

CENTERVILLE PLANNING COMMISSION
Workshop Session - Jan. 15, 1976
7:30 p.m.

Those Present: Messrs. Tate, McCrabb, McSherry, Hickey & Schottmiller.
Also Present: G. Reynolds, City Planner.

The City Planner referred Planning Commission Members to their copies of Zoning Definitions and copies of Regulations for "R-1", "R-2", and "R-3" Districts.

It was suggested by Mr. Hickey and Mr. McSherry that they begin with the Definitions. Mr. Tate then referred them to this information.

Mr. Hickey felt that the phrase "an individual" should be moved to the first part of this paragraph and should read - The word "person" includes an individual, a firm, etc. He felt that the words "as well as" seemed to be somewhat cumbersome.

Mr. Tate felt that the word "or" should be retained when it was expressed that it should be replaced with the word "and".

Mr. Hickey asked whether or not the phrase "masculine includes the feminine" should be included. It was agreed that this is usually included in definitions.

It was clarified that the words "shall" or "may" will be used. The word "must" will be excluded.

Mr. Hickey asked about the terms "incidental and subordinate" to. Mr. Reynolds explained that this refers to a residential lot that has one house on the lot; another could not be built on that same lot. He explained that accessory use must be of a lesser degree.

Regarding Sec. 2.04, Mr. Reynolds explained that a business transaction could be made outside, but that the Ordinance prohibits the stocking or storing of any materials outside of a building. Mr. Tate stated that this refers to the whole Ordinance and not just residential, thus clarifying the question.

Those who did not have the four pages of graphics included with their definitions were given them and Mr. Reynolds stamped "draft copy" on those not previously marked.

Mr. McCrabb mentioned that he had some preliminary questions as to whether or not the Planning Commission had definitely decided or voted on the plan to follow regarding the re-writing of the Zoning Ordinances. He said that he did not think they should spend a lot of time and then decide they were not in agreement as to procedure. Mr. Tate asked his interpretation of the last meeting. He thought that Mr. Reynolds had been asked to explore the possibility of other kinds of basic formats of ordinances. Mr. McCrabb said that he wanted to be sure that they would not be going the consulting route and asked whether or not they would be presenting the revisions to Council in one big conglomerate or in "bits and pieces", to which Mr. Tate replied, "bits and pieces". Mr. Tate explained that Mr. Reynolds is to see that the Zoning Ordinance is in order, making sure that one part does not contradict another part of the Ordinance

reformating with subsequent submittal to Council for their review, comments and eventual approval.

Mr. McSherry had a question regarding the building line mentioned in Section 2.10, feeling that it was too indirect; Mr. Reynolds explained that the wordage includes all situations that could possibly arise. The use of the term frontage and building line was questioned. "The building line usually parallels the frontage line," Mr. Reynolds stated, but went on to say that he would see what could be done to clarify the wording.

Mr. McSherry and Mr. McCrabb had questions regarding the meanings of Conditional Use compared with Variance. The Conditional Use has to be reviewed by the Planning Commission and requires approval by Council. Uses are either permitted, not permitted, conditional or varied. Mr. Tate suggested that the term "Contingent Use" be taken from the listing of definitions.

Mr. Hickey asked about the defining of basement and cellar. Mr. Reynolds pointed them to the diagram which shows that it is a space wholly or partly below finished grade level. Quite a discussion followed regarding tri-level homes.

When questioned about Sec. 2.22, regarding the definition of "dwelling", Mr. Reynolds explained that it had been revised and was consistent with the Group Home Ordinance.

A definition for "grade" was asked for by Mr. McSherry as to whether or not the grade line would be the building line. Mr. Tate explained that if you lived on a hill and everything ran down from you, the grade line would still be at the point where the ground met the house. "The calculation is to be the average of the four building walls," Mr. Reynolds said. Mr. McCrabb felt that the important aspect would be the granting of additional height variance. It was suggested that "story" be modified and Mr. Reynolds suggested that a maximum of thirty-five (35) feet be allowed for the front of the building taking it back parallel to the grade; this will dictate how much space may be in the back. Thus the back wall from the lowest level up to the roof could not exceed 35'. It was pointed out that a variance could be given for those situations such as a corner lot, but that it is necessary that when grade is referred to, it will always indicate the same thing at the same point. After mentioning the fact that using average grade could be a problem for the Building Inspector, due to the fact that he is not going to know what the average is, and that probably on most residential houses, some elevations are not going to be that exacting; Mr. Reynolds said that he would check on some other source.

Mr. Hickey asked about Sec. 2.27 and the definition of agriculture. Mr. Tate said that you could have an entire farm in a land-bank and it would be agriculture. Mr. Reynolds pointed out that zoning is not mentioned here, but is only a definition for farm. The pros and cons of agriculture in the City were discussed. Mr. Reynolds said that he would look into this item further.

Mr. Reynolds felt that Sec. 2.31 should be expanded and Mr. Tate said he felt that a doctor or dentist or any professional person should be permitted to have a secretary in the office as it is a necessary part of the business. Some businesses are

protected by the "Grandfather Clause". Traffic problems were discussed and Mr. Tate pointed out that there are many professional people in Center-ville who have offices in their homes. Mr. Reynolds said that he would do some further checking regarding this matter.

Mr. Hickey said that he feels four is too many to be included in Sec. 2.34 - "Kennel" and suggested it be changed to say two of the same type. No definite change was agreed upon.

Sec. 2.40 defines a lot; but the question most asked regarding lots, is about the corner lot. Mr. Reynolds said that he is proposing to create a special situation for a corner lot in each District. This would make the corner lot the same average depth as the lots that are interior lots so that the corner would have a normal back yard and be placed on the property in a normal fashion. Much discussion followed. Mr. Reynolds said that he felt that staying within a specified lot area that's required for each District and then calculating what that corner lot area has to look like in dimensions would be adequate.

