

Minutes of the Ordinance Committee meeting
Sheffield Lake, Ohio
May 7, 2024

This regular meeting of the Ordinance Committee was held Tuesday, May 7, 2024. Chairman Cizl called the meeting to order at 7:05 PM.

ROLL CALL OF MEMBERS:

Present: Cizl, Wtulich, DeBottis, Mayor Radeff, Law Director Graves, Service Director Hastings.

Excused: None

Attending: Citizens

MINUTES: April 2, 2024. *Motion by Wtulich/Second by DeBottis to accept the minutes with any corrections. Yeas All.

PRESENTATIONS: None.

OLD BUSINESS: Golf Carts, parking ban. Lengthy discussion with the following key notes: Member Wtulich says I think we can take the parking ban off the agenda at this point. I don't think it has the support. Mayor Radeff says actually today I got a phone call about it. This is the time of year where we will probably start getting the questions because kids are home from college, etc. Member Wtulich says I'm all for repealing it, and can make a motion, but I don't think it will get a second and will die in committee anyway. We can leave it on the agenda. Mayor Radeff replies I would leave it on for one more. I think there is plenty of people who want it gone, they just gotta show up. Chairman Cizl says I received an email today and it was a confusing one, maybe the same one that called you. Someone referring to the Village Sheffield and didn't have an address. It sounded like she was representing some company from Bowling Green University. I wrote to her and asked for the residence and that's where it stands. I clarified that we represent Sheffield Lake. Member DeBottis says I checked the auditor's site and she is from Grafton. Mayor Radeff replies my person was referring to Parkview. Chairman Cizl says then that's different. Member Wtulich asks for the golf carts, what is the next move for that? Mayor Radeff replies I have a further explained opinion by Chief Kory in regard to that. He said the city ordinance defined under this ordinance specifically, does not include utility vehicles in the definition of all purpose. They could not locate any city ordinance to control, ban or regulate the use of utility vehicles. It's his opinion that if somebody obtains a Gator, Polaris or other similar type vehicle and utilizes it for grocery shopping, maintenance or running to the store, they could be in full compliance with our current ordinances. Any vehicle such as a razor or any vehicle specifically designed for rock climbing or other roading, would be excluded as it would not fit the stated description as a utility vehicle. I think I'm going to tell him

come to the next ordinance. It looks like he specifically references 375.05, 375.01 and the ORC 4501.01. Law Director Graves says in that sense, he is correct that our ordinance 375.01 does specifically exclude utility vehicles as defined in 4501.01. Mayor Radeff says he makes mention that in our ordinance it says golf cart means a motor vehicle that was originally designed and manufactured for operation of golf course. I think his argument is now that the state has labeled certain things low speed vehicles which is what people might call a golf cart, wouldn't really fall under that section as they were being built for low-speed vehicle use on roads. This is when he gets to things like license plates, turn signals, etc., which are not things you would need on a golf course. I think some creation or revisiting the definition of golf cart is probably needed as well as utility vehicles. Member Wtulich says I know Romolo and I walk a lot and even on Saturday morning at noon, traffic is so low that to me I don't see what having golf carts is gonna hinder. Mayor Radeff says at my mayor's meetings, I have talked to Vermilion's mayor who has allowed them forever. He said "When I first got in, I didn't agree with them. I would never get one, but ever since I have been there, they have been safe and there haven't really been any issues. Even if I'm against them, I have no reason to say they shouldn't be allowed." He said he would be willing to send over any data that they have. Member DeBottis says one area I've always wondered is we have a parking problem, correct? People wanna park in the street and I understand that, but where are we gonna park these golf carts? Mayor Radeff replies that you could fit in your back yard. Same thing with people with boats and trailers. As long as it's on a hard surface. That's not really a reason to decide to have golf carts or not. I think it comes down to is it something we are comfortable having on the road and how do we want to regulate it if we do. Chairman Cizl says just coming down here today from my house, my concern isn't just golf carts and if they are fast enough/where to park them, etc., there were 7 obvious violations that I could enforce if I were a policeman. My biggest concern with golf carts and parking ban is opening up the flood gates. If we are not enforcing things now that are really obvious, I mean a vehicle on my block parked on the wrong side of the street on the street. I did get a phone call this week about a teenager flying down a driveway on a moped without any regard. I think this as a safety director is going to double your job. Mayor Radeff responds our enforcement has increased significantly. I think we are at about 400% of the tickets we wrote last year. Last month we had twice the amount of fines. Obviously, we can't enforce everything. It's much easier to see a golf cart than it is that little bike. If people start seeing more golf carts around, they are probably a little more likely to be cautious. Would I buy a golf cart? Probably not, but I'm not gonna tell people they can't have one. I don't think it's that big of a concern especially when we only have 2 roads over 25mph. The biggest thing I get is why can you guys drive around on your all terrain vehicle and we can't have golf carts? I don't find an issue with having them. Enforcement would be up to the police and Chief Kory thinks they can handle it. Chairman Cizl says I love golf carts and when I go to Florida, they are all over the place, but they have separate lanes. The problem is most golf carts go to slow. Mayor Radeff replies

