

BUTLER COUNTY RURAL ZONING COMMISSION
Butler County Administration Center
Hamilton, Ohio

REGULAR MEETING: Monday, January 26, 2009, 7:00 p.m.
Butler County Government Services Center
Conference Room #1, First Floor
315 High Street
Hamilton, Ohio 45011

ROLL CALL:

MEMBERS PRESENT: Jeffrey Buddo, Vice-chair
Larry L. Fink
John Fisher
Ralph Martin

MEMBERS ABSENT: Glen McGraw, Chair

STAFF MEMBERS PRESENT: David Fehr, Planning Director
James Fox, Zoning Inspector & Floodplain Administrator
Joseph Schmidt, Senior Planner

Mr. Buddo, Vice-Chair, called the meeting to order.

APPROVAL OF MINUTES:

December 17, 2007 meeting

Mr. Martin made a motion to approve the minutes from the December 17, 2007 meeting (they were not approved at the most recent June 2, 2008 meeting). Mr. Fisher seconded the motion. Motion carried.

AYES: Martin, Fisher, Buddo, Fink

NAYES: None

June 3, 2008 meeting

Mr. Martin made a motion to approve the minutes from the June 2, 2008 meeting. Mr. Fink seconded the motion. Motion carried.

AYES: Martin, Fink, Buddo, Fisher

NAYES: None

NEW BUSINESS:

Proposed application for RZC09-01 Butler County Rural Zoning Commission Text Amendments to the Butler County Rural Zoning Commission Butler County

Mr. Schmidt introduced Mr. James Fox, Butler County Zoning & Floodplain manager and said he is the one that enforces the zoning regulations in the County and said he works closely with the Board of Zoning Appeals as well.

Mr. Schmidt said Mr. Fehr, Mr. Fox, Mr. Michael Juengling, Director of Development, and he sat down to look at what changes needed to be made to the existing Rural Zoning Resolution – we knew there were some points that were not clear and how it was interpreted things and wanted to clarify some things and delete some language that was dated or maybe not even up to what the Ohio Revised Code calls for and we wanted to insert some additional definitions. We have reviewed the Resolution over the past year or so and have finally got to this point. Mr. Schmidt added that some of the changes had been discussed among staff and the Rural Zoning Commission Board members, or suggested by the Rural Zoning Commission Board members in the past.

Mr. Schmidt went through a handful of the changes including the following:

Mr. Schmidt said some text was deleted and one of the biggest areas marked for deletion was in the Industrial District where a lot of the old terminology was being used – such as “pickles, sauerkraut and sausage manufacturing” was spelled out and is now included as part of “food, manufacturing, processing and related products” to reflect a little more modern times.

Mr. Schmidt said staff did do a lot of changing of reference numbers – over the years, some of the old numbering systems made sense at the time; however, we updated those to conform to the current way we are doing it.

Mr. Schmidt said there were numerous changes to definitions – and one of the major definitions that was changed was for “Agricultural and Farm Use” – especially in the A-

Districts and made that change because of the Ohio Revised Code has a definition for what agricultural and farm uses are, so we had better follow that because there were some things that we had not been covering with the old definition.

Mr. Schmidt stated staff felt it was important to make the following changes or additions:

- Fellowship Hall - definition has been added
- Manufactured Homes – modification made to definition (page 33) to follow Federal Regulations
- Nursing Home – made modification to definition with so many of those types of facilities being built around the County and we wanted a clear understanding of such facilities (page 34)
- Self Storage Units – newly added definition, as it was not spelled out as such in the past
- Warehouse – definition has been added because that can be foggy as to what exactly is considered a warehouse (page 38)
- Clarification to certain issues have been done (page 42, item 5.3) to resolve confusion as to how to designate a single property that was split in its zoning classification and its allowed uses and we wanted it to be stated officially,

Mr. Buddo asked Mr. Schmidt if he could give them an example of such a situation.

Mr. Schmidt said there are some properties in McGonigle that are split zoned.

Mr. Buddo said that is what he was thinking.

Mr. Schmidt said it happens a lot more with residential properties that are zoned R-1 in front but A-1 zoned in the rear – what guidelines are to be followed as far as the setbacks and those types of issues and that is what we had to take into consideration and it has always been interpreted that way by the County but was never stated specifically in the County Zoning Code.

Mr. Schmidt continued to highlight changes/additions, including the following:

- Emergency Zoning Certificates – what constitutes one and for how long a person can have one (on page 47)

Mr. Fox gave an example such as a house fire, is a situation when an Emergency Zoning Certificate might be requested and it used to go through the Board of Zoning Appeals first, which delayed them a whole month and require a hotel stay, but we came up with this Emergency Zoning Certificate, if they can prove to the County specific criteria, then we may allow them to live in some type of temporary structure and there have been about ten (10) such cases in the past couple of years, and we are trying to help them out. He added that often time an insurance company may put a motor home on there or manufactured home (sometimes paid by an insurance company) while the home is rebuilt then the insurance company takes it right away as soon as the house is done.

Mr. Schmidt said those are the major clarifications that staff added.

Mr. Schmidt said regarding PUD (on page 115), in terms of principal permitted uses, we added “Nursing Homes” and those types of facilities.

Mr. Schmidt said design changes were made to the Zoning District charts (as he showed in an example) for setbacks and acreage requirements to make it a little less confusing to read.

Mr. Schmidt said there were also some new requirements that have been added in – specifically in the Business Districts and Industrial Districts, such as page 148, Section 15.0508.

Mr. Buddo asked Mr. Schmidt if there was something like that in there before about sidewalks.

