldsburg. Daniels had issue with the length of proposal, so he did not place on agenda. Daniels will forward to others if interested. No additional comment.

There being no further business to come before this committee, the chair adjourned the meeting at 7:02 PM.

---

Josh Daniels, Chair

---

Tarina R. Rose, Council Clerk