



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – April 15, 2014

The Board met in regular session pursuant to adjournment of the April 8, 2014, meeting.

Pat Arnold South - present

Tom Ariss - present

David G. Young - present

Tina Osborne, Clerk - present

Minutes of the April 3, 2014 meeting were read and approved.

- 14-0546 A resolution was adopted to accept Resignation of Aaron Lamb, Custodial Worker I, within the Warren County Facilities Management Department, effective April 8, 2014. Vote: Unanimous
- 14-0547 A resolution was adopted to approve end of 240-day Probationary Period and approve a Pay Increase for Amber Castro, Protective Services Caseworker, within the Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 14-0548 A resolution was adopted to approve Nicholas Geisel for the Co-Op position of Environmental Technician, within the Warren County Water and Sewer Department. Vote: Unanimous
- 14-0549 A resolution was adopted to approve hiring Temporary Employees for the Water and Sewer Department. Vote: Unanimous
- 14-0550 A resolution was adopted to approve Christian Marchesani for the Co-Op position within the Warren County Facilities Management Department. Vote: Unanimous
- 14-0551 A resolution was adopted to approve hiring of Temporary Employees for the Facilities Management Department. Vote: Unanimous

- 14-0552 A resolution was adopted to establish the Little Miami Bike Trail Sanitary Sewer Improvement Area. Vote: Unanimous
- 14-0553 A resolution was adopted to approve Revised General Plans for Sanitary Sewer Facilities in the Warren County Sewer District, to include repair and rehabilitation of Sanitary Manholes and Sanitary Lines in the Little Miami Bike Trail Sanitary Sewer Improvement Area. Vote: Unanimous
- 14-0554 A resolution was adopted to determine necessity for the Little Miami Bike Trail Sanitary Sewer Improvement Area Project for public use. Vote: Unanimous
- 14-0555 A resolution was adopted for declaration of official intent with respect to reimbursement of Temporary Advances made for Capital Expenditures to be made from Subsequent Borrowings for the Little Miami Bike Trail Sanitary Sewer Improvement Area. Vote: Unanimous
- 14-0556 A resolution was adopted to adjust Billing Method for the Ohio Department of Natural Resources, Account No. 1102070. Vote: Unanimous
- 14-0557 A resolution was adopted to enter into Contract with Lake Erie Electric Inc for the 2014 Sewage Lift Station Upgrade Project. Vote: Unanimous
- 14-0558 A resolution was adopted to enter into Contract with GM Pipeline, Inc. for the FY 2012 Village of Pleasant Plain State Route 132 Storm Sewer Improvement CDBG Project. Vote: Unanimous
- 14-0559 A resolution was adopted to enter into Agreement with Daniel J. and Angela M. Britt for Water Service to property at 5252 Utica Road. Vote: Unanimous
- 14-0560 A resolution was adopted to approve and enter into a Contract between the Warren County Commissioners on behalf of the Warren County Department of Human Services and the Ohio State University of behalf of Ohio State University Extension, Warren County. Vote: Unanimous
- 14-0561 A resolution was adopted to approve and enter into an Agreement with Kings Island to allow the use of parking lot areas for Law Enforcement Driving Training Exercises for the Warren County Sheriff's Office. Vote: Unanimous
- 14-0562 A resolution was adopted to approve replacement of various culverts on Warren County Roads under Force Account. Vote: Unanimous
- 14-0563 A resolution was adopted to Advertise Request for Proposals for the Food Service for the Warren County Jail and the Juvenile Justice Facility. Vote: Unanimous

- 14-0564 A resolution was adopted to Advertise for Bids for Fosters-Maineville Road and Butterworth Road Intersection Project (WAR-CR23-0.26). Vote: Unanimous
- 14-0565 A resolution was adopted to Advertise for Bids for the FY2012 South Lebanon Mason-Morrow-Millgrove Road CDBG Phase II Project. Vote: Unanimous
- 14-0566 A resolution was adopted to approve an Emergency Repair/Replacement of the Aviation Light on the Otterbein Water Tower. Vote: Unanimous
- 14-0567 A resolution was adopted to approve and authorize the President and/or Vice President of this Board to sign a Subgrant Award Agreement on behalf of the Greater Warren County Drug Task Force. Vote: Unanimous
- 14-0568 A resolution was adopted to enter into a Professional Services Contract with Woolpert, Inc. on behalf of the Warren County Engineer's Office.
Vote: Unanimous
- 14-0569 A resolution was adopted to approve and enter into a Contract with ABS Business Products on behalf of the Warren County Department of Human Services.
Vote: Unanimous
- 14-0570 A resolution was adopted to acknowledge approval by the County Administrator, to declare various items within Emergency Services, Facilities Management, Water & Sewer, Sheriff's Office and Telecom as surplus and authorize the disposal of said items. Vote: Unanimous
- 14-0571 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 14-0572 A resolution was adopted to acknowledge payment of Bills. Vote: Unanimous
- 14-0573 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Release for trails of Shaker Run Holdings, LLC for Trails of Shaker Run, Section 8 in Turtlecreek Township.
Vote: Unanimous
- 14-0574 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Grand Communities, Ltd., for installation of certain improvements in Shaker Run – Section Four, Phase B, situated in Turtlecreek Township. Vote: Unanimous
- 14-0575 A resolution was adopted to enter into Street and Appurtenances (including Sidewalks) Security Agreement with Grand Communities, Ltd., for installation of certain improvements in Shaker Run, Section Four, Phase B, situated in Turtlecreek Township. Vote: Unanimous

