

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
JULY 7, 2020**

(Meeting conducted remotely, via Zoom conference)

ATTENDANCE

CHAIR:	Mark Oehlert
VICE-CHAIR:	John Menefee
PLANNING COMMISSION MEMBERS:	Kelli Broers, Joshua Brown, Phil Elliott, Bret Manchester, and Mark Ross
ABSENT MEMBERS:	Randy Kitchen and Kevin Collins
EX-OFFICIO MEMBERS:	None attending
PLANNING DIRECTOR:	Teresa Reeves
COUNTY COUNSELOR:	David Heger
PLANNER:	Kenneth Cook
PC SECRETARY:	Angie Baumann
ECONOMIC DEVELOPMENT	None attending
ROAD & BRIDGE DEPT.	J.R. McMahon
COUNTY COMMISSION:	None attending
COUNTY CLERK:	None attending
PRESS:	None attending

MINUTES

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MIAMI COUNTY PLANNING COMMISSION

CALL TO ORDER

Chair Mark Oehlert called the meeting to order at 7:00 p.m.

Oehlert announced that the Agenda and Meeting Packet are available at miamicountyks.org/AgendaCenter. He reminded the Planning Commissioners not to submit questions or comments through the “Chat” function in Zoom. Oehlert concluded by announcing that all votes of the Planning Commission will be conducted by roll call.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken and seven (7) members were present, constituting a quorum. Collins and Kitchen were absent.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

None disclosed.

ADOPTION OF THE AGENDA

Elliott moved to adopt the Agenda, as presented. Ross seconded, and the motion passed unanimously, 7-0.

CONSENT AGENDA

- **June 2, 2020** Planning Commission Minutes

20004-SUB: M & P Ranch (fka Vandewynkle Farms, Second Plat)

Consideration of the Final Plat of M & P Ranch (fka Vandewynkle Farms, Second Plat), a Replat of Lot 1, 3 V Farms, and part of Lot 2 of Vandewynkle Farms, an agricultural preservation subdivision in the Agricultural zoning district, creating 2 lots of 8.1 acres and 32 acres. The subject property is located on the south side of 231st St, and on the east side of Renner Rd, in the NW¼ of Section 32, Township 15, Range 24, Ten Mile Twp. Submitted by Mary P., and Maurice A. Vandewynkle; and Justin and Amanda Vandewynkle, property owners of record.

- 20005-SUB: 3 V Ranch and Cattle (fka 3 V Farms, Second Plat)**
 Consideration of the Final Plat of 3 V Ranch and Cattle (fka 3 V Farms, Second Plat), a Replat of Lots 2 and 3, 3 V Farms; and, Lot 1 and part of Lot 2 of Vandewynkle Farms, an agricultural preservation subdivision in the Agricultural zoning district, a 4-lot subdivision with lots ranging in size from 4.2 acres to 81.975 acres. The subject property is located on the south side of 231st St, and the east side of Renner Rd, in the NW¼ of Section 32, Township 15, Range 24, Ten Mile Twp. Submitted by Jason and Melinda Vandewynkle; Jeff and Beverly Vandewynkle; and Mary P. and Maurice A. Vandewynkle, property owners of record.
- 20006-SUB: Dewey Acres**
 Consideration of the Final Plat of Dewey Acres, dividing 92.46 acres into two lots of 22.27 acres, and 70.19 acres utilizing the Standard division criteria for the Countryside and Agricultural zoning districts. The subject property is located on the north side of 367th St, approximately ¼ to ½ mile west of Pflumm Rd, in the SE¼ of Section 21, and the SW¼ of Section 22, Township 18, Range 24, Miami Twp. Submitted by Donald Dewey, property owner of record.

Elliott asked what options are available for the agriculturally preserved tract in an agricultural preservation subdivision. He clarified that he would like to know if such a tract is permanently preserved.

(Reeves lost connectivity to the meeting.)

Cook answered that a couple of years ago, the Regulations were amended to provide the Planning Commission and the Board of County Commissioners with the ability to determine when an agriculturally preserved parcel is ready for development. He explained that this would normally be accomplished through a rezoning process for a more intense use.

Elliott moved to adopt the Consent Agenda as presented. Menefee seconded, and the motion passed unanimously, 7-0.

REGULAR AGENDA

Old Business:

None.

New Business:

None.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

None.

GENERAL DISCUSSION

Continued Discussion: Accessory Dwellings, Guest Houses, Granny Flats, Small Houses, etc.

(Reeves rejoined the meeting.)