then you can get ticketed for going to slow. You can't obstruct traffic. Technically, a bike can ride in the street and it can go x amount of speed. Member Wtulich says you mentioned Vermilion's mayor, can we get a copy of their ordinance? Mayor Radeff replies yeah. Chairman Cizl says in small areas, when you say Vermilion, I think the Lagoons and that's a perfect place for golf carts to go. Mayor Radeff replies and they are driving theirs on Lake Rd., I wouldn't even allow that. Member DeBottis asks right now, are ATV's and mini bikes allowed on our streets? Law Director Graves replies no. Member DeBottis asks are utility vehicles allowed on our roads? Law Director Graves responds if you are going under the ORC definition of a utility vehicle, then we don't really regulate that. All-terrain vehicles are not. Member DeBottis asks one of the definitions of utility vehicle is under 20mph? Mayor Radeff replies a utility vehicle means a self-propelled vehicle designed with a bed principally for the purpose of transporting material/cargo in connection with construction, agriculture, forestry, grounds maintenance, lawn and garden, materials handling or similar activities. That's under the ORC 4501.01. It doesn't have a speed.

NEW BUSINESS: Code text amendment for public notice. Law Director Graves says when we adopted the new planning and zoning code years ago, it provided for a much more expansive notice requirement than the city had previously had in the code. Any consideration of any variance, conditional use or PRD requires written notice be mailed out to every property owner within 300ft. of every boundary line of the property. We have had certain circumstances recently where the clerk has had to send out 50+ letters. Some people are receiving them that live a couple streets away. They are like this doesn't affect me at all, why am I getting this letter? The previous version of the code only required notice to the adjoining, abutting and adjacent property owners, which are the defined affected property owners and the ones that would have standing to object or appeal. This was discussed at the zoning board meeting and they voted that they would be in support of going back to the prior language. The proposal would be to revise the notice requirements on those to either going back to the way it was before or some lesser number than everyone within 300ft. of every boundary line. Chairman Cizl asks would there be any situation you could think of that we would need something beyond the boundary line? Law Director Graves responds I don't think so. For example: even on a major subdivision, you would still be getting everybody adjoining, adjacent and abutting, so you would still have quite a bit a few people. Chairman Cizl says I think that's a great idea. *Motion by Wtulich/Second by DeBottis to go back to the original language. Yeas All. Law Director Graves says just so you know, I have looked at other communities and most of the codes I have looked at, the notice requirements are similar.

Member Wtulich asks when people cut their grass and it shoots out into the street, do we have an ordinance about keeping that cleaned up? Mayor Radeff replies he (building inspector) has about 50 grass letters he is writing right now. Law Director

Graves says but that is about needing to cut the grass. Also, you aren't allowed to blow clippings into the street. A lot of people don't realize doing that can really clog up the storm water. Member Wtulich says not to mention it's dangerous for motorcycles/bicycles/walkers. Mayor Radeff states we have been talking about our food truck ordinance. We talked about how we probably need to put something together. Right now, I believe it's under the zoning code so it would require a special use permit. Our thought is to maybe make an ordinance to specify you get the permit for that food truck and it is x amount of dollars and covers the whole year so you don't have to keep applying for each event. We could have a list of food trucks that have already paid and been permitted. I know the city has some events coming up. Robinson soaps has done it twice now. We are looking to modify the ordinance to accommodate that stuff. Chairman Cizl asks is that what the ice cream trucks do now? Mayor Radeff replies they aren't doing any events, I don't think they would need a permit. Law Director Graves says this would be regulated under our current planning and zoning code section 1111.02, subsection c(4)D/E, pages 80-82. This talks about temporary uses; a temporary event with limited impact. It specifically says outdoor sale of agricultural products and food truck operations are subject to these limitations. So, a temporary event limited impact, a temporary event may be approved by the mayor for a maximum of 2 times per year, not consecutively and not exceeding 45 days. If they do it more than 2 times or longer than 45 days, that would be a temporary event with extensive impact and that requires planning commission review and approval. Mayor Radeff states just to be clear, this isn't you get a permit and can then go park out somewhere for days and days. What we are saying is whoever is doing the event is still going to need an event permit, but those trucks so far have been getting a permit for each time they come to an event. Law Director Graves says we used to have kayak rental people at the boat launch and they would get a special event permit for the whole summer.

