

**BUILDING & BUILDING CODES COMMITTEE MINUTES
MARCH 16, 2009**

The Building & Building Codes Committee meeting was held on March 16, 2009, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 7:04 p.m.

PRESENT: Committee Members: Chair Don Willey, Larry Antoskiewicz, Mike Farrell; Council: Vince Gentile, Dan Kasaris, John Nickell; Administration: First Assistant Prosecutor Donna Vozar, Building Commissioner Rito Alvarez; Other Attendees: Paul Marnecheck, Joanne DuMound, David Grayson

APPROVAL OF MINUTES

Moved by Mike Farrell, seconded by Larry Antoskiewicz **to approve the February 16, 2009 Minutes.** Yeas: 3. Nays: 0. **Motion carried.**

NEW BUSINESS

Mr. Willey began the meeting with New Business discussing the Agricultural District applications that were on the agenda. Mr. Willey said he would like to know what revenue is generated from these Ag Districts, but since none of the residents were in attendance, his question could not be answered. Mr. Willey asked for a motion to refer these applications to Council for approval.

1. **Application submitted by David Grayson for placement of approximately 55 acres located at 16393 State Road PPN 487-23-001 and 487-29-006 in an agricultural district**
Moved by Mike Farrell, seconded by Larry Antoskiewicz **to refer the Ag District application for David Grayson to Council.** Yeas: 3. Nays: 0. **Motion carried**

2. **Application submitted by Robert D. Kosman for placement of approximately 44 acres located at 3409 W. Edgerton Road PPN 486-18-006, 486-18-007, 486-18-008 and 486-22-001 in an agricultural district**
Moved by Larry Antoskiewicz, seconded by Mike Farrell **to refer the Ag District application for Robert D. Kosman to Council.** Yeas: 3. Nays: 0. **Motion carried**

3. **Application submitted by Mark and Cindy Ellis for placement of approximately 28 acres located at 18375 State Road PPN 486-19-004 and 486-19-008 in an agricultural district**
Moved by Larry Antoskiewicz, seconded by Mike Farrell **to refer the Ag District application for Mark and Cindy Ellis to Council.** Yeas: 3. Nays: 0. **Motion carried**

UNFINISHED BUSINESS

1. **Abandoned houses update report**
No report.

2. **Proposal to amend grass/weed ordinance**

Mr. Kasaris forwarded the proposed amendment to Mr. Farrell and Mr. Alvarez for their review. Mr. Gentile asked if we are able to distinguish the types of property with the same zoning because of where the property is located and how they are maintained. Ms. Vozar said we would have to have more than just the distinction of where the property is located. She said you would need a reason for doing so. Ms. Vozar said it would have to be stated very clearly why there is a distinction otherwise the city would run into problems. Ms. Vozar said it would be hard to legislate property outside of a development and ask a landowner to cut an entire 10 acres of farmland as this would be an unreasonable request.

Mr. Gentile asked if it would be easier to tackle this legislation up front in the subdivision agreement when developers come to us in Planning Commission. Ms. Vozar said at that point we are looking forward, she feels it is going to be more difficult to deal with lots that are currently undeveloped. Ms. Vozar suggested passing an ordinance throughout the city stating that a certain amount of grass and weeds need to be cut back from the roadway. Mr. Kasaris said the problem with this is that a resident on

Akins Road or State, Road would also need to adhere to this ordinance and he does not feel it is reasonable for a resident in these areas to cut a vacant lot whereas in a subdivision it is more reasonable for more than 50 feet to be cut on a vacant lot.

Mr. Gentile said he is concerned that if we pass this legislation we would have to apply this equally to all residential property. He feels it might be easier to do this upfront in the subdivision agreement. Ms. Vozar said the subdivision agreement is prepared during the construction and initial plan then turned over to the Homeowners Association. She said she does not know how much involvement the city would want to have with the Homeowners Association, but said she understands the need to have subdivisions held to a different standard than other properties.

Mr. Kasaris said the problem with subdivision agreements is that they are hard to enforce. Ms. Vozar said that depends on the Homeowners Association.

Ms. Vozar said there are ways we can differentiate between the classifications of property, it is just very difficult and we would need to have a very strong basis. She suggested possibly getting more input from the Building Commissioner as to why we would want to do this in a subdivision and not in residential areas such as those on Edgerton Road.

Mr. Alvarez is concerned about vacant lots in subdivisions not being maintained in the case of another recession. He also questioned why we need both Sections (a) and (b) included in Ordinance 1464.08 as he feels they are redundant.

