

MINUTES  
ONTARIO PLANNING COMMISSION  
AUGUST 14, 2019

The Ontario Planning Commission met in regular session on August 14, 2019, at 5:00 p.m., in the Municipal Building with Chair Susan Hellinger presiding. The following Commission members were present at roll call: Chair Susan Hellinger, Service-Safety Director Jeff Wilson, Mayor Hutchinson, Jill Knight and Mick Motley. Also, in attendance was Law Director Andrew Medwid, K.E. McCartney Engineer Mark Rufener, Zoning Inspector Adam Gongwer and Clerk of Council Cathy VanAuker.

Mrs. Hellinger presented for approval the minutes of the regular Planning Commission meeting held May 8, 2019. Mrs. Knight moved to approve the minutes as presented with a second by Mr. Motley. Four members cast their votes Aye, zero Nay, one Abstain by Mrs. Hellinger and the motion to approve the minutes passed.

Commission members discussed several items. Each topic has an informational page attached to the minutes.

**A. Streamers/Pennants**

Mr. Gongwer referred to the handout with a proposed definition (1146.02) and language to be included in the sign code (1146.03).

- The last line of the proposed code was amended:

~~Streamers~~ Pennants or ribbons on the ~~strand~~ streamer shall not exceed eighteen (18) inches in length.

- Streamers, ribbons, and pennants would be allowed in all zones to accommodate special one day events such as birthday/graduation parties or garage sales.
- Permits are not required.

Mr. Motley moved to forward the proposed code for streamers, ribbons and pennants to Council, second by Mrs. Knight. Five members cast their votes Aye, zero Nay, and the motion passed.

**B. Loading/Unloading Zones**

Mr. Gongwer said this has been a topic of discussion over the past six months and several businesses requested variances for the location of their loading/unloading zones.

- Because all requests in the past and in recent months were approved, Mr. Gongwer requested the wording: "in the rear yard" be removed from code.

- A second suggestion was to add three specific items defining loading/unloading zones:
  - (1) streets would not be used for loading/unloading
  - (2) the loading/unloading location shall not run parallel with the street right-of-way unless the Zoning Inspector determines that location minimizes the impact on the business or adjoining properties
  - (3) off-street loading and unloading areas are not part of off-street parking spaces

Mrs. Knight moved to forward the proposed language change for loading/unloading zones to Council for review, second by Mr. Wilson. Five members cast their votes Aye, zero Nay, and the motion passed.

### **C. Grass Clippings in Roadway**

Mr. Gongwer shared the ordinance Shelby has in place because grass cuttings in the road is dangerous not only for motorcycles but it also clogs the storm retention basins and storm drains that collect rain water. Mayor Hutchinson said minor clippings are not the issue because it's impossible not to get a little on the road that is barely visible but this would be for those who blow their grass directly into the street. His concern was grass clippings plugging up the storm drains.

Mr. Gongwer added that many communities are adopting legislation pertaining to grass clippings on the road, as well as shoveling snow into the roadway. Mayor Hutchinson agreed that pushing snow from driveways into the road was a big problem in the city.

Commission members agreed to amend the wording of 660.12 (a):

The deliberate or dumping unintentional disposal of grass clippings, brush, fill, trash, debris, obstructions or unwanted materials into storm sewers, ditches, streams, rivers or ~~retention~~ detention basins .... "

The Police Department would enforce this code.

Commission members agreed to hold this item for further review by the Law Director and Zoning Inspector.

#### **D. Fences**

Mr. Gongwer contacted Codes and Permits in Mansfield and learned they are very liberal on fence location, they allow fences on the property line, but they do regulate the fence height and electric fences. Crestline has a requirement of 2' off the property line.

Mr. Gongwer has received only a couple of calls regarding placement of fences and both were residents who thought their neighbors were putting a fence on their property; Mr. Gongwer told them he does not determine the location of property lines, that is a surveyor's responsibility. He does receive calls each week asking if a permit was needed or if there are any restrictions, this information is on the website. Ontario does not require a permit.