- 14-0576 A resolution was adopted to approve the following Record Plats.
Vote: Unanimous
- 14-0577 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 14-0578 A resolution was adopted to approve Expense Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous
- 14-0579 A resolution was adopted to accept Amended Certificate into the Warren County Drug Task Force Pass Through Fund #261 and approve Supplemental Appropriation Adjustment into Fund #261. Vote: Unanimous
- 14-0580 A resolution was adopted to approve Operational Transfer from General Fund #101 into Airport Construction Fund #479 and approve Repayment of Cash Advances from Fund #479 into General Fund #101. Vote: Unanimous
- 14-0581 A resolution was adopted to approve Appropriation Adjustment within Dog and Kennel Fund #206. Vote: Unanimous
- 14-0582 A resolution was adopted to approve Appropriation Adjustment within Motor Vehicle Fund #202. Vote: Unanimous
- 14-0583 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 14-0584 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Sheriff's Fund #101-2200.
Vote: Unanimous
- 14-0585 A resolution was adopted in support for the Application of Philip George for the Clean Ohio Local Agricultural Easement Purchase Program of the Ohio Department of Agriculture (LAEPP) and NRCS Agricultural Land Easement (ALE) Programs. Vote: Unanimous
- 14-0586 A resolution was adopted to approve Appropriation Adjustment within Dog and Kennel Fund #206. Vote: Unanimous
- 14-0587 A resolution was adopted to approve Appropriation Adjustment within the Workforce Investment Act Fund #258. Vote: Unanimous
- 14-0588 A resolution was adopted to Cancel regularly scheduled Commissioners' Meeting of Thursday, April 17, 2014. Vote: Unanimous
- 14-0589 A resolution was adopted to approve the Vacation of a portion of Striker Road in Hamilton Township. Vote: Unanimous

- 14-0590 A resolution was adopted to approve and authorize President of the Board to sign Amendment to the Legislative Consent and OPWC Cooperative Agreement Middletown Road Streambank and Restoration Project with the Wayne Township Trustees on behalf of the County Engineer. Vote: Unanimous
- 14-0591 A resolution was adopted to declare support for, and urge Ohio Voters to support,, State Issue 1, renewal of the State Capital Improvements Program, on May 6, 2014 Ballot. Vote: Unanimous
- 14-0592 A resolution was adopted to approve Text Amendments to the Warren County Rural Zoning Code "A" to Amend Article 3; Chapters 1, 2, 3 and 4 pursuant to Ohio Revised Code Section 303.12. Vote: Unanimous
- 14-0593 A resolution was adopted to hire Rachel Reid Abel as Screener I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

Jeff Thomas, Soil and Water Conservation District, was present along with Krysti George Underwood, representative of Philip George, property owner in Washington Township.

Mrs. Underwood reviewed the desire of her father, Philip George, to participate in the Clean Ohio Local Agricultural Easement Purchas Program of the Ohio Department of Agriculture and the NRCS Agricultural Land Easement Program.

Mrs. Underwood stated that her father owns 124.165 acres in Warren County and 248.738 acres in Clinton County and that her father's desire for this property to always remain farmland. She reviewed how the program works and stated her father would be donating approximately 50% of the funds he would receive from the program back into the program to help the next property owner.

Upon further discussion, the Board resolved (Resolution #14-0585) to support the application of Philip George for the Clean Ohio Local Agricultural Easement Purchase Program and the federal Agricultural Land Easement program.

PUBLIC HEARING

CONSIDER TEXT AMENDMENTS TO THE WARREN COUNTY RURAL ZONING CODE
TO AMEND ARTICLE 3, CHAPTERS 1 – 4

Mike Yetter, Zoning Supervisor, was present for the public hearing to consider amendments to the Warren County Rural Zoning Code to amend Article 3, Chapters 1 – 4.

