

Regular Meeting ~ 2:00 p.m. Thursday, June 6, 2013

Springview Government Center 3130 East Main Street Springfield, Ohio 45505

Ms. Jo Anderson, Chairperson of the Clark County Planning Commission of Clark County Ohio, calls the meeting to order at 2:00 p.m.

Present:

Ms. Jo Anderson, Mr. Steve Hopkins, Mr. Ron Lyons, Mr. David Minard, Mrs. Nora Parker, Mrs. Charlene Roberge, Commissioner Detrick and Commissioner Lohnes.

Absent:

Mr. Jim Burkhardt, Mrs. Elaine Stevenson and Commissioner Hartley.

Chairperson Anderson asks if there are any comments regarding the minutes. Hearing none, she asks for a motion to approve the minutes.

CPC: 6-10-2013: Minutes ~ May 1, 2013 ~ Regular Meeting

Motion by Mrs. Roberge, seconded by Mr. Lyons, to approve the minutes with the correction of the previous minutes being from the April 3, 2013 meeting.

VOTE: Yes: Mrs. Roberge, Mr. Lyons, Mr. Minard and Mrs. Parker.

No: None.

Abstain: Ms. Anderson, Mr. Hopkins, Commissioner Detrick and

Commissioner Lohnes.

Motion carried.

Z-2013-2: Rezoning Case ~ Roger & Benetta Insprucker ~ 0.45 Acres ~ Property located at 204 Sycamore Street ~ Bethel Township ~ R-2A (Medium Density Single-Family Residence District) to B-2'S' (Community Business District, Specific Use)

Mr. Neimayer, Senior Planner, presents several maps and exhibits of this case and states that the subject property consists of 0.45 acres and is currently zoned R-2A (Medium Density Single-Family Residence District). The property owners are requesting to rezone the subject property from R-2A to B-2'S' (Community Business District, Specific Use). The specific uses requested are single-family residential and auto (minor) repair. As stated in the rezoning application, this collision center (minor repair) land use "has been operating since 1968 at this location." Buildings on the subject property include: 2-story frame home approximately 1,800



sq. ft.; a block garage approximately 1,500 sq. ft.; shed #1 approximately 60 sq. ft.; and shed #2 approximately 120 sq. ft. The property is serviced by public sewer only.

This rezoning case was initiated from a zoning complaint.

The original zoning map for Bethel Township, adopted on November 3, 1964, shows the subject property was zoned R-2 (One Family Residence District). The current zoning map shows the property as R-2A (Medium Density Single-Family Residence District) in accordance with the 1984 County Zoning Regulations.

The surrounding zoning to the north, south, west and east of the subject property is R-2A with land use being residential. To the south is an O-1 (Office District) property, and further south along Main Street is a B-2 (Business District).

The County Engineer's Department has reviewed the rezoning request and has no objection.

The Clark County Zoning Regulations state: Automotive service stations, with repair facilities and excluding temporary or short-term or long-term outside storage of parts and/or vehicles, is a permitted use under the B-2 zoning district. Automotive Service Station is defined as:

"Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicles accessories may be supplied and dispensed at retail; and where minor mechanical work including motor tune-up, tire servicing, replacement of mufflers, radiator cleaning, repairing brakes and other minor work not involving removal of the vehicle motor, the motor head or crank case, and not involving body work, painting, welding or other work involving noise, glare, fumes, smoke, or other characteristics to the extent greater than normally found in filing stations."

Automotive Body Shop is defined as:

"Any structure or use intended for collision service, repair or painting of motor vehicles."

By definition of the above two terms, it would appear that B-3, and not B-2, is the proper zoning district for the intended use. Due to the "pyramid" structure of the Business zoning districts, Staff advised the property owners to request the Specific Use designation to limit the use of the property to those being requested.

The CROSSROADS Land Use Plan identifies Medway area (which includes the subject property) as Agriculture/Rural Residential, which reads:

"Predominantly rural portions of the County, where agriculture should remain the priority, are designated as Agricultural/Rural Residential. This designation emphasizes agriculture as the dominant land use, but also recognizes that residential uses are appropriate if very low density in character (less than one dwelling per two acres – gross density) and/or clustered to preserve significant open space features (such as prime agricultural soils)". "Agriculture/Rural Residential is most appropriate in portions of Bethel, German, Green, Harmony, Mad River, Madison, Pike and Pleasant townships".



