

**PLANNING COMMISSION
CITY OF WILLOUGHBY
WORK SESSION
NOVEMBER 13, 2018
WORK SESSION MEETING
MINUTES**

PRESENT: S. Norris; C. Cox; K. Kary; M. Wildermuth Chairman

ABSENT: G. Merhar; Katie McNeil;

OTHERS: T. Thielman, Econ. Devel. Mgr; Darryl Keller; Chief Bldg. & Zoning Official;
Michael Lucas, Law Director; R. Fiala, Mayor;

Councilmen: Dan Anderson; Chris Woodin; Bob Carr; John Tomaselli; Bob Harrold

Chairman Wildermuth called the work session meeting to order at 6:07 p.m.

NEW BUSINESS

Planning Commission

ZONING CODE BOOK UPDATE

Chairman Wildermuth welcomed City Council to the Work Session meeting and stated the purpose of the meeting is to discuss some proposed changes to the zoning code.

Mrs. Hopkins explained that this zoning code update had been reviewed approximately a year or so ago and was before Council in July, 2017 and it was decided then to put it on hold until the new administration came into office.

Since then there were some issues that were raised at the public hearing and items that will need to be incorporated into the zoning code, which she has compiled in a memo which was distributed to the members this evening. (see Memorandum dated 11-13-18 from CT Consultants).

Chapter 1155, the title has changed to Supplemental Regulations because this section contains more than just conditional uses.

Mrs. Hopkins stated another recommendation was to review the flow charts which were poor quality. They were at the end of Chapter 1109 and they will be replaced.

Another recommendation was that the term "email" to be used as a form of notice. This term will be in addition to what is already required in terms of mailing any forms of notices to the public or applicants.

The next item is to add an administrative procedure for a lot split. There are procedures for minor subdivisions, but need a more concise procedure for the lot split portion and to also create a flow chart.

Planning Commission
City of Willoughby
Work Session Meeting minutes
November 13, 2018

Environmental Assessment Statement (pg. 56) add: if the property is of one acre or more than clearing of that site will require an EAS. This will be unstricken and reworded.

Chapter 1131 One-Family Residential Districts; There was discussion on short-term rentals and how they should be regulated in the zoning code.

Rooming Houses: The zoning code also does not address rooming houses. They are not listed as a use and are not defined, however; they are addressed, with stipulations, in the business code which was revised in 2006.

On pg. 79 & 80 in regard to outdoor storage of recreational vehicles. There is language under 1(b) that discusses how outdoor storage is permitted in a rear yard with the exception that you may be able to park in the side yard if permanent obstacles prevent the maneuvering into the rear yard. The Board of Zoning Appeals will be given the authority to decide these issues and the code will be amended to be more clear on this issue.

On Page 80 Fences: Fences in the front yard are required to be 50% open and it was discussed to make them consistent with the rear yard at 25%. Also what type of fences will be allowed in the front yard.

Page 98 ATMs: There was a suggestion to delete conditional use requirements for drive thru ATMs but this has already been changed to a permitted use.

Page 157 Places of Worship: Had some redundancy with table formatting and also narratives, so the table information has been combined into the narratives.

Page 149 Dance Floor, Entertainment: delete "live" from the requirement. If the intent is to cover ALL performances, including DJs- define "performances" to make clear it includes DJs.

Page 149 Hours: The revised code reads 'outdoor entertainment/music shall be permitted no later than 10 pm Sunday through Wednesdays.' and "...no later than 12 am on Thursdays through Saturdays."

Page 167 Bed and Breakfast: The current code for a bed and breakfast is the owner must reside there. The parking standards state one space per guest room, plus requirement for the dwelling. One of the recommendations was to eliminate the definition of a bed and breakfast with the owner occupied clause. This would eliminate the need for the parking requirement for the dwelling unit. The two questions are should owner occupied be eliminated and if so what will be the parking standard. Mr. Harrold asked if there should be a staff parking space if it is not owner occupied.

Page 169 Parking for general commercial and industrial uses: The concern is as more and more manufacturing business become automated there are fewer employees that the amount of parking necessary has been greatly reduced. Mrs. Hopkins said this is across the board for many companies and cited an example. She agreed that this should be researched and amended. The Planning

**Planning Commission
City of Willoughby
Work Session Meeting minutes
November 13, 2018**

Commission does have the authority to reduce the parking standards, but it would make sense to adjust them as well.

Pages 188-89 Signs: There was a suggestion to eliminate pole signs except in areas by the freeway. You would also have to define what “along the freeway” means. Mrs. Hopkins made the suggestion that if we allow pole signs by the freeway we make them a conditional use, so the city can regulate the size of the sign. The current code says pole signs by the freeway can be larger.

Mr. Cox did not see a need to eliminate pole signs. Mrs. Hopkins stated that they are communities that have eliminated freestanding pole signs. She stated it is for aesthetic purposes. One community has all monument signs that are now 6-8 feet in height along a main thoroughfare. How amortization normally works is the code would specify a time limit; for example, within five, six, seven years etc. all of the signs that are non-conforming have to comply with current city ordinances. There would be other provisions in place for businesses that have new signs in place.

Mrs. Hopkins explained the sign would only be conditional in specific locations. They would be eliminated them from the office district. Mr. Woodin stated this would impact Euclid Ave. and Lakeshore businesses.

Mr. Wildermuth stated these signs could affect parking spaces and landscaping in order to accommodate new signage, which could lead to the businesses needing variances. Mr. Woodin is not in favor of changing the ordinance. Mr. Kary stated the Planning Commission has made recommendations to their applicants to use ground signs in lieu of pole signs but does also agree with Mr. Woodin in regard to the smaller businesses.

