

PLANNING COMMISSION MEETING

JUNE 27, 2024

The meeting was called to order at 7:00 p.m. by Chairman Rob Vela. Commission members present were Greg Bade, Mathew Beredo, Andy Lorenz, Mayor Mackin, Rob Vela, Becky Williams, and Megan Wolfinger (7). Also present were Brody Walters, Planning and Zoning Administrator, Mark Easterling, Deputy Planning and Zoning Administrator, and Tim Effler, Law Director.

APPROVAL OF MINUTES FROM THE MAY 30, 2024 MEETING

It was noted that on Page 12 of the minutes from the May 30, 2024 meeting, it states that Mr. Vela made the motion to recommend denial of the rezoning request for 3382 Rivers Edge Drive. Mr. Vela was not at the meeting, and a review of the video showed that it was Mr. Lorenz who made the motion. Mr. Vela moved to approve the minutes of the May 30, 2024 meeting with this correction. Seconded by Ms. Williams. Ayes: Bade, Beredo, Lorenz, Mackin, Williams, Wolfinger (6). Abstain: Vela (1).

ADMINISTRATOR'S REPORT

None.

THE FALLS AT RIVERS EDGE PLATS 4-6 PRELIMINARY PLAT

APPLICANT/OWNER/DEVELOPER

Mr. Brian Gruber
River's Edge Ltd.
7015 Lighthouse Way, Suite 500
Perrysburg, OH 43551

Greg Feller, P.E.
Feller Finch & Associates, Inc.
1683 Woodlands Drive
Maumee, OH 43537

REQUEST

Chapter 1295.01 – Preliminary Plat
Chapter 1295.06(i) – Preliminary Plats: Tentative Approval Time Limit; Plat Resubmission

PROPERTY LOCATION & DESCRIPTION

The Falls at Rivers Edge is an R-4 (Single Family) subdivision with a CDP (Community Development Plan) overlay located immediately south of Perrysburg High School on approximately 34.773 acres. The development is for zero-lot line units and traditional stand-alone residences and consists of six plats with 139 total lots. There are 49 lots in the area of the requested preliminary plat (Plats 4-6).

BACKGROUND

The Preliminary Plat for this overall development was first approved on March 28, 2002, and was renewed regularly between then and 2016. On February 4, 2016, the Planning Commission granted its final renewal for Plats 4-6 which kept the approval active until December 17, 2016. There have been no additional renewals on file for this development, which was determined to have resulted in the current preliminary plat expiring. Recent Council action (through appeal) has determined that although the preliminary plat has expired the granted CDP agreement is still in effect. The effect of this ruling is that the newly submitted preliminary plat as part of this submission will be evaluated against the former CDP agreement, rather than the existing zoning code requirements.

Plat 1 - 35 lots was finalized on June 26, 2003.

Plat 2 - 19 lots was finalized on October 28, 2004.

Plat 3 - 36 lots was finalized on May 26, 2005.

ANALYSIS

The current zoning of the land within this application is R-4 Single-Family Residential. The general attributes of this zoning are as follows:

Min. Lot Size = 9,500 SF **Avg. lot size to exceed 7,800 SF**

Min Lot Frontage = 65' **50'**

Front Setback = 35' **25'**

Rear Setback = 30' **20'**

Side Setback= 6' single, 16' total **5' single, 10' total**

Minimum Dwelling Size = 1,100 SF

The previously approved CDP agreement allows for relief indicated in red above.

The lots shown on this plat are primarily 50' wide, except corner lots or lots with drainage easements which are shown at 70' and 55' respectively. This narrower lot width also contributes to reduced lot square footage as well with the majority of lots consisting of 6,000 SF. Corner lots are 8,400 SF and easement lots are 6,600 SF.

RECOMMENDATION

The Planning and Zoning Administrator has determined the Preliminary Plat, as submitted, conforms with the previously approved CDP agreement and therefore recommends the Planning Commission approve as submitted.

