

**Mayfield Village Citizens Advisory Committee
Meeting Minutes
May 28, 2024**

The Citizens Advisory Committee met on Tuesday, May 28, 2024 at 7:00 p.m. at the Mayfield Village Police Station, 620 SOM Center Road, Mayfield Village, Ohio.

<u>Present:</u>	Bob Haycox (Chair)	Patti Ferris
	Sandy Batcheller	Robert Gessner
	Marilyn LaRiche-Goldstein	Rosemary Fabrizio
	Monica Syracuse	Joanna McNally
	Sara Calo	Mary Salomon

<u>Absent:</u>	Maureen Washock	Lorry Nadeau
	Peter Gall	Mark Granakis

Also Present: Brenda Bodnar, Mayor
Jennifer Jurcisek, Council Representative
Dan Russell, Building Commissioner
Paul Matias, Police Chief
Peter Batcheller, Resident
Jim and Jean Triner, Residents
Cathy Baker, Resident
Diane Wolgamuth, Director of Administration

Approval of Minutes

Mr. Haycox asked if there were any changes to the minutes from the April 29, 2024 meeting, previously provided for review. There were none and the minutes were approved as written.

Update on Code Enforcement and Code Revisions

Mr. Haycox introduced Building Commissioner Dan Russell and thanked him for attending the meeting. Mr. Russell provided the committee members with a copy of Chapter 1157 of the codified ordinances, titled "Residential Districts." (A copy is attached). He explained that some changes had recently been made to this chapter as the Village was receiving requests for many variances, particularly regarding accessory structures and fences. He stated, "When you get that many requests, you know there must be something wrong with the code." The accessory structure portion was revised to allow for larger structures in May of 2023, and "we haven't had a variance request since."

Mr. Russell explained that the Building Department's policy on property maintenance is to respond to complaints rather than go out and look for violations. He stated, "It generally takes three to five visits to achieve compliance and we do not have the manpower to go looking for violations." He explained that many complaints are received in the spring, due to high grass, and many of the complaints are anonymous. Mr. Russell stated that many of the complaints received do not actually amount to code violations and he would prefer to have a phone number to talk to the person about the complaint. Mr. Russell commented that "every house in the Village has some sort of violation" and that his policy is to drop off a courtesy notice and speak to the resident. A sample copy of a courtesy notice was provided to the committee and is attached.

Mr. Russell continued, stating, "This community is fantastic in that most people try to take good care of their property. Many times, if there is an issue, it is because something has happened in people's lives. I try to take that into consideration and find that it goes much better. I have worked in communities where they want you to nail the person. I was glad to be hired here where the Administration is on board with this approach."

Mr. Russell provided a copy of Chapter 1359 of the codified ordinances, entitled "Destruction and Removal of Trees," updated in 2020. Mr. Russell explained that, per the ordinance, only three live trees having a diameter at breast height of eight inches or greater can be removed each year. "We don't want anyone to just cut down all their trees for no reason." He explained that it is okay to remove dead trees and stated that he received two calls this year, from people concerned that trees had been marked for removal. It turned out that the tree company had only marked them for branch removal. "We have many old trees in the community. It is very beautiful here."

Mr. Haycox asked about leaving cut trees on the tree lawn. Mr. Russell responded that if a tree company comes in to cut down a tree, they should remove it also and not leave it for the Service Department to clean up.

Mr. Haycox asked about split rail fences. Mr. Russell responded that the Building Department does not regulate split rail fences and he has no authority to require that they be replaced, stating, "that is governed by the HOAs." He advised that the current ordinance allows for up to a 42" fence in the front yard. Mr. Russell added that he has been asked on several occasions to cite a resident to put up a fence, but he will not do that.

Mr. Haycox asked about the code changes regarding sheds. Mr. Russell explained that the new code allows for two accessory structures up to 800 sq. ft. or not to exceed 10% of the rear lot area. That allows larger lots to have larger sheds. The old code only allowed for up to 192 sq. ft. This change has reduced variance requests greatly and he thinks people appreciate that.

Mrs. Calo asked about what to do about a large tree that is on the property line of three different properties. Mr. Russell suggested getting together to discuss with the neighbors if it needs to be removed. Mayor Bodnar suggested that the Village's arborist can be consulted to see if the tree is healthy. Mr. Russell agreed that the Service Department will send out the arborist to determine if the tree is dangerous.

Mrs. Batcheller commented that her neighbor's tree creaks loudly near her bedroom window. "It's my responsibility to tell the neighbor?" Mayor Bodnar responded, "Yes, talk to your neighbor. Ask the arborist to assess and then talk to your neighbor." Mr. Russell suggested putting things in writing so you have a record.

Mr. Haycox asked about the rules regarding the parking of boats and RVs in driveways. Mr. Russell advised that there is a three-day rule, unless a variance is obtained.

Mr. Gessner asked if the tree ordinance had been communicated to tree removal companies. Mr. Russell said that it has been. He commented, "They forget or just don't care."

Mr. Haycox thanked Mr. Russell for attending the meeting and providing the committee with this update.

Council Report

Mrs. Juncisek reported that the ordinance to ban the sale, processing and cultivation of cannabis was on third read at the last Council meeting. She advised that Council passed a moratorium to hold off voting on the ordinance, for further discussion, until the next meeting. She described that moratoriums seem to be common in other communities right now and explained that retail locations wouldn't necessarily bring in funds to the Village. Mrs. Juncisek stated, "It is not a yes or no yet. Council is trying to get more information."

