

REGULAR MEETING of The Conneaut Planning Commission – October 26, 2021 at 6:00PM in Council Chambers

Meeting called to order at 6:00PM.

ROLL CALL

Present 5 – Rebecca Gaugh, Diana Spencer, Mindy Notte, Jennifer Simpson and Jan Church

Also present were Jennifer McConnell – City of Conneaut Zoning Inspector, Kyle Smith – City of Conneaut Law Director, Laura Studevaut – City of Conneaut Environmental Health Director and Steven Lee – City of Conneaut Fire Chief

APPROVAL OF MEETING MINUTES – Ms. Gaugh asked if everyone had read the minutes for September 2021 and found any corrections that are needed. Motion to approve was made and seconded. Roll was called and motion carried.

NEW BUSINESS: NONE

OLD BUSINESS: B&B; FARM ANIMALS

Ms. Gaugh started the meeting by introductions of the guests. Then asked if anyone has any questions before they began. Ms. Studevaut asked for the board to give her a bit of background of the agenda.

Ms. Notte explained how 20 years of discussions have been attempted to create language for short term rentals and B&B's. About two years ago the group made another attempt. Overall goal 1) allow homeowners to use their property in that way 2) do it in a way that protects the neighborhoods too. Being able to find that balance. She further explained that how it relates specifically to the health department, the lingering open discussion that the board was having relates to differentiating short term rentals from bed and breakfasts. What was identified as the one key difference was the food. Bed and Breakfasts usually serve food and would need to be regulated by the health department. Short term rentals don't prepare foods by the owner. So, the board was looking to get the HD's input on the food part of the ordinance. Ms. Studevaut stated that as long as it's under 6 bedrooms, the property is exempt from the health regulations, and as long as they stick to breakfast, they don't have to get a food license. Ms. Notte stated that the draft ordinance definition says five and under because anything over would go into hotel regulations. The health department would not need to be involved in the process since the state already exempts the breakfast part. If they get into other meals, then there are additional regulations.

Ms. Notte then focused the attention to Chief Lee and the inspection process and the annual inspections for short term rental businesses to make sure they are safe and abiding by fire regulations. Chief Lee asked how many yearly inspections the board thought there would be. Ms. Notte replied that there were about 3 B&B's and when she did her research there were about 20 short term rentals. Chief Lee explained that this is something that is kind of an odd ball issue

because it's covered under the residential code because it is 3 or less units within a building. Chief further stated that they can inspect just about anywhere, but four or more units is what the fire code applies to in regards to their inspections. The inspections would make sure the establishment had things like smoke detectors and fire extinguishers, means of egress where it should be. Chief Lee said he could set up some criteria for the inspections. He doesn't feel that 20 would be too much for the department to handle annually.

Kyle Smith entered the meeting and was briefly brought up to speed on what was discussed already.

Ms. Notte brought up the 3 or less in a building and asked Chief Lee to confirm that he could still inspect. Chief Lee replied that this is actually under the residential state code and is out of their purview. Ms. Gaugh asked if this would then be zoning's responsibility. Ms. Notte replied that Chief Lee said it was state code. Ms. Notte said that it would be good if we can get clarity on this. Ms. Gaugh agreed and stated that part of the ordinance says that there has to be inspections. Ms. Notte said that was fine, if the state takes care of the inspections, that's fine, it doesn't matter who does it, just that it gets done. But that it's still important to outline what is required for those home owners that potentially want to make a short-term rental. Ms. Gaugh stated that there needs to be a checklist that is handed to them outlining the requirements we expect, etc. if they want to open this type of business. Ms. Spencer asked if Chief Lee had any recommendations about what should be on the checklist. Ms. Notte asked Chief Lee if this was something he could put together. Chief Lee said yes that a checklist is definitely something they could put together. Ms. Notte gave a brief synopsis stating that we need to have more clarity on the criteria as well as who will do the inspections. There was some discussion as to when a person registers on AIRBNB or other short term rental platforms, if there is a category for how many will be staying on the property. Mr. Smith commented that he wasn't sure that the State code regulated the amount of people in conjunction with the inspection. He also mentioned that instead of making a list, the fire department should just do an inspection and tell them what needs addressed and give them a couple weeks to get in compliance. Ms. Gaugh asked Chief Lee if that is what they do at the schools, where they go in and then give back a list of what needs to be done. Chief Lee said yes and listed some of the items they generally look for in a school. Chief Lee then brought up what the City of Geneva does with their residential fire inspections. He mentioned that he was going to procure information about what they do as well as some other departments. Mr. Smith said that he doesn't recommend giving the owners a checklist etc. Just have the fire department come in and inspect and let them know if they have violations under the state code and give them a time period to come into compliance. He reiterated that we intend to keep the process simple. If we create lists then we need to update lists, checking address books etc. We start adding a lot of layers to this when we need to be focusing on the people being compliant with the fire code and being safe. Ms. Gaugh agreed and said we need to determine who is doing what in regards to inspections and have that written in stone.

