

PLANNING COMMISSION

SEPTEMBER 29, 2016

The meeting was called to order at 7:00 p.m. by Chairman Chris Carry. Commission members present were Chris Carry, Tom Forquer, Seth Hudson, Mayor Olmstead and John Wellstein (5). Eric Nicely was absent. Also present were Brody Walters, Planning and Zoning Administrator and Mark Easterling, Zoning Inspector.

Approval of Minutes

Mr. Forquer moved to approve the minutes of the August 25, 2016 meeting. The motion was seconded by Mr. Wellstein. Ayes: (5). Nays: (0).

Administrator's Report

No report.

Ch. 1240.07 – Submittal and Approval of PUD Plan Schoen's "Carronade Park" 26555 Carronade Drive

APPLICANT/OWNER/DEVELOPER

Aaron Schoen
Schoen Builders
134 W. South Boundary St. Ste. B
Perrysburg, Ohio

REQUEST

Chapter 1240.01 – Planned Unit Development
Chapter 1240.07 – Submittal and approval of PUD plan
Chapter 1240.08 – Final approval of Planned Unit Development

PROPERTY LOCATION & DESCRIPTION

The subject property is comprised of three separate parcels; Q61-400-080401001001, Q61-400-080401002004, and Q61-400-090302001005. These parcels are bounded by I-75, Blue Jacket Rd., Kenton Trail and Lake Vue Apartments. Collectively this site is approximately 22.77 acres in size and all three properties are zoned R-5 (Two-Family Residential).

BACKGROUND

On March 31, 2016 the applicant requested a "preliminary determination" from the Planning Commission as to whether the project would be eligible for a future PUD approval. The Planning Commission voted 6 – 1 to approve the preliminary determination for this project based on the preliminary design and statistical information that was provided.

ANALYSIS

The applicant is now requesting final PUD approval. These final plans remain consistent with what was previously reviewed as part of the preliminary determination.

Per Ch. 1240.07 the applicant has provided the required boundary survey, topographic survey (there are only extremely minor variations in topography on the proposed property) and a detailed site plan which clearly indicates roadways, structure setbacks, open space and water feature locations. At this time the applicant has not provided the following detail:

1. A schematic landscape treatment plan for open space areas, streets and border/transitional areas to adjoining properties.
2. A preliminary grading plan, indicating the extent of grading and delineating any areas which are not to be graded or disturbed. **(This requirement is not necessary due to the flat and open nature of the property).**
3. A proposed schedule for the project.

Some of the required submission information such as Ch. 1240.07(a)(3)(K) has been previously supplied to the planning commission during the preliminary determination phase of approval. **(This report also contains a copy of the preliminary determination application as well as the meeting minutes from this hearing for your reference)**

General Summary of Preliminary Determination Application

1. The property is intended to be used for exclusively residential purposes.
2. The building structures are all 4-unit apartments (both 1 and 2 story units).
3. Current R-5 zoning permits 158 apartment units, the applicant is proposing 120 units (a reduction of approximately 25%).
4. The applicant intends to retain ownership of all units and handle the grounds maintenance.
5. The current zoning allows for a single duplex units (2-units) on each individual parcel. The major relief that the PUD would provide is in allowing multiple 4-unit buildings on a larger single parcel.

After review of this more detailed PUD proposal it shall be the duty of the Planning Commission to make a recommendation to City Council as to whether the proposed plan adheres to the following objectives:

1. The proposed PUD adheres to the conditions for qualification of the PUD option and promotes the land use goals and objectives of the city.
2. All applicable provisions of this chapter shall be met. Insofar as any provision of this chapter shall be in conflict with the provisions of any other provision of this chapter, the provisions of this chapter shall apply to the lands embraced within a PUD area.

3. There is or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and storm water drainage system are adequate.

This PUD approval will not become effective until City Council after a public hearing determines to grant the application. If the application is granted, City Council shall instruct the City Law Director to prepare a contract setting forth the conditions upon which such approval is based and which contract, after approval by resolution of City Council, shall be executed by the City and the Applicant and recorded with the Wood County Recorder.

If the proposed PUD plan is ultimately approved by Council and the agreement is recorded, the applicant will be required to submit for a request for review to the Planning Commission prior to receiving any zoning permits for the project. This review is intended to confirm that permits are being issued in accordance to the approved PUD plan.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the PUD plan subject to the submission of a schematic landscape plan that is reviewed and approved by the Planning and Zoning Administrator prior to the final application being reviewed by City Council. It is also recommended not to require the applicant to return to the Planning Commission for a "request for review" prior to a zoning permit being issued, rather this review can be completed by the Planning and Zoning office to ensure compliance with the approved plan.

