

PERRYSBURG TOWNSHIP ZONING COMMISSION
26609 Lime City Road
Perrysburg, OH 43551

ZONING COMMISSION MEETING
February 8, 2010

The Perrysburg Township Zoning Commission held a meeting on February 8, 2010. Robert S. Black, Chairman, called the meeting to order. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

MEMBERS PRESENT: Robert S. Black, Jeff Schaller, Carol Warnimont, and Ronald M. Hanna.

MEMBERS ABSENT: John J. Benavides, Jeffrey Normand, and Richard W. Kelsey.

APPROVAL OF AGENDA: Mr. Black asked if there was a motion to approve their agenda. Mr. Hanna moved with a second by Mr. Schaller to approve the agenda. A roll call vote was taken. Yes votes by Mr. Hanna, Mr. Schaller, Ms. Warnimont, and Mr. Black. Motion carried 4-0-0.

APPROVAL OF THE 1/11/10 ORGANIZATIONAL MINUTES: Mr. Black asked if there was a motion to approve the organizational minutes from January 11, 2010. Ms. Warnimont moved with a second by Mr. Hanna to approve the organizational minutes. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Hanna, Mr. Schaller, and Mr. Black. Motion carried 4-0-0.

Mr. Black said to Mr. Garn that they don't have their other minutes, regular meeting minutes. Mr. Garn said correct, they will be coming next time.

Mr. Black said seeing there is no one here at the meeting from the general public for any general comments, they will move on to the next issue.

STORM WATER MANAGEMENT through the zoning resolution. Thursday, February 18, 2010, at 6:00 p.m.

Mr. Black said to Mr. Garn that the storm water management meeting is on February 18th, and Mr. Garn said as far as he knows, that's still a go. That will be over in the new firemen, fireplace meeting room, which is across the way, and they will probably be bringing in coffee and pastries or whatever from Panera. Mr. Black said he is planning to attend, and he asked who else from their group. Mr. Schaller asked Mr. Garn, did they have to RSVP. Mr. Garn said well, you don't. He was trying to get an idea of how much stuff to get. So far they have only had Ms. Hetman from the BZA called, and a Mrs. Whitten, Chairman of Middleton Township, called. The trustees

probably will not be there because they are having their winter conference in Columbus. Mr. Black said okay. Well, you can sign him up. Mr. Schaller said okay. He thinks he will plan on being there. Mr. Hanna said he will plan on being there, and Ms. Warnimont said yeah, she will, unless something changes. Mr. Black said okay. Mr. Garn said it should be a good presentation there. It was asked to Mr. Garn, how many people does he think are going to attend that, because of the capacity. Mr. Garn said oh, maybe a dozen people. Mr. Black said he said somebody from the planning commission for Middleton Township. Mr. Black said yes, Middleton Township, yes, since he has invited everyone on Middleton Township, and everyone in Lake Township. Mr. Black asked if there was anyone from the Wood County Planning Commission, and Mr. Garn said yes, Dave Steiner should be there. Mr. Black said good. He then thanked Mr. Garn for putting that together. Mr. Garn said it's through Jason Sysco, the command chairman's office, because he is sort of in charge of the whole thing. Mr. Black said okay. Mr. Garn said he just thought it was better that it was not just their group only, since they are all going to be stuck with more storm water. Mr. Black said okay. Mr. Garn said they don't allow it to rain here all the time. Mr. Black said no, it snows sometimes. Mr. Garn said oh, okay.

DAVE KUHN OF FELLER & FINCH WILL LEAD THE DISCUSSION OF POSSIBLE CHANGES TO THE ZONING RESOLUTION. Issues concerning fencing, for sale signs, trees and bushes located in the right-of-way, plus franchise promotional signs, banner issues. Members of the BZA may be present to help with the discussion.

Dave Kuhn addressed the commission regarding the possible changes to the zoning resolution. He said yeah, there are a couple of things he wants to go over before they get into this. Mr. Garn and he, they have had a meeting of the minds, and they need some direction from them. He is going to get them some sketches here that he made for corner lots. They talked a little bit about it. Mr. Black asked well, how often do corner lots come to the BZA. Mr. Garn said they come on fencing. They could come all the time on many issues because the setback requirements are not well written. Mr. Black said they can continue, but his idea is if there are so many different options, is the site specific to a large degree not just corners, in general practice. That may be the way it continues to be dealt with. Having said that, he told Mr. Kuhn to go ahead.

