

## XENIA TOWNSHIP ZONING COMMISSION

### MEETING

February 12, 2013

**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 February 12, 2013 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, Jeffrey Zweber and alternate, Harold Snyder. Also present was Alan Stock, Zoning Inspector/Clerk.

Chairman Alan King called the meeting to order at 6:05 p.m.

Minutes from the January 8 meeting were distributed. Harbison made a motion to accept the minutes. Ferguson seconded. All voted aye. Minutes from the January 8 public hearing were also distributed. Ferguson made a motion to accept the minutes. Harbison seconded. All voted aye.

The Zoning Commission began looking at Section 600.7. The Ohio Revised Code covers notification of the public in their Code, Section 519.12. The Zoning Commission wanted to expound on this and suggested changing the paragraph. The paragraph is in the attachment to these minutes. There was discussion about using the same paragraph in Section 700.1.1 pertaining to the Zoning Commission. The consensus was it would not be necessary.

Stock pointed out a change the Zoning Commission asked for under 600.8, #4.C.1. Authority: It is has the authority to grant the request—the word “is” will be deleted.

Stock said he will compile the text that has been discussed: “For purposes of notification of Ohio Revised Code 519.12 (B) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor’s current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor’s current tax list. The failure of delivery of that notice shall not invalidate any such amendment.” Then Stock will add parcel in question and signage for 10 parcels and fewer.

Stock pointed out text about signs in Section 517.1 #5 and Section 517.2 point D. The Zoning Commission has discussed making sure this text is consistent with 201 Definitions.

The Trustees want the Zoning Commission to define noise nuisance. Xenia Township does not have anything about what a nuisance is. The Zoning Resolution does have Section 507 External Effects. There are items listed under otherwise objectionable such as fire, explosives, or other hazard, noise, brilliant light, vibration, smoke, dust, fumes, odor, or other forms of air pollution, etc. There are no 201 definitions in the Zoning Resolution for fire, explosives, hazard, brilliant light, vibration, smoke, dust, fumes, or odor. To define what a nuisance is Stock did a word search on nuisance, vibration, sound, pressure, smoke, etc. In Sections 201.95 and 201.96

Manufacturing, heavy & light, some noise nuisances are listed. Noise is mentioned in Definition 201.104 Noise, 201.105 Noise Control Device, 201.106 Noise Permit, 201.107 Noise Pollution. Definition 201.107 Noise Pollution states noise in excess of the limits as stated in this chapter—but there is no chapter. It is well defined in Mining but that is text from the State regulations. Section 201.132 Research Activities also mentions noise outside a building. Section 411.1, 411.4 and 411.5 noise is defined by the State of Ohio. Section 517 is about signs and nuisance is mentioned there. We do not have a nuisance ordinance in our zoning at this time. Section 400.4 talks about loud speakers, etc. disturbing the peace in an Agricultural District.

The Zoning Commission felt this kind of text could lead to problems and court. It was suggested they check into what County and State have as rules for noise nuisance and what the Greene County Prosecutor says.

The Trustees passed resolutions for the Zoning Commission to look at electronic signage (digital boards) and alternative sources of energy (wind turbine, solar, etc.). Stock asked them to look at the Zoning Resolution as to form (font size consistency, table of contents tagged to pages, etc.). This would not be a text amendment. Zweber would like to add to Section 700 something about form of resolution.

Stock asked if the Zoning Commission would consider changing the night of meetings as he has conflicts with other meetings. They changed their meeting to the 3<sup>rd</sup> Tuesdays of the month. The next meeting will be March 19 at 6:00 p.m.

Ferguson made a motion to adjourn the meeting. King seconded. All voted in favor. Meeting adjourned at 7:23 p.m.

ATTEST:

---

Alan D. Stock, Zoning Clerk