Mr. Yetter presented the proposed changes as follows:

3.102.3 Commercial and Recreational Vehicle Parking in Residential Districts:
Parking of commercial and recreational vehicles are limited to the side and rear yards in all residential districts. Such vehicles shall be located on a dust free driveway typical of the neighborhood, and shall comply with the requirements of Sec. 3.104. Commercial and Recreational Vehicles are subject to the following:

(A) **Commercial Vehicles:**

- (1) One (1) commercial vehicle not exceeding eight (8) tons (sixteen thousand/16,000 pounds) gross vehicle weight may be parked in an unenclosed area.
- (2) One (1) additional vehicle may be parked if placed in an enclosed building operated by a resident of the property and located on a site greater than five (5) acres.
- (3) One (1) commercial vehicle connected to a trailer not exceeding eight (8) tons (sixteen thousand/16,000 pounds) gross combined vehicle weight may be parked in any unenclosed area.

(B) **Recreational Vehicles:**

- (1) Recreational vehicles for the purpose of storage on a lot with a primary residential structure and not for purpose of habitation are subject to the following:
 - a. Permitted in all residential districts
 - b. A maximum of two (2) recreational vehicles are permitted in the rear and side yards. Any additional recreational vehicles must be stored in an enclosed building. Lots of five (5) acres or more are exempt from this standard provided the vehicles are not visible from the public right-of-way.

(2) Recreational vehicles for the purpose of habitation are subject to the following:

a. The use is prohibited in all residential districts, except for the purpose of providing temporary visits for a period lasting not more than seven (7) days and exceeding two (2) times in twelve (12) months.

b. Maybe used in accordance with Section 3.204.2(B)(1-3) Construction Related Activities.

(3) Parking or storage of recreational vehicles, boats, utility trailers or similar items is prohibited within the front yard, except for loading and unloading which does not exceed forty eight (48) hours.

The Board approved the amendment as presented.

SEC 3.104 JUNK, JUNK VEHICLES, AND OTHER SALVAGEABLE ITEMS RESTRICTIONS:

- (A) No person, firm, or corporation shall accumulate, collect, deposit, dump, dispose, maintain, or store, or allow the same on any property under the person's control or responsibility, any junk, junk vehicle, or other types of salvageable solid waste, or construction/demolition debris, outside of an enclosed area or area not entirely screened from the visibility of surrounding properties, except in the zoning district where expressly permitted.
- (1) Processed firewood for a property owner's personal use is not junk. Raw material that has not been processed even though it can be processed into firewood, including, but not limited to, logs, branches, limbs, pallets, untreated dimensional lumber, and other wood products that have not been painted, stained, chemically treated or coated, is not firewood and does constitute junk and is subject to Section 3.104 (A).
- (B) Violation of this section shall be subject to prosecution in a court of competent jurisdiction, unless one (1) or more person, firm, or corporation which is responsible for the violation permanently removes or causes permanent removal of the violating items within seven (7) days after receipt of notice of violation to another property or use location, where on such items are permitted to be located outdoors for the purpose of a junkyard business, or are otherwise placed within a building.

SEC 3.105 PERFORMANCE STANDARDS:

- (A) Any use or development that creates a danger to public health or safety and/or a nuisance, including but not limited to environmental pollution; traffic; noise;

vibration; odor; dust; or, glare, are subject to review by the body vested with Approving Authority in order to determine whether such are compatible to the zoning district.

- (B) The County may require additional studies to be submitted by the applicant, and may place conditions of approval to mitigate potential impacts upon issuance of a zoning permit.

SEC 3.106 **MOBILE HOME USE:** A mobile home shall not be used as a single family dwelling or permanent residence in any district.

SEC 3.107 **SEWER SERVICE AREA REQUIREMENTS:**

- (A) Any use or development that requires central sanitary sewage system service connection may not be accepted prior to all of the following:
- (1) The area has been approved by the Warren County Board of Commissioners (BOCC) for service by a central sanitary sewage system; and,
 - (2) The sewer service area boundary is recognized and accepted by either the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments or the Miami Valley Regional Planning Commission (MVRPC).

SEC 3.108 **USES & DEVELOPMENT UNDERLYING AIRPORT AIRSPACE:**

- (A) Uses and development of buildings and other structures on any property located under airport airspace shall be required to certify compliance with applicable rules and regulations of: the Federal Aviation Administration (FAA), 14 C.F.R. Part 77, as amended; the Chapters 4561 and 4563 of the Ohio Revised Code; Ohio Administrative Code Section 5501:1-10-1, et seq.; and, the Warren County Airport Zoning Code.

