

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
May 3, 2018

This regular meeting of the Ordinance Committee was held Thursday, May 3, 2018. Chairperson Gee called the meeting to order at 7:13 PM.

ROLL CALL OF MEMBERS:

Present: Gee, Radeff, Erdei, Law Director Graves, Superintendent Hastings
Attending: Mayor Bring (excused)

MINUTES: April 5, 2018, *Motion by Erdei/Second by Radeff to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: **None.**

OLD BUSINESS:

Subdivision regulations – Chairperson Gee asked Law Director, did you have a moment to look at those from Elyria, Lorain and Avon? How they have that one paragraph? Law Director Graves answered, oh yes, I think I did respond to that one email from you. Chairperson Gee advised theirs is called a pre-application. Law Director Graves answered, correct and I would have to go look at the email, but I think it is covered in this if I recall the email. In other words, they start at... Chairperson Gee advised theirs says prior to submission of the preliminary plan, where ours says following the application of the preliminary plan. I am just wondering about switching it like theirs are. Law Director Graves stated they talk about a pre-application meeting and that pre-application meeting says that I suspect that that is what would be covered under the proposed ordinance under 1101.03 which would be that informal concept plan. So, your question was is there a practical reason for following the application instead of prior to it. Ours in 1101.05 says following the application for the preliminary plan approval, the developer may request an improvement plans conference. Lorain's say prior to the submission, the others say prior to submission. So, this is covered and that is for the preliminary plan approval. The proposal says there is a prior stage, which is the concept plan. So, they are saying prior to the preliminary plan approval you can request this meeting and ours says after that, but we have already had a proposed concept plan. So, it is covered under that. Chairperson Gee answered okay, I understand that. Law Director Graves stated then I said that once an applicant applies for preliminary plan approval, they may request the pre-improvement plan conference. This would in essence provide a second opportunity for them for informal review, for a second time to take a look at it. Then it says most importantly, there is nothing prohibiting an applicant from consulting with the relevant officials on a proposed development between the concept plan and the improvement plan stages. So, in other words, even if it is not set out within the code a developer can always come in and sit down with

the Building Inspector and the Superintendent or the City Engineer and say this is what I am looking at, can I have some guidance or do you have any input. So, you can always seek informal review. Chairperson Gee stated on some of these, where it says that the Clerk of the Planning Commission signs something and also the Clerk of Council signs it, is there any way we could change it where the Planning Commission Chairman signs and also Clerk of Council, that way it is not the same person signing as two different people? Law Director Graves stated I would think if it was just something to sign off on, I don't see why the Chairman of Planning Commission couldn't do that. If it was something like providing notice or doing more of a formal process, that would have to be an employee Clerk rather than a volunteer resident/Board member. Councilman Radeff stated when I was doing it, I don't think we really even need to change that just because we don't have a Clerk of Planning right now doesn't mean we won't in the future depending on what happens. To eliminate that spot, of the things that it shows that the Clerk is going to do is really affording responsibilities that the Planning Commission Clerk would do and of that is just collecting documents, scheduling meetings and notifying the Clerk of Council which is notifying herself or giving notice of public notification. I don't see where there is anything about a huge time thing, that is something that would already be a Clerk responsibility. Chairperson Gee stated I think it is redundant to have her signature twice on a document. Councilman Radeff stated my comment was like does she even need to tell herself that she needs to provide a writing to the Clerk of Council. Chairperson Gee stated no, I was talking about signing a document twice, if you look there is a few times where the Clerk of Council signs a document and the Clerk of Planning Commission signs the document. Councilman Radeff stated I understand. Chairperson Gee stated any of her Clerk's duties I totally understand and that makes sense. Councilman Radeff stated so you just think that they should have someone from the Planning signing instead and the Clerk of Council. Chairperson Gee stated yes, like the Planning Chairman signs a lot of stuff, don't they? Law Director Graves answered, I believe they signed the approval for example, on a lot split or for like a variance, I think the Zoning Board Chairman signs that. I think if it is just a question of signing off on an action of the Planning Commission, I don't see why the Chairman couldn't do that. Chairperson Gee stated the only other thing that I had a question on was there is a few places in this for example; 1101.04 preliminary plans. If you go down to d) it says approval of the Planning Commission – they are a recommending board. So, shouldn't it be once they recommend, Council approves, right? That also says it under c. Superintendent Hastings stated doesn't the Charter say approved by Planning? Law Director Graves stated I understand what you are saying, so we want to make sure that it is clarified throughout the ordinance that whether the Planning Commission agrees or disagrees, it is still being passed onto to Council with their recommendation. In other words, you don't want it to only go on forward if they approve. You don't want them empowered to disapprove a development plan. Chairperson Gee answered exactly.

