

PLANNING & ZONING COMMITTEE

JUNE 10, 2020

The meeting was called to order at 5:30 p.m. by Chairman Tim McCarthy. Committee members present were Cory Kuhlman, Tim McCarthy, and Barry VanHoozen. Also present were Bridgette Kabat, City Administrator, Laura Alkire, Law Director, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

CITIZENS' CONCERNS

John Hooper, 536 E. Sixth Street, was present to request a waiver so he could keep an 8' fence that he installed on the side of his house. Mr. Hooper said it has lattice at the top which puts him over the 6' limit. He said that he did not know he needed to get a permit before installing it, but his neighbor is very happy with the fence. Mr. McCarthy informed Mr. Hooper that City Council cannot grant a waiver for something that a subordinate body could not grant.

Mr. Walters said that the Code only allows 8' fences in industrially zoned areas. Mr. VanHoozen asked about the definition of a fence. Mr. Walters read Section 1250.42 (a)(4), which states fences, walls, structural screens, hedges and screen plantings shall include all structures, shrubs, plantings or trees used to separate, enclose, screen or demarcate a boundary. Mr. Kuhlman asked if Mr. Hooper would be in compliance without the lattice at the top. Mr. Hooper said he would be, but it would not be as decorative. Mr. McCarthy asked that Ms. Alkire and Mr. Walters look at a handful of similar cities to see how they handle this issue, especially the use of something like a lattice, which does not create an entire barrier that you can't see through. The Committee invited Mr. Hooper back to next month's meeting to discuss this issue further.

SIX (6) FOOT HEIGHT LIMITATION ON BUSHES AND PLANTINGS

The Committee had discussion about the 6' limit on bushes and plantings and the effect of trimming arborvitae to meet the 6' limit. Mr. McCarthy said that as you drive around town you see a lot of non-compliance regarding this issue. He asked what the objection is to natural plantings. Mr. Walters explained that in planning, it's about the impact of visual impairment and regardless of the material, it changes the view and the openness; it's a blocked view.

Ms. Kabat said that she spoke to the Public Service Director and Deputy Director and they said that, if the Committee would like, they could recommend a list of plantings that would not go beyond the six-foot limit and provide details on how to stagger them as they are planted. The Committee agreed that a list would be helpful. There was discussion regarding homeowners not being aware of this section of the Code. Mr. McCarthy asked that Ms. Alkire think about enforcement given that there are so

many properties not in compliance and provide any legal opinion to Council members in writing subject to the attorney-client privilege.

HENS

The Committee reviewed legislation that was approved three years ago clarifying the definition of specialized animal raising. Also, at that time, the City adopted a system where residents who already had chickens could register them, but it did not allow for any new ones. Mr. McCarthy said that, at the time, he was in support of allowing chickens, and he envisioned this interim registration system as a trial run to see if there were complaints or objections to the keeping of hens. Mr. VanHoozen said that he did not feel it was finally resolved the last time, and Mr. Kuhlman said that he thinks it's a good time to reexamine the issue.

Ms. Kabat said that there have been instances of non-compliance, but there have been minimal complaints. Mark Weber, 836 Cherry Street, said that when he was chair of the Safety Committee, City Council was asked to consider enforcement language. Ms. Alkire explained that when the issue was discussed in 2017 and new language was added, no enforcement language was added to the Code in the event someone raised hens without following the registration system. Mr. Weber asked that the Committee keep in mind that the chickens are a personal food source. Mr. McCarthy asked that the Committee review the documents provided and the issue will be discussed again next month.

HISTORIC DISTRICT BOUNDARY REVIEW

Mr. Walters gave the Committee an update on the Historic District boundary review. He said that the Historic District is defined in the ordinance by a legal description. However, it was discovered that based on that legal description, at least two properties are half in the District, half outside the District. Garcia Surveyors was hired to plot out the legal description by parcel. Mr. Walters said he will then review the drawing and make a recommendation on whether to add or subtract the properties with the oddities. He said that a cleaned up boundary makes sense, and it will provide a visual of the entire Historic District.

OTHER BUSINESS – OUTDOOR CAFÉS

Ms. Alkire stated that the City was asked by a downtown restaurant owner if they could add three tables to their outside café area, outside of the fence, as part of their sidewalk lease. The Administration gave them approval, but reminded them that they could not serve liquor outside of the fenced-in area because the liquor permit did not allow it. The Ohio Liquor Control Board extended the permit to include the additional tables outside the fence through August 5, 2020 and noted that it may be further extended.

Yet, our Code requires that the entrance to an outside café that serves liquor be from the building. Ms. Alkire requested that the Committee recommend approval of

legislation that temporarily waives that requirement regarding the entrance in 1235.04(mm) for as long as the liquor permit allows, but not to exceed November 1, 2020. The Committee agreed 3-0 to recommend approval of the resolution granting this request to help out the downtown businesses.

There being no further business, the meeting adjourned at 6:41 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Timothy C. McCarthy". The signature is written in a cursive, flowing style.

Timothy C. McCarthy, Chairman
Planning & Zoning Committee

Next meeting: Wednesday, July 8, 2020 at 5:30 p.m.