Mr. McCrabb pointed out that Sec. 2.43 modular homes are basically the same as a mobile home, but is put on a foundation. It is only necessary that one has a modular building permit number and it supercedes the Building inspection requirements. Mr. Reynolds stated that in an "R-1" District all one has to have is 20,000 square feet. The cost of a lot and the minimum square footage will be limiting factors. Also, Mr. Reynolds said that he will check regarding certification requirements.

Mr. Hickey said that he does not see the relevancy of Sec. 2.51 - Open Space. Mr. Tate explained that when you donate land to an Open Space, it must be defined in some way.

Sec. 2.62 - A sign that is advertising a product located physically on that premises, is an "On Site" sign, and is in the Definitions as it is so it is not necessary to have a permit or be brought before the Planning Commission everytime.

Mr. Reynolds said that fifty (50) would be the number of feet in Sec. 2.66.

Mr. McCrabb referred back to Sec. 2.65. Mr. Reynolds said that if you read this definition closely, and refer back to basement, cellar, walk-outs; this definition should be clearer. Mr. Tate pointed out that if a basement is a Recreation Room and you can look out all the way around it is a story.

Mr. Reynolds explained to Mr. McSherry that a Townhouse means that one enters each unit off the grade level; whereas Garden Apartments on a second or third floor do not have this type entrance for each unit.

New terms such as "Cluster Homes" and "Huds" will be included.

Mr. Hickey asked about "uses" in Sec. 04.01 saying that since contingent uses permitted had been deleted he did not see how this section could apply. Mr. Tate said that you either have uses or you haven't got them. Accessory structures have to meet with the provisions of the primary structure such as the

"set-back". Such items as swimming pools and a structure requiring a poured foundation must also have a permit. It was mentioned that there could be problems if all accessory use structures do not require a permit. Mr. Reynolds feels there could be further problems if all of these requests would have to come before the Planning Commission; even someone pitching a tent. Mr. Reynolds said that accessory structures must conform to all designated "set-back" regulations of the particular district.

In Sec. 04.02, the word "contingent" is to be omitted. Mr. Tate asked about the definition of a farm stating a farm must have five (5) acres. The Grandfather Clause is a State statute which says that one zoning takes place, the person who was there before cannot have damage inflicted upon him; his rights cannot be denied. Two voted against and three voted for - thus leaving the word "farm" in.

Mr. Tate said that he thought a professional person is one who earns his living by some occupation that requires some degree of skill or expertise.

Regarding Sec. 04.03-2, Mr. Hickey said that the mortuary business is pretty well taken care of by State statutes.

After mentioning problems regarding Kettering and Good Samaritan Hospitals, Mr. Tate felt that "hospital" should be taken out of Sec. 04.03 and that it calls for other zoning. Therefore, it will be deleted.

Sec. 04.03 was a point of discussion and Mr. Tate said that conditional use which can be denied will be a protective factor and that Mr. Reynolds will see if anything further can be done about this item pertaining to a radio or television tower.

Sec. 04.04 - Parking; it was pointed out that certain types of vehicles are stored and there is a difference between parking and storing. The question of the parking of recreational vehicles was discussed and this will be brought up again.

Mr. McCrabb mentioned that there is no provision for any alteration from the lot area of 20,000 square feet as specified in Sec. 04.05. Mr. Reynolds said he felt it would be better to put lot reduction in the Subdivision Regulations as it should not apply on an individual lot basis but instead reduction is discussed in reference to an entire Development.

Mr. McCrabb asked why a person with a deep lot is penalized with the requirement of a minimum rear yard as pointed out in Sec. 04.08. The variation in "set-back" in any one block shall not exceed 20% was the point of much discussion, but was resolved after a vote.

Mr. Reynolds referred Planning Commission members back to Definitions when a question was asked about height of buildings. Mr. McCrabb felt that 25' maximum height could be marginal as stated in Sec. 04.10 so Mr. Tate requested Mr. Reynolds to check further into this, conferring with Mr. Schab.

Sec. 04.11 - 1 Bulletin Board refers to a church sign, school sign, construction sign, etc. These do require sign permits, Mr. Tate stated. Mr. McSherry said that he questioned the "free-standing" signs, those between the sidewalk and curb. "These are legal non-conforming signs," Mr. Reynolds said, "and have a set-back requirement of 35'." Mr. Reynolds explained that an identification sign could be a lighted sign in a yard with the name and address of the resident and is allowed.

Part 2 of Sec. 04.11 referring to Multiple family dwellings will be included in "R-3".

In "R-2" Sec. 05.02 "Contingent Uses" is to be omitted.

Sec. 05.03 will be the same as "R-1".

In Sec. 05.11-E, the part pertaining to Multiple family dwellings will be deleted from this section.

In Sec. 06.02 "Contingent" will be changed to "Conditional" and E will be omitted. It was the consensus that this section would include those items previously listed in Sec. 06.03.

It was suggested that Private Recreational Clubs should be included in "R-1" as a "conditional use".

Sec. 06.05-C was discussed and Mr. Reynolds said that he would check further regarding corner lots.

Mr. Tate asked for any further comments.

Mr. Tate said that he hopes these revisions will be made so they can be given to the Planning Commission Members and passed on to Council Members at their next regular meeting.

Each Planning Commission Member received a copy of the Proposed Agenda for the joint meeting to be held with Council, January 22, 1976.

Meeting adjourned at 11:00 p.m.

/ph

*Approved 2-29-76
Chas. Tate*