

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
September 5, 2013

This regular meeting of the Ordinance Committee was held Thursday, September 5, 2013. Chairman Smith called the meeting to order at 7:27 PM.

ROLL CALL OF MEMBERS:

Present: Smith, Kovach, McCullough

Absent: Mayor Bring and Service Director Smith (excused)

Attending: Law Director Graves

MINUTES: June 6, 2013, *Motion by McCullough/Second by Kovach to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: **None.**

CORRESPONDENCE: **None.**

OLD BUSINESS:

Expand the role of Architectural Review Board under Planning Commission:

1139.06c – problematic piece of code; needs to be eliminated or to be explained what kind of standards and criteria the ZBA is supposed to use (our code is 1101) – Law Director Graves advised I have given you a copy of 2 sections of code from the Avon Lake which I think is pretty good. Section 1217; zoning procedures, specifically 1217.03 site plan review. I would just say take a look at this, read through it – some things you may like and other you may not like. Also 1216 subdivision procedures; something that we really should take a look at updating, we don't have very much in the way of subdivision regulations in our code. This is something that would apply for example the Woder Group tax credit subdivision. Councilman McCullough stated correct me if I am wrong but the subdivisions we have were all PRD's weren't they? Chairman Smith answered I think so. Members to review submitted materials for discussion at next meeting.

*1139.06c – problematic piece of code; needs to be eliminated or to be explained what kind of standards and criteria the ZBA is supposed to use. **Complete – remove.***

1351; dangerous building code – is lengthy and cumbersome. Needs review/revise to tighten up process for demolition – Law Director Graves stated I don't have anything on that yet. We are implementing it, I know we have a Demolition Board meeting next week. It is workable, it is just that it could be streamlined.

NEW BUSINESS:

Parking on berm of narrow road destroying the berm and if there is tile it destroys that underground. Councilman Kovach stated I think they were looking at no parking during certain hours. Councilman McCullough advised my thing is

we are spending a lot of money in the East/West/Warwick and stuff and they are parking and they are destroying the money we spend. My point is if there is drainage tile that is under the berm and it doesn't have curb stops then they shouldn't be allowed to park on that street. I don't care if the street is 6 miles wide. Chairman Smith stated we were supposed to remove this at the last meeting because in talking with the Service Director they have been handing out tickets because you can't park on a treelawn. So they have been ticketing people and they have got that under control. I asked him if he wanted us to keep this on and he said no we have pretty much got that under control because there are ordinances already on the books that just need to be enforced. Law Director Graves concurred you can't park on your treelawn and people have been given warnings and people have been given tickets for doing that. If your tires are in that grassy portion because it is not designed to sustain the weight of a vehicle, there is drainage pipe under there. **REMOVE.**

Limited Parking on city streets – Councilman Kovach stated I don't think you are going to stop parking on city streets 24 hours a day. I can see the ban because it is very common, it was in effect in Rocky River when I lived there as a teenager, you couldn't park. I believe their ban was 2 am to 6 am which made it annoying because you would have to go out and move your car at 2 in the morning. I think it was like a 4 hour ban and that has been in effect for close to 50 years. Councilman McCullough stated 2 to 6 is fine with me. Law Director Graves advised on my street in Avon Lake you can't park overnight. Chairman Smith stated I know Avon Lake has a nightly but my only concern is you have got Belle, Brockley, Knickerbocker, Irving Park area, Thelma, East, West – they are all on 50 foot lots basically and you got driveways you can only put 2 cars in maybe without violating ordinance of covering the sidewalk which you can't block the sidewalk. When you have a family of husband, wife and 2 kids. One goes to school and one works – you got 4 cars, where you going to put them. Councilman McCullough stated you can 2 in your yard. So you park 2 in the driveway and put 2 on the street. What about the poor person across the street who has 4 cars and they need to put 2 on the street but they can't park on their side because they have fire hydrants. Then nobody should park. Chairman Smith stated that is what I am saying this place is going to full. Councilman McCullough replied good. Chairman Smith stated because you are going to start affecting people's way of making income. If you can't have a car park there, you are going to have start driving my kid to where to pick up his car from a parking lot somewhere. Are you serious, I think that is the issue we are going to have. Myself, it is not somewhere I will go. You guys want to that's fine. Councilman McCullough stated I don't think we should be parked on the streets especially when they are not curbed at all. Chairman Smith state I think it is more of a hardship, at night I would have to think about it. Councilman McCullough stated when I stop and think about it very

few houses on Belle, Brockley, Knickerbocker or Holl – that you can't 4 cars in the driveways. You can get 4 cars in most of the driveways. Chairman Smith stated you can't block the sidewalks. Councilman McCullough stated you wouldn't be blocking the sidewalks. Law Director Graves stated most of them have garages, you can put one in your garage. Chairman Smith stated you would really just have to start going out on the weekends and at night and start going through to see where the problem areas. Councilman McCullough stated well when the snow is 2 inches you can't park there anyways, what are they doing then? Those cars aren't there. Councilman Kovach advised then on those points the night time banning makes more sense because then you are pulling all the cars off at night and if it is a hardship per say or in your opinion, some people actually have to clean out their garages so they can get a car in. Chairman Smith agreed there is exceptions to everything. **Put on the agenda – parking bans.**

