

**Meeting Minutes**  
**Waverly Municipal Planning Commission**  
**Regular Meeting**  
**January 11, 2006**  
**Municipal Building**

The meeting was called to order by Chairman Perry at 2 p.m. Chairman Perry, Commissioner Early, Commissioner Allen and Mayor Kelly were all present. Commissioner Corwin would arrive 10 minutes late. Also present was City Community/Economic Development Director Nathan Davis. Audience Participants were: Sharon Manson representing both Pike Travel and Tourism and the Waverly City School Board, Roger Ramsey, representing the Waverly City School Board and Dan Armbruster representing the Armbruster Limited Family Trust. Chairman Perry inquired if all Commissioners had received and reviewed a copy of the last meeting minutes. Mr. Davis apologized for not submitting the minutes by email this time. The problem was due to computer software problems that had now been fixed. Chairman Perry asked if any changes, deletions or revisions were needed for the minutes. Seeing none, Chairman Perry requested a motion to approve the December 13<sup>th</sup> regular meeting minutes. **A motion was made to approve the December 13<sup>th</sup>, 2005 Minutes by Commissioner Early, the motion was seconded by Commissioner Allen. After No Discussion, Roll Call: All Aye:**

Chairman Perry stated that the joint special meeting held December 28<sup>th</sup>, 2005 by the Waverly City School Board and the Waverly Municipal Planning Commission was considered to be well worth while. Chairman Perry stated that there were some good things anticipated to occur from the meeting and that both parties would need to continue to cooperate in order to achieve a mutually desired outcome in terms of the Zoning of the recently vacated School Board Properties.

At this time Chairman Perry desired to turn the meeting over to the lead of Mr. Davis in order to discuss the next agenda item. Mr. Davis announced that in continuing to develop the City's Master Plan Map, the Commission would now need to shift temporarily from the Waverly City School Board to the East end of the City adjacent to the City's recently acquired "Bristol Park". Mr. Dan Armbruster, representative of the Armbruster Limited Family Trust, who was the owner the property, had been invited in to present a Master Plan that had already been achieved for the acreage. Mr. Davis reported that the proposal for the property at this time was for residential development. At this time Mr. Davis requested Mr. Armbruster to come forward and give his presentation.

Mr. Armbruster thanked the Commission for allowing him to attend then summarized the ownership of the "Armbruster Limited Family Trust". Mr. Armbruster explained that the previous planning commission of Waverly had already approved a first phase of this development by approving the "Parkview at Canal Crossing" Subdivision which was currently under construction. This subdivision was 21 lots that bordered both side of Armbruster Parkway. The first six lots of the subdivision were now sold and 3 homes had already been constructed. Mr. Davis interjected that the lots in the subdivision complied with the City's current R-2 Zoning Code in that they were all at a

minimum size of 7000 square feet. Mr. Davis also said that after observing the sale of the first six lots and receiving comments from the public, he honestly felt that there was a strong demand for much larger lots in the City. Many of the Commissioners agreed with this statement. Mr. Armbruster stated that this was an issue he would give strong consideration too and he felt that the plan proposal being presented here today for the remainder of his family's property did address this very need.

Mr. Armbruster then gave a brief history of how the Land Use Plan for his property came about. He explained that Bristol Village had always been apprehensive about the development of the Armbruster property because it abutted directly against their retirement community and that three public streets traveled directly through Bristol Village into the Armbruster's Land. Mr. Armbruster then summarized how the City was approached by Mr. Slemmer of National Church Residencies in order that the City might negotiate the purchase of the 86 acres adjacent to Bristol Village owned by the Armbruster's. This purchase was accomplished by the City using "Clean Ohio Funds" and a contribution from National Church Residencies. The purchase was only feasible if the City converted the area into a Park and Green Space, which it has done. It was during this negotiation that the City and the Armbruster's contracted with "Schmidt Land Design" to perform a master plan for all the remaining property owned by the Armbruster's on the East end of the City. The plan targeted the property primarily for single family home residential. There were two main tracts of development involved. One would be the acreage on the North Side of 335 which would be larger lots and some minor condominium development. The Second tract would be South of 335 adjacent to "Bristol Park", which would be smaller size lots for single family homes exclusively. A key component to the plan was the requirement of a secondary access to the "Southern" tract which would tie 335 and Armbruster Parkway together. This secondary access was planned in order to promote safe ingress and egress to 335 once additional housing development occurred. Mayor Kelly interjected by saying that he was glad to see that with the addition of this proposed housing plan, the City would now possess a plan for both upscale, and affordable housing in the future. Mayor Kelly felt that if in the next decade the City or County were to receive major growth; the City would be ready for it. Commissioner Early asked Mr. Armbruster if he planned on coordinating the development of this plan himself, or if he planned on selling it to another developer. Mr. Armbruster replied to the question by explaining that he planned on finishing the development of the remaining 16 lots of "Parkview at Canal Crossing Subdivision" himself over the course of the next two years. After that, Mr. Armbruster said that he would have to take a good look at what was occurring in the area of absorption before he would proceed with the rest of the plan. If and when the absorption was to increase from what it is now fairly quickly then he would consider moving on with the rest of the plan by either developing it himself or selling it to another major housing developer. The plan presented by Mr. Armbruster was illustrated on an easel in the room. Mr. Armbruster agreed to provide the hard copy plan to Mr. Davis temporarily so that Mr. Davis could have the plan scanned and displayed as part of the City's "Master Plan Map if the Planning Commission agreed. **Commissioner Early made a motion to accept the proposed housing plan as presented by the Armbruster Limited Family Trust and to have Mr. Davis incorporate the housing plan into the City's Master Plan Map.**

**The Motion was seconded by Chairman Perry, after no further discussion, Roll Call: All Aye.**

At this time Chairman Perry then proceeded to the “Old Business” area of the Agenda and requested Mr. Davis to lead the discussion. Mr. Davis reported that he felt that the Special Meeting held December 28<sup>th</sup> with the School Board was beneficial. He stated that his personnel opinion of the meeting was that everyone was at a consensus that the School Board Properties should be rezoned to a newly developed “Public School Use” Zoning Classification. Chairman Perry interjected by stating that the School Board was to meet in their next regular meeting and prepare a recommendation to the Planning Commission on how they desired their properties to be zoned. Chairman Perry also stated that he believed the School Board to be of the opinion that they wanted to have the zoning classification of the properties remain as residential which allowed them to have more flexibility. Mr. Davis stated that if they were zoned under a new classification of “Public School Use” it would give the City more control over future development of the parcels because if the School Board did decide to sale the properties, any buyer would have to petition for a rezoning with the City in order to develop them. Mr. Davis announced that if the properties remained zoned residential, then a potential housing developer could purchase the properties from the school board through public bid and then already be authorized to subdivide them into housing lots. Sharon Manson of the audience, representing the City School Board stated that the School Board would be discussing this topic at their next regular meeting and would send written confirmation to the Planning Commission on what their desires in terms of zoning classification for the properties would be.

**At 3:25 p.m. Commissioner Early made a motion to adjourn the meeting. This motion was seconded by Commissioner Allen and the meeting was adjourned.**

\*Note\* these minutes were dictated from an audio tape recording of the original meeting.