Law Director Graves stated I will make those clarifications. Councilman Radeff stated I just have a question under 1101.04 (b3) where it says that the applicant will provide the Planning Commission Clerk with a list of abutting property owners. Now, is there somebody that checks to make sure that they have notified all of the property owners. I mean is there notice requirement that they have to do or is that just something that we are suggesting. I guess my question is are we just trusting the applicant provided the correct ones? Law Director Graves advised we can add something. I guess it is not that big of a deal because even if things get approved because later on it says they are going to give notice to everybody. So, they will get notice about it at some point. Law Director Graves stated if we start to put provisions in there that the Clerk will verify the list, then the Clerk is pretty much going to be doing the list. At some point, it is all or nothing. Councilman Radeff stated, is there a required notice thing about any of these or is it just something that we are suggesting? Law Director Graves answered we are creating this. Law Director Graves advised if the subdivision required a variance which many times they do then all of the adjoining, abutting and adjacent property owners in the development would be required to receive that notice. If it is just a subdivision that otherwise would meet the code then they would just get this notice and we would check it, I am sure Kay would check it/300 feet isn't that far, you are only talking about 2 lots and it is pretty easy to see when you look at the county auditor site who those property owners are. Councilman Radeff stated I just have one more question, 1101.07 where they can give permission before the plans are approved, what is the reason for that? Are the permits useful until you get approved anyway? Law Director Graves stated you are saying why would they be able to get the zoning permit before the process is complete. I think it is because Zoning is more or less the threshold question, if you don't meet the zoning requirements you really can't go any farther. But there are other things that they are going to have to meet. So, you clear up the zoning issue at that point. You would say okay, it is properly zoned and they meet all of the setbacks and frontages and they don't need any variances. But that doesn't mean that you can go forward with your subdivision, you are just saying you meet Sheffield Lake's zoning. Councilman Radeff clarified they can't build until it is approved? Law Director Graves answered right, there is lots of review. Corrections to be done for the next Ordinance meeting.

Rental Inspections and Licensing – Chairperson Gee advised third reading for the next Council meeting on May 8th so that is going quite well.

Gravel Driveway extensions – Chairperson Gee asked do we have any reports of property maintenance starting the recording of those yet? That is the reason that we are keeping it on here. Superintendent Hastings stated I don't have a definitive answer. Law Director Graves answered, I know that the Property Maintenance Officer is back, you know we have him more of a seasonal thing and he is getting

caught up on a lot of stuff. I know it was the Mayor's intention to have him start working on this. I don't know how far he is in getting started with that project.

NEW BUSINESS:

Dog Ordinances – limit of. Chairperson Gee advised it was brought to our attention, we cannot find where there is a limit on how many dogs you can own. Law Director Graves stated yes there is, it is under a definition of a kennel and it is a little tough to sort out, but if you own more than 4 dogs you are classified as a kennel and kennel's are only allowed in Industrial zoning. So, there is not a straight-out ordinance that you can only have 4 dogs, you become classified as a kennel and kennel's are only allowed within certain zoning within the city, **not residential**. Chairperson Gee clarified so basically, we don't need to do a dog ordinance because we already have it. Law Director Graves stated yes, it is funny because I think cats are a clear ordinance about the number of cats. Chairperson Gee answered yes, it is because that is what brought this up. Law Director Graves stated, we are careful about how we enforce that. Like a lot of zoning things, it is complaint driven but yes, if someone had numerous dogs then it would technically be a zoning violation of you operating a kennel under the city's definition and it is not zoned for that. Councilman Erdei asked is there any property owners that have 4 dogs or more that are in the Industrial zoning? Law Director Graves answered no, we have very few Industrial area's in the city and if there are any homes in the Industrial zone they would be existing non-conforming. Superintendent Hastings stated I can think of one on Pleasantview. **REMOVE.**

