

PLANNING COMMISSION MEETING

JANUARY 3, 2013

The meeting was called to order at 7:00 p.m. by Chairman Greg Bade. Commission members present were: Greg Bade, Chris Carry, Byron Choka, Mayor Evans, and Therese Witt. (5). Absent: Jim Pollock (1). Also present were: Tom King, Planning and Zoning Administrator, Brody Walters, Deputy Planning and Zoning Administrator and Mathew Beredo, Law Director.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Mayor Evans nominated Mr. Bade as Chairman. Mr. Choka seconded and it was unanimously approved.

Mayor Evans nominated Mr. Choka as Vice-Chairman. Ms. Witt seconded and it was unanimously approved.

APPROVAL OF MINUTES FROM THE NOVEMBER 15, 2012 MEETING

Mr. Bade noted that there was a typo in the Staff Report that was included in the minutes, shown on Page 3, third line under Recommendations, it should read plant instead of plan. Mr. Bade also requested that on page 1 of the minutes, under Administrator's Report, second paragraph, that his comments after the word "scaling" be stricken. Mayor Evans moved to approve the minutes as amended. Mr. Choka seconded. Ayes: Bade, Carry, Choka, Evans (4). Abstain: Witt (1).

Mr. Bade thanked Jim Bilkovsky for his years of service on the Planning Commission. Mayor Evans presented Mr. Bilkovsky with a City of Perrysburg coffee mug. He also thanked him for his service. Mr. Bilkovsky explained that he will be moving to Perrysburg Township and that is why he did not seek re-appointment.

ADMINISTRATOR'S REPORT

Mr. King called attention to the 2013 meeting schedule that was distributed to Commission members. He reviewed the items that had been received for the next meeting including the rezoning and Special Approval Use for a wind turbine for a property on Fort Meigs Court and a review of building materials for a residential property in a C2 district.

Sanctuary Phase 3 Preliminary Plat Extension

APPLICANT

Jeff H. Rauch, P.E.
Engineers, Surveyors & Associates, LLC

5353 Secor Road
Toledo, Ohio 43623

OWNER/DEVELOPER

Retreat Associates, Inc.
4331 Keystone Drive
Maumee, OH 43537

Chapter 1295.06(i) – Preliminary Plats: Tentative Approval Time Limit; Plat Resubmission

PROPERTY LOCATION & DESCRIPTION

The Sanctuary Phase 3 is an R-1 residential subdivision consisting of 130 lots on approximately 98.44 acres and is a continuation of the existing Sanctuary residential development. It is located north of Roachton Road, west of Hull Prairie Road, south of SR65 and east of Willowbend subdivision.

BACKGROUND

The Preliminary Plat was first approved December 4, 2003, and has been extended each year the last being November 30, 2011. From Phase 3 Final Plats have been approved taking sub-phases: Plat 5, consisting of 21 lots and Plat 7 consisting 40 lots were finalized and recorded on September 24, 2004 and May 4, 2006 respectively. Plat 8A, consisting of 6 lots was finalized and recorded on October 10, 2008. Plat 6 was approved with 20 lots November 30, 2010. Plat 6A was approved June 28, 2012 with 13 lots. Within Phase 3, 23 lots remain to be platted from the Preliminary Plat.

This extension would be for one (1) year.

RECOMMENDATION

Staff recommends that the Planning Commission grant a one-year extension to November 30, 2013 for Sanctuary Phase 3 Preliminary Plat.

Mr. King reviewed the Staff Report shown above. Mayor Evans moved to approve a one year extension until November 30, 2013 for the Sanctuary Phase 3 Preliminary Plat. Mr. Bade seconded, and it was unanimously approved.

***Sanctuary in the Woods Phase 3
Preliminary Plat Extension***

APPLICANT

Jeff H. Rauch, P.E.
Engineers, Surveyors & Associates, LLC
5353 Secor Road
Toledo, Ohio 43623

OWNER/DEVELOPER

Retreat Associates, Inc.

4331 Keystone Drive
Maumee, OH 43537

Chapter 1295.06(i) – Preliminary Plats: Tentative Approval Time Limit; Plat Resubmission

PROPERTY LOCATION & DESCRIPTION

Sanctuary in the Woods Phase 3 is an R-1 residential subdivision consisting of 109 lots on approximately 90.3 acres and is a continuation of the existing Sanctuary residential development. It is located north of Roachton Road, west of Hull Prairie Road, south of SR65. Developed Phase 1 is Chapel Creek Drive east of Phase 3.

BACKGROUND

The Preliminary Plat was first approved December 4, 2003, extended each year since, most recently November 30, 2011. The application for extension was timely filed October 17 and the regular meeting of the Commission in November was cancelled.

This extension would be for one (1) year.

RECOMMENDATION

Staff recommends that the Planning Commission grant a one-year extension to November 30, 2013 for Sanctuary in the Woods Phase 3.