In 2016 Planning Commission submitted legislation to Council for code changes that included a section on fences but Council eliminated the fence section from the ordinance because they did not agree with the placement of 3' from the property line.

- Mayor Hutchinson said a survey was not going to be a city requirement. If a resident has a drawing showing the fence 3' from the property line, the city was not going to measure.
- Mr. Rufener said a survey would verify the property lines but there is a cost for the survey.

Mrs. Hellinger recommend staying with the current legislation that has a height restriction. Any dispute about the location of the property line would be the property owner's responsibility to determine.

- Mr. Wilson agreed and felt Council supported this when they pulled the proposed fence section with the 3' requirement and voiced concern as to who would be responsible for maintaining the 3' section. Any dispute would be a civil matter.
- Mr. Medwid said this would be one more thing for the city to regulate and Council pulled out the last changes that were submitted. If Council wants changes they can let the Planning Commission know what they want.

Mrs. Hellinger recommended not sending this item to Council and if Council wants changes they can generate them. If Council wanted a specific change or more discussion they could have mentioned it when they rejected the changes the last time.

- Mrs. Knight agreed.
- Mr. Medwid said if Council wants to make any changes they can give Planning Commission the language they prefer, the Commission can pass it and give it back to Council.
- Mayor Hutchinson agreed with everyone, there can be too much in the requirements and disagreed with requiring a survey. Council members have not asked about the fence ordinance since they removed it from the legislation.

The general consensus of the Commission was to let the fence matter die at this meeting and if Council chooses to continue discussion they can let the Planning Commission know.

**E. SWP/MS4 Fees – new retail construction SWP/MS4 review fee 3% or higher**

Mayor Hutchinson said the city is incurring a lot of fees and several cities are charging a fee.

Mr. Rufener explained, villages or cities that hire their engineers do an inspection for every plan review and many of these communities pass the fees on to the developer. For example, the new Panda Express, a specified number of inspections are required by the state and any costs associated with those inspections could be passed on to the developer instead of paid by the city. Ontario has a standard fee for permits but those fees do not cover the cost of the plan review and inspections.

- Inspections are monthly but if the contractor isn't compliant then inspections are more frequent to enforce the regulations. Ohio EPA states if the city doesn't enforce the regulations then the city is also liable, which could cost \$10,000 per day per violation.
- Mr. Wilson felt the pass through cost was the best way so the contractor is paying for the service of the inspections. Currently, one inspection per month is required for storm water management but the EPA is considering changing to two inspections per month.
- The storm water management inspection fees could be passed on every month during the construction period until final approval, not just pre-construction. Additional costs should not be incurred once construction is completed.
- Mr. Rufener said the city would receive an itemized bill specific to the developer with hours and rates, then the city would generate an invoice for the developer.

Mr. Motley moved for the Law Director to prepare legislation for the Planning Commission to review at the next meeting, second by Mayor Hutchinson. Five members cast their votes Aye, zero Nay, and the motion passed.

**F. Air BNB/VRBO/Short Term Rental**

Mayor Hutchinson was contacted about a neighbor renting their home on VRBO. The caller said it didn't pose any problems but on a couple of occasions there were different cars going in and out. The home is listed on VRBO.

- The Convention Bureau collects the bed tax for rentals less than thirty days. Rentals over thirty days have no bed tax.
- Very few cities responded to an email asking for code pertaining to short term rentals. Two municipalities have a moratorium on short term rentals and another has code specific to a Bed and Breakfast.
- Regional Planning doesn't have anything in place for the local area because it has not been an issue.

- Mayor Hutchinson felt if someone rents their home the entire year then it is a business and should be a home occupation in zones R-1 and R-2.
- Mr. Gongwer referred to the handout with seven items to answer if they want to create code.
- Income tax needs paid to the city on the income received from rentals.

The Commission will take this information under review.

At 6:03 p.m., with no further business to come before the Planning Commission, the meeting was adjourned upon a motion by Mrs. Knight and a second by Mr. Motley.

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Susan Hellinger, Chair

Date