**Meeting Minutes**  
**Waverly Municipal Planning Commission**  
**Regular Meeting**  
**February 8, 2006**  
**Municipal Building**

The meeting was called to order by Chairman Perry at 2:05 p.m. Chairman Perry, Commissioner Early, Commissioner Allen and Commissioner Corwin were all present. Mayor Kelly was an excused absence. Also present was City Community/Economic Development Director Nathan Davis. Audience Participants were: Sharon Manson representing both Pike Travel and Tourism/Waverly City School Board and Roger Ramsey, representing the Waverly City School Board. Also present were Forest Blakeman, Greg Kempton and Johnathan Claytor representing City Council. Chairman Perry asked if any changes, deletions or revisions were needed for the minutes. Seeing none, Chairman Perry requested a motion to approve the January 11<sup>th</sup> regular meeting minutes. **A motion was made to approve the January 11<sup>th</sup>, 2006 Minutes by Commissioner Early, the motion was seconded by Commissioner Allen. After No Discussion, Roll Call: All Aye:**

Chairman Perry referred to item “a” of the New Business portion of the Agenda and stated that the Planning Commission had received a letter and resolution entitled: Resolution 011-06 from the Waverly City School Board. Chairman Perry stated that the letter and resolution addressed the wishes of the School Board for the former School Properties to remain zoned as present and that the un-zoned Waverly North Elementary be given the zoning classification of “Residential” in order to match the others. Chairman Perry announced that the Planning Commission would review this request and address the issue at a later date.

Chairman Perry referred to item “b” of the New Business portion of the Agenda. Mr. Perry requested that Mr. Davis explain the details of item b. Mr. Davis said that he simply inserted the item because he had not yet heard any word on obtaining the New Stadium Complex Master Plan as presented by the School Board at the December 28, 2005 Special Meeting. Mr. Davis turned to Mrs. Manson in the Audience and asked if there was any word on the Plan. Mrs. Manson said she would be sure to check on the availability of the Plan.

Chairman Perry now referred to item “c” of the New Business portion of the Agenda. Chairman Perry requested that Mr. Davis explain the details of the item. Mr. Davis stated that he was planning to invite Mr. Jerome D. Catanzaro to the next planning commission meeting in order to discuss the development of the property within his ownership between US 23, Second Street and Pride Drive. Mr. Davis said he simply wanted to inform the Commission of his intentions prior to making the arrangements. All the Commissioners acknowledged this intent and approved of the invitation.

At this time Chairman Perry referred to item “d” of New Business and acknowledged the receipt of a letter, court ruling and map from the Village of Moreland Heights, OH that was originally addressed to the Mayor’s Office. Chairman Perry requested that Mr. Nathan Davis explain the significance of the letter, court ruling and

map received. Mr. Davis stated that he wished to bring this correspondence to the Planning Commission's attention because of the significance it had on the City's present and future Zoning Code. Mr. Davis explained that the letter from the Mayor of the Village of Moreland Heights explained how the Village's Zoning Ordinance contained a minimum lot size requirement of 2 acres. This minimum standard was challenged by the developer (Jaylin Investments) who desired a smaller lot size and claimed that the lot size requirement by the Village's Zoning Ordinance was extreme and against the developer's constitutional rights to develop his or her property. The Ohio Supreme Court upheld the Village's Zoning Ordinance minimum lot size requirement in decision 2004-1145 by stating that: "Jaylin failed to demonstrate beyond fair debate the two-acre minimum zoning ordinance was arbitrary and unreasonable or substantially unrelated to the public health safety, morals or general welfare of the community as applied to prohibit Jaylin's proposed use." Mr. Davis stated that this court decision was relevant to Waverly's present attempt to redesign its existing Zoning Code. Mr. Davis stated that the City's existing Zoning Ordinance contained Residential District minimum lot requirements in a range from 5000 sq. ft. to 10,000 sq. ft. Mr. Davis explained how a great majority of the lots in Waverly were 7000 sq. ft or less and that the City was quite "dense". Mr. Davis believed this was something the Planning Commission needed to address when approving a new Zoning Ordinance in the coming year. Mr. Davis wanted to bring this court case to the Commission's attention for the simple fact that he wanted the City to be confident in the fact that requiring a large lot of developers was an issue that had recently been defended by the Ohio Supreme Court. Commissioner Early stated that she agreed that the City was presently too dense and that this was something that desperately needed to be addressed by the City. Chairman Perry agreed with Commissioner Early's statement and thanked Mr. Davis for bringing this issue to the attention of the Commission. Chairman Perry reminded the Commission and the Audience that the Commission had formerly met with the Seif Family in order to discuss the development of the West side of the City once the South Connector was constructed. He stated that the Commission had strongly suggested larger lots to the Seif family when planning their future housing developments in the area.

Seeing that there was no old business on the Agenda, Chairman Perry asked if there was any audience participation at this time. Councilman Blakeman asked Mr. Davis to announce the lot size requirements again for each Residential Zoning District Classification. Mr. Davis explained the minimum lot size requirement that was established in each Residential Zoning District Classification. Councilman Claytor stated that he would like to see a requirement in the City for Contractor's to have to be licensed and bonded in the City. Mr. Davis stated that this was something he agreed with but that it was an issue that did not fall within the jurisdiction of the Planning Commission. Finding no more Audience Participation, Chairman Perry asked for a motion to adjourn. **Commissioner Early made a motion to adjourn at 3:30 p.m. This motion was seconded by Commissioner Corwin. After no further discussion, All Aye; the meeting was adjourned.**



**Meeting Minutes**  
**Waverly Municipal Planning Commission**  
**Regular Meeting**  
**April 12, 2006**  
**Municipal Building**

The meeting was called to order by Chairman Perry at 2:00 p.m. Chairman Perry, Commissioner Early and Mayor Kelly were present. Commissioner Corwin and Commissioner Allen were excused absences. Also present were Community/Economic Development Director Nathan Davis and audience participants Linda Shoemaker, Jerome D. Catanzaro and Molly Catanzaro. Chairman Perry apologized for the cancellation of the March meeting. Chairman Perry stated that the reason for the cancellation was due to a lack of agenda items and the illness of Community/Economic Development Director Nathan Davis. Linda Shoemaker from the audience announced that she did show up. Chairman Perry and Nathan Davis again both apologized for not getting the word out about the cancellation sooner.

Chairman Perry asked if there were any revisions or corrections needed for the minutes from the February, 2006 meeting. Hearing none, **Commissioner Early made a motion to approve the minutes without revision. Mayor Kelly seconded the motion. Roll Call: All Aye.**

Chairman Perry brought the meeting to the topic of Agenda item number 1 A. under new business which was entitled: "Jerome Catanzaro". Chairman Perry requested that Mr. Davis summarize the process that the Planning Commission was involved in to Mr. and Mrs. Catanzaro. Mr. Davis explained to the Catanzaro's that the Planning Commission had be reorganized in May of 2005 with a new membership and had organized itself more in tune with the state statutes and City Charter. Mr. Davis also explained that the Planning Commission's main focus was to create a Comprehensive Development Plan to include a Master Plan Map, new Zoning Code and new Subdivision Regulations. Mr. Davis stated that the Planning Commission had formerly met with other major property owners in the City to include the Seif Family Trust, the Armbruster Family Trust and the City School Board. Mr. Davis explained that the purpose of all of these meetings was to allow the different land owners to explain their ideas and thoughts of how they envisioned their property developing so that a Master Plan Map could be created. It would then be off of this map that the new Zoning Code would be revised.

Mayor Kelly informed the Catanzaro's that the main reason the City was undertaking this process was so that their would not be a situation down the road where a developer went to develop his or her property and the proposed development was not in tune with the old zoning code. If left unattended, this problem could occur which would cause animosity and a large amount of work for both the developer and the City.

