

**PLANNING COMMISSION
CITY OF WILLOUGHBY
WORK SESSION
APRIL 11, 2017
WORK SESSION MEETING
MINUTES**

PRESENT: R. Fiala; C. Cox; G. Patt; G. Merhar, Chairman
ABSENT: K. Kary
OTHERS: Janice Lipscomb, Econ. Development Mgr.; Darryl Keller; Chief Bldg. & Zoning Official
Councilmen: Jerry Ranally, Bob Carr, Bob Harrold; Jeff Black

Chairman Merhar called the work session meeting to order at 6:05 p.m.

Janice Lipscomb

ZONING CODE BOOK UPDATE

Mr. Dave Hartt and Mrs. Kris Hopkins represented CT Consultants. Mrs. Hopkins stated they have an agenda that they will go over this evening including 1161 Off-Street Parking, 1163 Sign Regulations and 1167 Non-Conforming Uses (building, lots etc.). They will also go over information discussed at the last meeting. She explained what all the colored and highlighted text and the text that was struck through meant. The Conditional Use Chapter, which is now called the Supplemental Use Chapter there was a lot of criteria for conditional uses; they were the review criteria. In the approval of site plans and variance review, all of those review criteria are in Chapter 1109. The conditional use review criteria, whether or not it is compatible with the surrounding area etc., has been moved to Chapter 1109, where the conditional use procedures are spelled out. There was discussion previously about redoing the Environmental Assessment Statement (EAS) in terms of the site plan approval process and are hoping to add this to Chapter 1109 also. In 1115 there are some amendments that were spelled out in the Phase I document. They will consult with Mrs. Lipscomb in regard The Lakeshore Gateway District and how it should be structured. They would like to put the Design Standards and Guidelines into a new chapter (1181) because some of the guidelines were scattered throughout the code and there was some redundancy. In Chapter 1161, minimum parking requirements; some changes were made due to applicant concerns. They made changes to how shared parking is permitted and the requirements for approvals. They also made allowances for reduced parking and Mrs. Hopkins explained. There was some discussion on this subject. On page 104 there was previous discussion on having allowances for reduction in the number of required spaces without requiring a variance, so item "C" is that provision. There is a reduction of up to ten percent that can be made administratively and forty percent reduction as a conditional use. There is an allowance for "land banking" to whatever the code states the number of parking spaces should be for that occupancy. There was discussion on what the standards are around the United States.

Mrs. Hart went on to page 111, Chapter 1163, Signs. The goal in this chapter is to eliminate content based regulations, which also means content based definitions and content based approval procedures. There are two tables that are in the existing code that are shown on page 125-126 that

Planning Commission
City of Willoughby
Work Session Meeting Minutes
April 11, 2017