Although the property owners indicate the auto repair business has been operating at the subject property since 1968, the 1964 Bethel Township zoning map shows the property zoned for residential use only. Even with applying the specific use designation, approving the rezoning request would "formally" bring a business use into an established residential zoned district. This business district would be surrounded by the R-2A residential district.

Property located at 105 Sycamore Street was approved for rezoning from R-2 to B-1'S' on November 4, 1976 with the specific uses being medical doctors, osteopaths, dentists, engineers and attorneys. This property is located adjacent to the B-2 zoning district (Community Business District) along East and West Main Street in Medway. According to the case file, that property had been used for a doctor's office since 1961. With the adoption of the 1964 Bethel Township zoning map, the use became a legal, non-conforming use. In order to expand the use, a rezoning was necessary.

The building(s) used for the auto (minor) repair business have not been approved for business use under the building code.

Based on the above information, Staff recommends the Applicant's request to rezone the subject 0.45 acres from R-2A to B-2'S' or B-3'S' with the specific uses being single-family residential and auto (minor) repair be denied.

Mr. Neimayer asks if there are any questions.

Mrs. Roberge asks for confirmation that the property was zoned residential long before the business was there.

Mr. Neimayer responds that the Bethel Township Zoning was adopted in 1964 and the use of this property of auto repair along with residence has been since 1968. Both Bethel Township previously and Clark County currently have had this property and surrounding area zoned for residential use. It does not have a use that would have been "grandfathered" as it would have come under county zoning.

Commissioner Detrick asks if the property is not "grandfathered" because of the four year gap.

Mr. Neimayer responds that it was not zoned for a business use so it would have been an illegal use based on the 1964 township zoning.

Commissioner Detrick asks if there have been some complaints.

Mr. Neimayer responds that this rezoning case came about because of a complaint that was filed.

Commissioner Detrick asks what the position of the Township Trustees.

Mr. Neimayer responds that he has not heard from the Trustees. They may be at the Rural Zoning Commission meeting next week which is a public hearing.



Commissioner Detrick asks if the property to the immediate north is it also owned by the present owners.

Mr. Neimayer responds that is a different property owned by someone else.

Mrs. Roberge asks if the complaints came from one of the surrounding neighbors.

Mr. Neimayer responds that it most likely was a neighbor. He spoke with someone about a year ago about fumes coming from the subject property and health issues with a young child.

Commissioner Detrick clarifies that, if this should be approved, Mr. Neimayer recommends that it be rezoned to a B-3'S' instead of a B-2'S'.

Mr. Neimayer responds yes. If the Boards do consider granting the request then it should be a B-3'S' because of the definition of auto repair. The B-2 'S' is what he originally recommended to the Applicant because of the use and what he understood at that time. He did not look through the definitions. He just assumed that with the auto body shop as defined and the auto service does also include minor mechanical work including motor tune-up, tire servicing, etc., he felt at the time of application that the B-2 would be the proper zoning district.

Chairperson Anderson asks if he has had a chance to go over the shift if zoning districts from B-2 to B-3 with the Applicant.

Mr. Neimayer responds no. The specific use request is for the auto body repair and for the residential.

Mr. Lyons confirms that all the time this body shop has been there it has been illegal because it is zoned residential and not business.

Mr. Neimayer responds that from his research that is correct.

Mr. Lyons remarks that until someone complained about the business nothing has ever been done or said until now.

Mr. Neimayer responds yes. There was a rezoning case filed back in the 1970's but it was withdrawn for some reason and there is no information as to why it was withdrawn.

Mr. Lyons asks if this body shop has escalated to becoming more of a nuisance in recent years compared to previous years and possibly different owners.

Mr. Neimayer responds that it may be someone who has recently moved into the neighborhood and because of some health issue or seeing increased activity that may have questioned whether or not the property was zoned properly for the use.



Mr. Lyons states that he has lived in the area for a better part of 30 years and he has noticed that it seems to have expanded in recent years. Everyone in the area knew it was there but did not know they were not supposed to do that type of work there until someone complained. Mr. Neimayer responds that in talking with the Applicant and looking at the property, there is a privacy fence screening around the property so you would not see most of the activity going on.

