

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
June 1, 2017

This regular meeting of the Ordinance Committee was held Thursday, June 1, 2017. Chairman Kovach called the meeting to order at 7:30 PM.

ROLL CALL OF MEMBERS:

Present: Kovach, Erdei, Gee

Absent: Superintendent Hastings (excused)

Attending: Mayor Bring, Law Director Graves, Park Board Gee

MINUTES: May 11, 2017, *Motion by Erdei/Second by Gee to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: **None.**

OLD BUSINESS:

Industrial District – [Industrial Districts. 1. pdf](#) - Chairman Kovach opened for commentary. Councilperson Gee stated the Stormwater, I brought that up the last time we discussed this and under General Regulations, it doesn't mention any safety's for the Stormwater but mentions others. But it doesn't mention safety connected with Stormwater but it talks about air pollution and things like that but it doesn't mention anything on Stormwater pollution. Also, under 1149.02 under the uses permits section (b), it discusses wrecked vehicles and I was wondering how that effected our current business here in Sheffield Lake. Law Director Graves advised as far as the Stormwater, I can look into that a little bit more. As you aware we have other ordinances on the books governing Stormwater. I don't know that that needs to be specifically addressed as well in the Industrial Zoning District. They have to manage and maintain their Stormwater. Councilperson Gee stated 1149.01 (a) neither they nor any of them shall be so operated or conducted as to cause or permit any noxious, offensive or injurious smoke, fumes, gases, or dust to escape or be carried beyond the limits of the particular premises where the industry is being carried on. Councilperson Gee advised it doesn't mention anything about the runoff into the gutter or any of that. I see what you are saying that we have it in other ordinances. Law Director Graves advised I think you remember that we were required a few years ago to update which the State of Ohio required of us, so we have 3 rather lengthy sections of code on Stormwater; pre-imposed construction runoff, general Stormwater management and all of that. Councilperson Gee stated yes for the best management practices. Law Director Graves answered yes for our annual report. This particular provision is because many industrial uses give off vapors and fumes and gas and exhaust and things like that. Again, I will look into this issue for you and decide whether or not we need to further address Stormwater but we do have quite a bit of code already dedicated to Stormwater issues but I will double check that for you. Councilperson Gee continued under permitted uses;

1149.02 if you go down to conditional uses, standards and requirements of what Chapter and what section? I was wondering if you knew? Law Director Graves advised that is that other section that I talked about that was also titled 1149. So, the packet that you have should actually be looked at as 2 separate Chapters. 1149 which will be the Industrial District and this one which I would recommend naming 1152 starting with purposes, concept plans that would be the specific provisions for various conditional uses. So, the way this would work is in looking down the chart, truck terminal, warehousing or metal salvage, that would be a conditional use. Well, then you would go to the conditional use section and see if there are any specific provisions that that would have to meet. Or for example, child daycare center would be a conditional use. There might be specific conditions under there that that child daycare center would have to meet. So, at the beginning, what you are talking about would be Chapter 1152 if we numbered it that way. Councilperson Gee stated I believe we have a section in here that talks about Bed & Breakfast but I discuss the size being a half acre, is that going to affect our current Bed & Breakfast business that we already have here or would that be already grandfathered in? Law Director Graves stated I don't see Bed & Breakfast and that would be odd in an Industrial District. Mayor Bring advised yes it is, it is 17 under conditional use 1149. Law Director Graves answered I would recommend that that all be removed and on mine I have that all X out. Like I said last time, you can have conditional uses in any zoning district, you can have permitted and conditional in residential districts, you can have permitted and conditional uses in Business districts and you can have permitted and conditional uses in Industrial. What we are focused on here is the Industrial District, if we are going to have conditional uses in the Industrial District then we have to have a section of code that talks about those conditional uses and specific parameters for those conditional uses in an Industrial District. But the sample that we use for this is a comprehensive conditional use Chapter that talks about conditional uses in all zoning districts. Councilperson Gee stated so a lot of this we would be crossing out. Law Director Graves stated this would be for proposed parameters for conditional uses in residential districts and I would recommend that we not worry about that right now. After a brief review, Law Director Graves advised we are going to have to go back and revise this to specifically address Industrial. What I gave you was a comprehensive use ordinance that talks about provisional, conditional uses in all zoning districts. Councilperson Gee asked so the next copy we get will just be the Industrial that we were on originally. Law Director Graves stated if you go back to the beginning of this section you will see a chart that looks like this and then you will see the next page B1, B2, B3. I will have to go through and pull out just the Industrial parts. After a lengthy review, Law Director Graves advised I will revise this and I will get an answer on the Stormwater which I will get to well in advance of your next meeting.

