

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

September 22, 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 September 22, 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 6:26 p.m.

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

Mr. Zweber presented minutes for approval. There was a typo on the July 28, 2015 minutes, fourth line from the bottom the word "but" needed changed to "put". With that change Mr. Zweber asked for a vote to approve the minutes. All voted aye.

Mr. Zweber presented all minutes from the Public Hearing. He asked to correct the minutes of the Continued Public Hearing of July 28, 2015, fifth paragraph to state "Mr. Zweber said the Zoning Commission wanted to consider a few changes to the working copy that will be offered as text amendments under consideration and then they will open it up for public comments and discussion." There were no other corrections. With that change Mr. Zweber asked for a vote to approve all minutes for the Public Hearing. All voted aye.

Mr. Zweber said they need to update the priority of topics. Upcoming topics include: Cell Phone Tower text, Mining text, Future Land Use Plan with suggested revisions and Home Occupations. Mr. King said the Trustees have still not addressed the Adult Entertainment text.

Mr. Stock reminded the Commission of the joint informational meeting with the Trustees on September 29, 2015. There was discussion.

Cell phone tower information was distributed. Mr. Zweber noted in the ORC a person who is putting in a new tower must meet all requirements then send a notice to the Trustees stating they have complied with all requirements. Mr. Zweber questioned the way it is done for cell towers, whereas no one else has to do all of this extra when they want a permit for a pool or fence. Mr. Stock said the State of Ohio said cell phone towers are public utilities, therefore outside zoning regulations. Mr. Zweber said in ORC 519.211 (C) it seems to pertain to towers used by transportation companies, such as a cab company putting up a cell tower to talk to its cabbies. He said he did not think (D) pertained to cell phone towers. He said people can object but cannot stop the tower from being installed. Mr. Stock said if all five criteria are met and it is in a residential district, the Township's zoning requires setbacks. Mr. King said ORC 519.211 (4) (a) says if someone objects the fiscal officer of the township sends notice that the tower is subject to the power conferred by and in accordance with division (B) (2). Mr. Zweber outlined the process if someone wants to put up a tower and has met all criteria. He said if all criteria is not

met step (E) is followed. If step (E) does not apply they do not have to notify anyone—such as outside a residential district or more than 100’ from a dwelling. For a cell tower, if notice is sent out and fiscal officer does not send a notice saying zoning applies, zoning does not apply. Mr. King said zoning applies to towers only in residential and only if someone objects then they can go by ORC 519.211. Mr. Zweber suggested changes to 518 of the Xenia Township Zoning Resolution—adding ORC 519.211. The Commission would not want to delete all towers from zoning regulations. The Commission would like to know what authority they have under Section 519 and what restrictions; and where other towers such as internet, ham, microwave and laser are covered. Mr. Snyder asked if an airport is a public utility. The answer was yes. Mr. King said power is conferred on the Board of Trustees and the Board of Zoning Appeals and wondered if the Zoning Commission is included as the proxy of the Trustees when writing zoning. The Commission would like this clarified by Legal Counsel. Mr. Stock said any towers permanently attached to the ground that do not have communication would be considered structures; therefore there would be height restrictions. The real question seems to be communications. Mr. Zweber said the intent of 518 seemed to be to supersede structure regulations. There was some discussion about windmill farms and generators. Mr. Zweber said at some point the State would have a definition of a power generation utility. Mr. Stock added that goes with how many megawatts it produces—if under the Township can regulate, if over the Township cannot. It was suggested to refer to the ORC Code in the Zoning Resolution. Mr. Stock said the ORC does not create the text language, they only create the exception. The Zoning Commission creates the text. He said there is difference between text and enforcement. If the Township wants to have zoning it has to have a Zoning Commission and Board of Zoning Appeals.

Mrs. Randall suggested changing Section 518, page 88 “siting” to “location”.

The next meeting will be October 27, 2015 at 6:00 p.m.

Mr. King made a motion to adjourn the meeting, seconded by Mr. Ferguson. All voted aye. Meeting adjourned at 7:59 p.m.

ATTEST:

---

Alan D. Stock, Zoning Clerk