Mr. King reviewed the Staff Report shown above. Mayor Evans moved to approve a one year extension until November 30, 2013 for the Sanctuary in the Woods Phase 3 Preliminary Plat. Mr. Choka seconded, and it was unanimously approved.

Amendment to Final Site Plan Residences at Carronade 26765 Carronade Drive Revised Site Access

APPLICANT

Mr. Kenneth Sander
Feller, Finch & Associates, Inc.
1683 Woodlands Dr., PO Box 68
Maumee, OH 43537

OWNER

Residences at Carronade, LLC
4832 Richmond Rd, Ste 100
Cleveland, OH 44128

REQUEST

Chapter 1260.18 – Amendment to Final Site Plan

PROPERTY LOCATION & DESCRIPTION

The Residences at Carronade are located on the north side of Carronade Drive between Kenton Trail and Hulls Trace Drive. It is bordered on the northwest by Lake Vue Drive, Perry's Lake Village Apartments, and a single family residence. It is bordered on the northeast and southeast by vacant land, and on the southwest by single family residences. The zoning district of the subject property and the land surrounding except for the single family subdivision at Kenton Trace is RM – Multi-family Residential.

BACKGROUND

The Residences at Carronade project was approved with 248 dwelling units in 2008 and 140 units in six buildings were built as Phase 1. Phase 2 was approved at that time as well but did not proceed to construction. Phase 2 plans showed five buildings with 108 units and 226 parking spaces added to the Phase 1 complex of six buildings, 140 units and 280 parking spaces. In September the Planning Commission approved the addition of 24 parking spaces to the Phase 1 site and construction is complete.

ANALYSIS

The revised Site Plan for Phase 2 replaces the existing emergency access drive to Lake Vue Drive with a permanent, paved driveway and deletes the second drive access to Carronade Drive shown on the approved plan from 2008 approximately 450 feet north of the existing entry drive on Carronade Drive. The owner wishes to proceed with Phase 2 construction at this time and the letter as Exhibit 2 describes other minor changes on the amended site plan.

Neither the Fire Department nor Perrysburg Township has comments on use of Lake Vue Drive for access. Staff confirms the reduction in footprint of buildings # 9 and #11 which meet setback requirements and the remainder of the plan other than deleting the second access drive to Carronade is what was approved in 2008.

The Planning and Zoning staff finds that Final Site Plan criteria of Section 1260.15 would be met by the amendments to the 2008 site plan.

RECOMMENDATION

The Planning and Zoning Staff recommends that the Planning Commission approve the amended final site plan depicting the addition of an access drive to Lake Vue Drive, deletion of a second drive to Carronade Drive for Phase 2 of the Residences at Carronade subject to final approval of construction drawings for Phase 2 by City Divisions.

Mr. King reviewed the above Staff Report. Greg Feller of Feller, Finch & Associates was present and said that they agree with the Staff comments. There was a discussion regarding landscaping. Mr. King noted that he had just received the landscape plan, but had not reviewed it. Mr. King was asked if the Fire Department and Perrysburg Township had reviewed the plans. Mr. King stated that the Fire Department has reviewed them and a meeting notice was sent to Perrysburg Township, but no comments have been received. He noted that Perrysburg Township will need to sign off.

Ms. Witt questioned if the proposed driveway on Lake Vue is across from the driveway across the street. Mr. Feller said it is not directly across from it. Mr. Bade said he feels the driveway should align with the one across the street, and he has reservations about removing the second driveway off of Carronade because some residents would have to traverse a long way to get to the driveway. He said that eliminating the driveway would cut into the quality of the development. He said he was taken back that they would not move the access road over. Chris Gallon of Weston Inc. stated that they did not say they would not move it, he said they have no objection to it.

Mr. Bade moved to reject the amended Final Site Plan depicting the addition of an access drive to Lake Vue Drive, deletion of a second drive to Carronade Drive for Phase 2 of the Residences at Carronade subject to final approval of construction drawings for Phase 2 by City Divisions. Ms. Witt seconded and the motion was approved 3-1. Ayes: Bade, Choka, Witt (3). Nays: Evans (1). Abstain: Carry (1).

Mr. King asked what that meant in terms of the emergency access drive being made permanent. He said that he feels it would have to come back to the Commission and Mr. Bade agreed.

***Special Approval Use
Kroger Development
SR 25 and Roachton Road***

APPLICANT/OWNER/DEVELOPER

Robert Reitzel
Reitzel Realty, Ltd.
25260 Ault Road
Perrysburg, Ohio

Brian McMahon
Danberry National, Ltd.
624. W. South Boundary / Suite B
Perrysburg, OH 43551

REQUEST

Chapter 1235.04(rr) – Special Approval Use – Service Station
Chapter 1235.04(o) – Special Approval Use – Drive-In Commercial Uses

PROPERTY LOCATION & DESCRIPTION

The subject property is located on the southeast corner of S.R. 25 and Roachton Road.