Subdivision regulations – Chairman Kovach advised in going around the different neighborhoods, even though they are not subdivisions would be inclusive of old

subdivisions along with new subdivisions, correct? This isn't directly pertaining to new subdivisions? Law Director Graves answered yes it would be only perspective, the idea would be to establish regulations for new subdivisions. Old subdivisions would be like non-conforming, grandfathered.

Building Permit fees – Mayor Bring advised I just had the Building Inspector drop that off today just to see what you guys wanted to do but that was the same one you had the last time that Mr. Vogel gave to you guys. So, there are no changes, basically you are just looking at the commercial fees, not the residential fees. I had Kay run the copies for you. I did have him check to make sure that those were the same fees that we have in place right now and he said yes. Councilperson Gee stated I noticed this time they added the vacate and that will save the city money in the future. Chairman Kovach stated the only one that Rick actually had a concern with would have been under new construction, HVAC and that is the one that has the fee plus the square foot charge. His issue was the additional charge with the square footage. Mayor Bring advised I just brought this for review to figure out what you want to do. Chairman Kovach advised you have reupped with them for another year so we have time on this. Mayor Bring answered correct. He advised we do have some things coming up possibly and that is why I brought it back. Councilperson Gee advised considering we started this more than a year ago discussing this and we decided to wait until the time frame of when we renewed with the Building Department. I really think we need to move on the Industrial and maybe Mr. Graves can have the Commercial separated from the Residential for our next meeting. Law Director Graves advised I don't have anything to do with this chart, I can prepare the legislation. SAFEbuilt made this chart. Councilperson Gee advised we need to move on this commercial before it starts affecting us more. I believe right now, isn't there something going on that we are losing money on? Mayor Bring answered we did a heating and cooling project, yes. Councilperson Gee added the vacating also right? Mayor Bring answered yes. Councilperson Gee stated see if we would have already had this in play, the city wouldn't be losing money on this. Law Director Graves advised if this committee makes the recommendation to send it on to maybe the next Worksession, I can talk to SAFEbuilt about carving out the chart just for the commercial fees and sending that on. Now, you are talking about commercial and the miscellaneous fee's right? Mayor Bring answered right. Law Director Graves advised there is miscellaneous commercial and miscellaneous residential and I was also looking at the zoning fees. Councilperson Gee answered we are looking for the miscellaneous commercial. Law Director Graves advised what about zoning and I would recommend that that be Zoning/Building and then we also add a provision for a Building code variance because our BZA is our Board of Zoning and Building code appeals. So, if someone came in and said I want a variance for the residential code of Ohio and our Board is authorized to hear that, technically there is no provision for a fee because the fee is only for a zoning change, not for a building code. So, that should be added as well. Councilperson Gee stated that would be

good and would make sense. So, you could have something drawn up for Worksession? Law Director Graves answered yes. *Motion by Gee/Second by Erdei to have the Law Director draw up a proposal for Worksession that covers only commercial and also the zoning fees and the miscellaneous for commercial fees. Yeas All.

Options for driveway additions, amend section 1345.01 of the codified ordinances of Sheffield Lake regarding certifications of occupancy – Mayor Bring advised I could make a suggestion and then you guys can do whatever you want to do. What I would like to do is grandfather all of the existing gravel driveways in with the way everything is and put a moratorium on any existing gravel extensions or driveways and we will void the point of sale of making them correct them at the time of sale. This way we have about 50 or so properties that need to be addressed, maybe more than that where they are not kept up. Then we could start that process going so that by the end of summer things will start looking better. So, people that aren't keeping up with the gravel and just driving on pretty much dirt and such like that then I can start going after them. But I would recommend that we don't make them at a point of sale make them correct it and we will leave it as is right now. We will grandfather them all in and as I said put a moratorium on anything new gravel extensions. Chairman Kovach advised I was driving around and the more you go, the more you see and my question would be there are a lot of older gravel driveways that could use some upgrading. They have got grass growing through them. Mayor Bring agreed with that comment but I think that part of it is not the bad part of it for the city. He explained I don't see a problem because a lot of those driveways have been there like that for 30 years. Maybe we could have them to do some maintenance on them but it was far greater than what I could even imagine. Law Director Graves stated any changes to the draft you have in front of you, let me know specifically what you want to do and whether you want it to come back to this committee or move it on. If they want to talk about it at another committee meeting or if you want to send it on tonight. Chairman Kovach advised let's send it on and I would concur with Dennis's recommendations, it makes sense to move on with that. I don't know how much that will require to have that change to what we have in front of us. Law Director Graves stated if the committee says that you want it changed so that you don't have to change any existing gravel additions on any sale or transfer, I need the committee to vote and tell me to do that and then I will do it. *Motion by Gee/Second by Erdei to remove the section of the draft ordinance of restoring the driveway back to its original state. Law Director Graves advised it is 1357.05 is the removal upon sale or transfer and ties into 1345.01 which is the occupancy, so both have to be revised a little. Chairman Kovach clarified to remove the point of sale clause and revise the issue around occupancy. Yeas All. Councilperson Gee advised the 1357.04, the regulations and construction standards for existing. She continued 1357.01 which Chairman Kovach advised just eliminate that measurement. Law