CITIZEN'S COMMENTARY: *Kelly Wilms, 4855 East Lake Rd.* says I'm back to address the same issue I was here for a few weeks ago regarding the signage for my residentially zoned R1 house next to Shell Cove Park. I have a banner roughly 3ft. long and it is attached to my garage as well as my front porch. It is far off the road, it is not neon, it is not distracting drivers, it is not a free-standing sign, etc. I was wondering if anybody had discussed changing the ordinance or making a variance to allow those 2 signs? Chairman Cizl asks what are the purpose of those signs? Ms. Wilms replies I have a licensed/legal business as a residential care facility that is an LLC and a business through the state. So that people can find it for emergency and/or workers, caretakers, family, etc. because it is just a house, it is hard to find. I want it to stand out for people that do need us. They already have a hard enough time finding it, so I need it to at least have the name. I have had no complaints in 2.5 years from anybody except one person. I think the majority of people don't mind. It was just brought to my attention and it's been there for months. I don't see an issue with it personally and no one else has. Member Wtulich asks couldn't you get a special use variance or something for that? I thought we talked

about that last time. Law Director Graves responds currently, for an approved accessory use home occupation, you're permitted one 2sq.ft. sign. The reason being it's not a business district, it is a residential neighborhood. You don't want to change or disturb the nature of that residential neighborhood, that's the purpose. If someone had a compelling reason why they felt that they should be allowed to have more than one sign or a larger sign, they could go to the Zoning Board of Appeals and try to establish practical difficulties and get a variance. Law Director Graves describes the steps to do that. Ms. Wilms asks is there anything stopping anybody from having any kind of sign that is not business related on their house? Whether it be political, etc. as long as it's not business related, is there a size/restriction? Law Director Graves responds there are general restrictions that are consistent across the board. It's content neutral, we don't treat different signs differently. Commercial signs are different.

Alex Rodriguez, 4440 Edgewater Dr. states I came a few weeks ago for this. I had an Airbnb in my house and one of the neighbors found out after 2 years and he decided to make it a big problem. I've never had problems with the police or violations. I'm here to ask if we can have anything done like either an ordinance or change zoning. (inaudible, sidebar talking) What can we do about that? Law Director Graves replies presently, short term rentals are only allowed as a conditional use in R2. This is owner occupied, correct? You live there? Mr. Rodriguez replies yes, I have a pool house. Member Wtulich asks you are in R1? Mr. Rodriguez replies yes. Mayor Radeff says but not in B2, because there was a question about an individual doing business and I found out today it's only R2. Our ordinances are not less restrictive as you go up in the zoning code. Mr. Rodriguez says I do have an LLC, I file taxes and I report everything. Everything is legal. Member Wtulich says so I guess it is a question for us as to whether we want to allow conditional use in R1. Mayor Radeff says I thought last time you thought about possibly doing a special use permit, putting regulations on it, etc. Law Director Graves says this type of variance would be much more difficult to obtain than the variance for the signs. This would be a use variance which is a much higher standard. It's viewed as like an end around to rezoning. It's not a permitted use and you are asking to be able to do something that is not allowed. It's different than saying I am allowed, but I just want to exceed the size or setback. This would be reviewed under the conditional use approval process. That starts with the planning commission, they would hold a public hearing and then vote on a recommendation. They make that recommendation to city council who then reviews it. There are 14 specific review criteria they are supposed to look at in terms of whether or not to grant the conditional use. They all kind of go back to the same theme of will this upset the peace and quiet of the residential neighborhood. Currently, it is only allowed for conditional use in R2, not in any other zoning district. I think the request would also be to make conditional use in R1. Mayor Radeff says so even if you live in R2, you can't just start doing Airbnb. You have to come get permission. He could go this route which will still require council to review it and I think council should review it as a whole because