Mr. Walters reviewed the Staff Report regarding The Falls at Rivers Edge Plat 4-6 Preliminary Plat. He said that the actual CDP contract cannot be located, but they did find correspondence between Doug Guest, former Planning and Zoning Administrator, and Tim Gruber outlining the relief sought through the CDP agreement. He said that the Preliminary Plat is consistent with that language, and he is recommending approval.

Ms. Williams asked how long the Preliminary Plat approval would be good for, and Mr. Walters said normally it is good for two years, but he doesn't think they want to drag it out that long. Mr. Beredo said that he is confused because the majority of the lots are 6,000 square feet, and it says the average lot exceeds 7,800 square feet. Mr. Walters said that was a good question, but this Preliminary Plat submitted matches what was originally considered in compliance. Mr. Vela asked if there were any comments from neighbors. Mr. Walters stated that the last time they considered this, there were neighbors present who were in favor of this plan. Ms. Wolfinger moved to approve the Preliminary Plat for Falls at Rivers Edge Plats 4-6 for a two-year period. Seconded by Mr. Vela. Ayes: Bade, Lorenz, Mackin, Vela, Williams, Wolfinger (6). Nays: Beredo (1).

REZONING REQUEST

**Q61-400-190000017000 AND Q61-400-190000016000
24525 N. DIXIE HIGHWAY**

APPLICANT/OWNER/DEVELOPER

Heather Luce
S and G Real Estate LLC
5131 Alexis Road
Sylvania, OH 44124

Jim Lashaway
Lashaway Family Limited Partnership
9231 Bayer Road
Perrysburg, OH 43551

REQUEST

Chapter 1285- Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The subject properties are located at the northwest corner of the intersection of Five Point Road and Dixie Highway. This parcel is currently zoned I-2 (General Industrial) and the

applicant is hereby requesting a rezoning of the property from I-2 to C-4 (Highway Commercial).

Adjacent zoning:

1. North: PBP – Planned Business Park
2. East: Perrysburg Township
3. South: R1/RM – Single Family Residential, Multi-Family Residential (Southview Estates)
4. West: PBP/I2 – Planned Business Park, General Industrial

The area of this property is approximately 2.04 acres and currently contains a residential structure.

ANALYSIS

The Land Use Plan states that this parcel is in the subject area defined as the “Suburban Corridor”. This designation would allow for a mix of uses as the commercial districts should primarily serve the residents within the surrounding neighborhoods.

The plan advises that the development should be medium to large scale and utilize open spaces to add character to any development. Building coverage for this designation is expected to be at 30%-50%. This land use recommends retail, multifamily, public, and semi-public uses.

Per Ch. 1220.06, I2 – General Industrial zoning is typically defined as “Areas which, because of their access to transportation and community services and relative isolation from other uses, provide good sites for most types of industry. Industries are limited to the types which would have little detrimental effect upon surrounding development.”

The following uses are permitted uses or allowed with a Special Approval Use (SAU) within
I-2.

Agriculture, Construction Semi-Truck Sales/Service
Kennels **(SAU)**
Automotive Repair – General
Automotive Sales or Lease for New and Used Vehicles-Outdoor
Commercial Semi-Truck Sales/Service
Gym/Fitness Facility (<5,000 GSF) **(SAU)**
Gym/Fitness Facility (>5,000 GSF) **(SAU)**
Massage Establishment **(SAU)**
Printing
Recreational Vehicles/Equipment Outdoor Sales
Sale/Storage Building Materials
Self-Service Storage

Sexually Oriented Business **(SAU)**
Nursery Green House
Medical Urgent Care Facilities
Accessory
Essential Services
Institutional Use **(SAU)**
Non-Commercial Recreation Facilities **(SAU)**
Public Service Facility
Public/Private Utility
Wireless Telecommunication Facility **(SAU)**
Auto & Metal Salvage, Junk Yards **(SAU)**
Excavation of Sand, Gravel, Clay, Stone and Topsoil **(SAU)**
Food Processing
Laboratories
Manufacturing, Sale/Storage Building Materials
Manufacturing: General
Manufacturing: Light
Oil & Gas Wells **(SAU)**
Outside Storage **(SAU)**
Publishing
Research & Testing
Transportation & Trucking **(SAU)**
Warehousing
Wholesale Business
Wind Generator (turbine) **(SAU)**

Per Ch. 1220.03, C4 – Highway Commercial zoning is typically defined as “areas fronting on major highways and utilized for all types of businesses, especially those that serve the traveling motorist and patrons throughout the community.”

