

Planning Commission
Special Meeting
February 1, 2017
Minutes

Chairman Mears called the meeting to order at 4:38 PM. The following members were present: Mr. David Miller, Mr. Pete McGory, Chairman John Mears, Mr. Mike Zuilhof, and Commissioner Wes Poole. Ms. Casey Sparks and Ms. Angela Byington represented the Planning Department, Mr. Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from Community Development. Mr. Ned Bromm and Mr. Jim Jackson were excused.

There were five voting members present.

Mr. Poole moved to approve the minutes from the December 21, 2016 meeting as presented. Mr. Zuilhof seconded the motion. The motion carried unanimously.

Chairman Mears swore in audience and staff that wish to comment during the adjudication hearing.

Ms. Sparks briefed the Commission and audience members that Cedar Point LLC had submitted an application for a Conditional Use permit for the property located at One Cedar Point Drive to allow for small cell node installations throughout the park. The applicant is proposing to install a total of fifteen small cell node installations, nine of the installations will be co-located or a replacement of an existing pole and permitted by right. Chapter 921.03 defines wireless telecommunication towers as a structure intended to support equipment used to transmit and or receive telecommunications signals, including but not limited to: rooftop mounted antennas, monopole towers, lattice towers, etc. All new small cell node installations require a conditional use permit.

Section 921.04 states the general requirements for wireless telecommunication facilities which include co-locating when possible, designing new towers for multiple uses when possible, and locating towers in the least obstructive manner. Staff would recommend approval of the Conditional Use permit as the applicant has made an effort to co-locate as many of the small cell node installations as possible and has put forth an effort to assure that these are aesthetically pleasing throughout the park.

Edmond Dangler, 214 First St Huron works for Cedar Park LLC. He stated that as the applicant, they are trying to comply with the codified ordinances. The project is designed to take on four carriers. It is being designed and paid for by Verizon. They hope to get Sprint on board before they open also. The other two carriers are T-Mobile and AT&T. These are not towers, they are antennas that are mostly unseen. If a new carrier comes in later, there will be no need for digging. They will place radio equipment in the reserved spaces.

Tim Stookey, 1307 Fifth Street wondered if the new towers allowing everyone in the park cell service will restrict anyone else's bandwidth. Mr. Dangler stated that he didn't know the answer

to that question. Mr. Zuilhof stated that the question before Mr. Dangler should not place any consideration one way or the other in the Planning Commission vote.

With no further discussion, Mr. Miller moved to approve the application. Mr. McGory seconded the motion. Mr. Zuilhof expressed his appreciation for the forward thinking of the City Staff in proposing a co-location ordinance several years ago. The motion carried unanimously.

The regular Planning Commission meeting moved into a special work session to review Section 1129.06 of the Zoning Code and regulations allowing chickens within a residential neighborhood.

Ms. Sparks stated that at City Commission's request, the zoning amendment for section 1129.06 should be re-addressed with Planning Commission. City Commission received several questions and comments during the course of their meetings and have tabled the issue at this time. The following are some of the topics of discussion that arose through conversations with residents and issues that were addressed at the City Commission meetings.

- Number of Recreational Vehicles

The current regulations do not regulate the number of recreational vehicles. Some residents suggested making a maximum number that is permitted.

- Staff recommends making the recreational vehicles an accessory structure. The maximum allowed lot coverage would be 30%
- Consider limiting the number of accessory structures on a property, possibly a maximum of two. This would include sheds, pools, ect.

This may not work with every lot, and some people may be forced to park their recreational vehicles elsewhere.

Staff is recommending the Commission discuss considering recreational vehicles as an accessory structure, limiting the number of accessory structures on the property and a maximum % allowed on the property.

- Parking of Recreational Vehicles within the side yard

There are currently residents within the city that are permitted to park their recreational vehicles within their side yard, but it has to be on a paved surface and has to be within 3' of the side or rear property line. Those allowed would be required to be behind the front plane of the home.

