

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

March 13, 2013

Scott Lepsky, Chairman, called the Regular Meeting of the Fairfield Planning Commission to order.

Members present: Scott Lepsky, Jeff Holtegel, Bob Myron, Tom Hasselbeck and Bill Woeste.

Jeff Holtegel, seconded by Bob Myron, made a motion to excuse Don Hassler and Mark Morris. Motion carried 5 – 0.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held February 27, 2013, were approved as submitted.

NEW BUSINESS:

Refuse Structure – 4882 Old Tower Court - Village Green Subdivision

Tim Bachman stated Mr. Darren Petty is seeking approval for a structure constructed in his side yard to screen his garbage cans. The restriction for Village Green states “No fences, walls or hedges shall be erected or placed on any lot nearer to any street than the minimum building setback line. Only split rail fences with or without wire mesh will be permitted.” In November, 1998, the Commission amended the fence restriction to allow privacy fencing to screen a hot tub. The fence could not exceed 20’ in length and 6’ in height. The restriction was again amended in 2012 to allow security fencing on property lines adjacent to multi-family.

Slides were shown of the property and the structure built along the home. Mr. Petty said he had been told trash cans could not be placed on the side of the house. The deed restrictions for the subdivision do not say anything about trash cans so he built the structure to shield them. If approved, it and the split rail fence will be stained the same. The open ended structure is 4’ high, 3’ wide and 6’ deep with pavers as the base. Several Commissioners stated they would rather see the cans hidden than sitting out in the open.

Mr. Bachman informed the Commission that the adjacent neighbors had not been notified. Also the picture Mr. Petty submitted shows a privacy fence along the patio of the house behind his. The property owner was contacted and removed the fence since the hot tub is no longer there.

The Commission discussed and decided that refuse structures should be reviewed on a case by case basis for the subdivision.

Tom Hasselbeck, seconded by Bill Woeste, made a motion to approve the waste can enclosure made of dog eared fence at 4882 Old Tower Court with the understanding it will be stained a neutral color to blend with the house.

Motion carried 5 – 0.

Proposed Amendments to the Fairfield Codified Ordinances

Attached in the packet of the proposed ordinance changes was a copy of a letter sent to the general contractor of Dollar General regarding acceptable brick selections for the upper brick on their building. The contractor opted to use the brick initially approved by the Design Review Committee. A second letter was also included in regard to cleaning up the junk yard/car maintenance facility on Port Union Road.

Section 1143.06

Mr. Bachman explained a building permit is not currently needed for an accessory structure under 150 s.f. We are proposing this be changed to 100 s.f.; the Board of Zoning Appeals suggested 50 s.f. The B.Z.A. turned down an application for a large resin garage and asked that an ordinance be created addressing resin buildings. If approved, resin or composite material buildings cannot be greater than 100 s.f. Mr. Clemmons stated this change only affects the zoning code; the building permit section will also need to be checked to make sure they are compatible.

The second change under this section proposes striking the following: “An accessory building or structure which has a door opening(s) greater than six feet in width ~~and any accessory paved parking space or spaces totaling more than 360 square feet on a lot~~ must have paved access in accordance with subsection 1183.05(c).” Mr. Clemmons stated section 1183.05(c) says all parking must be paved which caused confusion; people thought they could use gravel if under 360 s.f.

The third change proposed is to limit the height of accessory structures. Staff is recommending that in no case can the height of an accessory structure exceed the height of the principal structure that occupies the same lot or parcel. The BZA had a case where a homeowner applied for approval to construct a two story garage on a lot where the main structure was a ranch home.

After further discussion, the Commission instructed staff to re-work the verbiage so that outbuildings (i.e. pole barns) on larger parcels are not impacted. Mr. Clemmons suggested it mirror the permitted accessory buildings over 500 s.f. and state “except on parcels zoned A-1 which are two acres or more in size.”

Section 1187.02

Mr. Bachman state the first proposed change under this section is the actual definition of a sign. Currently, insignias or temporary signs, signs for educational, charitable, philanthropic, civic, professional, religious organizations or like campaign, drive, movement are not considered a sign. Staff is proposing that they be classified as signs. Secondly, directional signs, including signs for identification and location of entryways and public facilities and events and geographic areas of the city would not be considered signs.

