

XENIA TOWNSHIP ZONING COMMISSION

MEETING

November 15, 2016

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 November 15, 2016 at 6:15 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Attendees: Jeffrey Zweber, Alan King, Donna Randall, Kent Harbison, Virgil Ferguson and Alan Stock, Zoning Inspector/Clerk.

Chairman Jeffrey Zweber called the meeting to order at 6:15 p.m.

Jeffrey Zweber asked if there were any minutes to go over. Mr. Stock stated that the staff is behind on typing the minutes due to new staff, but stated that they are working on them.

Mr. Zweber stated that there are two topics on the agenda for tonight, Tower text changes and medical marijuana. Mr. Zweber stated with the Tower text changes. He stated that he believed they had completed the Tower text changes and Building Heights was left to discuss. He mentioned page ten and stated that would be the place to start since that is where they left off with the discussion during the last meeting.

Mr. Zweber suggested that they start with working copy page nine, Section 510.3., then come back to number two. He stated that 510 is about Exceptions to Building Height Limitation. He believes that number 3 is trying to find the decorative things that do not count in building height or that are allowed. In the zoning resolution on page seven is the definition of Building Height, so for various roof shapes, it shows how to calculate the height, so it is 35 feet or 45 feet depending on the zone it is in. So depending of the shape of roof that is put on a building this defines what height needs to be. So in number three he believe the intention is to define things like domes, spires and similar types of structures, decorative or extraneous things, that folks may want to put on a building. He stated that they need to either define a new term or clean up the list. There was discussion about the list, towers by definition are not on a building, so this word should be struck out, which leaves domes, spires, antenna, and support structures.

Mr. Stock asked for a clarification of when there is a flat roof but on the front side there is 45 degree façade, was this going to be allowed in here. Mr. Zweber answered yes and stated that it is all kinds of things that are not living space and are not necessary for the operation of the building. It was suggested that architectural features may be a better term to use. It was suggested in the interest of cleaning this up, that architectural feature could be defined in the definition section and then be used in number three. Mr. Stock asked what structures would be included in architectural features, like would antenna be included. It was suggested that number three read as, Architectural features and antenna support structures may exceed allowable height

of buildings in all districts provided... The new definition for architectural features is defined as domes, spires, and facades. Mr. Stock suggested a definition of those elements that are aesthetic and practical in nature that are attached to a building. There was discussion about what should or should not be included in the list for the definition.

Mr. Stock discussed the different uses as primary, conditional and accessory and how this would be applied to the uses. Mr. Zweber read the definition of accessory uses and started a discussion about what structures should be included in the new definition. There was discussion about what could be put on top of a building, like a garage, signs, solar panels, etc.

Mr. Zweber suggested they move on to working copy page 10, letter "b" extension of guy wires into a required side and rear yard is permitted. He stated that this should be kept so that if someone were to put something on the top of a building that needs guy wires it can be done. There was agreement because there was similar language for Towers. It was decided to keep this language at the end of letter "b."

Mr. Zweber read letter "c" and there was discussion about the wording and which words should be taken out and left in for reading clarity. There was discussion about working with other agencies if there were issues that would involve any.

Mr. Zweber moved on to letter "d" and stated that he did not think there needed to be any more changes made to it. Letter "d" was read to be sure everyone was in agreement. Mr. Zweber stated that what is "c" should be "a", what is "d" should be "b", the highlighted yellow regarding guy wires should be "c", and what is "e" should be "d." That should conclude 510.3.

Mr. Zweber started the discussion regarding 518.3 regarding guy wires on working copy page 7. Mr. Ferguson started the discussion about guy wires and the minimum requirements for them. He stated that he thought it was there because yard is defined rather than building on page 24. There was discussion about setbacks and in regards to towers. Mr. Stock stated that each district has a minimum acreage, and road frontage. He stated that a yard must be a certain size before you get to the building. There was discussion about the clarity of the wording for this and if they could make it more clear. Mr. Stock read what was written so far, and there was discussion and agreement that this was easy to understand.

Mr. Zweber stated that the discussion should now be in regards to buildings exempted from height restrictions in section 510.2 on working copy page 9. There was discussion if any more changes should be made or to keep the highlighted part as is. There was agreement that this is well defined as is. There was discussion about public and semi-public buildings and if there needed to be definition changes for these. Mr. Stock stated that these are already defined in the resolutions, and Mr. Zweber said yes by district. They discussed schools and how this could impact them. Mr. Zweber brought everyone's attention to the definition of conditional use and stated that if someone wanted to change something they would have to go to the Board of Zoning Appeals. He is not suggesting that any changes be made to this section.

Mr. Zweber moved onto section 510.1, and stated that he thought no changes needed to be made. Mr. Stock asked if the Commission thought they were ready for a public hearing on these changes. There was discussion and Mr. Zweber stated that he thought it was done.

Mr. Stock stated that they could set the public hearing for 7:00 p.m. December 20, 2016 after the zoning commission meeting. He stated that hopefully Regional Planning would be able to get their input back to us by then.

Mr. Stock explained the handout regarding HB 523, and explained that all Xenia Township employees have signed this document. It says that if an employee is using marijuana at work and there is a drug-free work policy in place, you do not have the right to use marijuana at work. The employee can be terminated or excluded from hiring. If an employee is terminated from a drug-free workplace for marijuana use then the employee cannot collect unemployment. If an employee gets hurt using marijuana at work, then worker's compensation will not cover you. Mr. Stock discussed the accommodations that employers must do for employees, but stated that an employer does not have to make accommodations for an employee with a medical marijuana prescription. Mr. Ferguson stated that if an employee has a prescription for Oxycodone, for a post-operative, is that employee subject to drug testing, and Mr. Stock stated yes they can be.

Mr. Stock then discussed Sub House Bill 523, and there was discussion regarding this document. The second page of the marijuana update regarding zoning and land uses, he stated that this was prepared from Regional Planning and it gives some of the highlights. So this document highlights some of things that can be done. The next document is from the Xenia Township Trustees and this is the resolution Xenia Township passed. It says that they are calling for a moratorium for six months, which means they will not allow the growth, the dispensing or the prescribing of medical marijuana for six months. This gives the Township including this commission six months to look at this and make decision regarding medical marijuana. There was discussion about use of marijuana on the job. The next page is from Stephanie Hayden, Greene County Assistant Prosecutor, and it states that the Township is within the legal right. There can be things put into the zoning regarding medical marijuana but this not required. Mr. Stock stated that the Board of Trustees does not need the Commission's recommendation in order to do what they want regarding medical marijuana. However, the Trustees have asked this Commission to do a review to get back to them and the Board of Trustees while they know whatever the commission's recommendation is they can say yes or no. So, they are asking this commission to do the appropriate research and educate them to whether they should say yes or no. The Trustees are relying on this Commission to do some good research for them.

Mr. Stock also pointed out that they have House Bill 523 in its entirety for your review. Mr. Stock explained that there were several newspaper and internet articles that have explanations regarding medical marijuana. There was discussion about the articles and why the Township has not already said no to this. Mr. Stock stated that the Trustees wanted to have more information about this topic before just saying no. There was discussion of who could apply for licensures for cultivating or processing.

Mr. King moved to adjourn, Mr. Ferguson seconded the motion. All voted aye. Meeting adjourned at 8:00 p.m.

ATTEST:

Alan D. Stock, Zoning Clerk