Decorative fences – Law Director Graves advised so I had Kelsey print off ordinances from some of the neighboring surrounding communities like Bay Village, Avon Lake, Rocky River, Avon and then of course, ours. A lot of cities treat them differently, it really depends if you want to allow a fence in the front yard, whether you want to keep a certain percentage of open space, most limit the height to 3 feet or 4 feet. Chairperson Gee advised I think our ordinance is done well considering sometimes a decorative fence really is decorative and really does enhance the property, but I was wondering if we could take our ordinance the way it is and add a line where all front decorative fences need to go before the Planning Commission for review. Then that would eliminate aluminum and tin, etc. Law Director Graves answered years ago and I am thinking late 90's or early 2000's, there was a lot of debate in City Council about fences and it was something that the city was changing or amending the fence ordinance it seemed like every year. It was a lot of subjective opinion, you know one person thought this looked good and another thought that looked good and this person thought that didn't look good. It was, well, I like this, but I don't like that. You really have to be careful drafting an ordinance based on personal opinions because what someone else loves another one might hate and visa versa. They really tried to stick to the objective factors. It does

still have a language where all fences shall be aesthetically pleasing and enhance the aesthetic features of the property and the finished side has to face out towards your neighbor. But putting every application for a front yard fence in front of the Planning Commission, I think, is just going to open up to a lot of people's personal opinions about what they like and what they don't like. Chairperson Gee stated well, the reason this came before us as we all know is the fence on Lake Road. Law Director Graves advised I actually agree with you, I think ours is pretty good because I think that ours says that while they are in the front yard, they might look like a fence and we are not even classifying them as a fence and in fact, we have it repealed. There are other sections in the code that says no fences go in the front yard. We are saying this really not a fence because they are not allowed to enclose the property, it has to remain open. It can't be more than 36 inches in height and the one portion that I think is missing is it doesn't talk about any approved materials, we certainly don't want cyclone fences, but those would be taller than 3 feet anyways and a percentage of open space I think is a good idea. Picket fences, not board on board, not solid material, but something with slates, split rail or something like that. Chairperson Gee advised, but at the same time, somebody could cut out big circle holes in that fence down there and say ok, we did it. I do understand that that fence is grandfathered in, I get that. But we don't want a chain reaction of that all over the city. Councilman Radeff stated well if you get a chain reaction of them, then that means a lot of people like them. He continued personally, I would like to kind of review these before I really give too much of an opinion. I want to see what other people have done, time to review. Chairperson Gee advised leave decorative fencing on the agenda.

CITIZENS COMMENTARY: None.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

Council#017 – THIRD READING – an ordinance amending sections 1395.13 and 1395.99 of the codified ordinances of Sheffield Lake regarding rental permits and inspections.

Law Director Graves advised we also have the bidding for the public restroom facilities at the Boat Launch. Also, it is time to place our order for salt for 2018 – 2019 and that also will be coming to you at Council.

Superintendent Hastings advised on the water pollution control loan fund, the pump station project. We have had an abrupt reaction turnaround from the Ohio EPA and they have approved everything. It kind of caught us off guard so it is going to come to Council without a lot of discussion beforehand.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Erdei/Second by Radeff to adjourn at 8:13 pm. Yeas All.

CLERK OF COMMITTEE AFFIRMATION:

This Meeting of the City Committee of the City of Sheffield Lake, Ohio, was 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 May 3, 2018.

CHAIRPERSON

Rosa Gee

COUNCIL PRESIDENT

Rick Rosso