

Meeting Minutes
Waverly Municipal Planning Commission
Regular Meeting
March 12, 2008
2 P.M.
Municipal Building

APPROVED

Chairman Corwin opened the meeting at 2:05 p.m. Present at the meeting were: Chairman Corwin, Commissioner Boyd, Commissioner Roberts and Commissioner Frank. Mayor Reed was not present. Also present was Mr. Nathan Davis of the City and audience participants were: Jerome Catanzaro, Molly Catanzaro, Kelly Seif, Chip Foil, Steve Ogier and Mike Spindler. Chairman Corwin referred to the Agenda and welcomed the new Ward 2 Planning Commissioner Tom Frank to the Commission. Mr. Frank stated he was glad to be here and hoped he could be of service.

At this time Chairman Corwin referred to Item II of the Agenda and asked if there were any revisions or corrections to the last meeting minutes. Commissioner Boyd identified some corrections. Second paragraph, fourth sentence, add "he": Mr. Davis said that he was.....

Last paragraph of minutes, about 3/4 of the way down: Change "congestive" to "suggestive" in sentence 'Commissioner Boyd was especially congestive of a side yard...' Chairman Corwin asked if there were any other corrections and or revisions. Hearing none Chairman Corwin asked for a motion to approve the minutes with the added deletions and revisions. **Commissioner Boyd made a motion to approve the minutes with the added deletions and revisions. The motion was seconded by Commissioner Roberts. Roll Call: All Aye. The motion carried.**

At this time Chairman Corwin referred to Item III of the Agenda and welcomed Mr. Jerome Catanzaro to the Commission. Mr. Catanzaro thanked the Chairman and displayed three conceptual drawings to the Commission and a surveyed/to scale plat that was site specific to a proposed Homeland Credit Union. The conceptual drawings displayed several potential building sites adjacent to US Highway 23 in the southern portion of the City from the intersection of Pride Drive to the southern City Corporation limits. The survey plat displayed the proposed Homeland Credit Union and the two (2) specific curb cuts that were desired for the development. One cut was on US 23 and the other was on Pride Drive. Mr. Catanzaro explained that it was his intent over the course of the next several years to develop six new commercial/retail lots on the portion of the property he owned that fronted the south end of US Highway 23 in the City of Waverly. Mr. Catanzaro explained that he wished to eventually be granted a total of six curb cuts on the southern end of US 23 in Waverly in order to allow access for his future planned developments. Mr. Catanzaro explained that in the immediate future he had an interested buyer representing Homeland Credit Union that desired to obtain the parcel that existed at the southern corner of Pride Drive and US 23 in the City. Mr. Catanzaro explained that the overall plan would be to obtain the stated six curb cuts from the City and a center turn lane would then be constructed in the median of the southern end of US 23, where turn lanes did not exist presently. Mr. Catanzaro explained that he would like to have all the curb cuts approved now, but that it was only the cut for the Homeland Credit Union and the lot adjoining their lot to the South that was needed immediately. Mr. Catanzaro also stated that it would be his hope that once all the lots were developed, the City could then lower the speed limit in the affected area of US 23 from 55 to 35.

At this time Chairman Corwin stated that he was coming from two different view points when analyzing the proposal. He stated that he was a retired chief of police for the City, while at the same time he was now a current business owner in the City. Chairman Corwin stated that at one time there were commercial parties that expressed interest in property that he owned on US 23 and that they were always of the opinion that direct access to US 23 was a must in order to survive. In light of this information, Chairman Corwin said although devoted to the safety of the City, he was understandable of the need for direct access to US 23 for proposed commercial/retail development in the area. At this time Commissioner Frank inquired as to how the direction of traffic would be coordinated for both cuts being proposed for the Homeland Credit Union. Commissioner Frank wanted to know if one cut would be used for "in" traffic and the other cut would be used for "out" traffic. Mr. Oiger stated that at this time there were no restrictions being proposed on the direction of use for either cut. At this time Commissioner Boyd inquired as to the center turn lane construction that was being proposed in the conceptual drawings. Commissioner Boyd inquired as to what party would be responsible for paying for this work. Mr. Catanzaro stated that he was of the mindset that the City would eventually undertake this construction with grant funds. Mr. Davis of the City stated that he did not foresee the City acquiring the funds or agreeing in to any such public improvement with City monies in the anywhere near future. Mr. Davis also stated that he was fearful of the City approving even just the cut for Homeland Credit Union because he felt it would set a precedence for the City to approve all the curb cuts on US 23. Commissioner Roberts stated that he felt it was necessary to make it clear that by approving the two curb cuts today for the Homeland Credit Union and the future proposed lot to the South of the Homeland Credit Union's Lot, it was not going to set precedence for the City to approve all the cuts and that each cut should be reviewed on a case by case basis. Commissioner Roberts then asked Mr. Catanzaro if he was in agreement with this philosophy. Mr. Catanzaro stated that in his experience with precedence in this matter, it was usually looked at by the courts in the manner of "does the prior approved cut provide the same type of access for the same type of need or demand, in the same type of conditions." Mr. Catanzaro said he did not feel that he would be able to make a case for each cut providing this type of scenario, so he felt the City was not setting a precedence to approve more curb cuts on US 23 if they approved one today. At this time Commissioner Boyd referred to the survey plat for the proposed Homeland Credit Union and inquired to the exact width, placement and location of each curb cut being proposed. Mr. Oiger explained to the Commission how the building would sit on the lot and how the parking would be arranged. Commissioner Frank asked for reassurance that this was indeed the footprint for the proposed development. Mr. Oiger stated that it was. At this time Commissioner Roberts stated that he felt it was in the Commission's best interest to agree on the two curb cuts being proposed for Homeland Credit Union and that these two cuts would be the only cuts approved by the Commission at this time. Commissioner Boyd referred to the survey plat of the Homeland Credit Union. He stated that he felt this survey with some modifications would be sufficient to reference as an exhibit of what was to be approved today for Homeland Credit Union. Mr. Davis said that if the Commission could advise what revisions needed to be made to the existing survey plat, Mr. Oiger could then change the plat and provide a different copy to him for City Council to approve by Ordinance. Hearing this suggestion, Commissioner Boyd referred to the plat and advised that the plat be revised to illustrate a 50 foot wide curb cut on US 23 that illustrated 25 feet for the Homeland Credit Union and 25 feet for a future lot immediately south of the Homeland Credit Union's proposed lot. This change was hand written by Mr. Boyd on to the existing plat. Each Commissioner initialed the plat as a reference with the intent of receiving a revised copy illustrating the change from Mr. Oiger. Mr. Oiger agreed to bring a revised plat to Mr. Nathan Davis. **At this time Commissioner Boyd made a motion to approve a curb cut on Pride Drive and a curb cut on US 23 for the Homeland Credit Union and**