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

C-4.

Animal Services (outdoor)
Animal Services (indoor)
Automotive Oil and Lube Service Facilities
Automotive Repair – General **(SAU)**
Automotive Repair – Light
Automotive Sales or Lease for New and Used Vehicles Outdoors **(SAU)**
Auto Wash **(SAU)**
Carry-Outs / Other Business, Alcoholic Beverages **(SAU)**
Commercial Schools
Drive-in Commercial Uses
Entertainment and Spectator Sport Facilities

Grocery Stores
Gym/Fitness Facility
Motels and hotels
Neighborhood Business less than 10,000 SF
Personal Services
Printing
Restaurant Carry-Out only
Restaurant Drive-In
Restaurant Fast Food
Restaurant Outdoor Café (SAU)
Restaurant Full Service
Retail Business less than 60,000 GSF
Retail Business more than 60,000 GSF (SAU)
Sale and Storage of Building Materials (SAU)
Self-Service Storage (SAU)
Service Station
Shopping Center
Hospitality Facilities (SAU)
Transient Habitation (SAU)
Repair Services, Consumer
Nursery / Green House
Medical Offices
Medical Urgent Care Facilities
Accessory
Child Day Care Centers (SAU)
Club, Lodges, Fraternal and Civic Assembly
Essential Services
Mortuaries / Funeral Homes (SAU)
Part-Time Child Day Care Centers (SAU)
Public and Private Schools (SAU)
Public Service Facility
Public/Private Utility
Wireless Telecommunication Facility (SAU)
Wholesale Business

RECOMMENDATION

The Planning and Zoning Deputy Administrator recommends that the Planning Commission recommend to City Council approval of the Rezoning Request from General Industrial (I-2) to Highway Commercial (C-4) for the subject parcels: Q61-400-190000017000 (24545 N. Dixie Highway) and Q61-400-190000016000 (0 N. Dixie Highway).

Further, it is recommended that a Public Hearing be set before City Council for August 6, 2024, at 6:05 p.m.

Mr. Easterling reviewed the Staff Report for the Rezoning Request for the two parcels at 24525 and 0 N. Dixie Highway. Jim Sutphin was present on behalf of S & G of Toledo. Mr. Walters asked Mr. Sutphin if they have a location at SR25 and Roachton Road. Mr. Sutphin said they do have a location there as well as one at SR25 and Eckel Junction Road. He said that their store at the corner of Coy and Navarre in Oregon is their prototype, and that is what they plan to build at this location. Mr. Vela asked if any comments were received from neighbors. Mr. Easterling said that the only comment received was from the owner of the property who is in favor of the rezoning. Mr. Vela said that they also have to look at the other permitted uses under C4 zoning. Mr. Bade made a motion to recommend approval of the rezoning of Parcels Q61-400-190000017000 and Q61-400-190000016000 from I2 to C4 and that a public hearing be held before City Council on Tuesday, August 6, 2024 at 6:05 p.m. Seconded by Mr. Lorenz. Ayes: (7). Nays: (0).

CODE AMENDMENT – LANDMARK FEATURE/SIGNAGE CHAPTER 1235.04(ZZ)

APPLICANT/OWNER/DEVELOPER

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

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1235.04(zz) – Landmark Features/Signage

DESCRIPTION

The proposed Code Amendment to Chapter 1235.04(zz) would remove the distance requirement between Landmark Features/Signage. Since the approval of the first application for a “landmark feature/signage,” other property owners have inquired about also applying, specifically in the downtown area. These recent requests have all been ineligible for consideration due to their proximity to an existing feature. Because these features have been popular and well received by the public there is an interest in allowing more flexibility in allowing them to be installed. Simply removing the distance requirement would allow for more applications to be considered. There are currently three applicants/business owners that would benefit if this code amendment were to pass.