SEC 3.109 **ADAPTIVE REUSE OF HISTORIC STRUCTURES INCLUDING BARN:**

- (A) **Purpose:** To encourage the viability, reuse, restoration and rehabilitation of historic structures including barns which are no longer associated with an agricultural use, by allowing for specified uses not otherwise allowed in the district in which they are located, within the current dimensions of such structure.
- (B) **Applicability:** All adaptive reuse, and associated restoration and/or rehabilitation, of historic structures including barns shall be considered a conditional use subject to review by the BZA.
- (C) **Allowed Uses:** The following additional uses, if not otherwise allowed in the district, may be allowed, subject to conditional use review:
- (1) Artist Studio/Gallery
 - (2) Community Center

- (3) Cultural Facility
- (4) Day Care Facility
- (5) School
- (6) Storage
- (7) Ecotourism uses
- (8) Antique/Gift Shops
- (9) Restaurants
- (10) A combination of the above-listed uses
- (11) Uses approved by the BZA

(D) **Special Requirements: All adaptive reuse, restoration, and rehabilitation of historic structures shall also meet the following requirements:**

- (1) The proposed adaptive reuse shall not significantly alter the footprint, essential character, or immediate surroundings. In reviewing proposals for adaptive reuse of historic structures, the BZA shall also consider the suggestions of the Comprehensive Plan and whether the historic character can be retained to a practical extent.
- (2) A zoning permit issued for an adaptive reuse shall clearly state that the use is allowed only as a permitted use of the existing structure, and shall not be re-established if the structure is substantially modified, except in accordance with the requirements of these regulations.
- (3) In the event that the structure is destroyed or demolished, the structure may be reconstructed and the use re-established with the approval of the BZA. In allowing such reconstruction and re-establishment, the BZA shall determine that, in addition to meeting conditional use standards, the replacement structure closely replicates the historic structure in architectural style, form, massing, scale, and building materials.

The Board approved the amendments as presented.

3.103.2 Lot Requirements:

(A) **Corner Lots:**

- (1) Frontage: The frontage of lots within zoning districts R-1B, R-2 and R-3 shall be increased by twenty (20) percent greater than the district standard (Section 2.302.1).

- (2) Setbacks: The minimum front yard setback shall be provided from each street right-of-way or easement line.
 - (3) The side opposite where the address is located will be the rear yard.
- (B) **Double Frontage Lots:** On a lot bordered by two (2) streets other than at an intersection:
- (1) The required minimum front yard setback shall be provided on all lot lines that abut a street.
 - (2) The remaining lot lines not abutting a public road right-of-way shall be regulated as side yards.
 - (3) The side opposite where the address is located will be the rear yard.
- (C) **Panhandle Lots:**
- (1) There shall not be more than one panhandle lot behind a frontage lot.
 - (2) The panhandle area shall not be credited toward the minimum lot area as determined by the Warren County Health Department.
 - (3) The lot, exclusive of the panhandle area, shall meet the maximum depth to width ratio of this Code.
 - (4) The panhandle portion of the lot shall have a minimum frontage and continuous width of twenty (20) feet and a maximum frontage and continuous width of forty (40) feet.
 - (5) Buildings may be constructed only within the body of a panhandle lot.
 - (6) The body of a panhandle lot shall meet the minimum width requirements.
 - (7) The front yard setbacks shall be established from the front property line that parallels the roadway from which the panhandle lot has access.

The Board approved the amendments as presented.

3.203.4 Home Uses:

- (A) **Home Occupations:** This sub-section allows limited business uses as a home occupation. There are two (2) classifications of home occupations — Class 1 and Class 2. Class 2 allows for greater intensity.
- (1) **All Uses:** A home occupation shall be permitted within the principal dwelling unit, provided that:

- (a) The use is clearly incidental and subordinate to the principal residential use;
- (b) The use is compatible with other uses, maintains and preserves the character of the neighborhood, and does not create a nuisance or detract from residential function and tranquility;
- (c) The use does not produce offensive noise, vibration, smoke, dust, odors, lighting, electrical interference, radioactive emission, environmental pollution, or other nuisances;
- (d) The use does not exhibit exterior indication of its presence or any variation from residential appearance, except for a sign as permitted per (h);
- (e) Display of Goods: No commercial display of materials, merchandise, goods, or equipment is visible from public rights-of-way or surrounding properties;
- (f) Operating Hours: Client visits and the delivery of merchandise are restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. daily, except on Sundays, which are restricted from noon to 6:00 p.m.;
- (g) Sales: Only products or services generated by the home occupation shall be offered for sale. In addition, incidental retail sales are allowed in connection with a permitted home business (for example, a beautician may sell hair products to customers). No outdoor display of products for sale is permitted;
- (h) Signage: Signage is limited to one (1) non-illuminated nameplate sign for identification purposes, not greater than four (4) square feet in area, mounted on the front face or driveway lamppost of the dwelling;
- (i) Truck Traffic: The use does not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles and small parcel delivery services; and,
- (j) Vehicles: The use does not have more than one vehicle or trailer which is identified by a sign, logo, or emblem of the occupation, business, or activity that is visible from adjoining property or public rights-of-way.