Mr. Kuhn said he gave them three options, which is more than what they usually see. The first option is what they have now is on the corner lot you basically have two side yards, so you use the two side setbacks. You really don't have a back yard to it at all. The advantage of this is it does give a little bit bigger footprint for the house than you would doing it another way. So they can put a bigger house on the corner with this kind of footprint. The disadvantage, and where Mr. Garn has a problem with, is you have a side yard into a rear yard. Rear yards you are allowed a six foot high fence. You know, side yards they changed it to, on the draft code, that you could put a six foot high fence in the rear of the house, but there is still a distance there where you might—and Mr. Garn said and there is no rear. Mr. Kuhn said right, so you might have

a problem still, you know, without going to the BZA. You know, the only other thing to do is maybe actually add more verbiage into the draft more to say if your side yard abuts the rear yard, you are allowed to have a six foot high fence. That's something you could do.

But going on, on option B. And he sees this a lot on a lot of codes is basically wherever the front door of the house sits on a corner lot, the rear yard is behind it. But again, they have the fence trouble again. You can't get around that no matter what you do. The footprint of the house gets a little bit smaller. You know, if all the lots are the same size and all that, the footprint would get a little bit smaller. But he sees this a lot, and this would allow somebody a little bit bigger rear yard on that set-up for option B. Mr. Garn said you would end up easily with privacy fences, and Mr. Kuhn said right. From the side. Mr. Garn said right. Mr. Kuhn said he knows. The fencing, it seems like no matter what they do, the fencing is going to be somewhat of a pain. Mr. Black said the fencing has to stop at the edge of the house. Mr. Kuhn said yeah. But, you know, like on option B, if you have a six foot high fence, it could go along that whole six foot high, you know, rear yard there to the front setback and stop it there. But then the person with the side yard will have a, you know, short distance to the property line, and then have a six foot high fence on there. You know, there are plusses and minuses, you know, doing it that way there. But if that person with the side yard would want to put a six foot high fence to the front, they couldn't. They can't. Mr. Black said but the neighbor could. Mr. Kuhn said but the neighbor could. So they have had to change the code. Mr. Garn said right. But there are some codes where the privacy fences can go like half way up in the side yards. Mr. Kuhn said right. Mr. Garn said and he thinks their old code used to go all the way up the side yards. Mr. Kuhn said right. So, you know, they should probably come up with a solution that they are not inundating the BZA with a bunch of these fence things, but also kind of, you know, get what you want.

Mr. Black said to Mr. Garn, how many a year does he think are presented to the BZA. Mr. Garn said it would be quite a few more than theirs. It was commented is there just people doing them. Mr. Garn said they have had a lot of things that have happened, and to try to work out the best you can with people.

Ms. Warnimont asked how does anybody else handle it. He has dealt with other types of governmental regulations on this. Mr. Kuhn said on a couple of the towns he usually works with all the time, Northwood included in that, is usually what they do is somebody with a side and rear yard on those corner lots, the person, you know, with the house with the rear yard in the option B, there will be a six foot high fence from the front setback all the way to that corner, back corner, they will allow a six foot high fence there. And then the six foot high fence would follow along that front setback from the back to, actually it would be to the face of the house. They would allow that, you know, in case somebody wanted to put a pool back there and have some privacy back there, they would allow that. Ms. Warnimont said but they dealt with it on a one by one basis every time they come in. Mr. Kuhn said no, no, they allow it. Ms.

Warnimont said oh, they allow it. Mr. Kuhn said they allow that. Ms. Warnimont said okay. Mr. Kuhn said where they have, you know, some problems is sometimes they want to extend the fence, you know, maybe out into the front setback area because of whatever they do, and then they have to come to the BZA to get that approved and stuff like that. But normally you would not have that problem on the Northwood setup, and he thinks it's Walbridge might be the same way, too.

Mr. Black asked is that different than option B, the Northwood. Mr. Kuhn said well, actually Northwood, option B is similar to what Northwood has. Mr. Black said okay.

Mr. Kuhn said and then option C is instead of having sort of two side yards, you have two rear yards. But what that does on that one there is it makes the footprint for the house a lot smaller, because you are using your rear yard for a lot bigger. You see that once in a great while, but not normally. But he just threw that in there.

Mr. Black said well, he liked where the rear yard is opposite of the front door. That makes sense. It was commented that makes sense. Mr. Kuhn said so it's just what do you want to do with the fencing. Mr. Garn said that makes sense, until you see some designs, and that used to prevent people from building on corner lots because of the design of the homes. And he can think of places where the lots sat empty for a long time because of that situation. Mr. Kuhn said they did not know how to lay it out. Mr. Garn said lay out the house, and then you have the front door to no where. And he has probably been to homes like that where they have a front door that nobody has ever gone to. Mr. Kuhn said right. Mr. Garn said because of some of these. Mr. Kuhn said sometimes the garage is facing one way, and the front door is facing the other way. Mr. Garn said what Wood County Planning does is on a corner lot, they let the people decide which address they want to use. That used to be one of the other problems, and they came up with this solution, you choose where you want it to face. Also to give a street address. Mr. Kuhn said it's not an easy answer, that preference. Mr. Garn said right, and they are just sort of discussing.