Reeves noted that the Planning Commission last discussed this topic at its January meeting. She then explained that the meeting packet contains the definition of “Floor Area”, as currently found in the Zoning Regulations, as well as the standards for Accessory Dwelling Units.

Reeves reported that staff receives inquiries from many people who are interested in constructing an Accessory Dwelling Unit (ADU); however, they have difficulty meeting the required standards. She added that questions continue to arise with regard to the definition of “Floor Area”, and that the following provision in Article 2-1.01 of the Zoning Regulations needs clarification:

“(A) For Determining Gross Floor Area: The sum of the following areas: (1) the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade level where curb level has not been established . . .”

She stated that a common question staff receives is whether a porch or a lanai may be included in the Gross Floor Area calculation for the principal dwelling. She further reported that many people include in their Gross Floor Area calculation the structure that attaches an ADU to the principal dwelling.

Reeves commented that she would like to relax the Regulations for ADUs if the Planning Commission agrees. She explained that because some property owners have older homes with less than the required 2,000 sf of Gross Floor Area they cannot build an ADU.

She explained that the staff report provides the following suggested revisions to the definition of “Floor Area” (strikethroughs and text in italics represent staff’s additional revisions):

“(A) For Determining Gross Floor Area: The sum of the following areas: (1) ~~the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade level where curb level has not been established;~~ *the basement floor area when at least one full wall of the basement is entirely above grade level (i.e. walk-out) and emergency egress is compliant with the building/fire code;*”

Reeves noted that upon further consideration, she does not know why a finished basement with an emergency egress door and emergency window exits could not be utilized as an interior ADU, as long as it does not exceed the maximum square footage allowed for an ADU. She added that such an interior ADU would, at a minimum, be required to have an emergency egress door and emergency egress windows for fire safety. Reeves then described staff’s suggested revisions to the remainder of the definition of “Floor Area”:

“(2) elevator shafts and stairwells at each floor *minus the area of the opening to the floor below*; (3) floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof); (4) penthouses; (5) *lofts and*

finished attic space having headroom of seven feet, ten inches or more, when accessible by a conventional stairway; (6) interior balconies and mezzanines; ; and (7) enclosed porches and sunrooms which are finished and climate controlled; and (8) floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, shall be computed by counting each ten feet of height, or fraction thereof, as being equal to one floor.”

Elliott commented that it seems there are two completely different reasons for defining Floor Area: (1) the gross floor area of the principal dwelling is what determines the maximum floor area allowed for the ADU; and (2) Gross Floor Area determines whether a certain space, such as a basement, may be used as an ADU.

Reeves responded that she believes both of these reasons apply. She reported that those who are building a principal dwelling and want the option to build an ADU in the future; and, those who have an existing principal dwelling and are building an ADU consistently want to include the basements of their principal dwellings in the gross floor area calculation. She explained that this is because the Zoning Regulations for ADUs require that the principal dwelling be a minimum of 2,000 square feet in gross floor area.

Elliott suggested creating two separate definitions of Floor Area—one that applies to the gross floor area of the principal dwelling; and one that applies to the ADU itself. He suggested that whether emergency egress is required for a basement should perhaps depend upon how a basement is being utilized. He also suggested that staff’s proposed revision to 2-1.01 (A)(1)—“*when at least one full wall of the basement is entirely above grade level*”—could possibly be struck. Elliott went on to explain that a basement being utilized as a principal dwelling’s entertainment space differs from a basement that serves as housing for someone. He expressed the importance of having relatively high safety standards for a space that will serve as housing—especially for someone who has mobility challenges.

Reeves responded that perhaps it should just be clarified that if a basement will be utilized as an ADU, then it must have emergency egress windows and an emergency exit on the ground floor.

Elliott stated that the current Building Code requires an egress for basements with a bedroom(s). He commented that finished, livable space in a basement should be gross floor area calculation of a principal dwelling, even if there is not a separate exit, because it constitutes a significant amount of livable square footage. He expressed that he would like Reeves to continue editing that definition to more specifically state under what conditions a basement may be included in the gross floor area calculation.

Reeves noted that after publishing the meeting packet staff drafted another addition to the Gross Floor Area, after Item 7:

“For the purposes of calculating the gross floor area of a main residence, finished areas shall be connected and accessed directly from the main residence by a finished hall, common area or stairway. If the only access is from outside of the residence (through an unfinished area, garage, stairs/ladder that does not

comply with building or fire code, or other access), it is a separate unit and not calculated in the floor area of the residence. (These areas are also referred to as detached bedroom, guest cottages, granny flats, guest quarters, dwelling units and must comply with the ADU regulations.)”

