

November 4, 2016

TO: Craig Margolis, Chair
Planning, Zoning and Landmarks Committee of City Council

FROM: Wayne S. Davis, City Manager *WSD*

SUBJECT: Planning, Zoning and Landmarks Committee Meeting of Monday, November 7, 2016

As a reminder, the Planning, Zoning and Landmarks Committee is scheduled to meet on Monday, November 7, 2016 at 4:30 p.m. at City Hall. The items to be discussed include:

1. Discussion of Proposed Text Amendments to the Land Usage Code — Staff would like the opportunity to discuss the need for the following text amendments to Chapters 150 and 151 of the City's Land Usage Code:
 - Review definition for Drug Treatment Centers and clarify where these uses are permitted;
 - Update the Sign Code to be in compliance with changes in the regulations of signs that were made by the U.S. Supreme Court earlier in the year;
 - Review regulations on Cellular or Wireless Communication Systems specifically to address small cell facilities;
 - Review new State regulations on Medical Marijuana dispensaries and update the Zoning Code as appropriate;
 - Review Heritage District Design Guidelines to include material, color and design specifications for outdoor furniture, umbrellas, awnings, etc.; and
 - Review, update and codify the Montgomery Road Commercial Corridor Design Guidelines, including a review of the existing regulations in Chapter 151 to ensure they are in-line with the Design Guidelines as called for in the 2016 – 2021 Strategic Plan

Please see attached memoranda summarizing these requested changes.

2. Other Business — The purpose of this agenda item is to provide an opportunity to discuss any issues or ask questions that may be on your mind.

Also, attached are the minutes from the July 5, 2016 meeting of the Planning, Zoning and Landmarks Committee for review and approval at Tuesday's meeting.

Should you have any questions or concerns pertaining to the agenda topics, or have additional items to be discussed at the meeting, please do not hesitate to contact me.

c: Mayor and City Council (4)
Connie Gaylor, Administrative Coordinator
Department Heads



AGENDA

**November 7, 2016
Montgomery City Hall
10101 Montgomery Road**

4:30 P.M.

- 1. Call to Order**
- 2. Guests and Residents**
- 3. Communications**
- 4. New Business**
 - a. Discussion of Proposed Text Amendments to the Land Usage Code
- 5. Approval of Minutes: July 5, 2016**
- 6. Other Business**
- 7. Adjournment**

November 4, 2016

TO: Craig Margolis, Chairman
Planning, Zoning and Landmarks Committee of City Council

FROM : Wayne S. Davis, City Manager *WSD*

SUBJECT: Text Amendments to Zoning Code

Introduction

Staff's "to-do list" over the past months has included plans to research and implement multiple text amendments to the City's Zoning Code in a variety of different areas and for a variety of different reasons. Among the reasons for the updates are changes in legislation, opportunities resulting from work with other jurisdictions and the implementation of the City's 2016 – 2021 Strategic Plan.

Background

Law Director Donnellon and Community Development Director Roblero have submitted reports on the respective text amendments they are suggesting for consideration. Staff considered submitting these documents in piecemeal fashion as the schedule allowed and as information came to us, however, several of these items are now ready for presentation to the Committee on one agenda and initiating the process now would allow the Planning Commission and staff to begin working on the text amendments in 2017. The topics for the Committee's consideration are as follow:

- Review definition for Drug Treatment Centers and clarify where these uses are permitted;
- Update the Sign Code to be in compliance with changes in the regulations of signs that were made by the U.S. Supreme Court earlier in the year;
- Review regulations on Cellular or Wireless Communication Systems specifically to address small cell facilities;
- Review new State regulations on Medical Marijuana dispensaries and update the Zoning Code as appropriate;
- Review Heritage District Design Guidelines to include material, color and design specifications for outdoor furniture, umbrellas, awnings, etc., and;
- Review, update and codify the Montgomery Road Commercial Corridor Design Guidelines including a review of the existing regulations in Chapter 151 to ensure they are in-line with the Design Guidelines as called for in the 2016 – 2021 Strategic Plan

Please see the attached memoranda for more detail. It is important to note that while substantial documentation on each issue could have been provided for the Committee, staff has opted to provide the memoranda to synopsise the issues above, which will be further vetted during presentation and review with the Planning Commission and the Landmarks Commission.