ANALYSIS

Existing Code Language

(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.
(Ord. 43-2013. Passed 4-9-13.)

Proposed Code Language

(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.~~

(6) The proposed structure shall not pose a danger to visibility or pedestrian/vehicular traffic.

(7) Details shall be provided outlining the relief/deviation from the Zoning Code that an approval would grant the applicant.

(8) 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.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the proposed Code Amendment to Chapter 1235.04(zz) Landmark Feature/Signage as presented in this report.

Further, it is recommended that a Public Hearing be set before City Council for August 6, 2024 at 6:25 P.M.

Mr. Walters reviewed the Staff Report regarding the Code Amendment pertaining to Landmark Feature/Signage. He said that this amendment would remove the language stating that landmark feature/signage shall not be closer than 1,000 feet to another established landmark feature/signage. Mr. Walters explained that when this was written, he had envisioned these items to be more monumental like the clock tower at Levis, or the Commodore Perry statue. He said the 1,000-foot requirement was to preserve the uniqueness of the landmarks because if everything is a landmark, then nothing is a landmark. He said that this section has not been used as he had envisioned, and they've turned into murals and relatively small structures. He said there are other applicants that would like to do wall murals in the downtown area, and he is recommending that the 1,000-foot requirement be removed. Ms. Wolfinger asked if City Council can still deny specific applications, and Mr. Walters said that they can because there are specific guidelines for the Special Approval Use. Mayor Mackin said that he has gotten a lot of positive comments about what has happened so far. Mr. Bade said that he feels the

restrictions are adequate. Ms. Williams moved to recommend approval of the Code Amendment to Ch. 1235.04 (zz) Landmark Feature/Signage and that a public hearing be held before City Council on Tuesday, August 6, 2024 at 6:25 p.m. Seconded by Mr. Lorenz. Ayes: (7). Nays: (0).

CODE AMENDMENT – ZONING DISTRICT X
CHAPTER 1220.01, 1220.07, 1220.07, 1225.08, 1230.01

APPLICANT/OWNER/DEVELOPER

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

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1220.01 – Districts Established
Chapter 1220.07 – Special Districts
Chapter 1225.08 – Land Use Types
Chapter 1230.01 – Intensity & Dimensional Standards

DESCRIPTION

The proposed Code Amendment to the chapters indicated above is to create a specialized zoning district referred to as Zone “X”. Zone X is proposed to apply only to land owned and operated by the City of Perrysburg for necessary public infrastructure and service work that would otherwise be unable to satisfy the requirements of the zoning code and the existing zoning classifications. Zone X would essentially be an exemption to the zoning code and would not require variances from the Board of Zoning Appeals, nor Planning Commission review for site plans or special approval uses. It is anticipated that there should only be an extremely limited use of this zoning classification, with the first and perhaps only location being the existing Wastewater Treatment Plant (WWTP) facility.

Due to the complexity, scale, regulations, and tasks performed at the WWTP for the public benefit and for compliance with state and federal regulations, additional flexibility in zoning is necessary to accommodate current and future operations.

ANALYSIS

Existing Code Language

Ch. 1220.01 DISTRICTS ESTABLISHED

The City of Perrysburg is hereby divided into districts, which shall be known as: Agricultural Districts, Residential Districts, Commercial Districts, Office and Service District, Industrial Districts and Special Districts.