Mr. Catanzaro explained that since 1997 when they bought the property in South Waverly he had in fact had several dealings with the City on development issues and so far had not experienced any difficulty. Mayor Kelly concurred with this statement. Mr. Catanzaro stated that since that time the area had torn down an old gas station and brought in a Shell Station which was still under their ownership. He stated that the area

has also sold to an Arby's restaurant, an American Savings Bank, a YMCA, to include a 60 ft. right of way dedicated to the City and car dealership who were temporarily set up for business with plans to provide a permanent building in the near future. The land still housed a Betty's Truck Stop which is presently leasing from the Catanzaro's and also a trailer park managed by the Catanzaro's. Mr. Catanzaro explained that there were still tracts of land available for development in the future and that the plan would be to continue with the retail/commercial theme that has been occurring adjacent to US 23. This retail theme would develop on the remaining portions of land adjacent to US 23 and then circle around through Pride Drive and then eventually adjacent to Second Street creating a loop to the present Shell Station. Mr. Catanzaro then explained that the areas center and or the area that is presently occupied by the trailer park adjacent to Second Street would also be a good fit for a market rate apartment complex of approximately 20 to 30 units. Either way, Mr. Catanzaro explained that the present trailer park would either be slowly phased out in place of commercial retail development or replaced by a market rate standard apartment complex. Mr. Catanzaro also stated that the only change that could occur to this overall plan is that if a big box retailer were to approach him and request the purchase of a large tract of acreage, then the overall plan in so far as it's detail could change, however, the same two themes of commercial/retail and or multi-family housing do stay the same.

Mr. Davis summarized for his own purposes the overall parts of the plan Mr. Catanzaro was proposing then explained that the area was presently zoned for Manufacturing. Mr. Davis stated that this was of course unreasonable and that it had always been the consensus among the community that the area being discussed was more suitable for commercial/retail development and that such use was warranted in the new and or revised zoning ordinance. However, Mr. Davis then stated that there was an issue with the multi-family residential use that was being considered for the area in terms of the apartment complex. Mr. Davis reported that this use would have to be accommodated by either: zoning the area for multi-family residential, including multi-family residential use as a special exemption to the commercial/retail use district or including a certain type of apartment use in the commercial/retail development district. After much discussion by the Commission it was the overall consensus by both the Catanzaro's and the Commission that including a distinct type of "apartment use" in the commercial/retail zoning district was a better plan for everybody.

This concluded the presentation by Mr. and Mrs. Catanzaro. Chairman Perry then requested Mr. Davis to proceed with Agenda item I B. This item concerned an Ohio Supreme Court Case where the City of Norwood, Ohio won a case where the City used the power of eminent domain to take several acres of property from various property owners so that the City could sale the property to a developer in order to create commercial development and increase the economic vitality of the community. The article is available from Nathan Davis if someone is so interested.

Chairman Perry then requested Mr. Davis to explain Agenda item 1 C. Mr. Davis explained that the City had recently acquired updated aerial photography from M.A.N. Mapping Inc. in Columbus, OH. The updated photography was warranted based on the fact of the additions to Bristol Park, the demolition of the Waverly City School Buildings and some minor developments in Southern Waverly. The last set of Aerial photography flown for the City was from April of 2003.

Chairman Perry then reported that Agenda Item 1 D. was in regards to a quarterly report due to City Council from the City Planning Commission concerning the progress the City has made on the Comprehensive Development Plan. Chairman Perry directed Mr. Davis to prepare the report and notify him of which Council Meeting he would need to deliver the report.

Chairman Perry then requested that Mayor Kelly explain the plan of replacing Commissioner Barbara Early, who would not be renewing her term of one year that expires in late May of this year. Mayor Kelly announced that he had not chosen a new elector to serve in her position yet, but that he soon would. He formally thanked Barbara for her dedicated service and announced a luncheon that would be held in her honor prior to the next Planning Commission Meeting on Wednesday, May 10<sup>th</sup> at 12:00 P.M. at the Emmitt House.

Finding no other new business, Commissioner Perry then referred to the old business of the Agenda. Chairman Perry announced that the issue of the letter received from the Waverly City School Board announcing its desires on the Zoning of the former elementary and high school locations was to be dealt with as time progressed. Chairman Perry felt this was an issue that could not be decided at this point in the process and encouraged the continued dialogue between the City and the City School Board.

Finding no other business, Commissioner Early made a motion to adjourn, the motion was seconded by Mayor Kelly and the meeting was adjourned at 3:45 p.m.

**Meeting Minutes**  
Waverly Municipal Planning Commission  
Regular Meeting  
May 10, 2006  
Municipal Building

**APPROVED**

The meeting was called to order by Chairman Perry at 2:00 p.m. Chairman Perry, Commissioner Corwin, and Commissioner Allen were present. Mayor Kelly was an excused absence. Other's present were: Community/Economic Development Director Nathan Davis, City Engineer Bob Gausman, City Councilman Forest Blakeman, City Councilman Jack Jones and Mrs. Linda Shoemaker. Chairman Perry opened the meeting by acknowledging the expiration of Mrs. Early's term. Chairman Perry thanked Mrs. Early for her dedication and stated that she would be missed. At this time Chairman Perry asked the Commission if there were any needed changes, deletions or revisions to the Minutes. Commissioner Allen stated that there were two motions in the last meeting minutes that were reported to have been seconded by him when in fact he was not present at the meeting. Mr. Davis acknowledged that these were errors in the minutes and said that the errors would be corrected. He stated that it was in fact Mayor Kelly who made the seconds to each motion.

At this time Chairman Perry requested that Nathan Davis explain the purpose of new business item 1a. on the Agenda entitled: "Proposed Vacation of 4<sup>th</sup> Street". Mr. Davis explained that a Mrs. Tammy Miller who resided at a residence on Cherry Street had addressed City Council on two (2) occasions, requesting that the end section of 4<sup>th</sup> Street that terminated at the property presently owned by the Waverly City School Board, (former North Elementary) should be vacated by the City. Mr. Davis, using an aerial photo and a PDF image of the Survey purchased by Mrs. Miller, Mr. Davis explained that this section of Right of Way had been dedicated to the City and was documented at the Pike County Records and Auditor's Office Records; however an actual asphalt roadway had never been constructed by the developer. Since that time, the home that is now owned by Mrs. Miller had been constructed in such a way that the attached garage area on the south side of the home actually encroached upon this unused Right of Way. Mrs. Miller had documented this situation by a survey she had paid for earlier in the year by a registered surveyor. Mr. Davis explained that it was a small, approximate 5 ft. piece of the home that encroached in the Right of Way. Mr. Davis said that he had contacted all adjoining property owners to the Right of Way and explained the situation to include the Waverly City School Board. He reported that at their last regular meeting, City Council had requested that the issue be discussed by the Planning Commission and a recommendation made as to how to deal with the matter. At this time Mr. Davis relinquished the floor to Chairman Perry.