- Should recreational vehicles be prohibited to be parked in the side yard
- Is 3 feet a sufficient setback
- Should additional screening be required such as landscaping or a fence (max 4')
- Should the recreational vehicles be parked on a paved surface

Staff is requesting the Commission discuss if parking of a recreational vehicle should be permitted within the side yard. If permitted, is the required minimum setback of 3' from the property line sufficient or should this distance be increased, and should screening be required.

- Ownership
 - Should the recreational vehicle be registered to the owner or occupants of the property? This could avoid residential properties from becoming a commercial storage area.

Staff is requesting the Commission discuss if the amendment should include a requirement that the recreational vehicle be registered to only the occupant or property owner. The vehicles have to be licensed and operable.

- Setback Requirements
 - Code currently requires a 3' setback for any side or rear yard parking. Is this adequate for all lot sizes? There may be a larger impact to a smaller lot verses a bigger lot

Staff is requesting the Commission discuss if screening and setback requirements exceeding 3' from the rear lot line would be necessary. And, if 3' is not adequate, maybe adding additional screening or landscaping be required.

Mr. Zuilhof asked if Staff had taken into consideration that there is a distinction between parking and storage. For example, if someone pulls their camper into their driveway to park it for the weekend and leave it overnight, would that be treated differently than long term storage? And is there any current distinction made in past or present legislation? Ms. Sparks stated that currently, if someone is packing for or unpacking from a trip and need extra time in the driveway, they should call and let us know so that we can try and work with that person. Ms. Byington suggest it could be written in that for special circumstances, a person would be allowed up to 3 days.

Mr. Poole asked Staff to describe an example of what would happen if a citizen parked their recreational vehicle for a night or two prior to a trip. Ms. Sparks stated that if Staff did not receive any type of notification, a Code Enforcement Officer will issue a violation in which that person would have 72 hours to comply. Mr. Poole suggested that this could be handled more efficiently. They simply could knock on the door to save themselves the time processing the paperwork, or if it's going to be gone within 72 hours and will not be an offence, we don't need to pass a law about it.

Chairman Mears asked how the community will be made aware to notify Staff if a recreational vehicle will be stored for a short term (less than 72 hours). Ms. Byington stated that it may make more sense to write it directly into the code that after 72 hours it is a violation. Therefore, our Code Officer would investigate a complaint. If there is a recreational vehicle parked illegally, they would check it for two more days and after the third day, they would issue the violation.

- Gravel vs. Pavement
 - The initial change within the zoning amendment was to permit gravel in the rear yard, 3' from side or rear property line. Planning Commission voted to approve this zoning amendment, but City Commission received several concerns from the public.

- Concerns were expressed regarding weeds and the degradation of the gravel over a period of time

Chairman Mears stated that there were comments in the newspaper suggesting that pervious pavements are better for runoff going into the ground instead of the sewers. In his opinion, gravel or crushed stone would accomplish this. But there need to be regulations as to how to keep the weeds out without a lot of chemicals.

Sue Daugherty, 1016 Third Street appreciates that there was a work session scheduled for this topic. She stated that there are pro and con arguments to this topic of discussion. She feels that what's being missed is what kind of city do we want to become? If we want to be a city that allows for accommodations for extra vehicles, utility vehicles, trailers, etc, then we need to specify that. If we want to become a city with a charming appearance which would make one think "wow, I would like to live here". Until we decide what kind of city we want to become, we will be making ordinances around everybody's arguments of why they think their way is correct.

Ms. Daugherty continued saying that she would be opposed to the 3' setback. She stated that in some neighborhoods, the houses are very close together. She had lived in a residence where her neighbor stored a boat, set back from the front, in the side yard and probably 3' between her property and the boat. This was right out of her bedroom window. She stated that she tried to rent this house and nobody wanted it due to the boat right next door. She also stated that she is opposed to the gravel. In her opinion, if you can afford a recreational vehicle, she would hope that you can afford to store it properly. She is not opposed to screening with landscaping.