the proposed lot immediately South and adjacent to the Homeland Credit Union lot, at the dimensions and locations illustrated on the revised survey plat to be provided to Mr. Nathan Davis by Mr. Ogier, which was to be approved by City Council by Ordinance. The motion was seconded by Commissioner Roberts. Roll Call: All Aye.

At this time Chairman Corwin asked if there was any other audience participation. Hearing none, Chairman Corwin requested a motion to adjourn. **Commissioner Boyd made a motion to adjourn. The motion was seconded by Commissioner Roberts. Roll Call: All Aye.** The meeting was adjourned at 3:35 p.m.

These minutes were prepared using an audio recording.

Meeting Minutes
Waverly Municipal Planning Commission
Regular Meeting
April 9, 2008
2 P.M.
Municipal Building



Vice Chairman David Boyd opened the meeting at 2:17 p.m. Present at the meeting were Vice Chairman Boyd, Commissioner Frank and Commissioner Roberts. Also present at the meeting was Mr. Nathan Davis, the Development Director for the City. Mayor Dale Reed and Chairman Mike Corwin were absent. Vice Chairman Boyd referred to the Agenda and asked if there were any revisions, deletions or corrections proposed to the last meeting minutes. Mr. Davis apologized for the technical difficulties he encountered with the audio recording of the March 12, 2008 meeting stating that he lost the recording of the meeting due to the fact that he was using a new digital recorder and had made an error while downloading the audio file. Mr. Davis stated that he figured out what he had done wrong and that this would not happen again. Commissioner Roberts apologized for not responding to the email Mr. Davis had sent out earlier in the week requesting help in creating the meeting minutes. Mr. Davis stated he had just recently discovered that Chairman Corwin had an audio file of the March 12, 2008 meeting from his recorder and that he would email the file to him in the future for the City's records. **At this time Commissioner Frank made a motion to approve the minutes as presented.** However, before a second was made to the motion, Commissioner Frank asked if the representatives from Homeland Credit Union would need to come back for final approval of the site plan proposed at the March 12, 2008 meeting. Mr. Davis stated that they would not because the revised plat that illustrated the curb cuts to be made by Homeland Credit Union had been approved by an Ordinance of City Council, and that the plat approved was available for review by the Commission if needed. **At this time Commissioner Roberts seconded the motion to approve the minutes. Roll Call: All Aye.**

At this time Vice Chairman Boyd referred to the Old Business Section of the Agenda which was the proposed curb cuts for the Homeland Credit Union. Commissioner Boyd stated that the plat which designated where the curb cuts were to be placed had been approved by an Ordinance of City Council. Vice Chairman Boyd said that he had discussed it previously with Mr. Nathan Davis and it was confirmed that a plat illustrating the location and size of the two curb cuts approved by City Council was provided to Mr. Davis and that the same plat was reviewed and approved by Ordinance of City Council. Vice Chairman Boyd asked if there was any other discussion on the topic. Hearing none, Vice Chairman Boyd referred to the New Business of the Agenda which was headed by the topic of the annual nomination of officers for the Commission. At this time Mr. Davis summarized the Commission's bylaws which called for the nomination of a Chairman and a Vice Chairman for the Commission annually at the April meeting of each year. Mr. Davis pointed out that the Commission's By-Laws required each officer nominated to have served on the Commission for at least one year. Mr. Davis said that this only left Commissioner Corwin and Commissioner Boyd as eligible to be nominated for either Chairman or Vice Chairman. **At this time Vice Chairman Boyd made a motion to nominate Mike Corwin as Chairman for the Commission. This motion was seconded by Commissioner Frank. Vice Chairman Boyd asked if there was any other discussion on the nominations for Chairman. Hearing none Vice Chairman Boyd called the roll: All Aye.**

