

City of Bay Village
PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE
March 13, 2023
5:30 p.m.

Members Present: Councilman Peter J. Winzig, Chair
Councilwoman Lydia DeGeorge
Councilman Michael Greco

Also Present: Law Director Mark Barbour
Building Director Eric Tuck-Macalla
President of Council Dwight A. Clark
Councilman David L. Tadych

Audience: Nancy Trainer, Nancy Brown, Dr. Dan Sweeney

Councilman Peter J. Winzig, Chairman of the Planning, Zoning, Public Buildings and Grounds Committee, called the meeting to order at 5:30 p.m., thanking everyone for their attendance. Mr. Winzig introduced Councilwoman Lydia DeGeorge, and Councilman Michael Greco, members of the Planning, Zoning, Public Buildings and Grounds Committee chaired by Mr. Winzig.

Mr. Winzig stated that there are good comments and thoughts included in the minutes of the Planning and Zoning Committee meeting held March 6, 2023, which he highlighted for further discussion as items to be potentially included in the revised legislation. The first page of the minutes there is a comment regarding dwelling units, and making very sure that if there is a structure built on the property some sort of guidelines are followed. The living space could have either a cooking area or a sanitation area, but not both. Building Director Tuck-Macalla noted that elsewhere in the codes it is defined as having sanitation facilities, cooking facilities, and sleeping facilities.

On the second page of the minutes of March 6, Law Director Barbour mentioned that special permits are used quite often. These could be for something like a garden trellis, or garden structure, whether it is permanent or temporary for seasonal. Mr. Winzig's hope is that this be very clear, because they could start out at 4 ft., and expand to heights of 6' or 8' and wrapped with netting to keep deer out. Mr. Winzig asked Mr. Tuck-Macalla how that is managed now when someone puts up something larger than a 4 ft. garden fence.

Mr. Tuck-Macalla stated that they are wrestling with this issue now, because the way the Building Department permits accessory structures, i.e., a pergola with a shade at the top and posts going down on the side. The construction that they are wrestling with now is posts going up the side and across the side with netting on the side, not much different than a pergola. In the past the Board of Zoning Appeals (BZA) was wrestling with whether it should be a permit designation or an accessory structure. Another one just came up was a hoop house with PCP piping, a green house with plastic over the top of it. That would not be an accessory structure because it is not permanent. That would definitely have to be a special permit because it is not permanent and is not a shed.

There was a special permit for a 6-ft. fence at a group home that they needed to prevent someone from jumping over the fence. They did not have a variance for that fence because it would have stayed with the property. A special permit was given so that when it is no longer needed for the group home the 6 ft. fence must come down to the regular height.

Mr. Winzig asked if the items for a special permit should be defined in the ordinance.

Mr. Tuck-Macalla stated that it would be better if he defined special applications as they are submitted.

Mr. Barbour stated that the problem with having a lot of definitional terms can be that you may not capture everything, the application of things change, and how things are installed change. The way the code is structured now is that the Building Department makes the determination and applies the code. If a resident or neighbor doesn't agree they have the process to appeal to the Board of Zoning Appeals for overruling, either in part or in totality. This ensures consistency without having an overly prescriptive code that will need revisions over time. The job of the Building Department is to interpret and apply the code.

Ms. DeGeorge asked if there are many that appeal the interpretation of the Building Department to the BZA. Mr. Tuck-Macalla stated that there have been a few so far this year.

Mr. Winzig asked if lighting for an outdoor ice rink must be approved by the Building Department. Mr. Tuck-Macalla stated that approval of the Building Department is not required for the lighting.

Mr. Barbour noted the exception of the property on Elmwood where lighting was installed for an outdoor ice rink and was approved by the Board of Zoning Appeals.

Mr. Winzig noted the point brought up by Ms. DeGeorge on Page 3 in the March 6 minutes of this committee is that it needs to be clear about the difference between occupation and business and try to use the word occupation.

Page 5 of the minutes includes conversation about the Board of Zoning Appeals and the fact that their decisions cannot be overruled by the Council or any other act by the citizen.

Mr. Barbour has requested that the committee try to be as specific as possible. It is a bit of a Catch 22 because the Building Director says not to be too specific, but the Law Director says that the more clarity provided makes it easier for the Building Director. Mr. Barbour stated that by clarity he means is that we don't have vague language which does not belong in the body of an ordinance. Language should define who is going to apply the code, that they have discretion, and that there is an appeal process.