Mark Norman, 1016 Third Street is looking at the topic from an investment standpoint. How you neighbor treats their property affects your property value. Going forward, he hopes that the vision is that people are willing to invest in Sandusky and that the City protects their investment.

Barry Keegan, 1215 Fifth Street stated that he parks his recreational vehicle in his back yard and that you cannot see anything. He feels that Sandusky is a vacation town where people come to the lake, they come to Cedar Point. They bring their recreational vehicles here to be used. We need to be RV and boat friendly since so many people travel to use these things in our community. He also stated that there are houses and structures that look much worse than a boat or trailer parked in a yard. Plus, the boats and RV's are temporary, they can be moved. He debated Ms. Daugherty's statement that if you can afford an RV, you can afford concrete to store it on. He bought his RV following an accident that he was in. He had a lot of medical bills to pay off and his doctor recommended he get away from this climate in the winter. He is unable to work anymore so he is on a fixed income. He also stated that gravel is a better solution because if that resident should move or get rid of their recreational vehicle, there would not be a permanent concrete slab to take care of.

Joe Smith, 5003 Venice Rd stated that his mother owns a property in the Cold Creek area. He stated that since he can remember, this area was gravel and stored boats. His mother received a letter from Code Enforcement stating that her boat cannot be stored on gravel. He claimed that this property is a commercial property and the boat is a commercial boat so he doesn't understand why she received the violation.

Tim Stookey, 1307 Fifth Street stated that in his prior employment as a postal carrier, he has seen just about everything. He feels that he should have the freedom to do whatever he chooses on his property. He claims that the laws are not enforced now so why should we write new laws. He submitted a letter to Staff and the Commission. Within the letter, he addressed the fact that if a regulation was in place regarding an accessory structure meeting 30%, most people within the City would not be able to do anything. All they have is their side yard. A house that has an unattached garage in the back does not have any room left in the back yard, only the side yard. The lots in this area are too small for what the City is asking. He also addressed the topic of putting pavement in to park the recreational vehicles on. That causes water run into neighbor's yards and there are potential flood situation. Who would get sued if someone's basement flooded due to excessive water run off?

Sandy Keegan, 1213 Fifth Street stated that some families have to move in together for a number of given reasons. If there are four adults living at one house, will there be limits on how many vehicles can be parked on that residence.

Mr. Poole stated that what this discussion is about is only recreational vehicles. The discussion is not regarding cars in driveways.

Mr. Zuillhof stated that he is going to use this work session to listen to all of the comments and concerns. He asked if the Commission Liaison would share what thoughts City Commission had for this topic and what they could stand behind.

Mr. Poole stated that he is only one City Commissioner and he would be happy to share his thoughts. Commissioner Lockhart and Commissioner Lloyd are in the audience and they are welcome to share their thoughts as well.

Mr. Poole feels that recreational vehicles contribute to quality of life. He believes that there do need to be regulations of some sort on the parking of recreational vehicles. He also stated that how many or how much space you take will have to be discussed. The choice will be which one has minimal impact. He stated that if no limits are set, you may have people using their residence as storage only and may appear to look like a junkyard.

The setback in the picture presented by Ms. Daugherty shows that the setback limit needs to be greater than 3'. If you don't have enough room to store your recreational vehicles, you need to get storage. He is beginning to believe that parking will need to be allowed within the side yard, with limitations. But he will need more information.

He continued to say that he believes that the storage of these vehicles needs to be the occupant of the residence. Licensed, operable and in working order is necessary.

His view of gravel vs pavement is that he is in favor of gravel. Concrete is expensive, and gravel can look nice if done right and it is maintained. There is no right answer to this. He is still looking at all of the facts on all of the topics.

If concrete is the answer, people within the same neighborhoods could work together with the contractor and possibly receive a discounted rate.

Commissioner Lloyd, 316 E. Water Street stated that she is nervous about the gravel and would prefer concrete. She would support the 30% rules. She would like to see more options on the side yard regulations. She stated that the size of the vehicle and how much view is it blocking.

