

March 25, 2010

Planning Commission

- Discussion: Ordinance 52-09, Home-Based Businesses (Accessory Uses)

Chairman Arthur Goddard called the meeting to order at 7:00 P.M. Members present: Dennis Fiorelli, Martin Gallito, Andre Reynolds and Ron Sabransky. Also present: Paul Kowalczyk, Building Commissioner.

Ordinance 52-09, Home-Based Businesses - The commissioners discussed the proposed Ordinance 52-09. The community gardens and the contract between the city and the community garden participants, commercial activity in residential areas and the definition of a home-based business were some of the issues included in the discussion. Chairman Goddard made a motion to approve Ordinance 52-09, the zoning text amendment that amends Section 721.03 Accessory Uses of Chapter 721 "Permitted Uses in Residential Districts" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio. Seconded by Mr. Sabransky. All nays. (0-5-0)

The commissioners decided that they wanted to share with the council members their reasons for voting against Ordinance 52-09. Chairman Goddard will include the following in a letter to council:

"The Planning Commission reviewed and studied the proposed changes and had concerns over the language's potential impact of permitting commercial retail activity within Residential Districts. For instance the following proposed changes would dramatically alter the Residential Objectives as defined in §720.01:

- a. The deletion of the prohibition [§721.03 (a)] of "retail or wholesale activities" would permit anyone within the City setting up a stand to sell their produce and potentially create a traffic and parking concern;*
- b. The proposed deletion of prohibited activities: §720.03 (b) (7) and (8) would potentially expand the retail activities beyond produce grown on the property. An interpretation would potentially result in commercial retail activity within a residential property on a daily basis;*
- c. The phrase [§721.03 (b)] – "including but not limited to" would conflict with the "expressed permission" concept [ref. §711.06 Prohibited uses, Activities and Conditions]; and*
- d. The expansion of from 15 to 25 percent of gross floor area of the primary residence is a dramatic shift away from the residential intent of the Residential District objective.*

Furthermore, it is the opinion of the Planning Commission that the intent to permit "Community Gardens" to operate on City property is permitted with the current language contained within §721.03 Accessory Uses provided that the responsibility of adherence to City ordinances resides with the individuals participating in the operation of the gardens. This issue can be attained through a contract between the City and the participants specific to their lots thereby holding the participants responsible for any violations of the City's Ordinances."

Chairman Goddard made a motion to approve the minutes from the March 11, 2010 meeting. Seconded by Mr. Reynolds. All ayes. Minutes approved. (5-0-0)

Chairman Goddard made a motion to adjourn the meeting. Seconded by Mr. Reynolds. All ayes. The meeting adjourned at 7:50 P.M.

Arthur Goddard, Chairman

Date

Barbara Latini, Recording Secretary