Further, it is recommended that a public hearing be set before City Council for November 15, 2016 at 5:50 p.m.

Mr. Walters reviewed the above Staff Report. Aaron Schoen was present and said that he went with a PUD to try and make better use of the space and to allow more greenspace. The concession is a loss of units, but he feels this is more appealing.

Mr. Wellstein asked if Mr. Schoen currently owns the property. Mr. Schoen said he does not. Mr. Wellstein asked what timeline Mr. Schoen was looking at, and Mr. Schoen said that he is looking at construction in the spring of 2017. Mr. Forquer asked about the driveways and whether they meet the distance requirements. Mr. Walters said that they appear to meet the technical requirements and we have to provide legal access to the property. Mr. Forquer asked about a traffic study. Mr. Walters said that City Council will either require a traffic study or a letter from a traffic engineer. Mr. Forquer noted that there was no grading or landscaping plan. Mr. Walters said that it is his recommendation that the landscape plan be reviewed by him before it goes to City Council. He said that he would be using the minimum requirements as the base line and it is something that would be negotiable. Mr. Forquer clarified that before City Council approves this plan the traffic study and landscape plan will be reviewed. Mr. Walters said that it is his responsibility to make sure City Council is fully informed of the requirements.

Carol Klocheska, 293 Blue Jacket, said that there are a lot of apartments in that area already and she wonders how these will benefit their neighborhood. She said a neighborhood is a community and she asked if her property values will be positively affected. She recommended that it be left as residential and asked if it could be a park because there are no public parks south of I-75.

Duane Sulewski, 277 Blue Jacket, asked about the timing of the traffic study because the traffic patterns are different now because of all the construction. Mr. Walters said that it will depend on the report from the traffic engineer whether a full traffic study is warranted. He added that a traffic study would not prevent development, but it may offer improvements that need to be made by the developer. Mr. Sulewski expressed concerns about the break in the mounding and the lack of privacy for the homes that abut this property. Mr. Walters said that he believes the break in the mounding is due to a gas easement. Mr. Sulewski said that does not make sense because if they'll allow a road over it why wouldn't they allow mounding. Mr. Walters explained that with a road they would not have to dig down as far to excavate. Mr. Carry said that there is over 100' from the back of the homes to the back of these units. Mr. Walters stated that even if these were single family homes they could be closer than what is proposed, and he said that we will do everything we can to try and minimize any negative impact on adjacent properties. Mr. Sulewski asked who would be responsible for maintaining the mounding and the area of the easement. Mr. Walters stated that whoever owns the property is responsible for maintaining it.

Richard Sabo, 317 Blue Jacket, said that the gas line is three and a half feet deep and he wondered if there is any conflict with the pond. Mr. Forquer said there is no conflict. Mr. Carry said that they are about 200' apart. Mr. Sabo read the definition of a PUD from the internet and suggested that the City put a park in on the property instead of the proposed project. Mr. Wellstein explained that he would like it to be a park too but our choices are a nice development by Mr. Schoen or a more dense development.

Doug Smith, 26596 Carronade Drive, said that the easement is for a pipeline not a gas line. He also asked that the signage be low profile and blend with the neighborhood and not be a tacky gatehouse.

Ann Studer, 357 Blue Jacket, said that the entrance is zoned single family residential and she wondered who will bear the cost of the road. Mr. Walters said that the developer will have to pay for the road and that the only cost for the city is the future maintenance of the road from Carronade to the cul-de-sac. Ms. Studer stated that at the last meeting there was discussion regarding an alternate entrance and she does not think that was looked at and she wondered why. Mr. Walters said that it was not proposed, there are practical challenges with ditches and different jurisdictions, and Carronade is a collector street so it is meant for traffic to go out to that street. Ms. Studer said that she would like to see an alternate entrance explored. Mr. Walters said that from a planning standpoint, this makes sense on Carronade.

Chad Lehman, 1878 Kenton Trail, asked about the impact on schools. Mr. Carry said that he believes some of these units will be marketed as retirement units. Mr. Schoen said that he thinks it's 50/50 between one and two story units.

Phil McConnell, 1918 Kenton Trail, said that he moved into his home because of Shawnee Junction's restrictions and he asked if this is part of Shawnee Trace or Shawnee Junction. Mr. Carry explained that this is not a part of either subdivision.