Broers asked if there is a benchmark that the County uses, whether it is for tax or appraisal purposes, to calculate the floor area of a dwelling. With regard to Item 5 in the Gross Floor Area definition:

(5) lofts and finished attic space having headroom of seven feet, ~~ten inches~~ or more, when accessible by a conventional stairway;

Broers commented that this measurement is very similar to the standard ceiling height of a regular, living area; so, reducing the required headroom to seven feet (7') seems comparatively low. She asked why staff has suggested striking ten inches (10") from that measurement.

Reeves answered that in her research, she found various examples of when an attic may be included in a gross floor area calculation, with many of the examples being very technical and varying widely. She explained that staff is suggesting, for simplicity, 7' or more, instead of 7'10".

Broers then asked if there is a height requirement in the current Building Code, for headroom in the attic.

Reeves responded that she will check the Building Code.

Reeves then turned to the draft Model Code for ADUs. She explained that staff now has additional revisions to the draft that was published in the meeting packet (strikethroughs and text in italics represent staff's additional revisions):

1. **Purpose.** Accessory dwelling units are allowed in certain situations to:
 - a. Create new housing units while respecting the look and scale of single-family dwellings. ~~development;~~
 - b. Support more efficient use of existing housing stock and infrastructure;
 - c. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
 - d. Provide accessible housing for seniors, *young adults*, and persons with disabilities.

2. **Definition.** An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a ~~primary~~ *principal* dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:
 - a. Detached structures. Examples include converted garages or new construction.

- b. *Attached structures.* Attached to or part of the ~~primary~~ principal dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- c. *Interior ADUs.* Typically located in a principal dwelling and constructed through the conversion of an existing space, such as a basement or attic, as long as it does not reduce the minimum floor area required for the principal dwelling.

Oehlert asked if 1.d. is intended to mean that the ADU may be rented only to seniors, young adults, and persons with disabilities.

Reeves answered that it is not intended to be exclusive. She clarified that the entire purpose of ADUs is to be inclusive and to provide accessible housing for seniors, young adults, persons with disabilities, etc.

Elliott commented that it seems 1.c. already communicates what is intended by 1.d. and that perhaps 1.d. is not necessary. Reeves agreed.

Oehlert remarked that 1.c. and 1.d. could possibly be combined as well.

Reeves then addressed the following portions of the draft Model Code for ADUs (strikethroughs and text in italics represent staff's additional revisions):

- 3. **Eligibility.** An ADU may be added to a house on any lot, tract, or parcel zoned to allow a Single-Family Residence.
- 4. **Number.** One ADU is permitted per lot, tract, or parcel zoned to allow a Single-Family Residence.
- 5. **Creation.** An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to an ADU while simultaneously constructing a new ~~primary~~ principal dwelling on the site. *Conversion of an existing residence to an ADU shall comply with the maximum size allowed for an ADU.*
- 6. **Density.** ADUs are exempt from the residential density standards of this code.
- 7. **Approval.** Applications for ADUs must meet the following criteria. Requests for ADUs are reviewed through the Building Permit Application process.
 - a. The applicant must demonstrate that the ADU complies with all development and design standards of this section.
 - b. The applicant must demonstrate that the proposed modifications comply with applicable zoning, building, sanitation, and fire safety codes.

Reeves noted that there will be no changes with regard to how ADUs are approved.

8. **Occupancy and Use.** The property owner shall occupy either the ~~primary~~ *principal* dwelling or the ADU. The primary dwelling and/or the ADU shall not be leased or rented for short-term or transient occupancy. (Reeves thinks this may be less than 3 months).

With regard to the second sentence in No. 8 (Occupancy and Use), Elliott asked how this proposed regulation would be enforced. He expressed that he is hesitant to include a provision, which may be unrealistic to enforce.

Reeves answered that, in most instances, staff is made aware of a zoning violation by neighboring property owners. She added that these claims are fairly easy to substantiate because short-term rentals are often posted on websites such as Airbnb, etc.

Matthew Gardner (504 S. Rogers Rd.), a public participant, stated that he is a relatively new resident in Miami County. With regard to No. 5 (Creation) it is his understanding that an ADU may be created while building on a site; and, it can then be converted into a different type of structure within a certain timeline of developing the principal dwelling. He asked if a timeline has been specified.

