

## MEMORANDUM

**DATE:** September 19, 2019

**TO:** City Council President William Wooldredge and Members of City Council  
David Basil, Mayor

**FROM:** Land Development Update Team: Greg Hannan, Kris McMaster, Nick Sugar, Matt Vazzana, Thomas Sheridan

**RE:** LDC Code Update for Administrative Changes: Follow up information from the September 10, 2019 Workshop Discussion

### *Responses to Sections of Code regarding further comment*

1. **Section 1203.13 Public Notice Requirements (pg. 50):** Council asked how the proposed amendment regarding public notice timing requirements by newspaper, adjacent properties, web page and signage on property compares to peer cities.

Staff Comment: Review of peer cities concluded proposed notification requirements are comparable to or in several areas exceed the comparison communities. (See Attachment)

2. **Section 1204.01 Review Standards: Index of Ecological Integrity (pgs. 53 & 56):** Council discussed maintaining the existing text regarding Ecological Integrity Index as a review tool regarding ecological impact of a proposed application.

Staff Comment: Staff researched a replacement of our current Index of Ecological Integrity (IEI) dated 1996 and at this time have not found an acceptable replacement. Staff recommends keeping the current text regarding the level of Ecological Integrity until a replacement has been approved. Staff would like to study this topic further as part of an Environmental regulation review of the LDC.

3. **Section 1206.03(g) Accessory uses/structures (pg. 160):** Council discussed the vehicles in the exterior yard of a single family or duplex dwelling. Council questioned if the amendment was too restrictive only allowing 5 cars in any yard area of a lot on which

exists single family or duplex dwelling for no more than (7) calendar days in (1) calendar year.

Staff Comment: The current regulation does not permit more than five cars on a lot at anytime. The proposed amendment would ease this standard and allow more than five cars on a lot for up to seven days a year. The current standard is not actively monitored citywide but provides some protection to a potential extreme case. Staff has researched several comparison cities and has not found a similar standard. As the LDC already provides significant regulation related to inoperable/unlicensed vehicles, commercial vehicles, and home-based businesses, staff is proposing to fully remove this current LDC standard and amend the code as follows:

(7) Parking of more than one (1) recreational vehicle or one (1) piece of recreational equipment ~~and/or more than five (5) cars and/or more than five (5) cars~~ in any exterior yard area of a lot on which exists a single-family or duplex dwelling shall be prohibited.

~~(8) Allowance of one utility trailer subject to the restrictions of (5)(A) – (D)~~  
~~(98) Parking of more than five (5) motor vehicles in any exterior yard area of a lot on which exists a single family or duplex dwelling for more than seven (7) calendar days in one (1) calendar year shall be prohibited.~~

~~(109) For purposes of the above Section 1206.03, "motor vehicle" shall mean any vehicle that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires.~~

4. **Section 1207.04(K) Landscaping for Parking lots (pg. 183):** Council discussed if the proposed regulations to provide interior landscaping and perimeter landscaping restricted or prohibited bio retention basins within and adjacent to parking lots.

Staff Comment: Current code does not regulate the design use of bio retention basins within a parking lot or adjacent to a parking lot. Staff can encourage in their review, the importance of using bio retention basins when reviewing the proposed improvement plans. Staff also notes most parking lots have natural grading slopes to help with any drainage from the impervious surface into any proposed bio retention basins. Staff would like to study this topic further as part of an Environmental regulation review of the LDC.

5. **Section 1207.05(d)(1) Public Open Space (pg. 191):** Council discussed the proposed amendment to combine the three levels of open space dedication (community, passive, and neighborhood parks). Council questioned if the amendment reduced the ability for the City to receive quality parkland and end up with too much unusable or unbuilding acreage.

Staff Comment: While the supporting text of this section provides criteria for determination which safeguard against this concern, staff recommends removing this amendment and leaving the existing text in Section 1207.05 as is to reinforce the requirement for a mix of community, passive, and neighborhood park areas.

6. **Section 1212.03(c): Penalty Clause (pg. 288):** Council requested to compare the proposed text change for a minor misdemeanor to a third-degree misdemeanor with other peer cities.

Staff Comment: Staff reviewed other cities and observed the proposed amendments to be comparable to the other cities. The amendment is appropriate to align with the property maintenance enforcement and to provide proper incentive to bring violations to compliance. (See Exhibit)

7. **Section 1213-Definitions Accessory Building versus Accessory Structure (pg. 293):** Council discussed the LDC for the use of the two terms and revise to establish a unified description.

Staff Comment: The LDC references Accessory Structures fifty-one (51) times and references Accessory Building twenty-six (26) times. The terms are currently defined as the same in the LDC definitions. Staff is proposing to research the seventy-seven (77) references to review how the use of “building” and “structure” are being used within the LDC before changing the term and definition. The proposed amendment will be removed at this time for further review at a later date.

## Land Development Code Research

### Public Notice Timing

City	Hudson		Dublin		Kent		Stow		Westlake	
	Current (PC & BZBA)	Proposed	PC	BZBA	PC	BZBA	PC	BZBA	PC	BZBA
<b>Newspaper Timing</b>	10 days	15 days	10 days		15 days		not required	10 days	not required	4 days (post twice monthly)
<b>Adjacents</b>	15 Days (300 ft)	15 Days (300 ft)	10 days (150 ft - typical) (300 ft - rezoning)		15 days (200 ft)		6 days (300 ft)	10 days	not required for site plan use 10 days for re-zoning and subdivisions (500 ft)	5 days (300 ft)
<b>Web Pages</b>	not required	15 days	courtesy posting		courtesy posting		courtesy posting		courtesy posting	
<b>Posting of Signs</b>	no less than 7 days	15 days	10 days		7 days		3.5 days	not required	not required	

### Parking of Vehicles

City	Hudson	Dublin	Kent	Stow	Westlake
<b>Parking of Licensed Vehicles</b>	<p><b>EXISTING:</b> Parking of more than 1 recreational vehicles or 1 piece of recreational equipment and/or more than (5) cars in any yard area of a lot on which exists a single family or duplex dwelling shall be prohibited.</p> <p><b>PROPOSED:</b> Parking of more than 1 recreational vehicles or 1 piece of recreational equipment and/or more than (5) cars in any yard area of a lot on which exists a single family or duplex dwelling for more than (7) calendar days in (1) calendar year shall be prohibited.</p>	no applicable regulations	no applicable regulations	no applicable regulations	no applicable regulations

### Penalty Clause

City	Hudson	Dublin	Kent	Stow	Westlake
<b>Codified Ordinance</b>	1212.03 (c)	153.999	1105.12	1137.09 (e) (2)	1231.99
<b>Penalty</b>	<p><b>EXISTING:</b> Minor Misdemeanor</p> <p><b>PROPOSED:</b> Third Degree Misdemeanor</p>	Fourth Degree Misdemeanor	Minor Misdemeanor	Third Degree Misdemeanor	<p>Minor Misdemeanor</p> <p>Fourth Degree Misdemeanor for any subsequent offense.</p>
<b>City</b>	<b>Chagrin Falls</b>		<b>Pepper Pike</b>	<b>Shaker Heights</b>	<b>Beachwood</b>
<b>Codified Ordinance</b>	1109.07 (c)		1262.99	1214.05 (A)	1105.99
<b>Penalty</b>	Third Degree Misdemeanor		Third Degree Misdemeanor	First Degree Misdemeanor	First Degree Misdemeanor