Mayor Olmstead said that he understands the concerns about the number of units accessing the road but this property is already zoned R5 (two family residential). He said that he agrees that this area is cut off and the Administration is looking at ways to connect it to other parts of the city. He said that the issue with neighborhood parks like Bicentennial Park is that they are only used by the neighborhood.

Mike Studer 357 Blue Jacket, said that he thinks that the road should have to be zoned R5. Mr. Walters explained that right of way is not zoned.

Mr. Forquer made a motion to recommend to City Council approval of the PUD plan subject to the submission of a schematic landscape plan that is reviewed and approved by the Planning and Zoning Administrator prior to the final application being reviewed by City Council. It is also recommended not to require the applicant to return to the Planning Commission for a "request for review" prior to a zoning permit being issued, rather this review can be completed by the Planning and Zoning office to ensure compliance with the approved plan and that a public hearing be scheduled before City Council at 5:50 p.m. on November 15th. Seconded by Mr. Carry. Ayes: (5). Nays: (0).

Code Amendment
Chapter 1250.58(c)
Location of Swimming Pools

APPLICANT/OWNER/DEVELOPER

David J. Munger
425 W. Front St.
Perrysburg, OH 43551

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1250.58(c) – Location of Swimming Pools

DESCRIPTION

The proposed code amendment to Chapter 1250.58(c) would change the permitted locations for swimming pools.

BACKGROUND

Currently, swimming pools are permitted to be installed within a rear yard only. The proposed amendment would expand this permission to allow swimming pools in side

yards with approval from the Board of Zoning Appeals. The other requirements for swimming pools such as fencing and setbacks is not proposed to change. Currently fencing is required for all pools and the required 15' setback from property lines is not eligible for a variance from the Board of Zoning Appeals.

ANALYSIS

Existing Code Language

1250.58(c) Location of Swimming Pools

Swimming pools shall be permitted in the rear yard only (refer to definition of "lot, a corner" and "yards" in Section 1215.02) and shall maintain a minimum setback from any lot line of five (5) feet to any deck or patio and of fifteen (15) feet to the water's edge. However, a whirlpool, hot tub or other such pool not intended and/or used for swimming purposes may be located any distance from a building as allowed by applicable building codes. No such structures may be placed within recorded easements and drainage maintained within a drainage easement.

Proposed Code Language

1250.58(c) Location of Swimming Pools

Swimming pools, whirlpools, hot tubs or similar features shall be permitted in the rear yard or within the side yard if a variance is approved by the Board of Zoning Appeals (refer to definition of "a corner lot" and "yards" in Section 1215.02). In all cases, swimming pools shall maintain a minimum setback of five (5) feet from a property line to any deck or patio and of fifteen (15) feet to the water's edge. In all cases, whirlpools, hot tubs or similar features shall maintain a minimum setback of five (5) feet from any property line. The allowable distance from a residence to the above features is subject to any applicable building codes. No such structures may be placed within recorded easements for any purpose.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend approval of the proposed code amendment to city council.

Further, it is recommended that a public hearing be set before City Council for November 15, 2016 at 6:25 p.m.

Mr. Walters reviewed the above Staff Report. David Munger was present and said that he was surprised that there was not an opportunity to go to the Board of Zoning Appeals on this. He said that there are a lot of pools in side yards throughout the City. Mr. Forquer said that he does not support this and if he were rewriting the Code it would be more restrictive on setbacks for pools. Mr. Walters noted that several years ago the setback was reduced from 20' to 15' to the waters' edge. Mr. Forquer stated that the deck only

has to be 5' off the property line. Mr. Walters said that it is correct and it is the same requirement as an accessory structure. Mr. Carry asked about fencing. Mr. Munger said that he is not presenting a site plan at this time; he is just asking for the chance to go to the Board of Zoning Appeals.

Mayor Olmstead made a motion recommending to City Council that the proposed Code language stated above be approved and that a public hearing be set before City Council at 6:25 p.m. on November 15, 2016. Seconded by Mr. Hudson. Ayes: Hudson, Olmstead, Wellstein (3). Nays: Carry and Forquer (2).

Rezoning Request 28210 Simmons Road

APPLICANT/OWNER/DEVELOPER

Charles & Rhonda Grimm
28210 Simmons Rd.
Perrysburg, Ohio

REQUEST

Chapter 1285- Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The subject property is located at 28210 Simmons Road between Simmons Road and the I-75 south of SR-795 on the east side of Simmons Road. The property is currently zoned R4 (Single-Family Residential). The property currently has approximately 212 feet of frontage along Simmons Road. Both of properties to the north and south are currently less than 1 acre.