Recommendation

Staff is asking for the Committee to consider a motion to recommend that City Council initiate the review of various text amendment changes to Chapter 150 and 151 of the City's Land Usage Code. This motion would enable the Planning Commission and staff to make a recommendation to City Council for proposed language changes to the Code in the areas presented above. If the Committee opts to recommend this review, it can recommend the review of all items suggested by staff or some of the items for review.

November 4, 2016

TO: Wayne S. Davis, City Manager

FROM: Tracy Roblero, Community Development Director *JMR*

SUBJECT: Montgomery Road Commercial Corridor Design Guidelines

Goal 3, Strategy 5 of the 2016 Strategic Plan called for the creation of a redevelopment vision for the Montgomery Road Commercial Corridor from Main Street to City Hall. Work on this Strategy was scheduled to begin in August of 2017 with a recommendation to Planning Commission on proposed text amendments to be completed in March of 2018. At the Planning Commission meeting on May 16, 2016 City Council member Craig Margolis was in attendance and there was a discussion concerning how City Council could support the Planning Commission in their efforts. At that time, there was discussion regarding the Housing Goal of the 2016 Strategic Plan as well as the Montgomery Road Commercial Corridor Design Guidelines. The discussion concerning the Montgomery Road Commercial Corridor Design Guidelines focused on the importance of updating and codifying the Guidelines as soon as possible. At the Planning, Zoning and Landmarks Committee of Council meeting on July 5, 2016, Staff discussed the timing of this update with the Committee members and the consensus was to move the due date of the goal to 2017 if staff time allowed.

As a follow-up to that meeting, Staff is requesting that the Planning, Zoning and Landmarks Committee of Council consider a recommendation to City Council to initiate the review and update of the Montgomery Road Commercial Corridor and Chapter 151.12 Business District Regulations as it relates to the Commercial Corridor Design Guidelines. The process to update the Zoning Code begins with a motion from City Council or an application from a property owner. Typically, when making language changes to the Code the process is initiated with City Council, especially when the review is identified in the City's Strategic Plan.

November 4, 2016

TO: Wayne S. Davis, City Manager

CC: Frank Davis, Special Projects Coordinator

FROM: Tracy Roblero, Community Development Director *JMR*

SUBJECT: Heritage District Regulations Update

In 2007, Montgomery City Council passed Ordinance 10 establishing regulations for street furnishings in the Heritage Overlay District. At that time the principal concern was the increase in the number of news/magazine racks being placed downtown. The ordinance directed Staff to work with the Landmarks Commission to establish the standards for other street furniture including benches, chairs, tables, umbrellas and waste receptacles. While the Commission has reviewed applications since the Ordinance passed for Walker Brothers Ice Cream, Montgomery Inn outdoor dining and Cinque, written standards have never been established. Staff believes that is appropriate to develop standards for review of street furniture at this time.

Staff is requesting that the Planning, Zoning and Landmarks Committee of Council consider a recommendation to City Council to initiate the review and update of Chapter 151.14 Heritage District Regulations to incorporate design standards for street furniture. The process to update the Zoning Code begins with a motion from City Council or an application from a property owner. Typically, when making language changes to the Code the process is initiate with City Council. While Ordinance 10, 2007 directed Staff to work with the Landmarks Commission to establish standards, Staff believes it is appropriate to initiate the approval process due to the length of time that has passed.

TO: Craig Margolis, Chair
Members of the Planning, Zoning & Landmarks Commission

FROM: Terrence M. Donnellon

RE: Zoning Code Text Updates

DATE: November 2, 2016

The process under our Code to initiate an update to the Zoning Code is a motion from City Council or an application from a property owner. Typically when we are making language changes to the Code the process is initiated with City Council.

We would like Planning, Zoning & Landmarks to make a recommendation to City Council that we initiate review of multiple subjects identified within this Memo, as well as other issues which I believe Tracy is suggesting be updated.

Some of the current issues we need to review concern our updated Sign Code, whether or not better definitions are needed for Drug Treatment Centers, Small Cell Antennae, and Medical Marijuana.

Sign Code: The U.S. Supreme Court in the past year significantly changed the regulation of signs by municipal communities. We are a member of the Miami Valley Risk Management Association and we have asked defense counsel for MVRMA to help our member communities to draft a complying Sign Code. Attached is an initial copy of that draft under consideration by MVRMA's general counsel. This is not a final version, but we hope to have a final version in the next few months.

