

XENIA TOWNSHIP ZONING COMMISSION
MEETING

November 17, 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 November 17, 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 6:20 p.m.

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

Minutes from October 27, 2015 were presented for approval. Mr. Zweber found one typographical error in the fifth paragraph where the minutes read "Zoning Ordinance" and should read "Zoning Resolution". Mr. Harbison made a motion to accept the minutes with the typographical change as presented, seconded by Mr. Ferguson. All voted aye. Minutes were approved.

Mr. Stock summarized the handouts the Zoning Commission members were given. Mr. Zweber began with cell tower information shown on the monitor in the office. In Section 510 of the Township Zoning Resolution ninety (90) feet cell towers are allowed in the non-residential areas with setback additions. In residential districts the forty (40) feet sign height limit could establish the tower height limit with setbacks. Mr. Zweber said the ORC covers everything else. He said they could write a section about towers and note that ORC 519.2 provides partial exemptions for towers. Mr. Ferguson added a communication type tower (CB tower) could be put in that exemption section. Mr. Zweber said using the ORC a lot of the Xenia Township Zoning Resolution text could be deleted. Mr. Stock read a definition for ham radio tower from ORC 5502.031. He said a CB is not the same as amateur. Mrs. Randall asked if the ORC supersedes certain text in the Zoning Resolution shouldn't the Zoning Commission avoid writing it. Mr. Zweber said the ORC might change so he would prefer to write what the Commission wants and make note of places where legislation won't let them have what they want. Mrs. Randall asked if they could submit what they want to the State committee. Mr. Zweber said they could but would still need to address it in the Zoning Resolution. He would like to start with forty (40) feet in residential with residential setbacks and ninety (90) feet in other places where required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located. Mr. Zweber made the observation there are 6 ½ pages of text on towers but not nearly that much for sheds, pools or signs. On page 7 of the Zoning Resolution building height is defined. Mr. Stock pointed out Section 518.3 where there was more information about maximum heights. Mr. Zweber suggested Section 510, first paragraph "Chimneys, domes, spires and necessary mechanical

appurtenances ...” be given the number 1 and numbers thereafter be changed. He suggested crossing out “and radio and television towers” and addressing them in Section 510.3.

The Zoning Commission discussed Section 510.2. Mr. Zweber asked for the paragraph to be highlighted and revisited at the next meeting.

Mr. Zweber said back to towers in point #3 (Section 510) he would like to cross out “Non-commercial radio and television”. The Commission decided the sentence should read “Towers may exceed the allowable height of buildings in all districts provided:” Mr. Zweber said on Working Copy Page 2, #14 the definition for towers should be moved to Section 200 Definitions. A change was made in the definition to say “Tower--A self-supporting lattice, guyed or monopole structure constructed from grade.” The Commission decided to move 518.1 points 1 and 2 to Section 200 Definitions also. Mr. Zweber suggested a definition for Section 518.1 point 2 “Antenna Support Structure--Any building or other structure other than a tower which is used for location of an antenna.” He said then antenna is defined above it. On Working Copy Page 9 it was suggested to move domes, spires and antenna support structures to point #3. Mr. Zweber’s object in Section 510, point #1 are things that are required to operate a building, such as taller chimney to make the chimney work. Section 510, point #3 are things that are not required to make the building work. Those are the things he would like to discuss the height limit of. Mr. Harbison asked if a factory put an antenna on top of a tall chimney, could height be regulated. Mr. Zweber said it would not be regulated. Mr. Zweber suggested adding letter “c” under point #3 to say “In Residential districts the maximum height above grade shall not exceed forty (40) feet.” He also suggested adding letter “d” under point #3 to say “In non-residential districts the maximum height above grade shall not exceed ninety (90) feet when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the structure is located.” He also suggested adding letter “e” under point #3 to say “ORC Sections 5502.031 and 519.211 limit the application of this section concerning wireless communication towers and amateur radio towers.” Mr. Stock said all of Section 510 point #2 would be in yellow for the next meeting.

Mr. Stock asked the Commission about non-conformities, page 94, Section 519. He received a request from Kil-Kare Raceway for racer trailer storage in the off-season as well as in-season. Kil-Kare Raceway is on land zoned Agriculture and has been there since before 1959. It is a non-conforming use of record. Mr. Stock said Governor Kasich passed law HB 394 in 2014 regarding no campgrounds allowed at a racing venue but participants in the racing can camp for the event. Mr. Zweber covered Section 514, page 79, where parking is allowed for businesses and what is required. There was a question if there was a difference between parking and storage. It was pointed out in the Zoning Resolution, Section 514.1 points 8-13 the business would need to file a plot plan to show drainage, lighting and screening, the surface they are providing for parking. They would also need to show that a fire truck or ambulance would have

access to the area. The Commission noted Section 520.2, page 96 is text for storage, but seems to only apply in the residential district.

The next meeting will be December 15 at 6:00 p.m.

Mr. Ferguson made a motion to adjourn the meeting, seconded by Mr. Harbison. All voted aye. Meeting adjourned at 8:18 p.m.

ATTEST:

Alan D. Stock, Zoning Clerk