

RECORD OF PROCEEDINGS

**MINUTES OF THE
XENIA TOWNSHIP TRUSTEES:**

**PUBLIC HEARING
DECEMBER 4, 2014 6:30 PM**

Note: These minutes are a summary of the discussion and are not a word for word account of the discussions. The proceedings were electronically recorded. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio.

PRESENT: Scott Miller, Chairman; Susan Spradlin, Trustee; Daniel O'Callaghan, Trustee; Barbara Miller, Fiscal Officer; Alan Stock, Administrator.

Chairman Miller called the December 4th Public Hearing to order at 6:32 p.m. This was a continuation of the November 6 Public Hearing and was on the Xenia Township website within 24 hours of scheduling this meeting. The Public Hearing was to hear a request from the Xenia Township Zoning Commission for approval of Rural Entertainment and Hospitality text amendments to the Xenia Township Zoning Resolution. The text amendments were as follows:

- Addition of Conditional Use 400.4.13 Rural Entertainment and Hospitality under Section 400.3 Conditional. Uses.
- Addition of 400.8 Signs, Refer to Article V, Section 517.
- Addition of 400.9 Accessory Parking, for parking space required by use see Article V, Section 514.
- Addition of a definition for rural Entertainment and Hospitality to Section 201 Definitions:

Rural Entertainment and Hospitality: A private business enterprise for the purpose of offering a venue for a fee for non-public events on agricultural property that includes non-agriculturally related activities such as: barn dances, weddings, receptions, official or formal ceremonies, social gatherings, family reunions, campfires, picnics or retreats. Such activities shall take place between the hours of 9:00 a.m. and 11:00 p.m., not more than twelve (12) days a month, and for no more than three (3) consecutive days.

Mr. Miller said at the last meeting they had finished the public input for and against the proposed text amendments. They were ready to start the Trustee Deliberation portion.

Mr. Miller said he is concerned about public parking, parking on public roadways, size of events, parameters around a given property, restroom facilities for given events and is it sized well for the types of events on that property. He questioned how this can be put into place. He said Mr. Stock said they would accomplish this through the administrative side. Mr. Stock said they are in the process of redoing all of the applications for zoning. The suggestion from the Zoning Commission was not to attach more verbiage to the Rural Entertainment and Hospitality text as a conditional use because they felt they would have to go through every conditional use and attach questions for every conditional use. The Zoning Commission wanted to have the questions answered on the administrative side (on the application) and have questions that would be good for all. They would like to see the site plan submitted and have an answer to what are the expected external effects. They would also like to know the hours of operation for the event, the parking situation, whether first responders have access and can turn around, the expected times per month events would be held, security control, public safety—health, water and sanitation, the number of people and what kind of protection against attracting nuisances drawn by the event. They also do not want balloon launches because in the agricultural district when the balloons come down there is a chance the animals can choke on them. This list can cover many of the conditional uses in every district, realizing you cannot always predict the kind of questions that should be asked. Once an application comes in Mr. Stock gives the application to Stephanie Hayden for a legal opinion and the Board of Zoning Appeals Chair to see if everything has been answered. Mr. Miller asked if this was a new administrative process. Mr. Stock answered this has been in place; however, presently there is only one application for the Board of Zoning Appeals which does not do justice to the delineation between an “area variance” and a “use variance” or the desire to have a “conditional use”. Within zoning you have primary permitted and you have conditional uses. The conditional uses go to the Board of Zoning Appeals. With an

area variance the applicant has to answer the Duncan's Standards questions adopted by the Ohio Supreme Court. Mr. O'Callaghan asked if someone wanting a conditional use goes before the Board of Zoning Appeals. Mr. Stock answered yes and explained the process for a Board of Zoning Appeals Hearing. Mrs. Spradlin asked if it would cost a person if they wanted to bring a concern to the Board of Zoning Appeals. Mrs. Spradlin did not want to make a decision that would cause a hardship for the citizens where they would have to pay fees. Mr. O'Callaghan said they are being asked to approve text amendments which should be policy, so it should be broad. He said the administrative should cover the process and the citizens could come to the Trustees' meeting and speak their concerns for free. Mr. O'Callaghan said as a non-voting member, he thinks passing the text amendments as written is the right thing to do.

