

## **MINUTES**

**December 3, 2024**

The minutes of the Regional Planning Commission meeting held at the Fairfield County Records Center, 138 West Chestnut Street, Lancaster, Ohio, and via livestream and conference call.

Presiding: Jennifer Morgan, President

Present: Josh Anders, Joe Ebel, Todd Edwards, Jennifer Henery, Charles Hockman, Kent Huston, Anthony Iachini, Doug Ingram, Jarrod Mahaffey, Mitch Noland, Bart Overly, Joe Palmer, Jeff Porter, Dan Singer, Robert Slater, Carly Sparrow, Tony Vogel, Ira Weiss, Jeff Williamsen, Mike Wolfe, Commissioner Jeff Fix and Commissioner Dave Levacy.

RPC Staff: Holly Mattei, Josh Hillberry, Nicholas Eastham and Sharlene Bails.

### **ITEM 1. MINUTES**

The minutes of the November 5, 2024, Fairfield County Regional Planning Commission meeting, were presented for approval. Commissioner Fix made a motion for approval of the minutes. Ira Weiss seconded the motion. Motion passed.

### **ITEM 2. PRESIDENT'S REPORT**

Jennifer Morgan welcomed everyone to the meeting and introduced the two new members to the commission.

### **ITEM 3. PUBLIC HEARING**

Holly Mattei gave a brief presentation and an overview of the revisions to the Fairfield County Subdivision Regulations.

Commissioner Fix made a motion to approve the revisions to the Fairfield County Subdivision Regulations. Kent Huston seconded the motion. Motion passed.

### **ITEM 4. ZONING MAP AMENDMENT**

Nicholas Eastham presented the following reports:

**ITEM 4a. APPLICANT:** Bart Overly, Blostein/Overly Architects

**LOCATION & DESCRIPTION:** The property proposed to be rezoned is located at Old Columbus Rd NW, Carroll OH 43112. The parcel numbers for this address includes 0130053700, 0130053760, 0130053781, 0130053782, 0130053783, and 0130053780, which according to the Fairfield County Auditor's website, are 22.35-acre, 1.02-acre, 1.12-acre

1.32-acre, 1.45-acre, and 1.13-acre lots, respectively.

**EXISTING ZONING:** The application mentions the affected parcels existing in the C-Commercial, R-1 Rural Residential District, and R-3 Urban Density Residential District. According to the Fairfield County Data Portal, five parcels are in the R-1 Rural Residential District, with one being in R-3 Urban Density Residential District. The Township Zoning Inspector was contacted via phone call to determine the official zoning districts of these parcels, and he confirmed that five of the parcels are zoned R-1, and the remaining parcel being zoned as R-3.

**EXISTING LAND USE:** Open Area

**PROPOSED REZONING:** (PUD) Planned Unit Development District. According to the Greenfield Township Zoning Code, the purpose of a Planned Unit Development District is to “create flexible design criteria that may not be included within a traditional Zoning District,” and is encouraged to achieve “more useful pattern of open space and recreation areas,” “a development pattern that preserves and utilizes natural topography and geologic features,” and “a more efficient use of land than is generally achieved through conventional development.”

**PROPOSED LAND USE:** Residential – 36 townhomes and a 72-space parking lot

	<b>ADJACENT ZONING</b>	<b>ADJACENT USES</b>
NORTH	B-1 Business District	Residential/Commercial
EAST	B-1 Business District/ I Industrial District	Commercial
WEST	R-1 Rural Residential District	Agricultural
SOUTH	R-1 Rural Residential District	Agricultural

**STAFF RECOMMENDATION:**

The location of the proposed Township homes is an appropriate area adjacent to Employment Center on the future land use map. RPC staff’s main concern is the potential impact to the existing natural and environmentally sensitive areas including the existing wetlands and floodplain. Since this is a proposed PUD, it provides the Township with the opportunity to place conditions on approval of the proposed development. Therefore, RPC staff recommends approval of the proposed rezoning subject to the applicant complying with all Ohio EPA and the Fairfield County Flood Damage Prevention Regulations.

A motion was made by Commissioner Fix to approve the RPC staff recommendation. Ira Weiss seconded the motion. The members discussed storm water management for the site. After discussion, the motion passed.

**ITEM 4b. APPLICANT:** Chad and Samantha Dupler

**LOCATION & DESCRIPTION:** The property proposed to be rezoned is located at 1601 Blacklick-Eastern Road, Millersport, OH 43046. The parcel number for this address is 0460009210, which according to the Fairfield County Auditor’s website, is one lot that contains 2.007 acres. The application includes a plat, but no legal description.

**EXISTING ZONING:** The property is currently zoned B3 – Intensive and Motorist Services Business District. According to the Walnut Township Zoning Code, this district’s purpose is to provide areas for businesses that “because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems, or certain other inherent dangers create special problems.”

**EXISTING LAND USE:** Residential

**PROPOSED REZONING:** RR – Rural Residential District. According to the Walnut Township Zoning Code, this district’s purpose is “to provide for single family dwellings on large tracts within areas of open land.”

**PROPOSED LAND USE:** Residential

	<b>ADJACENT ZONING</b>	<b>ADJACENT USES</b>
NORTH	RR Rural Residential	Agricultural
EAST	Village of Millersport	Agricultural
WEST	RR Rural Residential	Agricultural
SOUTH	B-3 IMS Business District	Agricultural

**STAFF RECOMMENDATION:**

Although the future land use map shows this site as an Employment Center, RPC Staff recommends **approval** of the proposed rezoning for the following reasons:

1. The rezoning would allow the site’s current residential use to become compliant.
2. As of 2010, the B-3 Zoning District is no longer being assigned to future districts.

