

Economic Development Committee Minutes

Honorable Council
City of Newark, Ohio
June 21, 2023

The Economic Development Committee met in Council Chambers on Tuesday June 20, 2023 following the Service Committee with these members in attendance:

Spencer Barker, Chair
Michael Houser – Vice Chair
Colton Rine
Beth Bline
Jeff Harris

We wish to report:

1. **Ordinance No. 23-22** AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO

George Carter, Zoning Inspector - It's been quite a while since we've had a comprehensive update to the Zoning Code. Brian Morehead, the City Engineer and myself have been going through the code over the last 4 years and we have seen some things that are just simple errors in the code, some are mathematical errors that we want to clean up. As well, some members of Council along with some citizens have shown some concern about shipping containers here in the City of Newark, so through some comprehensive planning we have developed a plan to address shipping containers and make sure they are properly being used for said purposes which is of course shipping goods through those containers. I have a summary of change listed here for the Zoning Code. Some of the big ones are, we are updating our fee schedule, the fee schedule has not been updated since 2009. I took a comprehensive look at other communities in our area of similar size and stature and for the most part, simply on our planning side we come in way under what is generally being charged locally. Some of things we found out were right on par and those things have not changed with this fee schedule. To me that's one of the biggest concerns the committee should have is looking at those fees. In my tenure here at the City of Newark, I started off in the Development Department under Director Mauter then moved to the Safety Division in Property Maintenance for 10 years, I still assist Property Maintenance, as Mr. Rath asked for my update on some of those properties, so I'm very well trained in Property Maintenance and have taken that same professional approach as Zoning Inspector. What I've noticed is I mainly only get to slap people on the wrist for zoning violations, there's no teeth, so, I've implemented a fine schedule, citation schedule whatever you'd like to call it,

here in the Zoning Code. It's going to mirror Property Maintenance which the City of Newark is very accustomed to, we did almost word for word out of the Property maintenance Code, it's something I'm very familiar working with and am going to continue that moving forward. One of the other major changes we have in there is we added Single Family under permitted use in Multi-Family Residential District. Up to this point you could not build a single family house on a multi-family zoned lot, which is you can do 2,3,or 4 families, it didn't make sense why you couldn't do a single family there. The shipping containers, some mathematical errors, as I said our fee schedule, implementation of a citation schedule. We also noticed that the Zoning Code restricted me to a 7 day time period to approve Zoning Permits. Under the circumstances a lot of our commercial developments do require Planning Commission approval, so we asked that it be expanded to at least 30 days so I can have the proper time. At no point do I want to sit on a Zoning Permit Application for 30 days, otherwise my phone rings off the hook and I cannot get any other work done. So, we're still implementing Zoning Permits on a 3-4 day schedule here, with the software updates we've had in our office I can do same day permits if time allows. So, we've really sped that process up, but I just want to be able to not put myself in a situation where I have to approve a permit because I didn't act on time, and I want to be able to give Planning Commission proper time to be able to review those. It kind of goes on the same intent with Article 155 regarding our District Changes, we needed to better align those dates and timeframes with Ohio Revised Code and our Charter requirements. You had a question regarding timeframe period changes and those are the reasons I have. There's a couple other things here, but we did look at updating prohibited uses for the Downtown Commercial District. One of the other situations I found myself into is we have all these regulations for swimming pools, but if they heat the water up to a certain degree and call it a hot tub it doesn't have to fall under any regulation. I have started to see some pretty big and pretty fancy in-ground hot tubs, we need to add those to the Code. We addressed for some clarification in MB and HB Districts where restaurants were limited to the amount of seats you could have, so I made sure it was clear in an HB District a restaurant did not have any kind of seating capacity. That is a summary of my changes, if you have any questions.

Mr. Barker - Thank you. I want to make one clarification that should this committee pass this it will go onto Planning Commission for a Public Hearing and then recommendation back to Full Council, so do any members of the Committee or any Council Members have any questions?

Mr. Rath - I apologize, I wasn't prepared to talk on this tonight so I don't know the exact zoning, maybe you can help me out. With some of the things we've dealt with in the past there was one zoning inconsistency that I thought needed to be corrected and that is with tattoo parlors. I'm not trying to bring them into downtown that's not what I'm trying to do, but if somebody comes in and wants to start a tattoo parlor and wants a zoning change and we approve that then at that property the next owner could also put in a bowling alley or a movie theater. Those

are obviously not appropriate. I think it would be much more appropriate to lump tattoo parlors in with beauty salons and barber shops.

Mr. Carter - For most of the Zoning Districts I think it spells out tattoo parlors at a permitted use. In some of the Districts it spells out Beauty Parlors, it is I believe a 2010 act of City Council that we banned the tattoo parlors her in the Downtown Commercial District. I think as the Code specifically calls out tattoo parlors, it was designed with the intent that certain zones could have tattoo parlors some could have beauty parlors and some can't, If I hear you right, you're suggesting that we group tattoo parlors along with beauty parlors in the Zoning Code.

Mr. Rath - Yes, I think that makes sense. I don't think it makes sense to have tattoo parlors lumped in with movie theaters and bowling alleys. I can't remember off the top of my head specifically what Zoning District tattoo parlors are allowed in, so I can't reference what the other permitted uses in that area would be. Certainly from and intensity standpoint that a tattoo parlor is not bringing the intensity that a bowling alley or movie theater is, I do agree with you on that. You know you're looking at 5-109 individuals there at a time, where a movie theater if you've got 8 showings with 50 seat capacity for each section, that is certainly a higher intensity. It is certainly not being addressed in this legislation, but I'm calling this kind of round one of my Zoning Changes, we're going to be looking at mobile food units, Councilwoman Bline and I have had some conversations about that as well as some planning Commission members. I tried not to inundate the committee with a 32 page Zoning Change, so we did separate those out and will look at the intensity issues that tattoo parlors have and that maybe they should be reclassified.

Motion to send to Full Council by Mr. Harris, Second by Mr. Houser

Ms. Bline - I just want to thank you for doing this because this is well needed and like you said, this is round one and I'm sure there's going to be more things like Councilman Rath brought up, but I appreciate you delving into this. Thank you.

Mr. Barker - I will ask one question, for the Downtown Commercial, that is dealing with Vape store and Tobacco stores, correct, because my phone has been phone has been ringing off the hook about Vape stores.

Mr. Carter - It was brought to my attention that we would like to see that prohibited in the Downtown District, we did.

Motion passed 5-0

Economic Development Committee stands adjourned

Spencer Barker, Chair