

REGULAR MEETING of The Conneaut Planning Commission – June 22, 2021 at 6:00PM in Council Chambers

Meeting called to order at 6:03 PM.

ROLL CALL

Absent 2 – Jared Ankrom - excused

Present 4 – Rebecca Gaugh, Diana Spencer, Mindy Notte, Jennifer Simpson

Also present were Melanie Shubitowski- Zoning Inspector & Board Clerk, Kyle Smith- City of Conneaut Law Director and Molly Turnes – City of Conneaut Planning and Zoning Manager.

APPROVAL OF MEETING MINUTES – Ms. Gaugh asked if all had a chance to read the minutes from the May 2021 Planning Commission meeting and if there were any corrections. Motion to approve the May minutes was made by Ms. Simpson and was seconded by Mrs. Spencer. Melanie Shubitowski called roll and all members present accepted the approval of the May minutes.

Ms. Gaugh began by introducing Jennifer Simpson, the new member of the Planning Commission. Ms. Gaugh also announced that New Business would be considered first.

NEW BUSINESS: NONE

OLD BUSINESS

HOME OCCUPATION

Ms. Gaugh started off old business with discussing the DRAFT ordinance for Home Occupation. She asked if anyone had any questions. Ms. Gaugh stated that she was looking over the draft ordinance and was ok with what she read but had issue with Section 1133.02 C (1) where it reads “No employment of help other than the members of the resident family and one nonmember.” She gave the example of someone she knows with an insurance business and she asked this person about number of employees. The business owner explained that sometimes she adds a secretary when they get really busy. Ms. Gaugh stated that this would put 2 nonmembers. Wants to know if wording could be added for exemption for service type businesses. She made the comparison of a doctor’s office or dentist that has several staff members. Ms. Gaugh proposed to change it to where there can be more than one nonmember.

Ms. Notte asked if the purpose to have a limited number of employees is to control the amount of parking and flow in and out of a residential home and questioning why it would be limited in the first place. Mr. Smith commented that he feels you are looking at residential districts and if you have 2-3 employees coming in and out, you begin to look like a business district. And we are wanting to protect our residential districts. Ms. Gaugh asked if we could at least make it 2. Mr. Smith said that they could make it whatever they want to.

Ms. Turnes explained that this is existing language that is already in home occupations and that Ms. Gaugh mentioned a dentist office, which would not fit under a home occupation. Ms. Turnes explained that a home occupation is different. She gave an example of a homeowner who went before the ZBA to be able to be permitted to bake and sell homemade dog treats out of her home. She runs a business out of her home. It's two different things. So we have businesses that are ran out of a residential structure, like Ms. Simpson's business. That would not fall under home occupation.

Ms. Gaugh asked about if someone had an insurance business where they have a portion of their home set aside to run their business. Ms. Spencer said that she doesn't understand why number one in this section needs to be in the ordinance and that it should just be taken out. Ms. Shubitowski mentioned that you could run into parking issues.

Ms. Notte stated that she felt the ordinance is that the main purpose of the home is a home and that this is a secondary use of it. Will the flow of people going in and out impact the neighborhood in a negative way? Ms. Shubitowski mentioned that a permit would have to be granted by the ZBA.

Ms. Spencer asked Ms. Turnes if a home occupation is a conditional use. Ms. Turnes said that no it is not. Ms. Spencer asked, so that means it can be in any district in the city? Ms. Turnes replied, yes as it is written right now. Ms. Turnes explained that any time someone wants to have a business out of their house they have to go before the BZA to have it granted. This can cause delays. The intent of the amendment is to make it so that the Planning and Zoning office can grant some of these permits without potential businesses owners having to go to the BZA first. Ms. Notte said that anything that makes it easier to open a reputable business, she is for. She has heard outside of Conneaut, people who try to start small businesses run into a lot of red tape. The simpler a process the better as long as we are protecting the neighborhoods.

Ms. Gaugh asked if they needed to have more than one employee could they bring that up at the time of their hearing? Ms. Spencer asked if she meant could that be a variance. She also suggested maybe change it from 1 additional person to 2 and then if they needed more than two nonmembers they could get a variance. Ms. Simpson said that she is fine with that and would be ok with up to 3. Ms. Notte said that 2 works for her. Ms. Gaugh then asked where do daycares fall into this? Ms. Shubitowski explained that daycares are conditional uses in some districts. She showed her the R3 district conditional uses and stated that it would also fall under home occupation if they run it out of their home and would have to go before the BZA for both aspects.

