



PLAIN TOWNSHIP ZONING COMMISSION

MEETING MINUTES

September 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 Elle 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

August 8, 2019 Meeting Minutes

Mr. Blind made a motion to approve the August 8, 2019 meeting minutes as submitted. Mr. Sowle seconded the motion. All in Favor. Motion carried.

RECOGNITION OF VISITORS/ CITIZEN'S COMMENTS

None

ZONING OFFICER'S REPORT

There was a short discussion regarding the proposed 500' telecommunication tower going in at the AEP substation on land owned by Columbus Southern, on Harlem Road. It is a tower for AEP's internal communications. Because it is a tower for a public utility, the township does not have any authority to regulate it.

NEW BUSINESS

Mr. Collins stated that last meeting there were some recommendations for changes and updates to the proposed language, we were waiting for a benchmark out of Lafayette Township in Medina County, and we received that this week. It is not very extensive; we have 4 points of reference thus far throughout the state. Looking at the Agritourism amendment language on page 7, one of the changes was the setback language. Minimum distance from the property line and the residence were discussed. Most structures we will see will probably be over 5000 SF. Sizes of property that would be allowed to have a 5,000+ square foot structure was also discussed. The challenge of a 500' setback was broached by Mr. Harper. Lot configuration was a topic that was suggested that could hinder the setback regulations.

Lafayette's resolution reads:

A RESOLUTION AMENDING THE LAFAYETTE TOWNSHIP ZONING RESOLUTION, TO ADD SECTION 226 AGRITOURISM AS A PERMITTED USE IN ALL DISTRICTS CONSISTENT WITH NEWLY ADOPTED PROVISIONS OF THE OHIO REVISED CODE

Section 226 AGRITOURISM - A PERMITTED USE IN ALL DISTRICTS

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:

226.01 The agritourism provider shall provide evidence the farm on which the agritourism operation is proposed has ten acres or more devoted to agriculture production. If such farm has 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.

226.02 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.

226.03 The agritourism provider shall submit a floor plan of the structure to be used for agritourism activities and a site plan of the property illustrating all structures, setbacks from property lines for all structures.

226.04 The size and setback for any structure used primarily for agritourism activities shall meet the following requirements:

a. If less than 500 square feet, a structure shall be subject to the standard minimum front, side and rear yard setbacks for principal structures for the zoning district.

b. If a structure is 500 square feet or more, the following setback shall apply:

c. The height from grade shall not exceed 35 feet

SIZE OF STRUCTURE	SETBACK FROM EXISTING RESIDENCE
<i>500 to 1,499 square feet</i>	<i>300 feet</i>
<i>1,500 to 2,499 square feet</i>	<i>400 feet</i>
<i>Equal to or greater than 2,500 square feet</i>	<i>500 feet</i>

The Zoning Commission commented that applicants could always apply for a variance if the regulations hindered their ability to operate an agritourism activity.

The proposed zoning resolution would only give the township the ability to regulate structures, so if a current operator of an Agritourism activity does not have an agritourism structure, they may not need to follow the language. If they are setting up temporary tents, they are not required to follow the standards. Building a barn and using the barn for venue purposes would require the following of the standards. The aggregate square footage of the structures was discussed. A smaller structure could take advantage of the smaller setbacks.

The maximum size of the aggregate square footage of agritourism structures were discussed. Mr. Collins stated that he has seen examples in Michigan and in Indiana for viticulture operations and they were 20,000 to 30,000 to 40,000 SF buildings. Mr. Collins selected 20,000 SF as a starting point. Existing facilities in the township would be accommodated within the 20,000 SF range.

The expectation is that the standards are reasonable, not in violation of public policy, and they are not ad hoc, and that there is a justification for the regulations. The formula of (# of acres) X (600 sq. ft) + 120, within the proposed language was mentioned and thought to be reasonable.

Temporary structures and their permitting within the scope of agritourism was discussed. Mr. Collins indicated that temporary uses were defined in the Plain Township zoning text:

SECTION 430 TEMPORARY USES

430.01 Purpose. *Because of the special characteristics and needs of temporary uses, special standards to properly locate and control the activities of temporary uses are necessary in order to secure the health, safety and general welfare of the community. The following uses are deemed to be temporary uses and are subject to the following development standards in addition to the development standards of the district in which the use is located:*

430.02 Garage sales and other temporary sales in association with an existing structure shall be permitted in any district in which dwellings are permitted, provided the sales are conducted during daytime hours only and all signs are removed immediately upon cessation of the sale. Such sales activities on any single premises shall not be conducted for a total of more than five (5) days in any calendar year. No Certificate of Zoning Compliance shall be required for garage sales meeting these requirements.