- (a) Agricultural District
 - "A-1" Agricultural
 - (b) Residential Districts
 - "R-1" Single Family Residential Suburban
 - "R-2" Single Family Residential Low Density
 - "R-3" Single Family Residential Medium Density
 - "R-4" Single Family Residential Moderate Density
 - "R-5" Two Family Residential
 - "RM" Multiple Family Residential
 - (c) Commercial Districts
 - "C-1" Neighborhood Commercial
 - "C-2" Central Business
 - "C-3" Community Shopping
 - "C-4" Highway Commercial
 - (d) Office and Service District
 - "OS" Office and Service
 - (e) Industrial Districts
 - "I-1" Light Industrial
 - "I-2" General Industrial
 - (f) Special Districts
 - "COD" Corridor Overlay District
 - "MUO" Municipal Utility Overlay
 - "PBP" Planned Business Park
 - "P" Parks
 - "UVO" Urban Village Overlay
 - "HIST" Historic District
 - "S-1" Scenic Open Space
 - (g) Institutional District
 - "INS" Institutional District
- (Ord. 22-2006. Passed 3-7-06; Ord. 147-2007. Passed 10-2-07.)

Proposed Code Language

Ch. 1220.01 DISTRICTS ESTABLISHED

The City of Perrysburg is hereby divided into districts, which shall be known as: Agricultural Districts, Residential Districts, Commercial Districts, Office and Service District, Industrial Districts and Special Districts.

- (a) Agricultural District
 - "A-1" Agricultural
- (b) Residential Districts
 - "R-1" Single Family Residential Suburban
 - "R-2" Single Family Residential Low Density
 - "R-3" Single Family Residential Medium Density

- “R-4” Single Family Residential Moderate Density
- “R-5” Two Family Residential
- “RM” Multiple Family Residential
- (c) Commercial Districts
 - “C-1” Neighborhood Commercial
 - “C-2” Central Business
 - “C-3” Community Shopping
 - “C-4” Highway Commercial
- (d) Office and Service District
 - “OS” Office and Service
- (e) Industrial Districts
 - “I-1” Light Industrial
 - “I-2” General Industrial
- (f) Special Districts
 - “COD” Corridor Overlay District
 - “MUO” Municipal Utility Overlay
 - “PBP” Planned Business Park
 - “P” Parks
 - “UVO” Urban Village Overlay
 - “HIST” Historic District
 - “S-1” Scenic Open Space
 - “X” Exempt District
- (g) Institutional District
 - “INS” Institutional District

Existing Code Language

Ch. 1220.07 SPECIAL DISTRICTS

Special districts accommodate a specific combination of compatible land uses which, when grouped together, form a unique development. These districts promote creative and innovative design, allow mixed-uses and encourage density, pedestrian amenities and variation from typical dimensional requirements regulated through an Architectural Review Committee and protect sensitive natural features and open space.

- (a) COD, “Corridor Overlay” is to maintain the long-term mobility function of arterial and collector roadways; to limit access and the number of conflict points and thereby reduce the need for additional crossover locations and traffic signals; to promote improved pedestrian and vehicular circulation; to encourage land assembly and the most desirable use of land in accordance with the Comprehensive Plan; to promote architectural continuity; to encourage designs which produce a desirable relationship between individual buildings, the circulation systems and adjacent areas; to control signage, visibility obstructions and clutter and to permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities of high quality.