Also attached is a model Code proposed by the Ohio Municipal Attorney's Association. I have given a copy of the OMAA Code to counsel for MVRMA and they are going to try to reconcile the two Codes to have a final product ready for review. We would like to start the process now through City Council and the Planning Commission so that we are able to redraft our Code early in 2017.

Drug Treatment Centers: We need to review the Code to determine whether an expanded definition is needed for Drug Treatment Facilities. Attached is an article from September 15, 2016 in the *Cincinnati Enquirer* where controversy has arisen in West Chester Township concerning the opening of such a facility. We do not separately define a Drug and Alcohol Treatment Center

within our Code. Is it a permitted use as a medical office or a permitted use in a hospital facility? Many years ago when the Bethesda Hospital property was being developed there was concern about construction of a residential alcohol treatment facility to which the neighbors objected.

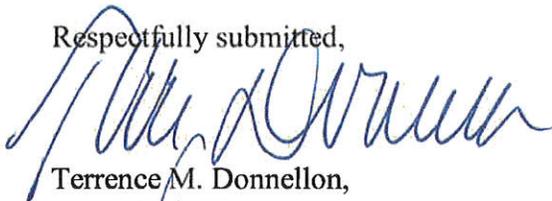
While no such facility has approached the Community Development Department to open a facility in the City, it is best that we prepare our Code to determine if such a facility is permitted or conditionally permitted, and where it would be permitted in the community. We should also provide some definition to be sure that we are prepared for any application which may be submitted and to know how residents would object or not object to such a facility. We are all aware of the acute social problem with opioid addiction and the growth of treatment facilities throughout the Greater Cincinnati area. It is best that we be proactive and not reactive.

Small Cell Antennae: More and more cell service providers are finding the need to bolster coverage in limited areas where there may be high volume or even gaps. One of the proposed solutions are Small Cell Antennae which typically are attached to utility poles.

The City of Mason recently negotiated an Ordinance with one of the industry service providers. A copy of their Ordinance is attached.

Medical Marijuana: While we may be months from state regulations concerning the cultivation, distribution and sale of Medical Marijuana, the State statute permits local communities to retain Zoning control over these industries. It would be appropriate to begin the process now to determine how these uses should be defined and/or regulated under our Code.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/ild

Enclosures: MVRMA Draft Model Sign Code; OMAA Sign Ordinance; OMAA Sign Code Appendix A; Newspaper Article;
Small Cell Ordinance-Mason

cc: Wayne Davis
Tracy Roblero

These Minutes are a draft of the proposed minutes from the Planning, Zoning and Landmarks Committee of City Council meeting. They do not represent the official record of proceedings until formally adopted by the Planning, Zoning and Landmarks Committee of City Council. Formal adoption is noted by signature of the Chair within the minutes.

City of Montgomery
Planning, Zoning and Landmarks Committee
July 5, 2016

Staff Present

Wayne Davis, City Manager
Frank Davis, Special Projects Coordinator
Julie Kipper, Acting Clerk of Council

Council Committee Members Present

Craig Margolis, Chair
Ken Suer
Ann Combs

The meeting of the Planning, Zoning and Landmarks Committee of City Council convened in Council Chambers at 5:00 p.m. with Mr. Margolis presiding.

New Business

Discussion of Proposed Monument Sign for City Hall

Mr. Frank Davis explained that staff has been working with Preferred Resources on the design of a monument sign to identify City Hall which was discussed with the Planning, Zoning and Landmarks Committee of Council on November 2, 2015, January 4, 2016 and March 7, 2016. At the meeting in January, a preferred sign design was agreed upon by the Committee. Staff contacted Preferred Resources to obtain a quote for the new design; however, it was not available to review at the March 7, 2016 meeting. Mr. Davis explained that since that time, staff has received a quote, which is included in the packet. The quote offers four different options for the Committee to consider, and Staff is recommending approval of any of the four proposals.

He explained that the quote includes an option for a single panel design or a double panel design with a steel or aluminum frame reinforcement in the middle to safe guard against warping of the sign panels. Both options were quoted using a Redwood material or a High Density Urethane (HDU) material for the sign panels. Mr. Davis explained that staff felt there is not a real need for the Redwood, since it will not be in the Historic district, and that the HDU would be a good alternative.

