

**MINUTES**  
**Planning and Zoning Commission & Architectural Board of Review**  
**City of Willoughby Hills, Ohio**

**March 6, 2014**

**CALL TO ORDER 7:01 P.M**

**PRESENT:** Chairman Charlotte Schryer, Vice Chairman John Lillich, Council Representative David Fiebig, John Davis and Christopher Smith

**ABSENT:** Mayor Robert Weger and Joseph Zawatski

**ALSO PRESENT:** BZA Representative Frank Cihula and Clerk Katherine Lloyd

**MOTION:** John Lillich moved to excuse the absence of Mayor Weger and Joseph Zawatski for tonight's meeting.  
Seconded by John Davis  
Voice Vote: Ayes Unanimous  
**Motion Passes 5/0**

**Building Commissioner Fred Wyss and City Engineer Pietro DiFranco had the night off.**

**Correspondence:**

- Email dated February 13, 2013 from Building Commissioner Wyss RE: Request for review
- Memo dated February 21, 2014 from City Engineer DiFranco RE: Cross-Access Easement Code Feedback – Engineering.

**Disposition of Minutes** Meeting of February 20, 2014

(Schryer) There are a few edits which will be made in the minutes. None are substantive.

**MOTION:** Joseph Zawatski moved to approve Minutes of February 20, 2014 as presented.  
Seconded by John Davis  
Voice Vote: Ayes Unanimous  
**Motion Passes 5/0**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened at 7:06 PM**

No Public Participation

**Public Portion closed at 7:06 PM**

No Pending Projects

**PLANNING COMMISSION**

**Public Portion opened at 7:06 PM**

No Public Participation

**Public Portion closed at 7:06 PM**

No Pending Projects

## **ZONING CODE WORK SESSION**

(Schryer) We will go over all of the items that have been discussed in the last meetings and will fill you in on some updates.

### **1.) East Side of Bishop Road between Eddy Road and Chardon Road – Cross Access Connections, Curb Cuts and Easements.**

Discussion: For the last few weeks we have discussed the Sample Ordinance that was handed out 2/6/14. It was reviewed by the City Engineer. Most of his changes have been incorporated and reviewed again. Placement in Section 1137.06 (a) Offstreet Parking and Loading Regulations of the Code has been suggested by the Building Commissioner and City Engineer because these are regulations for Driveway Access in the Commercial District. Updates that came after information was prepared for the packets are highlighted below. This is a new document.

- Safety and access considerations were added to the first paragraph. Three sentences were added. We also added 'For all new mixed-use development and redevelopment in any Non-Residential Districts'.
- (d) ORDINANCE SECTION 1153.11- REGULATION FOR ACCESS DRIVES, PROPOSED NEW SUBSECTION (e) will be in red.
- (h) Changed from BZA/Council to Council because any appeal from Planning Commission decisions must go to Council.
- (i) Approval of alterations or changes to the access, easement or maintenance agreement was changed from the Building Commissioner to the Planning & Zoning Commission in conjunction with the Law Director, the Building Commissioner and the City Engineer. This was suggested by the City Engineer. Any agreement has to be approved by the Law Director.
- (g) Keeping of records will be changed to 'by Deed Restriction' rather than 'by plat'
  - Discussion: Cannot give approval before the building is built. This would be an update for someone who already has a building or plat. If someone is building something new, it should be approved by Planning Commission before a building permit is issued. A Deed Restriction must be recorded before the permit is issued. Broad language recommended because this could affect a future purchase or development of a property. The Ordinance needs to be flexible enough while all facts of a case are reviewed. It is designed for the whole city. Goal of Cross Access is flexibility in case by case critique. Need to weigh implications of Deed Restrictions in the future against the process of changing, updating and filing plats.
  - Plan: These points need to be considered and clarified by the Building Commissioner and the City Engineer. Determine what is 'flexible enough'?
- Objective width and criteria is under review and may become another number.
- The two sheets distributed tonight provide cross reference in the Code.
  - 1153.07 Location of Required Parking Spaces  
See discussion under 1153.11 below.
  - 1153.11 Regulations for Access Drives
    - Discussion: 1153.07 and 1153.11 will be located in 1153.11. Numbers in paragraphs will change because it will be directing the reader back to 1137. They were sent to the City Engineer for review.
    - Plan: City Engineer will conduct his review.