Directly to the east, adjacent to the subject property is Waterstone Landing zoned RM (Multi-Family). Directly across Roachton Road to the north is Perrysburg Heights – Perrysburg Township. Further east on the north side of Roachton Road is the City's Public Service Facility, zoned INS (Institutional). At the northeast corner of SR25 across Roachton Road, is a commercial gas station zoned C4 (Highway Commercial). In the northwest corner of SR25 and Roachton Road is Levis Commons zoned PBP (Planned

Business Park) with a UVO (Urban Village Overlay). The southwest corner of SR25 and Roachton Road is a restaurant and zoned C4 (Highway Commercial).

The subject property is zoned PBP (Planned Business Park) and consists of approximately 22 acres.

BACKGROUND

On November 16, 2009, the Planning Commission reviewed and approved Special Approval Uses for the Kroger Service Station and the Drive-In Pharmacy Window in association with the larger overall Kroger grocery store development. Chapter 1235.03(c) states that Special Approval Uses must be started within one (1) year of issuance or the permit shall expire. The previous submission for the Kroger development successfully obtained final site plan level review and as a result the re-approval of the special approval uses and **final review of full construction plans** (including a street tree plan) are the only remaining items to address before this project could be issued zoning permits.

ANALYSIS

As shown, there are two Special Approval Uses that are included in this review. Previous versions of site plans have indicated an additional SAU being required for “carry out – alcoholic beverages”, but discussions with the applicant and the kiosk size shown on the site plan reveal that beverages will not be part of the proposed fuel center and the additional SAU will not be needed.

1. Chapter 1235.04(o): Drive-In Commercial Uses (south end of main building)

1. Ingress and egress points shall be located at least sixty (60) feet from the right-of-way intersection of any two (2) streets.
2. A minimum of five (5) vehicle stacking spaces shall be provided per drive-through lane with a minimum of three (3) additional spaces for the location at which orders are taken. Stacking lanes shall have a minimum width of eight (8) feet and shall not conflict with parking or ingress and egress drives. The length of one stacking space shall be twenty (20) feet.

2. Chapter 1235.04(rr): Service Station (west edge of parking lot along S.R 25)

1. All above ground or underground structures other than permitted signs or drives are to be located at least twenty (20) feet from any lot line, and at least fifty (50) feet from any residential district lot line.
2. Driveways shall be at least twenty-four (24) feet from any intersecting street rights-of-ways or residential district lot line.
3. All proposed structures shall be located at least three hundred (300) feet from any property which is used as a public or private school,

church, hospital, theater, playground, fire station or place of public congregation.

4. A six (6) foot completely obscuring wall shall be provided abutting a residential district.
5. Under canopy lighting shall have fixtures mounted flush with the surface of the underside of the canopy and shall not be of such intensity as to be distracting to traffic on abutting streets.

As previously submitted, the plans appear to be consistent with the requirements of both Special Approval Uses (SAUs) as identified in Chapter 1235.04.

RECOMMENDATION

The Planning and Zoning Staff recommends that the Planning Commission reapprove the request for two special approval uses, including a service station and a commercial drive-in use. Approval of these Special Approval Uses was originally granted on November 16, 2010 and the plans since this time have not changed. It should be understood that the approval of these SAU classifications do not apply to the remaining 3 outlots along S.R. 25. Any future development of these lots will require all applicable approvals before development.

Mr. Walters reviewed the above Staff Report. Brian McMahon of Danberry was present and stated that he concurs with the Staff Recommendation. Ms. Witt said the plans show a future fuel center expansion. She asked if that would make it large enough to sell alcoholic beverages. Mr. Walters stated that the expansion is to the outdoor canopies for fuel and does not include expanding the kiosk. Mr. Choka asked why they did not request renewal of the Special Approval Uses back in 2010. Mr. McMahon said that because of the economy and because Kroger was focusing on other sites such as the new Maumee site. Mr. Carry asked if construction is going to move forward with this project. Mr. McMahon stated that there has been significant time and effort invested in this site. He said that the approval process took so long that the real estate department lost the corporate approvals by Kroger, so they will have to go through that process again. He noted that the person they were dealing with in the real estate department at Kroger has retired so they are dealing with someone new. Mr. Bade asked if the Final Site Plan would have to come back to the Planning Commission. Mr. Walters stated that this property is in a Planned Business Park and would be under the jurisdiction of an Architectural Review Committee and a Final Site Plan was previously approved. Mr. Walters added that Final Site Plans do not expire.

Mayor Evans moved to reapprove the request for two special approval uses, including a service station and a commercial drive-in use for a period of one year, noting that these Special Approval Uses do not apply to the remaining three outlots along SR 25. Mr. Carry seconded, and it was approved 4-0. Ayes: Bade, Carry, Evans, Witt (4). Abstain: Choka (1).

