

LAW AND SAFETY COMMITTEE

Meeting Summary

March 2, 2021

Attendance: **Tom Henning, Chair**
 Chris Hilberg, Vice Mayor
 Brian Mueller, City Council
 Scott Gehring, City Council (attending as an Invited Guest)
 Tom Moeller, City Manager
 Lori Thompson, Assistant City Manager
 Brian Fox Law Director
 Anne Horne, Parks Board/Chair

The meeting was called to order at 4:00 PM. Meeting was held via Zoom.

- 1. Native Meadow Discussion.** The Committee discussed potential amendments to the Madeira Code regarding allowing “native meadows” to be cultivated in residential areas. Currently, native meadows may violate the current code for “high/noxious weeds”. Previous discussions by the Committee centered on having an approved list of native meadow plans/vegetation and a prohibited list of noxious weeds (as listed in the Ohio Revised Code). The Committee also discussed the amount/area of the yard that would be permitted to contain a native meadow. The Committee agreed that allowing some parts of the yard to be cultivated for native meadows was appropriate as residents who want to use their properties in that manner should be able to do so with limitations. After discussion, the Committee is recommending that native meadows be restricted to a total of 100 square feet in the front yard and up to 50% of the area of the rear yard. There was also discussion regarding maintenance of the area and that standards for maintenance should be included in the code to aid in enforcement of the law. Ms. Horne stated she would be able to create a picture binder with the approved plants to aid in enforcement. Messrs. Fox and Moeller will prepare the appropriate legislation for City Council’s consideration. Mr. Henning noted he would like to have this in place by the end of April.
- 2. Deer Control.** Mr. Moeller noted the letter from resident Robert Perez of Fox Hill Lane and his request for the City to conduct culling of local deer population. Mr. Moeller noted the history of previous discussions regarding this topic. He also noted the limited areas within Madeira where bow hunting could be safely accomplished. Mr. Hilberg stated that the Kenwood Country Club has a limited culling program that has to be approved each year by the Ohio Dept. of Natural Resources. He also noted that he, along with several others, hunt on nearby Indian Hill green space which helps to control the deer population on the east side of Madeira near Camargo Road. Ms. Horne stated she was familiar with deer control as the Cincinnati Nature Center conducts operations on its properties. She stated that there is a “birth control” option that requires a dart shot into the deer. It takes two (2) years for this to see results of the reduced deer population. She also noted that, while people are not supportive of coyotes in the area, coyotes do provide some deer population control as they will take fawns. She also noted that people unwittingly attract deer by having bird feeders in their yards. After additional discussion,

Ms. Horne stated she would provide Mr. Moeller with some information generated by the Cincinnati Nature Center that can be published in the Newsletter.

3. **Snow/Sidewalk Clearing.** Mr. Moeller asked the Committee to discuss the current code that requires all property owners to clear their abutting sidewalks of snow and ice. He noted that enforcement of this provision is difficult given the number of sidewalks in the community and the notification requirements if a property is in violation. Mr. Hilberg asked to have information as to what other communities require or do with this situation. Mr. Mueller noted some communities with which he is familiar in Michigan has the city's public works employees utilize a small plow for public sidewalks. Mr. Fox noted that liability for injury is always with the property owner, and the city is not liable for lack of enforcement. Mr. Moeller will research what other cities are doing and report back at a future meeting. He also noted he will add an article to the MadeiraNews newsletter later this year reminding residents and businesses of their responsibility.

4. **Zoning Code Review.** The revised Zoning Code was referred to committee for review of the recommendations of the Planning Commission prior to City Council's adoption of the legislation. Mr. Mueller stated, in his review of the proposed amendments, he was looking for inconsistencies but was appreciative of the work done by the Planning Commission. Mr. Hilberg echoed Mr. Mueller's comments and noted he was not doing a line-by-line review but looked at the code sections in general as a policy for existing and future development. Mr. Gehring also expressed his appreciation to the Commission but had questions regarding some of the specifics related to lot coverage and impervious surface area allowed in R-3 (currently Residence B District). The following discussion took place:
 - **What is included in Lot Coverage percentage?** Mr. Gehring noted that both deck structures and accessory structures/sheds were now included in the 28% lot coverage maximum. He asked the committee to consider removing them and/or placing a restriction on the size of a deck without including it in the lot coverage calculation. The Committee agreed to send this issue back to the Planning Commission for further discussion and clarification.
 - **Impervious Surface.** The new code permits no more than 40% of hard/impervious surface on a lot. This includes the structures, driveways, sidewalks, etc. Mr. Gehring stated he believes this is too restrictive and should be increased as it currently includes decks. The Committee agreed to refer this back to the Planning Commission for additional discussion.
 - **R-3 House Size.** Mr. Hilberg noted there was no minimum livable floor area for R-3 houses. Mr. Moeller stated this was removed from the code several years ago as it was determined by the Planning Commission and City Council at that time to allow smaller homes to be built in the Residence B Districts. It was formerly a minimum of 2,000 square feet. That minimum is still required for the R-1 and R-2 Districts in the proposed code. Concern was expressed with the advent of "tiny houses" that this

- could be an issue. The Committee agreed to refer this back to the Planning Commission to consider a minimum area for houses in R-3.
- **Short Term Residential Rentals.** The Committee discussed the current and proposed language for short term rentals in residence districts. Mr. Moeller noted that the current code prohibits short term rentals. Mr. Fox stated the proposed also prohibits short term rentals. Mr. Gehring asked if it was feasible to allow short term rentals as he sees it as favorable for residents to rent their homes while they are away. He agrees the code should not permit someone to purchase a house and use it exclusively for a short term rental. The Committee discussed the matter and agreed to retain the proposed language which prohibits short term rentals.
 - **Recreational Vehicles (RV).** The Committee discussed the proposed zoning which requires all RVs to be parked in either the side or rear yard. Mr. Mueller asked for discussion regarding existing vehicles that are using the front yard/driveway to park. Mr. Fox noted that those would be considered legal non-conforming uses and could continue under the new code. There would be a question as to whether the person gives up the non-conforming status if they moved the vehicle under the new regulations. This will require some additional research. Mr. Moeller noted that a survey done several years ago identified approximately 150 different RVs in use. A similar survey would be done to identify existing vehicles so they would be inventoried as legal non-conforming for enforcement purposes. Mr. Mueller noted that the intent of this provision in the code would be to, eventually over time, eliminate all RVs in front yards.

The meeting was adjourned at 6:00 PM.

Tom Henning, Chair