- (b) MUO, "Municipal Utility Overlay" is to regulate the planned expansion of municipal utilities (water and sanitary sewers) outside of the corporate limits of the City of Perrysburg.
- (c) PBP, "Planned Business Park" A compatible mix of commercial, industrial, office and institutional land uses in a business park-like setting. (Ord. 22-2006. Passed 3-7-06.)
- (d) P (Parks) serves to protect the natural amenities and to accommodate development that is compatible with those natural amenities in areas designated as public parks. These areas will comprise of a variety of functions including active outdoor recreational activities and functions, water-related facilities, natural areas, interpretive features and open space. (Ord. 147-2007. Passed 10-2-07.)
- (e) UVO, "Urban Village Overlay" is to allow for flexibility in zoning when the result will be the development of a compact urban village which exhibits unified architectural themes, pedestrian connectivity and walkability, mixed land uses and residential neighborhoods.
- (f) HIST, "Historic District" establishes procedures whereby certain areas, places, sites, buildings, structures, objects and works of art shall be allowed subject to the issuance of a "Certificate of Appropriateness" before any alterations, demolition or new construction can be undertaken. (Ord. 22-2006. Passed 3-7-06.)
- (g) S-1 (Scenic Open Space) serves to protect and preserve public or private areas with river frontage, woodlands and areas with natural scenic features, historic scenic grounds, vistas and byways, which should be retained in an open character protecting the natural amenities they possess. (Ord. 147-2007. Passed 10-2-07.)
- (h) Institutional District: The institutional district generally is intended to provide areas for public service and are operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. INS "Institutional": Areas which are adaptable for institutional uses such as government buildings, police, fire and emergency services, post office, YMCA, schools, hospital, museum, churches, library, public and private essential services and utilities, cultural art facility, public cemetery and senior/youth centers. Special Approval Use is generally required in order to minimize any adverse impact that can result when such uses are located near residential neighborhoods. (Ord. 125-2011. Passed 6-21-11.)

Proposed Code Language

Ch. 1220.07 SPECIAL DISTRICTS

Special districts accommodate a specific combination of compatible land uses which, when grouped together, form a unique development. These districts promote creative and innovative design, allow mixed-uses and encourage density, pedestrian amenities and variation from typical dimensional requirements regulated through an Architectural Review Committee and protect sensitive natural features and open space.

- (a) COD, "Corridor Overlay" is to maintain the long-term mobility function of arterial and collector roadways; to limit access and the number of conflict points and thereby reduce the need for additional crossover locations and traffic signals; to promote improved pedestrian and vehicular circulation; to encourage land assembly and the most desirable use of land in accordance with the Comprehensive Plan; to promote architectural continuity; to encourage designs which produce a desirable relationship between individual buildings, the circulation systems and adjacent areas; to control signage, visibility obstructions and clutter and to permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities of high quality.
- (b) MUO, "Municipal Utility Overlay" is to regulate the planned expansion of municipal utilities (water and sanitary sewers) outside of the corporate limits of the City of Perrysburg.
- (c) PBP, "Planned Business Park" A compatible mix of commercial, industrial, office and institutional land uses in a business park-like setting. (Ord. 22-2006. Passed 3-7-06.)
- (d) P (Parks) serves to protect the natural amenities and to accommodate development that is compatible with those natural amenities in areas designated as public parks. These areas will comprise of a variety of functions including active outdoor recreational activities and functions, water-related facilities, natural areas, interpretive features and open space. (Ord. 147-2007. Passed 10-2-07.)
- (e) UVO, "Urban Village Overlay" is to allow for flexibility in zoning when the result will be the development of a compact urban village which exhibits unified architectural themes, pedestrian connectivity and walkability, mixed land uses and residential neighborhoods.
- (f) HIST, "Historic District" establishes procedures whereby certain areas, places, sites, buildings, structures, objects and works of art shall be allowed subject to the issuance of a "Certificate of Appropriateness" before any alterations, demolition or new construction can be undertaken. (Ord. 22-2006. Passed 3-7-06.)
- (g) S-1 (Scenic Open Space) serves to protect and preserve public or private areas with river frontage, woodlands and areas with natural scenic features, historic scenic grounds, vistas and byways, which should be retained in an open character protecting the natural amenities they possess. (Ord. 147-2007. Passed 10-2-07.)
- (h) X (Exempt) serves to provide flexibility by exempting the unique and necessary utilitarian operations of local government from zoning requirements when the application of other traditional zoning districts would place undue hardship on the critical operations of the municipality and hinder the ability to serve the community with necessary and desired services. The requirements of this zoning code shall not apply to land zoned X – Exempt.
- (i) Institutional District: The institutional district generally is intended to provide areas for public service and are operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. INS "Institutional": Areas

which are adaptable for institutional uses such as government buildings, police, fire and emergency services, post office, YMCA, schools, hospital, museum, churches, library, public and private essential services and utilities, cultural art facility, public cemetery and senior/youth centers. Special Approval Use is generally required in order to minimize any adverse impact that can result when such uses are located near residential neighborhoods. (Ord. 125-2011. Passed 6-21-11.)