3.203.4 (Continued)

8. Motor Vehicle and Small Engine Repairs:

- a. Limited to a total of six (6) motor vehicles at any time;
- b. All repairs shall be conducted indoors;
- c. Motor vehicle painting is prohibited;
- d. All Motor vehicles awaiting repairs shall be stored in a completely enclosed structure or within a completely screened area;
- e. Bay doors shall be oriented away from public rights-of-way; and,
- f. Requires a Buffer Type D adjacent to surrounding principal structures.

9. Retail Sales: Retail sales will only be permitted on items which are customarily associated with the home occupation as approved by the BZA.

(c) **Prohibited Home Occupations:** The following business uses and activities are prohibited as home occupations:

1. Medical and dental clinics and hospitals.
2. Restaurants or any other eating and/or drinking establishment.
3. Undertaking and funeral parlor.
4. Adult Entertainment or Sexually Oriented Businesses.
5. Motor vehicle towing, storage, and salvage business.
6. Veterinarian with boarding and or surgical services.
7. Motor vehicle painting.

8. On site, store front retail as a primary use.

(4) **Permit Issuance and Maintenance:** Home occupations require a zoning permit issued in accordance with requirements of Section 1.301.

The Board approved the amendments as presented.

3.204.2 Construction-Related Activities:

(A) **General:** Temporary construction-related activities, including construction and sales office buildings may occur on the same site as the construction activity or a

nearby site by obtaining a permit. Such uses shall be removed within thirty (30) days after issuance of the last certificate of occupancy for the development.

(B) **Residential Construction:** Temporary housing ~~in the form of~~ a manufactured home or RV may be permitted in all residential districts in accordance with the following requirements:

(1) **Timing of Approval:** The temporary housing unit may not be placed on the property prior to the issuance of a building permit for the permanent residence, the approval of the foundation, the approval of a curb cut, and health department permit.

(2) **Renovation and Remodeling:** The temporary housing unit may be stored occupied on site during renovation or remodeling of the principle structure. Upon completion of the renovation or remodeling, if the temporary housing unit is an RV, the RV may remain on the Site but it shall comply with the storage requirements of Section 3.102.3 within 30 days of the date of the last final inspection, and i In no case shall the primary residential structure and the RV temporary housing unit be occupied at the same time. A manufactured home may not be stored on the site upon completion of the renovation or remodeling.

(3) **Occupancy Limitations:** The temporary housing unit may be occupied for a period of six (6) months and an additional six (6) month period may be approved by the Warren County Zoning Department if construction progress has occurred. ~~occurred.~~ In no case shall the unit be occupied for more than one (1) calendar year.

(4) **Deposit:** A refundable deposit in accordance with the provisions of Section 1.310 (Fees) shall be made with the Zoning Inspector. If necessary, the deposit may be used by the County to defray the cost of removing the unit.

Upon recommendation by the Assistant Prosecutor, the Board approved a modification of section (B) as follows:

(B) **Residential Construction:** Temporary housing, including but not limited to, in the form of a manufactured home or RV may be permitted in all residential districts in accordance with the following requirements:

On motion, upon unanimous call of the roll, the Board recessed the public hearing in order to remain on schedule and plans the reconvene after the scheduled agenda items.

PUBLIC HEARING

CONSIDER THE VACATION OF A PORTION OF STRIKER ROAD IN HAMILTON
TOWNSHIP

The public hearing to consider the vacation of a portion of Striker Road in Hamilton Township was convened this 15th day of April, 2014, in the Commissioners' Meeting Room.

Commissioner South opened the public hearing by stating the Board viewed this property on March 18, 2014.

Neil Tunison, County Engineer, stated that there will be no landlocked parcels if the Board chooses to approve the vacation request. He then pointed out the property on the map and identified each parcel that would divide the road right of way if approved. He stated that this portion of the road has been closed due to inadequate site distance on Route 22-3. He also stated that the Hamilton Township Trustees are in favor of the vacation.

There was discussion from the adjacent property owners, Mrs. Carrol and Mrs. Maag, both stating their in favor of the proposed vacation.

Upon discussion, the Board resolved (Resolution # 14-0589) to approve the vacation of a portion of Striker Road in Hamilton Township with the reservation of an easement for utilities purposed.

Upon further discussion, the Board directed the Clerk to not record this vacation resolution with the County Recorder until such time as the County Engineer's staff has removed the existing pavement from the vacated property.

Neil Tunison, County Engineer, was present to request the Board to approve an amendment to the cooperative agreement with the Wayne Township Trustees relative to the Middletown Road Relocation Project.

Mr. Tunison stated that the cooperative agreement that was originally approved stated that the Wayne Township Trustees would bid the project and Warren County will now be responsible for the bidding process.