Adjacent zoning:

1. North: R4 (Single Family Residential)
2. South: R4 (Single Family Residential)
3. West: RM (Multiple Family Residential)

The property parcel # Q61-400-040201002003 is approximately 1.33 acres (54,480 square feet).

BACKGROUND

On August 11, 2016 it was discovered by the planning and zoning staff that the applicant is raising chickens and roosters on the property. The applicant was informed that the chickens and roosters are considered to be specialized animal raising which is not a permitted use in R4 zoning districts. Through a special approval use (SAU) process, this use could be approved in an R1 zoning district. The applicant, in an effort to move forward with the process of keeping the animals and due to the size of the lot, has submitted an application for rezoning.

ANALYSIS

The current owner / applicant has requested a zoning change from the current zoning of R4 (Single-Family Residential) to R1 (Single-Family Residential).

Per Ch. 1220.03, R1 zoning is defined as: suburban areas accommodating low-density residential development. Includes land with topographic conditions that are suited for low-density development on residential lots typically in excess of ½ acre. Lot size may vary depending on the presence of public sanitary sewer and water service.

Per Ch. 1230.01 The minimum lot size for R1 zoning is 22,000 SF with 100' of frontage. The minimum setback requirements required are as follows:

R-1 Zoning:
Front Yard = 50'
Rear Yard = 60'
Side Yard Min = 10'
Side Yard Total = 25'

The current residence on the lot does not meet the minimum rear yard setback requirements for R4 or R1 zoning districts. The house sits approximately 24 ft. from the rear property line.

The following uses are permitted uses or allowed with a Special Approval Use (SAU) within R1.

One Family Dwelling
Specialized Animal Raising **(SAU)**
Bed & Breakfast **(SAU)**
Rooming House **(SAU)**
Accessory Building
Cemetery **(SAU)**
Child Day Care Center **(SAU)**
Essential Services
Non-Commercial Recreation Facility **(SAU)**
Parks and Recreation Facilities **(SAU)**
Part-Time Child Day Care Centers **(SAU)**
Public Service Facility **(SAU)**
Public/Private Utility **(SAU)**
Wind Generator **(SAU)**

The Comprehensive Plan – Conservation and Development Map indicates “Developed Land” for the subject site. *Developed Land: Land which has been altered from its original*

state and is currently serving as a public, residential, commercial, or industrial use. Developed land excludes agricultural areas.

It is important to note that due to the existing lot size and dimensional characteristics, per Chapter 1265, non-conforming status shall remain and be considered more severe.

RECOMMENDATION

The Planning & Zoning Administrator recommends that the Planning Commission recommend to City Council to deny the rezoning request for the above mentioned property at 28210 Simmons Road. The rezoning would significantly increase the non-conforming nature of the primary structure. The applicant has stated that the only motivation for a rezoning would be to pursue a special approval use to permit the raising or care of chickens on this property.

Further, it is recommended that a public hearing be set before City Council for November 15, 2016 at 6:25 p.m.

Mr. Easterling reviewed the above Staff Report. Rhonda and Chuck Grimm were present. Ms. Grimm said that they moved into the house six years ago. The house was built in 1850 and they have done a lot of work on it. She said there was a chicken house on the property when they moved in. Ms. Grimm said that she believes this property used to be zoned R1 before it was rezoned to R4. She added that she does not believe that the rear yard setback is only 24'. Mr. Easterling explained that the rear property line is a diagonal line and it was taken at the closest point. Ms. Grimm said that they consider the chickens their pets. She asked how they could get an exact measurement for the rear yard setback. Mr. Easterling said that a survey would have to be done to get an exact distance. Mr. Carry asked how deep the garage is and Mr. Grimm said it is 30'. Mr. Carry said that the rear yard setback might be greater than 24'. Ms. Grimm said that they have no rear neighbor. Mr. Walters noted that it is important that the applicant is aware that in the future if the R1 zoning is approved, it may prevent additions to the property without having to go to the Board of Zoning Appeals. There was a brief discussion about the chickens on the property. Mayor Olmstead stated that the request is adding restrictions that may make it a challenge in the future. He said the property is already non-conforming and the rezoning request would make it more non-conforming. He said there is a group working to get chickens approved in the city. Ms. Grimm said that it would be preferable that she just be allowed to keep the chickens. Mr. Wellstein asked how many chickens Ms. Grimm has and she said 8-10. Mr. Wellstein stated that the difference in the setbacks from R1 to R4 would almost be like making a line through their garage. Mr. Forquer said that it would be hard for him to approve making it more non-conforming. Mr. Carry asked what happens with enforcement if this issue is tabled. Mr. Walters said that in this type of situation enforcement is normally held in abeyance.

