

**MINUTES OF THE COMMITTEE OF THE WHOLE**  
**January 22, 2018**  
**Auditorium**

**Present:** Councilmembers Anderson, George, Litten, O’Leary and Rader

**Also Present:** Planning Director Sylvester, two members of the public

**Call to order:** 6:12 p.m.

Motion by Councilmember O’Leary, seconded by Councilmember Anderson to excuse the absence of Councilmember O’Malley.

All members voted in favor. Motion passed.

**Ordinance 34-17 – Amending Section 1103.02 Regarding Definition of Outdoor Dining**

Director Sylvester distributed an updated version of the ordinance. The ordinance was put forward in response to requests by businesses owners who want to provide outdoor dining in multiple locations on their property. The current Code prohibits this.

Also, the word ‘exterior’ is added to Section 1161.03 for clarity.

It was clarified that the ‘or’ proposed to be removed in Section 1103.02 (zz) is a typo that will be corrected in the final version.

Director Sylvester remarked that while most restaurants typically only have one location for outdoor dining that an owner who has space for two tables in the front and additional tables in the rear approached the City about the change. He stated that Planning Commission had no objection so long as the total number of outdoor seats does not exceed 25% of the total number of approved indoor seats per the Code.

Director Sylvester remarked on a few scenarios in which restaurant owners have had to return to the Planning Commission regarding their outdoor dining permits due to noise complaints. He noted that this has not occurred in the past three years.

Motion made and seconded to recommend adoption of Ordinance 34-17 to Council.

All present members voted in favor.

**Ordinance 36-17 Parking Plan Review Application Fee**

Director Sylvester explained that the existing Parking Code allows commercial property owners to submit a parking plan to the Planning Commission if they do not meet mandatory maximums and minimums. While all other plans requiring review have a fee attached, no fee was ever attached to the parking plan. The ordinance proposes a \$150 fee. The Department assigned this fee because it believes that the work involved is commensurate with that of a commercial property conditional use permit.

Director Sylvester remarked further on the 2014 changes to the Code that first introduced the concept of a parking plan and how it is carried out in practice.

Motion made and seconded to recommend adoption of Ordinance 36-17 to Council.  
All present members voted in favor.

Committee of the Whole adjourned at 6:24 p.m.

ORDINANCE NO. .

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 1103.02(zz), Definitions (Outdoor/Seasonal Dining Facility), of the Codified Ordinances of the City of Lakewood in order to further clarify an outdoor dining space.

WHEREAS, recently the Planning Commission has reviewed proposals for additional outdoor dining space where a business has an existing outdoor dining facility; and

WHEREAS, these proposals have been consistent with the intent of the code, but the code neither permits nor prohibits more than one outdoor dining space on a site; and

WHEREAS, it is appropriate to further define the intent to clearly allow more than one outdoor dining space where all other areas of the code are met and the site is conducive to more than one outdoor dining space; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that it is in the best interest of the City to ensure that the spirit of the code is correctly defined within the code; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1103.02(zz), Definitions (Outdoor/Seasonal Dining Facility), of the Lakewood Codified Ordinances, currently reading as follows:

**1103.02 Definitions**

(zz) **OUTDOOR/SEASONAL DINING FACILITY** means an outdoor dining area or an area wherein twenty-five percent (25%) or more

of any exterior wall is movable and is connected or attached to an indoor restaurant, bar, tavern or nightclub.

shall be and hereby is repealed, and new Section 1103.02(zz), Definitions (Outdoor/Seasonal Dining Facility), of the Lakewood Codified Ordinances is enacted to read as follows:

**1103.02 Definitions**

(zz) **OUTDOOR/SEASONAL DINING FACILITY** means an outdoor dining area; or an area wherein twenty-five percent (25%) or more of any exterior wall is movable and is connected or attached to an indoor restaurant, bar, tavern or nightclub; or any combination thereof.

Section 2. Section 1161.03(t) of the Lakewood Codified Ordinances currently reading as follows:

**1161.03 Supplemental Regulations for Specific Uses**

(t) Outdoor/Seasonal Dining Facility

(7) The total number of seats for the Outdoor/Seasonal Dining Facility shall not exceed 25% of the maximum number of previously approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor/Seasonal Dining Facility will be determined by the Planning Commission upon review of the amount of space available, the ADA and the Building Code.

shall be and hereby is repealed, and new Section 1103.02(zz), Definitions (Outdoor/Seasonal Dining Facility), of the Lakewood Codified Ordinances is enacted to read as follows:

**1161.03 Supplemental Regulations for Specific Uses**

(t) Outdoor/Seasonal Dining Facility

(7) The total number of exterior seats for the Outdoor/Seasonal Dining Facility shall not exceed 25% of the maximum number of previously approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor/Seasonal Dining Facility will be determined by the Planning Commission upon review of the amount of space available, the ADA and the Building Code.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 34. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five

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members of Council this ordinance shall take effect and be in force immediately, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_  
MAYOR