A motion was made by Commissioner Levacy to approve the RPC staff recommendation. Commissioner Fix seconded the motion. The motion passed with Bob Slater abstaining.

**ITEM 5. ZONING TEXT AMENDMENT**

**APPLICANT:** Walnut Township

**SUMMARY OF CHANGES:** Walnut Township is proposing revisions to Article III – Definitions; changes to Section 10.3 Fences; and the addition of Section 10.14 Shipping Containers.

### **PROPOSED REVISIONS**

1. Article III, DEFINITIONS – Add a paragraph providing guidance to the Zoning Inspector on interpretation of an undefined term.
2. Article III, DEFINITIONS – Revise/Add definitions as follows:
  - Add the definition of the term “Addition”
  - Revise the definition of the term "Accessory Structure”
  - Add the definition of the term "Shipping Container”
  - Revise the definition of the term "Dwelling-Two Family Duplex”
  - Revise the definition of the term "Floor Area, Livable”
  - Add the definition of the term "Shed”
  - Revise the definition of the term "Swimming Pool”
3. Section 10.3 FENCES – Add the following provisions:
  - Fences shall follow the contour of the ground on which it is attached.
  - Fences shall be constructed by means of embedment into the earth by poles posts or foundation.
  - Fences shall be of generally accepted construction methods and materials for fences.
4. Section 10.14 SHIPPING CONTAINERS – Add the following provisions:
  - Shipping containers, box cars and semi-tractor trailers: regardless of square footage are prohibited as accessory uses or structures in R-1, R-2, R-3, R1-LF, R2- LF, RMU and MHP.

### **ANALYSIS**

1. Undefined Terms: The Zoning Inspector’s duty is to enforce the zoning code, and the Board of Zoning Appeals is charged with interpreting the zoning code. For example, when a use is not listed in the Zoning Code, it is the Board of Zoning Appeals duty to review and determine where the use should be allowed (See Section 8.5). RPC staff believes that a similar process should be created for interpretating an undefined term. Interpreting the Zoning Code is not a duty of the Zoning Inspector. The Zoning Inspector should only be enforcing the regulations that are written in the code.

The Township’s process for determining a similar use is rather time consuming. The Township could consider simplifying the process if the Board of Zoning Appeals is only reviewing an undefined term. The referenced materials that Walnut Township listed for to assist with the interpretation are good sources and should be included in the BZA process for reviewing and defining excluded terms.

2. Definition of Shipping Container: The proposed township definition does not reference material types for these containers. The Fairfield County Model Zoning Code includes the following definition for shipping containers, which includes language regarding the types of materials:

**SHIPPING CONTAINER** - A structure designed for use as an individual shipping container designed to be mounted on a rail car as freight or designed as an enclosed truck trailer. These containers are typically prefabricated metal structures but also include other similar type containers such as shipping crates, boxes, or trailers constructed with other types of material.

Walnut Township should consider utilizing this definition or a modification of it so that the materials are included in the term.

3. Fence Requirements: The proposed revisions to Section 10.3 include a requirement that states: “[f]ences shall be of generally accepted construction methods and materials for fences.” RPC staff recommends that Walnut Township provide examples of generally accepted materials for fences such as vinyl, chain link, wood, wrought iron, etc.”
4. Fence Requirements: The proposed revisions to Section 10.3 Fences include a requirement that states: “[f]ences shall follow the contour of the ground on which it is attached.” The Fairfield County Model Code defines fence height and provides a graphic showing the height of the fence and references the finished grade. Walnut Township’s current code has a definition to final grade that is similar to the Fairfield County Model Zoning Code’s definition of finished grade. RPC staff recommends that Walnut Township:
  - a. incorporate the Fairfield County’s Model Code definition for fence height definition into its zoning code; and
  - b. update the Township’s current definition for finished grade to include the graphics from the Fairfield County Model Zoning Code; and
  - c. reference the definitions for interpreting the height of the fence utilizing finished (final) grade.

Definitions and graphics from Fairfield County Model Zoning Code are as follows:

**GRADE** – The elevation of the ground at any given point.

**GRADE, FINISHED** - The elevation of the finished surface of the ground adjoining the base of all exterior walls of a building or the elevation of the finished surface of the ground at the base of a structure, exclusive of any artificial embankment at the base of such building or structure. If the ground is not entirely level, the finished grade shall be determined by averaging the grade of the ground at each corner of the building or structure.

**HEIGHT, FENCE** – The vertical distance between the highest point of the fence and the finished grade.

### **STAFF RECOMMENDATION**

RPC staff recommends modification to address the recommendations outlined in the analysis section

of this report.

A motion was made by Ira Weiss to approve the RPC staff recommendation. Commissioner Levacy seconded the motion. The members discussed the changes for shipping containers. After discussion, the motion passed.

**ITEM 6. MODEL ZONING CODE**

A motion was made by Commissioner Fix to endorse the Model Zoning Code. Ira Weiss seconded the motion. Motion passed.

**ITEM 7. 2025 MEETING DATES AND DEADLINES**

A motion was made by Commissioner Fix to approve the meeting dates and deadlines for 2025. Ira Weiss seconded the motion. Motion passed.

**ITEM 8. BUILDING DEPARTMENT APPLICATIONS**

RPC staff presented a list of building permit applications under review.

**ITEM 9. BILLS**

Holly Mattei presented the following bills for payment:

530000	Contractual Services		<u>\$11,000.00</u>
		TOTAL	\$11,000.00

A motion was made by Kent Huston to approve the bills for payment. Todd Edwards seconded the motion. Motion passed.

**ITEM 10. OTHER BUSINESS**

None

There being no further business, a motion was made to adjourn the meeting by Todd Edwards and seconded by Ira Weiss. Motion passed.

Minutes Approved By:

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Jennifer Morgan, President

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Kent Huston, Secretary