***Proposed Code Amendment
Sign Code
Sections 1250.29 through 1250.40***

Memorandum

To: Planning Commission
Copies: Bridgette Kabat, Mathew Beredo
From: Thomas E. King, Planning and Zoning Administrator
Date: December 20, 2012
Re: Sign Code Amendment Continued from 11/15/12 Meeting

This agenda item is continued from your previous meeting. Since that public hearing there have been two meetings of the Planning & Zoning Committee of Council, staff has met with the Toledo Area Sign Contractors Association, and staff has met several times to consider the Planning Commission member and these other groups comments. As a result staff has additional changes we recommend Planning Commission make to the 11/9 draft amendment received at the previous meeting. What follows in this memo are the reasons for these additional changes. **Attachment A** contains the recommended changes staff now proposes to the November 9 draft with highlights showing the changed wording.

Planning and Zoning staff met Dec. 12 with members of the Toledo Area Sign Contractors Assn. (TASCA) who offered to critique our draft code. Take away: the size of signs does not determine whether the sign is effective or attractive. Without any guidance or design critique a business will often look at the allowed sign area and fit their sign within that rectangle. Staff concluded that our proposed sign requirements can allow flexibility and do not penalize for design features framing the graphic message. Decorative caps, supports and foundations do not count as either sign area or sign height. We concluded that criteria of do's and don'ts should be used to provide guidance to applicants and staff to encourage design features and set a baseline for disapproval of a sign that violates elementary design standards. Proposed as a result of this input are these changes:

1. Adoption of simple design standards
2. Liberalizing the definition of sign area
3. Adjusting some minor limitations based on TASCA comments
4. Loosening the trigger which terminates non-conforming signs due to change sign panels. In exchange, a sunset date is established of 10 years, after which ANY change in the sign requires code conformance of the sign.

Temporary Signs - Planning Commission, Planning & Zoning Committee and staff concerns have included how many temporary signs should be allowed and explaining time limits for some signs and not for others. A revised chart:

1. Removes a limit on number of temporary signs in residential districts and raises the allowed area of all total signs to 12 square feet not subject to an event time limit.
2. No more than two signs with an identical message may be displayed
3. Text explanation supplements the chart
4. Simplifies the rules

5. Eliminates registration for residential event signs and for real estate signs.
Also, eliminating the permit fee for all temporary signs is proposed.

Option for creative design flexibility – As raised at the Planning Commission meeting, we have drafted a provision that would allow the Planning Commission and City Council to approve of a unique community landmark sign at a place of business or other significant place that could supersede the limits of the sign code by offering community level design aesthetics.

Eligibility for Sign Variances - Requests have been made to allow consideration of variances for unique situations where provisions of the sign code as applied to a particular property would not allow the owner to enjoy the same privilege as other owners. In one case, the representative of a retail development is petitioning for either the ability to seek a variance or a code amendment to allow a highway oriented sign justified by neighboring properties in the Township having tall highway pole signs. Staff has identified numerous examples of variance standards and has voiced criticism that standards should limit the granting of a variance to development for which a practical difficulty denies a fundamental right that the code clearly intends to provide. The Perrysburg code in my opinion has standards that can be used to justify too many requests. The City of Dublin has a series of findings that seems to narrow required findings to unique situations that cannot be solved in another way. Creating a variance capability to me is a preferable response than unique legislatively dealing with one request with something like a special zoning district. There is no drafted proposal for a expanding the BZA authority for variance and additional review criteria, but the Planning and Zoning Committee asked staff to return with a proposal.

ATTACHMENT A - Planning & Zoning Staff Recommendations for Enhancements to Draft Sign Code

Adopt in 1215.02 new definition to insert:

Landmark Feature/Signage – A structure of interest that serves as an identifiable feature of sufficient quality to enhance the appeal of the City and to provide visitors and citizens a visual landmark. Landmark features/signs may include but are not limited to clock towers, fountains, sculptures, historical reproductions, public information displays, or other items of architectural, historical, recreational or visual interest.

Adopt in 1235.04 Special Approval Uses:

ii or zz Landmark Feature/Signage – Landmarks featuring signage are exempt from the provisions of the zoning code (including the sign code) but shall require City Council approval in accordance with the criteria of the Special Approval Use (SAU). No Landmark Feature/Signage shall be approved by the Planning Commission unless it shall find the following:

- (1) The feature utilizes materials that are of high quality, and are arranged in a way to be complementary to its surroundings.
- (2) The feature provides a broad interest or benefit to the public.
- (3) Any signage or promotion of private enterprise does not in any way dominate the visual impact of the structure or property.
- (4) The feature shall provide landscaping at its base where possible.