Mr. Clemmons explained temporary signs around town are a constant battle. One thing the law says you cannot do is treat yourself (government) differently than you are treating any citizen who wants to put up a sign. The way the ordinance was worded stated our temporary signs weren't signs. Mr. Clemmons felt this was an overly broad exemption of our governmental signage and should be removed. The court cases say that directional and some identification signage is okay to be exempted from the regular requirements, i.e., you can't place signs in the public right-of-way but the city does. Some of those are traffic related and the court has acknowledged they understand people need traffic directional signs and it's alright to treat them differently. Limited identification signs are also alright but Mr. Clemmons proposed adding "directional including signs for identification and location of entryways and public facilities and events and geographic areas of the City". This addition would allow the banners on the utility poles which identify the downtown area and have been acknowledged by some courts to be different than the business person who wants to advertise a special they are running.

To clarify this change, Mr. Bachman stated the Kiwanis Pancake Breakfast would be an example of a sign that under the current ordinance is not a sign because it's for a civic function. With this change, it would be classified as a sign. Mr. Clemmons added civic events would no longer be exempted. If there is a strong desire to continue allowing them, they will have to be put under some other exemption. You cannot say just because a sign is put up by a civic organization, it's not a sign. You can't exempt based on content. If there is a need to create some exemption that applies universally to all properties, Mr. Clemmons said he was willing to look at.

The Commission discussed various case law pertaining to signage. Mr. Bachman stated it might be possible to have the civic signs fall under temporary and promotional signage. The restriction with those signs however is they are allowed to be up for 12 days and then come down for 10 days before they can be put up again for another 12 days. Mr. Lepsky suggested modifying the grand opening and special events sign section. Mr. Clemmons cautioned the Commissioners that any change not only applies to the civic organizations but to everyone.

Political signs were discussed and Mr. Clemmons stated the law permits them year round.

Mr. Kim Smith stated he has been in charge of traffic for the MASC tournament for several years and signs are used to direct traffic during the MASC weekends. The signs are moved as needed and they are not something that can be applied for a head of time. Mr. Clemmons said directional signs are exempt whether they are government installed or privately installed with governmental approval.

Staff was directed to reword the change so that the civic organizations will have some means of promoting their events.

Mr. Bachman stated a new definition was added (13.1) to define feather/flutter flags. Under the definition of "Temporary" signage, feather/flutter flags have been added as a permitted temporary sign. They also were added as an allowable promotional sign and parameters set for the number, location and size. Previously, the Commission had discussed the air dancers. Mr. Clemmons suggested they be added as prohibited signage (except for grand openings).

Mr. Lepsky expressed his concern with businesses using red, white and blue feather/flutter flags and calling them American Flags. Mr. Clemmons said under the proposed definition, they would not qualify as an American Flag.

Section 1168.02

Section 1168.02 is being modified to remove motor vehicle service, motor vehicle service station and motor vehicle fuel dispensing facility as a permitted use and make them a conditional use. Mr. Clemmons added the definitions should also be reviewed for possible modification.

Section 1173.07

Mr. Bachman stated in the M-2 zoning district, the designated fire lane is being changed from 15' to 20' to comply with both the local and national fire code.

Section 1199.06

The modification to this chapter is a change that ODNR is requiring from a December audit. When the new flood ordinance was written, there was a new map. Instead of two or three map panels, we now have 14 panels. The actual panel numbers are being deleted and ODNR is requiring the ordinance to say that Fairfield has adopted the flood insurance rate map, Butler County, Ohio and incorporated areas and flood insurance study Butler County, Ohio and Incorporated areas, both effective December 17, 2010. Mr. Clemmons felt uncomfortable adopting a flood map for all of Butler County when we only have jurisdiction in Fairfield and suggested adding "to areas only applicable within the City of Fairfield". Mr. Bachman stated staff would check with ODNR to make sure the additional language is acceptable.

Jeff Holtegel, seconded by Scott Lepsky, made a motion to table the proposed changes.

Motion carried 5 – 0.

REPORTS/STUDIES/GENERAL DISCUSSION

Bob Myron reported the Parks Board discussed the Memorial Day parade. No political signs will be permitted and they are not going to allow candy to be thrown from the vehicles. The Park's Board has also changed their meeting night to the third Tuesday of the month at 6:00 p.m.

Being no further business, the meeting adjourned.