Chairman Perry asked if the Right of Way was dedicated to the City first or was the home built first. Mr. Davis responded by saying that he was almost certain that the Right of Way was dedicated first and then the home was built on Cherry afterwards. Chairman Perry inquired as to how this was allowed to happen. Mr. Davis said that at that time in the 50's and 60's the Village was very inefficient in enforcing its Zoning

Code and Subdivision regulations which had created many platting inconsistencies such as these. Mr. Davis said that if he had to guess, he would say that the Contractor, who built the addition to the home that infringes in the Right of Way, just built the addition without obtaining a permit and without researching into the exact location of the right of way line or setback requirements. Mr. Gausman, the City Engineer, agreed with this theory. Chairman Perry then asked if this section of Right of Way might be needed or valuable if the Waverly City School Board were to develop the former North Elementary School Location. Mr. Davis said that if that were to occur, the Right of Way could be needed to allow an alternate access into the property. Chairman Perry then asked what City Council's feelings on the issue were. As an audience participant, Councilman Blakeman issued the statement that Council overall had concerns with abandoning the entire Right of Way and therefore referred the issue to the Planning Commission for a more in depth look at the issue. Mr. Blakeman stated that maybe Mrs. Miller dwelling would be allowed to exist in the Right of Way by the issuance of a letter by the City allowing such action. Mr. Davis stated that he had concerns with this approach since it might set a difficult precedence for the City in terms of all future encroachment issues that may arise. City Engineer Bob Gausman asked why the City School Board would have a right to claim a portion of the abandoned Right of Way. Mr. Davis responded to the question by stating that he interpreted the Ohio Revised Code to intend for all "adjoining" property owners to the abandoned Right of Way to have the right to claim all or a portion of the land, therefore that is why is informed the School Board of the Issue at hand. City Engineer Bob Gausman then stated that if a road was to be built in the Right of Way, the encroachment by the Cherry Street Residence would not be a problem. Mr. Gausman explained that the Right of Way width was 50 ft. and that the largest street feasible for the area would be 30 ft. face to face of curb. Mr. Gausman stated that the only element that might be compromised would be a sidewalk. Mr. Davis concurred with this theory. Chairman Perry asked if it was absolutely necessary for the Planning Commission to make a decision at today's meeting. Mr. Davis responded by saying that the issue had been under debate for quite some time now and it might be wise for the Commission to give the Council a concrete answer. Commissioner Allen stated that he thought the abandonment of the Right of Way should not be pursued. Commissioner Corwin agreed. **At this time Commissioner Allen made a motion that the City should not pursue the abandonment of 4<sup>th</sup> street and Cherry St. as proposed by Mrs. Tammy Miller. The motion was seconded by Commissioner Corwin. Roll Call: All Aye.**

At this time Chairman Perry proceeded to Agenda Item 1b. under New Business entitled: Zoning Code, R-1 Zoning District Code. Chairman Perry requested that Mr. Davis summarize the objective of the topic. Mr. Davis explained that now that the Planning Commission had moved through the Comprehensive Plan Text and the Master Plan Map of the Overall Plan; it was now time to start revising the Zoning Code. Mr. Davis explained that he would bring a new chapter to the Commission each meeting with recommended revisions. After reading the revised chapter to the Commission in a meeting, the Commission members could then come back the next meeting with any revisions, changes or deletions they found needed to be made. This process would go on until the entire Zoning Code was completed.

At this time Mr. Davis read the following text as his proposed R-1 Single Family Home Residential Zoning District Code as it was posted on the projector screen:

CHAPTER 1125  
**R-1 One-Family Residence District**

1125.01 Permitted uses.                      1125.05 Lot coverage  
1125.02 Off-street parking.  
1125.03 Lot size.  
1125.04 Yards.

CROSS REFERENCES

Accessory building and use defined – see P. & Z. 1107.03  
Curb level defined – see P. & Z. 1107.18  
Lot definitions and measurement –see P. & Z. 1107.42 et seq.  
Sign definitions – see P. & Z. 1107.77 et seq.  
Variations and special exception permits – see P. & Z. 1113.04 et seq.  
Maintenance responsibility for required yards and open spaces – see P. & Z. 1151.01  
Permitted yard obstructions – see P. & Z. 1151.05  
Additional requests for special accessory buildings – see P. & Z. 1151.10  
M-1 performance standards applicable to residence districts – see P. & Z. 1151.12

1125.01 PERMITTED USES.

In an R-1 District the following uses are permitted:

- (a) One-family detached dwellings **not** to include mobile, modular or manufactured homes.
- (b) Lands and buildings used for agricultural purposes provided that such buildings for such use shall be located at least 300 feet away from any dwelling on another zoning lot.
- (c) Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the standards and produce on display are located ten feet back from the nearest right-of-way line.
- (d) Home occupations.
- (e) Schools: public, denominational or private, elementary and high, including playgrounds, garages for school buses, athletic fields and other uses auxiliary thereto.
- (f) Churches, seminaries, rectories and parish houses.
- (g) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (h) Golf courses, Private Clubs or Taverns including ancillary uses normally provided, such as restaurants, residential uses for guests, manager and other employees, provided that such buildings for such use shall be located at least 300 feet away from any dwelling on another zoning lot.
- (i) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.

- (j) Signs, as permitted and regulated by Chapter 0000.
- (k) Public utility facilities, as defined by the State.
- (l) Accessory uses, including off-street parking facilities in accordance with the provisions of Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

#### 1125.02 OFF-STREET PARKING.

Automobile parking facilities in R-1 Districts shall be provided as required in Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

#### 1125.03 LOT SIZE

(a) Every one-family detached dwelling hereafter erected in a R-1 District shall be located on a tract of land having an area of not less than 43,560 square feet, (1 acre) and a width at the established building line of not less than 200 feet, except as otherwise provided herein. (Ord. 00-00). (Passed 11-20-67.)

#### 1125.04 YARDS.

No building shall be erected or enlarged in R-1 Districts unless the following yards are provided and maintained in connection with such building, structure or enlargement:

- (a) Front Yard. A front yard of not less than seventy-five feet;
- (b) Side Yards. A side yard on each side of the main structure of not less than fifty feet.
- (c) Rear Yard. A rear yard of not less than seventy-five feet; (Ord. 00-00. Passed 00-00-00.)

#### 1125.05 LOT COVERAGE.

Not more than twenty percent of the area of a zoning lot in an R-1 District may be occupied by buildings and structures, including accessory buildings. (Ord. 00-00. Passed 00-00-00.)

At this time Mr. Davis reported that he would email the word file of this text to each Planning Commission Member so that they could go through the code in detail and then bring back any changes or revisions they suggested at the next meeting under old business.

At this time Chairman Perry asked if there was any audience participation. Hearing none, Chairman Perry requested for a motion to adjourn. **A motion to adjourn was made by Commissioner Corwin. The motion was seconded by Commissioner Allen. Roll Call: All Aye.** The meeting was adjourned at 3:30 p.m.

## Meeting Minutes

### Waverly Municipal Planning Commission

Regular Meeting

August 9, 2006

Municipal Building

**APPROVED**

The meeting was called to order by Chairman Corwin at 2:07 p.m. Chairman Corwin recognized in attendance Commissioner Allen and welcomed newly assigned Commissioner Boyd. Also in attendance was Mr. Nathan Davis the Development Director for the City who announced that Mayor Dale Reed would be arriving but that he would be late.

Chairman Corwin referred to the Agenda and asked if everyone had received the minutes from the last meeting by email from Mr. Davis. After everyone acknowledged the receipt, Chairman Corwin asked if there were any revisions, deletions or additions needed. After hearing none, Chairman Corwin requested a motion to approve the minutes as prepared. **A motion was made to approve the minutes as prepared by Commissioner Allen and the motion was seconded by Commissioner Boyd. Roll Call: All Aye. The motion carried.**

Chairman Corwin referred to the next item of the agenda which was the annual election of officers. Chairman Corwin opened the floor to Mr. Davis who explained the section of the By-Laws that required the Commission to elect officers annually. Mr. Davis also explained that according to the by-laws only commissioners that had served previously on the board for a minimum of one year were allowed to be nominated as officers. Mr. Davis stated that the two designated officer positions were Chairman and Vice-Chairman. Mr. Davis stated that the only two commissioners eligible for nomination were Mr. Corwin and Mr. Allen.