Commissioner Lockhart stated that he appreciates everyone's perspective and that he is still in the review process. He would like to hear more input. His view of gravel vs concrete is that whatever is decided needs to be orderly and neat. Limiting the number of vehicles could be tricky, using the example of having 2 Jet Ski's on a trailer would be considered 3 recreational vehicles. He would like to hear more input before he makes any decision.

Chairman Mears stated that one of his concerns with allowing storage within the side yard is safety. He would like input from the Fire Department.

Mr. Poole asked what the current regulations for recreational vehicles in a side yard are. Ms. Sparks stated that if the recreational vehicle is parked in the side yard, it has to be behind the front plane of the home, on a paved surface and 3' from the adjoining property. Setbacks and screening are in consideration, reminding everyone that fences within a side yard have a maximum height of 4'. Landscaping screening may be the better option.

Mr. Zuilhof stated that a solution to the setback issue is that setback requirements fit for long term storage of vehicles. A smaller lot may not be appropriate for a standard setback that would be appropriate for a larger lot.

Larry Knauer, 304 E. Adams Street stated that the decision should be made based on what we want for the community long term and suggested gravel as the primary source to accommodate drainage issues.

Chairman Mears opened discussion for the regulations regarding chickens in residential neighborhoods.

Ms. Sparks stated that the Division of Code Enforcement have received complaints on Remington Ave and River Ave regarding chickens within a residential area. Our current definition of Animal per section 505.01(g) of the Codified Ordinances permits chickens. If we continue to allow chickens in residential areas, some concerns to take into consideration are:

- Public Health
- Waste Management
- Noise
- Odor

If it is decided to not allow chickens, the definition of Animal would have to be altered to not include chickens. Staff suggested that if changing the definition of Animal, to rule out roosters as well.

In a previous work session, Planning Commission discussed breaking down the definition of Animal in the following possible categories:

- Animal, Livestock: Llamas, alpacas, cattle, swine, chickens, etc.

- Animal, Exotic: Non-human primates, poisonous reptiles, alligators, crocodiles, snakes over six feet in length, etc.
- Animal, Domestic: Cats, dogs, birds, rabbits, etc.
- Permitting animal, livestock through a conditional use process

Considerations:

- Number of chickens: 8 or fewer or number based on density of neighborhood:
 - Smaller than .5 acre – Max 2
 - .5 acre to less than 1 acre – Max 4
 - 1.0 acres to less than 5 acres – Max of 8
- No roosters
- Location/Setbacks: Understanding impacts to surrounding properties a 10' setback with a fence or landscaped screening 6' in height
- Maximum lot coverage: Staff would recommend considering a maximum of 30% of the rear yard. This would include accessory structures

Coop & Pen Area

- Coop and pen area to be a maximum of 224 square feet
- Chicken Coop: A structure for sheltering chickens
- Chicken Pen: Enclosure connected or surrounding a coop for the purpose of allowing chickens to leave coop while remaining enclosed

Considerations:

- Coop requirements: Located in rear yard no less than ten feet from property line with a fence or landscaping as screening
- Maximum area of coop be 24 square feet – minimum of 3 square foot per chicken
- Maximum coop height: Typically 6' high
- Maximum area for pen to be 200 square feet – maximum of 25 square foot per chicken
- Recommendation by Staff to remain under 200 square feet. Anything over would require a building permit
- Coop & pen considered accessory structure – maximum lot coverage of 30%

Architectural Standards:

- Accessory buildings shall be constructed of wood, vinyl or composite wood materials. Coops shall also be constructed to be sturdy and well maintained

Considerations:

- Raising for personal use: No commercial selling of the eggs or chickens permitted within residential areas
- Nuisance standards: Feed shall be in a sealed container and manure from chickens must be in an enclosed backyard composter

Joe Smith, 5003 Venice Rd lives on an approximately 1 acre lot. 15 years ago, his daughter wanted to raise chickens. At one point, she had 21 chickens and sold the eggs. Currently, they have 7 chickens in a 48 square foot coop. There is a 4' high fenced area for a pen. He stated

that according to the proposed requirements, he would be in violation. He added that his neighbor is in clear view of his coop and pen and has never had a complaint.