Mrs. LaRiche-Goldstein asked, "What was the vote?" Mrs. Juncisek responded that four members voted to hold off and three voted to pass the ordinance, which would have banned the sale, processing and cultivation of cannabis.

Mayor Bodnar distributed a survey obtained through the Mayors & Managers Association showing the actions taken by some responding communities. (A copy of the survey is attached). Mrs. Juncisek stated, "You can see that some surrounding communities are passing moratoriums."

Mrs. Calo asked, "Who oversees these facilities?" Mayor Bodnar responded that the facilities are overseen by the State of Ohio, adding, "They will begin issuing licenses in June. The first places they will issue are to places that have medicinal licenses." Mrs. Juncisek described that retail locations must be 500 feet away from schools, day cares, churches, etc. She stated that John Marquart had laid out where they could go in the Village, and there are not many places to go.

Mrs. Batcheller asked, "So why do a moratorium?" Mrs. Juncisek responded, "Some Council members want to see if there is more money out there and want to pause a minute to find out." Mrs. Batcheller asked if residents will be commenting at the next meeting. Mrs. Juncisek said yes.

Mrs. McNally asked, "What is the concern?" Mrs. Juncisek said some concerns are home values, appearance, concern about the smell from cultivation—a variety of concerns. "They don't want it in the Village."

Mayor Bodnar stated, "My concern is primarily economic. 25% of our land is taken up by Metroparks. The Village is mostly residential. We have limited amounts of retail space in the Village as well as limited amounts of commercial space on Beta Drive. We need to maximize these spaces to provide the most economic benefit to the Village. Low-paying jobs are not going to help us much. Retail establishments are mainly clerk jobs. The State intends to give cuts of sales taxes but that will be divided among all communities and we don't know how much it will be." Mayor Bodnar commented that casinos were supposed to save the schools. "At the end of the day," she stated, "I don't want to take up a lot of space and only get a little revenue."

Mrs. Jurcisek added that John Marquart spoke about the cultivation location in Eastlake that is looking to grow to 100 employees, explaining that, even at that level, Eastlake is only looking at \$66,000 in revenue. “Residents there have complained about the smell.”

Mrs. Batcheller asked if the Chief had any comments. Chief Matias stated the he is not that concerned and suspects that a lot of people in the area would make purchases, if available.

Mr. Haycox asked if it isn’t really two different issues—retail and cultivation. Mrs. Jurcisek stated Council is considering that too. “Should it be a no on everything or split in two? A no on retail and allow cultivation? Council wants to consider these things.”

Mrs. Fabrizio stated, “If Campus 1 were issued a permit, it would affect the neighborhoods around it. If it were on Beta Drive, the impact would be to Montebello and SOM Court.” She added that she is concerned about a negative impact due to smell. “Zorn didn’t want street lights. Some people didn’t want sidewalks. Council needs to understand that people who live nears these possible permit areas will be affected. Council can revisit this issue down the road if things turn out differently.”

Mr. Haycox agreed, stating “Let others do it and we can change the law later.” Mrs. Fabrizio added, “We put a ban on medical. Why is this such an issue? If we put a ban on medical, which is less intrusive, why allow this?”

Mrs. Jurcisek responded, “There is concern that if there is financial gain from the State, we don’t want to lose out. Council has many questions—should we close the door completely? Is this in the best interests of the Village?” She believes the recent memo from John Marquart answered many of these questions.

Mrs. LaRiche-Goldstein asked, “Do you have a feeling for how this is going to go with Council?” Mrs. Fabrizio responded, “I think they want to see what people think.” Mrs. Jurcisek agreed that Council may be waiting to hear from residents.

Mrs. LaRiche-Goldstein stated, “This has always been a wholesome family community. Letting these businesses in is not how I would like it to go.” Mr. Haycox asked if people should come to the next meeting on June 17. Mrs. Jurcisek said, “Yes, or send an email.”

Mrs. Batcheller asked if the Village is protected if someone visits a retail location and there is a tragic accident. Mayor Bodnar responded that people cannot consume marijuana where they buy it, similar to a liquor store. Chief Matias added that bars can be held liable for overserving, stating, “You can buy as much liquor as you want. The same goes for marijuana.”

Mrs. McNally asked about the police perspective. Chief Matias advised that marijuana has been decriminalized for years. “Possession is just a minor misdemeanor.” Chief Matias stated that he does not believe legalizing recreational marijuana is going to make people smoke more or start smoking, adding that there were no big spikes in OVI arrests when medical marijuana was legalized.

Cathy Baker stated that she is happy to hear that people care about the integrity of Mayfield Village. She made the following statement. “If a strip club came in with \$200,000 in revenue, would we want that? I spoke with the councilman who wants more information and I was very disappointed. This is your job. I am an attorney and work at Progressive. I feel that this is a desperation move because of the loss of revenue from Progressive. I can’t understand how they don’t

have enough information.” Mrs. Baker added that she is not against marijuana, but she lived in Chardon and moved here because of the integrity of this community. She stated that she is dumbfounded that Council is saying they don’t know. “Integrity is important. The Village needs to attract higher-end businesses. I am concerned about Council and also concerned that they aren’t following similar communities. I am not saying there will be crime. I am shocked that they banned medical and not this.” Mrs. Baker added that she recently saw an article in Forbes Magazine that indicated that in states where marijuana was legal the longest, there was a decrease in property values.