he goes to zoning and they pass it, you're gonna get 10 more people saying well he got his passed. I think it's better reviewing it as a whole than just case by case. Law Director Grave states an area variance on the practical difficulties, there are only 7 factors and you only have to meet the preponderance of those factors. You don't have to meet them all. With a use variance, it's an unnecessary hardship type standard and you have to meet all the factors (14) by clear and convincing evidence. Higher standard, you have to meet them all. The first criteria is that the property can be put to no viable economic use without the variance, which is a very high threshold to make. Basically, you have no value here without the variance. Obviously, the house can be used for many other purposes without being an Airbnb. I think the use variance would be highly unlikely. A text amendment if the council was in favor of that, would be the route to go. Mr. Rodriguez says there are no hotels in Sheffield Lake. If we keep doing the same thing every single year, Sheffield Lake is never gonna move up. We need to try something different. Right now, we have a lot of people outside of their house with garbage and there is a lot of laws that allow them to do that because they know how to play the system. We need to have something different to prove to them this is not right. For example, whoever has an Airbnb has the house beautiful. People are gonna come over here and see a beautiful place and see we've got the lake; we've got everything here 30 minutes away from everything. We need resources in Sheffield Lake. A business person can pay their taxes and be on time and then bring something to the city (inaudible, sidebar talking). I think this is something we should bring to the city. You could say we are going to give you 3 strikes and then you won't be able to do it for one year, etc. Airbnb requires a lot of conditions like nobody under 21 is allowed to rent, nobody who hasn't rented before is allowed, etc. This is something that is gonna help tremendous. I have never had a problem until somebody found out because of the eclipse. There is around 15 Airbnb's right now in Sheffield Lake. Member DeBottis asks we don't have any of these registered? Law Director Graves replies they would have to get approval and they are not allowed. Sometimes it becomes an enforcement difficulty. Mr. Rodriguez says we also have a couple other cities around that they are illegal and it hasn't been a problem. Law Director Graves replies another issue to consider is if this committee and ultimately council are at least willing to consider opening it up as a conditional use in R1, then while you're debating that, I would throw out the possibility that we do some form of moratorium on enforcement. As it stands right now, this gentleman is most likely going to get a citation. Mayor Radeff says you have to catch them in the act. I can tell you one person has been operating one that thought that they were legal because they are in B2, but it sounds like today we found out you can't even do it in B2. Law Director Graves replies that's kind of an anomaly, because you're really not supposed to have residential homes in B2 in the first place. Older homes are grandfathered as existing non-conforming homes. Chairman Cizl asks the mayor if he has a recommendation. Mayor Radeff replies my overall view with an Airbnb is I think it is an enforcement thing. I think that if there are problems, that's because the ordinances have to be enforced. I know some

cities allow them and some don't. I think our job is if it's noisy, then we go enforce them, if it's being trashed, we go enforce them, etc. It's the same concept as the shopping center. They will put what businesses they want, but it's our job to enforce if the trash isn't taken out or the sidewalks not taken care of. It's like the golf carts, would I do an Airbnb? No, but I've used one and don't have a problem with them. The big concern is we might get a really bad renter. Well, maybe a bad neighbor for 2 days is better than a bad neighbor for life. We have neighbor disputes all the time. Law Director Graves says personally, I don't see a problem with making it a conditional use. That process has a lot of built in safeguards. It doesn't just make them allowed. It says you can apply for this, it will be reviewed, there will be a public hearing and a public meeting where affected property owners will be given written notice to come and express support or concern and then it would go on to city council for a final determination and then they could be registered. They would be reviewed on a case-by-case basis. Chairman Cizl says technically speaking, if there were 15 Airbnb's existing and this process is implemented, we are gonna have to be consistent. Law Director Graves replies they would immediately be in violation and they would receive notice that you need to come down and file an application for conditional use. Chairman Cizl replies I think that's the process to go. Member Wtulich says before our next meeting we need to think whether we want to allow conditional use in R1. Mayor Radeff says well in any. The problem we have is we have Lake Rd. where some of it is B2, some of it is R2, some is R1. I know some are being done on there and they are under the impression that they can and I am being told today that they can't. Short conversation about a few homes running Airbnb.

Kelly Wilms, 4855 East Lake Rd. states with the Airbnb thing, it happened exactly to me too. 2 years ago, his story is identical almost to my story; a neighbor, same scenario and I was a target. The point I wanted to make is with the mayor, I totally agree with his point too. That was my big thing then, address the problems as they occur. If you think about it in perspective, you can't control who your neighbor has over. Whether they are paying money or not. Your neighbors can have people over anytime they want, parties, Christmas, all summer long, etc. It shouldn't matter if they are spending the night, 4 nights, getting paid for it. We can't pick our neighbors and we can't pick who comes to our neighbors' house. I would just address case-by-case if there's an issue.

Members decide to continue to discuss at next meeting.

ORDINANCE/RESOLUTIONS BEFORE COUNCIL AT THIS TIME:

COUNCIL #011- TABLED- AN ORDINANCE VACATING PORTIONS OF PARKVIEW DRIVE, IVANHOE AVENUE AND FERNDALE AVENUE AND THE DECLARING OF AN EMERGENCY.

COUNCIL #017- TABLED- AN ORDINANCE REPEALING SECTION 969.02 REGARDING COMMUNITY CENTER MANAGER AND ESTABLISHING THE POSITION AND RATE OF PAY FOR THE POSITION OF RECREATION DIRECTOR FOR THE CITY OF SHEFFIELD LAKE.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Wtulich/Second by DeBottis to adjourn at 8:03 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

Brandy Randolph

I, Brandy Randolph, 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 7, 2024.

CHAIRPERSON

Mark Cizl

COUNCIL PRESIDENT

Rick Rosso