

**MINUTES OF THE SPECIAL WORKSESSION
SHEFFIELD LAKE, OHIO
November 9, 2021**

This special meeting of Worksession was held Tuesday, November 9, 2021.
Council President Richard Rosso called the meeting to order at 6:35 pm.

*******ROLL CALL OF MEMBERS*******

Present: Council President Rosso, Kovach, Wtulich, Gee, Erdei, Cizl, Radeff,
Stark, Mayor Bring, Law Director Graves, Superintendent Hastings.

Absent: Finance Director Smith

Attending: Members of Planning Commission, Members of ZBA, citizens.

DISCUSSION: Law Director Graves states this meeting was called to review the proposed zoning and planning code revisions. You were provided with a memorandum which summarizes some of the bullet points of the larger topics and the actual revision of the code. We are looking at creating subsections of the residential districts, currently we just have R-1. There are older subdivisions that are built on predominantly smaller lots that really don't fit within the requirements of R-1. We are proposing to create R-1(b) and R-1(c) districts to comply with what is already there.

Wendy Moeller, Compass Point consultant states the idea of tonight is to have everyone that works with the planning and zoning code to come hear what we have tried to accomplish and get a summary of it and then to ask any questions. Part of the reason I was contacted to do this, is there really hasn't been a comprehensive update of the code in decades. We spent a lot of time deciding what is best situated in the planning/zoning code which is why it has grown in size. We also added a lot of graphics and tables. The first chapter, 1101: General Provisions is the standard boilerplate language you use in all zoning codes. There were 2 big picture items we added into this. One is the transitional rules. So, what happens to everything in the code now after this is adopted? You have a current building code application; does it go through the old code? Yes. Can it go through the new code? They can opt into the new code. Once the new code comes into place, any new application has to go through the new code. We also added some language that gives you something to point to in case residents come and ask. One of the things I always hear from administration is to make it abundantly clear that the city is not responsible for enforcing things like HOA agreements. A lot of people say well I have this deed restriction, that is for you to enforce, not the city. Chapter 1103 is getting into the reorganization. We have a chapter here that talks about the roles of each of the boards and zoning inspector. We separated the zoning inspector from the building inspector. Currently, your code says the building inspector is the zoning inspector. They can be the same person, but in the future if you want a second staff person that is the zoning inspector, having this as a separate entity gives you that

flexibility. We also tried to clarify the rules for all the boards, what's a quorum, how to move things forward, etc. Chapter 1105 is the review procedures. What we tried to do for each procedure is spell it out step by step. We consolidated all the common review requirements. Discussion on conditional uses. An alternative equivalent review was added. If someone comes in and proposes a better solution for something, they can show it. The only alternative is to get a variance. If you want to do something better than what we envisioned, what is the practical difficulty? This says if you can meet or exceed the purpose behind the standard, then you can have the planning commission look at it as part of the review. I recommend there is a separate permit for this, and the reason is there are a number of things for what you may not need a building permit. Principal uses are the main use of the property, the business. There is a separate chapter on accessory uses, etc. The reason is most residences are concerned with accessory uses, i.e.: how do I put in my pool, my shed. We eliminated the B3 district and added two residential districts and a public and institutional district. There are a lot of lots that are less than 9,000 sq. ft. which means they are all non-conforming. In order to make them conform where they exist, we created the 2 new districts. They were designed to protect existing non-conforming lots, not for the creation of new denser areas. Law Director Graves says I want to stress the importance of the public institutional designation. Currently churches, schools, parks, etc. are all accessory uses residential. So, they are just in residential areas. We don't have separate code on how to address that. It doesn't make sense to apply a single-family residence zoning requirement on something like a school. I also want to stress that while changing the zoning regulations of people's property, this is not taking anything away from anyone nor making anything more restrictive. What it is, is taking current non-conforming property and making them conforming. It is a benefit to the property owners. Ms. Moeller states this makes it even easier for someone to rebuild a house. It is focused on keeping the character of the surrounding neighborhood. One of the biggest improvements is there is a now a use table. There is a list of uses on the left and it shows across the board how uses are allowed in the city. Lengthy discussion had on conditional uses i.e., churches, schools, group homes, etc. Ms. Moeller comments the state says if it is under 5 people, it has to be allowed where single-family is, so we match the state standard. Councilman Radeff asks what about group homes that aren't under state standards, for example, a sober living home? Ms. Moeller replies we do not address those specifically as being allowed, but they aren't prohibited per se. We define a single-family dwelling unit as one unit that is occupied by one family or one housekeeping unit. If it is just people living together and supporting each other, there is not much you can do. However, if they are being provided services like coaches, then it goes beyond residential services. Accessory and temporary uses we put in one chapter because this is the one a lot of residents will use routinely. There is a use table and we clarified how many accessory buildings you can have and coverage. Short term rentals are an issue from what you have said. Bed and