Mr. Smith then addressed the language under Home Occupation: "the following criteria should be considered". He stated that it should be changed to "home occupation permits shall comply with the following" and not just be a consideration. All present board members were in agreement with his change.

FOWL ORDINANCE

Mr. Smith then addresses the DRAFT ordinance for governing owning of poultry or fowl. He explains that this has limit of 6 birds, no roosters and within any district. If you want more than 6 fowl, it would be a conditional use. Mr. Smith directs the board to look at the DRAFT ordinance

for Section 1137.07 on conditional uses and discusses the provision on page 5 for poultry and fowl. He highlights that you would need a conditional use permit for any more than 6 birds and certain space requirements for distances to property lines, as well as no offensive noises, sights or sounds are permitted. Ms. Shubitowski asked Mr. Smith how those things are determined because they are kind of subjective. Mr. Smith made mention of noise ordinances as well as complaints from neighbors about smells from houses. He also mentioned the option of making it where the amount of fowl over 6 can be based off of the acreage. Ms. Gaugh stated that she would like to see that in the ordinance that you need more property to have more than 6 birds.

Ms. Simpson stated that this is one of the reasons she wanted on the planning commission, to help protect people's rights to do some sort of self-sufficient food raising. She brought out the fact that in the draft ordinance it already says that per chicken you have to have so much space of run and also be 5ft from neighbor's property. Ms. Simpson asked if there was a way that we could make that scalable. If your property can accommodate more, you could have a greater amount. Ms. Spencer stated that she feels this is covered in the conditional use section 5c where it states if you want more it can be a conditional use. Ms. Turnes mentioned that the 5 feet from the lot lines is in reference to the enclosures which follows the ordinance for any accessory structure. She further stated if you want more chickens you could always appeal to the board.

Ms. Notte stated that she likes this because she feels the 6 is generous for the threshold we've set and if someone wants more its reviewed on a case by case basis and we aren't infringing on them to be able to use their land to provide for themselves if they have the appropriate space while not negatively affecting neighbors. Ms. Spencer commented that this doesn't affect people in an Agricultural district. Ms. Simpson commented that that is true, however many on the west side live on acres and acres but are still held to the same permitted uses as those living downtown. Ms. Gaugh asked Ms. Simpson to look at the draft ordinance as if she were herself acquiring chickens. Would this meet her needs? Ms. Simpson stated that she would probably want more but she also lives on 6 acres and has a lot of space. But she is fine with this if the option to get a variance to acquire more chickens according to the amount of land you have is an option.

Mr. Smith explained that this isn't a variance, it's a conditional use. So what you're looking at is creating a set of circumstances to decide if you can have more chickens according to the criteria. Then the board can decide if you can have more based off the criteria. It would be like a slidable scale but dependent on things like proximity of neighbors, size of the property. Ms. Notte commented that she felt the slidable scale is exactly what the ZBA would use to consider the conditional use permit.

CONDITIONAL USES

Ms. Gaugh asked Mr. Smith if there was anything else that needed covered with this. Mr. Smith proceeded to go over other portions of the conditional use section that has been revamped. There are amended sections on B&B's, outdoor year round boar storage, etc. He suggested maybe take some of those things out for right now. Ms. Gaugh asked if anyone had any questions. Ms. Spencer said she had a couple in regards to the outdoor temporary boat storage. One question was about section 3 of 1137.07 possibly being deleted. Mr. Smith explained that this is existing language and

he doesn't feel it benefits anything but if the board wants to keep it in there, they can. Ms. Gaugh asked if there are any complaints about outdoor boat storage at all? Mr. Smith explained that one of the main complaints received are the boats stored down at the harbor by the Moose. He suggested that they just go over the section 1137 DRAFT ordinance from the beginning. Page 4 is recommending to delete temporary outdoor storage and replacing it with temporary outdoor boat storage. Ms. Gaugh asked if this section was taken out, and two years down the road we have issues, could it be added back?

Mr. Smith suggested looking at it in regards to what temporary means here. He also commented that it's not uncommon to see boats covered and stored during the winter usually from October through May. Sometimes, due to circumstances, you may see a boat sitting there for a year or two or longer. Is this something that we want to address right now? It will open up a can of worms. If you look around the county you will see boat storage and often times they sit there.