Director Graves advised these are general construction standards for driveways, this is the old 903.05. I don't think you are necessarily thinking about changing that, driveways have had to be a minimum of 10-feet forever. I think what you are talking about are the additions. I think what you are talking about is driveway additions and that would be 1357.04 where it is talking about non-compliant gravel driveway additions, subsection 1 minimum of 10-feet. Chairman Kovach asked you just want to eliminate that? Mayor Bring advised Law Director Graves yes, go ahead David. Mayor Bring advised in looking at a few yards and they already don't have a lot of footage, their yards just aren't wide enough. That is what I saw in some areas so that is why I brought that up. Some of those yards are only 50-foot wide so they don't have a lot of room at all. Chairman Kovach concurred they only have like 6-foot to work with to the property. After a brief discussion on areas in different neighborhoods and the small amount they have to work with. Law Director Graves asked so you want that removed. Councilman Erdei answered yes, the 10-foot requirement for additions. Chairman Kovach asked it already has the language for the moratorium, right? Councilpersons Erdei and Gee answered yes. Councilperson Gee did point out in her neighborhood there has been a man that is parking his utility truck trailer on his front lawn and their comment was it is not a recreational vehicle? Mayor Bring advised no they can't do that and we will take care of it. Councilperson Gee added when I went through this it doesn't mention equipment trailers, maybe if it just said any type of trailer. Chairman Kovach advised you are not allowed to park anything on your front lawn. Law Director Graves advised 351.21, this has been poorly written for years. Remember the italicized portion is new language and the scratched out stuff is the proposal to remove which he read. Now we are saying residential off-street parking; motor vehicles, watercraft and recreational vehicles, period. It doesn't matter if it is front yard, side yard or rear yard and it doesn't matter if it is a recreational vehicle or a boat, it is parking and it has to be on a driveway. It has to be on an approved driveway. Councilman Erdei shared his concern of 35% lot coverage requirement and for these 35-foot lots and adding on. So, for these small lots and they want to put on additions, are they going to get penalized just so they don't get a parking ticket on the street. Law Director Graves stated we have already accepted driveways from the side yards, unless you want to further accept them from the 35% lot coverage in which case we could have residents who want to pave their whole front yard. So, if you don't want that then it has to count toward percentage coverage. They are still free to come to Zoning Board of Appeals and request a variance. Councilperson Gee advised different places in it, it refers to as determined by the Service Director; 1357.01 in section c and in section f. I believe it is more places than just those two. Law Director Graves reiterated this is the old 903.05 which is just the general construction standards for driveways which we changed to 1357.01 to allow the application for variances with the Zoning Board of Appeals. Service Director is noted throughout codified but the Charter reads in absence of Service Director that the Mayor is authorized. After a brief discussion, change to

Service Director or Building Inspector where referenced Service Director. Law Director Graves clarified I will make those changes and forward it onto Kay for Worksession which the Committee confirmed. Law Director Graves advised the new commercial fee schedule for Worksession which Committee confirmed. He advised I will have the Industrial District much clearer for your next meeting.

NEW BUSINESS: None.

CITIZEN’S COMMENTARY: None.

All ordinances before Council at this time:

MEETING ADJOURNED: With no further business before this committee,
*Motion by Erdei/Second by Gee to adjourn at 8:26 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 June 1, 2017.

CHAIRMAN

Steve Kovach

COUNCIL PRESIDENT

Rick Rosso