Jim Triner commented that he did a model of a 100,000 sq. ft. facility that cost about \$8 million to construct. It would make about \$6 million annually. Direct labor would cost about \$600,000 and only \$12,000 would come to the City. He stated that Council may have “delusions of grandeur” and added that marijuana sales are on a decline.

Jean Triner commented that she is reassured by some of the concerns expressed here. She thinks Council should pass the ban and revisit the issue later. She asked the committee members to encourage their neighbors to come to the meeting. “They can come to the Caucus on June 3 to listen and come back on June 17 to speak. Maybe Council will see the light.”

Mrs. Juncisek stated that the Council minutes are on the website for those who want to see who spoke at the last meeting.

Other Matters

Mrs. McNally asked about the ribbons recently placed on the trees in the community. Mrs. Juncisek explained they were for Cal Clark. He was a student that recently passed away. He went to Center School, the Middle School and the High School. His illness progressed very quickly and this was meant to be a memorial drive for him.

There being no further business, the meeting was adjourned at 7:55 p.m. to allow the members to go on a guided tour of the Police Station with Police Chief Paul Matias.

Diane Wolgamuth

Mayfield Village Director of Administration

CHAPTER 1157

Residential Districts

- 1157.01 Single-family House District.
- 1157.02 Two-family House District.
- 1157.03 Occupancy regulations.
- 1157.04 Apartment House District.
- 1157.05 Restricted Multi-story Apartment House District. (Repealed)
- 1157.06 **Accessory buildings and structures.**
- 1157.07 Parking regulations.
- 1157.08 Fences; permit; fee.
- 1157.09 Home occupations.
- 1157.10 **Patios; permit; fee.**

CROSS REFERENCES

- Dwelling definitions - see P. & Z. 1113.08
- Lot defined - see P. & Z. 1113.14
- Lot area per family - see P. & Z. 1181.03
- Floor area of apartment units - see P. & Z. 1181.04
- Accessways to rear buildings - see P. & Z. 1181.05
- Width of lot for dwellings - see P. & Z. 1181.06
- Yards - see P. & Z. 1181.07
- Swimming pool fences - see BLDG. 1341.12
- Storage of recreation vehicles - see BLDG. Ch. 1373

1157.01 SINGLE-FAMILY HOUSE DISTRICT.

In a Class U-1 District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used, for a Class U-2, U-3, Local Business District, U-5, U-6 or U-7 use. In a Class U-1 District, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used except for a Class U-1 use. In any part of a Class U-1 District that is within a Class A-1 District, no building shall be used and no building shall be erected which is arranged, intended or designed to be used as a semi-detached single family dwelling or double house. (Ord. 88-29. Approved by voters 5-2-89.)

1157.02 TWO-FAMILY HOUSE DISTRICT.

In a Class U-2 District no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, for a class U-3, Local Business District, U-5, U-6 or U-7 use. In a Class U-2 District no building or premises shall be used which is arranged, intended or designed to be used, except for a class U-1 or U-2 use. (Ord. 159. Passed 5-20-35; Ord. 960. Passed 7-18-66.)

1157.03 OCCUPANCY REGULATIONS.

(a) Family. In a Class U-1 and U-2 Use District, the definition of "family", as found in Section 1145.01(k) is hereby modified and amended to read as follows:

"Family" means one or more persons, related by blood, marriage or adoption, or a family foster home or not more than three persons not related by blood, marriage or adoption, who live together in a dwelling unit as a nonprofit housekeeping unit, as distinguished from a group occupying a boarding, lodging or tourist house, sorority or fraternity house, hotel or motel. A "family foster home" means a family related by blood, adoption or marriage as defined above with no more than five (5) foster children.

(b) Number of Persons Who May Occupy a Dwelling Unit. No person shall maintain, own or lease a dwelling unit (which is defined as a single dwelling house or half of a two family dwelling house) unless it contains at least 300 square feet of habitable floor area for the first occupant and at least 200 additional square feet of habitable floor area for every additional occupant thereof, but in no case shall any dwelling unit contain less than the minimum number of square feet of habitable area required by any ordinance of the Municipality. Habitable floor area shall be considered to mean the floor area in rooms used for living, sleeping, eating or cooking, and complying with Chapter 1321 of the Building Code, as amended, pertaining to height and area, and not counting bathrooms, lavatories, closets or basement rooms.

(Ord. 2018-18. Passed 7-16-18.)

1157.04 APARTMENT HOUSE DISTRICT.

In a Class U-3 District no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for a Local Business District or Class U-5, U-6 or U-7 use. In a Class U-3 District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used except for a class U-1, U-2 or U-3 use. (Ord. 159. Passed 5-20-35; Ord. 960. Passed 7-18-66.)

1157.05 RESTRICTED MULTI-STORY APARTMENT HOUSE DISTRICT.

(EDITOR'S NOTE This section was repealed by Ordinance 89-25, approved by voters November 7, 1989.)