Existing Code Language

Ch. 1225.08 LAND USE TYPES

Black and White portions of the attached chart.

Proposed Code Language

Ch. 1225.08 LAND USE TYPES

Yellow Highlighted portions of the attached chart.

Existing Code Language

Ch. 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

Black and White portions of the attached chart.

Proposed Code Language

Ch. 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

Yellow Highlighted portions of the attached chart.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the proposed Code Amendments to Chapters 1220.01, 1220.07, 1225.08 and 1230.01 as presented in this report.

Further, it is recommended that a Public Hearing be set before City Council for August 6, 2024 at 6:15 P.M.

Mr. Walters explained that the intent of this process is the creation of a new zoning category. He said that it does not rezone any property, and after the category is created, an application for rezoning would still have to be made. He said that the Planning Commission would give up site plan review for properties rezoned to this category. He said it is not the City's intention to rezone all City properties. He also said that the creation of the category would allow other property owners to request rezoning, but he feels the way the criteria is written, it would be difficult to rezone any properties other than the Wastewater Treatment Plant. Mr. Walters noted that the City Engineer said that part of the Wastewater Treatment Plant is in the FEMA Flood Plain, and that is designated as Zone X and although it is not an issue for the Planning and Zoning Division, the name can be changed if they think it would cause confusion for others. Mr. Walters said the Wastewater Treatment Plan spans multiple parcels, there are improvements within the right-of-way, there are setback issues, and issues regarding the number of accessory structures, and this is an attempt to get all of these issues cleaned up. He added that as part of this, he believes the City will commit to improving the perimeter experience of the Wastewater Treatment Plant.

Mr. Vela said that it would be tough for the public to achieve Zoning X, and he wondered if we can legally do that. He also asked what would stop future administrations from rezoning all City properties. Mr. Walters said that the role of the Planning Commission is to put a process in place, not to ensure that nothing bad is ever going to happen. He said that the safeguards are the Planning Commission and City Council who would have to be convinced to approve the rezoning. Mr. Beredo noted that you don't have to convince the Planning Commission because they only make a recommendation, and you would only have to convince a majority of City Council. He said that the optics of this are that the City is looking to give itself a get out of jail free card, and the more they do that, the harder it will be to expect other businesses to abide by the rules. Ms. Williams said that in the 2006 Planning and Zoning Code rewrite there is a paragraph that says the City shall follow its own rules. She said that she has been assured by this Administration that that language will be included in the upcoming Code rewrite. Mr. Bade said that it depends on the interpretation of "undue hardship on the critical operations of the municipality and hinder the ability to serve the community with necessary and desired services" which is referenced in the proposed 1220.07 (h). He said that he thought this had something to do with the pole that the City requested at the last meeting, but he has been assured that is not the case, and he will put trust in this Administration. Ms. Wolfinger expressed concerns that the City will be able to do whatever they want if this zoning is approved. She said that if they want to put in a 20' wall along the river or put up six 80' poles they could. Mr. Walters said that he can't see the City doing anything other than what they have to do. Mr. Effler said that with regards to the Wastewater Treatment Plant, anything that goes on that property is going to be funded by ratepayers, and they try to be conservative in how they spend those funds, but there are things required in the Director's Final Findings and Orders from the EPA. Ms. Wolfinger asked if language could be added about improvements that are Federally or State mandated, but it was determined that would not work because not all improvements at the Plant are mandated. Mr. Beredo said