Ms. Notte asked when there are complaints, what are they concerned of mostly? An eye sore or not maintaining the ground around it or a combination of those. Ms. Shubitowski explained that usually it's because it's an eye sore or someone parking their boat in the front yard. Mr. Smith and Ms. Shubitowski both said there isn't much that we can do about it especially with it being in a section on conditional uses. It was also mentioned the similar issue we have had with a person parking an RV on Bloor Street in the grass that also falls outside of a conditional use permit. So, should the prohibitions be under conditional use or in their own separate section of the zoning code saying you don't store boats and such in your front yard? Ms. Notte proposed to take it out of conditional uses for right now and put it on the agenda later. Ms. Gaugh agreed. Mr. Smith suggested to delete it from the DRAFT ordinance for conditional uses. And then later find a place to plug it in that is more suitable as well as section 3 on Non Residential Building Uses. Ms. Gaugh said she agreed as well as the other present board members.

BED & BREAKFAST / SHORT TERM RENTALS –

Ms. Spencer next addressed Section 4 on B&B's and Short Term Rentals, stating she felt we decided at the last meeting to remove part A where it says not to rent more than 30 days because it really didn't matter because if it was more than 30 days it just became a regular rental. She asked if this is what Mr. Ankrom was talking about with the insurance fire damage rentals. Ms. Notte spoke up and to clarify that her email for the last meeting on short term rentals was not about the time period itself, but more so about the way it was written. That it needed to be written more clearly. Ms. Notte stated that this is more for tourism and recreational related uses and not short term residential. It's targeted for more tourism housing. Ms. Turnes commented that as Mr. Smith had mentioned, this is just parameters and definitions for actual short term rentals. If you rent for 6 weeks and you're over that 30 days, then that is not considered a short term rental. So the short term rentals will have their parameters but you can still use that property outside of those parameters. At that time, it's not considered a short term rental. But to have a short term rental you would have to be permitted within those parameters. Mr. Smith mentioned that he is trying to remember why this ordinance was added to Geneva On the Lake. He said it was possible that it was because after 30 days you would need rental inspections. The rental inspection program

requires an inspection for any property rented longer than 30 days. Mr. Smith said that he will look into the reason behind it.

Ms. Gaugh brought up parking at B&B's and short term rentals. She mentioned that she feels like the city isn't enforcing the parking regulations for B&B's. Ms. Gaugh mentioned at one location there were cars in the driveway and on the front lawn. How do we fix it? Mr. Smith mentioned that that is what we are doing now. The past couple years the city has been working on off street parking and by requiring the B&Bs to have off street parking it is consistent with what the city is trying to do. Mr. Smith mentioned that we haven't received any complaints about off street parking. He mentioned that this is separate but yet somewhat comparable with the parking regulations we have now. If you change use or the structure of a building the off street parking regulation comes into play. Ms. Shubitowski mentioned that the majority of these rentals happen on the weekend which leaves the only enforcement body as the police force. Ms. Notte asked if Ms. Gaugh was referring to a short term rental and not a B&B. She mentioned that that could be possible, that it wasn't a B&B. Ms. Notte stated that she feels that house can sleep approx. 12 people and you have the potential to have several cars if 6 couples rent it. Ms. Simpson asked if any of this in this section applies to Airbnb. Ms. Notte said yes. That it basically is divided into two categories. One is B&B, anything with 5 rooms or below that has food offered, breakfast in the morning. Then short term rentals are where there isn't food offered and you can rent out a house or a room out of a home, etc.

Mr. Smith told the board he would have 2 sets of ordinances. One that is marked up and also a clean copy, with all these changes. Ms. Gaugh stated that it's starting to get a bit confusing. Mr. Smith said that we will try to keep it simple. Ms. Notte asked if there was anything else that Ms. Gaugh was wanting to discuss with B&B and Short Term rentals. Ms. Gaugh said that the board has looked at everything that is in the conditional use draft ordinance and it looks like everything has been covered. Mr. Smith commented that it would be much easier to read once the board receives a clean copy. Mr. Smith made a few last comments on public meetings going back to in person for board members. Meeting adjourned.

Time Meeting adjourned. 7:07 PM

Rebecca Gaugh – Chair

Nicholas Brent- Clerk