Chairperson Anderson states that there is no adjacent business zoning but within a block or so either way there are business zoned properties.

Mr. Neimayer responds by displaying a zoning map and showing surrounding properties in the general area and their zoning districts and uses.

Mrs. Roberge asks if they are currently painting, welding and creating smoke and noise in the building. Because if you have the complaint stating there are fumes due to this type of work then that would be her biggest concern and the hazards of this particular business being there amongst a residential area.

Mr. Neimayer responds that he will defer that to the Applicant's Representative that is present.

Mrs. Roberge asks that in the event this case does get denied, what will happen to this business after that.

Mr. Neimayer responds that should the case ultimately be denied the owner will be informed that the current use of the property being auto body repair will have to cease operation.

Mr. Lyons asks if Staff knows who or where the complaint came from.

Mr. Neimayer responds no. It was an anonymous complaint.

Mr. Lyons asks that the Staff recommendation states that this should be denied. Why does Staff recommend denial?

Mr. Neimayer responds because it is in the middle of a residential neighborhood and it appears that the business use was not established prior to or grandfathered into the county zoning. Introducing a business use from a planning stand point would not be the thing to do because that would be the first step into creating a new business area that was not the original intent. It also does not follow our Crossroads Landuse Plan.

Chairperson Anderson asks if the Applicants would like to speak before the Board.

Mr. Doug Fannin (Representative for the Applicant), whose address is 205 W. Main Street, Fairborn, states that he has the owner of the property here Mr. Roger Insprucker and Mr. Shane Nugent (owner's stepson and tenant of property). Mr. Insprucker is renting the property to his stepson Shane who runs the auto body shop and also resides at the property.



Commissioner Detrick asks if the owner has had this property and running an auto body business for the last 45 years.

Mr. Nugent responds that his father is the one who started the auto body business in the 60's. He was born and raised there and it has always had a body shop on the property.

Commissioner Detrick states that there are roughly 7,000 cars a day that are on that road and it is actually an extension of I-675. He does not see from the front that there is an issue because of the privacy fence but he is unfamiliar with how the rear of the property is buffered from the neighbors.

Mr. Nugent responds by presenting a display board of pictures of the property and how it is being maintained now. He also has pictures of the property in disarray when it was purchased by Mr. Insprucker. The pictures show a dramatic change from what it was and how maintained the property is currently.

Commissioner Lohnes asks if it was in fact 1968 when the auto body shop began.

Mr. Nugent responds that it was between 1968 and 1969 when his father built the building. He also states that his father sold the property in 1981 or 1982 and was sold with the building being a body shop. Then it was continued as a body shop through multiple sales after that. The property was eventually foreclosed on and he wanted the property back because he grew up there and wanted to continue what his father did and re-open the body shop there. He did just that and got the property in 2008 and just last year a complaint was filed. He does not feel it was a neighbor because he went around to all of his surrounding neighbors and had all of them sign petitions in favor of the body shop.

Mrs. Parker asks what the hours of operation are.

Mr. Nugent responds he is open from 8 a.m. to 5 p.m. and closed on the weekends. There is no company sign stating that it is a business anywhere on the property.

Mrs. Roberge asks if Mr. Nugent obtained an occupancy certificate when he opened his business.

Mr. Nugent responds no he did not.

Mr. Lyons states that in the complaint letter that was submitted it refers to people sitting out in their back yards and smelling paint fumes and noise as late as 9 p.m. and it was a nuisance. But, it was just stated that the business hours end at 5 p.m.

Mr. Fannin responds that there is an anonymous complaint and it is contradictive of what Shane has as far as petitions signed by all of the surrounding property owners that are for the body shop.

Mrs. Roberge asks then why would someone go to the time and effort to write a letter and complain of a problem.



Mr. Fannin responds that it is not a problem with the surrounding neighbors. They found no evidence that the complaint was related to any of the adjoining neighbors and they have their signatures to that affect.

Mrs. Roberge replies but he is still operating illegally as far as a business in a residential zoned property.