Chief Fox thinks there should be something about occupancy and fire codes on the permit applications. Mr. Stock answered zoning can only go so far and it does not have jurisdiction to grant occupancy. He said Building Regulations regulates occupancy and gives it a category. Mr. Stock said based on category the Fire Department has the codes. He said zoning cannot regulate "porta-johns"—it would be the Greene County Health Department. Mr. Stock thinks it would be a good idea to also have the Fire Chief's approval before it goes to Board of Zoning Appeals. Chief Fox said Chinese Candles are popular at weddings and events—they are legal if you are holding them but become illegal when you let them go in the State of Ohio. Mr. O'Callaghan said this is a prime example of why to write it broadly and let the administrative side come up with the details because things do change.

Mrs. Spradlin said she had several things written down before the public hearing which she wanted to address: 1) Removal of the word agricultural—it looks like this has been done; 2) No roadway parking—this seemed to be addressed in 400.9 Accessory Parking; 3) Conditional use site plan given to the Board of Zoning Appeals before permit is granted because it is important to the first responders.

Mr. Miller said the Fire Chief is able to look at fire code issues. If it becomes a structural issue, then it becomes a building inspection issue. Mr. Stock said this has been the struggle; a farmer is not required to have a building inspection for a structure that is 60' x 100' as it is an agricultural structure. He said they can even charge for a barn dance. Mr. Miller said if a structure is allowed to be used for a large gathering, there are rules in place for using that structure for the gathering, but he worries about the liability. Mr. Stock said that would be on the property owner who hosted the event. Mr. O'Callaghan said right now he could start hosting barn dances for a fee and there is nothing in the zoning ordinance to prevent it or legally to prevent it. He said this text allows the Township to address some of the nuisance issues and safety issues up front. In order to get the conditional use it requires some administrative requirements and the Fire Chief would have some say. That does not get written into the Zoning Ordinance, it gets written into the administrative portion. Mr. Miller asked when the administrative process happens. Mr. Stock answered before it goes to the Board of Zoning Appeals and it is in place now.

Mr. Miller said he has qualms about an administrative process where someone could change the forms in the future because there is no oversight. He sees serious issues that could be sidestepped and people put at risk. Mr. Stock said our zoning can only go so far and the risks he stated fall under the Greene County Health Department, Greene County Building Regulations and Greene County Sheriff's Department. He said we don't have control in zoning over any of those entities but we have a good relationship with them. They interact whenever necessary.

Chairman Miller asked for any further discussion.

Mr. Miller made a motion to approve the language brought forth concerning the agricultural entertainment district conditional uses as presented with the caveat that the administrative forms are put in place that address the following areas: site plan, external effects, noise, lights, dust, hours of operation, parking on street, EMS/first responder accessibility and turn-around, expected times per month, security control, public safety, health control with water/sanitation, fire code, number of persons,

protection against attracting nuisances (within that statement will be no mass balloon launches or free-floating open fires), and the Fire Chief will also sign off and if not, will document reasons why he cannot sign off, seconded by Mrs. Spradlin. Roll Call vote: Mr. Miller-Aye; Mrs. Spradlin-Aye; Mr. O'Callaghan-Abstain as he was not yet sworn in. Motion PASSED.

RESOLUTION 2014-293

Public Hearing adjourned at 7:12 p.m.

_____	XENIA TOWNSHIP BOARD OF TRUSTEES
Resolution #	_____
_____	Scott Miller, Chair
Date Approved	_____
ATTEST:	Susan Spradlin
_____	Abstain
Barbara Miller, Fiscal Officer	_____
	Daniel O'Callaghan

slb