The fourth option was for green space. Mr. Kuhn said yeah, he was going to get into that. Mr. Garn said okay. Mr. Kuhn said he has not gotten into that yet. Mr. Garn said he was just making green space. Mr. Kuhn said another thing that he and Mr. Garn were talking about just thinking out of the box is like in the PUD, allow them not to put any corner lots in for green spaces on these corner lots. That could be their common area, and it depends on what they do with detention and all of that. They could create those wetland types, you know, allow swales and things like that, you know, in those corner lots so they can just disperse of the water. Mr. Garn said rain guards. Mr. Kuhn said rain guards. Right. So they could do something like that, too. But that would be something in a PUD, and he has talked with a developer on that, and he said probably in this area, it probably would not go too good. But he said it's a nice idea. He says you could have it as an option, but he says don't have it as a rule.

Ms. Warnimont said she takes it they would have to worry about somebody taking care of it once it's there. Mr. Kuhn said that's right. It would be set up like a common area, so the homeowners association or somebody would have to take care of it, and they would have to work that out. So there are plusses and minuses with everything. It's a preference. What would they prefer.

Mr. Garn said his guess is to drive around sometimes and just sort of look and see when you see things, and sort of think about it. Mr. Black said well, he likes option B. Mr. Kuhn said all right. It was commented it's the most logical. Mr. Garn said right. Mr. Black said let's go with option B, and hopefully that will reduce some of the issues. Mr. Kuhn asked do they want him to change the fencing pool to say that if you have a side yard that abuts a rear yard, you are allowed to put a six foot high privacy fence. Mr. Black said yes, that would be fine. It was commented to the setback. Yeah, to the front setback. Mr. Kuhn said just for this instance. Mr. Black said yes. That would be fine. Mr. Garn said along with that issue is that they have never hackled. He just handles it. But with houses that have two front yards. They have some that have three front yards. Mr. Kuhn commented yeah, he knows. Mr. Garn said but there are homes with two front yards where they are backing up to either the road, or a lot of different places. Mr. Kuhn said yeah, the front or the back of the house will have two front yards. Mr. Garn said according to some codes. Like in Perrysburg they will not allow a privacy fence in what everybody considers a back yard. So when you are driving down, you can see a lot of that along Eckel Junction Road in the city. The only people that have been able to have privacy fences put in swimming pools. Mr. Kuhn asked Mr. Garn if he has a lot of them that come to the BZA with that problem. Mr. Garn said they probably need to have the code written properly. No, they don't. He has never considered it. They don't have anything in there one way or the other about front yards that way. Mr. Kuhn said right. Is that over there by Fort Meigs, that would be a perfect example of those houses, you know, in Perrysburg there, they have two fronts, because they abut up against the state route. And then they have the front, so they have actually two fronts. Mr. Garn said so you have a house that everybody can look into while they are driving down a main thoroughfare. Mr. Kuhn said right. Yeah, that's a perfect example. Yeah. Mr. Black said well, let's go with option B, and then if you decide to match up to a back yard. Mr. Kuhn said he would think that would take away a majority of the BZA route. I mean you are always going to get somewhere. Okay. That takes care of that.

The next thing he and Mr. Garn talked about, things in the right-of-way as he put down here. The way that the code reads now, you know, signs and whatnot cannot be put in the right-of-way, including trees can't be put in the right-of-way. Wood County, under subdivision regulations, requires the two trees in a subdivision. So the township does not agree with Wood County. Mr. Black said the city also allows that. Mr. Kuhn said right. And he knows the trustees' feelings about that, too. It was commented well, they said they were following the Wood County codes. It was his impression they were following the Wood County code on the street trees. Mr. Kuhn said well, this is

subdivision regulations. So he will have to talk to Dave Steiner more about this. Mr. Black said so he is saying between the county and city, they both allow right-of-way vegetation. Mr. Kuhn said right. Right. Both sides. Both sides on stuff like that. Mr. Black said and we don't. Mr. Kuhn said we don't. Mr. Black said but it seemed like the trustees, in particular, John, were kind of dead set against it. The response was that's because they thought the Wood County code was being interpreted as not allowing any street trees in the right-of-way. Mr. Black said okay. It was commented that's the information that they were getting. Mr. Black said he guesses if they need to get that clarified with the trustees. It was commented that Gary will be here yet tonight. Mr. Black said okay. So they will ask him. Mr. Kuhn said he does not know where he got that, because in the subdivision regulations it talks about having street trees.