identify the technique currently being used. A name plate, institutional identification, and development signs are content based and can no longer be used. They took everything from these tables; including the maximum area and the maximum height, and simplified them creating a section for signs in residential districts and signs in non-residential districts and describe the different types of signs there are. There was discussion as to why this had to be changed and Mr. Hartt explained it was a Supreme Court decision. The premise behind content related signs is religious facilities and the right of individual property owners on residential property to have the ability for political expression. Mr. Black asked if political signs were allowed to remain for an indefinite period of time. Mrs. Hopkins stated there is an allowance for a temporary sign to stay up indefinitely. They retained the same maximum square footage of 12 s.f. that is in the current code, but they added a limit of 8 feet for any one sign. During election time there are specific regulations for those signs. Mr. Black asked if someone could put a large flashing arrow on a trailer. Mrs. Hart responded there is a difference for what you can do in a business district verses a residential district. In business districts there are allowances for temporary signs but are more defined then in the residential district. The portable signs on wheels are regulated differently than the small freestanding temporary signs in a residential district. They did add regulations for temporary banners and temporary flag or blade signs on page 129. They did keep the size and height of the sign the same as the existing regulations allow with the exception that freestanding signs in the residential districts cannot exceed four feet in height. The current allowance is six, which they feel is higher than necessary for signs that are 12 square feet. Mrs. Lipscomb wanted clarification as to whether a banner sign can remain indefinitely on a building. Mrs. Hart stated on page 129 there is a sign restriction of 32 s.f. and there is currently an allowance for them to be put up two times a year, not to exceed thirty days. She increased it to four times a year. Mrs. Lipscomb asked if these can be four consecutive months and Mrs. Hopkins yes unless we add something that states they can't. There was discussion whether to permit these types of signs at all. Mrs. Lipscomb stated this would not pertain to special events and they agreed it would not. In section 1169.04 there are provisions for different time frames for these event banners. There was discussion on what to do with banner flags and what recourse the city has. Chairman Merhar asked Mr. Keller if he was in favor of these flag/banner signs and he stated no. Chairman Merhar is in favor of eliminating the flag/banner signs and asked if anyone was opposed to eliminating these and no one was opposed, so they will be eliminated. Mrs. Hopkins stated they added a prohibited sign list on page 131 so she will add these flag/banner signs to this list. There was more discussion on whether they wanted to change the allotted amount of time for event banner signs. Mrs. Hopkins stated on page 126 changeable copy or message board signs they have added some regulations for the Board and Council's consideration. They have allowed them in both residential and non-residential districts. In residential districts there is setback requirement from homes and therefore non-residential uses in residential districts. In non-residential districts the setback requirement is 100' from a residential district. In all cases electronics signs message center cannot exceed 50% of the area of the sign face. Mr. Hartt stated that a compromise between the whole sign and 50%, and what they've used in other codes, is to state you need to have at least a 4" or 6" static band around the electronic message center so it is aesthetically pleasing. Chairman Merhar stated that he thought 75% would be a more reasonable figure. Mr. Fiala asked how are they defining the sign area. In his experience a typical sign is in the field within which the text is described. Mr. Hartt stated for a freestanding sign they include everything, even the frame because

Planning Commission
City of Willoughby
Work Session Meeting Minutes
April 11, 2017

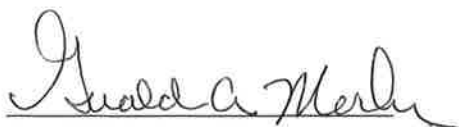
that is what is being constructed. Chairman Merhar asked Mr. Keller if this is how he reviews these types of signs and Mr. Keller stated yes he includes the whole structure. Mrs. Hopkins stated the current code does include the frame. Mr. Patt stated, in his opinion, the restriction should be on the size of the sign, not what percentage of it is digital. There was some discussion on these types of signs and if they can be dimmed in the evening. Mrs. Lipscomb stated they would like to restrict these types of signs in the downtown business district. Mr. Black would like to limit these signs as much as possible. Chairman Merhar agreed that they should not be allowed in the historic district. There was some discussion on whether the Sign Review Board can deny a sign. Mr. Hartt stated you would have to add the wording for that. He also stated that one thing people object to is that these signs are too close together, so you may want to consider spacing requirements. Mrs. Hopkins stated they do not have to decide this tonight and she will do more research on these types of signs and restrictions other communities have implemented. Mr. Hartt stated there are two things in the code that are questionable as being content neutral. There is a separate category that allows for construction signs, which can be argued that it is a content based sign or a character of the site sign. He stated they are arguing it is a character of the site sign (e.g.-vacant properties signs, signs for built property etc.), so they are including constructions sign (e.g. - new building construction sign-“XYZ Construction”). These signs remain for the duration of the job and are removed after construction is completed. The second item is instructional signs. Instructional signs are content based signs. These are commercial signs such as gas stations, banks etc. This has been left in the code and will be left up to the judgment of the Building Inspector to make the determination that these signs are actually the proper size and location for instructional purposes. Mr. Black asked if the construction signs are limited in size and Mrs. Hopkins stated forty square feet. Mrs. Hopkins stated that page 130 deals with temporary signs on vacant land. They can be 40 s.f. with a maximum height of 6’. Mr. Hartt wanted the Board and Council to be clear on the way they are treating non-commercial signs on residential property; the permit right to a temporary sign. You can have a temporary sign and it can say anything you want on residential property of a certain size, any time of the year (e.g. religious or political). This is the permanent right to a temporary sign except for commercial (e.g.-cannot say you are selling Coke). You cannot advertise a commercial business. There was some discussion on this subject.