- (5) If signage is present, the location of the structure is reasonable in relation to the messages provided on it.
- (6) Landmark feature/signage shall not be placed closer than 1,000' to other established landmark feature/signage.
- (7) The proposed structure shall not pose a danger to visibility or pedestrian/vehicular traffic.
- (8) Details shall be provided outlining the relief/deviation from the Zoning Code that an approval would grant the applicant.
- (9) After review, the Planning Commission shall make a recommendation to the City Council. City Council shall hold a public hearing with respect to the proposed use, in accordance with the same procedures as provided for in Chapter 1285, shall review and decide whether or not the use will be permitted in accordance with the criteria of this Zoning Code.

1250.30 DEFINITIONS - *From 11/9 Drafted Code Proposal:*

As used in this Chapter:

- (a) Area of Sign: The entire area within a single ~~continuous perimeter~~ **rectangle** enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is placed, provided that:
 - **Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.**
 - The necessary uprights or structures used to support a freestanding sign shall be excluded from the calculations of sign area, provided that the surface is not, by definition, a sign and provided further that the area of the support structure does not exceed fifty percent (50%) of the area of the sign being supported.

1250.30 DEFINITIONS - *Recommended Revision to Draft Code in Yellow:*

As used in this Chapter:

- (a) Area of Sign: **The entire area within a single continuous perimeter enclosing encompassing the extreme limits of the message(s) comprised of writing, representation, emblem or any figures of similar character,** together with any frame or other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is placed, provided that:
 - **Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.**
 - The necessary uprights or structures used to support a freestanding sign shall be excluded from the calculations of sign area, provided that the surface is not, by

definition, a sign and provided further that the area of the support structure does not exceed fifty percent (50%) of the area of the sign being supported.

- (j) Temporary Sign: A sign that is not constructed or intended for long-term use or is not permanently affixed to the ground or a structure, **and maintained in good condition, and generally displayed for periods less than one year.**

Insert new definition:

Landmark Feature/Signage – A structure of interest that serves as an identifiable feature of sufficient quality to enhance the appeal of the City and to provide visitors and citizens a visual landmark. Landmark features/signs may include but are not limited to clock towers, fountains, sculptures, historical reproductions, public information displays, or other items of architectural, historical, recreational or visual interest. See Special Approval Uses “Landmark Feature/Signage”.

1250.31 CONDITIONS APPLICABLE TO SIGNS IN ALL DISTRICTS - *Recommended Revision to Draft Code in Yellow:*

- (g) The regulations of this Chapter shall not apply to signs ~~limited solely to~~ clearly intended for providing directions or instructions for vehicular or pedestrian traffic within a zoning lot ~~and which do not advertise or identify a business.~~ **Two signs shall be permitted at each driveway entrance or exit not within the public right of way and each sign may have a maximum height of 42 inches and a sign area of no more than three (3) square feet and contain no advertising or occupant identification.** All other signs for directions or instructions Such signs shall comply with the following:
- (1) Each sign shall not exceed eight (8) square feet in area and six (6) feet in height; ~~provided, however that within twenty-five (25) feet of any street right of way, no more than two (2) such signs shall be permitted per driveway entrance or exit.;~~
 - (2) **The number of instructional or directional signs are the minimum needed to serve the intended purpose;**
 - (3) **Lettering on the sign does not exceed three four inches in height; and**
 - (4) **The signs are not in a location and do not possess design characteristics that constitute or serve to attract attention beyond the perimeter of the zoning lot.**
- (h) ~~Signage shall be designed as a coordinated and complementary architectural element of the buildings to which it is principally related according to the Chart “Sign Criteria Do’s and Don’ts”. Freestanding signs shall have landscaping at their bases. Commercial centers shall have a project name that is easy to identify, relates well to the site, is not similar to other project names, is in good taste and can be integrated with site identification signage to provide a unified theme. It shall be the property owners responsibility to allocate permitted sign area among occupants and to coordinate multiple signs on a zoning lot to relate to one another with compatible design.~~

Sign Criteria Do's and Don'ts

For All Signs:

1. Do use only fabricated materials that are of permanent quality and good durability for the intended period of display.
2. Property owners are to allocate permitted sign area among occupants and coordinate multiple signs on a zoning lot in compliance with this code.

For Wall Signs:

1. Place sign within an architectural fascia that provides a sign band or panel which does not cover architectural features. If the building design does not clearly provide a sign band or fascia for placement of a sign panel, individual letters should be used.
2. Storefronts that have the appearance of a single building because of architecture and design are to have occupant signs that share common elements of placement or design.

For Freestanding Signs:

1. Do use architectural design elements or materials of the building.
2. Do use design embellishment. Upright structures, caps, bases and other embellishments designed as separate elements from the graphic message are encouraged and if not an integral part of the graphic message shall not be counted as sign area.
3. Do coordinate multiple occupant signs that display a directory or individual panels with one or more distinct common design element such as background color, similar size or font of lettering to show an overall design composition.
4. Multiple occupant signs shall use either a common background or common frame to contain the individual message of occupants. Better use of sign area is emphasis on a place name for more than 4 occupants.
5. Do use landscaping to soften the appearance of the sign base and designed to not obscure the message area of the sign.
6. Street numbers are encouraged to be displayed on the sign and do not count as sign area if less than two square feet.
7. Don't use a single pole for a sign taller than 42 inches without enclosing the pole within a solid base or enclosure that extends vertically to enclose the message area of the sign.
8. Don't use flashing or intermittent illumination, however, electronic images may be displayed with static images changing no less than each 7 seconds.