Mr. Schaller said wasn't he concerned about some liability or something. Mr. Kuhn said well, yeah, there is liability. If a street tree is in the right-of-way, you know, most cities, they take care of it. But in a township, you know, what do you do. You either have the property owner take care of it, or you don't, you know, do it. You know, just like a sidewalk. The property owner takes care of the sidewalk. Mr. Black said it creates some visibility issues. There are a lot of reasons. Mr. Kuhn said right. It has to be trimmed all the time and all that. There was some overlapping discussion at this point.

Ms. Warnimont asked what does Middleton Township do, or you don't know. There was some overlapping discussion. Mr. Kuhn said yeah, he never heard what they do, but that would be something he could check out.

Mr. Garn said a lot of communities have street commissions to determine what kind of trees they put in. Mr. Kuhn said right. Yeah. And when you do put street trees in, there are certain street trees that don't grow too tall. Mr. Black said well, let's just check with the trustees and they will get a determination, because he knows they are the ones. Mr. Kuhn said he just wanted to point it out. And it's always going to be, you know. No matter, you know, if you keep it like it is, it's always going to be a problem, particularly with the City of Perrysburg, unless you get that other thing resolved. Mr. Garn said well, they have a number of older subdivisions that people have planted street trees for years, and have been in for 30, 40 years. But it gets into the same, along with that, things in the right-of-way, or sidewalks, as to who maintains them, how they are going to be maintained. Cities, communities usually go along and mark them, and have the homeowners do it. Mr. Kuhn said well, cities usually have a tree commission or something like that, and their service department usually, you know, takes care of it. Mr. Garn said the same thing with subdivision regulations would have the sidewalks and so on, it's just in the regulations. They are there, but they don't have any normal rules beyond that as to how they need to be put in, and who is going to see that they are put in correctly. He has always gone along and just measured to make sure that they were in correctly. But it really is a funny area, because there is nothing in their zoning about some of that stuff. Mr. Black said about

sidewalks. Mr. Garn said he does not think as to—Mr. Kuhn said it does not really address sidewalks a whole lot. That comes in with the subdivision regulations for Wood County. Mr. Garn said subdivision regulations. Right. Mr. Kuhn said they do more with the zoning and all that. Mr. Garn said PUD's. Mr. Kuhn said but, you know, with the subdivision regulations more talk about the sidewalks. But again, that's in the right-of-way, and he does not know what their resolutions and all that say. If you have resolutions for the township, it's just who maintains it. The cities have ordinances that says, you know, the property owner maintains it. Mr. Garn said he thinks there is some law about that, but he does not know whether anybody has ever really addressed that issue. And now they have at least a couple of subdivisions with sidewalks that are really in bad condition.

Mr. Black said well, the real issue is it does not even matter what you have in your resolution, it's the ability or the willingness of the trustees to enforce what's in the resolution. Mr. Kuhn said right. Mr. Garn said right. Mr. Black said that always makes it the most difficult. Mr. Garn said right. Mr. Kuhn said right. Mr. Black said they have had a lot of issues over the years that were already in a resolution that for whatever reason, they were unwilling to have the zoning enforce it. Mr. Garn said yeah, because he was the one that sort of put in that tree thing in the zoning, and not inadvertently, but to help the one department, but it's been nothing but a problem ever since. Mr. Black said to Mr. Kuhn in the signs, they currently do not allow it, and Mr. Kuhn said right. Right. Yeah, they don't currently allow signs. And the only code he sees where they allow any kind of signs in the right-of-way is usually like in a central business district, or uptown district where they allow those sandwich boards, but they don't have anything like that here, so he would not even worry about it.

Mr. Black asked how close are they to looking at the entire revised resolution, and Mr. Kuhn said very close. He wants to see what that Kirby Date has to say about the storm water. Mr. Garn said Kirby Date. Mr. Kuhn said and see if that will change anything. And if that does not change anything, then little minor things that they have got. Mr. Black said okay.