Mr. Carry moved to table the rezoning request for 28210 Simmons Road. Seconded by Mr. Hudson. Ayes: (5). Nays: (0).

Code Amendment – Curb-cuts and Driveways

APPLICANT/OWNER/DEVELOPER

City of Perrysburg
201 W. Indiana Ave.
Perrysburg, OH 43551

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1250.51 – Curb-cuts and Driveways

DESCRIPTION

The proposed code amendment to Chapter 1250.51 would bring all residential and commercial driveway requirements into the Planning and Zoning Code rather than keeping the requirements for driveways split between two chapters of the codified ordinances (Ch. 1022.15 and Ch. 1250.51). Additionally, this code amendment would add new requirements and clarify issues related to legal non-conforming, new work as well as repair/maintenance.

BACKGROUND

The city of Perrysburg currently has requirements for driveways that exist in more than one chapter of the codified ordinances. This division of requirements makes it difficult to fully understand the complete requirements for residential driveways. In addition to this organizational issue, the Service Committee of council recently reviewed its requirements for residential driveways and determined that changes and clarifications were necessary in order to meet the changing needs of our residents.

ANALYSIS

Existing Code Language

1250.51 Curb-cuts and Driveways

Curb-cuts and driveways shall be located only upon the approval of the City and the appropriate County and State authorities as required by law; provided, however, such approval shall not be given where such curb-cuts and driveways shall cause an unreasonable increase in traffic hazards including, but not limited to, allowing adequate sight distance for ingress and egress.

- (a) All plans for structures to be erected, altered, moved or reconstructed and use of premises within the City shall contain a plan for the proposed driveway access to the premises, which shall be part of the plot plan or site plan. Said plan shall be approved by the City and, in the case of a site plan, prior to the issuance of a zoning permit. No such plan shall be approved unless such driveway access is onto a

dedicated public street or private road easement or private place. Driveways shall, at a minimum, meet the following standards:

- (1) Culverts shall be installed in line with and on the same grade as the road ditch in the event there is no storm sewer system.
 - (2) Drives shall enter perpendicular to the existing public-street or private road.
 - (3) No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten percent (10%) (one (1) foot vertical rise in ten (10) feet of horizontal distance).
 - (4) The driveway shall meet clear vision standards of this Zoning Code.
 - (5) Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street, unless waived by the City.
 - (6) Vehicle ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than eighty (80) feet to an adjacent driveway within a commercial or industrial district.
 - (7) All driveways leading to dwellings, garages or accessory structures shall have a paved surface and shall be designed to minimize erosion.
 - (8) Residential driveways shall be a minimum of ten (10) feet wide.
- (b) The City shall inspect the driveway as developed for compliance to the above standards.
 - (c) New driveways shall align with existing or planned driveways, crossovers, turn lanes, or other access features. This shall only be required if the resulting alignment provides safe access and if all requirements of this Zoning Code are met.
 - (d) The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the City, Wood County, or Ohio Department of Transportation.
 - (e) No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two (2)-family dwelling.
 - (f) No driveways providing access to nonresidential uses and structures shall cross residentially zoned property.

Proposed Code Language

1250.51 Curb-cuts and Driveways

Curb-cuts and driveways shall be located only upon the approval of the City and the appropriate County and State authorities as required by law; provided, however, such approval shall not be given where such curb-cuts and driveways shall cause an unreasonable increase in traffic hazards including, but not limited to, allowing adequate sight distance for ingress and egress.

(a) All plans for new, modified or replacement driveways shall require a zoning permit from the city prior to the start of any construction. Applications for driveways shall indicate the location and dimensions of the drive on either a site plan or a plot plan.

(b) **All driveways shall meet the following standards:**

- (1) No permit shall be issued unless such driveways access is onto a public or private street or alley.
- (2) Corner lots shall take their access from the street that presents the least hazard in the opinion of the Planning and Zoning Administrator.
- (3) Culverts shall be installed in line with and at the same grade as the road ditch in the event there is no storm sewer system.
- (4) Drives shall enter perpendicular to the existing public-street or private road.
- (5) No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten percent 10% (one (1) foot vertical rise in ten (10) feet of horizontal distance).
- (6) The driveway shall meet clear vision standards of this Zoning Code.
- (7) No portion of a driveway shall be closer than 5' to a side or rear property line unless an authorized waiver (on file in the Planning and Zoning office) is provided indicating the permission from the adjoining property owner or if a waiver cannot be obtained a variance from the Board of Zoning Appeals can be sought.
- (8) All portions of a driveway on private property shall be constructed of concrete, asphalt driveway pavers or similar dustless surface. In those instances where driveway pavers are utilized, a six inch (6") compacted depth of fine grade sand or screenings on top of six inches (6") of #411 stone shall be used for a total of twelve inches (12") of compacted base.
- (9) Any portion of a driveway within the public right-of-way shall be constructed of six-inch plain concrete on a four-inch stone base or two-inch asphalt on a four-inch stone base. Pavers are not permitted.

