

Oakwood, Ohio
June 5, 2024

The Planning Commission of the city of Oakwood met in regular session at 4:30 p.m. in the council chambers of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419.

The Vice Chair, Mrs. Harrison Gowdy, presided and the Clerk, Ms. Lori Stacel, recorded.

Upon call of the roll, the following members responded to their names:

- MR. ANDREW AIDTABSENT
- MRS. HARRISON GOWDYPRESENT
- MR. GREG LAUTERBACH.....PRESENT
- MR. KEVIN HILL.....PRESENT
- MR. STEVE BYINGTON.....PRESENT

Officers of the city present were the following:

- Mr. Robert F. Jacques, City Attorney
- Mr. Ethan M. Kroger, Planning & Zoning Manager

There were no visitors in attendance.

Mrs. Gowdy called the meeting to order at 4:30 p.m. She shared that Mr. Aidt could not attend the meeting and asked to be excused. It was moved by Mrs. Gowdy and seconded by Mr. Byington that his absence be excused; the motion was approved by viva voce vote.

Mrs. Gowdy asked if there were any questions or concerns with the minutes from the March 6, 2024 meeting or the May 1, 2024 meeting. There being none, it was moved by Mrs. Gowdy and seconded by Mr. Lauterbach that the minutes be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Mrs. Gowdy invited Mr. Jacques to present the staff report for Application 24-3.

Mr. Jacques explained that city staff is proposing to amend the text of the Zoning Code to create a definition and provide specific regulations for the placement and use of Temporary Outdoor Facilities, commonly known as “porta-potties.” They are already permitted under the general accessory structure regulations of the Zoning Code, but there are no specific definitions or regulations to treat them any differently than other types of accessory structures. City staff is recommending provisions that will define Temporary Outdoor Restroom Facilities and establish clear rules as to permitted locations, duration, maintenance, and public visibility.

Even though Temporary Outdoor Restroom Facilities do not have footers and are not constructed on the ground, they meet the city’s definition of a structure. These temporary facilities are being placed in open locations resulting in complaints from neighbors. The proposed regulations would allow city staff to address issues relating to permitted locations, duration, maintenance, and public visibility in the future. The amendment also specifies where temporary facilities are permitted in residential and business districts, subject to design and performance standards.

Mr. Jacques highlighted the proposed design and performance standards. The temporary facilities may only be placed in residential side or rear yards; can only be installed three days before construction; and must be removed no more than three days after construction is complete. Temporary facilities must be regularly serviced and maintained. The Building Commissioner will have the right to request service or maintenance logs to verify that the facility is regularly emptied and taken care of so it does not become a public nuisance. There is an exception for public athletic facilities operated by a governmental entity, such as the temporary facilities where the baseball and softball diamonds are. The proposed amendment would also exempt anything approved as part of a special use, temporary use, or planned development.

Mr. Byington asked if a temporary outdoor facility could be approved for a block party.

Mr. Jacques explained that a block party is a form of a temporary use. If needed, the block party application could be amended to include information about requesting a temporary facility. The facility may then be approved as part of the temporary use.

Mr. Hill asked if restroom trailers are permitted at larger events.

Mr. Jacques explained that Zoning Code has an existing provision allowing temporary events to request larger trailers, including the kind of restroom trailers that are seen at larger events. The amendments currently being proposed are for one-person stalls.

Mrs. Gowdy asked if city staff would work with property owners to find the best location regardless of yard.

Mr. Jacques shared that this is not built into the amendment for residential properties because there should be some way to get the temporary facility into the rear or side yard. For non-residential uses, the Building Commissioner has some authority to waive the required yard placement and allow for a different yard as long as it can be properly screened and will not cause health, safety or welfare issues of any kind in the neighborhood. Mr. Jacques said that he could adjust the wording to say that the Building Commissioner has the authority to waive the yard requirement in any zoning district as long as it can be properly screened, so it applies to both residential and commercial properties.

The Planning Commission agreed with this change.

Mr. Jacques noted that the Planning Commission could also approve deviations to Temporary Outdoor Facilities as part of a major site review analysis.

Mr. Jacques asked the Planning Commission to follow the decision standard as listed in Section 1003.6(B) of the Oakwood Zoning Code. The Code states "Text amendments shall be reviewed for consistency with the purposes of (the Zoning Code), the Comprehensive Plan, and interests of the city of Oakwood as a whole."

Mrs. Gowdy closed the public hearing.

Mr. Byington asked if Mr. Lauterbach had any concerns as an architect who is familiar with contractor needs.

Mr. Lauterbach answered no. He opined that the temporary outdoor facilities are placed in visible locations because it is easy and no one has told them not to. Contractors should be able to comply with these regulations.

It was then moved by Mr. Byington that Application #24-3, for proposed text amendments of the Zoning Code to create a definition and provide specific regulations for the placement and use of Temporary Outdoor Facilities, submitted by the city of Oakwood, be recommended for approval to Oakwood City Council with a modification to Section 901.20(B)(4) to allow the Building Commissioner discretion in all zoning districts/uses. Mrs. Gowdy seconded the motion.

Upon call of the roll on the question of the motion, the following vote was recorded:

MRS. HARRISON GOWDY	YEA
MR. GREG LAUTERBACH	YEA
MR. KEVIN HILL	YEA
MR. STEVE BYINGTON	YEA

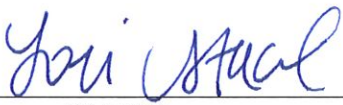
There being four (4) YEA votes, thereon, said motion carried.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 4:57 p.m.



 CHAIR

ATTEST:



 CLERK