1250.32 Permanent Signs

- (e) **Projecting Sign.** A sign may project four inches (4") per front foot of building façade measured to the nearest side line of the building up to a projection of **thirty inches (30") forty-two inches (42")** and no closer than two feet (2') to the street curb measured horizontally. The minimum distance between the bottom of the sign and the ground shall be eight feet (8').

Table 1250.32(a) Permanent Signs Allowed -						See Sections 1250.32(b)-(h) for explanation and restrictions				13-Dec			
	Agriculture	Retail		Business Districts		Office Service & Special Districts		Industrial		Multi-Family	Single Family		
District	A - 1	C-1 & C-2	C-3 & C-4	C-3 & C-4	C-3 & C-4	OS, PBP, INS, CO, UVO	I - 1 & I - 2	I - 1 & I - 2	I - 1 & I - 2	R-5 & RM	R-1, R-2, R-3, R-4		
Freestanding/ Ground Sign													
Maximum Height	10'	6'	If ≤ 10', then: 24 SF	If ≤ 20', then: 48 SF	If ≤ 20', then: 48 SF	6'	48 SF	If ≤ 10', then: 72 SF	If ≤ 25', then: 48 SF	6'	Not Allowed		
Maximum Size	24 SF	30" setback	10' setback	40' setback	40' setback	10' setback	10' setback	25' setback	50' setback	32 SF			
Location	25' setback	1 per street frontage	1 per street frontage, plus 1 for each add'l 500 feet.	1 per street frontage, plus 1 for each add'l 500 feet.	1 per street frontage, plus 1 for each add'l 500 feet.	1 per street frontage, plus 1 for each add'l 500 feet.	1 per street frontage	1 per street frontage	1 per street frontage	25' setback			
Quantity	1 per street frontage	1	1 per street frontage, plus 1 for each add'l 500 feet.	1 per street frontage, plus 1 for each add'l 500 feet.	1 per street frontage, plus 1 for each add'l 500 feet.	1 per street frontage, plus 1 for each add'l 500 feet.	1 per street frontage	1 per street frontage	1 per street frontage	1			
Add'l Signs				With ≥ 200' of freeway frontage: One add'l sign ≤ 60' ht, ≤ 200' SF area .		Multi-occupant properties & Planned Business Parks may have one sign meeting height, setback & area requirements of C3 & C4 Districts.							
Permit Required?	N	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Wall Sign													
Maximum Size	Not Allowed	10% up to 75 SF per façade	10% of façade	10% of façade	10% of façade	10% up to 75 SF per façade	10% of façade	10% of façade	10% up to 75 SF	10% up to 75 SF	Not Allowed		
Quantity		1 per façade up to 3	1 per façade up to 2 facades	1 per façade up to 2 facades	1 per façade up to 2 facades	1 per façade up to 3	1 per façade up to 2 facades	1 per façade up to 2 facades	1	1			
Add'l Signs		Within C-2: projecting sign; marquee sign.											
Permit Required?		Y	Y	Y	Y	Y	Y	Y	Y	Y			
Awning Sign													
Maximum Size	Not Allowed	Text and one emblem ≤ 35% of awning area and within total area of permitted wall signs.										Not Allowed	Not Allowed
Permit Required?		Y											
Nameplate													
Maximum Size		2 SF, text not more than 4" high											
Quantity		One per public entrance											
Permit Required?		N											

1250.33 TEMPORARY SIGNS - Recommended Revision to Draft Code in Yellow

Temporary signs shall be permitted within the various use districts subject to the following conditions:

- (a) The type, number, setback, height and area of temporary signs shall be controlled as set forth in Table 1250.34(a) “Temporary Signs”

Table 1250.34(a) Temporary Signs Allowed				13-Dec	
Within Non-Residential Districts	Number of Signs	Max Size	Other Restrictions	Location & Height	Permit Y/N
Window Sign	unlimited	No more than 25% window coverage on façade			N
Wall or Freestanding	1	18 SF		Freestanding - 5' setback ⁽¹⁾ ; 8' height.	Y
Wall or Freestanding Event Sign	1	48 SF	Allowed up to 60 days prior & 7 days after an event, in no case more than 70 days within any 12 month period.	Wall - No higher than eve or parapet	Y, except real estate signs
Within Residential Districts					
Freestanding signs or flags	Unlimited	A total of 12 SF allowed year round. An additional 32 SF allowed related to an event.	Up to 12 SF total area allowed year round. An additional 32 SF of sign area allowed up to 60 days prior & 7 days after an event, in no case more than 70 days within any 12 month period. Max at any time = 44 SF.	Freestanding - 5' setback ⁽¹⁾ ; 8' height. Wall - No higher than eve or parapet	N

