

Meeting Minutes

Waverly Municipal Planning Commission

Regular Meeting

January 10, 2007

Municipal Building

APPROVED

The meeting was called to order by Chairman Corwin at 2:05 p.m. Chairman Corwin, Commissioner Allen, Commissioner Demlow and Commissioner Boyd were all present. Also present was Community/Economic Development Director Nathan Davis. There were no audience participants.

Chairman Corwin referred to the Agenda and requested that all commissioners please take a final look at the previous special meeting minutes from January 3rd. Chairman Corwin stated that he had one correction to the previous meeting minutes. Chairman Corwin announced that the minutes referred to the “Amerihost” Hotel when in fact the name was now the “Ameristay”. Chairman Corwin asked if there were any other revisions, corrections or deletions that were recommended for the minutes. Hearing none, Chairman Corwin asked for a motion to approve the previous special meeting minutes with the recommended correction. **Commissioner Allen made a motion to approve the minutes with the recommended correction. The motion was seconded by Commissioner Demlow. Roll Call: All Aye.**

Chairman Corwin referred to the Old Business Section of the Agenda which was obligated to the previous special meeting presentation by Solid Rock Developers concerning a Microtel in the City. Chairman Corwin asked Mr. Davis if there was any update on that situation. Mr. Davis reported he had not heard anything from Mr. Williamson or anyone else of Solid Rock Developers.

Chairman Corwin then referred to the New Business Section of the Agenda which was obligated to the current B-1 and B-2 Zoning District Codes for the City’s Zoning Code. Chairman Corwin then referred to Mr. Davis. Mr. Davis thanked Chairman Corwin and stated that he was proposing to post both the B-1 and the B-2 Zoning District Codes on the screen and read through them. Mr. Davis said that after reading through them he would ask each Commissioner to review the code texts at home and come back to the next meeting with any questions or points of interest that they had concerning the codes text. After making this proposal, the Commissioners agreed with the proposal and asked Mr. Davis to continue.

At this time Mr. Davis posted the B-1 Code on the Screen. He summarized at first stating that each code was introduced by the allowed uses in the district and then further detailed by transitional yard requirements and signage regulations. Mr. Davis read through the following B-1 and B-2 Zoning District Codes word for word as they were posted on the screen:

CHAPTER 1139

B-1 Restricted Business District

1139.01 Permitted uses.

1139.04 Maximum floor area ratio.

1139.02 Conditions of use.

1139.05 Signs.

1139.03 Transitional yards

CROSS REFERENCES

Accessory building and use defined – see P. & Z. 1107.03

Curb level defined – see P. & Z. 1107.18

Floor area ratio in R-3 Districts – see P. & Z. 1129.06

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

Exempted nonconforming use in B-1 District – see P. & Z. 1153.08(b)

Maximum number of parking spaces in B-1 Districts – see P. & Z. 1155.15

1139.01 PERMITTED USES.

The following uses are permitted in a B-1 District:

Air conditioning and heating sales and service.

Amusement establishments: bowling alleys, pool halls, dance halls, skating rinks, swimming pools and other similar places of recreation.

Antique shops.

Art and school supply stores.

Art galleries and studios.

Automobile accessory stores, where there is no driveway entrance across the sidewalk into the main building.

Automobile service stations for the retail sale and dispensing of fuel, lubricants, Tires, batteries, accessories and supplies, including installation and minor service customarily incidental thereto; facilities for chassis and gear lubrication and for washing of not more than four vehicles are permitted only if enclosed in a building.

Automobile sales and service shops, including painting and repairing, but not the painting or repairing of trucks, and accessory auto parts sales as an activity accessory to the principal use.

Bakery shops, including the baking and processing of food products when prepared for retail use on the premises only.

Battery and tire service stations.

Banks and financial institutions, including drive-in teller facilities.

Barber shops, beauty parlors, chiropody, massage or similar personal service shops.

Boat showrooms, sales and service.

Book and stationery stores.

Camera and photographic supply shops for retail sales.

Candy and ice cream shops.

Carpet, rug and linoleum stores.

Catering establishments.

China and glassware stores.

Coin and philatelic stores.

Costume rental shops.

Currency exchanges.

Custom dressmaking, millinery, tailoring or shoe repair shops, when conducted

for retail sale on the premises only.

Department stores.

Drug stores.

Dry goods stores.

Dry cleaning and pressing establishments.

Dwelling units above the first floor of business buildings, provided the floor area ratio is as required in an R-3 Residence District.

Electrical appliance stores and repairs but not including appliance assembly or manufacturing.

Employment agencies.

Exterminating shops.

Florist shops and conservatories for retail trade on the premises only

Food, meat and fruit stores.

Frozen food stores and food lockers.

Furniture stores, and upholstery when conducted as a part of the retail operations and secondary to the main use.

