

**REGULAR MEETING** of The Conneaut Planning Commission – August 24, 2021 at 6:00PM in Council Chambers

Meeting called to order at 5:30PM.

**ROLL CALL**

Present 5 – Rebecca Gaugh, Diana Spencer, Mindy Notte

Absent 1 – Jerad Ankrom and Jennifer Simpson

Also present were Molly Turnes – City of Conneaut Planning and Zoning Manager, Kyle Smith – City of Conneaut Law Director and Rick Gaugh – Conneaut City Council Member

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

**NEW BUSINESS: NONE**

**OLD BUSINESS:**

Ms. Gaugh started the meeting by mentioning that she didn't find anything that she didn't agree with the exception of is there such a thing as grandfathering? Ms. Gaugh said she doesn't want someone to not have to be in compliance because they've had chickens for 10 years. Mr. Smith explained that would be considered non-conforming use and they could continue to have their chickens. Ms. Gaugh asked if we would be able to go back and inspect all the B&B's to make sure they are in compliance and safe. Mr. Smith said yes we would.

**B&B's & Short Term Rentals**

Mr. Smith started the B&B discussion mentioning that it's been at least two months since the board discussed B&B's. He mentioned that he thinks there are conceptual issues with the B&B ordinance that we need to consider and address. The first issue is making a distinction of the definitions between B&B and Short Term Rental, and that's the only distinction there is. He directed the board to look at page 5 of the Draft Ord. where we really don't distinguish between the two. The regulations are basically the same. Ms. Notte mentioned that the only difference that she saw was that B&B's are to supply a meal and that previously it needed to be owner occupied. It was agreed upon before that it didn't need to be owner occupied if representation was nearby. So currently, the meal is the only differentiating factor. Mr. Smith explained that it's a definitional difference but not regulated. The health department doesn't need involved for continental breakfast but if it's cooked food, they will need to be notified. Mr. Smith commented that the health department language isn't in this.

Mr. Smith directed the attention back to page 5 for the specific criteria. Broad general conditions as well as specific criteria. Mr. Smith read the listed criteria. He focused on (b) signs shall not be

internally illuminated. Ms. Notte explained she included this language and meant electrically illuminated/ flashing lights. Mr. Smith suggested changing the language there. The group discussed how a small light illuminating the sign would be ok, just not an electric sign. Also the suggestion was made to regulate the amount of wattage or lumens a light can use.

Mr. Smith read (d) and highlighted the fire department would inspect annually even though the conditional use permit is not an annual permit. Mr. Smith mentioned that we need to tweak this some. He also mentioned if they are found in violation that the conditional use permit will be revoked until the violation is fixed. Ms. Notte asked if language needs to be included that says there may be an annual inspection in case there is no one available to inspect. Mr. Smith mentioned this brings up another issue and brings us back to the rental inspection program that was established few years ago. Even after 5 years we have only inspected maybe 1/3 of the rentals in Conneaut. Mr. Smith spoke about how when you have selective enforcement you are exposing yourself and taking on a risk. Ms. Gaugh asked if the fire department will be able to keep up with the inspections. Mr. Smith suggested having the Chief's come to the next planning meeting to discuss enforcement.

Mr. Smith then spoke about (e) parking for B&B's and Short term rentals. Ms. Gaugh mentioned she liked the idea of one space per bedroom however she questions if this is possible with the homes by the lake. Mr. Smith agreed that this is something to be considered because some of the streets should not have parking on them anyways. The board agreed to leave it in the ordinance and see if they receive any complaints. Many streets in the area weren't designed to accommodate on street parking. Mr. Smith wanted to clarify that aside from the definition we are treating B&B's and Short-term Rentals the same. Because of the food situation the board decided to have the Health Department attend the next meeting too. Mr. Smith also brought up how in commercial districts it's permitted and in residential it is usually conditional and wanted to make sure the board was ok with this. Ms. Notte brought up the question of how someone who wants to start a B&B would get the information to know how to do it properly. Mr. Smith said that it will have a learning curve and will have to be addressed with staffing in the zoning office. He further mentioned that Geneva on the Lake has a good program for when you purchase a house the finance office sends out a letter to the new buyer letting them know regulations for housing and zoning. He mentioned that they would certainly know more when they come in to get a permit. The zoning office could draft something up that's simple. Also, the city could put this permit on the website too.

### **Fowl Ordinance**

Mr. Smith directed to board to consider page 6 Section 3 on Farm Animals. He addressed the issue of the former driving range on W Main Rd that has 9 acres. A family inquired about purchasing and bringing their horse there. So the issue is if you have 9 acres and it wouldn't cause any problems, would you be able to have a horse there in a residential district? This is something that could apply for a conditional use permit and go before the ZBA. Mr. Smith mentioned that this is why we are discussing this because Planning and Zoning receive calls about permitting these types of animals, not just chickens. The permitting can depend on the acreage of land. Example, if it's

less than an acre it's not permitted. Ms. Gaugh mentioned that where she lives is an R1 and the minimum requirement for limited agriculture is 5 acres. Ms. Notte felt that could be a bench mark to go off of. If a 5-acre property in the R1 can have a horse, a 9-acre property should be able to also. Ms. Gaugh commented that we are an agricultural community and we can't act like we are Hudson. Ms. Notte said that if you are a property owner, you have real property rights and should be able to use that property the way you want to. She further mentioned there is a difference between a neighbor painting their house a color you don't like or have a flashing light that keeps you awake at night. We don't want to infringe on people having the right to use their property the way they want. Ms. Notte asked Ms. Turnes what type of inquiries Zoning was getting. Were there other animals besides horses? Ms. Turnes replied zoning gets inquiries about horses, pigs, goats, bunnies and fowl. Mr. Smith suggested writing in that anything less than 5 acres would require a conditional use permit. Ms. Notte suggested sliding in the animals that do not cause a nuisance like having a limited number of rabbits, chickens and goats added to the draft ordinance.

Ms. Gaugh then changed direction and wanted to address a couple other things. The first was in the conditional use section and she asked can we identify "the board" as the ZBA so the general public knows? Mr. Smith agreed. The second thing she wanted to address parking lots. She'd like to see that if anyone puts in a parking lot they need to follow some general rules like drainage. Third, Ms. Gaugh questioned if there was any determination made in enforcing dumpster enclosures for all the business or multifamily dwellings? Ms. Gaugh stated that she does not like all those trash receptacles exposed. She also said she would like to see it four sided with a locking gate. Mr. Smith said that sometimes there are prohibitions against retroactive laws and this may need to be researched. Ms. Turnes said it was placed into ordinance in 1982. Mr. Smith said we may be able to get around the retroactivity. Ms. Notte asked why would you need to have a container around the container. Ms. Gaugh replied from a visual perspective as well as to keep animals out. Ms. Gaugh further stated that she felt that they should be 4 sided and not just three. Ms. Turnes commented that the garbage haulers will pitch a fit if it's four sided with a gate. Ms. Gaugh said she didn't really care about them. Ms. Notte said she was looking at it from a cost perspective. Ms. Gaugh said that if you have a business and you can't afford to put a 3 sided enclosure around your trash container, you've got an issue. Mr. Smith mentioned that it's not a question on if we want to adopt it, because it's already adopted. The question is how retroactive it is and the Law Director's office will look into it. Ms. Gaugh mentioned that we want to clean up the city and this is one way we can start and using laws we already have.

Motion to adjourn was made by Ms. Spencer and seconded by Ms. Notte.

Time Meeting adjourned. 7:04PM

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Rebecca Gaugh – Chair

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Molly Turnes- Clerk