Also discussed were other codes as far as delineating the amount of square footage in a home didn't seem to be appropriate, delineating how many businesses or number of employees. The draft of an ordinance Mr. Winzig provided talks about the number of occupants in the home and not to necessarily put numbers against so many others. Mr. Greco clarified that it should be ones

who reside in the home running the business.

Ms. DeGeorge asked if the committee will discuss how many residential businesses can be allowed in a home, for example if there is a husband and wife running separate businesses. Mr. Winzig stated rather than trying to delineate it if they are following the guidelines of everything in the ordinance it is permissible and we should not limit the number of occupations in a home. Mr. Greco commented that the number of occupations does not matter as long as the existence is not detectable in any manner outside the dwelling. That is when you would apply the standards of noise, odor, storage, machinery, etc.

Page 9 of the March 6 Planning and Zoning Committee meetings makes it clear that there will be no selling at the door. Mr. Greco asked about shipping things out and having a daily pick-up. Mr. Winzig stated that shipping is permissible, but transactions at the home put the occupation more on this business side. It is, however, up for discussion.

Ms. DeGeorge stated that transactions in the home may be related somewhat to the limiting of the number of cars coming and going. Is that also not limiting your clients? If the resident is an accountant and someone comes to meet one on one, that is one example, but if the resident wants to have five clients in their home at one time, does that fall into the number of cars that are allowed to come and how long they are allowed to stay, or are they coming and going? Mr. Greco agreed, stating that the attempt in writing the code is not to disrupt the character of the neighborhood.

Mr. Winzig stated that there is probably going to be edits to the buildings and structures part of the ordinance, and recommendations for the use part of the ordinance. Once we got into the buildings and structures we noted a number of things that could be addressed and cleaned up.

Mr. Winzig stated that since the last meeting he put together an outline of the content discussed along with some other recommendations. The first paragraph, Section 1, is meant to be a general comment about Purpose and Intent of the ordinance. It does have the line to promote and maintain the health, safety and general welfare of the neighborhood and community at large. Mr. Winzig questioned if that language is strong enough from a legal standpoint.

Ms. DeGeorge questioned whether the language is subjective or objective. Mr. Barbour stated that purpose and intent type sections are often subject to the court looking to the constitutionality of the ordinance, which is different than trying to enforce it on a day-to-day basis, i.e., it's a fence, it's a tree. If it gets down to it, the court can look at some juncture to determine if an ordinance is constitutionally correct, what is the purpose of the legislative action, what problem are you trying to solve, what means do you use to try to solve it, what test do they apply when determining if the ordinance is constitutional. That is the time when purposes and intent are important. Also, if there is an ordinance that is all encompassing where somebody is applying it in a big way and trying to mold a vision it can help that purpose decide what that vision is. In that kind of application, it is a mission statement. If it doesn't have any legal ground on a day-to-day basis, a purpose and intent statement can be important. It is an explanation of how the point of the code was reached.

Mr. Winzig clarified with Mr. Tuck-Macalla that buildings, structures and proposed uses not listed here must be presented to the Building Department for review and approval.

Section 2, Definitions includes definitions of Accessory Buildings, Accessory Structures, and Accessory Use. Mr. Tuck-Macalla stated that it would be helpful for the Building Department to have a substantive definition of accessory use. Mr. Tuck-Macalla stated that 30% of the rear yard is the limit of one can be taken for accessory use. Does that mean a deck? Is that an accessory use or not? Back yards are literally all deck or all patios. Or are we really talking about an accessory building, or play structure? This is one of those areas that asks what is an accessory use, or what is a primary use for a rear yard. It does come up.

Mr. Winzig stated that draft recommendations will be given to the Law Director to determine the best language.

Definitions will include front yard, rear yard, and side yard. Front yard is defined as the area between the front lot line and the front of the principal building, or in the absence of a principal building, the front lot line and the street.

Ms. DeGeorge asked if this is not defined elsewhere and needs to be repeated. Mr. Tuck-Macalla suggested referencing the section of the code where it is defined, including the definition of the residential district.

Section 3, Accessory Structures General Provisions, part b) Located in the rear yard, should be Located in the front yard. Ms. DeGeorge asked how flagpoles in this section relates to lampposts. Mr. Tuck-Macalla stated that lampposts may be one of the items that requires a special permit.

A street in Bay that includes many lampposts was noted. Large, concrete, ornamental structures are covered by special permit. Mr. Barbour stated they are typically, almost always, part of a fence or gate. Ms. DeGeorge noted, and Mr. Tuck-Macalla agreed that permission is not always sought for the ornamental structures, many of which are along Lake Road, and do require a special permit.

Most enforcement is complaint driven. Mr. Tuck-Macalla stated that posts or pillars along the front lines of the home, if they are above the height of what is allowed for a post is how they become necessary for a special permit.

Section 3, letter c) was highlighted by Mr. Tuck-Macalla as possibly being too vague. Ms. DeGeorge questioned the wording of the beginning of the Section, “No accessory building, structure, or use shall be:” After discussion the language was changed to “Accessory building, structure, or use shall be:” In regard to Letter c being too vague, Mr. Barbour stated that sometimes the subjective standards are difficult to enforce and don’t always withstand scrutiny.

Letter d) references non-permanent item or structures in the back yard, such as boats, trailers, and other temporary use equipment. “Any public way of adjacent property” could be problematic because boats are permitted in rear yards and may be visible from adjacent property.

Letter e) regarding structures not used for human habitation, and whether this conflicts with a

beach house was questioned. How should this best be defined? We know they exist and are grandfathered in, but in the event a new resident decides to put one up?

Mr. Tuck-Macalla stated that there is only so much you can do. He suggested leaving it the way it is in the ordinance. When he is there and looking at it he does not want to see space for a refrigerator or stove. A microwave is fine. A mother-in-law suite can have a separate kitchen and bathroom, but there should be a door between so that you can access the suite. Mr. Tuck-Macalla knows of one occasion where after they left the area was walled off, and this happens all the time.

From the time of the last inspection the homeowner has a certificate of occupancy, basically saying one dwelling unit with two kitchens and two living areas. That is the way it was when it was left. Mr. Barbour noted that you just can't go up to the door and say "Let me see that mother-in-law suite." You can't go inside the property without a warrant. With the final occupancy certificate, the City is done, unless you are called by the resident for some issue.

Mr. Winzig asked if someone notices something and contacts the department, is a letter issued to the homeowner. Mr. Tuck-Macalla stated that if it is someone next door they use their yard to see what they can see. If they can't see from their yard, there is nothing else you can do. Mr. Winzig asked if the Building Department will contact the homeowner and say that there has been a complaint. Law Director Barbour stated that it depends on the nature of the complaint. There can be a knock on the door, or a door hanger, or letter. If there is no response it is referred to the Law Department. In order to present a violation, the offense has to be observable by a City person.

Mr. Winzig stated that if a Council person receives a complaint their first contact would be the Building Director. He asked if this is the correct procedure. Mr. Barbour stated that building related things should go to the Building Department. AirBNB's would also be referred to the Building Department. The next level would be the Law Department, if Mr. Tuck-Macalla has a finding and the property owner does not comply.

Ms. DeGeorge asked if there are periodic checks to see if there are AirBNB's operating within the city. Mr. Barbour stated that usually a neighbor will call to report an AirBNB, sometimes after an event that triggered that complaint. A letter is sent to the owner, and sometimes they will stop using the property as an AirBNB, and sometimes they will ignore the letter. It is the next step – how are we going to prove, beyond a reasonable doubt which is the applicable standard in court, that they rented the home, and collected the money. Mr. Tuck-Macalla noted that sometimes there is false advertising of a home as an AirBNB. An information sheet is dropped off at the home notifying the owner of the contents of the ordinance prohibiting the use of property as an AirBNB, but not accusing them of operating an AirBNB.

Garages and Car Ports are included in Section 4: Accessory Structures and Buildings, Specific Provisions. Mr. Winzig asked if there is a specific chapter addressing garages and car ports. Mr. Tuck-Macalla stated that they are included in Chapter 1149, which includes a table for the sizes permitted. The maximum height is still 18 feet, and the lot line is 3 feet. It does not need to be spelled out in the ordinance, just referenced back to Chapter 1149. Mr. Winzig asked if a home can have multiple garages. Mr. Tuck-Macalla stated that a home can have multiple garages and

do not require a special permit.

Sheds and Outbuildings are covered under Section 1350. The maximum height is 12 feet. The State Building Code recognizes accessory buildings over 200 square feet. Structures under 200 square feet would be considered a shed. Mr. Tuck-Macalla stated that an outbuilding can only occupy 30% of the lot, which determines the size. He noted that many residents want a bigger shed, and basically when you get to 200 square feet it becomes a one-car garage. They will apply to the Board of Zoning Appeals and get around the code by putting a foundation under a shed. Mr. Tuck-Macalla would like sheds to be restricted to 199 square feet or less. Shed applications are presented to the Building Department for approval.

Letter c) no more than one shed or outbuilding shall be permitted on any lot. This can be disregarded since multiple buildings are permitted on a lot.

Letter d) Kennels, coops, cages of any kind are not permitted? Is there a size limit in the event of construction? Mr. Tuck-Macalla stated that he has not had any come before the Building Department. Dog kennels are covered in the Animal Ordinance, Section 505.20 which sets out the requirements for size and construction.

Mr. Winzig confirmed with Mr. Tuck-Macalla that there is nothing further that should be included in the section covering accessory structures at this time.

Fences and Walls: Mr. Winzig stated that the existing fence ordinance covers the installation of fences: maximum size of 4 ft., the fence or wall shall be no closer to the street than the front of the principal building, in the rear yard the fence or wall may be located up to a certain distance. Mr. Tuck-Macalla commented that the Board of Zoning Appeals would like to have the two conflicting lengths of six feet high fence (32 feet; 10% of the lot) addressed. The BZA would like to have it at 10% of the lot. This would be changed in the fence ordinance. Mr. Barbour stated that there are changes in the fence ordinance that are under consideration.

Swimming Pools are governed by Chapter 1349. Mr. Winzig asked if there are any issues or concerns with cabanas, temperature control systems, spas, saunas, and hot tubs. Mr. Tuck-Macalla stated that the Building Department is not experiencing any problems with these items, other than when there is noise. Hot tubs require a permit, with their own set of guidelines.

Recreational Courts – Mr. Winzig stated that there was a draft in the ordinance that they began with. The list gets long, and the first part picks up the text that was there.

- a. Shall be constructed at grade level and be comprised of clay, natural or artificial grass, concrete, or other hard surface material,
- b. Shall only be located in the rear yard, and conform to the setback requirements as set forth in Section 1149.01 of this code,
- c. Fencing, as required, will comply as governed by C.O. Chapter 1163
- d. No floodlights, light poles, string lights or lighting of courts is allowed between (INSERT TIME) – some lighting to be allowed, or eliminate all together?

Mr. Winzig asked if the lights could be allowed with the time requirement, because of the effect of the early sunset. If someone had a basketball court in their backyard, they would not be able to use it on a warm day in December when it is dark early. Is it wrong to let that be lighted to a certain time? Could it be no sooner than 8 a.m. or later than 8 p.m.? Or, dawn to dusk? Dusk means 5 p.m. in January, so they would not be able to use it after that time. Should they be allowed to light it for a certain amount of time, or no later than 8 p.m.? Why is it allowed on a driveway with a light attached to the home, and not in the backyard? Ms. DeGeorge noted that people tend to think it is okay because there is lighting from the street. In the backyard any lighting would cast a light on the neighbor's backyard as well.

Mr. Tuck-Macalla stated that most complaints are about noise, and not lights. They don't want to hear the ball bouncing, aluminum bats, and things of that nature.

Mr. Winzig noted the noise caused by wooden skateboard ramps in yards, when those were popular.

Ms. DeGeorge asked if recreational courts are defined by size. Is it still the 30% rule? Mr. Tuck-Macalla questioned how a basketball court differs from a patio. Mr. Tuck-Macalla would refer any requests for construction of a backyard basketball court to the Board of Zoning Appeals to be approved for a special permit, using the 30% rule. The 30% is total accessory use in the backyard. Detached garages account in that equation; the driveway does not count. It takes many things in the backyard to reach 30%.

Ms. DeGeorge stated that no floodlights might be an obvious rule in the backyard. Mr. Tuck-Macalla stated that the number of lumens beyond the property line can be part of the code. This is how light pollution is regulated on commercial sites. He would check the lumens at the property line with a light meter.

Mr. Winzig stated that Letter f) states that recreation courts shall not be used for any propelled or motorized vehicles of any kind. He noted that motorized vehicles now includes electric vehicles.

Mr. Winzig asked thoughts about addressing Letter g) stating that wooden (loud), metal or hard surface skateboard ramps. Would we go back to the intent of the ordinance restricting noise, odor, etc?

Mr. Barbour stated this is difficult. The City has a general noise ordinance in existence. What happens now is that if kids are playing basketball and someone calls to complain, the complaint relates to the noise ordinance. Outdoor courts do get use a lot, and they are often lighted. It is a tough thing to regulate. Rather than having it related to a specific activity, a time frame generally works because it is being applied evenly across all recreational activities.

Ms. DeGeorge asked if anyone recalls the time frame the BZA gave the ice rink on Elmwood. Mr. Barbour stated that he thought it was 9 p.m. during the week, and 10 p.m. on the weekend. Mr. Winzig noted that even when they complied to stop the activity at 9 p.m. there was still noise with parents picking up the kids. Mr. Barbour stated that what he would like to see as Law Director as it relates to skating rinks, some guidance for the Building Department and Law

Department. There is no ordinance that applies to skating rinks at this point. In addition to the noise with the ice rink on Elmwood, was the puck flying around and hitting objects. There needs to be regulation, in the opinion of the Law Director. He noted that people are able to put these in their yard. They have more resources and the ability to construct these things.

Mr. Winzig asked if garden structures should be included in the ordinance, which would include gardening, horticulture and/or greenhouse structures, trellis, vegetable gardens. He noted that the reason for the list is to be clear and not have everything be a special permit.

Mr. Greco commented that he consulted the Building Department when he created the garden in his yard. The Building Department clarified the temporary, wildlife fencing requirements, and the fact that it needs to come down at one point in the year, and then be reinstalled again when the next season arrives. The height limitation on the temporary fence is eight feet. Mr. Barbour noted that these fences are allowed between April and November.

Mr. Tuck-Macalla stated that problematic are the use of railroad ties to create a garden, some in front yards and side yards, and they might be considered for the permit process. This is currently before the BZA with large timbers, sandbox, irrigation, posts and fencing. Mr. Barbour commented that while this might not be a mis-use, but the question is the code and how it would be applied with a permit process.

Mr. Winzig questioned whether there should be a section that states which items require a special permit.

Mr. Tuck-Macalla stated that he does not think a section as stated by Mr. Winzig is necessary. It could become problematic. If someone complains that somebody has put up something that causes water run-off on neighboring property that is already spelled out in the code.

Patios, Decks, Seating Areas, Firepits, decks, seating and entertainment areas, deck platforms, pergolas, shade structures, outdoor fireplaces, cooking systems/structures, including free standing or attached deck/patio structure, gazebos, uncovered detached raised decks or patios above 18 inches from grade, and detached covered or uncovered ground-level patios or decks. Mr. Tuck-Macalla stated that the Building Department is ok with these items. Mr. Winzig asked if these are technically an extension of the residence. Mr. Tuck-Macalla stated that they are not extensions of the residence. They issue patio, deck, pergolas, fireplaces, cooking systems and structures permits.

Energy Systems, solar panels, biomass, recycling, rain water capture, wood stacking/storage piles – height limitations? Mr. Tuck-Macalla stated many cities do have wood stacking in their ordinances. It does come up occasionally and should be included.

Solar panels will become more popular. At this time, it falls under accessory structure, requiring a permit. They still fall under the 30% rule.

Generators, heat pumps, temperature control devices. Should C.O. Chapter 1359 be changed to include other energy generating devices, or generators. We have an opportunity now to address

something that impacts temperature of water that is not listed under C.O. Chapter 1359.

Beach house or boat house was addressed earlier in the meeting.

Community Garage is a pick-up from the current ordinance.

Off-street is currently Chapter 1191.

Signage. Mr. Winzig asked about projected signs or holograms. Should these be included? We are seeing some of it at Christmas time.

Ms. DeGeorge asked if it would depend on the content of what is being projected.

Mr. Tuck-Macalla stated that most of the sign code is commercial and based on size of business, preventing huge signs in a small business frontage.

Mr. Winzig noted that someone in Ward 4 had signage that was lighted at night. Is that allowed?

Mr. Barbour stated that residential signs for single or double homes cannot be illuminated. Permitted uses (church, museum, school, municipal buildings.) can have a lighted sign.

Occupation or named vehicles in driveways will be given further thought and consideration.

Section 4: Permitted Accessory Uses.

The first paragraphs describe what permitted use is. The second paragraph picks up what neighboring communities use: which does not create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, conducted in a single-family dwelling. We are trying to define use, and abuse of that use, is the intent. A group home or special home as defined by the State of Ohio is allowed and must be located on the same lot as the principal building or use, shall be incidental and subordinate to the principal use of the lot and shall not create a nuisance or hazard to neighboring properties, shall not involve the storage or use of hazardous or odorous materials. In a dwelling or apartment occupied as a private residence rooms may be rented provided however, that no window display or sign is used to advertise such use. Not more than two rooms per residence may be so rented.

Mr. Winzig asked if there is any reason for change. None was expressed.

Family members who reside at the premises may participate in the home occupation(s) as an employee, excepting home occupations delivering supervision, personal care services and habilitation services to individuals under license issued by the State of Ohio. This may be redundant and not needed a second time.

The use shall be conducted entirely within the confines of the dwelling unit. No storage of goods, materials or products shall be permitted in garages or accessory structures. (does it make sense to include garages? – sales samples delivered to home?)

Mr. Winzig asked if garage is an issue. Even to put something in a shed, why does that matter? If you are a sales rep, and you have sample items and they are in the garage. Is that a violation?

Ms. DeGeorge said you really can't tell people what they can or can't keep in their garages.

Mr. Barbour stated that the statement that says the use shall be conducted entirely within the confines of the dwelling unit was discussed previously as to whether that prohibits someone from sitting on their patio with their laptop. Mr. Winzig stated that Mr. Barbour previously said it would be allowed because it is the normal use of the home. Mr. Barbour stated that other ordinances have similar language, for the reason that they don't want business conducted in the shed or some other structure. Mr. Barbour suggested noting this section for further thought. Mr. Winzig stated that he does not see an issue with the storage, unless the thought is when the garage is open there are things in the garage.

There is no issue with Letter h) not constitute a fire hazard, etc.

Letter i) relating to the change in the outside appearance of the building or premises. Mr. Winzig asked about signs such as "tax services" and whether those types of signs would be in violation. They would be in violation.

Letter j) No on-site sale of goods or services shall be permitted, including any activity which results in the number of vehicles or personal transportation devices attracted to the premises being greater than that which is normally associated with the residence.

Mr. Barbour asked if the intent here is the coming and going of vehicles. He stated that he believes they could legally restrict them to on-site sales of goods and services, meaning people coming to the house to buy something or to get counselling.

Mr. Greco asked about homes where garage sales are conducted three or four times per year.

Mr. Winzig stated that technically it would not be allowed. To Mr. Barbour's point, there could be tutoring, schooling, or lessons of some type. Further discussion of this point will take place.

Letter k) No vehicle repair, etc. makes sense.

Letter l) No home occupation shall require the daily services of a commercial freight carrier, nor produce traffic in greater frequency than normally found...

Mr. Winzig stated that this trying to avoid the tractor-trailer and the multiple stops.

Letter m) No wholesale, jobbing or retail business shall be permitted unless it is conducted entirely by mail, telephone, or electronically..

Mr. Winzig noted this refers back up to Letter j.

Mr. Greco stated that on-site sales of goods or services should include those that would violate traffic or parking. Mr. Barbour stated that what is trying to be avoided is a constant flow of people. Restricting parking on a private street would require some thought. How would you link those automobiles to that use; how would you distinguish between they are there for that use?

Mr. Greco stated that some of these ordinances address the nature of traffic, i.e., business district as compared to a residential neighborhood. These ordinances are saying that if it is out of the nature of a residential neighborhood and you are the whole cause of that then you are in violation. But, if you sold a cake or two a day...we are trying to find a balance.

Letter n) is a duplication

Letter o) No activity shall cause an increase or burden in the use of one or more public utilities. This refers back to Mr. Greco's point of the nature of a residential neighborhood.

Do we need to include "Other" potential occupations: "fitness" - exercise, yoga, cross fit, personal training/coaching, "arts" - dance, tap, music lessons, acting, "educational" - tutoring, mentoring, cooking lessons, schooling ... as long as they do not violate guidelines, are they ok?

Mr. Winzig asked if we can tie these examples back into traffic as pointed out by Mr. Greco. Mr. Greco stated that these would be situations that could be evaluated case by case. We should come up with a base, and then come back and revisit to make sure we cover our bases with that sort of wording. We are taking a huge step away from what is currently in place.

Mr. Winzig stated that an enforcement section will be included.

Nancy Brown asked if doggie day cares and canine boarding facilities will be allowed to operate out of homes in Bay Village. In research done by Ms. Brown, it is indicated that there are health laws, i.e., mandates for licensing, containment. These are health codes by the state and county which are enforced by people coming into your home for inspection. If allowed, who will enforce in the city, or if not allowed, who will enforce in the city? What code does that go under? There are ordinances in our city that might be overridden by the Ohio Revised Code, or county regulations.

Mr. Winzig will include Ms. Brown's questions for further review.

Mr. Winzig thanked everyone for their comments and attendance and the meeting adjourned at 6:58 p.m.