Furriers, when conducted for retail trade on the premises only.

Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one-half tons capacity.

Gift shops.

Government offices.

Greenhouses, retail.

Hardware stores.

Haberdasheries.

Hobby stores.

Hotels and motels, including restaurants and meeting rooms.

Household appliance stores and repair.

Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as a part of the retail operations and secondary to the main use.

Jewelry and watch repair shops.

Launderettes, automatic self-service types or hand laundries.

Leather goods and luggage stores.

Loan offices.

Locksmiths.

Machinery sales.

Mail order establishments.

Millinery shops.

Musical instrument sales and repair, retail trade only.

Newsstands.

Offices, business and professional, including medical clinics.

Opticians, optometrists.

Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.

Package liquor stores.

Paint and wallpaper stores.

Parking lots, open and other than accessory, for the storage of private passenger automobiles, and subject to the provisions of Chapter 1155.
Pet shops, but not including animal hospitals.
Photography studios, including the development of film and pictures when done as a part of the retail business on the premises
Physical culture and health services.
Plumbing and heating showrooms and shops.
Picture framing, when conducted for retail trade on the premises only.
Photo developing and processing.
Postal substations.
Public utility collection offices.
Radio and television repair.
Restaurants, tearooms or cafes, when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles.
Savings and loan associations.
Schools: music, dance, business, commercial or trade.
Sewing machine sales and service.
Shoe and hat stores, and repairing when done as a part of the retail business.
Signs, as regulated in Section 1139.05.
Sporting goods stores.
Taverns.
Telegraph offices.
Telephone exchanges and coin telephones, outdoor.
Theater, indoor.
Tobacco shops.
Toy stores.
Trailer sales and rental, for use with private passenger motor vehicles.
Travel bureaus and transportation ticket offices.
Typewriter and adding machine sales and service.
Variety stores.
Wearing apparel shops.
Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of chapter 1155.
All R-4 General Residence District permitted uses.
(Ord. 10-16-67. Passed 11-20-67; Adopting Ordinance.)

1139.02 CONDITIONS OF USE.

All uses permitted in a B-1 District, except residence district uses, shall be retail establishments dealing directly with consumers and shall be subject to the following conditions:

- (a) Dwelling units and lodging rooms are not permitted below the second floor.
- (b) All business, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
- (c) There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the premises.

- (d) Such use, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. (Ord. 10-16-67. Passed 11-20-67.)

1139.03 TRANSITIONAL YARDS.

Where a B-1 District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

- (a) Where lots in a B-1 District front on the street and at least eighty percent of the frontage directly across the street between two consecutive intersecting streets is in a residential district, the front yard regulations for the residence district shall apply to the lots in the business district.
- (b) In a B-1 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residence district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use on the adjacent property in the residence district.
- (c) In a B-1 district, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Zoning Ordinance for a residential use on the adjacent property in the residence district.
- (d) In a B-1 District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty feet in depth, but may begin at a height of fifteen feet or one story above grade, whichever is lower.
- (e) In a B-1 district, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residence district, a yard of not less than ten feet shall be provided.
- (f) Transitional yards shall be unobstructed from the lowest level to the sky, except as allowed in Chapter 1153. (Ord. 10-16-67. Passed 11-20-67.)

1139.04 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in a B-1 District for a building or buildings on a zoning lot, including accessory buildings, shall not exceed 3:0. (Ord. 10-16-67. Passed 11-20-67.)

1139.05 SIGNS.

The following signs are permitted in B-1 Districts:

- (a) Signs relating only to the name and use of buildings or premises upon which they are placed. Advertising signs and outdoor billboards advertising products or matters not related to the occupancy and use of the premises shall not be permitted.
- (b) Signs attached to a building or buildings shall not project more than eighteen inches from the wall upon which they are attached. Signs must be attached to parapet walls or other wall surfaces made apart of the main structure. Signs erected on a separate superstructure attached to the roof of the building or to any other part of the building above the roof line shall not be permitted. No sign shall

project higher than four feet above the parapet line or the roof line, whichever is higher.

(c) The gross surface area of all business signs on a zoning lot shall not exceed in square feet of area two times the lineal frontage of such zoning lot. Each side of a building which abuts upon more than one street shall be considered as a separate frontage.

(d) For integrated shopping centers in single ownership and management, or under unified control, one additional sign may be erected not to exceed 100 square feet in area, advertising only the name and the location of the integrated shopping center.

Such sign shall be placed so as to be entirely within the property lines of the premises upon which the sign is located and the bottom edge of such sign shall be at least eight feet above the level of the ground and the overall height shall not exceed twenty feet above curb level, or above the adjoining ground level if such ground level is above the street level.

(e) No sign may be painted, pasted or similarly posted directly on the surface of any wall; nor shall any sign be permitted to be placed on any wall, fence or standard facing the side of any adjoining lot located in any residence district. Pennants, flags and other advertising devices shall not be permitted.