At this time Vice Chairman Boyd now referred to the next item on the Agenda which was the quarterly report to City Council. Commissioner Boyd asked who would need to make the report to Council. Mr. Davis stated that this could be accomplished by any of the Commissioners. Mr. Davis also stated that he had already prepared a written report for the last quarter and had included in today's meeting packet. Mr. Davis said that all that was needed was for a Commissioner to read the report at the next meeting of City Council and to be available for any questions that the Council members might have. Mr. Davis reported that the next meeting of Council would be the 22nd of April. Commissioner Frank stated that it sounded like Chairman Corwin should make the report. Mr. Davis responded by stating that Mr. Corwin had performed the task in the past but according to the by-laws it could be any of the Commissioners who could give the report. Hearing no other discussion, Mr. Davis stated that he would call Mr. Corwin and find out if he could make the report. Mr. Davis said that if Mr. Corwin could not give the report, he would contact another commissioner. At this time Vice Chairman Boyd asked if there was any other discussion on the report. Mr. Davis summarized the report which was written as follows:

The Waverly Municipal Planning Commission is still focusing on the creation of the City Comprehensive Development Plan, which consists of:

1. The Comprehensive Development Plan Text
2. The City Master Plan Map
3. The City Zoning Ordinance
4. The City Subdivision Regulations
5. The City Capital Improvement Plan

The Commission is presently working on the third component of the plan, which is the review and revision of the City Zoning Ordinance. The Commission has so far reviewed and revised 7 of the 15 chapters in the present zoning code. This is long and tedious process. So far the review has produced a shorter code that is concentrating on only providing measures that are realistic for the City to enforce. It has been discovered in the review that the present Ordinance; although generally effective, does contain many measures that are simply not needed, foreign or impractical to the Waverly Pike County area.

As a reminder all the Municipal Planning Commission Meetings are open to the public and are scheduled for the 2nd Wednesday of every month at 2 p.m. in the City Council Room.

At this time Vice Chairman Boyd referred to the agenda item entitled "Draft RCD Zoning Code". Mr. Davis stated that he was finished with the new proposed draft for the Retirement Community District Zoning Code. Commissioner Roberts reiterated that there was an issue of discussion in relation to the Code at the last meeting. Mr. Davis said he remembered that the Commission had discussed at length as the need for a zoning code for Bristol Village since they did have their own rules and regulations as a retirement community. Mr. Davis said that it was a consensus of the Commission that regardless of the rules Bristol Village has in place, the City needed to place minimum standards for the community in terms of the zoning code. Mr. Davis stated that the revised draft code that he was presenting the Commission here today established the use, yard setbacks and minimum lot size that would be allowed in the Retirement Community Zoning District Code. Vice Chairman Boyd pointed out that in section 1133.01 Purpose, the statement of allowed use needed language to the effect that covered any other retirement community that might locate to the area in the future. After some discussion the following

words were added to the draft: “and or any other similar establishments”. The Draft Zoning Code for the Retirement Community District was then proposed as follows:

CHAPTER 1133

RCD Retirement Community District

- | | |
|-----------------------------|-----------------------|
| 1133.01 Purpose. | 1133.06 Lot coverage. |
| 1133.02 Permitted uses. | |
| 1133.03 Off-Street Parking. | |
| 1133.04 Lot size. | |
| 1133.05 Yards. | |

CROSS REFERENCES

1133.01 PURPOSE.

The RCD District is established to provide zoning regulations which will permit special consideration for facilities, services, activities, etc., deemed necessary for the general welfare of the Bristol Village Retirement Center and or any other similar establishments. (Ord. 00-00. Passed 00-00-00.)

1133.02 PERMITTED USES.

Living quarters, services and recreational facilities, etc., proven to be uniquely characteristic and conditions normal, yet peculiar to the aging persons, necessary for the comfort, health, safety and security of those residents. (Ord. 00-00. Passed 00-00-00.)

1133.03 OFF-STREET PARKING.

Automobile parking shall be provided in RCD District as required or permitted in Chapter 1155. (Ord. 00-00. Passed 00-00-00.)

1133.04 LOT SIZE.

- (a) Every one-family detached dwelling hereafter erected in the RCD 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.
- (b) Every building hereafter erected or altered in the RCD District to provide three or more dwelling units shall be located on a lot having an area of no less than 8,000 square feet and a width at the established building line of not less than seventy feet and not less than the following lot area per dwelling unit shall be provided.
- (c) All nonresidential principal uses permitted in the RCD District shall be located on a lot having an area of not less than 10,000 square feet with a width at the established building line of not less than seventy-five feet. (Ord. 00-00. Passed 00-00-00.)

1133.05 YARDS.

No building shall be erected or enlarged in the RCD District 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 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 minimum width of such side yard shall be increased to ten feet.
- (c) Rear Yard. A rear yard of not less than twenty feet. (Ord. 00-00. Passed 00-00-00.)

1133.06 LOT COVERAGE.

Not more than fifty percent (50%) of the area of a zoning lot in the RCD District may be covered by building structures, including accessory buildings. (Ord. 00-00. Passed 00-00-00.)