Reeves responded that a residential building permit is valid for one (1) year. She explained that construction must begin within six (6) months and be completed within one (1) year. She noted that the current Regulations allow only (1) residence on a tract of land; and, if there is an existing residence on that property, the property owner signs an affidavit, stating that the existing residence will be removed within 30 days from completion of the new residence. She assumes the timeline for the conversion of an existing residence to an ADU would be about the same. She added that most property owners who want an ADU are constructing the principal dwelling and the ADU simultaneously.

Elliott clarified that an ADU may be created by either converting an existing structure or building a new structure to function as the ADU. He added that construction of the ADU does not necessarily coincide with construction of the principal dwelling. He added, for example, that an ADU may be constructed 20 years after the principal dwelling was constructed.

Reeves confirmed.

Mr. Gardner then asked in the event a principal dwelling is being built on an undeveloped parcel and the owners also want an ADU, whether both structures would need to be constructed within one year.

Elliott clarified that a property owner may construct an ADU after the principal dwelling is constructed, if a second residential building permit for the ADU.

Reeves confirmed, and added that the principal dwelling and the ADU may be constructed simultaneously. She explained that the ADU may not be constructed prior to the principal dwelling because the minimum size of the principal dwelling is 950 square feet; whereas, the maximum size of the ADU is only 900 square feet.

Mr. Oehlert reminded the Planning Commission that tonight's discussion is intended to be with regard to *draft* Regulations for ADUs.

It was then determined that additional public comment will be accepted at the end of the discussion.

Reeves then addressed No. 9 of the draft Model Code for ADUs (strikethroughs and text in italics represent staff's additional revisions):

9. **Design.** Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply.
 - a. **All ~~Detached~~ ADUs (*attached and detached*)** must meet the following requirements:
 - i. **Size.** An ADU shall not exceed 900 square feet or 50% of the Floor Area of the ~~primary~~ *principal* dwelling, whichever is less. There is no minimum area requirement as long as all of the living area "components" can be met.

Reeves noted that the current Regulations restrict the size of an ADU to the lesser of 900 square feet or 25% of the total floor area of the principal dwelling. She explained that "living area 'components'" speak to the kitchen, living area, sleeping area, and bathroom. She further explained that it is not required that each room be separated with walls; rather, the floorplan may be similar to that of a studio apartment.

She noted that since developing this draft Model Code for ADUs, staff has questioned whether attached and detached ADUs should be allowed to have the same floor area as each other; or, whether the detached ADU should be allowed to have a smaller percentage than an attached ADU.

- ii. **Attached ADU.** An attached ADU must be physically connected to the principal dwelling by, at a minimum, a roofed structure no longer than 25 feet.

Reeves pointed out that if it is determined that detached ADUs will be permitted, then this provision (ii.) for attached ADUs is not necessary.

- iii. **Permanent Foundation.** The ADU shall be constructed on a permanent foundation.
 - iv. **Living Area.** The ADU shall include the equivalent of at least 1 bedroom, 1 full bathroom, and a kitchen, whether separated by walls or left open. The structure shall have direct access to the outdoors, hallway, or common area.
 - v. **Mobile Home.** The accessory dwelling shall not be allowed within or attached to a mobile home but may be allowed within or attached to a manufactured home.
 - vi. **Exterior Finish Materials.** The accessory dwelling shall be constructed of the same or similar building materials as the principal dwelling.

Reeves explained, with regard to Exterior Finish Materials, that this is the current language in the Regulations. She reported that Johnson County stipulates that the exterior finish materials of an ADU must be similar to those in the surrounding neighborhood. She asked the Planning Commission to keep in mind that rural areas have barns finished with tin, so she is not certain that this particular regulation works as well in Miami County. She offered to incorporate that language from the Johnson County regulations if the Planning Commission so desires.

- vii. **Roof pitch.** The roof pitch must be the same as the predominant roof pitch of the ~~primary~~ *principal* dwelling.
- viii. **Driveway Entrance.** The accessory dwelling shall use the same driveway entrance as the principal dwelling. A second driveway entrance accessing the accessory dwelling shall not be allowed.
- ix. **Parking.** No additional parking is required for an ADU. Existing required parking for the ~~primary~~ *principal* dwelling must be maintained or replaced on-site. Construction of an accessory dwelling in an existing garage of the principal dwelling shall not relieve the requirement of providing a garage or comparable accessory structure for the principal dwelling as noted in the parking regulations of this article. *If an ADU includes an attached garage, the garage area shall be subordinate to the garage area of the principal dwelling, but no less than 12'x20'.*

Reeves advised that the Planning Commission may want to consider whether the garage area of the ADU should be “equal to” or “subordinate to” the garage area of the principal dwelling. She commented that because the ADU is subordinate to the principal dwelling, the garage area of the ADU should not be greater than the garage area of the principal dwelling.

