

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
DECEMBER 11, 2023

The meeting was called to order by Chairman Denk at 7:04 p.m. Present were Commission members Richard DeMarco, Michael Denk, Daniel Laux and Joseph Vinciguerra. Lita Laven was absent.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo and Council President Joseph Smolic.

MINUTES OF THE NOVEMBER 13, 2023 WORK SESSION

Mr. Vinciguerra moved to approve the minutes as presented, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 4-0 (Ayes – DeMarco, Laux, Vinciguerra and Denk; Nays – None).

MINUTES OF THE NOVEMBER 13, 2023 MEETING

Mr. Vinciguerra moved to approve the minutes as presented, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 4-0 (Ayes – DeMarco, Laux, Vinciguerra and Denk; Nays – None).

PUBLIC SESSION:

PUBLIC REQUESTS

None.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

WORK SESSION:

Communications and Bills:

1. City Council Meeting Minutes – November 8, 2023 Work Session and Council Meeting; November 20, 2023 Work Session and Council Meeting.
2. Zoning Permits Report – November 1, 2023 to November 30, 2023.

Old Business:

Review of Zoning Ordinances – Definitions

Mr. Denk noted there are definition sections in the Zoning Code and in the Subdivision Regulations. Based on past discussions, Mr. Denk said that the Commission determined that modifications may be needed for the definition of a sign, a bed and breakfast, and a stable; and a definition is needed for a domestic animal. It was noted that Section 1268.04(h) states that the raising and keeping of domestic

animals is permitted in residential districts as regulated by other ordinances of the city. However, the Zoning Ordinances do not provide a definition for “domestic animal.” Discussion ensued regarding the raising of various animals in the city, and how domestic animals should be defined. It was noted that it could be defined in Section 1261.02, which addresses general terms definitions. Mr. Lallo read the definition included in Black’s Law Dictionary, suggesting that the Commission can use a version of that definition. He noted that someone could appeal to the BZA if the Zoning Inspector determines that an animal is not considered a domestic animal. Mr. Lallo suggested the following definition: “An animal that is customarily devoted to the service of humankind at the place where it normally lives, such as a dog or cat.”

Discussion ensued regarding how this definition would pertain to horses. Mr. Lallo noted that the Zoning Code only mentions horses in the definition of a stable; therefore, where a stable is allowed, a horse would also be allowed; he said a provision and regulations could be added to the list of accessory uses in 1268.03 if the Commission wants to allow horses.

Mr. Lallo read the definition of household pets in the North Royalton code, noting that it provides a definition and also provides regulations for horses in a rural residential district, including location of manure piles and the number of horses allowed based on the acreage.

Mr. Lallo said that agricultural use for commercial purposes in a residential district would require a conditional use permit, according to Section 1268.03(i).

Mr. Denk noted that the Commission has also discussed possible modification to the definition of “stable.” Mr. Denk noted that the current definition in Section 1261.09(tt) defines “stable” as a building for lodging and feeding horses. In discussion, Mr. DeMarco suggested that the ordinance could require that a specified percentage of the stable, such as 80 percent, must be used for housing and maintaining horses; otherwise, it would not qualify as a stable. Discussion ensued regarding limiting the number of horses permitted on a residential property based on the acreage.

There was discussion regarding raising of farm animals, such as pigs, chickens, goats, etc. on residential properties, along with noise and odor issues. Mr. Lallo advised that in addition to the noise ordinance, there is an ordinance in the General Offenses code relating to noxious odors. Mr. Vinciguerra said there is currently no definition for farm animals, and he read a few examples of possible definitions.

There was discussion regarding the draft document prepared by Mr. Lallo relating to possible reorganization of the permitted and conditional uses sections for the business districts; it was noted that cross-referencing was used when appropriate. It was noted that there are also cross references in the various business districts to Section 1284.04 relating to landscaping.

Mr. Denk reviewed the memo sent to Council on May 23, 2023 regarding the review of the zoning ordinances. He noted that Section 1292.06(c) should be corrected to read “current Ohio Building Code.” Mr. Denk noted that Mr. Courtney is looking into possible amendments to Chapter 1294 relating to riparian setbacks. Mr. Lallo noted that Mr. Courtney sent him the model ordinance from Chagrin River Watershed Partners that updates the riparian setbacks.

With regard to Chapter 1296 relating to outdoor lighting, Mr. Denk noted that the Commission had discussed requiring all lighting to be cut-off lighting. In discussion, Mr. DeMarco suggested that Section

1296.03(b)(1) be amended to remove the reference to HID and mercury vapor, so that it would read: “All lighting will have full cut-off fixtures or be shielded to prevent the trespass of glare from direct light onto adjacent properties.”

Referring to prior discussions relating to a definition for an Airbnb, Mr. Denk read the definition of “tourist home,” which is listed as a conditional use in the HTC District. In discussion, it was noted that restrictions would be needed if Airbnb use was added as an accessory use in residential districts.

Mr. Denk read the definition of “signs” in Section 1261.04(m). There was discussion regarding murals and artwork in relation to the definition of signs.

In summary, Mr. Denk said that potential modifications for definitions include adding a definition for “domestic animal,” and amendments to the definition of “sign/mural” and “stable.” The permitted uses in the Historic Town District will be updated with cross referencing to other business districts. In Chapter 1284, landscape requirements will be consolidated with cross referencing. There would be a minor change to the language in Section 1292.06(c). With regard to the riparian setback ordinance, Mr. Courtney has obtained a model ordinance from Chagrin River Watershed Partners. For outdoor lighting, Section 1296.03(b)(1) will be modified to remove specific reference to HID and mercury lighting, so that all lighting must be cut-off lighting. He noted that regulations for Airbnb should be established.

There was discussion regarding the recent passage of the issue relating to marijuana. Mayor Potter noted that there may be consideration of a six-month moratorium on retail dispensaries.

New Business:

Combined Meeting with Council – Tuesday, January 16, 2024

It was noted that the combined meeting date of Tuesday, January 16, 2024 has been confirmed with Council; the meeting will begin immediately following the regular Council meeting. Mr. Denk noted that the agenda for the combined meeting will be to review proposed ordinance amendments. There was discussion regarding the best way to present the information to be covered at the meeting, such as a power point presentation.

Adjournment

There was no further business before the Commission, and Mr. DeMarco moved to adjourn. Mr. Vinciguerra provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:16 p.m.

CHAIRMAN

SECRETARY