



PLAIN TOWNSHIP ZONING COMMISSION

MEETING MINUTES

August 8, 2019

Chair Scott Harper called the Plain Township Zoning Commission Meeting to order at 7:00 p.m.

ROLL CALL

Attending the Plain Township Zoning Commission Regular Meeting were Scott Harper, Chad Blind, Mark Sowle, and Greg Eller. Rick Wieland was absent. Zoning Officer, Ben Collins was also in attendance. Assistant Zoning Officer, Mary Fee was absent.

ADDITIONS OR CORRECTIONS TO AGENDA

None

APPROVAL OF MINUTES

June 13, 2019 Meeting Minutes

Mr. Eller made a motion to approve the June 13, 2019 meeting minutes as submitted. Mr. Blind seconded the motion. All in Favor. Motion carried.

RECOGNITION OF VISITORS/ CITIZEN'S COMMENTS

None

ZONING OFFICER'S REPORT

Mr. Collins stated for late summer, things have been very quiet, not many complaints. The pool has done good business with the warm weather and lack of rain. There was a small variance request that was heard by the Board of Zoning Appeals.

The Board of Trustees approved promotions within the Fire Department. There will be a ceremony August 21st to swear them in.

Dublin-Granville Road is scheduled to be open before school starts.

There was a short discussion regarding a new 500' telecommunication tower going in at the AEP substation on land owned by Columbus Southern, on Harlem Road.

NEW BUSINESS

Mr. Collins supplied the board with the proposed Zoning Amendment changes via email prior to the meeting.

Accessory structures and the maximum square footage were discussed. There has been some confusion as to the language in our current text, is the maximum size of accessory structures per building or the collective square footage. Mr. Harper asked Mr. Collins if he could give some background as to why the change is requested and to give some examples and instances where this exists and if it has impacted the township.

Mr. Collins replied that the issue is presented to the township, for example, when Val Jorgensen, who sits on the Board of Zoning Appeals, wanted to add/construct a structure for her agritourism activities. This structure is not used for agricultural purposes as would be identified in the existing statutes. It would otherwise be protected by the statutory definition of agriculture. That means to say it was not a structure used for growing, cultivating or processing agricultural products. It was a venue for her wedding business. It included a commercial kitchen so that they could provide catering for the events on site and then additional gathering space for the weddings and receptions. The township does not have any language specifically addressing that. Typically in the past we would have used the agriculture exemption for any structures that were related to agriculture. That wasn't the case here, there is this new statute that came into place a couple of years ago and we were left in a difficult position. Because we didn't address it in zoning we couldn't regulate it and we couldn't prohibit it. According to our legal counsel, if we want to be proactive, we should adopt something to regulate the activity and set standards.

There is at least another property owner in the township who wants to do a wedding type venue on their property and rely on the agritourism provisions. Right now, they are not really subject to any regulations by the township because they do not have any structures, they just set up temporary tents and have an outdoor wedding that can enjoy the vista. It still feels like you are at a farm with the picturesque setting. In Val's case, she now has about 15,000 SF under roof off Harlem Road, called Oak Grove. Val is working to generate revenue from the site besides just farm markets. Finding a way to accommodate, but regulate is the goal.

Mr. Harper indicated that he thinks the agritourism activities contribute to the fabric of the community. The farm markets and venues should be regulated from his perspective. He does have a concern about the language and building sizes. Using the Doran's as an example, it is not a paved or improved parking surface and also in the ORC, that they do not have to improve the parking areas, but they do have to submit something to the township in order to say that they have enough parking for the facilities they end up erecting. Mr. Collins replied that it true, if they ask to construct a property they must show that they have a place to park. Seasonal businesses were discussed.

Mr. Harper indicated that the question of lot size and buildings in the proposed table (455.03) building maximums and square feet based on lot size does not encourage business. The plural structures language further could be an obstruction. Mr. Harper feels we should encourage those businesses in the rural areas due to what they contribute to the community. Mr. Collins commented that the current zoning has a formula to establish limits on sizing. Several board members favored using a formula option.

Mr. Harper suggested not voting tonight and further discuss at the next meeting.

Some known agritourism sites were discussed. Leed's farm in Ostrander feels like a carnival/fair. It has a large main structure, probably 100' x 100' with a kitchen, retail activities, play spaces, eating spaces and then outdoors there is a corn maze, pumpkin patch, wagon rides and other activities. Hendron's Farm has a similar set up.

Building codes were discussed. Agritourism structures may or may not have to comply with township zoning, state building code, state fire code. Fire codes were discussed. Health and safety regulations can be enforced if it is dangerous and/or not safe. Agriculture structures do not require a permit. The building use determines if it is agriculture. Encouraging agritourism was mentioned.

The square footage formula for agritourism was discussed. A maximum limit was encouraged. Appeals could always be presented to the Board of Zoning Appeals.

Setbacks, buffering requirements from property lines, and the limitations involved, were discussed. Possibly basing the setbacks on the size of the structure was talked out. Agritourism businesses do not require rezoning.

The Agritourism statute states:

Ohio Revised Code 519.21

(C) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for:

(4) Agritourism. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to agritourism, except farm markets as described in division (C)(1) of this section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety.

Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.

Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture as provided in division (A) of this section.

Mr. Harper asked about the recreational vehicles proposal. Mr. Collins recommends any potential amendments to the zoning text be submitted together. Using Recreational Vehicles as a residence as well as short term usage of RV's and camping trailers were discussed. Whether the proposed language would be grandfathered for existing properties is unknown.

The text being considered is:

4. *Recreational vehicles, camping trailers and similar recreational vehicles and equipment, shall not be used as a dwelling unit or for living, sleeping or house purposes outside an approved recreational park/campground area.*

OLD BUSINESS

None

HEARINGS

None

BOARD MEMBER COMMENTS

None

ADJOURNMENT

Mr. Harper made a motion to adjourn the meeting. All in favor. Motion Carried. The regular meeting of the Plain Township Zoning Commission was adjourned.

****AS APPROVED****



Ben Collins
Zoning Commission Secretary