- (10) Concrete driveways shall require expansion joint to fully separate curbs and sidewalks in accordance with Ch. 1022.15
- (11) The location of new driveways shall conform to road improvement plans or corridor plans that have been adopted by the City, Wood County, or Ohio Department of Transportation.
- (12) All driveways shall continue at full width across the private property line to a main structure or an accessory structure located on the private property.
- (13) All driveways are required to have a plain six (6) inch thick concrete sidewalk installed through the driveway and extending one (1) foot on each side of the driveway that is physically separated from the driveway by expansion joint.

(c) **Residential driveways** – In addition to Ch. 1250.51(b), residential driveways shall also meet the following standards:

- (1) Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street, unless waived by the City.
- (2) Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty four (24) feet wide where it meets the curb, alley or street.
- (3) Only one (1) access/curb-cut onto a public street shall be permitted.
- (4) No driveway shall serve more than one (1) single family dwelling. Duplexes may share a common driveway.
- (5) The total area of a driveway shall not exceed thirty-five percent (35%) of the area of the front yard located on private property.

(d) **Commercial driveways** – In addition to Ch. 1250.51(b), commercial driveways shall also meet the following standards:

- (1) Vehicle ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than eighty (80) feet to an adjacent driveway within a commercial or industrial district.
- (2) New driveways shall align with existing or planned driveways, where reasonable and practical. This shall only be required if the resulting alignment provides safe access and if all requirements of this Zoning Code are met.

- (3) No driveways providing access to nonresidential uses and structures shall cross residentially zoned property.
- (4) Commercial driveways shall be a maximum of thirty-five (35) feet wide where it meets the curb, alley or street unless waived by the city engineer after determining additional width is necessary to navigate the turn.

(e) **Existing non-conforming residential driveways**

- (1) A driveway is considered non-conforming if any of the following conditions exist:
 - (a) The driveway has a width greater than twenty-four (24) feet where it meets the street or alley.
 - (b) The driveway coverage area exceeds thirty-five (35) percent of the front yard.
 - (c) The driveway has more than one (1) access point or curb cut to a street or alley.
- (2) If an existing non-conforming residential driveway is being replaced, the Planning and Zoning Division must perform an on-site inspection of the driveway to be replaced and document the dimensions of the current driveway prior to it being removed. Failure to allow for this on-site, pre-inspection of a non-conforming driveway shall require the new driveway to conform to all current requirements. In the event that an existing driveway is found to be in conflict with Ch. 1250.51(c)(1) the driveway shall not be permitted to be replaced in its existing location and must conform to all current requirements.

(f) The City shall inspect all finished driveway work for compliance with the above standards.

(g) Repair and maintenance of existing pavement shall be encouraged. For the purposes of these requirements repair and maintenance work shall be exempt from the permitting requirements of this code section providing that the work is limited to the following:

- (1) Seal coating of existing asphalt.
- (2) Removal and replacement of 10% or less of the existing area of the surface.
- (3) Leveling of an existing surface.
- (4) Filling pot holes or repairing areas around drainage structures.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to city council approval of the proposed code amendment which would reorganize, clarify and add new content to the requirements for driveways within the city of Perrysburg by adopting the above code language and striking the following portions of the existing code:

Ch. 1250.49 – ACCESS CONTROLS AND PRIVATE ROADS (all)

Ch. 1250.51(a) – (f) - CURB-CUTS AND DRIVEWAYS (all)

Ch. 1250.02(l) - Parking in residential districts shall not be permitted in any required front yard area or in the street side yard area of a corner lot except in a driveway or a defined parking area. ~~The aggregate area of the driveway or defined parking area shall not exceed thirty-five percent (35%) of the front yard. The parking area shall be paved with concrete, asphalt, driveway pavers or similar impervious and dustless surface. In those instances where driveway pavers are utilized, a compacted depth of fine grade sand or screening six (6) inches of #304 and six (6) inches of #411 for a total of twelve inches (12 ") depth thick shall be provided and maintained.~~

Ch. 1250.52(b) – LOTS TO HAVE ACCESS (all)

Ch. 1022.15 - THICKNESS AND WIDTH OF WALKS AND DRIVEWAYS (portions)

Concrete walks shall be not less than four inches in thickness. The width shall be a minimum of four feet.