1157.06 ACCESSORY BUILDINGS AND STRUCTURES.

(a) In General. An accessory building or structure, as defined by Section 1113.06 of this Code and including those buildings or structures less than two hundred (200) square feet, customarily incident to a Class U-1 or U-2 use shall also be permitted in, respectively, a Class U-1 or U-2 District, provided such accessory building or structure is located in the rear yard and upon the same lot with the building to which it is accessory. Buildings and structures two hundred (200) square feet or larger shall also require a building permit from the Building Department.

(b) Not Habitable. No accessory building or structure shall be designed, constructed, arranged or used as a habitable dwelling in whole or in part.

(c) Height. No accessory building or structure in a Class U-1 or U-2 District shall exceed fifteen (15) feet in height.

(d) Location. No accessory building or structure shall be located within a recorded utility easement or drainage swale, or in such a manner that hinders the free flow of storm water or hinders the maintenance of storm water control, as determined by the Village Engineer. Any accessory building or structure shall conform to the applicable setback requirements set forth in Section 1181.07 of this Code. Swimming pools shall be regulated by Section 1341.04 of this Code.

(e) Total Number and Area. In a U-1 or U-2 District, no more than two (2) accessory buildings or structures, which shall include a detached garage, shall be permitted. The total area of any above ground accessory buildings or structures erected separately from the main use structure on any one lot in total area shall not exceed eight hundred (800) square feet or ten percent (10%) of the rear lot area, whichever is less, subject to all other applicable setbacks and use requirements. (Ord. 2023-05. Passed 5-15-23.)

1157.07 PARKING REGULATIONS.

(a) No person shall keep, park, store or allow to be kept, parked or stored overnight any commercial vehicle or truck, as herein defined, in a U-1, U-2, U-3 or U-3 AA Use District, except passenger automobiles or motorcycles not used for commercial, business or manufacturing purposes. This section shall not, however, prohibit the following uses in such districts:

- (1) Trucks making bona fide deliveries to or pickups from the premises where they are parked, but only for so long a time as is reasonably necessary to make such deliveries or pickups;
- (2) Vehicles necessarily used in connection with the legal construction, altering, repairing, removal or demolition of buildings, appurtenances and roads for such time as is reasonably necessary to perform such work;
- (3) Farm vehicles, either bearing current farm license plates issued by the State of Ohio or used exclusively for proper agricultural purposes upon the premises;
- (4) Vehicles used by or on behalf of the Municipality or any other governmental body;
- (5) In Class U-3 and U-3AA Districts, vehicles necessarily and customarily incident to the operation of any apartment house, hotel or motel situated on the premises;
- (6) On any lot in a U-1 or U-2 Use District, not more than two commercial vehicles or two trucks not exceeding one and one-half tons in rated capacity each, may be parked in a covered and closed garage or out of sight, provided the trucks or commercial vehicles are used solely by occupants of the premises;
- (7) The owner, owners or occupants of any building or premises or part thereof where anything in violation of this section is placed or exists, and any person, firm or corporation who violates any provision of this section or fails to comply therewith, or whoever parks, stores or keeps any vehicle upon any residential premises, including Class U-1, Class U-2, Class U-3, and Class U-3AA Use Districts, in violation of this section, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalty provided in Section 1149.99.

(b) "Commercial vehicle", for the purposes of this chapter, shall mean any automobile, van, pick-up truck, sport utility vehicle, or similar vehicle that is used for commercial, business or manufacturing purposes and bearing mounted equipment, signs, racks carrying equipment, tools, ladders, material and/or similar items.

(c) "Truck", for the purposes of this chapter, shall include any truck one and one-half tons in rated capacity, or more, any tractor, semi-trailer, or trailer. Also included shall be any pick-up truck less than one and one-half ton van or sport utility vehicle, used for commercial, business, or manufacturing purposes and bearing mounted equipment, signs, racks carrying equipment, tools, ladders, material and/or similar items.

(Ord. 2002-07. Passed 5-20-02.)

1157.08 FENCES; PERMIT; FEE.

(a) Definitions. The following terms shall have the following meanings for purposes of this Section of the Planning and Zoning Code:

- (1) "Fence" means the installation of acceptable material at or along the property line or lines to define or enclose the property or to prevent entry to an area.
- (2) "Solid Board" means a wood or vinyl fence where the boards are installed against each other so as to provide a solid wall that does not allow seeing through or the passage of air and includes stockade fences.
- (3) "Spaced Board" means a wood or vinyl fence where there is a space left between the boards so as to allow the flow of air and allow visibility. Typically, the space is anywhere from one (1) inch up to the width of the vertical boards.
- (4) "Board on Board (or Shadow Box)" means a fence constructed like a Solid Board fence, except that the fence boards are installed alternately from one side of the fence rails (or stringers) to the other. Boards can run either vertically or horizontally.
- (5) "Louver" means a fence where the boards are installed on an angle between the rails or posts to direct sunlight or air. Boards may be installed either vertically or horizontally.
- (6) "Basket Weave" means a fence where thin basket boards are woven alternately around small wooden members which extend through the height of the weave.
- (7) "Split Rail" means a rustic fence where split rails are inserted into slotted posts. Two and three horizontal rails are common.
- (8) "Picket" means a fence that is typically a spaced board fence four (4) feet or less in height usually with a blunted point cut at 45-degree angles, or rounded, or with a gothic point.
- (9) "Chain link" means a fence usually made of metal consisting of loops of wire interconnected in a series of joined links.
- (10) "Decorative fence" or "Ornamental Fence" means a fence that is erected primarily for aesthetic purposes which does not obstruct visibility into or out of the lot or property, and is constructed of materials to enhance the appearance of a property or garden such as metal or wrought iron.