At this time Vice Chairman Boyd asked if there was any other discussion on the proposed Draft RCD Zoning District Code. **Hearing none Vice Chairman Boyd made a motion to approve the draft RCD Zoning District Code. The motion was seconded by Commissioner Roberts. Roll Call: All Aye.**

At this time Vice Chairman Boyd asked if there was any audience participation. **Hearing none a motion to adjourn was made by Commissioner Frank. The motion was seconded by Commissioner Roberts. 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
May 14, 2008
2 P.M.
Municipal Building

APPROVED

Chairman Corwin called the meeting to order at 2:05 p.m. Present at the meeting were: Chairman Corwin, Commissioner Roberts, Commissioner Frank and City Community/Economic Development Director Nathan Davis. Chairman Corwin asked if there were any revisions, changes or deletions proposed for the last meeting minutes. Commissioner Boyd and Commissioner Frank stated that they had none. At this time however, Commissioner Frank stated that he did have a question. Commissioner Frank stated that he noticed that when he read the existing RCD Zoning Code there was a provision for duplex construction, but in the new proposed RCD Zoning Code that the Commission approved last meeting, there was not any language concerning a duplex. Chairman Franks stated that this had nothing to do with the minutes but it was just a question he wanted to present. Mr. Davis stated that he would check in to the matter. **At this time Commissioner Frank made a motion to approve the minutes. Commissioner Roberts seconded the motion. Chairman Corwin asked if there was any other discussion. Hearing none, Roll Call: All Aye.**

At this time Chairman Corwin referred to item II of the Agenda which was old business. The first item of old business was Election of Officers. Mr. Nathan Davis explained to the Commission that according to the by laws, nominations for Officers are made annually in the April meeting, which was accomplished at the last meeting. Then, in the May meeting, the nominees were elected upon. Mr. Davis explained that Mr. Corwin and Mr. Boyd were nominated by the Commission at the last meeting in April to serve as Chairman and Vice Chairman, and that according to the by laws they were the only individuals eligible to serve in this capacity. At this time Chairman Corwin asked for a motion to approve the nomination of Mike Corwin as Chairman and David Boyd as Vice Chairman. **Commissioner Roberts made the motion to approve the election of Commissioner Corwin as Chairman and Commissioner Boyd as Vice Chairman. The motion was seconded by Commissioner Frank. Chairman Corwin asked if there was any other discussion. Hearing none, Roll Call: All Aye.**

At this time Chairman Corwin referred to the second item of Old Business which was entitled: Professional Engineering Services RFP. Mr. Davis stated that he had discussed with the Commission in the past, the City's needs from time to time to seek the services of a professional engineer in terms of site plan review and subdivision review. Mr. Davis stated that he felt that the City could really use the services and desired for City Council to approve the submittal of a Request for Proposals for such services. Mr. Davis said the desired arrangement would be a contract with a firm that established an hourly fee to be charged to the City for when such services were rendered. Mr. Davis summarized the RFP that he would like to send out. The RFP stated the following:

REQUEST FOR PROPOSAL
City Engineer Proposed Task Assignment:
City of Waverly, Pike County, OH

Qualifications Required:

Required tasks of the Waverly City, OH, City Engineer shall be designated to either an individual holding a current, State of Ohio Certificate of Professional Engineer Designation, or a firm employing individuals holding a current, State of Ohio Certificate of Professional Engineer Designation.

Tasks Required:

1. Upon the request of the Public Service Director, the Community/Economic Development Director, the Mayor or the Chairman of the Municipal Planning Commission; the engineer shall review site and civil engineer plans submitted to the City, in relationship to proposed commercial development. Such work may involve participation at meetings, written reports and general correspondence with private firms, land owners and public officials.
2. Upon the request of either the Mayor or the Public Service Director, personally inspect perceived failing City Infrastructure. Such inspection may require written recommendations on how such failure should be corrected and provide written construction cost estimates on the perceived estimated cost of such correction. The recommendations provided shall take into account the City's budgetary capacity and the applicable Department's maintenance needs or requirements. City infrastructure associated in this category shall include:
 1. The Water Treatment Plant;
 2. The Waste Water Treatment Plant;
 3. Street surfaces, bases, sub-grades, curbs and gutters, storm conduit, storm inlets, manholes, and storm sewer pump stations;
 4. Water and Sanitary Sewer main lines, lift stations, force mains and manholes;
 5. Sidewalks;
 6. Public Buildings;
 7. Public Grounds;
3. Attend City Planning Commission Meetings and Public Hearings when required by either the Chairman of the Commission, the Mayor or the Community/Economic Development Director; such meetings may require follow up assignments such as: review of, and recommendations given to the Municipal Planning Commission, in terms of public improvements necessary for proposed subdivisions in the City; written reports to the Commission may be required.
4. As requested by either the Mayor, Public Service Director, Public Safety Director, Community Economic Development Director or the Chairman of the Municipal Planning Commission, conduct research and analysis necessary, to provide the following written reports:
 1. Traffic analysis to include volume, classification, speed and directional counts;
 2. Storm Water runoff calculations;
 3. Access management recommendations for potential or existing traffic access areas, using the Ohio Department of Transportation's Access Management Policy as a guide;
 4. Feasibility Studies to include Cost Estimates and Design Plan Options available for City proposed Public Improvement Projects;
5. Upon the request of either the Mayor, Public Service Director, Public Safety Director or the Community/Economic Development Director attend City Council Meetings in order to provide technical explanation to the Council on any of the afore mentioned tasks.