At this time Chairman Corwin asked if there were any nominations for Chairman. **Commissioner Allen made a motion to nominate Mr. Corwin as Chairman. This motion was seconded by Commissioner Boyd.** At this time Chairman Corwin asked if there were any more nominations for Chairman. Hearing none, Chairman Corwin asked if there were any nominations for Vice Chairman. **Commissioner Boyd made a motion to nominate Commissioner Allen as Vice Chairman. Chairman Corwin seconded the motion.** At this time Chairman Corwin asked if there were any more motions for Vice Chairman. Hearing none, Chairman Corwin asked for a motion to close the floor for nominations of officers. **A motion was made to close the floor by Commissioner Boyd and the motion was seconded by Commissioner Allen. Roll Call: All Aye.**

**At this time Commissioner Corwin asked for a motion to approve the nominations for Officers with the nominations listed as: Commissioner Corwin as Chairman and Commissioner Allen as Vice Chairman. Commissioner Allen made a motion to approve Commissioner Corwin as Chairman and Commissioner Allen as Vice Chairman. This motion was seconded by Commissioner Boyd. Roll Call: All Aye.** The motion carried and Commissioner Corwin was placed as Chairman and Commissioner Allen was placed as Vice Chairman until May of 2007.

At this time Chairman Corwin referred to the next item on the Agenda which was the proposed revision to section III, F1 of the by-laws which covered the length of residency required for an elector to be eligible to serve on the Planning Commission. Mr. Davis explained that an elector named Richard Demlow had been chosen by the Mayor to serve as the representative to Ward 3, but Mr. Demlow pointed out that he had only lived in the City for 3 years and not the required 5 according to the by-laws. Mr. Davis reported that the Mayor felt the length of required residency was too long especially since the requirement for City Council was only one year. Chairman Corwin stated that he agreed with the Mayor that the length of residency was in fact too long and should be lowered to 3 years. Commissioner Allen and Commissioner Boyd both agreed. Chairman Corwin stated that a vote on the matter would have to wait until Mayor Reed arrived because the by-laws could not be proposed for revision unless all members were present. Under old business Chairman Corwin asked if there was any more discussion pertaining to the organization of the R-1 Zoning District Code as reviewed at the last meeting. Chairman Corwin stated that he did not agree with the exclusion of modular or manufactured homes in the proposed R-1 Zoning District Code. Commissioner Boyd stated that he also felt that it might be a mistake since such homes as the nice residency recently erected behind Blue Flame Gas would not be allowed. Mr. Davis said he certainly understood this concern as asked the Commission if they wanted him to strike the restriction from the proposed code. The Commission agreed to do this. At this time the proposed R-1 Zoning District Code was brought up on the projector screen. The agreed upon change to the allowance of modular and manufactured homes were made and the proposed zoning district code was approved as follows:

**CHAPTER 1125**  
**R-1 One-Family Residence District**

- |                             |                      |
|-----------------------------|----------------------|
| 1125.01 Permitted uses.     | 1125.05 Lot coverage |
| 1125.02 Off-street parking. |                      |
| 1125.03 Lot size.           |                      |
| 1125.04 Yards.              |                      |

**CROSS REFERENCES**

- Accessory building and use defined – see P. & Z. 1107.03
- Curb level defined – see P. & Z. 1107.18
- Lot definitions and measurement –see P. & Z. 1107.42 et seq.
- Sign definitions – see P. & Z. 1107.77 et seq.
- Variations and special exception permits – see P. & Z. 1113.04 et seq.
- Maintenance responsibility for required yards and open spaces – see P. & Z. 1151.01
- Permitted yard obstructions – see P. & Z. 1151.05
- Additional requests for special accessory buildings – see P. & Z. 1151.10
- M-1 performance standards applicable to residence districts – see P. & Z. 1151.12

1125.01 PERMITTED USES.

In an R-1 District the following uses are permitted:

- (a) One-family detached dwellings to include modular or manufactured homes.
- (b) Lands and buildings used for agricultural purposes provided that such buildings for such use shall be located at least 300 feet away from any dwelling on another zoning lot.
- (c) Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the standards and produce on display are located ten feet back from the nearest right-of-way line.
- (d) Home occupations.
- (e) Schools: public, denominational or private, elementary and high, including playgrounds, garages for school buses, athletic fields and other uses auxiliary thereto.
- (f) Churches, seminaries, rectories and parish houses.
- (g) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (h) Golf courses, Private Clubs or Taverns including ancillary uses normally provided, such as restaurants, residential uses for guests, manager and other employees, provided that such buildings for such use shall be located at least 300 feet away from any dwelling on another zoning lot.
- (i) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
- (j) Signs, as permitted and regulated by Chapter 0000.
- (k) Public utility facilities, as defined by the State.
- (l) Accessory uses, including off-street parking facilities in accordance with the provisions of Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

#### 1125.02 OFF-STREET PARKING.

Automobile parking facilities in R-1 Districts shall be provided as required in Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

#### 1125.03 LOT SIZE

(a) Every one-family detached dwelling hereafter erected in a R-1 District shall be located on a tract of land having an area of not less than 43,560 square feet, (1 acre) and a width at the established building line of not less than 200 feet, except as otherwise provided herein. (Ord. 00-00). (Passed 11-20-67.)

#### 1125.04 YARDS.

No building shall be erected or enlarged in R-1 Districts unless the following yards are provided and maintained in connection with such building, structure or enlargement:

- (a) Front Yard. A front yard of not less than seventy-five feet;
- (b) Side Yards. A side yard on each side of the main structure of not less than fifty feet.
- (c) Rear Yard. A rear yard of not less than seventy-five feet; (Ord. 00-00. Passed 00-00-00.)

#### 1125.05 LOT COVERAGE.

Not more than thirty five percent of the area of a zoning lot in an R-1 District may be occupied by buildings and structures, including accessory buildings. (Ord. 00-00. Passed 00-00-00.)

At this time Chairman Corwin requested Mr. Davis to proceed to the New Business item of the Agenda which was the R-2 and R-3 Zoning District Codes. Mr. Davis brought the codes to the screen and the proposed district codes were read aloud by Mr. Davis to the Commission. Chairman Corwin asked the Commission for any recommended revisions deletions or additions. Hearing none, the proposed R-2 and R-3 Zoning District Codes were approved as follows:

**CHAPTER 1127**  
**R-2 One-Family Residence District**

- |                             |                       |
|-----------------------------|-----------------------|
| 1127.01 Permitted use.      | 1127.05 Lot coverage. |
| 1127.02 Off-street parking. |                       |
| 1127.03 Lot size.           |                       |
| 1127.04 Yards.              |                       |

**CROSS REFERENCES**

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**1127.01 PERMITTED USES.**

In an R-2 District the following uses are permitted:

- (m) One-family detached dwellings to include modular or manufactured homes, unless otherwise privately deed restricted.
- (n) Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the standards and produce on display are located ten feet back from the nearest right-of-way line.
- (o) Home occupations.
- (p) Schools: public, denominational or private, elementary and high, including playgrounds, garages for school buses, athletic fields and other uses auxiliary thereto.
- (q) Churches, seminaries, rectories and parish houses.
- (r) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (s) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
- (t) Signs, as permitted and regulated by Chapter 0000.
- (u) Public utility facilities, as defined by the State.
- (v) Accessory uses, including off-street parking facilities in accordance with the provisions of Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

**1127.02 OFF-STREET PARKING.**

Automobile parking facilities shall be provided in R-2 Districts as required in Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

1127.03 LOT SIZE.

Every one-family detached dwelling hereafter erected in an R-2 District shall be located on a tract of land having an area of not less than 7,000 square feet and a width at the established building line of not less than sixty feet.  
(Ord. 00-00. Passed 00-00-00.)