Upon discussion, the Board resolved (Resolution #14-0590) to approve an amendment to the cooperative agreement with the Wayne Township Trustees relative to the Middletown Road Relocation Project.

Neil Tunison, County Engineer, was present to request the Board to adopt a resolution in support of State Issue 1.

Mr. Tunison explained that State Issue 1 is the bill that will renew the Ohio State Capital Improvements Program by authorizing the issuance of \$1.875 billion in capital improvement bonds (Ohio Public Works Commission).

Upon discussion, the Board resolved (Resolution #14-0591) to declare support for, and urge Ohio voters to support, State Issue 1, renewal of the State Capital Improvements Program, on the May 6, 2014 ballot.

PUBLIC HEARING CONTINUATION

CONSIDER TEXT AMENDMENTS TO THE WARREN COUNTY RURAL ZONING CODE TO AMEND ARTICLE 3, CHAPTERS 1 – 4

Commissioner South reconvened the public hearing relative to the proposed text amendments.

Mike Yetter, Zoning Supervisor, presented the following proposed changes:

SEC 3.206 **COMMERCIAL BUSINESS AND SERVICES USES:** Commercial uses within a residential district, **excluding Mixed Use Neighborhood Zone (MXU-N),** **are** limited to access from an arterial or collector road, but may also take access from a local road that is not more that five hundred (500) feet, or one (1) lot away, from an arterial or collector road. A Bed and Breakfast may be accessed by any public road.

In cases where two (2) or more attached retail, service, office (including uses within Section 3.207), eating or drinking establishments, or other combination of permitted business or commercial uses, are designed or intended for more than one ownership, side yards between ownerships are not required, provided:

- (A) The complex is planned and constructed as one entity and at the same time.
- (B) Interior side lot lines are coincident with party walls.
- (C) The normal side yard is provided at each end of the complex.

The Board approved the amendment as presented.

3.206.2 Automotive Repair, Service, Sales and Rentals This sub-section applies to General Automotive Repair, Automotive Fueling Stations, Motor Vehicle Body Repair Shops, Automobile Washing Facility, and Motor Vehicle Sales, Vehicle sales, rental, and service shall comply with the following standards except as otherwise provided herein.

(A) **All Uses:**

- (1) Vehicles shall not be parked on the public right-of-way.
- (2) Bays shall not front a public right-of-way. On corner lots, bays may face the right-of-way of lower traffic count.
- (3) Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors), are set back a minimum distance of seventy-five (75) feet from all rear and side yards of a residential use or district.
- (4) Car washes shall be completely enclosed, except at points of ingress and egress.
- (5) The use shall not include outdoor storage or impound yards for towed vehicles.
- (6) Existing buildings shall not be re-used for vehicle sales, rental, and service unless lighting, signage, parking, and landscaping are brought into compliance with this Code.
- (7) There shall be no external evidence of service and repair operations, in the form of dust, odors, vibration, or noise, beyond the interior of the service building.
- (8) Repair work shall be conducted completely within an enclosed building and all automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building.
- (9) Buffer Type D shall be provided on side and rear lot lines abutting a residential use or district.
- (10) Vehicles parked for repair shall meet district setback requirements.

(B) **Automotive Repair:**

- (1) The minimum lot area shall be twenty thousand (20,000) square feet, with a minimum of one hundred fifty (150) feet of frontage.
- (2) Vehicles shall not be parked or stored as a source of parts.
- (3) Temporary outdoor vehicle storage may be allowed for not more than thirty (30) days, in an outdoor storage area that is no larger than twenty

five percent (25%) percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened from off-site view by Buffer Type D.

- (4) The use shall be located at least one hundred (100) feet from a residential use or district, school, or day care.
- (5) The site shall be designed to ensure proper vehicle stacking, circulation, and turning movements (per Section 3.301).
- (6) Painting/Body Shop: Automobile painting/body shop uses shall comply with the following standards:
 - (a) The use shall be located at least five hundred (500) feet from any residential zoning district, school, or day care.
 - (b) Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors and shall comply with OSHA and EPA requirements.

(C) **Automotive Sales and Rentals:**

- (1) No vehicle or equipment displays shall be located within a required parking area setback or perimeter buffer.
- (2) The use shall not have more than a display pad for one vehicle for every seventy five (75) feet of street frontage. The vehicle display pad may be elevated up to two (2) feet above adjacent displays or grade level.
- (3) No vehicles shall be displayed on the top of a building.
- (4) All vehicles stored outside shall be parked on an asphalt or concrete surface.
- (5) It is permissible to temporarily park sales inventory on a dust-free pervious surface for a maximum of one (1) year.

The Board approved the amendment as presented.