430.03 Christmas tree sales may be permitted in any noncommercial parcel or on church, school or other similar sites for a period not exceeding thirty-five (35) days, provided no activities are conducted within the public right-of-way and off-street parking is provided in accordance with the minimum parking setback. Approval of a Temporary Certificate of Zoning Compliance must be obtained from the Zoning Inspector prior to conducting such temporary sales.

430.04 Real estate sales offices may be provided within any district for any new subdivision, provided sales activities are limited to that subdivision only and such office is not used as a dwelling. Such office use shall cease upon completion of the initial sales of lots in the subdivision. Rentals or resale of lots and/or units in the subdivision shall not be conducted from the temporary office. Approval of a Temporary Certificate of Zoning Compliance must be obtained from the Zoning Inspector prior to establishing the temporary sales office. Sales offices shall not be established in a temporary structure or vehicle.

430.05 Contractors' offices and equipment sheds (other than portable storage units) in association with construction activities may be permitted within any district, provided such uses are removed immediately upon completion of the construction project. A Temporary Certificate of Zoning Compliance shall be obtained prior to the commencement of any such use.

430.06 Manufactured homes may be permitted as temporary emergency replacement structures in any residential district for a period not exceeding twelve (12) months following destruction or substantial damage to the existing residential unit on the lot by fire or other natural causes. All applicable health and building code minimum standards shall be met. The applicant shall obtain a Temporary Zoning Certificate from the Zoning Inspector prior to placement of the unit.

430.07 Carnivals, circuses, tent meetings, bazaars, festivals, flea markets, art shows or other similar public events sponsored by a public or nonprofit organization having a 501(c)3 exemption from the IRS, may be permitted within any nonresidential district or upon church, school or other similar sites within any residential district, provided adequate off-street parking, sanitary facilities, lighting, security and setbacks from existing residential uses can be provided. **Any such use shall not be permitted for a total of more than seven (7) days nor more than twice in any calendar year.** Approval of a Temporary Zoning Permit shall be obtained from the Zoning Inspector prior to establishment of such temporary use. Any outdoor concert or similar outdoor musical event shall require Exceptional Use (EU) District zoning.

Mr. Collins stated that the authorizing statute only gives the township the authority to regulate the location, setback, size and height of structures. There is the potential that what we include in the revised zoning text language will apply to temporary structures. Agritourism language is to benefit the land owner and they have to claim the privilege of Agritourism. Temporary uses and tents were discussed.

Street setbacks in the proposed language were discussed:

455.01 The size and setback for any structure used primarily for agritourism activities shall meet the following requirements:

1. All structures used primarily for agritourism activities shall be subject to the standard minimum front, side and rear yard setbacks for principal structures for the applicable zoning district regardless of the size of such structure. When applicable, more restrictive setback requirements set forth in Section 455(A)(4)(b) shall overtake the standard district setbacks.
- 2 All structures used primarily for agritourism shall be set back from any existing residential structure in accordance with the following table:

<u>Size of Structure</u>	<u>Setbacks</u>
<u>Up to 1,000 square feet</u>	<u>50 feet from property line and 200 feet from residential structure</u>
<u>1,000 to 3,000 square feet</u>	<u>50 feet from property line and 300 feet from residential structure</u>
<u>3,000 to 5,000 square feet</u>	<u>50 feet from property line and 400 feet from residential structure</u>
<u>Over 5,000 square feet</u>	<u>50 feet from property line and 500 feet from residential structure</u>

The table is meant to be more restrictive. The table and how it would apply to the front setback was discussed. Highway easements on the township roads are often from the center line. So if the ROW is 35', 50' would allow them to be 15' from the road. Therefore a 5000 square foot tent could end up being 15' from the edge of the right-of-way. A front setback needs to be established. It was recommended by Mr. Harper that when referencing setbacks for Agritourism, it be noted that there is a more restrictive table. 50' from all property lines or ROW easements was suggested by Mr. Collins.

Existing properties and their setbacks were discussed. Mr. Collins would like to see what the proposed setbacks might look like by using existing township properties that have been referenced before as a point of reference. Jorgensen Farms structures that were previously homes and the historic barn were mentioned along with the newer structures are further from the road. The party barn on Avis Road on the church campgrounds was mentioned, the church has been using it occasionally throughout the summer.

The timeframe for implementing the revised language was discussed. Mr. Collins would like to have the township legal counsel review any changes prior to introducing to the Board of Trustees. Mr. Collins hopes to have the finalized verbiage to introduce it at the next meeting.

Recreational Vehicles and the proposed language will also be introduced at the same time as the Agritourism language. Grandfathering of properties was discussed.

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