Contractual Arrangement:

The firm or individual chosen to perform the services outlined in this RFP will execute a contract with the City of Waverly, OH, establishing the above listed required tasks as the basis of the contract. The tasks shall be performed at an established hourly rate, with a cap established as the maximum amount authorized for the City to spend on such services for any one budget year. The contract would be effective for a one year term, and could be terminated by the City at any time. Each annual contract would be approved by an ordinance of City Council.

Mr. Davis stated that this was just information that he felt was pertinent to the Commission and he simply wanted to keep the Commission in tune as to what was being proposed. Mr. Davis stated he would continue to work with the Mayor and City Council to try and follow through with the proposal. Commissioner Edwards stated that he felt time was of the essence on this issue and wanted it to be looked at by City Council very soon. Commissioner Frank agreed.

At this time Chairman Corwin referred to the New Business of the Agenda. The item was entitled: Existing Zoning Code, General Section. Mr. Davis explained that the Commission now needed to review the General Section of the existing zoning code in terms of the zoning code review for the new proposed Comprehensive Development Plan. Mr. Davis stated he wanted to submit the existing code to the Commission and have them bring back comments or suggestions to the next meeting. The existing code presented to the Commission stated the following:

TITLE FIVE – Additional Zoning Standards

- Chap. 1151. General Provisions
- Chap. 1153. Nonconforming Buildings and Uses
- Chap. 1155. Off-Street Parking and Loading
- Chap. 1157. Special Exceptions
- Chap. 1159. Family Care Facility

CHAPTER 1151
General Provisions

- | | |
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| 1151.01 Yards, Courts and other open spaces. | 1151.09 Rezoning of public and Semi-public areas. |
| 1151.02 Division of zoning lots. | 1151.10 Accessory buildings. |
| 1151.03 Location of required open space. | 1151.11 House trailers (mobile Homes). |
| 1151.04 Required yards for existing buildings. | 1151.12 Performance standards. |
| 1151.05 Permitted obstructions in yards. | 1151.13 Existing special exceptions. |
| 1151.051 Private swimming pools and hot tubs. | 1151.14 Uses not specifically permitted in districts. |
| 1151.06 Vision clearance, corner lots. | 1151.15 Exemption of agricultural structures. |
| 1151.07 Lot area and dimension. | |
| 1151.08 Access to public street. | |

CROSS REFERENCES

- Bulk defined – see P. & Z. 1107.14
- Appeal procedures – see P. & Z. 1113.03
- Variations and special exception permits - see P. & Z. 1113.04 et seq.
- Exempted nonconforming buildings and uses – see P. & Z. 1153.08
- Off-street parking prohibited in required front yards – see P. & Z. 1155.13
- Schedule of parking requirements – see P. & Z. 1155.18
- Special exceptions schedule – see P. & Z. 1157.01

1151.01 YARDS, COURTS AND OTHER OPEN SPACES.

The maintenance of yards, courts and other open spaces and the minimum lot area legally required for a building shall be a continuing obligation of the owner of the building or property on which it is locate, as long as the building is in existence. Furthermore, no legally required yards, courts or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court,

other open space or minimum lot area requirements for any other building. (Ord. 10-16-67. Passed 11-20-67.)

1151.02 DIVISION OF ZONING LOTS.

No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located. However, with respect to the resubdivision of improved zoning lots in an R-3 District, side yard requirements shall not apply between attached buildings. (Ord. 10-16-67. Passed 11-20-67.)

1151.03 LOCATION OF REQUIRED OPEN SPACE.

All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as the building or dwelling group (Ord. 10-16-67. Passed 11-20-67.)

1151.04 REQUIRED YARDS FOR EXISTING BUILDINGS.

No yards now or hereafter provided for a building existing on the effective date of this section (Ordinance 10-16-67, passed November 20, 1967) shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this Zoning Ordinance for equivalent new construction. (Ord. 10-16-67. Passed 11-20-67.)

1151.05 PERMITTED OBSTRUCTION IN YARDS.

The following shall not be considered to be obstructions when located in the required yards specified:

(a) All yards. In all yards:

Open terraces not over four feet above the average level of the adjoining ground but not including a permanently roofed-over terrace or porch; Awnings and canopies; Steps, four feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; Chimneys projecting eighteen inches or less into the yard;

Arbors, trellises and flagpoles; Open mesh-type fences having a height of six feet or less may be used to locate property lines within the required side or rear yards in the residential districts;

Fences, walls or latticework screens which form outside living rooms or provide necessary privacy for swimming pools or other activities, and are actual projections from the bearing walls of existing dwellings, may be extended into either the side or the rear yard but not both yards where the fence, wall or screen has not less than fifty percent of the surface open or is a vertical type of louvered fence, which can prevent free movement of air from one or more directions and yet have more than fifty percent of its surface open when viewed on an angle from two directions, provided that:

- (1) The projection shall not prohibit the erection of an open mesh-type fence over six feet in height enclosing an elementary or high school site; and
- (2) This projection shall not limit the height, type or location of a fence, wall or other structures which are located within the build able area exclusive of the side or rear yards of the property.