1127.04 YARDS.

No building shall be erected or enlarged in R-2 Districts unless the following yards are provided and maintained in connection with the building, structure or enlargement:

- (a) Front Yard. A front yard of not less than twenty-five feet.
- (b) Side Yards. A side yard on each side of the principal building of not less than six feet, except where a side yard adjoins a street, the minimum width of such side yard shall be increased to ten feet.
- (c) Rear Yard. A rear yard of not less than thirty feet.  
(Ord. 00-00. Passed 00-00-00.)

1127.05 LOT COVERAGE.

Not more than thirty-five percent of the area of a zoning lot in an R-2 District may be covered by buildings or structures, including accessory buildings. (Ord. 00-00. Passed 00-00-00)

CHAPTER 1129  
**R-3 One-Family Residence District**

1129.01 Permitted uses.

1129.05 Lot coverage.

1129.02 Off-street parking.

1129.03 Lot size.

1129.04 Yards.

CROSS REFERENCES

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1129.01 PERMITTED USES.

In an R-3 District the following uses are permitted:

- (w) One-family detached dwellings **to include** modular or manufactured homes, unless otherwise privately deed restricted.
- (x) Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the standards and produce on display are located ten feet back from the nearest right-of-way line.
- (y) Home occupations.
- (z) Schools: public, denominational or private, elementary and high, including playgrounds, garages for school buses, athletic fields and other uses auxiliary thereto.

- (aa) Churches, seminaries, rectories and parish houses.
- (bb) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (cc) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
- (dd) Signs, as permitted and regulated by Chapter 0000.
- (ee) Public utility facilities, as defined by the State.
- (ff) Accessory uses, including off-street parking facilities in accordance with the provisions of Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

#### 1129.02 OFF-STREET PARKING.

Automobile parking facilities shall be provided in R-3 Districts as required or permitted in Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

#### 1129.03 LOT SIZE.

Every one-family detached dwelling hereafter erected in an R-3 District shall be located on a lot having an area of not less than 5,000 square feet and a width at the established building line of not less than fifty feet.

(Ord. 00-00. Passed 00-00-00)

#### 1129.04 YARDS.

No building shall be erected or enlarged in R-3 Districts unless the following yards are provided and maintained in connection with the building, structure or enlargement:

- (a) Front Yard. A front yard of not less than twenty feet.
- (b) Side Yard. A side yard on each side of the principal building of not less than five feet, except where a side yard adjoins a street or alley, the side yard shall not be less than ten feet.
- (c) Rear Yard. A rear yard of not less than twenty feet. (Ord. 00-00-00. Passed 00-00-00.)

#### 1129.05 LOT COVERAGE.

Not more than fifty percent of the area of zoning lot in an R-3 District may be covered by buildings or structures, including accessory buildings. (Ord. 00-00-00. Passed 00-00-00.)

At this time Mayor Reed arrived. Mr. Davis explained the proposed revision to the By-laws lowering the residency requirement for Commission members from 5 to 3 years. Mayor Reed reiterated that the change was needed and necessary because 5 years was excessive. The Commission agreed. **Commissioner Boyd made a motion to change Section III, F 1 in the by-laws to state the following:**

- A. Prospective members should meet the following minimum qualifications:**
  - 1. Potential Planning Commissioners shall have a length of residency in the City of at least 3 years.**

**The motion was seconded by Commissioner Allen. Roll Call: All Aye.**

Mr. Davis announced he would prepare the proposed motion in ordinance form for City Council to consider at the next City Council regular meeting.

At this time Chairman Corwin asked if there was any audience participation. Hearing none Chairman Corwin asked for a motion to adjourn. Commissioner Allen made a motion to adjourn. Commissioner Boyd seconded the motion. Roll Call: All Aye. The meeting was adjourned at 3:05 p.m.

**These minutes were prepared using an audio recording.**

**Meeting Minutes**  
Waverly Municipal Planning Commission  
Regular Meeting  
September 13, 2006  
Municipal Building

**APPROVED**

The meeting was called to order by Vice Chairman Allen at 2:04 p.m. Vice Chairman Allen announced that Chairman Corwin would arrive late and that the Mayor would not be present. Vice Chairman Allen also welcomed the newest Planning Commissioner Mr. Richard Demlow who's swearing in had been delayed due to the contingency of a By-Laws revision allowing him to serve. Also present at the meeting were Mr. Nathan Davis the Development Director and on audience participant. At this time Vice Chairman Allen requested that everyone review the last meeting minutes. Mr. Davis apologized for the different format of the minutes and their late arrival. He explained that with the supervision of the West North Street Reconstruction construction under way it was hard to accomplish all his normal duties and that the minutes preparation had been delegated to the Mayor's Secretary. After review of the minutes Mr. Davis recommended to the committee that he re-write the minutes then bring them for review at the next meeting. All the commissioners agreed to this proposal.

At this time Vice Chairman Allen referred to the next topic on the Agenda which was the revised by-laws. Mr. Davis asked if everyone had received the revised by-laws by email. Everyone acknowledged that they had. Mr. Davis pointed out that the Commission had proposed to amend the by-laws in relation to the "Qualifications" section. Formerly the minutes required a potential member to have lived in the City for at least 5 years. The new rule would be reduced to 3 years. Mr. Davis said that City Council had approved this modification with Ordinance 62-2006 at the last meeting.

At this time Chairman Corwin arrived and took over the duties of leading the meeting from Commissioner Allen. Mr. Davis summarized what he had already said for Chairman Corwin took over the meeting. Chairman Corwin asked if there was any other old business to be discussed. Mr. Davis pointed out that the only old business on the Agenda was the draft of the R-1, R-2 and R-3 zoning district codes, specifically in relation to the exclusion or inclusion of "modular or manufactured homes". Mr. Davis pointed out that in his original draft proposal of the zoning district codes, modular and manufactured homes had been excluded but that the Commission discussed it and decided to include modular and manufactured homes as allowed uses in the R-1, R-2 and R-3 Zoning District Codes.

At this time Chairman Corwin directed the Commission to the New Business of the Agenda. Mr. Davis then reported that the new business item was the R-4 Zoning District Code. Mr. Davis summarized a back ground of the existing code by stating that the R-4 code was the City's Zoning District Code that allowed for not only single family homes but also duplex's, tri-plex's, apartments and condominiums. Mr. Davis then displayed the current zoning map on the projector screen and pointed out to the Commission where the current R-4 District was located in the City. Mr. Davis then displayed and

summarized the current R-4 District Zoning Code on the projector screen which appeared as follows:

CHAPTER 1131  
R-4 General Residence District

1131.01 Permitted uses.	1131.05 Lot coverage.
1131.02 Off-street parking.	1131.06 Maximum floor area ratio.
1131.03 Lot area per dwelling.	1131.07 Signs.
1131.04 Yards.	