Mayor Fiala said his opinion is that we grandfather in the current signs but going forward enact installing ground signs and Mr. Kary agreed. Mrs. Hopkins stated she could map out streets where this ordinance would make sense for the next meeting. Mr. Thielman stated he would also like to see them replaced if there is a change of ownership of the business. There was discussion if a business would lose parking and Mr. Keller stated that would be a hardship and they could seek a variance. Mayor Fiala suggested that they eliminate pole signs at the change of ownership unless the applicant wants to appeal it based on his specific situation. Mrs. Hopkins agreed it does make sense to keep these pole signs near the freeway. Dr. Norris stated in his opinion they should be eliminated altogether or not or have a sunset clause. Mrs. Hopkins suggested they revisit this issue.

Solar lighting guidelines and standards. Mr. Kary said there is a solar sign being installed in a development in his ward. It is a ground sign that will be illuminated by another object that is a solar panel generating system. Mayor Fiala wanted to be clear that the city is not opposed to solar lighting. Mr. Kary stated we need to be able to control size, location etc.

**Planning Commission
City of Willoughby
Work Session Meeting minutes
November 13, 2018**

Design Review Board does not currently have a date of expiration as to when a project must be started or completed. Mr. Keller stated most Boards give a one-year expiration date from the date of approval.

Mrs. Hopkins stated the last item is the duties of the secretary. Currently the administrative code says all requests should be filed with the secretary 7 days prior to a meeting. There is a review process first and 13 days is not unusual in cities also. It can possibly be stricken from the administrative code and put in the zoning code.

Bed and Breakfast and Short Term Rentals. How would you address these? Mrs. Hopkins stated that one suggestion would be that all of these facilities have to be registered with the city, so they can be monitored and state that they are a business. In the current code Bed and Breakfasts are not permitted in residential districts; they are only permitted Limited residential business district and the downtown district. Short term rentals are generally 90 days or less. The State of Ohio has transient rooms, such as a hotel room, which is less than 30 days or less and you pay a bed tax. Air BNB operates "under the radar". Mr. Keller said there is only one Air BNB in Willoughby. A Bed and Breakfast has a sign and they advertise, typically provide food and have staff. In the case of the Air BNB the consumer does not know what they are getting until they are committed and arrive there. If it is in the Zoning Code, then it can be enforceable on a complaint basis. Mrs. Hopkins will research how other communities handle Air BNBs.

Fences: The vinyl privacy fence can have lattice or spindle openings at the top if it is part of the overall height of the fence. If the fence is a 5 or 6-foot fence and the opening is at the top would then it be considered 25% open. There was some discussion on the style fencing that will be acceptable. Mayor Fiala suggested adding pictures of what is acceptable with our applications. Mr. Keller asked if there was any opposition to a solid white vinyl fence for around a pool and no one had any issues. Mrs. Hopkins will obtain photos to bring to the next meeting.

Churches- reducing lot size and eliminating 60 ft. setback. It was agreed to keep the two-acre ordinance and setback.

Live Entertainment- Mayor Fiala said they are basically extending outdoor entertain hours on Thursday, Friday and Saturdays until midnight and are allowing outdoor live music at conversational level only.

Bed and Breakfast owner occupied. Mr. Woodin stated in his opinion he does not think it has to be owner occupied. Mrs. Hopkins stated the code currently says the owner does need to be on premises and the recommendation is to delete this stipulation. There was no opposition to this issue.

Mrs. Hopkins said she was informed that the one-mile requirement will remain. Mr. Carr, Mr. Woodin and Mr. Wildermuth agreed to leave it in. There was some discussion on this issue. There was little interest in expanding the areas where these facilities would be permitted.

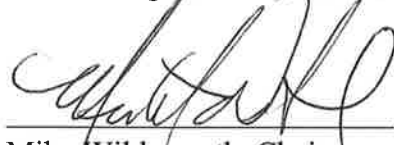
**Planning Commission
City of Willoughby
Work Session Meeting minutes
November 13, 2018**

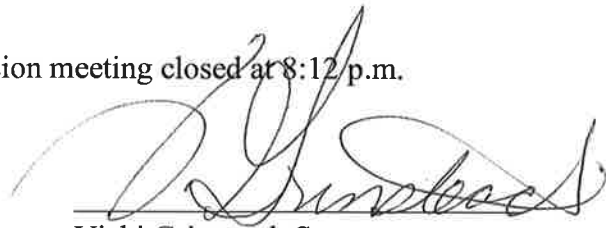
Even if the one-mile remains then someone can propose a senior care facility under that specific use which is not as restrictive as the senior citizen continuum of care. The senior care facility requires only two type of care facilities. Mrs. Hopkins asked if she should remove it from all four districts or only the R100. Mr. Carr recommended leaving the current language as is with no changes and the everyone was in agreement.

Mr. Woodin asked if they were eliminating the Gateway District and Mrs. Hopkins stated no, it is a stand-alone chapter in the existing code and is listed in 1141 and is in all of the tables. The reason this was changed was due to redundancy in the code.

1131.13 No. 7 Household pets. Mr. Woodin stated there were issues in the past with people having a very large number of pets lose in certain neighborhoods. Mrs. Hopkins stated that it is not uncommon to have a restriction on the number of household pets someone can have. They have added some rules and restrictions for this section. There was some discussion on this issue. It was agreed to limit the number of household pets to six.

There being no further business the Work Session meeting closed at 8:12 p.m.


Mike Wildermuth, Chairman


Vicki Grinstead, Secretary