

## XENIA TOWNSHIP ZONING COMMISSION

### MEETING

October 28, 2014

**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 October 28, 2014 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Virgil Ferguson, Kent Harbison, Alan King, Willie Washington, Jeffrey Zweber, alternate Donna Randall, alternate Harold Snyder and Alan Stock, Zoning Inspector/Clerk.

Chairman Alan King called the meeting to order at 6:27 p.m.

A motion was made by Mr. Zweber to approve the following minutes as a whole:

- August 23, 2014 Zoning Commission Meeting
- September 6, 2014 Public Hearing for Map Amendment A to M-3
- September 23, 2014 Public Hearing Continuation for Map Amendment A to M-3
- September 23, 2014 Zoning Commission Meeting
- September 23, 2014 Public Hearing for Rural Entertainment text amendments

Mr. Harbison seconded. All voted aye. Minutes were approved.

Mr. Stock gave material on Kennels to the Commission. He also gave them information on Cell Towers. He informed them Stephen Anderson has resigned as Director of the Greene County Regional Planning and Coordinating Commission effective October 31. Mr. Stock said the Commission had been beat up for their work and he wanted them to know how much they are appreciated. He praised the group for all their efforts and their respect for each other, even when they have differing opinions. Mr. King returned the thanks for all Mr. Stock does and for being the pivot point.

Mr. Stock said after the public hearing on the rezone of parcels owned by Cemex, he considered it over, however, it came to his attention that it must go back to the Trustees for a public hearing and their decision (the Zoning Commission is a recommending board and does not make the final decision). He apologized for giving wrong information.

Mr. King said he understands from the Ohio Revised Code that Township Trustees are the last who can make decisions about animal husbandry. Mr. Stock said in looking at ORC Section 955.221, the Township's power lies in B-2. Trustees may adopt resolution to control barking dogs as long as it is not in conflict with any other provision, State or County. Mr. Stock said that is where he ran into enforcement issues. He said in the Agricultural District, Section 400.4. 8 says "Specialized Animal Care, Kennels as defined in Section 201.77 shall not be approved by the Board of Zoning Appeals on parcels less than twenty acres." He said the Township cannot make that statement as it goes against State ORC on agricultural land for agricultural purposes-- animal husbandry is one of those. Mr. King said the Township can regulate the control of dogs as far as ownership, keeping and harboring, restraint, dogs as public nuisances, dogs as threats to

safety and welfare. The Township cannot be more restrictive than the County and State. After discussion, the Zoning Commission decided to omit the definitions for 201.77 Kennel, 201.147(a) Specialized Animal Raising and 201.147(b) Specialized Animal Care. They also want to delete 400.4.8.

In Section 400.2.1 the Commission decided to put a period after Agricultural purposes and delete the rest of the sentence. They also wanted to eliminate 400.2.4 Specialized Animal Raising and move #5 up to #4.

Mr. Zweber made a motion to

- delete the rest of the sentence after Agricultural purposes in 400.2.1
- delete 400.2.4 Specialized Animal Raising
- move 400.2.5 Churches and parish houses up to 400.2.4
- delete 400.4.8
- delete definition 201.77 Kennel
- delete 201.147(a) Specialized Animal Raising
- delete 201.147(b) Specialized Animal Care

Mr. King seconded. Mr. Washington asked if all this was being deleted because of falling under agriculture and we do not have control. Mr. King answered yes, the Township would have control if it was under five (5) acres and greater than one (1) acre, but the Commission is declining to control it in the agriculture district. All voted aye. Motion PASSED.

The next meeting will be November 18 at 6:00 p.m. with the Public Hearing for Kennel text amendments set for November 18 at 7:00 p.m.

Mr. Stock said the proposed text amendments will be sent to Regional Planning and the Greene County Commissioners. Mr. Stock asked the Commission if they would like to re-shuffle any agenda items. Mr. King said they need to go back to the Signs text for the next meeting.

Jeffrey Zweber made a motion to adjourn the meeting. Kent Harbison seconded. All voted in favor. Meeting adjourned at 7:40 p.m.

ATTEST:

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Alan D. Stock, Zoning Clerk