CROSS REFERENCES

Gross floor area and ratio definitions and measurement – see P. & Z. 1107.32, 1107.33

Lot definitions and measurements – see P. & Z. 1107.42 et seq.

Variations and special exception permits – see P. & Z. 1113.04 et seq.

Permitted uses and signs in R-1 Districts – see P. & Z. 1125.01, 1125.07

Maintenance responsibility for required yards and open spaces – see P. & Z. 1151.01

Permitted yard obstructions – see P. & Z. 1151.05

M-1 performance standards applicable to residence districts – see P. & Z. 1151.12

Agricultural structure exemption – see P. & Z. 1151.15

Maximum number of parking spaces in R-4 Districts – see P. & Z. 1155.15

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1131.01 PERMITTED USES.

In an R-4 District, the following uses are permitted:

Any of the uses permitted in an R-1 Single-Family Residence District.

Two-family dwellings.

Multiple family dwellings and apartments.

One-family row dwellings, party-wall, with not more than six dwellings in a row or building. (Ord. 10-16-67. Passed 11-20-67.)

1131.02 OFF-STREET PARKING.

Automobile parking facilities shall be provided in R-4 Districts as required or permitted in Chapter 1155. (Ord. 10-16-67. Passed 11-20-67.)

1131.03 LOT AREA PER DWELLING.

- (a) Every one-family detached dwelling hereafter erected in an R-4 District shall be located on a lot having an area of not less than 6,000 square feet, and a width at the established building line of not less than sixty feet.
  
- (b) Every building hereafter erected in an R-4 District or altered to provide two or more dwelling units shall be located on a lot having an area of not less than 8,000

square feet and width at the required building line of not less than seventy feet, and not less than the following lot area per dwelling unit shall be provided:

<u>Dwelling Unit Type</u>	<u>Minimum Lot Area per Dwelling Unit (Square Feet)</u>
Units with 2 or more bedrooms	3,000
Units with 1 bedroom	2,000
Efficiency units	1,200

- (c) All nonresidential principal uses permitted in an R-4 District shall be located on a lot having an area of not less than 10,000 square feet and a width of not less than seventy-five feet at the building line.
- (d) Minimum lot sizes for special exceptions in R-4 Districts shall be prescribed and conditions stipulated at the time a special exception permit is authorized, but in no case shall any such lot have an area of less than 10,000 square feet. (Ord. 10-16-67. Passed 11-20-67.)

#### 1131.04 YARDS.

No building shall be erected or enlarged in an R-4 District unless the following yards are provided and maintained:

- (a) Front Yard. For every building on a zoning lot a front yard shall be provided of not less than twenty feet, plus one additional foot of front yard for each three feet over forty feet in building height.
- (b) Side Yards. On every zoning lot, side yards shall be provided as follows:
  - (1) One-family. For one-family detached dwellings, the same regulations shall apply as in an R-2 Single-Family District.
  - (2) Two and multiple family. For two-family and multiple family dwelling units, the side yard on each side of each building shall be a minimum of ten feet in width plus an additional two feet in width for each additional story above two stories in height. On corner lots there shall be maintained a side yard of not less than fifteen feet on the side adjacent to the street which intersects the street upon which the building maintains frontage, and in the case of a reversed corner lot there shall be maintained a setback from the side street of not less than fifty percent of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen feet. No accessory building on a reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five feet to the side lot line of the adjacent lots.
  - (3) Nonresidential. On a lot improved with a nonresidential building, there shall be a side yard of not less than twelve feet on each side of the main structure and a combined total of side yards of not less than thirty feet.

- (c) Rear Yard. There shall be a rear yard of not less than thirty feet. (Ord. 10-16-67. Passed 11-20-67.)

1131.05 LOT COVERAGE.

Not more than forty percent of the area of a lot in an R-4 District may be covered by buildings and structures, including accessory buildings. (Ord. 10-16-67. Passed 11-20-67.)

1131.06 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in R-4 Districts shall be as follows:

One-family detached dwellings, 0:4.

Two-family and multiple family dwellings, 0:7.

Permitted nonresidential uses, 1:0

Special exceptions shall be as specified with the special exception permit.

(Ord. 10-16-67. Passed 11-20-67.)

1131.07 SIGNS.

The regulations governing signs in an R-1 District shall apply in an R-4 District.

(Ord. 10-16-67. Passed 11-20-67.)

After reviewing the existing R-4 Zoning District Code Mr. Davis then displayed the proposed new R-4 Zoning District Code which the Commission discussed at length. After discussion the new code was proposed as follows:

CHAPTER 1131  
R-4 General Residence District

- |                                |                       |
|--------------------------------|-----------------------|
| 1131.01 Permitted uses.        | 1131.05 Lot coverage. |
| 1131.02 Off-street parking.    |                       |
| 1131.03 Lot area per dwelling. |                       |
| 1131.05 Yards.                 |                       |

CROSS REFERENCES

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1131.08 PERMITTED USES.

In an R-4 District, the following uses are permitted:

- (a) One-family detached dwellings **to include** modular or manufactured homes, unless otherwise privately deed restricted.
- (b) Two-family dwellings;
- (c) Multiple family dwellings, condominiums and apartments;

- (d) Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the standards and produce on display are located ten feet back from the nearest right-of-way line.
- (e) Home occupations.
- (f) Schools: public, denominational or private, elementary and high, including playgrounds, garages for school buses, athletic fields and other uses auxiliary thereto.
- (g) Churches, seminaries, rectories and parish houses.
- (h) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (i) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
- (j) Signs, as permitted and regulated by Chapter 0000.
- (k) Public utility facilities, as defined by the Ohio Revised Code.
- (l) Accessory uses, including off-street parking facilities in accordance with the provisions of Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

#### 1131.09 OFF-STREET PARKING.

Automobile parking facilities shall be provided in R-4 Districts as required or permitted in Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

#### 1131.10 LOT AREA PER DWELLING.

- (e) Every one-family detached dwelling hereafter erected in an R-4 District shall be located on a lot having an area of not less than 5,000 square feet, and a width at the established building line of not less than fifty feet.
- (f) Every building hereafter erected in an R-4 District or altered to provide two or more dwelling units shall be located on a lot having an area of not less than 8,000 square feet and width at the required building line of not less than seventy feet.
- (g) All nonresidential principal uses permitted in an R-4 District shall be located on a lot having an area of not less than 10,000 square feet and a width of not less than seventy feet at the building line. (Ord. 00-00. Passed 00-00-00.)

#### 1131.11 YARDS.

No building shall be erected or enlarged in an R-4 District unless the following yards are provided and maintained:

- (d) Front Yard. For every building on a zoning lot a front yard shall be provided of not less than twenty feet.
- (e) Side Yards. On every zoning lot, side yards shall be provided as follows:
  - (1) One-family. A side yard on each side of the principal building of not less than four feet, except where a side yard adjoins a street or alley, the side yard shall not be less than ten feet.
  - (2) Two and multiple family. For two-family and multiple family dwelling units, the side yard on each side of each building shall be a minimum of ten feet.
  - (3) Nonresidential. On a lot improved with a nonresidential building, there shall be a side yard of not less than ten feet on each side of the principal building.

- (f) Rear Yard. There shall be a rear yard of not less than twenty feet. (Ord. 00-00. Passed 00-00-00.)

1131.12 LOT COVERAGE.

Not more than fifty percent of the area of a lot in an R-4 District may be covered by buildings and structures, including accessory buildings. (Ord. 00-00. Passed 00-00-00.)