Ms. Sparks stated that the Commission may want to consider coop and run size according to lot sizes. What may be appropriate for a larger lot may not be appropriate for a smaller lot.

Lis Smith, 5003 Venice Rd stated that she feels the proposed regulations does not leave enough room. She added that what she has set up is movable to keep the chickens in fresh area and they won't destroy the ground.

Ms. Sparks asked Ms. Smith if she feels that 25 square feet run area per chicken would be an appropriate area. Ms. Smith stated that she feels the more room, the better for the chickens to run.

Chairman Mears asked if the family lets the weeds grow for the chickens, since they attract bugs, etc. Ms. Smith stated that if they did, they could receive a nuisance violation for the high weeds.

Mr. Keegan stated that although he does not have any chickens, he feels that at ½ acre having 2 chickens would not be able to feed a family.

Ali Thompson, 4306 Venice Rd stated that her lot size is approximately 1 acre and stated that she would also be in violation of any of the proposed regulations. She added that she did research the code prior to getting the chickens. However, looking at the list of proposed changes, she finds that the public health & waste management are already addressed in the code. As for the noise, she claimed that the dogs in the neighborhood bark far more than her rooster's crow. She does understand the proposal to ban roosters from neighborhoods where the lots are small and the neighbors are within close proximity. There is an ordinance that states that if there is a strong odor on your property, the City could issue a violation. She has never been issued a violation for order and if you have something too small for the chickens, you will get more odor as the feces will build up. The chickens need to have more room for the feces to properly compost on its own. She does not understand regulating egg sales any further than the state already does.

Greg Lockhart, 222 Meigs St feels that if you have the space to have chickens, you should have a healthy farm of chickens. Chickens do not have a long span of laying eggs. Also, people are more health conscious of organic foods. If selling eggs off of your property, they should follow the county and state agencies. He suggested that we form an advisory board to include chicken farmers and staff to come to a better conclusion. As a general rule going forward, we should always take into consideration our neighbors.

Nikki Lloyd, 222 Meigs St stated that this topic, along with the recreational vehicles is being considerate to your neighbor. Clean, well-built structures look nice and would probably not get any complaints from neighbors.

Mr. Miller shared the views of a friend that could not stay at the meeting. This person recommended Mr. Miller to the OSU Extension office at the County Building and Mr. Miller was

provided a document titled "How Much Space Do My Chickens Need?" This document lists the needs of:

- Heavy Breeds
- Light Breeds
- Bantams

It also talks about coop and run areas. If the chickens are confined, they require twice as much room if they don't have a run area.

Mr. Miller added that having only 2 chickens would be likely to fail due to them trying to both establish dominance. Having 3 or more chickens, one will be a leader and the others will find their place. Chickens do not have a long life, so in order to keep a certain number of chickens for the eggs, you need to keep bringing more in. Self-sufficiency is the wave of the future and it should not be regulated as to who can eat the eggs.

Mr. Zuilhof stated that the major concern for our zoning code is to address health, safety and neighbor's rights.

Mr. Poole asked if the people that spoke on the regulations would be interested in speaking more with Staff prior to the next meeting on the topic. He added that the obligation of the Planning Commission is to make sure the regulations within the zoning code does not create a problem for the neighbors.

Mr. Zuilhof stated that when trying to come to these agreements, nobody should expect to have their way. But everyone should have the opportunity to be heard and considered.

Ms. Sparks stated that prior to the next work session, Staff will be in contact with the residents and come up with recommendations to present to the Commission.

With no further business, Mr. McGory moved to adjourn. Mr. Poole seconded the motion. The meeting was adjourned at 6:45 PM.

APPROVED:

Debi Eversole, Clerk

John Mears, Chairman