(b) Fences Permitted.

- (1) In Front Yards. In front yards in Class U-1, U-2, U-3 and U-3AA Use Districts, the only fences permitted shall be as follows: decorative fences and split rail. Such fences shall be placed adjacent to the front entrance of the dwelling, at a point not closer than twelve (12) inches from the front property line and not over forty-two (42) inches in height.
- (2) In Side and Rear Yards. In side yards and rear yards in Class U-1, U-2, U-3 and U-3AA Use Districts, the only fences permitted shall be as follows: split rail, chain link, board on board, solid board, spaced board, basket weave, louver, decorative and picket fences.
 - A. Chain link fences shall not be permitted over four (4) feet in height and shall have uniformly spaced openings.
 - B. Split rail, board on board, solid board, spaced board, basket weave, louver, decorative and picket fences shall not be permitted over six (6) feet in height. However, a fence not over eight (8) feet in height may be placed along the rear or side line which separates residential properties from property used for nonresidential purposes, subject to the written approval of the Building Commissioner, who shall not give his approval if he or she finds that such proposed fence is unsafe or unsightly or that it obstructs necessary light and air from adjacent property or that in some manner it does not conform with ordinances of the Municipality.
- (3) On Corner Lots. A fence on a corner lot shall not be closer than fifteen (15) feet from a secondary street side lot line, unless the main building is less than fifteen (15) feet from that line, measured laterally. In such event, the fence may be located at the same distance from the secondary side lot line as such main building. The maximum height of a fence along the secondary street side lot line shall be four (4) feet. This provision shall not prohibit a decorative fence not nearer than one (1) foot to the side yard at a height of not more than forty-two (42) inches.
- (4) Snow Fence. Snow fencing shall not be used for any purpose except for the control of blowing and drifting snow, as necessary. It shall not be erected before October 1 and shall be removed prior to May 1. A permit shall not be required for snow fencing. Snow fencing shall not be erected or installed closer than twenty (20) feet to a driveway of an abutting property owner, shall not obstruct the view of an intersection and shall not come closer than twenty (20)

inches of a public sidewalk. Snow fencing shall not be placed within the public right-of-way.

- (5) Swimming Pool Fence. Fences enclosing swimming pools shall be permitted as provided in Chapter 1341. Such Chapter shall govern the requirements for such fences.
- (c) General Requirements for Fences.
- (1) All fence posts must be anchored securely in concrete.
 - (2) On any side or rear yard fence, the supporting rails and posts shall face the interior of the property of the owner of the fence and shall not face the adjacent property; the finished side (as contrasted with the rough or unfinished side) of the fence shall face the property of the adjacent property owner.
 - (3) A fence shall not be located within three (3) feet of a utility box, manhole or other apparatus that may be used for maintenance of the utility. When a fence or screen wall obstructs access to a utility box, manhole or other public apparatus for maintaining utilities, the owner shall be required to remove such fence or screen wall at their expense.
 - (4) All fences shall be erected to withstand a fifteen-pound horizontal wind pressure, shall be placed perpendicular to the ground and shall be substantially and properly supported according to standard practice.
 - (5) Fencing shall not be topped with sharp points such as may readily result in bodily injury and no portion of fencing shall be of barbed wire.
 - (6) Where fences are erected and where a water drainage situation occurs, such problem shall be disposed of by placing adequate outlets at the bottom of the fence or screen wall to eliminate the accumulation of stagnant water or other undesirable conditions.
 - (7) Fences shall be installed plumb, and the top finish shall be uniform. Fences shall follow the contour of the ground as far as is practical. Adjustments for grade shall occur at the bottom of the fence. Where adjustments for grade changes are severe enough to require stepping, a minimum of eight (8) feet of uniform fence run shall be maintained prior to each step.
 - (8) Where a fence already exists along a common property line on a neighboring property, the applicant proposing a fence shall make every effort to utilize the existing fence. If the existing fence cannot be utilized, there shall be a minimum separation of twenty-four (24) inches between the two fences to provide for the maintenance of the fences and the ground area between the two fences. The owner of the new fence must have direct access to the area between the two fences or walls. If access is not available and/or the yard is totally enclosed, a hinged three (3) foot wide gate is required for access to the area between the two (2) fences. The gate is to be of the same style and material as the fence. There is to be no storage of any type between the fences.
- (d) Permits. No fence shall be constructed until a permit has been issued by the Building Department and the applicable fee is paid per Section 1309.05 of the Codified Ordinance.
- (1) The application for a permit shall include plans or drawings showing the actual and accurate shape and dimensions of the property on which the fence is to be erected; the exact height, location in regards to property lines and structures, length, type of material, type of construction of such proposed fence ; the location of all buildings on the lot; and other information deemed necessary by the Building Commissioner in order to ensure that such fence is constructed in compliance with this Code.
 - (2) Each property owner shall determine property lines prior to constructing a fence and shall ascertain that the fence thus constructed does not deviate from the plans as approved by the Building Commissioner and does not encroach upon another lot or parcel of land. The owner shall either:
 - A. Submit a copy of a survey drawing indicating the location of property lines in the area of the proposed fence; or
 - B. Locate and mark the property corners so they are visible at the time of inspection; or
 - C. Submit a signed statement from the abutting owner or owners stating that they approve of the proposed location of the fence.
 - (3) The Municipality shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for the permit, provided, however, that the issuance of such permit by the Municipality shall not be construed to mean the Municipality has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.