Front yard parking for recreational vehicles, motor vehicles – Law Director Graves advised you brought this up about ticketing the motor vehicles that are parked in the front yard but it is titled under recreational vehicles. After a brief review and discussion for clarification of question, Councilman McCullough advised it is just like that guy at the corner of Tennyson and Lake Breeze – it is not in his front yard – it is in his side yard. Chairman Smith advised if memory serves me David you were going to go back and see how they were ticketing it and what issues they had with ticketing or where they were ticketing it at? If this says recreational vehicles, I think that is the issue you might want to check. Councilman Kovach asked would you have one of those tickets you could look at in your office? Law Director Graves answered Fran might. Councilman Kovach asked doesn't it have to have both 351.21 and 301.20 on it? Law Director Graves answered no you would just cite under 351.21. Councilman Kovach advised then the 301.20 is just a definition, where this is the actual act of violation that is happening. Chairman Smith stated I don't know if we had complaints of people saying we are ticketing and it is not a recreational vehicle and you actually have to read it to include everything else and it was clarification I think. Councilman McCullough stated what I hate is when they say they are going to give you a citation and it is a ticket. Law Director Graves advised not a big deal, we can draft a revision that just clarifies the title. Chairman Smith asked Law Director Graves to put something together for committee for next meeting. Councilman Kovach stated wouldn't it just be a recreational and other motor vehicles? Chairman Smith stated motor vehicles as described in section 301.20 and/or recreational vehicles. Councilman Kovach stated all I am saying is to change that all you would need to do is start out recreational and other motor vehicles in residential districts, sounds like that cover it. Chairman Smith stated that is the only parking in front yards that we have in the whole code – that is where they cite at? Law Director Graves answered I think it is – yes. Councilman McCullough stated I think we just ought

to make it an ordinance that you can't park your car on the front grass. Law Director Graves advised in the body of motor vehicles, actually comes first and then recreational. Chairman Smith advised just clarify the title and bring it to the next Ordinance meeting.

Industrial District – Law Director Graves submitted copy from Avon Lake, we don't have to copy this one. Our Industrial Use ordinance is very antiquated and I believe it goes back to 1972 which was the last time it was revised, much of it is from 1967. But it has a specific itemized list of permitted uses in industrial district, many of these are really not appropriate any longer. They are somewhat outdated. Chairman Smith advised we went through and changed all the zoning, we just did that 5 or 6 years ago where we went through all these and added this and added that. Law Director Graves advised we didn't do anything with Industrial. Another thing it says is use is not clearly included or excluded. So we had situations where we have had to kind of stretch the definition on some of these or have them actually try to get a use variance which is a high standard to meet the undue hardship standard for a use variance. Just something to think about if you want to look at it. Councilman McCullough stated where do we have industrial left in this town? Law Director Graves answered Pleasantview, Abbe Road Lumber – in that area. Chairman Smith stated I only have one question are we making it harder for people to come into this city or are we just making it more attractive? Law Director Graves answered I am hoping that this will allow uses that are currently prohibited, so the answer would be making it easier for businesses. Chairman Smith stated the only industrial left is just over there off of Abbe and it is Pleasantview – it is the only place that the strip clubs can go. Everybody look it over and we have a bunch of reading material.

Law Director Graves stated also from the last minutes; soliciting was talked about and tile in ditches. Len brought up no code and catch basins, business incentives. Also we talked about commercial tap-in fees. Chairman Smith stated yes, the Mayor and the Service Director talked about coming up with some type of incentive package but they were going to come up with some type of package and bring it here for us to discuss. Until they bring it it is back in the minutes of June. Councilman Kovach advised the long and the short on the drain tile as I recall it they wanted it to be – not all of the people that have been putting drain tile in their ditches has been setting to grade and they are not putting clean-outs in them and they are actually making a swell over by the curb where the water is setting on the road. That type of thing to address that type of an issue on that one. Chairman Smith stated Dennis was looking for making it easier to bring business in by maybe using an example; \$7000.00 worth of tap-in fees and everything else to get them going that might deter a business. Where if they could maybe give him the authorization to say you know what you could make so many payments on that instead of coming up with that out front. Something to give them an incentive but

that is all up to them to try to decide but my only issue with this whole thing with all these zoning changes and procedures and developments and everything else – how much property is there. Where is all this property that we have to look forward to come, it is mostly all houses. We got a few places that we might. It is good to talk about everything but I just hope it don't get to the point where what little bit we have we are actually deterring from even coming in here. That is my only issue that I am trying to protect.

CITIZEN'S COMMENTARY: None.

All ordinances before Council at this time:

MEETING ADJOURNED: With no further business before this committee,
*Motion by Kovach/Second by McCullough to adjourn at 8:02 PM. Yeas All.

CLERK OF COMMITTEE AFFIRMATION:

This Meeting of the City Committee of the City of Sheffield Lake, Ohio, was held and conducted under all Rules and Regulations Governing the Sunshine Laws of the State of Ohio as they may apply. All meetings are recorded and available in Council's Office.

CLERK OF COUNCIL/COMMITTEES

Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Committee Of Sheffield Lake DO HEREBY CERTIFY that this Is a true and exact copy of the Minutes of the Ordinance Committee of September 5, 2013.

CHAIRMAN

Alan Smith

COUNCIL PRESIDENT

Rick Rosso

and/or

COUNCIL PRO TEM

Eric S Elliott