(f) Signs attached to or hung from a marquee or canopy shall be completely within the borderline of the outer edge of the marquee or canopy, and shall in no instance be lower than eight feet above the ground or surface over which the marquee or canopy is constructed.

(g) Signs, clocks or other advertising devices erected upon standards or separate supports shall be placed so as to be entirely within the property lines of the premises upon which they are located, and no part of a sign or standard shall have a total height greater than twenty feet above the level of the street upon which it faces, or above the adjoining ground level if such ground level is above the street level, nor shall the surface of any such sign exceed an area of 100 square feet.

(h) No illuminated sign shall be of the flashing or intermittent type. Signs which may be in conflict with public traffic signals shall not be permitted. Illuminated signs shall be shaded so as not to shine on adjacent residential properties.

(i) Highway directional signs and markers, which shall be made and installed in accordance with the specifications of the city, for announcing the location of or directing traffic to given locations which include, but are not limited to, the following:

- (1) Service areas for automobiles, food and lodging.
- (2) Business or business districts.

Traffic or directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of the premises, may be maintained provided they are located within the property lines of the subject log. (Ord. 10-16-67. Passed 11-20-67.)

1141.01 Permitted uses.
1141.02 Conditions of use.
1141.03 Yards.

1141.04 maximum floor area ratio.
1141.05 Signs.

CROSS REFERENCES

B-1 District regulations – see P. & Z. Chapter 1139
M-1 performance standards applicable to business districts – see P. & Z.
1151.12
Maximum number of parking spaces in B-2 Districts – see P. & Z.
1155.15

1141.01 PERMITTED USES.

In a B-2 District the following uses are permitted, provided they are conducted wholly within enclosed buildings, except off-street parking and loading facilities; establishments of the drive-in type offering goods and services directly to customers waiting in parked motor vehicles, and uses specified below as permitted on an open lot:

Any use permitted in a B-1 Business District.
Amusement establishments, including permanent carnivals, kiddie parks, golf driving ranges, pitch and putt, miniature golf courses and other similar outdoor amusement facilities.
Animal hospitals, kennels or pounds.
Auction rooms.
Automobile laundries.
Bakeries, including the sale of bakery products to restaurants, hotels, clubs and other similar establishments when conducted as part of the retail business on the premises.
Blueprinting and photostating establishments.
Bicycle sales and repair.
Building materials sales yards and storage.
Bus passenger stations and terminals.
Cartage and express facilities.
Convention halls.
Costume rental shops.
Cutting of glass, mirror and glazing establishments.
Dry cleaning establishments.
Exhibition halls.
Greenhouses, wholesale.
Laboratories, medical, dental, research, experimental and testing, provided no production or manufacturing of products takes place and provided the performance standards of the M-1 District are complied with.
Linen, towel, diaper and other similar supply services.
Live bait stores.
Model homes or garage displays.
Monument sales.
Newspaper distribution agencies, for home delivery.

Parcel delivery stations.
Pawnshops.
Printing and publishing of newspapers, periodicals, books and including letter process work.
Radio and television broadcasting stations.
Secondhand stores and rummage shops.
Schools: commercial or trade, subject to the provisions of the performance standards established in M-1 Districts.
Stadiums, auditoriums and arenas, open or enclosed.
Storage, warehousing and wholesale establishments.
Taxidermist shops.
Undertaking establishments, funeral parlors or mortuaries.
All R-4 General Residence District permitted uses. (Ord. 10-16-67. Passed 11-20-67; Adopting Ordinance.)

1141.02 CONDITIONS OF USE.

All conditions of use in B-2 Districts for permitted uses shall be the same as required and apply in a B-1 Business District. (Ord. 10-16-67. Passed 11-20-67.)

1141.03 YARDS.

All yard regulations in B-2 Districts shall be the same as required and apply in a B-1 Business district. (Ord. 10-16-67. Passed 11-20-67.)

1141.04 MAXIMUM FLOOR AREA RATIO.

The maximum floor area ratio in a B-2 District shall be the same as permitted in a B-1 Business District. (Ord. 10-16-67. Passed 11-20-67.)

1141.05 SIGNS.

All sign regulations for B-2 Districts shall be the same as required or permitted in a B-1 Business District. (Ord. 10-16-67. Passed 11-20-67.)

After reading through these two Zoning District Codes Mr. Davis once again stated that he needed each Commissioner to try and locate any areas that needed update or revision. Mr. Davis stated he would wait for these comments at the next meeting.

At this time Chairman Corwin recognized that there were no audience participants and asked for a motion to adjourn. **Commissioner Boyd made a motion to adjourn and the motion was seconded by Commissioner Allen. Roll Call: All Aye.** The meeting was adjourned at 3:05 p.m.

These minutes were prepared using an audio recording.