Mr. Fannin responds that is not what he is dealing with. That is her assumption to make.

Mrs. Roberge responds that how could it be an assumption if he is in fact running a business illegally in a residential property.

Mr. Fannin responds that for the sake of operating when you say illegal according to the zoning issues here on the surface he agrees. That is why they made application asking for the appropriate zoning district either a B-2'S' or B-3'S' to conduct the business legally.

Mr. Lyons asks Mr. Nugent if this business is his main source of income.

Mr. Nugent responds yes this is my main source of income. The body shop is my livelihood.

Mr. Lyons asks how many cars are there at one time.

Mr. Nugent responds that out front there are never any more than a few going in and out but there are usually four to five cars in the back at all times. All of the cars in back do sit on concrete and not in the grass. The property has been inspected and approved by EPA. All of his equipment was checked by EPA and is in compliance for five years. He has a letter from EPA to verify this and he has three years remaining until his equipment will be checked again.

Mrs. Roberge asks what is in the building to the north of the subject property.

Mr. Nugent responds that is the next door neighbor's storage building.

Mrs. Parker asks what is done for ventilation during business hours.

Mr. Nugent responds that he tries to keep the front door closed most of the time and he has a back door that he opens and usually remains open for most of the day during business hours to get some air inside.

Mr. Fannin asks Mr. Nugent what doors are open when he is painting.

Mr. Nugent responds that there are no doors open when painting. It {paint fumes} all has to come through the charcoal filtering system. Keeping in mind that they do not do full restoration work on cars or overall painting of cars. It is usually minor painting of a fender, door, hood, etc.



Commissioner Detrick asks Mr. Nugent if he lives in the home.

Mr. Nugent responds yes he does.

Mr. Fannin asks Mr. Nugent to explain to the Board the vast improvements he has made to the property.

Mr. Nugent explains with a picture board some before and after restoration pictures of the property. He also mentions that the building did have a commercial electrical meter on it when he took the property over. When a commercial meter is turned on it has to go through the county inspection department and be approved before the electric company will turn it on. Someone had to have previously filed for an electrical permit to have the meter put on the building.

Mr. Lyons remarks that when you file for an electrical permit, they tell you whether it is residential or commercial property. He asks what Terry Shaffer the zoning inspector has to say about this situation.

Mr. Terry Shaffer, Zoning Inspector for Clark County, states that he received a complaint letter in the mail regarding the subject property. The complaint was investigated and that is why the rezoning case is now before the Board.

Mr. Lyons asks if Mr. Shaffer investigated the property.

Mr. Shaffer responds that he did investigate the property from the road which has been ongoing since the complaint was filed about a year ago.

Mr. Fannin states that they are here with an open book. Whatever questions the Board has they wish to comply. This business has been in operation and has changed family business hands for a period of 45 years. Mr. Nugent resides there and has vastly improved the property. Their investigation with the property has revealed that none of the neighbors have a problem with Mr. Nugent continuing the with the auto body business. None of the neighbors claim to have made the complaint and they have no objections to him continuing with what he is doing. He has clearly improved not only the condition of the property but the neighborhood as well. With the way he maintains the property and keeps the front door of the business closed most often you cannot even tell there is a business there. The privacy fence is well maintained and there is no visual ability to see what is going on in the back yard area. The business area is properly paved and no parking of vehicles or parts is placed on the grass and there is no seepage of automobile fluids in the grass areas as well. He also has a five year compliance with EPA. He has done everything he possible can to comply. The only problem now is the R-2A versus the B-3'S' zoning.

Mrs. Roberge states that upon reviewing the EPA letter that was passed around to the Board, it states that they addressed the issue about the complaint that Mr. Nugent was disposing of waste improperly. But, it does clearly state that a comprehensive inspection to determine compliance with all of Ohio's waste laws and regulations was not conducted. That means that there is a possibility that there may be other issues that were not found.



Mr. Fannin responds that Mr. Nugent invited the EPA Representative in. If there is more to be done then they will do it.

Mrs. Roberge responds that the letter nowhere states anything about five years of compliance.

Mr. Nugent responds that the five year compliance was verbally told to him by EPA. If they were to get another complaint about the same thing, they will not come out and that he is in compliance for five years.

