

**KENT PLANNING COMMISSION
BUSINESS MEETING
FEBRUARY 19, 2019**

MEMBERS PRESENT: Amanda Edwards
 Jeff Clapper
 Michael Bruder
 Chris Clevenger-Morris

STAFF PRESENT: Jennifer Barone, Development Engineer
 Bridget Susel, Community Development Director
 Eric Fink, Asst. Law Director

I. Call To Order

Ms. Edwards called the meeting to order at 7:03 p.m.

II. Roll Call:

Ms. Edwards, Mr. Clapper, Mr. Bruder, and Mr. Morris were present.

V. Correspondence

Ms. Edwards notes that the Commission is in receipt of an email dated 2/14/19 from Mr. Rick Hawksley. All Commissioners stated that they have reviewed the document.

VI. Old Business

None

VII. New Business

A. Zoning Code Update: Work Session One

The proposed Zoning Code Text Amendments are being forwarded to the Commission for review and comment.

Work Session One is the review of the following:

- Summary Table
- Table of Contents (general layout)
- Chapter 1101 – TITLE, PURPOSE, SCOPE, INTERPRETATION, AND CONFLICT
- Chapter 1102 – DEFINITIONS.

Ms. Barone initiated the work session by explaining that they are looking for consistency with reference to terms used. One change due to legal reasons, 'shall' will be changed to 'must'. A definition section will have all of the definitions grouped by similar items except where it is logical to have it in another location. Some definitions will be removed as they are well known words and can be found in the Webster's Dictionary. The entire zoning code will be reformatted to make it

more user friendly. Ms. Barone stated that the “PS#” references comments from the company that is working on the updates.

Ms. Susel stated that the code will contain hyperlinks to help with the usability.

Summary Table

Current Summary Table organization and its benefits were discussed.

Table of Contents (general layout)

No comments.

Chapter 1101 – TITLE, PURPOSE, SCOPE, INTERPRETATION, AND CONFLICT

Mr. Bruder asked about section 1101.05 and how it applies to ‘grandfathered’ properties.

Mr. Fink stated that preexisting non-conforming uses will remain legal as long as it is maintained with the City but the new section reinforces that if the non-conforming use is vacated or not renewed, you can lose the non-conforming use.

Ms. Barone suggested adding reference to the Non-Conforming Uses Section 1112.

Chapter 1102 – DEFINITIONS

Mr. Bruder stated that he is curious about the term ‘morals’ used in the definition of 02-2 110201 Interpretation; its context and definition. He feels it is ambiguous and for him connotes a church application. Staff will research this definition further.

Why the term Occupy was removed from the definitions was discussed. Staff will review.

Mr. Bruder asked if there was an actual statement of purpose or is the description of Interpretation the purpose. What is the legal standard? Use the term “Objective” or “Interpretation”.

The Commission discussed the email from Mr. Hawksley and their concern for his suggested purpose statement. The consensus is that this isn’t something that should be the purpose of the zoning code. It was suggested that perhaps it would be a separate area for sustainability.

Ms. Susel stated that the city is currently working on a Greenhouse Gas Inventory and will be establishing an action plan pursuant to Council’s directive to staff, which may be another logical place for Mr. Hawksley’s comments. She said staff will look at both.

Mr. Sahr asked if the purpose of every Board is to ensure or promote the overall purpose of the city government why is it necessary to develop distinct purposes for each Board and/or sub-code.

Ms. Susel stated that she doesn’t think the word “purpose” was meant to be in the title as it doesn’t have a corresponding sub-section but they will check with the consultant.

It was noted that “and/or” and “and/_or” are both used; only one format should be used.

Mr. Morris questioned having the definition of the Board of Zoning Appeals listed in the zoning code as it is established in the Charter; it was suggested that the zoning code merely say "refer to the Charter". Then if the Charter is changed, the zoning code will not also need to be changed.

Ms. Susel stated that it is highly unlikely that the Charter would change and since the Board of Zoning Appeals is mentioned in the zoning code, it is a good idea to have it defined; it is possible to eliminate the number of board members and make it a little more generic.