he thinks it would make more sense to make the Wastewater Treatment Plant exempt from the Zoning Code. Mr. Bade said that he would be 100% in support of that. Mr. Effler said he would look into whether that could be done. Joe Fawcett, City Administrator, said that the collective desire is for the Wastewater Treatment Plant to make improvements, and regarding the dangers in the scenarios that the Commission has laid out, he would like to trust future elected officials. There was further discussion about the Code Amendment as written, and several Commission members said they would like to see oil and gas wells and wind turbines removed. Matt Choma, Director of Public Utilities, said that this came about because of the ClearSpan that they want to install at the Plant. He said that the effort here was to be transparent. Mr. Bade noted that the Wastewater Treatment Plant has had numerous additions in the last twenty years, and they haven't gone through plan review, so this is a step in the right direction. Ms. Wolfinger suggested that this be tabled until they find out if the Plant can be exempted from the Code. Mayor Mackin said that it seems to him that the Planning Commission is not comfortable with the language, and he appreciates the comments, and the Administration would be comfortable with tabling this and bringing it back. Mr. Vela moved to table the Code Amendment creating Zone X. Seconded by Mr. Bade. Ayes: (7). Nays: (0).

OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 8:32 p.m.

Respectfully submitted,

Mary Jo Sutton

1225.08 LAND USE AND BASE ZONING DISTRICT TABLE.

	Ag	Residential					Commercial				Office Service		Industrial		Special			Institutional
		R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	
Agricultural	A-1																X	INS
Farm Markets and Stands	P							S	S	S								
Kennels	P												S	S				
Plant Cultivation	P															P	P	P
Specialized Animal Raising	P																	
Chicken Keeping	P	P	P	P	P													

	Ag	Residential					Commercial				Office Service		Industrial		Special			Institutional
		R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	
Residential	A-1																X	INS
One Family Dwelling	P	P	P	P	P	P	P		P									
Two-Family Dwelling						P	P		P									
Multiple Family Dwellings							P											
Apartments Above 1st Floor								P				S						
Bed & Breakfast		S	S	S	S	S		S										
Assisted Living Units							P											S
Mobile Homes (1235.04w)																		

	Ag	Residential					Commercial				Office Service		Industrial		Special			Institutional
		R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	
Commercial	A-1																X	INS
Agriculture, Construction, Semi-Truck Sales/Service	S												P	P				
Animal Services (outdoor)								S	S	S	P							
Animal Services (indoor)								P	P	P	P							
Automotive Oil & Lube Service Facilities										P	P				P			
Automotive Repair - General											S		P	P				
Automotive Repair - Light											P				P			
New and Used Vehicles - Outdoors											S		S	S	S			
Auto Wash											S				S			

Ch. 1230 - INTENSITY AND DIMENSIONAL STANDARDS

	A1	R1	R2	R3	R4	R5	RM	C1	C2	C3	C4	OS	I1	I2	PBP	P	S1	X	INS
Lot Area (min. SF)	30,000	22,000	16,500	11,600	9,500	10,000	3 Acres	10,000		20,000			1 Acre	2 Acres	15 Acres				
Lot Coverage (max.)								20%		25%	30%	60%	50%	60%					60%
Lot Width (min. ft.)	150	100	85	75	65	90		80		120			200	100	ARC				
Front Yard Setback (ft)	50	45	40	35	35	35	25	30		50	50	50	60	60	50	50			50
Rear Yard Setback (ft)	75	50	40	35	30	30	30	25		35	30	30	40	40	ARC	75			50
Side Yard Setback (min one side)(ft)	20	10	10	8	6	6	15			0	10	10	25	25	ARC	20			50
Side Yard Setback (min total)(ft)	40	25	25	20	16	16	30			20	20	25	50	50	ARC	50			100
Height (max. ft)	35	35	35	35	35	35	45	35	35	35	35	35	35	45	45	35			45
Dwelling Size (min. SF)	1,400	1,800	1,600	1,200	1,100	600	600*												
Landscape Area of Lot (min)							8%	10%		10%	10%	10%	15%	10%	15%				10%

* One Bedroom 600 SF; Two Bedroom 750 SF; Three Bedroom 1,000 SF