Commissioner Lohnes asks if Mr. Nugent is in compliance and inspected with the air handling and filtering.

Mr. Nugent responds yes. He is in compliance with both.

Mrs. Roberge asks where the documentation is for that.

Mr. Nugent states that he has it and will be glad to forward a copy of it to the Board.

Ms. Anderson asks Mr. Neimayer for the approximate date of the anonymous complaint was received.

Mr. Neimayer responds there is no date on the handwritten letter. The date of the code enforcement letter to the property owners is dated March 14, 2012.

Mrs. Parker asks what the date of the post mark is on the envelope that the anonymous letter came in.

Staff responds that the envelope is dated April 5, 2012.

Chairperson Anderson asks if there is anyone else who wants to speak.

There are none.

Hearing no further questions, Chairperson Anderson asks for a motion.

There was discussion amongst the Board members regarding what is allowed in the B-2 versus the B-3 zoning districts as well as defining the specific use of the property.

Chairperson Anderson asks if there is any further discussion.

Mr. Lyons remarks that Mr. Nugent has gone to a lot of extra work to show what he has done with the property and presenting the Board with the pictures that he has taken and he is fighting for his livelihood. He supports that whole heartedly. It can be looked at that Mr. Nugent is running the business illegally zoning wise and quite frankly it is. But, it has been there for a long time. The surrounding neighbors have signed letters stating they are in



support of Mr. Nugent's business. As far as the person who wrote the letter and not coming out and saying who they are. He would have liked that better but no one stepped forward so that is the reason the Board should approve this request for Mr. Nugent's sake as well as his livelihood.

Mrs. Roberge responds that her biggest issue is that the business has not been operating for 64 years consistently. There is a gap and a new owner took possession in 2008 and did not check everything out to make sure he was in compliance with zoning. If the business were there operating consecutively for the last 64 years that would possibly make a difference but it was not. There are gaps and it's not under the same ownership from the late 60's.

Mr. Insprucker states that when he first saw the subject property that his wife wanted him to invest in for his stepson he could not believe the deplorable condition it was in and was not sure he wanted to invest in the property. But he did and he is very proud of the hard work and expense Shane has put into the property. Shane keeps the property very tidy and well kept. The auto body business is Shane's livelihood. That is what he knows and grew up learning. That is what he should be able to keep doing on this property. He thanks the Board for allowing them to be heard today and for their consideration.

Mrs. Parker comments that she is bothered that they are looking at rewarding someone for breaking the law. That is a door that once opened it will never close. There is a Crossroads Plan which is being ignored as well as the recommendation from Staff. She is not sure that is a good precedence to set.

Ms. Anderson remarks that she would think that the Board would like to not punish the people who come forward and put their property into a legal status which that is what she sees this doing. The use has been there and now they are trying to get the zoning to match the use. The alternative is to discontinue the use. There are probably others in the county who are using their property in a manner inconsistent with their zoning and have not identified themselves to use and will continue to be illegal. But the people who are under consideration right now are those who have come forward to say this property should be zoned for business regardless of whatever the instigation was or activity was that initiated it.

CPC: 6-11-2013: Z-2013-2: Rezoning Case ~ Roger & Benetta Insprucker ~ 0.45 Acres ~ Property located at 204 Sycamore Street ~ Bethel Township ~ R-2A (Medium Density Single-Family Residence District) to B-3'S' (General Business District, Specific Use District)

Motion by Mr. Lyons, seconded by Commissioner Detrick to recommend <u>Approval</u> to the Rural Zoning Commission of rezoning case Z-2013-2 from R-2A to B-3 'S' as presented. The specific uses being single-family residential and auto (minor) repair.



VOTE: Yes: Mr. Lyons, Commissioner Detrick, Mr. Hopkins, Mr. Minard,

and Commissioner Lohnes.

No: Mrs. Roberge and Mrs. Parker.

Abstain: None.

Motion carried.

Mr. Neimayer states there is an item that was not on the agenda that he would like to address with the Board. It has to do with a lot split and because of that it will go through the County Subdivision Regulations.