- (b) Within non-residential districts temporary signs may be displayed on the inside of windows and may be banner wall signs or freestanding. One temporary sign up to 18 square feet may be permitted without time restriction. One additional sign related to an event may be permitted up to 60 days prior and 7 days after the event.
- (c) Within residential districts temporary signs or flags totaling 12 square feet may be displayed without time restriction. Additionally, signs totaling 32 square feet may be displayed up to 60 days prior and 7 days after the event. At no time may temporary signs and flags be more than 44 square feet. No more than two signs may display an identical message.

1250.38 NONCONFORMING SIGNS

- (a) It is the intent of this section that the continued use of nonconforming signs shall not be encouraged.
- (b) A nonconforming sign shall immediately lose its nonconforming designation if:

- (1) The structure of the sign is altered in any way, which tends to or makes the sign less in compliance with the requirements of this Zoning Code than it was before the alteration.
 - (2) The sign is relocated to a position making it less in compliance with the requirements of this Zoning Code.
 - (3) The sign **structure** is replaced. ; however, a change in sign text or graphic message shall not trigger loss of non-conforming designation.
 - (4) **After the date of December 31, 2022 any change is made to the sign face, its message or structure.**
- (c) On the occurrence of any one of one (1), two (2), or three (3) the sign shall be immediately brought into compliance with this Zoning Code with a new permit secured therefore, or the sign shall be removed.
- (d) Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this section regarding safety, maintenance and repair of signs; provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which does not conform with the provisions of this section **Code.**

Mr. King reviewed the above information regarding the proposed Sign Code Amendment. He stated that the changes have been discussed with the Planning and Zoning Committee of Council and with the Toledo Area Sign Contractors. He said that one area of concern for the Planning and Zoning Committee dealt with the sunset date for non-conforming signs. The Committee was agreeable to including the sunset date as long as owners with the non-conforming signs were reminded of the requirement every year or two by the Planning and Zoning Division. Mayor Evans said, in his opinion, a non-conforming sign should be brought into conformity after the ten year sunset date. It should not just come into play if a change is made after that date. There was a lengthy discussion regarding whether a sunset date should be included as some members are not in favor of it.

There was also a discussion regarding the landmark/feature signage. Mr. Bade said that he feels it needs to be more defined because it's rather subjective. Mr. Choka asked about the intent of the language. Mr. Walters said it is an attempt to think outside the box. He said that normally we legislate to permit or restrict something, but in this case we have intentionally left it more open because we don't know what we are going to get, and this would allow for some creativity.

The Commission discussed whether they should proceed to make a recommendation without reviewing the language regarding the appeals process for sign variances. That language will be presented to the Planning and Zoning Committee later in the month. The Commission decided that they would like an opportunity to review this language before making a recommendation. Mayor Evans moved to table the proposed Sign Code Amendment. Mr. Carry seconded, and it was unanimously approved.

Attorney Jerry Parker was present. He said that Starbucks is looking at locating at a site on SR20 within the City and they want a highway sign. He said that with regards to the language regarding variances for signs, limiting the amount of variance that can be granted is counterproductive.

Code Amendment – Swimming Pool Requirements Chapter 1250.58

APPLICANT

City of Perrysburg
Planning and Zoning
201 W. Indiana Ave.
Perrysburg, Ohio

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1250.58

DESCRIPTION

Section 1250.58(c) “Location of Swimming Pools” requires a special setback for swimming pools for a minimum setback of twenty feet (20’) from the water’s edge to any property line. It is proposed that this distance be amended to require a setback of fifteen feet (15’) to the water’s edge and a setback of five feet (5’) from the pavement or structure surrounding the pool to any property line.

EXPLANATION

Each spring and summer the Planning and Zoning office receives many inquiries for the installation of swimming pools. Callers want to install their pools perpendicular to the side lot line, closest to the house and to one side so they have a connection to the remainder of the rear yard without traveling through the pool area. We have received many complaints that the 20’ setback is excessive. Accessory buildings must only be separated from side and rear property lines by five feet as must patios. When decks are added to houses they are subject to the side yard setback which in R-3 Districts can be as close as eight feet. Planning and Zoning Clerk Mary Jo Sutton conducted a survey of seven suburban communities and found that Perrysburg had the most restrictive setback with the most common being a setback of ten feet from any part of the pool deck or patio to the lot line. See **Exhibit A**.