Reeves noted that staff is now suggesting the addition of the following:

- x. **Deed Restriction.** *A deed restriction shall be signed by the property owner and recorded with the Miami County Register of Deeds to provide notice that the ADU is located on the property and will be used in compliance with the requirements of the Miami County Zoning Regulations and specifically in regards to the regulations for the operation and use of ADUs. Violation of the ADU regulations may result in the property owner being responsible for removal of the ADU.*

Elliott asked how vi (Exterior Finish Materials) and vii (Roof Pitch) will be addressed when an existing structure is being converted into an ADU, but it has an exterior finish and roof pitch that are dissimilar to the principal dwelling’s exterior finish and roof pitch.

Reeves answered that staff had actually discussed this just prior to tonight’s meeting. She reported that she researched the Johnson County regulations in this regard and found the following:

“It is the intent of these regulations to establish performance and appearance standards that will allow ADUs to be placed in neighborhoods with a minimum impact on adjacent or nearby properties. Such performance and appearance

standards are intended to ensure that, among other things, ADUs are unobtrusive and subordinate in size, location, and appearance to the Principal Dwelling Unit (unless otherwise allowed by this section) and are compatible with adjacent properties and the neighborhood.

The appearance standards are intended to support and promote the design of ADUs by replicating or complimenting identifiable and desirable neighborhood development patterns so that ADUs will blend rather than contrast with the existing neighborhood character. For example, oftentimes neighborhoods exhibit identifiable patterns such as uniform setbacks from the street or similar architectural detailing (i.e., roof pitch, building materials, or colors).

ADUs should be designed and located to compliment these patterns . . . For example, large parcels in rural areas tend to have more and larger accessory buildings (i.e. barns, stables, and metal utility buildings) that do not tend to mirror the design of the associated residence but have a more utilitarian form (i.e., metal siding and lower roof pitches) and do not tend to have uniform setbacks from the street (but, rather, often tend to cluster next to the residence) . . .”

Reeves surmised that the main thought appears to be that an ADU should mirror the character of the surrounding area.

With regard to iii. (Permanent Foundation) Elliott does not understand how this provision will work for an ADU that is being constructed versus an existing structure that is being converted into an ADU. He asked whether an existing pole building is acceptable as an ADU; or if, the existing structure must be on a permanent foundation in order to be converted into an ADU. He would like clarification regarding whether this provisions matches the Building Code.

Reeves responded that many property owners are now building barn houses or “barndominiums”, which are permitted as long as they contain at least 950 square feet of living area on a permanent foundation, and include a wastewater system and all of the components of a living area. She added that under the current Regulations if the principal dwelling is a barn design then an ADU may be built, which is similar to the principal dwelling.

Oehlert commented that as more subdivisions are created in the County, he believes it is important to include language, which provides that ADUs must be consistent with the other homes being constructed in order to maintain the integrity of the neighborhood.

Reeves asked if Oehlert would like to see a regulation, which provides that ADUs must be consistent with the character of the surrounding area. Oehlert confirmed.

Elliott asked if that should be included in the covenants of a particular subdivision or as a County regulation.

Oehlert asked how the developer of a subdivision would know about such a requirement if it is not included in the County Code.

Elliott remarked that most covenants tend to be more intense than the County's regulations with regard to aesthetics.

Oehlert explained that a subdivision that consists of only three or four houses may not have a homeowners association and no means of addressing aesthetics.

Elliott commented that regulations for small-lot subdivisions perhaps could or should be different than regulations for large-lot (20+ acres) subdivisions.

Reeves stated that the County does not currently require the houses in a neighborhood to be alike. She believes part of the appeal of the country is that the homes are more unique in design and are not cookie-cutter.

Oehlert reasoned that such a regulation would, for example, protect property owners who have built their dream home, from having a structure that is not aesthetically appealing built near their home.

Elliott recalled the Planning Commission's previous discussions regarding cargo container homes; and a discussion regarding a cargo container home proposed to be built in a large-lot subdivision, which would be significantly different than the surrounding homes. He expressed that he is concerned about creating a barrier unintentionally.