#### OVERALL PLAN for Cross Access:

- All the corrections or additions were given back to the City Engineer for additional review. Changes will be incorporated into this document after his review. These numbers may change.

- Willoughby Hills can learn from the experience of surrounding cities that have used cross-access. There needs to be a careful review of traffic patterns.

## **2.) Section 1133.11(c)(6) Materials and construction**

- Discussion: A resident suggested this zoning code update regarding electrified fences. It was not included in the 2006 Zoning Code. Per discussion, it was voted down in committee that worked on the Code.
  - Willoughby Hills does not have it in the Code now. Most cities do not have electrified fences in their code. The homeowner would have liability. Adding it into the Code could be a potential liability to the City. Removing it from a footnote would restore electrified fence to the Code.
  - People say electrified fences are safe. There are a number of electric fences in the City. The Building Commissioner has not received any complaints. There are legitimate reasons (agricultural, other) for a landowner to have electric fences.
- Plan: Ask the Law Director about liability discussion.  
Ask Building Commissioner to research comparable zoning code in other cities.

## **3.) Open Space and Recreation**

- Discussion: This is a suggestion from the Building Commissioner. He suggests that animal husbandry and other agricultural uses should be a Conditional Use and should be put back into the Code. It is not clear which District is indicated.
  - Where there was agriculture and keeping of animals before the Code was written, it was 'grandfathered in'. Once a property is sold or the practice is discontinued, the ability to have animals or agriculture is lost to that property. It is no longer in the Code.
  - There are implications for businesses.
  - There is a quota per acre in the Code. There was a 'Four Legs per Acre' philosophy developed in the past. There was an Animal Association.
  - The idea is that if people have the land and they want to keep 4-legged animals, the Code should not be 'silent' on the issue. The Code could specify that it is allowed and set limits on it.
  - During discussion of agricultural use, there were several definitions and suggestions about regulation and quotas. It helps preserve open space.
- Plan: Keep 1343 on the list for further consideration. More research needs to be done.

## **4.) Section 1133.04 (a) Setback Requirements**

This section is in R-1, so the word 'building' is being changed to 'dwelling'. This was submitted by the Building Commissioner for updating as long as other sections are being updated.

## **5.) Section 1345.01 through 1345.99 Building Numbering**

This an update. Duties have changed. The person who does mailboxes has changed from the Clerk of Council (Vicki) to the Building Commissioner (Fred). It will specify a 4" height and a 1/2" width sweep which is standard. 'Businesses' have been added to the listing of houses and dwellings.

## **6.) Overlay District**

Discussion: Before we discuss having or not having it, everyone should have a good understand of what it is, the definition, the intention or purpose, how it works, how it is achieve and how it is applied.

- The general idea is that an overlay district could attract development.
- Currently, the thinking is 'no residential' but there are residential areas which might do well with an overlay.

- Mixed Use Overlay has been discussed. An example cited were the lots behind the dentist office between Eddy Road and the freeway. The rear of the properties is in Wickliffe. Issues with previous development proposals and future planning were discussed.
- There are other areas of the City where property or parcels are in two different city jurisdictions.
- Zoning map discussed. The Lakewood Overlay District Ordinance obtained by the Building Commissioner was handed out at a previous meeting as a discussion resource. At that time, the Economic Development Steve Roszczyk was discussing overlays.
- Section 1143 Conservation Development Regulation has the overlay on R-1 and R-2. It discusses how an overlay district works. It came from the Codifier. Willoughby Hills set the parameters.