(b) Front Yards. In front yards:

One-story bay windows projecting three feet or less into the yard; and
Overhanging eaves and gutters projecting three feet or less into the yard.

(c) Rear Yards. In rear yards: Enclosed, attached or detached off-street parking spaces, open off-street parking spaces; Accessory sheds, tool rooms, and similar buildings or structures for domestic or agricultural storage; Balconies; Breezeways and open porches; One-story bay windows projecting three feet or less into the yard; Overhanging eaves and gutters projecting three feet or less into the yard; In any residential district, no accessory building shall be nearer than five feet to the side lot line nor nearer than ten feet to any principal building unattached.

(d) Side Yards. In side yards: Attached carports may be built to within four inches of a side line providing there is no building within four feet on the adjoining property;

Overhanging eaves and gutters projecting into the yard for a distance not exceeding forty percent of the required yard width, but in no case exceeding thirty inches.

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

1151.51 PRIVATE SWIMMING POOLS AND HOT TUBS.

- (a) "Private swimming pool" means any in-ground or aboveground swimming, wading or other uncovered facility having more than one and one-half feet of water depth and having a surface area of 100 square feet or more.
- (b) "Hot tub" means a device with the capability of heating and/or circulating water in which one or more people soak having a surface area of at least sixteen square feet.
- (c) No private swimming pool or hot tub shall be located in any district of the City except as an accessory use to a residence and unless it complies with the following conditions and requirements:
- (1) The pool or tub is intended and is used solely for the enjoyment of the occupant and guests of the principal user of the property upon which it is located; and
 - (2) The pool or tub is not located in the front yard; and
 - (3) The location of the pool or tub complies with Section 1151.10; and
 - (4) The pool or tub or the entire yard in which either is located shall be fenced in accordance with Section 1151.05, with a minimum height of four feet, so as to prevent uncontrolled access by children from the street or adjacent properties.
- (d) No person shall install a swimming pool or hot tub in an outdoor location until a zoning permit has been issued by the Zoning Administrator, who shall review each request to determine its compliance with these regulations. (Ord. 31-95. Passed 8-1-95.)

1151.06 VISION CLEARANCE, CORNER LOTS.

No building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:

- (a) Residence Districts. In residence districts, exceeding a height of three feet above the street grade within twelve feet of the intersecting street lines bordering corner lots; and

- (b) Business, Manufacturing Districts. In business or manufacturing districts, within eight feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor. (Ord. 10-16-67. Passed 11-20-67.)

1151.07 LOT AREA AND DIMENSION.

- (a) Contiguous Parcels. When two or more parcels of land, each which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which it is located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- (b) Lots or Parcels of Land of Record. Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of this section (Ordinance 10-16-67, passed November 20, 1967), that does not meet the requirements for minimum lot width and area, may be used for a permitted use, provided that yards, courts or usable open spaces are not less than seventy-five percent of the minimum required dimensions or areas. (Ord. 10-16-67. Passed 11-20-67.)

1151.08 ACCESS TO PUBLIC STREET.

Except as otherwise provided for in this Zoning Ordinance, every building shall be constructed for erected upon a lot or parcel of land, which abuts upon a public street unless a permanent easement of access to a public street was of record prior to the adoption of this section (Ordinance 10-16-67, passed November 20, 1967). (Ord. 10-16-67. Passed 11-2-67.)

1151.09 REZONING OF PUBLIC AND SEMIPUBLIC AREAS.

An area indicated on the Zoning Map as a public park, recreation area, public school site, cemetery or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by Council, within three months after the date of application filed for rezoning.

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

1151.10 ACCESSORY BUILDINGS.

(a) Location.

(1) Side yards. When a side yard is required, no part of an accessory building shall be located closer than five feet to the side lot line along such side yards.

(2) Rear yards. When a rear yard is required, no part of an accessory building shall be located closer than five feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard.

(3) Proximity to principal building. In a residence district, no detached accessory building shall be closer than ten feet to the principal building.

(b) Time of Construction. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

(c) Percentage of Required Rear Yard Occupied. No accessory building or buildings shall occupy more than forty percent of the area of a required rear yard.

(d) Height in Required Rear Yards. No accessory building or portion thereof located in a required rear yard shall exceed fifteen feet in height.

(e) Reverse Corner Lots. On a reversed corner lot in a residential district, and within fifteen feet of an adjacent property to the rear in a residence district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to sixty percent of the least depth which would be required under this Zoning Ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building shall be located within five feet or any part of the rear lot line which coincides with a side lot line or portion thereof of property in a residence district. (Ord. 10-16-67. Passed 11-20-67.)

1151.11 HOUSE TRAILERS (MOBILE HOMES).

The following regulations shall apply to house trailers:

(a) A house trailer shall not be considered an accessory use for the purpose of this Zoning Ordinance.

(b) No house trailer shall be stored, parked or occupied for living purposes except:

(1) In an approved trailer park, provided that public or community sewer and water facilities are available for each trailer;

(2) For a period not to exceed one year on property for which a building permit for the construction of a permanent dwelling has been issued, provided that such construction is diligently carried forward to completion within such one-year period.

(c) A house trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located only during the period of time that such construction or development is actively underway. (Ord. 10-16-67. Passed 11-20-67.)

