

PRAIRIE TOWNSHIP ZONING COMMISSION
MINUTES OF MARCH 23, 2010 MEETING
(as corrected 04/27/10)

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

Members Absent: None

Others Present: Connie Swisher, zoning inspector; Ron Ball, trustee; Pam Williams, alternate BZA

Meeting Minutes:

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

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

Roll call as follows:

- | | |
|---------------------|-----|
| 1. Glen Hymer | Aye |
| 2. Hulda Moffitt | Aye |
| 3. Bruce Whyte | Aye |
| 4. Christopher Finn | Aye |
| 5. Howard Balzer | Aye |

The motion was approved unanimously.

Old Business:

Reappointment to Zoning Commission

Christopher Finn announced that the Township Board of Trustees reappointed him to the Zoning Commission for another five-year term, January 1, 2010 to December 31, 2014.

New Business:

PRELIMINARY DISCUSSION ON
POTENTIAL AMENDMENTS TO ZONING CODE

Connie Swisher distributed a packet that contained several sections of the Township Zoning Resolution, as well as related text from both the Franklin County and Bexley zoning codes. She asked Commission members to review all documents.

Ms. Swisher stated that she wanted to be clear that Zoning Department staff does not change code. Only the Zoning Commission can recommend changes to the Board of Trustees. However, she wanted to inform the Commission about particular sections that might be subject to potential amendment because they now, or likely will in the future, pose issues related to effective enforcement.

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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.~~

Number 1: Comment

Because “repair” of a fence does not require a new certificate of zoning compliance, people frequently take too much leeway with what constitutes “repair” of an existing fence. In practice, they replace entire fences, many of which are of different materials or designs than the original ones they were permitted to build.

If “repair” is included in the first sentence, the second becomes superfluous. Also, by making the permit fee the same for both, it will eliminate the often-heard “repair” versus “replace” argument.

Number 2: Suggested Change

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.~~

Number 2: Comment

The 15 feet-2½ feet wording is very confusing to applicants. It brings about sundry measuring activities and questions regarding which measurements are correct. The text does not seem to add clarity to the regulation.

“Hedge” and “vegetation”—neither rightfully applies in a section about “fences.” The section itself may be misnamed.

To current staff’s knowledge, a permit for a fence less than 2½ feet tall has never been requested. The exception serves no real purpose.

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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Comment

This change is required by Ohio law; therefore, this sentence must be deleted from the code.¹

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. Because Big Darby watershed protections are in effect, it is reasonable that these two uses should no longer be categorically “permitted” in our rural areas without, at least, a “conditional” specification. These types of operations are better suited to other zoning districts, such as business or manufacturing.

RETAIL STORES USES:

Florist

Currently *Lawn and Garden Supply* is a “conditional” permitted use in RURAL, but *Florist* is not. 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, the use category should be the same for both—either “X” or “C.”

RESIDENTIAL USES:

Building Accessory

Under the MFR-12 category, the “C” is not present in the code, and it should be. It should be because of language in Article 10, Section 1009, which states, “It is the intent of Prairie Township to permit accessory buildings in residential districts as permitted uses in all districts except the MFR where such uses are conditionally permitted in compliance with Section 568 [Specific Conditional Use Criteria] of the Resolution.” Therefore, the “C” is needed in order to correspond with Section 1009.

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”

¹Ohio House Bill 562 (Capital Budget & Budget Corrections Bill), effective September 25, 2008, contains a provision that creates the Ohio Commission on Local Government Reform and Collaboration. A section of the bill includes new language that governs Township Zoning Commission recommendations made to a Board of Trustees.

It no longer requires a “unanimous” vote (3 of 3) of the Township Trustees to deny or modify Zoning Commission recommendations. Rather, a “simple majority” vote (2 out of 3) is now sufficient to deny or modify recommendations. If one trustee abstains or is absent and they split the vote, the recommendation is denied.

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Number 3: Comment

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. The thinking is that pervious pavements will reduce or eliminate storm water runoff from parking lots, that is, good storm water management.

Prairie's zoning code should not contradict the Darby Accord.

Discussion

After a brief discussion, Commission members, as well as Ms. Williams, agreed that prior to making changes to the paving code, we need to learn more facts about porous asphalt pavement, such as: cost compared to impervious asphalt; appearance; durability and lifespan; and capacity to withstand winter conditions—snow and snowplowing, ice, and subfreezing temperatures. These factors surely will affect the use of porous asphalt in future development.

Section 1009: Accessory Buildings in Residential Districts

In a 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, which is the house.

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. With the code as written, Zoning cannot stop this practice.

Lee Brown, Planning Administrator, said that Franklin County has similar problems with accessory buildings. Thus, Section 512, Accessory Buildings, of the County zoning code is not going to be particularly helpful.

On the other hand, the Bexley Planning and Zoning Code holds more promise. Section 1260.11 is a straightforward description of "Accessory Uses and Structures." Further, Bexley's definitions (Section 1268) are precise and concise. Bexley's code may be the answer to our conundrum. Probably it would shut the loophole in our code that allows builders to erect enormous accessory structures with elaborate connections to houses.

Next Meeting:

Mr. Balzer announced that the next meeting of the Prairie Township Zoning Commission would be Tuesday, April 27, 2010, at 3:00 p.m. at the Township Hall, 23 Maple Drive.

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There being no further business, Mr. Balzer adjourned the meeting at 4:30 p.m.

Respectfully submitted,

Hulda Moffitt, Secretary
Prairie Township Zoning Commission