Mr. Davis announced that at the next meeting the Business Zoning District Codes. Mr. Davis announced that the new R-4 would be discussed as old business.

Next Chairman Corwin asked if there was any audience participation. Mrs. Manson representing Pike Travel and Tourism spoke to the Commission about the County preparing a County Brochure.

With no more business at hand, Commissioner **Allen made a motion to adjourn which was seconded by Commissioner Demlow. Roll Call: All Aye.** The meeting was adjourned at 3:15 p.m.

**These minutes were prepared using an audio recording.**

**Meeting Minutes**  
Waverly Municipal Planning Commission  
Regular Meeting  
December 13, 2006  
Municipal Building

**APPROVED**

The meeting was called to order by Chairman Corwin at 2 p.m. Chairman Corwin reported that Mayor Reed and Commissioner Boyd would both arrive but that they would be late. Commissioner Allen and Commissioner Demlow were present. Also present was Community/Economic Development Director Nathan Davis. Chairman Corwin stated that the first order of business would be to approve the minutes and that there was not an official agenda for the day because an issue of a development proposal from Solid Rock Developers had come the Planning Commission's attention just recently concerning the proposal of a Microtel on a vacant commercial lot adjacent to the St. Rt. 104 off ramp in central Waverly. Chairman Corwin reported that there were two sets of minutes to be approved. One set was from the August 9<sup>th</sup> meeting and the other set was from the September 13<sup>th</sup> meeting. Chairman Corwin requested that all members please take a final look at the August 9<sup>th</sup> meeting minutes and propose any needed changes or revisions at this time. **Commissioner Demlow made a motion to approve the August 9<sup>th</sup> meeting minutes as drafted. The motion was seconded by Commissioner Allen. Roll Call: All Aye.** Chairman Corwin then requested all the members to take a final look at the September 13<sup>th</sup> meeting minutes and propose any needed changes or revisions at this time. Chairman Corwin stated that there was a mis-spelling of the word "off street parking" in the minutes. Mr. Davis made the correction to the minutes on the screen. **Finding no other needed corrections or additions, Commissioner Allen made a motion to approve the September 13<sup>th</sup> meeting minutes with the proposed re-spelling. The motion was seconded by Commissioner Demlow. Roll Call: All Aye.** At this time Chairman Corwin directed Community/Economic Development Director Nathan Davis to give a summary of the proposal from Solid Rock Developers to the City. Mr. Davis stated that the Mayor, Street Superintendent Dean Knight and Mr. Bob Gausman met with Mr. Tom Williamson and his contracted Civil Engineer and Architect who were proposing to build a Motel "Microtel" on the vacant commercial lot located on the St. Rt. 104 Exit Ramp in the City. Mr. Davis stated that the proposal included a motel facility, parking lot, rear retainage wall, and an onsite storm water retention system. Mr. Davis stated that the concern with the proposal was that the access to the property was located directly off the exit ramp to St. Rt. 104 which did not appear to be very efficient for vehicular traffic flow. (At this time Commissioner Boyd entered the meeting). Chairman Corwin briefed Commissioner Boyd on the conversation that had occurred so far. Chairman Corwin directed Mr. Davis to continue with his summary of the Solid Rock Developer's Microtel proposal. Mr. Davis continued his summary by reporting that at this time he was not sure if an actual closing or purchase agreement had been finalized between the Developer Solid Rock and the land owner Mr. Randy Roe. Mr. Davis reported that the concerns with the traffic access to the property had been revealed to the developer during the previous closed door meetings involving the Mayor, Street

Superintendent and Mr. Gausman. Mr. Davis stated that it was told to the developer that they would need to have a civil engineer prepare some options for the City in terms of how the property would be accessed from St. Rt. 104 and US 23. Mr. Davis stated that McCarty and Associates Inc. prepared three options of how the property would be accessed and forwarded those to his office. Mr. Davis reported that once the three options were received from McCarty and Associates a second meeting was scheduled between the developer, the Street Superintendent, the Mayor and Mr. Gausman. Mr. Davis stated that he was not able to attend the second meeting as he was out of town. Mr. Davis reported that the Mayor, Mr. Knight (City Street Superintendent) and Mr. Gausman concluded that "Option C" was determined to be the most practical means of access that had been determined so far through the process. Mr. Davis placed the "Option C" onto the projector screen. Mr. Davis summarized the proposal explaining where traffic would enter and exit the property and clarified some inconsistencies of the drawing when comparing the details to actual existing conditions in the field. Mr. Davis referred to Mayor Reed (who had now entered the meeting) concerning possible future service road plans that Mr. Gausman had proposed for the area. Mayor Reed stated that he did not necessarily agree with the future service road need for the area. Mayor Reed then reported that the developer also agreed to replace the existing 18 inch storm sewer line that ran along the frontage of the property with a 36 inch storm sewer line which would help the present storm water runoff problem in that area. Mr. Davis then reported how that the City, through his office, would be submitting an application for funding to the Ohio Department of Transportation this winter in hope of being approved for grant assistance towards a St. Rt. 104 Storm Sewer Project in either fiscal years 2010 and 2011. Mr. Davis stated that the proposed storm sewer work that Solid Rock Developers were proposing in relation to this site would be helpful towards these future plans. Chairman Corwin inquired as to how the current proposal affected the existing St. Rt. 104 off ramp. Mr. Davis stated that the original "Option C" as discussed presently involved the City abandoning the right of way involved with the St. Rt. 104 exit ramp, then requiring the developer to install a right hand turn lane and signal at the existing US 23/St. Rt. 104 intersection that is in place just south of the St. Rt. 104 off ramp. Mr. Davis stated that this plan was not agreed upon by Mr. Gausman of the City and that had been controversial at best when discussed in house between the Mayor, Street Superintendent, Mr. Gausman and himself. Chairman Corwin questioned the northbound traffic exiting from the Microtel site. Mr. Davis stated that he shared the same concerns and that other than having a short term plan that could allow the Microtel to develop and then a long term plan that would create a safe, efficient ingress and egress point for the site he did not have another answer. Mr. Davis stated that it was possible that maybe Solid Rock Developers could provide a cash contribution towards the St. Rt. 104 Storm Sewer Project that the City intended on pursuing through ODOT. Mr. Davis stated that he had relayed this thought to Mr. Tom Williamson of Solid Rock Developers over the phone who seemed open to the idea.

Mayor Reed stated that the area was also susceptible to major change once the "South Connector" was constructed in the summer of 2008. Commissioner Allen stated that the option of eliminating the St. Rt. 104 exit ramp and creating a right hand turn lane with a signal would seem to be much safer than what existed there now. Commissioner Demlow and Commissioner Boyd both agreed.

Mr. Davis stated that it would seem that the City needed to nail down an actual desire as to how the site should be developed then report this to the developer. Chairman Corwin stated that it sounded like the Commission needed to hold a special meeting for just this purpose then hold the next regular meeting with the Developer to state its conditions. **Commissioner Allen made a motion to hold a special meeting on Wed. Jan. 3<sup>rd</sup> at 4p.m. This motion was seconded by Commissioner Demlow. Roll Call: All Aye.** Mr. Davis stated he would submit a legal add to the Newspaper and post on the City web site the time location and date of the special meeting for the public. **Commissioner Allen made a motion to adjourn the meeting. The motion was seconded by Commissioner Boyd. Roll Call: All Aye.** The meeting was adjourned at 3:15 p.m.

**These minutes were prepared using an audio recording.**