

XENIA TOWNSHIP ZONING COMMISSION

WORK SESSION

June 19, 2012

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE MEETING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

The Xenia Township Zoning Commission held a Work Session on June 19, 2012 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Virgil Ferguson, Chair, Kent Harbison, Alan King and Jeffrey Zweber.

Virgil Ferguson called the work session to order at 6:04 p.m. Alan Stock introduced Dr. Jeffrey Zweber as a new alternate member. To become a member of one of the zoning boards the person must first submit a letter of interest. The zoning inspector will verify Xenia Township residency of applicant. After this there will be a 15 minute interview. The applicant is given a packet which includes zoning information to study. Within 30 days of receiving the packet the applicant will be given an open-book quiz. It is preferred that the alternate serve at least 1 year before becoming a regular member of the board. Barbara Miller, Fiscal Officer of Xenia Township, administered the Oath of Office to Jeffrey Zweber.

Regrets were received from the Trustees about attending the next Zoning Commission meeting on July 10. They did not want to chance any look of impropriety about influencing the Zoning Commission in their voting on the Land Use Plan. Stephen Anderson will attend the Zoning Commission meeting on July 10 for informational purposes.

Discussion of ORC 519.01 and 519.21—some of the wording about biodiesel fuel needs to be added into the Zoning Resolution under Section 101.

King made a motion that Section 201.8 Agribusiness be modified to include farm markets, biodiesel production, biomass energy production for electric or heat energy production, and biologically derived methane gas production. Kent Harbison seconded. All voted in favor of the motion. Motion passed.

Willie Washington arrived at this time.

Zweber made a motion to take out 201.9 Agriculture “The use of a tract of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and those structures necessary for carrying out these and necessary accessory uses for packing, treating, or storing the produce,” and replace it with 519.01 of the Ohio Revised Code “farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables,

nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasture; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.” Then pick up with however, that: A, B, and C. King seconded. All voted in favor. Motion passed.

King made a motion that Section 101 Agriculture be replaced in whole with the language from Section 519.21 of the Ohio Revised Code in whole as follows: “(A) Except as otherwise provided in division (B) of this section, sections 519.02 to 519.25 of the Ohio Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure. (B) A township zoning resolution, or an amendment to such resolution may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Ohio Revised code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate: (1) Agriculture on lots of one acre or less; (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size; (3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Ohio Revised Code. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered non-conforming use of land and buildings or structures pursuant to section 519.19 of the Ohio Revised Code.

Division (B) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

(C) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for: (1) A farm market where fifty percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Ohio Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety. (2) Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes. As used in division (C)(2) of this section, “biodiesel,” “biomass energy,” and “electric or heat energy” have the same meanings as in section 5713.30 of

the Ohio Revised Code. (3) Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713-30 to 5713-37 of the Ohio Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both. As used in division (C)(3) of this section, “biologically derived methane gas” has the same meaning as in section 5413.30 of the Ohio Revised Code.

Washington seconded. All voted in favor. Motion passed.

Flood Plain Overlay text was to be discussed after the Public Hearing.

The Zoning Commission meeting was suspended at this time for the Public Hearing.

The Zoning Commission meeting resumed at 7:07 p.m. The next topic was upcoming meetings: July 10 at 6:00 p.m. with guest speaker Stephen Anderson from Greene County Regional Planning to give overview of the Land Use Plan.

August 14, 2012 Land Use Plan Public Hearing.

No date set for September yet.

Discussion of the Land Use Plan.

Stock provided clarification on several things the Zoning Commission had asked for: 1) Floor at 18” above flood plain along with door and 2) if you build a structure 18” above on stilts or pylons where water could go underneath, would compensatory storage be needed—it would not be necessary. 3) Do you have to build up 18” for emergency vehicles to get to property—not necessary. He also spoke to David Shuey, Xenia Township Road/Public Works Superintendent, and he said (page 2, 3c.) compensatory storage shall be located adjacent to the development or on the opposite side of the body of water, across from the development area. In the case of filling for a new crossing compensatory storage shall be located upstream of the crossing. It could be problematic if you don’t own that land.

Discussion of text in 412.3 Conditions for Permitted, Conditional and Accessory Uses within the Floodplain. Points 2 and 4 were changed to the following:

2. The elevation of the floor of the 1st story of the structure shall be at a minimum of eighteen (18) inches above the one-hundred year flood elevation.

4. A deed restriction, such as an affidavit signed by the property owner which states the property is located in the Flood Plain Overlay District. Affidavit will be recorded in the Recorder’s Office of Greene County and proof of recording will be presented to the Zoning Inspector for Permitted and Accessory Uses, or Board of Zoning Appeals for Conditional Uses. (This will be struck out.)

After discussing some of these changes the Zoning Commission agreed the descriptions 201.59, 201.60, 201.61 and 201.62 should also be revised. Alan Stock was asked to get a definition of regulatory flood plain. The Commission felt like all of Section 412 will need to be reviewed after that. Stock suggested that the Commission continue this meeting until July 10. He said

once they have their public hearing they have to have a resolution to the Trustees within 30 days. If this meeting is continued, it will be within the 30 days.

King made a motion to continue this meeting until July 10. Harbison seconded. All voted in favor. Motion passed.

Work Session adjourned at 8:15 p.m.

ATTEST:

Alan D. Stock, Zoning Clerk