3.209.6 Solid Waste Disposal: In addition to the requirements and process stipulated in Ohio Revised Code, sanitary landfills and solid waste disposal uses shall comply with the following requirements, except as otherwise stated:

(A) **Solid Waste Minimum Setbacks:** : In addition to property line to property line setbacks, the following setbacks shall be observed for all solid waste facility sites:

- (1) Off-Site Water Supply/Spring: One thousand (1,000) feet measured from the property line of the solid waste facility to the water supply/spring.

- (2) Residential Dwelling: One thousand (1,000) feet measured from the property line of the solid waste facility to the property line of the residential district or use.
- (3) Site Boundary Buffer: Three hundred (300) feet.
- (4) Stream, Lake, or Natural Wetland: Two hundred (200) feet measured from the property line of the solid waste facility to the stream, lake, and pond.

The Board approved the amendment as presented.

SEC 3.310 **SHARED PARKING:** When two (2) or more uses share a parking facility, and when demonstrated by a signed affidavit that the hours of their demand for parking do not overlap, or only partially overlap, then the parking requirements may be reduced by the Zoning Inspector if the parking area complies with the following standards:

- (A) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- (B) Off-site parking shall not be used to satisfy the off-street parking required for the uses involved.
- (C) Shared parking shall not be permitted on a vacant lot in a residential zoning district unless otherwise permitted by the County Commissioners as part of a site plan approval.
- (D) Shared parking areas shall adhere to the requirements for the most intense use.
- (E) In the event that a shared parking area is not under the same ownership as the principal use served, a written parking agreement shall be required.
- (F) No shared parking space shall be located more than five hundred (500) feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- (G) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
 - (1) A sufficient number of spaces are provided to meet the highest demand of the participating uses.
 - (2) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Inspector, documenting the nature

of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.

- (3) Shared parking shall not account for more than 50 percent (50%) of the required parking spaces as established in Table 3.307-1 (Schedule of Required Parking by Use).
- (4) Any change in use of the activities served by a shared parking facility will be deemed an amendment to the shared parking facility plan and will require County Commissioner review and approval.
- (5) All shared parking plans and agreements shall be recorded in the office of the Warren County Recorder and a copy of the recorded document shall be provided to the Zoning Inspector prior to any zoning permit being issued.

Table 3.310-1: Parking Occupancy Rates

| Use Category | Weekly Daytime: 6:00 a.m. to 6:00 p.m. (%) | Weekly Evening: 6:00 p.m. to midnight (%) | Weekend Daytime: 6:00 a.m. to 6:00 p.m. (%) | Weekend Evening: 6:00 p.m. to midnight (%) | Nighttime: Midnight to 6 a.m. (%) |
|--------------------------------|--|---|--|---|---|
| Residential | 60 | 90 | 80 | 90 | 100 |
| Office/Industrial ¹ | 100 | 10 | 10 | 5 | 5 |
| Retail | 60 | 90 | 100 | 70 | 5 |
| Hotel, Motel, Inn | 75 | 100 | 75 | 100 | 75 |
| Restaurant | 50 | 100 | 100 | 100 | 10 |
| Entertainment/ Recreational | 40 | 100 | 80 | 100 | 10 |
| Church | 10 | 30 | 100 | 30 | 5 |
| School | 100 | 30 | 30 | 10 | 5 |
| Movie Theater | 40 | 80 | 80 | 100 | 10 |
| Conference/ Convention | 100 | 100 | 100 | 100 | 5 |
| Institutional (non- church) | 100 | 20 | 10 | 10 | 5 |
| Personal Services | 100 | 80 | 100 | 50 | 5 |
| Medical Offices | 100 | 80 | 100 | 5 | 5 |
| Commercial Services | 75 | 95 | 100 | 100 | 5 |
| All other uses | 100 | 100 | 100 | 100 | 100 |

Note [1] Industrial uses with continuous shifts shall be calculated at 100% occupancy rates for all Time Categories.

The minimum number of shared parking spaces is determined by the following process:

1. Determine the parking spaces typically required for each use based on the standards of Section 3.307 and table 3.307-1.
2. Multiply the spaces determined in Step 1, for each use by the Parking Occupancy Rates from table 3.310-1. (Using the appropriate use category)
3. Add the number of parking spaces, determined in Step 2 together, for each time period of the Parking Occupancy Rate table.
4. The greatest of the aggregative gross minimum number of parking spaces for each period shall be used.