(Ord. 2023-02. Passed 4-17-23.)

1157.09 HOME OCCUPATIONS.

- (a) Home occupations, permitted in residential zone districts are limited to the following:
- (1) Accounting office.
 - (2) Attorney office.
 - (3) Architect office.
 - (4) Adjuster office.
 - (5) Advertising office.
 - (6) Answering service.
 - (7) Appraisers office.
 - (8) Real estate Brokers.
 - (9) Building contractor office.
 - (10) Cleaning service.
 - (11) Consultation.
 - (12) Crafts.
 - (13) Financial planning consultants.
 - (14) Floral arrangements.
 - (15) Gift baskets.
 - (16) Grocery shopping services.
 - (17) Landscape services.
 - (18) Newspaper services.
 - (19) Referral services.
 - (20) Sewing services.
 - (21) Mail services.
 - (22) Typing/word processing services.
- (b) Home occupations as listed in (a) above, are permitted in residential zone districts only if in conformance with the following standards:
- (1) Employment. The occupation is conducted only by members of the family residing in the dwelling.
 - (2) Area. The occupation is conducted wholly within the dwelling and any space used for such occupation occupies no more than 300 square feet of floor area.
 - (3) Sales. No physical storage, sale or transfer of goods is permitted from the premises.
 - (4) Advertising. No advertising signs or displays are permitted on the premises.
 - (5) Environmental impact. No noise, or odors, vibrations, electrical interferences, or other such nuisance is created that changes the character of the residence.

(6) Traffic. Vehicular traffic or pedestrian traffic does not change the character of the residence.

(7) Exterior appearance. The residential character of the dwelling is not diminished.

(c) A home occupation not listed in Section 1157.09(a)(1) - (22) may be permitted in residential zone districts by the granting of a Conditional Use Permit pursuant to Section 1149.02. The Planning and Zoning Commission shall not recommend the granting of a Conditional Use Permit unless the proposed home occupation is in conformance with the standards set forth in Section 1157.09(b) in addition to the guidelines established by the Planning and Zoning Commission under Section 1149.02(e).

(Ord. 2018-22. Passed 2-25-19; Ord. 2022-10. Passed 8-15-22.)

1157.10 PATIOS; PERMIT; FEE.

(a) In Front Yards and Side Yards. In front yards in Class U-1, U-2, U-3 and U-3AA Use Districts, the only patios permitted shall be concrete or paving brick, which shall be as close to the front wall of the main building as practicable but no more than five (5) feet from the building wall; not larger than twelve (12) feet by twelve (12) feet; and shall not exceed eight (8) inches in height above the natural grade.

(b) Rear Yards. The requirements contained on this Section 1157.10 shall only apply to front yard patios.

(c) Placement. The patio shall not be in the required side yard setback and shall be at least ten (10) feet from the property line. The patio shall be physically separated from driveways and turnarounds with landscaping or other approved physical barrier such as:

(1) Landscape island five (5) feet or wider;

(2) Decorative railings or fencing not to exceed forty-two (42) inches in height; or

(3) Masonry walls not to exceed forty-two (42) inches in height.

(d) Permits. Application for a patio permit must be accompanied by a plot plan showing location of the patio with accessories, if any.

(e) Fees. A fee for the construction of any patio within the Municipality shall be required as stated in Section 1309.05 of the Codified Ordinances.

(Ord. 2020-24. Passed 12-21-20.)

CHAPTER 1359

Destruction and Removal of Trees

- 1359.01 Intent.
- 1359.02 Permitted land clearing.
- 1359.03 Cutting of trees.
- 1359.04 Application requirements.
- 1359.05 Issuance of tree removal permit.
- 1359.06 Appeal to Board of Appeals.
- 1359.07 Appeal to Council.
- 1359.08 Restraining injunction permitted.
- 1359.09 Permit; fee; bond.
- 1359.10 Exemptions from tree permit.
- 1359.99 Penalty.

CROSS REFERENCES

- Destruction of shrubs, trees or crops - see GEN. OFF. 541.06
- Street trees - see P. & Z. 1119.11
- Topsoil and trees - see P. & Z. 1119.03(c)
- Power to regulate shade trees and shrubbery - see Ohio R. C. 715.20
- Tree removal permit - see BLDG. 1309.05(r)

1359.01 INTENT.

Mayfield Village has determined that conserving its existing tree canopy is beneficial to the community. Therefore, in order to protect and further the public health, safety and general welfare and to promote the coexistence of development and the natural environment, this Chapter establishes regulations for tree preservation in connection with the clearing and grading of land for construction-related or other purposes. More specifically the purposes of these regulations are to:

- (a) Encourage responsible development and minimize the negative environmental impacts that can be associated with development.
- (b) Encourage the preservation of trees in order to reduce air, water and noise pollution; reduce the quantity of storm water run-off; protect natural stream assets; and protect, and, where possible, enhance valuable natural water resources.
- (c) Ensure that residential subdivisions, business, and industrial developments are carefully planned, designed and constructed to maintain and preserve the natural features of the site.
- (d) Ensure that proposed development integrates the natural features of a site into the development in ways that maximize the site's ecosystem benefits, including natural surface drainage and stabilization by minimizing grading activities, the destruction of trees and the removal of topsoil to the extent practicable.
- (e) Improve property values by ensuring the natural and unique features of the site are conserved, including mature trees, which studies show increase the value of real estate. (Ord. 2020-07. Passed 5-18-20.)

