

**XENIA TOWNSHIP ZONING COMMISSION**

**MEETING**

September 27, 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 September 27, 2016 at 6:08 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, Kent Harbison, Virgil Ferguson Donna Randall, and Alan Stock, Zoning Inspector/Clerk.

Chairman Jeffrey Zweber called the meeting to order at 6:08 p.m.

Mr. Zweber went over the agenda and stated that the two set of minutes for approval from the July 19, 2016 meetings, one regarding US 68 S and the other Agritourism. Mr. Zweber stated that he found a few things that needed to be changed. He stated the changes he wanted made. He then stated the changes he would like done to the minutes regarding Agritourism.

Mr. Zweber moved to approve the amended minutes from the July 19, 2016 meeting regarding the rezoning of US 68 S. Mr. King seconded the motion. All voted aye. Motion passed by vote 5-0.

Mr. King moved to approve the amended minutes from the July 19, 2016 meeting regarding Agritourism. Mr. Ferguson seconded the motion. All voted aye. Motion passed by vote 5-0.

Mr. Zweber stated that the next agenda item was regarding the November and December meetings. These meetings will be held on the third Tuesday instead of the fourth Tuesday due to holiday schedules. The dates are listed on tonight's agenda

Mr. Zweber stated that the topics for the next meeting, which is a joint meeting with the Trustees, are listed on the agenda. Zoning text got crossed out because we have discussed this already and he feels they have discussed this topic and gotten as much as we can out of a joint meeting. Mr. Zweber stated that the topic of mixed use was something this commission had suggested to talk about, and it should be on the table. The other three topics were suggestion by the Trustees, which are mining setbacks and flyrocks, overlay for setbacks for US 68 S, and perhaps other places. Mr. Zweber explained this in more detail and stated they are planning for an eventual widening of US 68 S and believes this discussion would help to get ahead of that issue. This would be used to consider a change to front yard setbacks on US 68 S for any future buildings that could occur there. There was discussion about what types of businesses could go out there, and whether a discussion about the Land Use Plan should be scheduled with the Trustees. There was discussion about the Land Use Plan due to new members not knowing the details of the Plan. The Land Use Plan has been referred to over the years and many people have had their hands in this discussion and none of the Trustees who started this Plan are around now,

so it helps that this discussion be continued as new members and trustees come into the picture. Mr. Stock discussed the plan and the purpose of it.

Mr. Zweber stated the next topic was to deal with marijuana resolution and text change. Mr. Stock stated that he has some background information and then the commission could tell him what they would like to see so that they can discuss this issue in detail. Mr. Stock explained that the Trustees had passed a six-month moratorium on any growing, selling or distribution in the Township. They also have had all the employees sign an acknowledgment of House Bill 532, which is medical marijuana is not in conflict with our drug-free workplace policy. Mr. Stock explained the acknowledgement in detail. During the six-month moratorium, they are asking this Commission to look at what kind of zoning resolution could be done, or what kind of recommendation would this commission give regarding medical marijuana businesses in the Township. Mr. Stock gave examples, how close could a business be to a school, how is it sold (by the ounce/pound), is selling going to be from a store front or a car. Mr. Stock asked if they would like any other documents that would help them have a productive discussion regarding medical marijuana. The Commission asked if they could have copies of the Regional Planning document, the six-month moratorium, House Bill 532, and the ORC regarding this issue. Mr. Stock suggested they also look at his issue as what could be lost if they say no. The question was asked if there were any types of businesses that were currently not allowed in the Township. Another legal question would be does the Township have the right to say no to a legal business. Mr. Stock stated that he would take these questions to Stephanie Hayden, of the County Prosecutor's Office.

Mr. Ferguson started a discussion about whether a doctor's office and a dispensary could be in one location. Mr. King thought these had to be separate. They wanted more information about this so they could make a more informed decision. Mr. King stated that this is probably defined within the state code regarding this issue.

Mr. Zweber stated that the last topic of discussion was Cell Tower and Height Restrictions. Mr. Ferguson asked if they were almost done with these changes. Mr. Zweber stated that he thought they were done with the Towers section but they still had some things to talk about in for the building height restrictions. Mr. Zweber asked everyone to look at their working copy of the text and started with review of Section 518.1, 518.2, 518.3. He stated that these are the only paragraphs that remain in Section 518 in regards to Towers. He stated that the current amendment deletes eight plus pages of text. Mr. King asked that the reason they were able to eliminate these pages was because it was regulated elsewhere. Mr. Zweber answered no and stated that he thought they eliminated all of it because the ORC pre-empted it. The new language in one, two and three are all the rules the zoning regulations that we want. Mr. Ferguson stated that the ORC limits certain things in other Districts except residential and certain circumstances that this commission has the right to regulate, and this commission just wants to minimally regulate that at this time. Mr. Ferguson asked if we were able to regulate everything in three paragraphs instead of the original nine pages, and the answer was yes.

Mr. Zweber asked for everyone to look at working copy page ten, to the two definitions for tower that have been added and revised in Section 200. These two definitions are required to make Section 518 work. There is a definition of a tower and tower height. There was discussion about the definitions and the changes that had been made to them.

Mr. Zweber stated that Section 510 is to discuss Building Heights and things attached to buildings. There was discussion regarding Section 510 and what changes each member wanted to make within the Section. He started on working copy page nine. Section 510, number 1, is intended to regulate the things on buildings that are used to make the building work is exempted from the height requirement. Mr. Ferguson asked what mechanical appurtenances meant, and Mr. Zweber stated cooling, power or heating.

Mr. Zweber started the discussion regarding Section 510, number 2 the section in yellow which is a list of types of buildings that are allowed to be taller than the permitted height in a District. There was discussion about the setback and requirement for these types of buildings and whether this is a reasonable exception to our zoning height restrictions. Mr. Stock advised that everyone should look at the uses of the district, and that is why there are different heights in different districts. There was discussion about which buildings needed to be defined, like hospitals and schools are well defined. There was discussion about institutional and governmental buildings and the definitions for those. This included where those types of buildings are allowed at this time and the allowed heights of these buildings.

Mr. Zweber asked if everyone would agree that they have completed the Section on Towers, and whether they should continue to work on Building Heights or defer to another time. He stated that he thought they could divide this and schedule a public hearing on the changes in Section 518 and the two definitions related to this section.

Mr. Ferguson moved to accept Section 518 as written and pass it on to the Trustees. Mr. Zweber clarified that this would include Section 518 and the two definitions from Section 200. This would lead to a public hearing on these changes. Mr. Stock stated that he thought they would continue exclusively on Section 510 during the next meeting and finish it up. Then hold the public meetings, and send it to Regional Planning. Motion died for lack of a second.

Mr. Zweber continued the discussion continued regarding Section 510, number three. Mr. Zweber stated that he thought number three is trying to do is to address the decorative or non-essential stuff that is on top of buildings. There were examples given to help explain what he thought number three was trying to address. There was discussion about Section 510 and how it can be interrupted. There was discussion about guy wires as it pertains to Section 510 and if guy wires could be included in support structures. The Commission decided to work on this Section in the next meeting.

Mr. Stock asked for a clarification of Mr. Ferguson's motion to accept Section 518 to take to the Trustees, and it died for lack of a second. Everyone agreed this was accurate.

Mrs. Randall moved to adjourn, Mr. Ferguson seconded the motion. All voted aye. Meeting adjourned at 8:15 p.m.

ATTEST:

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Alan D. Stock, Zoning Clerk