Mr. Schmidt said yes, in the County Subdivision Regulations we do, so any new subdivision developed in Butler County is required to include sidewalks.

Mr. Schmidt said staff wanted to make sure that if property was adjacent to a Commercial or Industrial use that they would allow for a cross-access easement to the property next door because that would allow for better circulation. This would make it so people would not have to go out onto the main road and would allow them to stay in the parking lot or if there were an access road off to the side of the main roads.

Mr. Schmidt said, on page 49, we are requiring a Site Plan for each business so the County and all of its agencies would get a handle on what the owner or property developer is looking to develop.

Mr. Schmidt said, regarding the changes to Sign Requirements – they were a bit outdated and did not define signs the way staff wanted to. That made it a challenge to interpret and enforce so that was completely overhauled by Mr. Fox and Mr. Juengling.

Mr. Fox said they referenced West Chester Township’s Zoning Code and modified it to suit the County’s needs to include different things that were never in there before. Now it is and is much easier to follow and enforce.

Mr. Schmidt said previously in the Zoning Code, we mentioned what could be done with a sign in each district, but would also reference another section so it divided up the sign requirements and made it confusing. Now there is a reference to the sign requirement section in each district – such as page 147, Section 15.0302.

Mr. Schmidt said those are the main points he wanted to stress regarding the changes to the Rural Zoning Code.

Mr. Schmidt asked Mr. Fehr if he had anything to add.

Mr. Fehr said this started as a minor clean up and then as time went on, staff started to go page-by-page and review it to clean it up and add clarification where necessary and a lot of it came from Mr. Fox.

Mr. Fisher asked if April 21, 2006 was the last time it was updated.

Mr. Fehr said yes that is correct.

Mr. Schmidt asked the Board if they had any questions and stated that any time something changes as far as the zoning is concerned, whether it be the Zoning Resolution itself or be a piece of property, it has to follow the Ohio Revised Code for Rural Zoning and that requires us to get an application submitted by either the Rural Zoning Commission Board or the County Commissioners. We are requesting that this Board be the applicant on this and if this Board agrees with the changes, then this evening, this Board can apply for the changes. The application would then go to the Planning Commission meeting in February 2009 and we would present it to them, then the Rural Zoning Commission would come back next month and discuss the application again (which would also provide them more time to review). If this Board were to approve it next month then the application would go to the County Commissioners for approval, and if approved, after thirty (30) days it would go into effect. That is the process and tonight is to start that process.

Mr. Fehr said a copy of this was sent to a group called The Ohio Valley Development Council and also the Home Builders Association of Greater Cincinnati asking them if they had any comments or questions regarding this and said basically there were not concerns raised, but we do run it past our builders and developers too to see if they feel there is anything that may not be proper or appropriate and so they have seen this also.

Mr. Buddo said he thought it was a good idea because the things that he has read in the Code could be interpreted by five (5) different people in five (5) different ways and so there may still be fuzzy areas but with clarification it narrows that down the fuzzy area.

Mr. Fox agreed and said he fights this battle daily and his goal is to be consistent with his interpretation for eleven (11) years.

Mr. Martin commented that there are a lot of strike out/deletions on the M-1 Light Industrial District and asked if they have pretty much run out.

Mr. Schmidt said he believes there may still be some M-1 zoning in Ross Township and Madison Township and it would be smaller properties and someone could come in and apply for an Industrial zoning so we want to remain prepared and for anything else out there if the use changes.

Mr. Buddo said he thinks some of the land use plans might have changed a little of that.

Mr. Schmidt said he felt Hanover Township is the Township that has added the most industrial land in their Land Use Plan.

Mr. Buddo asked if, upon reviewing this document, the Board members see something that should have been changed or needs to be changed or corrected; they should let County staff know.

Mr. Schmidt said yes, exactly.

Mr. Fehr said what they need tonight is for someone on this Board make a motion to begin the process of amending the Rural Zoning Resolution – and added that the Planning Commission may see something they would like to see changed or amended and staff would bring that back to the Rural Zoning Board to review the comments.

Mr. Buddo asked when the next Planning Commission meeting will be held.

Mr. Fehr said the next meeting is scheduled for February 10, 2009.

Mr. Buddo asked when it would come back to the Rural Zoning Commission.

Mr. Schmidt said it would be whenever he could schedule this Board in the following weeks after the Planning Commission but it would not be scheduled until it was agreed to initiate the application process.

Mr. Fink made a motion to initiate the application process to amend the Rural Zoning Code. Mr. Martin seconded the motion. Motion carried.

AYES: Fink, Martin, Buddo, Fisher

NAYES: None

RESOLUTION # 09.01

Mr. Martin said his term on this Board is up after the February (2009) meeting and he has been here for 30 years and has enjoyed every minute here but wishes to resign. He added that if the County wishes to have him review these amendments to the Rural Zoning Code and come back to the February meeting because Mr. McGraw is not here, he would be willing to do that.

Mr. Fehr said okay and that it would be great.

Mr. Martin said he's been here for a long time and asked the other members to treat this Board with respect and to do it like it has always been done - one can not zone it from a meeting room, you have to go look at it, then look at the plan and how the land lays out and how the water shed is and everything with it.

ADJOURN:

A motion was made by Mr. Fisher, seconded by Mr. Martin to adjourn. All in favor, motion carried.

Meeting adjourned.

These Minutes represent a summary of the proceedings and do not purport to be the entire record. A complete transcription of these proceedings was taken from an audio tape under supervision of the Secretary and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting same and must be prepaid.

Hamilton, Ohio
January 26, 2009

Chair

Secretary