In the repairing of sidewalks, no patching will be allowed except at the discretion of the Director of Public Service-Safety. Temporary repairs can be made with asphalt, or a temporary asphaltic concrete walk may be placed where a tree, due to its growth, would irreparably damage a concrete walk.

Any stone or concrete slab that can be trimmed to no less than two feet the full width may be used when specifically permitted by the Director, and no closure of any walk shall be less than two feet the full width of slab.

All sidewalks over subspaces shall be of reinforced concrete construction or reconstruction only, the plans for which must be approved by the Director.

~~All driveways shall be constructed with a six-inch thick plain concrete slab or a two-inch thick asphaltic concrete surface course on a four-inch thick stone base, the kind of material and the construction specifications therefor subject to the approval of the Director. Unless specifically authorized by the Director, the driveway within the limits of the sidewalk shall be six-inch plain concrete only, for a minimum width of one foot beyond the driveway on each side, and must be effectively separated from the sidewalk by an expansion joint. The driveway shall be the same width at the curb line as the curb opening and not less than eight feet in width at the street side of the sidewalk.~~

When and if any driveway is no longer used for driveway purposes, it shall be considered abandoned. The City reserves and shall have the right to forthwith take the necessary steps to close the driveway, replace the curb and restore the pavement to its original condition. The owner of the property served by such driveway shall be notified by personal service or registered mail of the City's intention to close the driveway.

After fifteen days from the date of notice, if the owner has failed to make the replacement or to contact the Director, the Director shall proceed with the work of restoring the curb and pavement to their original conditions. The cost of such work shall be charged against the abutting property and if not paid shall be certified to the proper taxing authority for collection in such manner as provided by law. (Ord. 83-74. Passed 2-11-75.)

~~The maximum width of driveways serving one or two family residences shall be twenty-four feet. The maximum width of all other driveways shall be thirty-five feet. All driveways shall be extended from the street line across the private property line and continue into the private property as a driveway in accordance with the Planning and Zoning Code. A driveway permit shall not be issued unless a Zoning Permit is also issued for the continuation of the driveway at its full width across the private property line to a parking space, a main structure or an accessory structure located on private property. If the intent is to install only that portion of the driveway that is within the right of way, a driveway permit shall not be issued. That portion of the driveway located on private property shall be constructed within six months of the construction of that portion of the driveway located within the right of way.~~
(Ord. 191-99. Passed 12-7-99.)

Ch. 1022.16 – INSPECTION AND NOTICE PRIOR TO STARTING WORK (all)

Further, it is recommended that a public hearing be set before City Council for November 15, 2016 at 6:15 p.m.

Mr. Walters reviewed the above Staff Report and he summarized that the major issues are that the maximum width for residential driveways would be moved from Chapter 10 into the Planning and Zoning Code and the limitation on the number of curb cuts which is currently an administrative policy would be codified. The Service Committee of Council also has recommended that driveways that are non-conforming because they are either greater than 35% of a front yard, are wider than 24' at the curb or have multiple curb cuts, be allowed to be replaced as long as an inspection by the Planning and Zoning Division is done prior to the driveway being removed.

Mr. Hudson asked how other communities handle these issues. Mr. Walters said that it varies, but our current process is not uncommon. There was discussion regarding the minimum requirements for the part of driveways that are on private property. Mr. Walters said that because it is private property we have no requirements. Mr. Forquer said that his concern is that some people may not know what is substandard. Mr. Forquer asked where the 35% limitation came from. Mr. Walters explained that it is a carryover in our code and he believes it is about the aesthetics and perhaps at some point someone may have paved their whole yard and the 35% restriction was a way to not let that happen again. Mr. Forquer clarified that non-conforming driveways would have to be replaced as is. Mr. Walters added that it would have to be as is or less. Mr. Forquer asked if the Planning and Zoning Division can handle this and Mr. Walters said that they could. Mr. Carry agreed that there should be some level of minimum requirement for driveways on

private property. Also, in 1250.51(b)(8) a comma should be added after asphalt and the language from (8) should be repeated in (9), and in (g)(3) add “leveling or overlay”.