Mr. Black said and one of the things that they have talked about in the past is that each page has a revision number, revision date. Mr. Kuhn said yeah, and he was going to ask them about that. Do they want to do it as a new, complete, you know, zoning ordinance that is approved, and Mr. Black said yes, and Mr. Kuhn said with no revision dates on there, or do they want them. Mr. Black said no, he thinks it has to have the current whatever. Each page now has to have whatever date they are going to put in. Mr. Kuhn said correct. Right. Mr. Black said and then as they go forward, it will have a revision date of March 3rd, 2011, or whatever. Mr. Kuhn said right. Mr. Benavides said so this would be the master then. Mr. Black said yes. Mr. Kuhn said this would be a new master, so they would have all new dates. Mr. Black said right. So the date would be consistent with what happened currently. It has to. Mr. Kuhn said right. And then from that day forward, if one section, you revise it, then you put a date for that page

and stuff like that. Mr. Black said so any changes on that page would have a new revision date. Mr. Kuhn said right. Right. Mr. Black asked if that makes sense, and Mr. Schaller said that makes sense. Mr. Kuhn said correct.

One last thing here. Mr. Black asked if Mr. Schaller had something. Mr. Schaller said he guesses he had a question. If they have someone who comes to the township and wants to do a building, and they need LEAD certification, and some of the peculiar requirements, at least with respect to their current resolution, how do they handle that. Does that all have to go to the BZA. Mr. Kuhn said well, with the LEAD, LEAD really is just to do more with the building itself. It was commented well, the design of the building, and how it sits on the property. Mr. Schaller said you know, maybe they want to do something with parking spaces, or, you know, the rain gardens, or those type of items. The amount of pavement to be put in he guesses is a for instance. Mr. Kuhn said right. Well, see, that's where they come into the parking requirements, like for pavements and things like that. You have a minimum number of parking spaces, you know, you want to do. And based on that minimum number, then he guesses they have the ability to approve a lesser number if they can prove to you on that. He does not think it has to go to BZA, does it. Mr. Black said look at it this way. If you are looking for LEAD certification, one of the issues that you look at from a parking standpoint would be the green space. Mr. Kuhn said right. Mr. Black said for example, you have more islands. It was commented, correct; pervious space. There was some overlapping conversation. Mr. Black said that or more trees for the canopy effect that reduces the longest day of the year, the amount of shade. So that's a very good point. Maybe they could put something in there from a parking standpoint. Mr. Kuhn said if it's a LEAD certified site. Mr. Black said maybe fewer parking areas because of that. Mr. Kuhn said well, if you could bring it down. Mr. Black asked if that was what he was talking about. Mr. Schaller said yeah. Mr. Kuhn said like 10 percent or something like that if you prove, you know, you don't need the parking spaces if you show that it's a LEAD certified project. It was commented well, he thinks you would have to have language. They would have to get a minimum certificate, a silver minimum. Because you can come in and say yeah, I want to go LEAD. I'm going to do my parking. It has to be certified minimum. Because so many points, because you have got to have that. Somebody could come in and say I'm going to do LEAD, and just because they want to restrict the parking, or do something to get around it as opposed to actually and going for full certification. Mr. Black said right, because if they did not make it, they would have a problem, because they would not be allowed. That's a good point. But yeah, he thinks it goes certified, silver, gold and platinum. It was asked isn't there bronze, too. The response was no, platinum and silver. The minimum is silver. Mr. Black said certified is the minimum. Mr. Kuhn said right. Okay. Mr. Black said there are actually four. There is certified, then there is silver, then there is gold, and then there is platinum. It was commented that the issue with LEAD is that you don't get the certificate until you get commissioned. It was commented right. But in order to get commissioned, you have to have an approved site plan. It was commented right. Which means you have to make a determination on all these issues even before they

start building. It was commented you are going to make sure that they are making an effort to get that. He would want to see how they are getting their points. Mr. Black said exactly. Mr. Schaller said but they can get their points in so many different ways. One may be reducing the number of parking, but in some other instances may be another impact on the site. So he is not sure how you accommodate that. Mr. Kuhn well, the thing about it, too, is they put more trees on than what's required in the landscape plan, that's fine. You really don't have to do anything in that respect.