Proposed Lot Split ~ Harlis Price ~ Lot #1 – 1.0 Acres & Lot #2 – 4.3 Acres Property located at 3348 Snyder-Domer Road ~ German Township ~ A-1 (Agricultural District)

Mr. Neimayer, Senior Planner, presents several maps and states that there are two lots involved with the split one being 1.0 acres and the second being 4.47 acres and are currently zoned A-1 (Agriculture District). The Applicants are proposing to create a lot split involving two lots to create a building site on the larger lot. In order to accomplish that the Health Department has indentified the well and septic system areas as well as replacement areas and due to soil and typography for the replacement areas on both lots the split will create a zigzag shaped lot configuration for the smaller lot. Because of the odd shape of the lot and one of the requirements for this type of lot split, it is with the direction of Board to bring odd shape lot splits before you for your review and approval before he proceeds with the lot split. The lots are in German Township and it is his understanding that German Township is o.k. with the lot split. He will get their formal sign off on the survey and proceed with the process upon approval from this Board.

Mr. Neimayer asks if there are any questions.

Mrs. Roberge asks for more clarification as to what area is proposed to be split.

Mr. Neimayer responds that it is the area that is outlined in black on the map that provided.

After a brief discussion Mr. Neimayer realizes that only one side of the map sheet printed. The other side should have had the outline of the proposed lot split.

Mr. Neimayer proceeds to clarify the outline of the proposed split

Hearing no further questions for Staff, Chairperson Anderson asks the Board if they have any questions for the Applicant.



Mr. Harlis Price (Applicant), whose address is 3348 Snyder-Domer Road, reiterates why there will be an odd shaped lot due to where the backup system areas are for both lots and where he would like to build a cabin on the large lot.

Mrs. Roberge asks if he owns both of the lots.

Mr. Price responds that he owns both of the lots plus the one behind the larger lot. He paid \$86,000.00 for the 1 acre lot so he could build his log home on the other lot. He bought the log home kit and it has been stored in his garage for four years. He has invested to date \$100,000.00 to get this far.

Ms. Anderson asks Mr. Price if this is property he entirely owns and wants to just change the parcel lines.

Mr. Price responds that is correct.

Mrs. Roberge asks if it would not be easier to take the small lots' side property line all the way over to the larger lots' side line to make it a more favorable shaped lot.

Mr. Price responds that all though that would make sense given the larger lot is a u-shaped lot, it has to remain a u-shaped lot because of the German Township zoning requirement needing to have a certain amount road frontage.

Mr. Neimayer states that German Township does not like to do variances. They would rather have odd shaped lots.

Hearing no further questions, Chairperson Anderson asks for a motion.

<u>CPC: 6-12-2013: Proposed Lot Split ~ Harlis Price ~ Lot #1 – 1.0 Acres</u> <u>& Lot #2 – 4.3 Acres Property located at 3348 Snyder-Domer Road ~</u> German Township ~ A-1 (Agricultural District)Property

Motion by Commissioner Lohnes, seconded by Mr. Minard to <u>Approve</u> the Proposed Lot Split as presented.

VOTE: Motion carried unanimously.

Zoning Regulations – Discussion of Definitions and Proposed Amendments ~ Chapters 1 thru 4

Mrs. Roberge states for the record that she would like to commend Staff for all of their hard work of going through the proposed regulations and correcting all of the typos and making minor changes. This was no small feat and was a lot of work. She thanks Staff for doing all this work and coloring coding the changes and making the board member's lives easier.



Mr. Lyons seconds that Thank You and states they did a good job.

Mr. Neimayer proceeds with asking if the Board had any questions with regards to the definitions that were handed out last month for review. There were none. He proceeds by saying that Chapter One is mostly editorial changes such as typos and wrong references. He points out that on page 1-4 in Section E, he has added the Eastern Edge Overlay Zoning District (EEOD) and the Specific Use Control District (S) to the listing of current zoning districts. On page 1-7 under OS Open Space Overlay District he recommends that "should" needs to be "shall". This explains that "shall" is something you would have to do or not do instead of "should" being interpreted a recommendation.

Mrs. Parker comments that it should be "shall" because it makes a stronger statement.

Mrs. Roberge concurs.

Commissioner Lohnes recommends that it be "shall" to make it a black and white issue. He also states that "generally" should be omitted.