Todd Friesner, 417 E. Front Street, said that he is happy with the way this is going considering where they started, but he still has a couple of big issues. He said there is a uniqueness in the city and there will be exceptions, but the way this is proposed, legal non-conforming driveways can be replaced as is, but there is no appeals process. He said there has to be a relief valve. Mr. Walters stated that currently only the limitation of 35% of the front yard can go to the Board of Zoning Appeals. He added that administrative appeals can still go to the BZA. Lane Williamson, attorney for Mr. Friesner and another resident with a non-conforming driveway, stated that there should be some sort of process where legal non-conforming driveways can be relocated or reallocated. Mr. Williamson distributed language to the Commission members that he feels would address this. Mr. Carry asked Mr. Walters about his thoughts on this request. Mr. Walters stated that he feels the idea behind allowing the replacement of legal non-conforming driveways is because there is a need for the way it is. If you change that, you prove that the need is not there.

Mr. Forquer moved to recommend to City Council approval of the proposed Code Amendment and to set a public hearing for 6:15 on November 15, 2016. Mr. Carry seconded. Ayes: (5). Nays: (0).

Code Amendment – Specialized Animal Raising and Care Chapter 1215.02(180)

APPLICANT/OWNER/DEVELOPER

City of Perrysburg
201 W. Indiana Ave.
Perrysburg, OH 43551

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1215.02(180) – Specialized Animal Raising and Care

DESCRIPTION

The proposed code amendment to Chapter 1215.02(180) would change the definition of “Specialized Animal Raising and Care” to more clearly indicate that non-traditional pets including but not limited to chickens, goats, pigs, skunks, and llamas are not permitted in the City of Perrysburg except on Agriculturally (A-1) zoned land or on land zoned R-1 (Single Family Residential) with a Special Approval Use (per Ch. 1225.08). The proposed changed to this definition is not intended in any way to modify or override Ch. 618.22 which includes a list of restricted animal species.

BACKGROUND

During the enforcement of the “Specialized Animal Raising” portion of the code several affected citizens have indicated that they believe the definition associated with this land use is confusing or unclear in its intention. It has been the consistent practice of the planning and zoning division to consider the raising of chickens (hens and roosters) “Specialized Animal Raising” and therefore finding this use to be permitted only in agricultural zoning districts or in R-1 Single-Family Residential zoning districts with an approved Special Approval Use. It is the intent of this amendment to clarify what constitutes the raising of a specialized animal and in which zoning districts this can be done.

ANALYSIS

Existing Code Language

1215.02(180) Specialized Domestic Animal Raising and Care

The use of land or buildings for the raising and care of fur-bearing animals, such as rabbits, stabling and care of horses, animal kennels, pigeon raising and the raising of any other animals or birds of a similar nature, for the purpose of boarding, distributing, or selling such animals or birds, excluding household pets.

Proposed Code Language

1215.02(180) Specialized Animal Raising and Care

The use of land or buildings for the raising and/or care of animals other than dogs, cats, hamsters, rabbits, gerbils, guinea pigs, hermit crabs, hedgehogs, ferrets, frogs, turtles, fish, non-venomous snakes or spiders and indoor caged birds. For the purposes of this code the raising or keeping of poultry shall be considered Specialized Animal Raising and Care. Animals held for exhibit or use by research institutions and other governmental agencies having legal authority to handle wild animals shall not be subject to the limitations placed on this land use.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend approval of the proposed code amendment to city council.

Further, it is recommended that a public hearing be set before City Council for November 15, 2016 at 6:05 p.m.

Mr. Walters reviewed the above Staff Report. He said that this is one side of the issue that more clearly defines how the code is currently being interpreted and applied. He said that he anticipates that the Planning Commission will be asked to consider another proposal within the next couple of months that would allow chickens within the city. Mr. Walters said that if the Commission would like to table this issue and consider both options, they may do so. Mr. Forquer said that he would rather wait and see what the other faction proposes. Mr. Hudson said that he thinks the old language was focused on commercial activity.

Mr. Carry moved to table the proposed Code Amendment regarding specialized animal raising. Seconded by Mr. Hudson: Ayes: (5). Nays: (0).

OTHER BUSINESS

Mr. Carry asked about the status of the proposed Code Amendment regarding the size of accessory structures. Mr. Walters said that it will be considered by the Planning and Zoning Committee at their October meeting.

Mr. Forquer asked about the outcome of the Special Approval Use for the Perrysburg Pet Lodge. Mr. Walters explained that the denial was overturned by City Council but modifications were made to the schedule proposed by the applicant to address neighbors' concerns.

There being no further business, the meeting adjourned at 9:52 p.m.

Respectfully submitted,

Mary Jo Sutton