It was asked do the PUD provisions, which he has not read thoroughly, do they allow the plan, the zoning commission much flexibility on site design issues. Mr. Kuhn said yeah, the new draft one. Yes. It was commented well then, maybe what you do is anything that comes in as a LEAD project automatically gets bumped into a PUD so you can work around a lot of those issues without going to the BZA. Mr. Black said that would make a lot of sense, because one of the things is the surface that actually allows the water to soak through, it's fairly expensive. There was overlapping conversation. Mr. Black said it's not stone. It was commented no, it's a pervious kind of surface. Mr. Black said and he thinks that's a good thing to put in there, too, because that's not a normal type of surface that you would have otherwise, and yet you would want to encourage it, he thinks. It was commented oh, definitely. Mr. Kuhn said yeah, any. Well, some of them would almost have to do it anyways, you know, unless they have big giant areas for detention ponds, and a lot of sites don't have that anymore. So they are starting to go with that. Mr. Black said it's not only expensive, but it's fully tested, and might have some long term maintenance associated with it. Mr. Kuhn said especially in the northern. Mr. Black said because they looked into it. They just built a new office in LEAD, and they almost went that way. And when they evaluated the longer term maintenance that can happen to it, they decided it just was not worth it. It was asked what did they hit. What designation did they get. Mr. Black said well, they are still in the process right now. They are right on the silver/gold threshold. It was commented oh, that's good. Mr. Black said they know they will get silver. The gold, they are not too sure, because they are only like a point or two above it. And they say when you get that close, they are kind of stinkers, you know what he means. Just because they can. It was asked what does he have. It was commented these are resolutions for sidewalks and things of that stuff in the right-of-way. Some other stuff that he made copies of, too.

Mr. Garn said he was going to say some of the other things that may come up, because Wood County and Lucas County, evidently EPA is going to get after them because of all the Ozone with the trucking. It was commented this is interesting about on vegetation. This says wherein the county engineer may trim or remove any or all tress, shrubs, or other vegetation growing or encroaching in the right-of-way. Mr. Garn said the last time when that happened, the Wood County Commissioners got real excited planting trees everywhere that they could. It was commented any proof of that helps. Mr. Garn said he is just saying that it may, but he knows they got excited about doing that. Down there in the areas along I-75 they were planting trees. Mr. Kuhn said he guesses

if you read that, you could interpret that that could be in any right-of-way, the way it's worded. He is going to have to talk to Dave Steiner. And that kind of contradicts sort of what they have in their subdivision regulations. Their subdivision regulations are different than that. It was commented well, it contradicts a lot of things at this point. And any litigation and everything else. Mr. Black said they have some current litigation on these issues. It was commented well, with Perrysburg. Mr. Black said oh, okay. Not with property owners. The response was yeah. Yeah. Mr. Black said okay. Mr. Kuhn said that's what it is. And he and Mr. Garn have already talked about it, you know, the township will have to make a decision which way they want to go, and then they are going to stick with that. And then Mr. Garn knows how to handle everything, because he thinks Mr. Garn right now is a little bit in flux with it. Mr. Black said then he would suggest that that be a decision the trustees make, and not them. He asked if John would agree, and he asked if that was all right with everyone, that that specific issue be deferred to the trustees. Mr. Kuhn said and then if they want anything different than what's like in the resolution now, in the zoning resolution, let them know, and they will change it. If not, they will just keep it like it is. Mr. Black said the commission members agree with that. They will defer to the trustees. Mr. Kuhn said so he guesses that's a job for John. Mr. Black said okay. Mr. Kuhn said okay.

And the last thing here for tonight for him on the zoning is he and Mr. Garn have found a little problem here, a conflict that presently exists, and it has to do with architectural projections in section D 6 of Article V. Mr. Black said of their current code, and Mr. Kuhn said of the current code, yeah, and it has to do with the definitions. Mr. Black said Article VI, and Mr. Kuhn said yeah, it talks about all exterior building projections such as ordinary projections. Mr. Black said just a second. Article VI what, and the response was section 5. It was commented Article V, yeah. Mr. Black said Article V. He asked what page is that, and the response was it says 5 down here. Mr. Black said yeah, Article VI, and there are sections for ladders. Mr. Kuhn said A, B, C, D, and E. The response was yeah. Mr. Kuhn said he was reading from E on this one. It was commented D, and the response was yeah. Mr. Kuhn said it says all exterior building projections such as ordinary projections, ornamental features, shall not extend a distance of. Mr. Black said he is not seeing that in Article VI. Under planned unit development. Article VI. It was commented no, it's Article V, 6. It's under 6. Mr. Black said okay. Mr. Kuhn said yeah, that's it. Article V. There you go right there. Mr. Black said thank you. Mr. Kuhn said but it says not extend a distance of over 18 inches in a required rear yard. Now, these are the definitions of front yard, rear yard, side yard. And in all of them they say a yard extending across the front of a lot line, or it would be the side or the rear between side lot lines. In this case, they are talking about the front yard, being a minimum horizontal distance between the right-of-way line and the main building, or any projections thereof other than the projections of unusual uncovered porches. What they are saying here in this definition is no projections are allowed other than, you know, a front porch or like that. Mr. Black said just an overhang. Mr. Kuhn said right, an overhang is now allowed in these. He just wanted to double check with them. Do you want to allow them to have that 18 inches

