



PLAIN TOWNSHIP ZONING COMMISSION

MEETING MINUTES

December 12, 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, and Mark Sowle. Greg Eller and Rick Wieland were absent. Zoning Officer, Ben Collins and Assistant Zoning Officer, Mary Fee were also in attendance.

ADDITIONS OR CORRECTIONS TO AGENDA

None

APPROVAL OF MINUTES

November 14, 2019 Meeting Minutes

Mr. Harper made a motion to approve the November 14, 2019 meeting minutes as submitted. Mr. Blind seconded the motion. All in Favor. Motion carried.

RECOGNITION OF VISITORS/ CITIZEN'S COMMENTS

Valerie Jorgensen
Don Durbin

ZONING OFFICER'S REPORT

Mr. Collins explained that there has not been a lot of activity in the township in the last month. He received a complaint about hunting on township property. Mr. Collins commented that there has been some illegal dumping at the corner of 605 and Bevelhymer Road. The owner was unaware that the dumping had been taking place.

NEW BUSINESS

None

OLD BUSINESS

None

HEARINGS

Mr. Harper moved to open the hearing on the Agritourism Zoning Text Amendment 11-14-2019.

Mr. Collins reviewed the amendment history for the board. The zoning commission has spent several months reviewing and discussing the zoning text amendment. The text was forwarded to the Franklin County Planning Commission for review.

The notice of the public hearing was published in the Daily Reporter on November 25, 2019 and in ThisWeekNews, New Albany on November 28, 2019. The Franklin County Planning Commission held their hearing on the matter on December 11, 2019. It received a positive recommendation in favor of approval. The Planning Commission provided a staff report that is attached.

There are 3 components to the zoning text amendment. The first the update to the language regarding recreational vehicles. We are proposing the addition of paragraph 4 under section 412.05.2 which reads: ***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.***

The second portion is an update to Section 406, Accessory Uses, Structures and Buildings. This clarifies language that has resulted in questions over the past few years. The language refers to the accessory structure collectively and adds additional language to the table to eliminate any uncertainty.

A new Section 455, Agritourism has been added. This has been brought to the zoning commission because 2 years ago the Ohio legislators adopted an amendment that provided townships with the authority to regulate Agritourism activities. In order to do so, the township must adopt language to regulate the activity. There were only about a half a dozen townships that had adopted language. Our legal council, Loveland and Brosious made some recommendations. In general, the Agritourism language states that you provide an exemption at the election of the property owner. In order to claim the benefit the property must meet certain standards.

The proposed text amendments language is as follows:

PLAIN TOWNSHIP ZONING RESOLUTION

PROPOSED TEXT AMENDMENTS

November 14, 2019

SECTION 412 OFF-STREET PARKING AND LOADING

412.05.2 Recreational Vehicles, Boats, Camping Trailers and Boat or Utility Trailers. *Recreational vehicles, boats, camping trailers or boat or utility trailers parked on a lot for a period exceeding seven (7) days during any one (1) month or any consecutive two (2) months shall meet the following locational requirements and size criteria:*

1. *It shall be placed in accordance with the locational requirements for Accessory Structures.*
2. *No recreational vehicle, boat, camping trailer or other trailer shall be parked between a street and a principal structure unless enclosed in a permitted accessory structure.*
3. *No recreational vehicle, boat, camping trailer, or boat or utility trailer shall be parked in front of the principal structure on the lot or in front of a building line established by any residential structure on an adjacent lot that fronts on the same street as the subject lot.*
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.*

SECTION 406 ACCESSORY USES, STRUCTURES AND BUILDINGS

Unless otherwise specifically provided, accessory uses, structures or buildings shall only be permitted on a lot in association with a principal use or structure.

