

**PRAIRIE TOWNSHIP ZONING COMMISSION  
MINUTES OF AUGUST 14, 2007 SPECIAL MEETING**

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

**Members Absent:** None

**Others Present:** Connie Swisher, Zoning Inspector; Dana Scott, Zoning Clerk

**Call to Order:** The meeting was called to order by Howard Balzer, Chairman, at 3:00 p.m.

**Special Meeting:**

This special meeting of the Prairie Township Zoning Commission was held for the purpose of amending portions of Article 21 of the Prairie Township Zoning Resolution to include the riparian setbacks as required by the Big Darby Accord Watershed Master Plan.

**Meeting Minutes:**

Chairman Balzer announced that the reading of the July 24, 2007 Zoning Commission Minutes would be deferred until the next regular meeting on August 28.

**New Business:**

None

**Old Business:**

PRAIRIE TOWNSHIP ZONING RESOLUTION

Updated zoning code documents prepared by Ms. Swisher and Ms. Scott were distributed to Zoning Commission members. The package included:

1. Article 2: Definitions
2. Article 8: Establishment and Purpose of Districts, Section 853
3. Article 21: Big Darby Critical Resource Protections District

Article 2: Definitions

Ms. Swisher told Commission members that she had inserted the definitions in amended Section 720 (Definitions) of the Franklin County Zoning Code, which are applicable to the Big Darby Creek Watershed Riparian Setbacks (Section 650), into Article 2 (Definitions) of the Prairie Township Zoning Resolution. She said that the added 23 definitions are exactly the same as the County's except for "Setback Width (W)"—which she changed to "*Riparian Setback Width (W)*" in order to avoid confusion with any other type of setback.

Article 21: Big Darby Creek Critical Resource Protection District (CRPD)  
Section 2112: Establishment of District

Commission members expressed a preference for the district to be designated as follows: *The Big Darby Creek Resource District's riparian setback applies to the portions of the Big Darby Accord Panning Area which fall within Prairie Township.*

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Members decided to delete the following definition of the district: *The Portions of Prairie Township which lie within the Big Darby Watershed.*"

Ms. Swisher told the Commission that the CRPD is much larger than previously designated because it now includes all the area in Prairie Township that is in the Big Darby Watershed. She said that approximately 65 percent of the Township is in the Watershed and displayed two maps to illustrate the comparative areas.

Section 2122: Inclusion of Floodplain and Wetlands

During the review of Section 2122, Ms. Swisher pointed out that this section, as well as Article 15, provides for regulation of only areas with a FEMA-defined 100-year floodplain.

Enforcement of the Big Darby Creek Critical Resource Protection District

Realizing that enforcement of Article 21 is an important consideration, a review of the following sections occurred:

Section 2150: Prohibited Uses in Riparian Setbacks

Section 2155: Exceptions to Prohibited Uses

Section 2160" Nonconforming Structures or Uses in Riparian Setbacks

Section 2165: Variances within Riparian Setbacks (as provided for Article 4)

Ms. Swisher stated that whereas deed restrictions cannot be enforced, development text can be. When a homeowners association becomes null and void, deed restrictions are no longer valid. However, even though Article 21 is enforceable, it does not apply to existing residential structures—only to new residential construction. She also emphasized that farmers in rural districts engaged in agricultural are exempt from zoning regulations.

Related to variances within riparian setbacks (Section 2165), Ms. Swisher expressed a particular concern with workability of the restriction placed on the BZA in number 2, item "e": *The BZA may not grant variances to this section simply because a property lies within a riparian setback area and is therefore unbuildable.*

Following a lengthy discussion of enforcement issues, Ms. Swisher suggested that a better way to clarify the applicability of Article 21 is to state in Section 2100 (Purpose), right up front, specifically what Article 21 applies to, rather than to change subsequent sections. Her point being immediately obvious, members of the Commission agreed to add the new text to Section 2100.

Next Step in Approval Process

Ms. Swisher will submit amended Article 21 to the Big Darby Accord Advisory Panel for its recommendation, as required by the Big Darby Accord Watershed Master Plan.

After receiving the Advisory Panel's recommendation, the amendment process will proceed in accordance with Article 6 (Amendment) of the Prairie Township Zoning Resolution.

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Next Regular Meeting

Mr. Balzer announced that the next regular meeting of the Prairie Township Zoning Commission will be on Tuesday, August 28, 2007, at 3:00 p.m., at the Township Hall, 23 Maple Drive.

There being no further business, Mr. Balzer adjourned the meeting at 4:00 p.m.

Respectfully submitted,

Hulda Moffitt, Secretary  
Prairie Township Zoning Commission