1359.02 PERMITTED LAND CLEARING.

No person shall in any calendar year, remove or destroy or cause to remove or destroy, by cutting, burning, bulldozing or any other means, more than three (3) living trees having a diameter at breast height (DBH) of eight (8) inches or greater on any lot or parcel of land within the Municipality without first receiving a permit for such purpose from the Building Commissioner. Tree cutting shall only be permitted when approved according to this Chapter and only for purposes of grading or excavating an area in preparation for construction thereon of dwellings, buildings or structures permitted in the district in which the area is located, except as exempted in Section 1359.10. All tree removal and land clearing activities shall comply with the regulations set forth in this Chapter. (Ord. 2020-07. Passed 5-18-20.)

1359.03 CUTTING OF TREES.

(a) Approval Required. There shall be no clear-cutting, timbering, selective cutting, or commercial cutting of trees on any piece or parcel of land located within the Village without a permit, except as otherwise exempted in Section 1359.10.

(b) Clear Cutting. Clear cutting, as used in this Chapter, means a system of tree harvesting that removes all the trees in a given area. Clear-cutting is prohibited, except to the extent necessary to clear a building site, yard, driveway and right-of-way providing access to the site from a public street.

(c) Selective Cutting. As used in this Chapter, "timbering, selective cutting or commercial cutting" means the cutting of trees having a DBH of eight (8) inches or greater. Selective cutting of timber shall be permitted under the following conditions, upon application to and approval of the Building Commissioner, as follows:

- (1) The Building Commissioner, the Engineer, an Arborist selected by the Village and the property owner or his or her representative shall together inspect the wooded area to be selectively cut in order to butt brand and paint stripe the specific trees to be cut.
- (2) Only trees so branded and marked shall be cut. Each unauthorized cutting of an unmarked tree shall constitute a separate violation of the Zoning Code and shall constitute grounds for the immediate revocation of the approval to cut trees and/or any other permit issued.

(Ord. 2020-07. Passed 5-18-20.)

1359.04 APPLICATION REQUIREMENTS.

For applications involving the removal or destruction of trees, the applicant, who must be the owner of the parcel, shall provide:

- (a) The address or a legal description of each lot or parcel, or in lieu thereof, a description of sufficient detail so that such lot or parcel may be readily located on the plat map of the Municipality;
- (b) A statement of the kind, number and dimensions of the trees to be removed, including the diameter of the tree measured at breast height (DBH);
- (c) The name and address of the owner of the parcel and the name and address of each person who shall engage in the cutting or removal of trees on such parcel, either under contract or any other arrangement with the owner; and
- (d) A copy of the contract covering such arrangement for the cutting or removal of trees, or if there is no such contract reduced to writing, a succinct statement of the terms and provisions of such arrangement.

(Ord. 2020-07. Passed 5-18-20.)

1359.05 ISSUANCE OF TREE REMOVAL PERMIT.

Within ten (10) days of receipt of an application for tree removal, the Building Commissioner, Engineer and an Arborist selected by the Village, shall review the matter and the Building Commissioner shall issue to the applicant a permit specifying the trees that are permitted to be removed. If, in the opinion of the Building Commissioner, Engineer and Arborist, there are additional trees that should be removed or destroyed because their location is such that they shall suffer extensive damage during any proposed construction resulting in

their ultimate death, these additional trees will be permitted to be removed and will be included in the permit, whether or not they were included in the original application.

In no event shall the removal or destruction of trees be permitted prior to the approval of the preliminary plan of a new subdivision, or if no new subdivision is to be created, prior to the approval of a development plan or the issuing of a building permit for construction. (Ord. 2020-07. Passed 5-18-20.)

1359.06 APPEAL TO BOARD OF APPEALS.

Within ten (10) days of receipt of the permit issued by the Building Commissioner, the applicant may appeal the terms of the permit to the Board of Appeals. Within thirty (30) days of receipt of an appeal, the Board of Appeals shall set a date for hearing and shall notify, in writing, the applicant and any other persons whom the Board deems to have an interest in the matter, at least five (5) days prior to the hearing. The Board of Appeals shall consider the recommendation of the Building Commissioner, Engineer and Arborist, as well as any and all additional evidence presented by the applicant and other persons at the hearing. The Board of Appeals shall determine whether the permit shall be expanded and may attach such conditions as it deems necessary to promote the public welfare. The Board of Appeals shall not expand the permit if it finds that such removal or destruction of trees is reasonably likely to cause soil erosion, result in pollution or an unreasonably large loss of oxygen, interference with drainage and the natural supply of water, or that it will result in an unsightly and blighted condition, or will depress property value in the Municipality. (Ord. 2020-07. Passed 5-18-20.)