406.01 Accessory Use and Structure Defined. *An accessory use or structure shall be defined as a subordinate use or structure which is in association with, and is incidental to, a principal use or structure and which is customarily required or provided for the principal use or structure.*

406.02 Location, Number and Size of Accessory Uses, Structures and Buildings Permitted.

1. *Unless otherwise permitted by this Zoning Resolution, a lot zoned Rural or Residential as listed in Article II, Sections 206, 208, 210, 212 or 214, shall contain no more than two (2) accessory buildings, only one of which may contain more than 144 square feet of gross floor area.*
2. *The maximum permitted size of an single accessory building, or combined square footage of detached accessory buildings on a lot, placed on a lot zoned Rural or Residential shall be based on the following lot categories on which the accessory building is to be located.*

Table of Accessory Building Development Standards

LOT SIZE	MAXIMUM SIZE OF ACCESSORY BUILDINGS**	MAXIMUM HEIGHT	SET-BACK FROM PROPERTY LINES
<i>One (1) acre or less</i>	<i>720 square feet</i>	<i>18 feet* for < 2 acres</i>	<i>10 feet for < 2 acres</i>
<i>Two (2) acres</i>	<i>1320 square feet</i>	<i>18 feet* for < 3 acres</i>	<i>15 feet for < 3 acres</i>
<i>Three (3) acres</i>	<i>1920 square feet</i>	<i>21 feet* for < 4 acres</i>	<i>15 feet for < 4 acres</i>
<i>Four (4) acres</i>	<i>2520 square feet</i>	<i>25 feet* for < 5 acres</i>	<i>25 feet for < 5 acres</i>
<i>Equal to or greater than five (5) acres</i>	<i>3120 square feet</i>	<i>25 feet*</i>	<i>25 feet</i>

**From floor surface to peak of the roof*

***Per formula in Section A*

A. Standards for the Size of Residential Accessory Buildings – *In addition to the other provisions of this section governing the maximum height and setbacks of residential accessory buildings, the following standards shall apply to the size of the structures for lots that contain fractions of acres greater than one:*

- i. **Residential lots of one (1) acre or less** - *shall be permitted an accessory structure not to exceed 720 square feet.*

ii. **Residential lot of greater than one acre** - The size of the accessory building shall be determined by scaling the building size to the existing lot size in accordance with the following provisions:

a. The maximum permitted size of an accessory building is determined by multiplying the acreage of the lot times six hundred (600) square feet with the base of 720 square feet for the first acre. The resulting number shall be expressed in square feet.

$$(\# \text{ of acres}) \times (600 \text{ sq. ft}) + 120 = (\text{maximum permitted size of accessory structure in square feet})$$

Example: $(3.5 \text{ acres}) \times (600 \text{ sq. ft}) + 120 = (2,220 \text{ square feet maximum permitted for 3.5 acres, with the base first acre being 720 square feet})$

- B. The maximum permitted size of an accessory structure shall not exceed 3,120 sq. ft regardless of lot size.
- C. An accessory structure or building shall be located completely to the rear of the principal structure and shall be no closer than ten (10) feet from any part of the principal structure.
- D. A permitted accessory building shall ~~not~~ observe the setbacks from all property lines as set forth in the table above, or as otherwise indicated in the zoning district development guidelines, and no accessory building shall be placed closer than ten (10) feet to a side or rear lot line. In no case shall an accessory structure or building be located within a recorded easement.
- E. In order to protect property values and encourage neighborhood stability, an accessory building shall have an exterior that is compatible in appearance to the principle building on the parcel or lot.
- F. Accessory buildings shall not infringe on sanitary or water systems. The location of accessory buildings shall comply with all applicable Franklin County Board of Health and/or Ohio Environmental Protection Agency regulations.
- G. Accessory buildings shall be appropriately guttered and graded so as not to adversely impact property owners.
- H. No commercial uses shall be permitted from an accessory building unless otherwise approved as part of a home occupation or commercial/industrial rezoning request.
- I. Accessory buildings in excess of 144 square feet shall be subject to building and zoning review and must have a permanent frost-free foundation as required by the Franklin County Building Code.

SECTION 455 **AGRITOURISM**

455.01 In the interest of the public health and safety, no agritourism operation shall be granted a zoning permit unless the following conditions have been satisfied:

1. The agritourism provider shall provide evidence that the farm on which the agritourism operation is proposed is comprised of ten (10) acres or more in area devoted to agricultural production. If such farm is less than ten (10) acres, evidence shall be provided that such farm produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
2. The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.
3. The agritourism provider shall submit a site plan that includes the following:
 - a. All structures including dimensions and height.
 - b. Setbacks from property lines for all structures.
 - c. Off-street parking lots and parking areas.
 - d. Drives, common drives and all points of ingress and egress.
 - e. Any existing or proposed well and/or on-site wastewater disposal system area(s) on the property.
 - f. Location of all public rights-of-way and private streets.