Reeves stated that the scenario described by Oehlert can occur anywhere in the County because the County does not currently require uniform standards from one property to the next. She added that the current Regulations require the ADU and its garage to be of similar construction to the house. She noted, however, that this has been largely unregulated over the years because the County has been predominantly agricultural. Barns and accessory structures are not required to look like the house.

Broers asked if there are any setback requirements or square footage to lot-size ratio requirements for ADUs.

Reeves responded that setback requirements for ADUs and the principal dwelling are the same. She then referenced 9.c. (Detached ADUs) of the draft Model Code for ADUs (strikethroughs and text in italics represent staff's additional revisions):

- c. **Detached ADU²s** shall meet the following additional requirements:
 - i. **Height.** The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the ~~primary~~ *principal* dwelling.
 - ii. **Building setbacks.** The ADU shall comply with the building setbacks of the zoning district in which it is located. *No portion of an existing building that encroaches within a required yard setback may be converted to or used as an ADU unless the building complies with setback exemptions provided for Non-Conforming Lots.*
 - iii. **Building coverage.** The building coverage of a ADU may not be larger than the building coverage of the primary dwelling.

- iv. ~~Yard setbacks. No portion of an existing building that encroaches within a required yard setback may be converted to or used as an ADU unless the building complies with setback exemptions provided for Non-Conforming Lots.~~
- v. The ADU shall be connected to public utilities, including water, electric, gas (if applicable), and septic or sewer. If public water is unavailable, evidence must be provided that potable water is available and being plumbed into the ADU.

Reeves pointed that the current Regulations provide for a building height of 35' and/or 2-1/2 stories. She offered to adjust the draft language of 9.c.i. (Height) to provide that the ADU must comply with the height requirements of the district in which it is located.

Broers suggested applying the provisions of 9.c. to not only detached ADUs, but also attached ADUs.

Reeves noted that the current Regulations do not contain a ratio for lot size coverage. She reported that this has not been an issue, other than in the villages, such as Bucyrus and Hillsdale, which have non-conforming setbacks. She explained that because those lot sizes are so small, normal setback criteria cannot be met. She added that non-conforming setbacks are no less than 15' from the road, and no less than 10% of the lot width. She explained that for a lot that is 50' wide, the minimum setback would be five feet (5') on each side. The rear setback would be no less than 15' for non-conforming lots.

Ross echoed Elliott's comments, with regard to 9.a.vi. (Exterior Finish Materials) and 9.a.vii. (Roof Pitch), commenting that he is not certain how these provisions would apply to ADUs that are created by converting an existing structure, such as a metal outbuilding, that will not have an exterior finish or roof pitch similar to the primary dwelling. He believes both of these provisions are better-suited to newly constructed ADUs.

Oehlert invited questions from the public. There were no questions or comments from the public.

Oehlert asked if the modifications discussed this evening will be addressed at the August Planning Commission meeting. Reeves confirmed, and added that a subdivision plat will be the only other item on the August meeting agenda.

Reeves announced that the Administration Building is currently open to the public; and, she anticipates that it will be in August as well. She invited the Planning Commissioners' thoughts on whether to conduct the August meeting in person or via Zoom conference. She reported that Planning Commissioner Randy Kitchen has voiced that he does not believe meetings conducted via Zoom conference adequately include the public.

Oehlert commented that given the increase in COVID-19 cases Statewide and in the County, he is in favor of conducting the August Planning Commission meeting, and possibly the September meeting, via Zoom conference.

Elliott expressed that his only concern is with regard to those agenda items that warrant more public comment.

Broers commented that her preference would be to accommodate public demand while meeting remotely.

Oehlert suggested meeting via Zoom conference for August, with the option of reassessing the situation for the September meeting. There was general consensus to conduct the August Planning Commission meeting via Zoom conference; and Oehlert announced that the meeting will be conducted via Zoom conference.

Reeves announced that the online survey for the Comprehensive Plan update is live and available at www.miamicountyksplan.com.

She also announced that since the Administration Building reopened on June 8th, the Code Services and Planning & Zoning Departments have been extremely busy. She believes the Building Department's permits and revenues are up compared to this time last year.

There being no further general discussion, Elliott moved to adjourn the meeting. Brown seconded, and the meeting was adjourned by a vote of 6-0¹, at 8:25 p.m.

Approved this _____ day of _____, 2020.

Angie Baumann, PC Secretary

Chair, Mark Oehlert / Vice-Chair, John Menefee

Minutes taken by Angie Baumann

¹ Menefee lost connectivity and was unable to participate in the vote.