1359.07 APPEAL TO COUNCIL.

If the Board of Appeals denies the appeal of the applicant or attaches conditions to its approval, the applicant may appeal in writing to Council within thirty (30) days after notification by the Board of Appeals of its decision. Council, by a vote of the majority of the members elected thereto, shall at its next regularly scheduled meeting affirm, reverse or modify the decision of the Board of Appeals, subject to the limitations set forth in this chapter. Council shall not expand the permit if it finds that such removal or destruction of trees is reasonably likely to cause soil erosion, result in pollution or an unreasonably large loss of oxygen, interference with drainage and the natural supply of water, or that it will result in an unsightly and blighted condition, or will depress property value in the Municipality. (Ord. 2020-07. Passed 5-18-20.)

1359.08 RESTRAINING INJUNCTION PERMITTED.

The Law Director or the owner of any property which will be damaged by the violation of this Chapter is hereby authorized to apply to a court of general jurisdiction for an injunction to restrain violations of this Chapter. (Ord. 2020-07. Passed 5-18-20.)

1359.09 PERMIT; FEE; BOND.

The fee for a tree removal permit shall be as provided in Chapter 1309. The Building Commissioner is authorized to require the filing by the applicant of a bond, the penal sum of which shall be in an amount which the Commissioner reasonably estimates will be sufficient to pay the cost and expense of removing the rubble and refuse resulting from the cutting and removal of the trees. All such rubble and refuse shall be removed from the premises in such a manner that no fire hazard will result therefrom. The sureties on the bond shall be approved by the Mayor and the Law Director, as to form. (Ord. 2020-07. Passed 5-18-20.)

1359.10 EXEMPTIONS FROM TREE PERMIT.

The following activities and properties are exempt from the regulations in this Chapter and no tree removal permit is required:

- (a) The removal of trees necessary for the construction, operation and maintenance of drainage facilities and sanitary and storm sewers approved by the Village.
- (b) The removal of trees for construction of public roadways and improvements approved by the Village, including new subdivisions for which a development plan has been approved by the Planning and Zoning Commission or other construction that has been issued a building permit.
- (c) The removal of trees in time of emergency or which pose potential danger to life or property.
- (d) The removal of trees required for the installation, maintenance and repair of underground and overhead utilities approved by the Village.

(Ord. 2020-07. Passed 5-18-20.)

1359.99 PENALTY.

Any person removing trees from land in this Municipality in violation of this chapter, and any person who may be employed to assist in the commission of any such violation, shall for each and every violation or noncompliance be fined not more than five hundred dollars (\$500.00). The destruction or removal of each tree in excess of the number permitted by Section 1359.02 hereof, without compliance with this chapter, shall constitute a separate offense. (Ord. 2020-07. Passed 5-18-20.)

Date: _____

COURTESY WARNING NOTICE
BUILDING & ZONING RESIDENTIAL VIOLATION
MAYFIELD VILLAGE BUILDING DEPARTMENT
6622 Wilson Mills Road • Mayfield Village, Ohio 44143
(440) 461-2213

Property Address: _____

Owner Name: _____

Owner Address: _____

Violations shall be corrected on or before, _____ or a Summons Ticket may be issued to appear in the Lyndhurst Municipal Court. If you have any questions please contact the undersigned.

- ♦ 1357.01/302.4 Grass/Weeds/Overgrown Bushes/Underbrush Exceeds 6" _____
- ♦ 304.7 Deteriorated Roof/Broken/Missing Gutters/Downspouts _____
- ♦ 302.7 Accessory Structures Require Repairs _____
- ♦ 304.2 Peeling Paint on House/Garage/Shed _____
- ♦ 304.13 Broken/Missing Windows/Doors _____
- ♦ 604.3 Electrical Hazard _____
- ♦ 351.13 Motor Vehicle(s)/Boat(s)/Not Parked on Legal Driveway _____
- ♦ 302.7 Fence/Wall Requires Repair _____
- ♦ 1329.07 No Permit/Stop Work _____
- ♦ 302.1/308.1 Trash/Debris/Rubbish/Litter on Property (Front/Side/Rear) _____
- ♦ 302.8 Unlicensed/Immobile Vehicle Removal _____
- ♦ 1157.07 Commercial Vehicle Prohibited in Residential Neighborhood _____
- ♦ 1313.01 Contractors Must Be Registered _____
- ♦ 302 Remove Dead Tree/Branches _____
- ♦ Other _____
- ♦ Other _____
- ♦ Other _____

On this the _____ day of _____, this Violation Warning Notice was

Mailed to/Posted at _____

By _____

Survey by Mayors & City Managers Assn. on 5/23/24

Which communities have banned or are considering banning the cultivation, processing or retail sales of recreational marijuana in their community?

Responses received through 5/27/24:

Community	Action Taken
Bay Village	Moratorium through December 2024
Bedford	Not banning, but looking at restrictions
Brecksville	To comply with city's zoning requirements, a ban will be placed on the ballot in November
Fairview Park	Moratorium on recreational sales until September 2024
Garfield Heights	No ban
Highland Heights	Banned
Independence	Moratorium through August 2024
Lyndhurst	Just extended moratorium
Mayfield Village	Moratorium through June 2024
Middleburg	Considering a ban
Moreland Hills	Ordinance to ban on third read next month
Olmsted Falls	6-month moratorium until Sept 7, 2024
Orange Village	6-month moratorium
Parma Heights	Moratorium
Pepper Pike	In process of banning
Rocky River	Banned by Ordinance, passed 12-18-23
South Euclid	No ban
Strongsville	Banned by Ordinance, passed 3-18-24