

**PRAIRIE TOWNSHIP ZONING COMMISSION
MINUTES OF APRIL 27, 2010 MEETING**

Members Present: Howard Balzer, Christopher Finn, Glen Hymer, Hulda Moffitt, Judy Stalter

Members Absent: None

Others Present: Connie Swisher, zoning inspector; Dana Scott, zoning clerk; Tracy Hatmaker, administrator; Pam Williams, alternate BZA

Meeting Minutes:

Mr. Balzer asked for a motion to approve or correct the March 23, 2010, Prairie Township Zoning Commission Meeting Minutes.

Corrections to Minutes

Ms. Stalter: on page 5, next to the last paragraph, last sentence; change "loop whole" to "loophole."

Mr. Finn: on page 2, last paragraph, second sentence; change *adopt "of"* to *adopt "or."*

Ms. Stalter made a motion to approve the March 23, 2010, Zoning Commission Meeting Minutes as corrected. Mr. Hymer seconded the motion.

Roll call as follows:

- 1. Glen Hymer Aye
- 2. Hulda Moffitt Aye
- 3. Judy Stalter Aye
- 4. Christopher Finn Aye
- 5. Howard Balzer Aye

The motion was approved unanimously.

Old Business:

DISCUSSION ON POTENTIAL AMENDMENTS TO ZONING CODE

Section 1014: Fences, Walls, and Vegetation

Number 1: Suggested Change

No fence shall be erected [ADD] or repaired without the issuance of a certificate of zoning compliance. [DELETE] ~~The repair or the replacement of an existing fence shall be allowed without the issuance of a new certificate of zoning compliance only if it meet all of the requirements of this section, and the materials, height, and location do not vary from the materials, height, and location of the fence that is being repaired.~~

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Discussion Summary

- Change text as suggested.
- New sentence shall read: “No fence shall be erected or repaired without the issuance of a certificate of zoning compliance.”
- Therefore, a permit will be required to add or repair a fence; the same fee shall apply to both.

Number 2: Suggested Change

(i)

No fence [ADD] or wall [DELETE] ~~hedge, or other vegetation~~ shall be permitted closer than fifteen (15) feet from any road right-of-way line [DELETE] ~~unless it is less than two and one half (2½) feet in height.~~

(ii)

In addition, no accessory structure, wall, fence or [DELETE] ~~vegetation~~ of any kind may be constructed, placed or allowed”

Discussion Summary

- Change text as suggested.
- (i) New sentence shall read: “No fence or wall shall be permitted closer than fifteen (15) feet from any road right-of-way.” The exception for 2½ feet fences shall be eliminated.
- (ii) New sentence shall read: “In addition, no structure, wall, or fence of any kind may be constructed, placed or allowed”

Section Title: Suggested Change

Fences, Walls, [DELETE] ~~and Vegetation~~

- New section title shall be: “Fences and Walls”

Discussion Summary: Section 1014

- Remove all references to “vegetation.”
- “Vegetation” (deleted from Section 1014) is currently adequately covered in Section 1013, *Screening* and Section 1011, *Visibility at Intersections* (diamond illustration provided in code as guideline).

Section 613: Action by Township Trustees

Change Required by Law

Within twenty (20) days after the public hearing required by Section 612, the Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. [DELETE] ~~In the event the Township Trustees deny or modify the recommendation of the Commission, the unanimous vote of the Township Trustees is required.~~

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Discussion Summary

This change is required by Ohio law; therefore, it is mandatory that this sentence be deleted from the code.

Table 1 – Permitted Uses

TRADE SERVICE USES:

Septic Tank Cleaning Service

Well Drilling

There is an “X” under *Septic Tank Service* and also an “X” under *Well Drilling* in the “R” (RURAL) district.

For Discussion

- Because Big Darby watershed protections are in effect, should these two types of business uses be “permitted” in our rural areas?
- If allowed at all, should these two uses be changed to “conditional”?
- Are these types of operations better suited to other zoning districts, such as business or manufacturing?

No clear cut decisions were reached about the above uses, and the discussion moved to the next topic.

RETAIL STORES USES:

Florist

Currently *Lawn and Garden Supply* is a “conditional” permitted use in RURAL, but *Florist* is not.

For Discussion

In today’s business model, these two uses are often combined in the same, full-service enterprise. Therefore, in order to eliminate the potential for disputes, should the use category be the same for both—either “X” or “C”?

Discussion

Regarding the *Florist* use, Ms. Stalter suggested that if a florist is permitted in a rural area—permit it only in conjunction with a lawn and garden supply business, which is already a “conditional” use. Thus, the florist will have to meet the same conditions as lawn and garden supply.

Ms. Swisher reminded Commission members that any “conditional” use means that specific use criteria must be included for it in Section 568, *Specific Conditional Use Criteria*.

She added that Prairie’s table charts, which spell out specific uses, are not found in the zoning code of other jurisdictions.