Staff is aware of concern about grading changes affecting drainage with swimming pool construction and potentially affecting neighboring properties. Section 1250.62 provides the enforcement tool to respond to such a situation:

1250.62 ESTABLISHING GRADE OF CERTAIN PARCELS AND LOTS.

(a) In any district not controlled by approved drainage plans that are consistent with the subdivision regulations, it shall be a condition precedent to the issuance of a zoning permit for a parcel or lot within the City that the grade

shall be established equal to the average grade of the parcels or lots adjacent to the lot or parcel for which the zoning permit is applied.

(b) It is the intent of this Chapter to establish a grade of new building sites that is compatible with all other developed adjacent land and to alleviate the indiscriminate run-off of surface waters from a contemplated building site upon established parcels and lots.

(Ord. 26-2006. Passed 3-7-06.)

The amendment to Chapter 1250.58 is proposed to read:

1250.58 SWIMMING POOLS, DETENTION PONDS AND WATER GARDENS.

(a) Exempted Pools: All inflatable pools, kiddie pools, or those otherwise temporary in nature and which are seasonally erected and dismantled and not exceeding eighteen (18) inches in depth and/or a diameter of twelve (12) feet or less are exempt from the provisions of this Chapter. All hot tubs, whirlpools and similar devices shall meet all setback and other requirements of accessory uses.

(b) Swimming Pool Erection: All pools more than twenty (20) inches in depth shall be permitted as an accessory use. An application for a zoning permit shall be required to erect a swimming pool in the City of Perrysburg. Such application shall include the name of the owner and plans and specifications for the swimming pool, fence and other accessories.

(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 of ~~twenty (20) feet of the water's edge~~ 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.**

(d) Fencing: All swimming pools, ponds and water gardens in single family residential districts shall be completely enclosed by a fence or located in a yard which is completely enclosed by a fence of not less than four (4) feet in height for in-ground pools, nor more than seven (7) feet in height for above ground pools. Fencing shall be installed a minimum of four (4) feet from the outside wall of the swimming pool. Gates included in such fencing shall be self-latching with a lock. The requirement for fences around ponds or water gardens may be waived upon a finding that the pond has stable side slopes no steeper than three (3) horizontal feet to one (1) vertical foot, extending into the water to a depth of two (2) feet below the surface of the water at the lowest sustainable water level.

(e) Depth of Water Gardens: A water garden shall have a maximum depth of thirty-six (36) inches.

(f) Retention or Detention Ponds: All storm water retention or detention ponds in multiple residential dwelling, commercial, or industrial districts shall be designed in accordance with City engineering standards. Landscaping to screen such ponds may be required through site plan review.

(g) Code Compliance: All swimming pools shall comply with all building, electrical, plumbing and heating codes and regulations in effect in the City, County, State and Federal permits as applicable.

(h) Electrical Conductors and Wires: If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make arrangements with the utility involved for the relocation of such conductors or wires before a zoning permit shall be issued for the construction or installation of a swimming pool. Such relocation shall occur prior to using the pool. (Ord. 26-2006. Passed 3-7-06.)

RECOMMENDATION

After concluding public hearing the Commission is required to form a recommendation to City Council. After receipt of the Commission's recommendation City Council will provide at least 30 days notice of a public hearing before Council action on the proposed amendment.

EXHIBIT A

		Distance from Property Line		Appeal Allowed	
Sylvania	419.885.8946	10'	To any part of pool including deck or patio	Yes	No limit
Bowling Green	419.354.6218	10'		Yes	No limit
Perrysburg Twnshp	419.872.8863	10'	Deck/Patio must be 5'	Yes	No limit
Rossford	419.666.0210	10'	To any part of pool including deck or patio	Yes	No limit
Oregon	419.698.7071	5'	10' from house	Yes	No limit
Northwood	419.693.9329	10'	If adj. neighbor agrees it can be closer		
Ottawa Hills	419.536.1111	10'	To any part of pool including deck or patio	Yes	No limit

Mr. King reviewed the above Staff Report. Mr. Carry stated that he believes pools, patios and decks should fall within the shadow of the house. Mr. Choka asked if there were any architectural or engineering reasons as to why 15' is proposed since most of the other communities have a 10' requirement. Mr. King said there was not. Mr. Walters said that most complaints received from those who want to install a pool are usually within 3'-5' and could be resolved with the 15'. Mayor Evans said he has no issue with changing the distance, but he would like to discuss the grading issues administratively. Mr. Bade said he would like to see anything pool related 10' from the property line. Mr. Walters said that currently patios only have to be 5' from the property line so we would

have a situation where a patio with a pool would have to be 10' from the property line and without a pool it could be 5' from the property line.

Mayor Evans made a motion to recommend approval of the changes as written by the Planning and Zoning Staff and that a public hearing be set before City Council regarding the proposed Code Amendment. Ms. Witt seconded and it was approved 4-1. Ayes: Carry, Choka, Evans, Witt (4). Nays: Bade (1).

There being no further business, the meeting adjourned at 9:01 p.m.

Respectfully submitted,

Mary Jo Sutton