

**XENIA TOWNSHIP ZONING COMMISSION**  
**MEETING**

December 15, 2015

**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 meeting on December 15, 2015 at 6:00 p.m. at the Xenia Township Trustees' Office, 8 Brush Row Road, Xenia, OH 45385.

Chairman Jeffrey Zweber called the meeting to order at 6:20 p.m.

Roll Call: Virgil Ferguson, Kent Harbison, Alan King, Willie Washington, Jeffrey Zweber, Harold Snyder, Donna Randall, and Alan Stock.

Minutes from November 17, 2015 were presented for approval. Mr. Zweber found one typographical error in the first sentence where it should state November 17 instead of October 27. Mr. Ferguson made a motion to accept the minutes with the change as presented, seconded by Mr. Harbison. All voted aye. Minutes were approved.

Mr. Zweber started discussion with Section 510 on Working Copy, Page 9, which showed things that are required for operation of a building and things added to buildings or towers with height restrictions and location restrictions. Also listed are ORC codes which supersede the Township's Zoning Resolution. He said the ORC is less restrictive than the Zoning Resolution. Mr. King asked the rationale for putting in any Township codes if the ORC supersedes. Mr. Zweber said putting in the part about the ORC is for ease of administration to show the Township acknowledges it has been superseded. He said should the ORC preempt towers for some other purpose, like commercial television towers, they would have to go by the Xenia Township Zoning Resolution. Mr. King said the only two exempted towers are wireless communication and radio towers. Mr. Zweber said the ORC does allow a township to regulate residential wireless communication towers in residential districts.

Mr. Zweber suggested covering the highlighted area on Working Copy Page 9. He said in point #2 there are certain types of buildings that are allowed to be 90' tall as long as the setbacks of the buildings are adjusted. There was a question about whether to treat all buildings the same. Mr. Ferguson asked if someone built a 3-story hotel around the Bickett Road area could they put a radio tower on it. The answer was they could as long as it was not in a Residential District and up to 90' above grade. Mr. Harbison asked if the ORC had height regulations. Mr. Stock answered 450' total. It was noted if point #2 is deleted the Board of Zoning Appeals would not have anything to go by in their determinations. There was discussion about point #2 meaning habitable space not to exceed 90'. Point #3d is non-habitable, such as minarets, crosses, antennas, zip lines and bungee jumping towers. Mr. Zweber said the intention is: if it is required to operate a building it can be as tall as needed. The Commission determined windmills are

towers. Tower could be 90' high then the blades higher than that. Mr. King proposed going to 60' instead of 90'. Mrs. Randall asked if the ORC superseded anything in the present Zoning Resolution. Mr. Zweber answered if a windmill farm produces an abundance of kilowatts then it is considered a utility and cannot be regulated; if there are low kilowatts produced it can be regulated. Mr. Stock said he thinks 5,000 kilowatts and above makes it a utility. Mr. King said his alternative proposal would be to make it double height permitted in each district. This would require additional setbacks.

Mr. Snyder said if 90' windmill towers are allowed they will have to start dealing with all that comes with them. Mr. Zweber said the Township currently does not allow them. Mr. Stock said if considering a windmill tower, he would measure the highest point not the fixed point. So if the tower is 90' and blades are an additional 30', the highest point would be 120'. Mr. Zweber said they would have to put how to measure them in the definitions. Mr. Ferguson mentioned a windmill that folds over located on US 68 North. Mr. Snyder said that is not up very often and is used to run a shop. Mrs. Randall wanted to know how many structures of this type have been hit by tornados and said you cannot prepare for every eventuality.

Mr. King made a motion to change Section 510, #2 to read "... may be erected to a height not exceeding twice the maximum permitted building height in the district when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located" and #3d to read "...shall not exceed twice the maximum permitted building height in the district when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located." Mr. Washington seconded the motion. Roll Call Vote: Mr. King-Aye, Mr. Zweber-Nay, Mr. Washington-Aye.

Mr. Zweber wanted to clarify Section 510, #2 "Public, semi-public or public service buildings, hospitals, institutions or schools." He said if someone wanted to put up a public hospital that is twice the permitted height in the district they can do it without going to the Board of Zoning Appeals, but if they wanted to put up a hotel of the same height, they would have to go to the BZA. He asked what buildings could go up without going to the BZA. Mr. Zweber said if they just want to change the height restrictions they could change them in each district and delete this phrase. The Commission looked at the types of buildings in each district that do not need to go to the BZA if they double in height. There was a suggestion to move public and semi-public buildings to the Definitions. It would simplify Section 510, #2. The group worked on making it clearer. In looking at Section 510, #2 there are actually six things listed: Public buildings, semi-public buildings, public service buildings, hospitals, institutions and schools. There was a question about eliminating story/stories and talk about height. Mr. Stock said he thought when using the term "story" it gave the ability to be a little higher above grade. The Commission asked Mr. Stock to search for "story" or "stories" in the Zoning Resolution, highlight the areas

and they can discuss them at the next meeting. Mr. King questioned if hospitals, institutions or schools should be included in a definition of public and semi-public buildings. Mr. Zweber asked in the particular districts where they would want to allow some kinds of those buildings but not others as principal permitted or conditional uses. Wherever a church is allowed would they also allow a school, daycare, hospital or moose lodge. Mr. Zweber thought if they could get a good definition they could go through the districts and use the definition to clean up the lists. Mr. Stock said “definitions” clarify “terms” and “use” is clarified by “types of”. He said a definition would not necessarily help with usage within a district of primary permitted and conditional. Mr. Zweber said in this case the term is the use. Mr. Stock said he wanted to make sure they don’t lose usage. Mr. King said in the RM District churches and community centers are listed, but libraries, hospitals, police stations or municipal buildings are not. He said if they insert public and semi-public buildings in the place of churches and community centers, it opens it up to many more uses.

Mr. King nominated Jeffrey Zweber as Chair for 2016, seconded by Mr. Washington. All voted Aye. Motion passed.

Mr. King nominated Virgil Ferguson as Vice-Chair for 2016, seconded by Mr. Harbison. All voted Aye. Motion passed.

Mr. Stock announced Willie Washington has served Xenia Township since the early 1980s and has turned in his resignation due to many other obligations. This was his last meeting. Everyone thanked him for all his time, leadership and service.

The next meeting will be January 26 at 6:00 p.m.

Meeting adjourned at 8:37 p.m.

ATTEST:

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Alan D. Stock, Zoning Clerk