Mr. Fink agreed.

Mr. Sahr suggested adding "as defined in the Charter" to the definition and maybe a hyperlink.

Comments were made about how useful the diagrams are.

Mr. Sahr agreed but suggested adding information to the setback diagram so that there isn't the assumption that the back of the sidewalk is always the front property line.

Mr. Bruder asked about the definition for sexually oriented businesses mentioned in the Commercial Entertainment definition.

Ms. Barone stated that this is one of the exceptions where the definition will be in another chapter that deals with Specially Permitted Uses but they can add text that directs to that definition.

Mr. Morris asked about Section 44 and why the uses are separate.

Ms. Barone stated this is because they will be in separate zoning districts.

Mr. Morris suggested that the Figure 5 and Usable Floor Area should be on the same page.

Ms. Susel and Mr. Fink stated that there still needs to be some modifications to the definitions to "Group Home" and "Home Group".

Mr. Bruder asked if the Intermodal Transportation Plan needs to be included to encourage some of these modes of transportation.

Ms. Susel stated that currently the Intermodal Transportation Plan is not referenced in the zoning code or the Bicentennial Plan. However, it may be included in phase 2, which will be very similar to the Bicentennial Plan.

Ms. Edwards asked why Boarding House and Rooming House are still separate definitions.

Mr. Fink stated that because the two have different histories, they didn't want to use them interchangeably as they do have different meanings although currently they are treated the same.

Mr. Bruder suggested that the definition of a corner lot is incorrect. He suggested that using degrees may not be the best way to describe a corner lot.

Ms. Barone agreed and said they will need to look into it again.

Mr. Bruder also thought there needed to be more specific details in determining the setback on curved areas. Pages 30-31

It was also suggested to have links to the Thoroughfare Plan.

Mr. Morris stated that 147a refers to Appropriate Utilities and asked if there is a definition of this.

Ms. Barone stated that this is in the Engineering Division's codes.

Ms. Susel stated that the definition for Manufactured Homes has changed and they are going to use the ORC definition.

Mr. Clapper asked if they should remove the word "relatively" as it refers to relatively clean. Page 33. Staff will review.

Ms. Barone stated that this definition of Open Space actually states the criteria, which is not appropriate for the definitions. It will be moved to another chapter.

Mr. Morris stated Figure 9 needs moved to page 37.

Mr. Sahr suggested moving "pet shop" from page 38 to the section with other descriptions.

The Commission asked staff to look into exotic animal classification.

Mr. Bruder asked to discuss Recreation Facilities, Low Intensity Rec Facilities, High Intensity Rec Facilities and their definitions. He suggested that density rather than density. What is intensity measuring? Use of the land? Activity noise? Lighting?

Staff will look into these definitions.

On page 42, Mr. Bruder noted that the roof terms are in the wrong location for drawing #5 and drawing #6; they should be reversed.

There were discussions on the removal of the definition of "streetscape".

Mr. Sahr asked why there is a definition of a monopole tower but not the other types of towers. He suggested making one definition for all telecommunication tower types; strike 222 and leave 217.

Ms. Susel agreed and stated that the regulations need to be looked at again as there were changes by the FCC in December.

Mr. Morris suggested adding "devil strip" with a link to "tree lawn".

Mr. Sahr asked if "Veterinary Clinic" should be moved under business with the pet shops.

Ms. Susel stated that it is a little different so it is separate just like kennels and doggie daycare.

Mr. Bruder asked if in-patient and out-patient should be two different definitions. Staff will look into it.

PUBLIC COMMENTS

Public comment was throughout the discussion. Those present were Terry Kuhn, Tim Sahr of the Board of Zoning Appeals, Jerry Fiala, Mayor, and Gwen Rosenberg, City Council.

VII. Other Business

Mr. Morris moved to excuse Peter Paino from tonight's meeting. Mr. Clapper seconded the motion. The motion carried 4-0.

IX. Adjournment

MOTION: *Mr. Morris moved to adjourn. The motion was seconded by Mr. Clapper.*

The motion carried 4 – 0.

Meeting adjourned at 8:45 p.m.