Mrs. Roberge concurs.

Mr. Neimayer states that on page 1-7 under the Eastern Edge Overlay Zoning District (EEOD) the highlighted area is in question as to how it needs to read.

There was discussion between the Board Members. It was determined that Staff should review that sentence more closely and come back with a proposal as to how that sentence should read.

Mr. Neimayer states that throughout the entirety of the zoning regulations the County Health Department is now referred to as The Clark County Combined Health District. Zoning Inspector is also identified now as Zoning Administrator. On page 1-14, Section O – Commentary, this section is being deleted all together because if something needs to be explained it should be through the zoning text itself. There should not be a need for commentary in this type of document.

He proceeds with Chapter Two in saying that there were wrong references in this chapter and the corrections are all in red. Note that under the conditionally permitted uses that #11 has been changed to read Nursing Homes, Convalescent Homes and Assisted Living Facilities, deleting the term Rest Homes. This brings a more up to date description of those types of living quarters. Under #17 it will now read Garden Centers, Greenhouses and Landscaping Business. Throughout this document the use of "factory built" or "mobile" home is now referred to as manufactured home(s). On page 2-4 he points out that new cell towers are exempt from local zoning and goes through the State Review Boards. However, they do have to obtain a local building permit due to the main structure and most likely electrical. So the referencing of #22 must include "To the extent permitted by ORC 519.211." On page 2-5 under #3 principal permitted and conditioned uses; it now states that under the R-1, R-2, R-2A and R-2B zoning districts that there are to be no agricultural and related buildings and structures. However, that does not remove someone if they have an R-1 zoned property and



is 5 acres or more in size. You can have agriculture on any zoned property including industrial and by state definition it is allowed in the unincorporated areas. There is local zoning if the property is less than 5 acres following the state law on agricultural use and definitions. On page 2-17 under #27; there needed to be clarification as to a maximum height for a fence or solid wall.

Mrs. Parker states that there should be a minimum and maximum range for a fence or wall.

Mrs. Roberge recommends that it should read "with a solid wall or fence with a height of eight (8) feet."

Mr. Lyons concurs.

Mr. Neimayer states that on page 2-21 under Procedure for the Specific Use Control, under A. 3., there is clarification as to how the County Commissioners are referenced throughout this section. Under A. 4., under the County Commissioners, instead of a unanimous vote required to vote differently then what is recommended by the Rural Zoning Commission, it only needs to be a majority vote. State legislation already made this change. It just needs to be incorporated in the zoning regulations.

Mrs. Parker requests that under B. 2., he last sentence should read "have" acted upon and omit the word has.

Mr. Neimayer states that Chapter 3 has mostly typos. Proceeding with Chapter 4, again there are mostly typos being corrected. On page 4-7 there is clarification to 4. b) as far as the titles of the state building codes. Section H of this chapter makes reference to "manufactured" homes and omitting "mobile". He states that concludes the review of Chapter 1 through 4. He asks the Board to review Chapter 5 through 7 for discussion at the July meeting.

Discussion to move next month's meeting to Wednesday, July 10, 2013

Mr. Neimayer states that due to Fourth of July falling on the first Thursday of the month. Anticipating that most people will be taking an extended time off, he recommends pushing the CPC meeting back a week to Wednesday, July 10, 2013.

<u>CPC: 6-13-2013: Motion to move next month's meeting to Wednesday,</u>
<u>July 10, 2013</u>

Motion by Mrs. Roberge, seconded by Commissioner Detrick to <u>Approve</u> moving next month's meeting to Wednesday, July 10, 2013.



VOTE: Yes: Mrs. Roberge, Commissioner Detrick, Mr. Hopkins, Mr. Minard, Mrs.

Parker and Commissioner Lohnes.

No: Mr. Ron Lyons.

Abstain: None.

Motion carried.

Staff Comments

Mr. Neimayer stated a new rezoning case has been filed and confirmed the July meeting will be on Wednesday, July 10, 2013.

Adjournment

CPC: 6-14-2013: Adjournment

Motion by Mr. Lyons, seconded by Mr. Minard, to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:35 p.m	
Ms. Jo Anderson, Chairperson	Mr. Thomas A. Hale, Secretary