1152.12 PERFORMANCE STANDARDS. Any use established hereafter in any Residence or Business District shall be so operated as to comply with the performance standards set forth as follows:

(a) Noise. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American National Standards Institute, Inc. Measurements shall be made using the flat network of the sound level meter. Impulsive-type noises shall be subject to the performance standards hereinafter prescribed provided that such noises are capable of being accurately measured with sound equipment. Noises capable of being so measured, for the purpose of this Zoning Ordinance, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

At no point either on the boundary of a residence district or a business district or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of an individual operation or plant, other than the operation of motor vehicles and other transportation facilities, exceed the decibel levels at the designated octave bands shown here for the districts indicated:

Maximum Permitted Sound Level Along Boundaries, or
125 Feet From Plant or Operation Property Line (in
decibels)_____

Octave Band	Residence	Business
<u>Cycles per Second</u>	<u>Districts</u>	<u>Districts</u>
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64
300 to 600	54	60

600 to 1,200	49	55
1,200 to 2,400	45	51
2,400 to 4,800	41	47
above 4,800	37	43

(Adopting Ordinance)

1151.13 EXISTING SPECIAL EXCEPTIONS.

When a use is classified as a special exception under this Zoning Ordinance, and exists as a permitted use at the date of adoption of this section (Ordinance 10-16-67, passed November 20, 1967), it shall be considered a legal use, without further action of Council, the Zoning Administrator or the Zoning Board of Appeals. (Ord. 10-16-67. Passed 11-20-67.)

1151.14 USES NOT SPECIFICALLY PERMITTED IN DISTRICTS.

When a use is not specifically listed in the section devoted to “permitted uses” it shall be assumed that such uses are hereby expressly prohibited unless by a written decision of the Board of Zoning Appeals it is determined that such use is similar to and not more objectionable than uses listed. (Ord. 10-16-67. Passed 11-20-67.)

1151.15 EXEMPTION OF AGRICULTURAL STRUCTURES.

The provisions of this Zoning Ordinance shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures for agricultural

purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then and only then shall the provisions of this Zoning Ordinance apply. (Ord. 10-16-67. Passed 11-20-67.)

At this time Chairman Corwin asked if there was any audience participation. Hearing none. Chairman Corwin asked for a motion to adjourn. **Commissioner Frank made a motion to adjourn. The motion was seconded by Commissioner Roberts. The meeting was adjourned at 2:50 p.m.**

These minutes were prepared using an audio recording.

Meeting Minutes
Waverly Municipal Planning Commission
Regular Meeting
September 10, 2008
2 P.M.
Municipal Building

APPROVED

Chairman Mike Corwin called the meeting to order at 2p.m. Present at the meeting were Chairman Mike Corwin, Commissioner Ed Roberts, Commissioner David Boyd, Commissioner Tom Frank, City Community Economic Development Director Nathan Davis.

Item number one of the Agenda was deleted, as Mr. Nathan Davis reported that the Minutes for the June, 2008 meeting were not completed.

Item number two A, of the Agenda, entitled: "Professional Engineering Services RFP" was read aloud by Chairman Corwin. Mr. Nathan Davis reported to the Commission that City Council had approved a Request for Proposals to be sent out for the City which would request proposals for a contract for City Engineering Services. Mr. Davis reported that he had interviewed E.L. Robinson out of Ironton OH, who was a middle sized firm. Mr. Davis stated that he also interviewed M.E. Consultants, who has offices in Cincinnati, Dayton and New Lexington. Mr. Davis reported that he also interviewed Mr. David Beekman who is an individual Professional Engineer that was once employed by APX Consultants in Wheelersburg, OH but was now employed by the Ohio Department of Transportation. Mr. Davis stated that Mr. Beekman was a native of Piketon, OH and that although Mr. Beekman would be a good Engineer for the City, Mr. Beekman had expressed concerns of being able to commit the needed time to the job with his current position. Mr. Davis then reported that there was another individual P.E. that expressed interest in the Contract by the name of Adam J. Riehl. Mr. Davis stated that Adam Riehl was a native of Lucasville, and is now employed by Ohio University in Athens Ohio as a the facilities manager. Mr. Davis stated that Adam Riehl had formerly been employed by Clermont County Water District and by Woolpert Consultants. Mr. Davis stated that Adam J. Riehl expressed a desire to perform Engineering services for a small municipality on the side. Mr. Davis said that there was one other firm that he wanted to interview and then he would then make a recommendation to City Council as to who to contract with for City Engineering Services. Chairman Corwin stated that he saw the value in contracting with a larger firm that employed Professional Engineer's with a variety of different areas of expertise. Mr. Davis stated that both E.L. Robinson and M.E. Consultants employed over 20 P.E.'s. Mr. Davis stated that at the time he was leaning to M.E. Consultants, but he was not finished in the interview process. Mr. Davis also reported that the Contract for City Engineer Services would be organized to take affect for the 2009 Budget Year. Commissioner Frank asked when the budget year ran for the City. Mr. Davis reported that it was January to January. Commissioner Frank asked when the Council would begin the formulation of the new budget. Mr. Davis reported that the Mayor and Auditor's Office had already scheduled their first meeting. Mr. Davis closed the discussion of Item 1a of the Agenda, by stating that he and the Mayor were interviewing each interested party one by one and the City Council would have the final say as to the approval of a contract.