overhang, you know, on the roof. If it is, Mr. Garn has been always having a problem with that for measuring. Mr. Garn said he just goes to the foundation. Yeah. Mr. Kuhn said when he is doing setbacks. And if that's the case, he has to reword that. It was asked what about a bay window or something. Mr. Kuhn said well, that's another one. Yeah. Correct. So that's another one. Mr. Garn said so they just normally go to the foundation. Mr. Schaller asked is that any sort of problem to go just there. Mr. Kuhn said no, it's just that he wants to make sure they both do it the same way. Right now they don't read the same way. Mr. Black said so what suggested language is it again, and Mr. Kuhn said to basically say that all the projections in the definition shall not exceed a distance of over 18 inches, unless it says something different in the definition. Mr. Black said and 18 inches from what. Mr. Kuhn said from the wall. From the wall or the foundation. It would be the foundation of the house. Mr. Black said okay. Mr. Kuhn said so that would match the architectural projection. And that way there Mr. Garn would know then how to measure. Mr. Black said okay. Mr. Kuhn asked Mr. Garn if he agreed with that, and Mr. Garn said uh-huh. Mr. Kuhn said right now if somebody could dispute that with Mr. Garn when he is measuring, because there is a little conflict. Mr. Black said okay.

Mr. Garn said he is not sure if there are any projections that go beyond the 18 inches, like for sills. Some do. Mr. Kuhn said he actually measured his overhang of his house from the roof, and it actually is 2 feet. Mr. Garn said uh-huh. There are a lot of them that are at least 2 feet projections. Mr. Kuhn said right. It was commented plus a gutter. Mr. Kuhn said plus the gutter. Right. Mr. Black said well, is 18 inches realistic. Mr. Kuhn said not for his house. It was commented on a 5/12 pitch, probably. Mr. Schaller said so make it 24 instead of 18, he guesses. He does not know. Mr. Kuhn said he knows. Leave it at 24. Just change everything to say 24. So that's not a problem. Mr. Black said well, let's make it 24 then. Mr. Kuhn said okay. It was asked to Mr. Hrosko if he sees a problem, and he said no.

Mr. Garn said then he has one other philosophical issue. Mr. Kuhn said oh, okay. Mr. Garn said on the banners and things, because there are different chains now that do yearly promotions. Mr. Black said like a Lowe's. Mr. Garn said well, they could. Normally it's a restaurant or something like that. And Arby's was running one. It was a Wednesday special. Ray Close just had one with their haircutting. I-Hop had something, he does not know what it is, because their sign went down, but normally, and they only allow banners or anything like that to go out for grand openings, and that's it. There is just nothing in between. And, of course, any signage out in the right-of-way, that's the other problem. Because some of them will just put signs everywhere. They have different things. But just feelings on what you think about some of the businesses now when they are promoting. Times have changed since the rules have been revised. Mr. Black said well, this is a lot harder than it used to be, and they need a lot of guidance. There has to be some accommodation to recognize that things change rapidly, and it's harder to get the consumer's attention. Mr. Garn said he

tries not to be anti business. And there were all the 2 B Mobile, the mobile phones and stuff like.

Mr. Black said he had said that any time you disband a rule, someone wants to go one step further. Mr. Garn said that's right. Mr. Black said that's why rules are made. Mr. Schaller said he sees some of those banners, they are advertising masquerading as banners, and that kind of goes further than what it should. That doctor's office on 795, they had something out there with some banners, but the banners are really an advertisement or a sign. Mr. Garn said it's like putting flags out and things like that. But right now they are limited to just one shot when they open up. You know, 2 years later if they want to do something, they have no normal method of doing anything. Mr. Kuhn said Northwood allows banners for a 30 day period, and they have to pay a minimal fee for the permit. Mr. Black said one thirty-day period for every 12 months, and Mr. Kuhn said yeah, a calendar year. So that's what Northwood is doing. Mr. Black said one continuous thirty day period. Mr. Kuhn said right. Right. Mr. Black said not a 31 day period. Mr. Kuhn said no, no, one thirty day period. Mr. Black said because that becomes an issue. Mr. Kuhn said they have to get a permit, and they pay a minimal fee for it. Mr. Black asked and do they have that in theirs. Mr. Garn said huh-uh. They don't charge a fee when they have their grand opening, they just allow them to do it. Mr. Black said you know, he can understand that. Mr. Kuhn said and this thing is something Northwood battled about for the longest time, too, is how much do we nickel and dime the businesses. And he thinks they ended up coming up with a real, like \$10.00 fee, or something like that. It was a small fee. And then that's how they decided to handle that. But, you know, with businesses like they are, you know, everybody is trying to get everybody to come to them. You know, if you are going to make them do that, you don't want to make the fee too high. Then they are going to decide to leave.