Worksession November 9, 2021

Breakfasts and Airbnb's fall into this. A lot of communities allow bed and breakfasts as maybe a conditional use in certain districts, but the property owner has to live there. That is the residential component. I have found if it is a substantial problem with things like noise, etc., it generally is not the best approach to go at it through zoning. It's more challenging than enforcement. President Rosso asks currently, Airbnb's are not allowed in an R-1 district, is that under zoning? Law Director Graves replies R-1 is for single family residential, R-2 is multi-family which allows for boarding houses, tourist homes, etc. Our interpretation is short term rentals are allowed in R-2, but not R-1. Lengthy discussion on short term rentals being allowed in R-1 or not. Law Director Graves states R-1 does not explicitly prohibit these, but it doesn't allow for them either. Our position is that this is not a residential use. Ms. Moeller says we clarified quite a few items in this chapter including general events and conditional use. Councilman Radeff asks I see it says you can have a maximum 2 detached garages, so technically you could have 3 garages? Ms. Moeller replies in theory, you could have 3. I think the idea is that with the size restrictions, you will maybe be able to get 2 at most. Law Director Graves says the issue of limiting accessory buildings has come up many times. The preference has been instead of having specific limitations, to have it tied to the percentage of lot coverage. Ms. Moeller says in chapter 1113 is where you find fence and wall regulations, outdoor lighting, etc., and we added lots of graphics. Chapter 1115: Landscaping standards is essentially new. You had a few regulations. This mostly focuses on when you have new commercial go in adjacent to residential and how do you buffer those uses from one another. Chapter 1117: Parking, we greatly reduced the amount of parking required, the current ones are massive. With signage, all your regulations were in the building code and are now in the zoning code. We did make a lot of changes here because of federal court cases that say you cannot read the message of a sign to regulate it. There are provisions for commercial signs and non-commercial signs. Communities have asked me about flags with profanities, etc., and there is not much you can do, because it is all protected speech. Lengthy discussion on signage. Councilwoman Stark asks about flags. Law Director Graves responds you really can't get into regulating flags. Ms. Moeller says we aren't trying to take away the amount of signage people have; we are just trying to clarify the rules. Chapter 1123 and 1125 are 2 of the newest sets of regulations that you have and there were no major changes here. Chapter 1127: Non-conformities, are your grandfathering provisions. One thing we did is make very clean distinctions between a non-conforming use, a non-conforming structure and a non-conforming lot. We allowed the rebuilding of non-conforming dwellings in any district regardless of the damage. Currently, if it burns down 51%, you can not rebuild. Chapter 1129: Enforcement and Penalties, not a lot changed. Chapter 1131: Definitions is moved to the back and its glossary. It's much longer, we defined every use, etc. Mayor Bring states they put a ton of work into this, and it is going to help our city tremendously. Diana Jancura thanks everyone for the hard work. President Rosso asks what are the next steps? Law

Worksession November 9, 2021

Director Graves responds we will make the tweaks from tonight and then we will have a couple pieces of legislation. Not only are we repealing and replacing the entire planning and zoning code, but we are repealing and incorporating numerous other provisions of the code that are under the administrative and building sections. The changes to the zoning map will go through Planning Commission first. President Rosso asks if we change the zones, do we have to send certified letters to all the people in those zones? Law Director Graves replies we will take a look at that.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 7:50 pm. Yeas All.

CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council 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 offices.

CLERK OF COUNCIL/COMMITTEES

Brandy Randolph

COUNCIL PRESIDENT

Rick Rosso

MAYOR

Dennis Bring

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of SPECIAL WORKSESSION of Nov. 9, 2021.