Mr. Farrell asked Mr. Alvarez what his thoughts are on the 50 feet rule. Mr. Alvarez said he encourages more than 50 feet to be cut if it can be done.

Mr. Farrell discussed the new development that is being built on Royalwood Drive. He said there are currently three homes being built. He said that chances are, most of the lots will be vacant for a while. He asked if the builder will be required to cut all of those lots. Mr. Kasaris said the developer is expected to cut 50 feet. Mr. Willey feels there is a practicality to this situation. He said he feels that if there are three lots that are the last three lots on the whole street and all of the lots around it are overgrown, he said it does not make sense for the builder to have to cut the weeds. Mr. Gentile said that possibly the benchmark should be when sidewalks are put in.

Ms. Vozar discussed the original Ordinance 660.14 and stated that when this ordinance was passed in 1996, it was much more rural in North Royalton and due to the change in the times perhaps what we need to do is address the bond and possibly restructure the bond that the developers put in place when a subdivision is being built.

Mr. Antoskiewicz said that the original ordinance that has been in effect for the last 17 years has a good success rate and feels we may be able to just amend the current ordinance to include undeveloped property in subdivisions. Mr. Kasaris said we cannot enforce the current ordinance on undeveloped land according to the Law Department. He said we could just amend Sections (b) and (j) in Ordinance 1464.08. Mr. Gentile also suggested that the owners of the property will need to comply with the ordinance or we will place a lien against their bond.

Mr. Nickell asked at what point we are going to ask the developer to cut the property. Mr. Gentile said we will mandate the 50 feet rule at 90 percent completion of that subdivision. Mr. Gentile said at 90 percent we have to release the bond. Mr. Antoskiewicz said this is why he feels we should just amend the current ordinance. Ms. Vozar said that she will try to tweak the language in 660.14 and 1464.08 to come up with some kind of resolution to comply with everyone's concerns. She will also look at

rewriting the bond language and placing some maintenance language in the ordinance and possibly require two separate bonds. She will present this information at the next meeting.

3. **Wind Turbines**

Ms. Vozar said she is aware there was a study done in North Royalton some time ago to determine what areas are best suited for wind turbines. She said she is going to try to locate that study and perhaps have an expert come in to talk to the committee about what areas in the city are better than others for these structures. Ms. Vozar said she feels the conditional use permit is the best way to go.

Mr. Gentile feels we need to consider that we need five acres per tower/turbine. He said if they are placed on less than a five acre parcel, wind buffeting will occur.

Mr. Antoskiewicz said that he believes it would be a good idea for an expert to come in and talk to the committee about wind turbines.

Mr. Willey suggested that committee members go into the American Wind Energy Association's website to get additional information on wind turbines. He said the website is www.awea.org.

Mr. Gentile asked Mr. Alvarez what the average wattage is per home. Mr. Alvarez said a standard home uses approximately 1500 Kilowatts per month. Mr. Alvarez said a wind turbine will not support a residential home.

Ms. Vozar said the reason we wanted to discuss wind turbines is because she believes we are going to get requests for these and if they are not prohibited or regulated by our code, we will have no control.

Mr. Gentile said he believes wind turbines are great but only if they are placed in the right place. He said if a resident comes to us with a request for a fixed structure on their property, the structure cannot surpass their existing roof line. If they want to go higher than that they will have to go to BZA. He said these wind turbines are also a form of manufacturing as these turbines are manufacturing energy. Mr. Gentile asked how we justify manufacturing something on residential property. He said possibly we should restrict these turbines on residential property. He feels this is more of a commercial process.

Mr. Kasaris asked how many applications we currently have. Ms. Vozar said we have one application and we are treating it as a structure for which we have height limitations.

Ms. Vozar will try to get an expert to attend the next meeting to do a presentation and provide additional information.

Mr. Gentile said that Council's concern is that if we do not have anything on the books AND we could be challenged by a resident who lives in a subdivision. Ms. Vozar said we have received only one request and the height restriction that is currently in place will not allow this turbine to be placed on this resident's property.

Mr. Willey asked if the State of Ohio is working on this issue and if they will be incorporating this into the State Building Codes. Mr. Alvarez said they are working on this. He added that currently there are problems in Stark County where they are permitted.

ADJOURNMENT

Moved by Mr. Farrell, seconded by Mr. Antoskiewicz **to adjourn the meeting**. Yeas: 3. Nays: 0. **Motion carried**. Meeting adjourned at 8:04 p.m.