Mrs. Hopkins stated on page 138, Non-Conforming Use chapter, there were non-conforming buildings (page 139-B &E); these are buildings that do not conform to the setbacks or height etc. It is not related to the use of the building, it is just that the building itself that does not conform. She stated the current code is very restrictive and they have eliminated this restriction. They also eliminated the restriction that says if the non-conforming building is damaged more than 50% of the value then you cannot restore it. It will now say if it is totally destroyed you can rebuild it with the original footprint. Mrs. Hopkins stated they have added an allowance for the Change in Use section (bottom of same page) for a building that is currently occupied or has been occupied by a non-conforming use (e.g.-gas station in a residential district and want to use as a store) and someone may want to put something else non-conforming but less intrusive there but the current code does not allow this. You can substitute a new use as long as it is going in a conforming direction; so it is less intrusive or less detrimental to the neighborhood. Mrs. Hopkins stated they have previously discussed dealing with Non-Conforming Site Conditions on page 143. An example would be if an applicant comes before Planning Commission and has a non-conforming parking lot, they would be required to

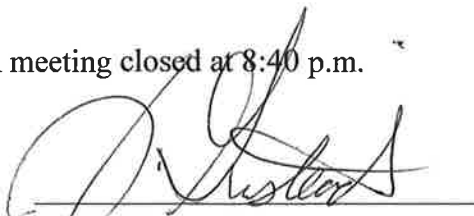
**Planning Commission
City of Willoughby
Work Session Meeting Minutes
April 11, 2017**

go before the Board of Zoning Appeals. They have made the allowance so that Planning Commission can negotiate with the applicant to move in a conforming direction with the way the parking lot is configured. On page 74, Adaptive Re-use of Large or historic Buildings was added as a conditional use in a single family district. They've identified the types of uses that the building could be used for and have given a definition of what an eligible building is. This section takes into account outdoor storage if the building is in a residential neighborhood and is not specific but leaves it up to the discretion of the Board. Mr. Fiala stated this section does not require rezoning and Mr. Patt responded it is called spot zoning. There was some discussion on this section. On page 77, Used Car Dealerships they increased the minimum lot size from 3 acres to 4 and the minimum building size was increased to 25,000 square feet based on other existing Willoughby dealerships. Other requirements that were added are setbacks; the pavement needs to be 20 feet from the street so you have a larger buffer area and the other is making sure the vehicles are in good condition and not in disrepair. Mrs. Hopkins stated that they checked with the City of Mentor's revised code which is similar to Willoughby's code and requires the used cars are only accessory to new cars. All they do is limit the amount of the pavement that can be used for the used cars. There is no minimum lot size, floor area or building size, but there is a 30' foot minimum building setback. Willoughby's code has a lot more requirements. There was more discussion on this subject. They put together restaurant brew pub type issues. There were some additional restrictions added to outdoor patios, live music, sidewalk patios and microbreweries on pages, 82, 87 and 89. On page 87 brew pubs are permitted downtown as a conditional use in the General Business District. A brew pub is where the restaurant takes up more than 50% of the floor area with an accessory micro production and is only conditional in the General Business District. A micro brewery is a small scale production that has a tasting room. A micro brewery can be paired with a restaurant and be called a brew pub and allowed in the General Business District, but you cannot put just a micro brewery with only a tasting room in downtown. There was some discussion on this subject. On page 82 is Dance Floor, Entertainment. Outdoor dining is on page 89. Mrs. Hopkins stated they did look at how other communities are dealing with outdoor music/noise and it is by decibel level. Mr. Black stated he foresees issues with enforcement of decibel levels. Chairman Merhar stated we have had success with conversational level music. Mr. Fiala agreed with Mr. Merhar. The only problem with music is with the DJs and the bass of the music. There was discussion on this subject. Mr. Hartt suggested adding language to the code for outdoor patios that have removable or rolling doors and windows; that if the doors and windows are open you have to perform as if you were indoors and the Board and Council agreed. Outdoor dining on page 89 states that outdoor seating shall be located so as not to obstruct any entrance or exit to the restaurant, and when located in the front yard shall leave a minimum of 5 feet of unobstructed sidewalk area. Mr. Patt stated he would like to add something about the smell of chickens from the last meeting. Another meeting for a final Work Session for zoning code changes will be Thursday, May 4, 2017.

There being no further business the Work Session meeting closed at 8:40 p.m.



Gerald Merhar, Chairman



Vicki Grinstead, Secretary