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Comprehensive Review of Table Charts

Rather than a piecemeal approach, the Zoning Commission decided by consensus that a comprehensive review of all the uses in *Table I–Permitted Uses* was in order. Further this comprehensive review should be handled as a separate project and deferred until updates of other sections of the code are completed.

Also, this review should be done keeping in mind the requirements of the Big Darby Accord, where applicable.

Section 1110: Off Street Parking Space Design Standards

Number 3: Paving

“Except for single family dwellings located in the Rural District, all required parking spaces, driveways, and other circulation areas shall be hard-surfaced with a pavement having an asphalt or concrete binder”

For Discussion

Prairie Township requires that parking lots be impervious surfaces. The Big Darby Accord does not contain the same requirement. Among its design standards, or best management practices (BMPs), the Accord recommends replacing hard-surfaced areas with porous asphalt pavement and several other low impact development options.

Discussion Summary

Prairie’s zoning code should be consistent with the Darby Accord. Therefore, hard-surfaced parking lots made of *pervious* material should be permitted.

Suggested new text might be as follows:

Except for single family dwelling located in the Rural District, all required parking spaces, driveways, and other circulation areas, shall be hard-surfaced [ADD] with pervious pavement and other technologies that will reduce run-off and maximize infiltration of storm water run-off are being encouraged [END ADD] having an asphalt or concrete binder, . . .

The exception for a single family dwelling in the Rural District should remain in the text because, in this particular instance, a gravel driveway is permitted.

Section 1009: Accessory Buildings in Residential Districts

An accessory building in a residential district can be only 12 feet tall. The 12 feet is measured in the middle of the roof, which means the pitch of a gable roof can reach 15½ to 16 feet. The intent of the accessory building code is that the accessory not be attached to the house.

However, anything attached to the house can be 35 feet tall. So, if the accessory building is attached to the house, it can be, for example, 33 feet tall.

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In an increasing number of instances, in order to avoid the requirements for an accessory building, a permit has been obtained to add on to the principal structure, the house. The applicant usually wants to build an accessory that is large enough to house a vehicle, such as a truck or camper, and needs walls that are 12 feet high or taller.

The result is that large accessory structures with elaborate, and sometimes unsightly, connections to houses are appearing in residential areas of the Township. Zoning cannot stop this practice because the code does not regulate how something is attached to a house.

For Discussion

- Should language that clearly makes a distinction between “accessory” and “attachment” be added to the code?
- Should the code specifically define how structures are to be attached to principal structures?
- Should maximum height for accessory buildings be increased?

Discussion

Ms. Stalter suggested that a “common wall” concept be used to determine the difference between an addition to the principal structure and an accessory building.

Ms. Swisher said that Tracy Hatmaker only recently had expressed an idea about including the “common wall” concept to define an “addition.”

An addition to the structure has to share a common wall with the existing structure at least 50 percent of the common wall or 10 feet, whichever is greater.

This stipulation would be a requirement for anyone to add a structure up to 35 feet tall, that is, an addition to the primary structure.

Concerns were expressed among Commission members that this language might not be sufficient to specifically define how structures are to be attached.

Ms. Swisher said that she could foresee a way that someone could get around the “common wall” definition.

Ms. Stalter remarked that the subject of Section 1009 was obviously troublesome for Zoning and the neighbors—and so complex that the Township should engage Don Brosius, attorney, to re-write it. Although it will be an expense for the Township, professional counsel is needed in order to resolve the many issues associated with this section.

Section 937: Height Limitation Exceptions

Ms. Swisher suggested that the accessory building situation could be improved in the short-term if the height limitation exception in Section 937 was increased. She said that this would be an “easy fix.”

Ms. Stalter concurred that the Zoning Commission definitely needed to do this.

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Discussion followed about how roof height is measured and about what the updated maximum height should be.

Discussion Summary

The maximum height of detached accessory buildings shall be raised by two feet.

Section 937: Suggested Change

The height of detached accessory buildings in residential districts shall not exceed [DELETE] ~~twelve (12)~~ [ADD] fourteen (14) feet.

New Business: None

Next Meeting:

Change of Meeting Date & Time

Mr. Balzer announced that the May meeting of the Prairie Township Zoning Commission will be a public hearing and will be held in the evening. The meeting will be moved ahead to the third Tuesday of the month in order to accommodate the availability of the re-zoning applicant.

The next meeting will be Tuesday, May 18, 2010, at 7:00 p.m. at the Township Hall, 23 Maple Drive. This meeting, a public hearing, will be on Application for Zoning Amendment No. 177-RZ-10, which was submitted by The Fergus Company LLC.

The applicant is requesting to rezone three vacant lots at 42 Pasadena Avenue and currently zoned **R6** (Medium Density Residential) to **EU** (Exceptional Use) in order to construct a parking lot to service a future medical building.

There being no further business, Mr. Balzer adjourned the meeting at 5:00 p.m.

Respectfully submitted,

Hulda Moffitt, Secretary
Prairie Township Zoning Commission