The Committee discussed the four different options in detail, including the differences in materials and pricing. The Committee expressed their opinions and concerns about the durability and appearance of the Redwood versus the HDU material. Mr. Davis explained that the lifespan of a Redwood sign is usually around fifteen years, and that the Heritage District businesses frequently use wood signs. Mr. Wayne Davis stated that the Redwood option offers a more natural look and enhances the overall appeal of the community. After further discussion, the Committee agreed that the Redwood double panel version with the extra reinforcement was a good idea for durability and aesthetics.

Mrs. Combs moved to accept the proposal for the Redwood Version B for the City Hall sign. Mr. Suer seconded. The Committee unanimously agreed.

Montgomery Road Commercial Corridor Guidelines

Mr. Frank Davis explained that Goal 3, Strategy 5 of the 2016 Strategic Plan called for the creation of a redevelopment vision for the Montgomery Road Commercial Corridor from Main Street to City Hall. Work on this Strategy was scheduled to begin in August of 2017 with a recommendation to Planning Commission on proposed text amendments to be completed in March of 2018. At the Planning Commission meeting on May 16, 2016, there was discussion regarding the Housing Goal of the 2016 Strategic Plan, as well as

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the Montgomery Road Commercial Corridor Design Guidelines. Mr. Davis stated that the August 2017 timeline could be moved up to August 2016 if City Council is interested in reviewing the Guidelines sooner.

Mr. Suer stated that he would be agreeable to moving the timeline, and mentioned that with future projects such as the Gateway Redevelopment Area coming soon, it might be good to have these Guidelines firmly in place. Mrs. Combs agreed with Mr. Suer. Mr. Margolis inquired as to the intent of the Guidelines and the concerns of the Planning Commission.

Mr. Frank Davis explained that the difference between Guidelines versus the Zoning Code is that the codes are rules that are enforced, whereas the Guidelines are more like suggestions. He stated that the Planning Commission would like to see the Guidelines have more weight to them, and for them to be in place for future business development in the Corridor.

After further discussion, Mr. Margolis stated that the Committee recommends moving the timeline up and to defer to the Planning Commission to see what their recommendations are for firming up the Guidelines.

Mr. Wayne Davis stated that staff would move forward with changing the timeline and include this on the agenda at a future meeting of the Planning Commission.

SolSmart Partnership

Mr. Frank Davis stated that on June 15, 2016, Tracy Roblero, Community Development Director, met with representatives from the Greater Cincinnati Energy Alliance (GCEA) to discuss a new U.S. Department of Energy program entitled SolSmart. Mr. Davis explained that SolSmart is a technical assistance program for local governments designed to drive greater solar installations by reducing soft costs. The program would provide local governments with a designation of Bronze, Silver or Gold in recognition of the steps that they have taken to address local barriers to solar energy, and otherwise foster the growth of mature local solar markets within their jurisdiction. He explained that communities can apply for SolSmart Designation through the SolSmart website. After the initial review of the application, the Solar Foundation will determine at which level a community would qualify for designation, and would provide technical assistance designed to help the community improve their solar market and achieve SolSmart designation.

Mr. Frank Davis referred to the proposal submitted by the GCEA and noted that two of the three levels of SolSmart Designation will require the City to provide a certain level of commitment and funding, however the amount of funding was not specified.

After further discussion, the Committee advised staff to provide further information on the SolSmart Partnership prior to making a commitment.

Other Business

Mr. Margolis stated that at recent Planning Commission and Board of Zoning Appeals meetings, the topics of the Montgomery Corridor Guidelines and corner lots were discussed. He asked the Committee if there were any other topics that they would like him to share with the Planning Commission or the Board of Zoning Appeals.

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The Committee discussed focusing on the Corridor Guidelines as well as the recent trend in teardowns in Montgomery. Mr. Suer mentioned the issue of affordable housing options in Montgomery, and suggested the possibility of having joint discussions with City Council and the Committees, or holding a Special Session of City Council to gather input from Planning Commission and Board of Zoning Appeals members.

Mr. Wayne Davis mentioned the topic of variances and some of the recent issues that have occurred with builders in the area.

Minutes

Mr. Suer moved to adopt the minutes of the March 7, 2016 meeting of the Planning, Zoning and Landmarks Committee. Mrs. Combs seconded. The Committee unanimously agreed.

Adjournment

Mr. Suer moved for adjournment. Mrs. Combs seconded. The Committee unanimously agreed.

The Planning, Zoning and Landmarks Committee meeting adjourned at 6:10 p.m.

Chair

DRAFT