455.02 The size and setback for any structure, whether permanent or temporary, used primarily for agritourism activities shall meet the following requirements:

1. All structures used primarily for agritourism shall be set back no less than fifty (50) feet from any public right-of-way or highway easement.
2. All structures used primarily for agritourism shall be set back from all property lines and any existing residential structure on another parcel in accordance with the following table:

<u>Size of Agritourism Structure</u>	<u>Setbacks</u>
<u>Up to 5,000 square feet</u>	<u>50 feet from property lines and 200 feet from any single family dwelling</u>
<u>Up to 10,000 square feet</u>	<u>50 feet from property lines and 300 feet from any single family dwelling</u>
<u>Up to 15,000 square feet</u>	<u>50 feet from property lines and 400 feet from any single family dwelling</u>
<u>Up to 25,000 square feet</u>	<u>50 feet from property lines and 500 feet from any</u>

455.03 The maximum permitted size of a structure or combined square footage of structures used primarily for agritourism shall be based on the following formula:

- The maximum permitted size of an agritourism structure is determined by multiplying the acreage of the lot times six hundred (600). The resulting number shall be expressed in square feet.

$$\underline{\hspace{2cm}} \text{ (# of acres) } \times (600) = \text{ (maximum permitted size of agritourism structure in square feet) }$$

$$\underline{\hspace{2cm}} \text{ Example: } (10.0 \text{ acres}) \times (600) = \text{ (6,000 square feet maximum permitted for 10.0 acres) }$$

- The maximum permitted size of agritourism structures on a parcel or adjacent parcels operated by the same owner or jointly with other owners shall not exceed 25,000 sq. ft regardless of lot size.
- The maximum permitted height of an agritourism structure shall not exceed the following:

<u>Size of Agritourism Structure</u>	<u>Maximum Height</u>
<u>Up to 5,000 square feet</u>	<u>22 feet</u>
<u>Up to 10,000 square feet</u>	<u>25 feet</u>
<u>Up to 15,000 square feet</u>	<u>28 feet</u>
<u>Up to 25,000 square feet</u>	<u>30 feet</u>

455.04 The agritourism provider shall provide off-street parking in accordance with the following:

1. Agritourism operations providing educational, entertainment and/or cultural activities in a farm setting and open to the general public, regardless of whether or not an entry fee is charged, shall provide a minimum number of parking spaces as determined by the Zoning Inspector based upon similar uses identified in the off-street parking regulations in Section 412 correlated to the intensity of the use such as peak attendance periods and the size of the structure and/or land area designated for agritourism activities provided in the application.
2. The Zoning Inspector shall not require the parking area to be improved, including any requirements governing drainage, parking area base, parking area paving or other such improvement.

455.05 The agritourism provider shall provide ingress and egress via access points on a public road approved by Plain Township, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access to the satisfaction of the Fire Department having jurisdiction over the property upon which the agritourism operation is located. Any ingress or egress shall not be located closer than 200 feet to any intersection of two or more public roads. Any ingress or egress shall not be located closer than 50 feet to any driveway located on any adjacent property.

Definitions to add

AGRITOURISM. *Subject to the provisions of R.C. 519.21, as may be amended and supplemented, an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.*

AGRITOURISM PROVIDER. *Anyone who owns, operates, provides, or sponsors an agritourism activity, whether or not for a fee, including employees at agritourism activities.*

FARM. *Land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from agricultural production.*

AGRICULTURAL PRODUCTION. *Commercial aquaculture, algaculture, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.*

A motion to approve the rezoning application was made by Scott Harper and Seconded by Chad Blind. VOTE: Scott Harper – Aye; Chad Blind – Aye; Mark Sowle – Aye. As a result, the motion to recommend approval of Zoning Resolution Text Amendment 11-14-2019 was approved by unanimous vote of a quorum of the Zoning Commission.

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