Chairman Corwin then proceeded to Item two B, of the Agenda, entitled: "Existing Zoning Code General Section". There was some discussion as to the exact point that the Commission had stopped reviewing this section at the last meeting. The review at this meeting then began at the section of

swimming pools. Mr. Davis read the legal definition of pools and hot tubs from the existing zoning code. Mr. Davis stated that after reading the section on swimming pools and hot tubs he felt it is was important to remember the overall intent of the code when making a determination as to how it should read. Mr. Davis said that with the existing general section on swimming pools and hot tubs the main intent was to make sure that if a swimming pool or hot tub was located in a yard that was at a certain depth that a small child could accidentally drown in, it would need to be permitted and would need to be properly enclosed by either a fence in the yard it was in, or a fence around the pool itself. After being questioned by Mr. Davis, the Commissioners agreed that the existing general section on swimming pools and hot tubs met the intent of the City.

Mr. Davis then proceeded to the general section of the Zoning Code that covered fences. Mr. Davis summarized what the existing code stated in terms of the location and type of fences that would be allowed in the City. Mr. Davis stated that he felt the existing code on fences was unclear and too restrictive. Mr. Davis stated he would like to draft the new code for fences to include a height restriction of six feet, a requirement of an air space at the bottom where the fence met the ground and a few small restrictions on the type of material that the fence could be made of. Mr. Davis stated he would also have the code state that the finished side of the fence had to face outward towards the surrounding properties. Mr. Davis stated that this recommendation was based on experiences within the City where residents had constructed a fence and faced the finished side inward, leaving a not so desirable look facing outwards towards the neighbors. Mr. Davis said that after permitting for the existing code for 5 years now, he had a good feel as to the types of fences people generally wanted in the area. Mr. Davis felt that the new code did not language concerning louvered panels like the existing code possessed. Mr. Davis felt that he could word the new code in such a way that he could prevent fences being made too high or fences being made of T-posts, cattle panels or even rolled wire without making the code too detailed. Chairman Corwin asked about the required space at the bottom of the fence. Mr. Davis stated he thought he would only require a minimum 2 inch space at the bottom. Mr. Davis stated that he could maybe just state that the fence could not sit directly on the ground. The Commission seemed to agree with this alternative in regards to fencing.

Mr. Davis then proceeded to Section 1115.06 a. and b. of the General Section of the Zoning Code. Mr. Davis read the section of the code which required a setback at intersected areas and any other areas where a site obstruction could be created. The setback was set at a minimum of 8feet for commercial areas. This section of the code was analyzed in terms of how it would affect the older down town areas. After much discussion the Commission and Mr. Davis determined that although the enforcement of such a measure had been sporadic at best in the past, this setback requirement was needed for future development. Mr. Davis and the Commission did decide to add a clause that would relieve the setback if adjacent buildings to a particular property were less than the minimum and therefore setting a smaller less restrictive precedence.

Mr. Davis then proceeded to Section 1115.07 b. of the General Chapter of the Zoning Code. Mr. Davis allowed the Commissioners to read the code and then stated he was not sure if he was actually in favor of the allowance. Mr. Davis explained that this particular section allowed the owner of two separate but adjoining lots to be allowed to count the square footage of both lots in determining minimum lot space required for building, as long as the two lots were contiguous and in the same ownership. The Section also allowed for a 25% reduction in the amount of setbacks if the lot was created prior to the zoning code coming into affect. Mr. Davis said he did not see a problem with the 25% reduction of the setbacks for older lots, but he did see a lot of problems with the allowance of contiguous lots in one ownership being allowed to count towards the minimum lot size because if one of the lots was then sold by the owner to someone else in the future a smaller, below the minimum lot was now being requested

to be built on. Commissioner Frank stated that he believed the owner of the two lots should have to combine the lots before proceeding with any other construction. Commissioner Boyd stated that if an owner had in his possession two separate lots that were contiguous to one another; and the owner had a desire to build on them; then the owner had the choice of either building a smaller house on one of the lots or combining the two lots and then building the larger home. Mr. Davis asked Commissioner Boyd: "But what if the two lots are both under the minimum lot requirement for that area? Do we allow the owner to build on a lot below the minimum lot size using the 25% reduction in setbacks? Commissioner Boyd responded by reiterating that once again the builder or owner had a choice. The choice was if they had two separate lots that were contiguous, and one or both of the lots were below the minimum lot size requirement for that area, then the builder had a choice to either build a smaller house that would be in accordance with the code or combine the lots and build a larger structure. Mr. Davis stated that he saw he Commissioner Boyd's point and that the existing code language for this section simply gave the owner a choice. The choice was to either build a smaller house on one of the lots or combine the lots and build the larger house. Mr. Davis and the Commission then decided that based on this discussion, the existing code language was sufficient, however there needed to be more clarification as to the actual requirement of the owner to legally re-survey and combine two contiguous lots into one lot, if the two contiguous lots were below the area's minimum lot size requirement.

Finding no new business and no audience participation, **a motion to adjourn was made by Commissioner Roberts and the motion was seconded by Commissioner Boyd. After no further discussion, Roll Call: All Aye**, the meeting was adjourned at 3:05 p.m.

These minutes were prepared using an audio recording.