Example:

The following is an example of how a shared parking space calculation would be completed:

- Office: 8,000 square feet
 - Restaurant: 120 seats
- (1) 1 parking spot per 3 seats of restaurant, 1 parking spot per 400 square feet for office (Zoning Standards).
 - (2) The restaurant needs 40 (120/3) spaces, and the office needs 20 (8,000/400) spaces. The required parking is 60 spaces before shared parking calculation.
 - (3) Combine with Table 3.310-1 5 to find shared parking calculation
 - (4) Largest aggregate total is the shared parking calculation. In this example the required parking is reduced from 60 spaces to 42 spaces saving a total of 18.

| | Weekly Daytime: 6:00 a.m. to 6:00 p.m. (%) | Weekly Evening: 6:00 p.m. to midnight (%) | Weekend Daytime: 6:00 a.m. to 6:00 p.m. (%) | Weekend Evening: 6:00 p.m. to midnight (%) | Nighttime: Midnight to 6 a.m. (%) |
|-------------------|---|--|--|---|--|
| Office | (20*100%)= 20 | (20*10%)= 2 | (20*10%)= 2 | (20*5%)=1 | (20*5%)= 1 |
| Restaurant | (40*50%)= 20 | (40*100%)= 40 | (40*100%)= 40 | (40*100%)= 40 | (40*10%)= 4 |

| | | | | | |
|--------------|----|----|----|----|---|
| <i>Total</i> | 40 | 42 | 42 | 41 | 5 |
|--------------|----|----|----|----|---|

The Board approved the amendment as presented.

| Table 3.405-2: Minimum Requirements For Buffer Type | | | |
|---|----------------------|-----------------------|---|
| Buffer Type | Minimum Buffer Width | Minimum Screen Height | Minimum Plant Materials |
| "A" | 10 Feet | None [1] | 1 deciduous or evergreen tree per every 40 lineal feet as required in Note [4] |
| "B" | 20 Feet | 6 feet | 1 tree per 25 lineal feet with a minimum of 40% evergreen trees as required in Note [4] |
| "C" | 30 Feet | 8 feet | 1 tree per 20 lineal feet with a minimum of 50% evergreen trees as required in Note [4] |
| "D" [2] | 50 Feet | 10 feet [3] | 1 evergreen, 1 deciduous tree and 1 shrub per 10 lineal feet along the residential side of the wall or fence as required in Notes [3] and [4] |

NOTES:

[1] No minimum screen height is required unless the County Commissioners or Zoning Inspector finds that screening is needed between similar uses that have varying degrees of density or land use intensity.

[2] The slope of the mound shall not exceed a 3:1 ratio.

[3] Landscaping and/or screening elements of Buffer Type "D" shall collectively consist of trees, shrubs, fencing/walls or berms, to a height of ten (10) feet and be installed to one hundred percent (100%) opacity. Fencing/walls or berms are limited to four (4) feet high in the front yard or as the Approving Authority requires.

[4] At the time of planting deciduous trees shall be a minimum of one and three fourths inch (1 ¾") diameter and evergreens shall be a minimum height of five (5) feet.

[5] The Approving Authority may approve the substitution of shrubs or other landscaping for required trees.

The Board approved the amendment as presented.

2.407.4 Prohibited Uses: The following uses are prohibited in all mixed-use sub-districts:

- (A) Dealers or businesses with outdoor display of automotive, recreational vehicle, motorcycle, boat, construction equipment, farm equipment, manufactured homes, and other similar equipment for sale, rent or lease;
- (B) Heavy equipment sales and service;
- (C) Towing services, salvage yards, and Impound lots;
- (D) Car wash;
- (E) Mini-storage and self-storage facilities;
- (F) Commercial laundries with dry-cleaning operation on-site;
- (G) Warehousing and distribution facilities;

- (H) Freight terminals;
- (I) Industrial Heavy: Manufacturing, fabrication, processing, and assembly of materials in a raw form;
- (J) Any use or development that creates a danger to public health or safety and/or a nuisance, including but not limited to environmental pollution; traffic; noise; vibration; odor; dust; or, glare, is subject to interpretation by the Zoning Inspector in order to determine whether such is compatible to the zoning district; and,
- (K) Any use similar to one or more other uses already prohibited within the district.


An interpretation under paragraphs J and K above by the Zoning Inspector is subject to an administrative appeal as provided in Sec. 1.310.

The Board approved the amendment as presented.

Upon further discussion, the Board closed the public hearing and resolved (Resolution #14-0592) to approve text amendments to the Warren County Rural Zoning Code "A" to amend Article 3, Chapters 1, 2, 3, and 4, with modifications, pursuant to Ohio Revised Code Section 303.12.


On motion, upon unanimous call of the roll, the Board entered into executive session at 11:03 a.m. to discuss personnel matters relative to hiring in Facilities Management and Children Services pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 11:28 a.m.

Upon motion the meeting was adjourned.



Pat Arnold South, President

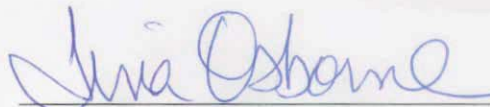
David G. Young



Tom Ariss

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I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on April 15, 2014, in compliance with Section 121.22 O.R.C.



Tina Osborne, Clerk
Board of County Commissioners
Warren County, Ohio