**Homework:**

- Zoning Map - Everyone on the Board should take one of the zoning maps and make notes or otherwise indicate where Overlay Districts would be appropriate if we had them in the City.
- Lakewood Ordinance – Everyone should read for discussion at next meeting.
- Economic Director will be invited back. He could suggest which areas to overlay.
- Do we need to involve a zoning planner to help with identifying overlay districts?

**Public Portion opened at 8:02 P.M.**

**John Plecnik, 2890 Bishop**

Electrified fence are analogous to a swimming pool. They could be considered an ‘attractive nuisance’. Homeowners are liable for what happens on their property. It is not a liability for the City. The City should not be liable if the homeowner chose to have a swimming pool or an electrified fence. It would be a matter of public policy.

Regarding the subject of livestock, a resident approached me on whether keeping chickens is legal. The Law Director and I checked through the statutes to see if they are legal. There used to be a statute that specifically said what someone could and could not have. It is no longer there. The Law Director’s opinion is that livestock is permissible as long as it not a nuisance. There should be specific rules if someone is to have livestock. Residents and their neighbors need to know what they are permitted. Everyone needs to know what type of land area is appropriate to what type of livestock and how much property is necessary.

**Frank Cihula, 35060 Dixon Road**

Section 1343 is commonly called the ‘animal ordinance’. It should be expanded to address more than just horses and cows. People in the City have had many other types of animals in the past (sheep, lambs, goats, llamas and alpacas).

Regarding the electric fences, a comment was made about a ‘footnote’. Electric fences have never been permitted. We have a permissive code. This would be permitting them as an exception. The City would be safe because everything else is prohibited. My proposal does have the word ‘agricultural use’. Interesting Note: In South Africa, electric fences are commonly used to keep robbers away from the property.

**Public Portion closed at 8:05 P.M.**

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**MAYOR'S REPORT**

None

**COUNCIL REPRESENTATIVE'S REPORT**

There is an Art Gallery Opening on Friday, March 7, 2014 from 7-9:00 PM.

There are Pancake Breakfasts on Sunday, March 9<sup>th</sup> and Sunday, March 16<sup>th</sup>. The hours are 8:30 AM to 1:30 PM. Hope to see everyone there.

**BUILDING COMMISSIONER'S REPORT**

None

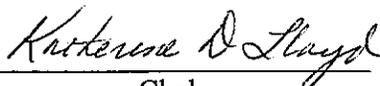
**CHAIRMAN'S REPORT**

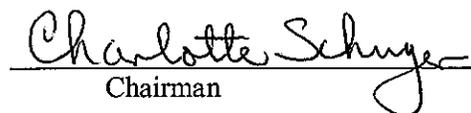
Our next (PCABR) meeting is on March 20, 2014. There will be a Public Hearing for Conditional Use for the Heritage Motorcycle Dealership at the old Sears Hardware on Bishop Road. We will also have the Public Hearing for Cross Access, Section 1133.04 Setback Requirements and Building Code 1345 House Numbering (Mailboxes). Discussion of Cross Access is far enough along for a public hearing. Reviews by the City Engineer and the Law Director will need to be completed by March 20<sup>th</sup>.

Mr. Fiebig asked whether a concurrent meeting of Council should be scheduled for a Public Hearing. He will convene a meeting of the Planning & Zoning Committee of Council on Thursday, March 13<sup>th</sup>, just prior to the regularly scheduled Council Meeting on March 13<sup>th</sup>. Council will need to make motion to schedule a Public Hearing. The Public Hearing needs to be advertised in the newspaper at least 14 days in advance.

**MOTION:** David Fiebig moved to adjourn.  
Seconded by John Lillich  
Voice Vote: Ayes Unanimous  
**Motion Passes 5/0**

**Adjourned at 8:10 P.M.**

  
Clerk

  
Chairman

Date Approved March 20, 2014