Mr. Black asked Mr. Garn if he was finding it to be a problem, and Mr. Garn said uh-huh. Oh, it has been for a long time. Mr. Black asked him what's his suggestion. Mr. Garn said that they have some time period each year that they could run their specials, or whatever it is. They are sort of stuck, because their main offices are sending this stuff out, and here's what you have to do. When they are doing their campaigns, like the Burger King Whoppers, whatever, their one hamburger they were running their special. And this is a national advertising campaign that they all get to take part in whether they like it or not. Mr. Kuhn asked do they do it more than one time a year. Mr. Garn said uh-huh. Some of them are more than one time, and that's the thing where you might do the, instead of one thirty day shot, have two fifteen day shots. But they would be at least 6 months apart. Mr. Kuhn said have like a maximum of some 30 days a year they could have banners out or something.

Mr. Schaller said but they don't police that. Mr. Garn said well, that's what they came into the trustees' meetings about, somebody, and brought in about Ray Close. It was commented well, they had all those little signs all over the place. Mr. Garn said yeah.

It was commented in the right-of-way. Mr. Garn and he had a guy last that has a fence. That he bought the house, the fence is up, and basically it's out in the right-of-way. And there is no grandfather clause for that. It's just you have to talk to people and see what they will do. So they are going to leave it sit, as far as he knows, for the time being until other decisions are made.

Mr. Black said to Mr. Kuhn that he would suggest that he put some language in. Talk with Mr. Garn and Mr. Hrosko and see what they feel comfortable with. We aren't the ones that field the questions. They field the questions. Mr. Kuhn said right. And he will write whatever they want. It's just whatever works. Mr. Black asked if that was all right with everyone that Mr. Garn and Mr. Hrosko will do that. A little amount of time, maybe two fifteen days, split by 6 months apart or whatever. There was some overlapping discussion here. Mr. Black said exactly. With yet some restriction so that it's not willy nilly, and everyone has them out all the time. Mr. Garn said and it's more for that, and they don't put their signs, you know, these little signs all over the place. Mr. Black said and they will revisit, you know, every year if they have to. Mr. Kuhn said they might have to tweak it. You might have to, you know, lessen the reigns. Mr. Black said but Mr. Hrosko and Mr. Garn are the ones who get the calls, and they know what's going to work a lot better than they do. Mr. Kuhn said well, see, you want it worded in such a way, too, that Mr. Garn's not every day out there and having to write the violations for banners, too. Mr. Black said unfortunately, they could talk about it, and it goes on for the same thing. Unfortunately it's really an issue for the trustees, not them, and that's why it's important. It was commented signs in the right-of-way, the issue came up last night in the meeting, people came in and literally just said hey, signs in the right-of-way, you did this back when, you pulled these signs, and you need to get them all cleared out. And, you know, that falls right into Mr. Garn's lap. So they have to send him, and he's going to be the bad guy in terms of signage. Mr. Garn said and the funny part, Market Center Drive. Not a public right-of-way, so he could not take those down. Verbally, though, they got the idea, and they took them down, you know, in talking to them. But, you know, you can bluff people so far. Mr. Black said okay. Well, let's work with Mr. Hrosko and Mr. Garn and come up with something. Mr. Kuhn said you two come up with like time frames, you know, when you want them and stuff like that, and he can write them.

Mr. Black said and so he is all set with everything except the storm water, and Mr. Kuhn said yeah. And that might affect, and it probably definitely will affect the PUD, and it might affect even some of the, you know, commercial zoning sections and stuff like that. Industrial sections. He does not know how much it will affect the residential, but it might. So they will see what she comes up with. She is supposed to bring a sample and stuff like that. Mr. Black said okay. Mr. Garn said because storm water is going to be through zoning, he guesses. Mr. Kuhn said yeah, and he will talk with Dave Steiner, and then get back to Mr. Garn and Mr. Hrosko about trees, you know, in the right-of-way, and things like that. Mr. Black thanked Mr. Kuhn.

Mr. Black then said to Mr. Garn anything else, or anything else that any of the members wanted to discuss before they go in on their comprehensive plan meeting. There was nothing. Mr. Black asked if there was a motion to adjourn. Mr. Schaller moved with a second by Mr. Hanna to adjourn. All members were in favor, and none were opposed. Mr. Black said they are adjourned. The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary