



City of Gahanna

Meeting Minutes

Committee of the Whole

200 South Hamilton Road
Gahanna, Ohio 43230

Trenton I. Weaver, Chair
Karen J. Angelou
Merisa K. Bowers
Nancy R. McGregor
Kaylee Padova
Stephen A. Renner
Michael Schnetzer

Jeremy A. VanMeter, Clerk of Council

Monday, April 24, 2023

7:00 PM

City Hall, Council Chambers

A. CALL TO ORDER:

Vice President of Council Trenton I. Weaver, Chair, called the meeting to order at 7:00 p.m. The agenda was published on April 21, 2023. All members were present for the meeting. There were no additions or corrections to the agenda.

B. DISCUSSIONS:

1. Zoning Classifications

[2023-0082](#)

Zoning Code Uses COTW Presentation 4.24.2023

Director of Planning Michael Blackford explained there are usually two or three types of uses. They are: allowed by right, which means staff administratively approvable; conditional use, which is not administratively approvable and must go to planning commission for approval or denial; and prohibited uses. If a use is not specifically listed as permissible then it is usually not allowed. There are twenty-six zoning designations, which is a lot for a city of Gahanna's size. There are ten residential and sixteen commercial designations. The commercial designations include mixed use and industrial. Tonight's presentation discusses commercial classifications.

City code uses three different ways of determining use for commercial zoning. It may reference the Standard Industrial Classification Code (SIC), or the North American Industry Classification System Code (NAICS). Both are part of the Census Bureau of the federal government. Plain English is also used. There is also a prohibited use section that applies to all Gahanna properties. Of the sixteen commercial zonings,

eleven uses the SIC, four use the NAICS code, and one uses plain English.

Blackford outlined scenarios that Planning is regularly questioned on for use. One is truck parking in OCT. Truck parking, a parking lot, is permitted use. Automotive repair is also permitted use in OCT. Another scenario is sales - retail selling is permitted, but wholesale is prohibited. Towing is a conditional use. Long-term storage is permitted, but storage would be a "gray area" of the code. Junk yards are specifically prohibited in Gahanna.

Another scenario is a specific use on a specific property. For example, a medical office in SO zoning. The type of activity determines whether use is permitted. Per the SIC code, collecting blood and samples is permitted if done by a doctor, but is a conditional use if done by someone else. Also, per the SIC code, processing samples onsite is permitted but processing samples offsite is a conditional use.

Blackford shared the Suburban Office SIC zoning code, which has forty-four different types of zoning. Suburban Office zoning is fairly simple and does not include any type of industrial use, only offices. Blackford stated that the office receives calls regarding what is allowable in SO zoned areas. This can be challenging to answer because the SIC code may be interpreted differently than intended by the reader and because each of the forty-four codes has many subsections or uses.

Blackford outlined an example of where a particular use may be allowed, such as a vape shop. The staff must define a vape shop, then determine which zoning code to use, and then determine if a vape shop is permitted within those commercial codes.

Blackford then moved to the land use plan in determining uses. Ohio does not have a comprehensive plan. The land use plan is a high-level guide.

The zoning code is 399 pages, which is intense for a suburban zoning code. The department wants to cut it down to about half of what it is today, eliminating obsolete zoning codes. It is heavy on process and roles and responsibilities of staff. It includes many references to the Planning and Zoning Administrator, which is a position that does not currently exist. The goal is to get the plan down to a more manageable size. They have not yet determined what uses are appropriate in zoning districts or where to locate zoning districts, but this will be part of a workshop with staff and a consultant that is 45-60 days out (early-to-mid June).

Councilmember Schnetzer thanked Blackford for his presentation and asked what will happen after the workshop. Blackford says his vision is to have some zoning codes and uses at the first workshop that will be reviewed and spur conversation. There would then be a follow-up workshop to compare new code with current code. Schnetzer clarified his question: presumably after the re-write it will have to be enacted into law; is there a timeframe for that? Blackford responded that the goal for that is the end of 2023, with a tentative hearing date of October.

Councilmember Renner thanked Blackford for his overview. He asked where someone can go to see the zoning map currently. Blackford informed the group that it is accessible on the city's website. Renner asked if it is easy to look at the major arteries of Gahanna, such as Granville Street and Hamilton, understand what the zoning is there, and what can go in there today. Blackford responded that he thinks it is easy to find but determining what the use is can be challenging because of the code. He said the most impactful part of the process will be looking at the zoning map and determining what to allow in which areas.

Councilmember McGregor asked for a clarification about the Planning and Zoning Administrator position. She said that even if it is not a position that is filled now, someone could be designated as the Planning and Zoning Administrator in the future. Blackford replied that part of the discussion tonight is to clarify that position and who handles what responsibilities. The mayor added that as code changes have been made, the roles have become more generic. She has signed memorandums designating people with certain functions as job duties have changed.

C. ITEMS FROM PLANNING COMMISSION:

[ORD-0023-2023](#) AN ORDINANCE TO AMEND THE CITY OF GAHANNA CODIFIED ORDINANCES CHAPTER 914 - TREE PRESERVATION, PLANTING AND REPLACEMENT, PART ELEVEN PLANNING AND ZONING CODE CHAPTERS 1106, 1123, 1136, 1137, 1139, 1141, 1143, 1145, 1147, 1151, 1155, 1163, 1165, 1169; AND TO REPEAL BUILDING CODE CHAPTER 1311 - REGISTRATION

Blackford shared that Parks & Recreation asked for assistance on this code change. They asked for a definition of a hazardous tree and to for the removal of a hazardous tree without a permit. One of the unintended consequences of the tree preservation code is that there is a permitting process involving a tree survey, which can be costly and time consuming. This change addresses hazardous trees that may become a life safety issue. This would allow removal without a permit once the tree has been designated hazardous by a qualified staff of the Parks department. The inspection would be documented.

The next code portion for discussion to change is the subdivision without plat portion. It is a process in which one property is being subdivided. For example, going from one larger lot to two smaller lots. It can be an administrative process, or it can go to Planning Commission depending on the size of the property. Planning Commission has asked for this to be an administrative process if the lot split meets all zoning code requirements. If it does not meet code, there would be a variance that would go before Planning Commission.

The next change, a change to section 1123, would define the Planning and Zoning Administrator. It is a higher-level mayor designee, so as the code evolves the position does not need to evolve each time.

The next changes are changes to yard requirements for single family zoning areas. The goal is to clean it up. Right now, the office receives calls for clarifications on things like setbacks. It will be formatted in a simpler way, similarly to how other code sections are formatted. The other change reduces the side and rear yard for unattached accessory structures. Ninety-five percent of unattached structures are sheds. The most common variance now is for a location of the shed. Typically, it would be a ten-foot setback for the side yard and for the rear yard. The office has seen about thirty of those variances over the last couple of years. All but one or two were approved, and the ones that were not approved were right on the property line. Planning Commission is comfortable with reducing the setback to five feet for most of those requests.

The next set of changes is related to the Office, Commerce, and Technology (OCT) zoning south of Taylor Road. The predominant use is industrial in nature. Nearly every single use in that area has some component of outside storage. Right now, that is a conditional use in industrial zoning. The proposed change is to make that a permitted use, approvable administratively, with no action required by Planning Commission. Every single one of the conditional uses has been approved. There is language about the position of the structure. For example, it must be behind a building. There are also screening standards. So, if a requester meets the code, it will be an allowed use rather than a conditional use. The OCT zoning is also the only area that limits on storage tanks. This is the primary area where storage tanks are seen, though not the only one. Code currently says over four hundred gallons or over ten feet in height. A Planning Commission subject matter expert pointed out that septic tanks are usually five hundred gallons. Instead of ten feet or four hundred gallons, a request was made to increase the size to over two thousand gallons or twenty feet in height before needing to go to Planning Commission. Any storage tank within that size can be administratively approved with this new change.

Another proposed change is to eliminate the requirement of a ten-foot landscape island in commercial parking lots where parking spaces meet head-to-head. Planning Commission almost always approves these variances, as having the landscape islands can impede pedestrian traffic. But because large, open parking lots can be unattractive, the proposed change includes a small buffer around the perimeter. This

would be incorporated into all types of zoning that have parking lots.

The next proposed change is regarding temporary signs. The removal of the word "consecutive" has been proposed. The determination of how long a sign can be up depends on the material type. A plastic sign can be up for thirty consecutive days. This allows for a loophole in which a sign can be up for twenty-nine days, be removed for one, and then can be put back up for twenty-nine more days. Another change clarifies where a sign can be located. A third clarification is for paper and cardboard signs. These signs are only permitted in residential areas and are typically garage sale signs. Right now, they are permitted in commercial areas. They are not frequent, but they do occasionally get put up. The final temporary sign change is to reduce the hanging of plastic signs from thirty days in a six-month period to thirty days in a four-month period. This could include event signs as well as political signs.

The next code change is for permanent signs. Blackford explained that for a single-tenant building, the sign limitations are clearly outlined. But for a multi-tenant property, a master sign plan is required. The master sign plan contains the rules for permanent signs on that particular property and is the responsibility of the landlord or property owner. Many landlords and property owners do not want to go through the permitting process for the sign. It puts the tenants in a tough spot because they want signage. Staff has tried to allow for some types of signage, specifically wall signs and window signs, allowing for those to be administratively approvable in certain circumstances. Most master sign plans state that the allowable signage depends on the tenant store size or width. There is also a height limit. Staff recommendation is fifty percent of tenant width and thirty in height.

The last zoning code change is for conditional use expiration. Currently, conditional use is approved for one year from the approval until the zoning certificate is issued. Many times, it takes more than one year from the time of approval to the actual construction. This change extends the expiration from one year to two years.

The final change is for building code. The proposed change is to eliminate chapter 1311, which is contractor registration. This is a yearly process and registrations expire December 31st every year, regardless of when a contractor registered. General contractors and other various types have to register. Homeowners do not have to register if they are performing the work themselves. The business must register, not the individuals working for the business. Blackford outlined some of the issues with the different licensing requirements that negatively impact the permitting process. Blackford shared that the department is not entirely sure what the goal was in having contractors register. He stated that it does not protect the city in any way. It does not affect the outcome of the project and is not something the city would normally have been involved in. The state now has a licensing requirement, which was not in effect when this portion of the city's code was passed. The state licensing test has a skill component to it, while the city's requirement is paper based. The staff would like to eliminate the requirement.

Councilmember Weaver asked Blackford if he knew the website for

looking up contractors. Chief Building Official Ken Fultz shared that licensing by the state is handled by the OCILB. It includes licensing for electrical, plumbing, gas piping. For the Ohio Fire Marshal, they register and license Ohio fire alarm and sprinkler designers and installers. We can still require that without having registration. We are not allowed to license; all we can do is register contractors. The state requires licensing.

Schnetzer asked about the sheds. He noticed there are several sections that address front setbacks, side setbacks, attached and unattached accessory structures. He asked if it is safe to say that it all boils down to sheds, with the change being from ten feet to five feet. Blackford said essentially, about ninety percent. It could also be something like a pergola.

Renner asked how Planning deals with deed restrictions. Blackford replied that they don't have to. It is a civil matter. A permit would still be issued because it meets the code. Renner also asked what a subdivision without a plat would be. Blackford responded that if he had a lot and wanted to make it two lots, if it meets zoning regulations for lot size, it is approved. These issues currently go before Planning Commission but do not need to. In most jurisdictions, this is an administrative process.

Councilwoman Bowers thanked Blackford for the update on zoning reform. She brought up zoning code section 1155.08 regarding utilities and lighting and commented that there may be some missed redlining. She also brought up a discussion point on hazardous trees. She appreciated that they removed the permit requirement. During conversations on sidewalk issues, she noted that if a tree contributes to a sidewalk issue that is not part of the sidewalk program, to fix the sidewalk a homeowner still must get a permit to remove that tree. She asked whether there has been discussion about waiving the permit requirement for tree removal in those situations, since it is being removed for sidewalk repair. Blackford responded that he, and Planning, is not involved in that permit process. He stated it is probably a right-of-way permit that is necessary. Typically, with zoning and tree removal on single family zoned lots, Planning does not get involved. Because it's in the right-of-way, a different permitting process is triggered. Mayor Jadwin confirmed that process, and it is because of the involvement with utilities. Bowers asked if one permit is needed for all of the work done as part of that process. Mayor Jadwin confirmed that only one permit is needed.

Bowers also asked about temporary signage being placed at intersections. She asked if there were complaints about individual homeowners having signs in their yards. Blackford stated that he is aware of a few. She asked if those were giving rise to the change in code. Blackford replied that no, there have been a few instances in the past of code enforcement complaints related to signs. He said there are a few things that are exempt. Bowers commented on how common it is for residents to have political signs in their yards before elections and expressed curiosity about how that would be handled from an enforcement standpoint. Her concern is that more residents would be violators with the new code change. Blackford replied that if the loophole

is not closed, it is possible that there would only be about fifteen days per year that a sign would not be up. Bowers asked whether it could be changed to sixty days to cover the entire period from early voting to election day. Assistant City Attorney Matt Roth added that there was a federal court case out of Cleveland stating that time limits cannot be placed on political speech. Most city codes have a section that states a certain number of days before an election, but those codes are not enforceable. It can't go in the right-of-way, and you can restrict the size, but the political aspect of it means it can be out there whenever. Blackford says the code does not have any language about when the sign can come up because they do not categorize anything as political signs. There was not a consensus on whether limits could be imposed on how long political signs can be posted. Councilmember McGregor added that thirty-nine days would be enough for political signs to go up. Blackford added that the group could make it sixty days if they want. Bowers suggested that they could settle the legal question first and then bring the issue back to committee, or they could bifurcate that particular portion and advance the rest.

Weaver brought attention to 1163.08(G), interior landscaping requirements. He asked whether the word "should" should be used in that section. Blackford added that it was appropriate because there are some situations that are close but not quite, and it is not a firm standard. The standard of 200 sq. ft. is a good number, but not an "end all, be all" number. Under a "shall" standard, a 199 sq. ft. tree island could not be used to satisfy the requirement.

McGregor inquired about the tanks, and whether Blackford had mentioned septic tanks. She clarified that septic tanks wouldn't be kept above ground. Blackford added that the example was used to illustrate how small four hundred gallons is. As far as sheds, McGregor had seen some variances to have them at the side of the house. Will a variance be required for that? Blackford said no, it can be located to the side of the home but not in the front of the house. It must be to the side or the rear. McGregor expressed her preference that it be an exception to allow sheds in the side yard, rather than the rule. Blackford added that the decision is ultimately up to City Council's approval. McGregor also asked if, regarding the contractor registrations, there was any value in insurance declarations. Blackford agreed that it made sense, although he didn't believe the office had ever received any inquiries about that.

Weaver thanked the mayor for sending the Ohio license lookup, which can be found at elicense4.com.ohio.gov.

Recommendation: Further discussion in Committee of the Whole scheduled for 5/8/2023.

D. ITEMS FROM THE DEPARTMENT OF FINANCE:

[ORD-0024-2023](#) AN ORDINANCE AUTHORIZING SUPPLEMENTAL APPROPRIATIONS - TIF Fund, Bond Retirement Fund, and Police Pension Fund

Director of Finance Joann Bury shared that there was an issue of fees related to unanticipated fees from the first real estate tax settlement.

Therefore, Finance is requesting supplemental appropriations of \$53,000 in the TIF Fund, \$400 in the Bond Retirement Fund, and \$410 in the Police Pension Fund to ensure they are set for the second half of the settlement.

**Recommendation: Introduction/First Reading on Regular Agenda on 5/1/23;
Second Reading/Adoption on Consent Agenda on 5/15/23.**

[RES-0015-2023](#)

A RESOLUTION TO AUTHORIZE A THEN AND NOW PURCHASE ORDER UNDER OHIO REVISED CODE 5705.41(D)(1) FOR THE PURPOSE OF TRAINING PROVIDED BY COLUMBUS POLICE ACADEMY

The 137th class went through went through the Columbus Police Academy in 2021. There were challenges with staffing and the invoice came very late. Encumbrances were not set but appropriations were available. A resolution for a then and now purchase is being requested.

Recommendation: Introduction/Adoption on Consent Agenda on 5/1/23.

E. ITEMS FROM THE DEPARTMENT OF PUBLIC SERVICE:

[ORD-0025-2023](#)

AN ORDINANCE AUTHORIZING SUPPLEMENTAL APPROPRIATIONS - General Fund, Streets Fund, and Water Fund for Damage to City Property

The Department of Public Service requested an ordinance for supplemental appropriations for damage to city property. The Department has received funds over the last quarter for the damage of city property, these funds are currently unappropriated and unencumbered.

**Recommendation: Introduction/First Reading on Regular Agenda on 5/1/23;
Second Reading/Adoption on Consent Agenda on 5/15/23.**

[ORD-0026-2023](#)

AN ORDINANCE AUTHORIZING SUPPLEMENTAL APPROPRIATIONS - Water Meter Fees

The Department of Public Service has received funds for water meter fees over the last quarter. The funds are currently unappropriated and unencumbered. The department requests supplemental appropriations.

**Recommendation: Introduction/First Reading on Regular Agenda on 5/1/23;
Second Reading/Adoption on Consent Agenda on 5/15/23.**

F. ADJOURNMENT:

With no further business before the Committee of the Whole, the Chair adjourned the meeting at 8:07 p.m.

Jeremy A. VanMeter
Clerk of Council

*APPROVED by the Committee of the Whole, this
day of 2023.*

Trenton I. Weaver
Chair