Ms. Notte then mentioned one more item in this regard that she wished to discuss, if there are homeowners that are found in violation of the conditional use permit, we would revoke the permit until the violation is fixed. So, the board will write it up that the permit can be revoked if they

don't bring their establishment into compliance. Mr. Smith agreed with that. Ms. Notte also brought up that parking needs addressed for the B&B's but that the board can discuss this later.

Chief Lee was thanked for attending and left the meeting.

Ms. Notte had Ms. Studevart paraphrase what was discussed from the Health Department for Mr. Smith's benefit. Ms. Notte also asked if we should update our language for the number of units (4) because it may be a little out of date since the HD regulations defined B&B standards based on 6 or less. Mr. Smith mentioned that right now the Health Department is not involved. Ms. Notte replied yes, however in August it was mentioned whether or not they needed to be involved. So, we invited them to validate if they needed to be involved or not. Ms. Notte further stated that the board would not have to change or add any language then. Mr. Smith agreed. Ms. Notte then mentioned the parking issues too. Ms. Gaugh asked if there was an ordinance stating you can't park on a front lawn. Mr. Smith said yes. Ms. Simpson asked if there were any other guidelines that we have access to, anything required by the state? Ms. Notte said that the goal is to make sure there isn't so many cars that it disrupts the neighborhood. But with the smaller lots in the city there are not many other options besides the on-street parking. Ms. Notte asked if this is something we should just deal with as the issues come up because of the small lot problems. Ms. Gaugh said it would be more of a complaint driven thing from neighbors. Ms. Spencer mentioned if it's four rooms or less than it should be a maximum of 4 cars with some off-street parking. Ms. Notte brought up some of the examples that the city currently has like Grampa's Castle that has plenty of parking at their facility. But, they don't have any street parking. Also, Centennial has plenty of off-street parking as well as on street parking there.

Ms. Notte said that she would update Tammy Ledford on the Utilities Commission. Ms. Gaugh asked if the board felt that they were ready to pass this through to City Council. Ms. Notte said we don't need to add anything from the Health Department and also won't need to add anything in regards to the inspection either, but may need to check on the inspection aspect.

Ms. Gaugh moved on to the Farm Animals Draft Ordinance. Ms. Gaugh gave the floor to the Ms. Studevart. Ms. Studevart said that she was happy to see that the ordinance calls for a limited number so that there is some control since there has been problems in the past. She further stated that she has only been here for two years and has seen two instances of rodent problems due to fowl living in people's yards. Ms. Gaugh said the only thing she saw was that it said that you couldn't have roosters in any area. She stated that she questions this since there are Agricultural Districts within the city. Ms. Gaugh then asked the board: Should we or do we want to exclude roosters from the agricultural areas? The consensus was that roosters should not be excluded from the agricultural area. Ms. Simpson said that since there are agricultural rights within the city limits, we are walking a tightrope of not allowing people to use their own property how they want while keeping things from getting out of control. Ms. Studevart also mentioned that the nuisance noise from roosters can be great, so we would need to make sure that we don't permit it where they can cause nuisance. The board mentioned that the Agricultural District parcels are very large and the language is already in there that they would not be allowed in the more residential areas.

Mr. Smith directed everyone to the bottom of page 6 section e where it says that “no person, business, entity or firm, shall own, harbor or keep a rooster within any district” and said that he can insert residential or business district. The board was in agreement with that.

Ms. Simpson brought up that it had been mentioned by Molly Turnes at a previous meeting that Zoning gets questions about other animals, like horses, rabbits, ducks, etc. Ms. Simpson asked if the board should make it not just Fowl but change it to a broader term to encompass other animals too. Ms. Gaugh stated that you have to have at least 5 acres to have a large animal according to our city ordinance. Ms. Simpson stated that she believed that the example Molly Turnes brought up was in the Amboy route 20 area. Ms. Gaugh agreed and mentioned that she has someone around the corner from her that has horses because the property sits on 40 acres. She further stated, that Conneaut is an agricultural city and if you have more than 5 acres you can have farm animals. Ms. Simpson said that she thought the person in the example was in an area that didn't allow that. She asked if the ordinance is written that if you have 5 or more acres in any area you can have farm animals. Ms. Notte said in the conditional use section of the draft it is written that it's with 5 plus acres. Ms. Gaugh said she thinks whomever was complaining didn't want them to be able to have them at all, but we can't do that. It was also mentioned that farm animals are defined in the definitions section to include the other animals mentioned.

Ms. Gaugh asked if everyone looked over all the conditional use changes and if anyone had any questions. The board agreed that this too was ready to give to Council to look at.

Mr. Smith explained the process going forward to present it to council.

The draft ordinances will go to Council for a 1st reading and then it will be tabled. It will come back to Planning Commission for a formal vote to modify or approve. Then it goes back to Council for a public hearing. If it passes it will go into effect in 30 days.

Motion to adjourn was made by Mindy Notte and seconded by Jan Church.

Time Meeting adjourned. 6:44 pm

Rebecca Gaugh – Chair

Jennifer Simpson – Secretary