



# Certificate of Zoning Amendment

Application Number **ZCA16-0002**

Dispensation **APPROVED**

**PAINESVILLE TOWNSHIP**

LAKE, OHIO

PAINESVILLE TOWNSHIP ZONING

55 NYE ROAD, PAINESVILLE TOWNSHIP, OHIO 44077

440 352-1443

ADDRESS: **61 NYE RD**

PARCEL NO.: **11-A-015-L-00-006-0**

CATEGORY **TEXT**

APPLICANT: **PAINESVILLE TWP BOARD OF TRUST**

**55 NYE RD**

**PAINESVILLE TWP., OH 44077**

**FBO**

**PAINESVILLE TWP BOARD OF TRUSTEES**

FORMER ZONING DISTRICT	NEW ZONING DISTRICT	ZONING COMMISSION CASE NO.	TRUSTEE RESOLUTION
<b>NA</b>	<b>NA</b>	<b>16-ZC-02</b>	<b>2016 - 27</b>

The proposed amendment applies to subsections 25.11(C) and 26.09(C) by striking the words "or used" as indicated by red text in the first sentence of the subsection and also by inserting the word "district" between the words "Recreational" and "property" near the end of the subsection as indicated by red text.

NOTATION BY:

Richard L. Constantine, Zoning Inspector

RESOLUTION DATE:

**03/15/2016**

EFFECTIVE DATE:

**04/14/2016**

# HISTORY OF CHANGE REQUEST

16-ZC-02

## Painesville Township Zoning Commission Proposed Text Amendment Modifications to 25.11(C) and 26.09(C)

January 14, 2016		Application dated
January 27, 2016		Lake County Planning Commission Hearing Recommendation - <i>Modification</i>
February 8, 2016		Painesville Township Zoning Commission Public Hearing
February 8, 2016		Painesville Township Zoning Commission Regular Meeting Recommendation - <i>Approval</i>
<u>02-16-2016</u>	TR RES <del>2016-20</del> <u>2016-24</u>	Meeting Date Received By Trustees
<u>03-04-2016</u>		Legal ad published for Trustees
<u>03-15-2016</u>	TR RES <u>2016-27</u>	Painesville Township Trustees' Public Hearing- <i>Final Decision APPROVED</i> <i>EFF 4-15-16</i>
_____		Send results to Lake County Planning Commission
_____		File Amendment with Lake County Recorder

**CERTIFICATE OF MOTION  
TO PAINESVILLE TOWNSHIP TRUSTEES  
FEBRUARY 11, 2016**

This certifies that the following action was taken by the Painesville Township Zoning Commission at a meeting held February 8, 2016:

Zoning members present:                      Chairman, Darrell Webster  
   Vice-Chairman, Lee Bodnar  
   John Haught  
   Beth Knezevich  
   Ted Galuschik

**Item 16-ZC-02**

John Haught moved TO recommend approval of proposed amendments to the Painesville Township Resolution by striking the words "or used" in the first sentence of subsections 25.11(C) and 26.09(C) and also by inserting the word "district" between the words "Recreational" and "property" near the end of the same subsections respectively AND TO forward such recommendation to the Painesville Township Board of Trustees.

The motion was seconded by Beth Knezevich.

Vote: Galuschik, Aye; Haught, Aye; Bodnar, Aye; Knezevich, Aye; Webster, Aye.  
Motion approved.

Richelle Jones, Secretary  
Painesville Township  
Zoning Commission

Enclos: Revised copy of affected sections/subsections appearing in red text See pages 25.2 and 26.2.



# Application For Zoning Amendment

Application Number **ZCA16-0002**

**PAINESVILLE TOWNSHIP**

LAKE, OHIO

PAINESVILLE TOWNSHIP ZONING

55 NYE ROAD, PAINESVILLE TOWNSHIP, OHIO 44077

440 352-1443

ZONING COMMISSION

CASE NO.

**16-ZC-02**

Hearing Date

**02/08/2016**

ADDRESS: **61 NYE RD**

PARCEL NO.: **11-A-015-L-00-006-0**

APPLICANT: **PAINESVILLE TWP BOARD OF TRUST**

**55 NYE RD**

**PAINESVILLE TWP., OH 44077**

**FBO PAINESVILLE TWP BOARD OF TRUSTEES**

EXISTING ZONING  
DISTRICT

REQUESTED ZONING  
DISTRICT

TYPE OF REQUEST

**R-1**

**TEXT CHANGE**

The proposed amendment applies to subsections 25.11(C) and 26.09(C) by striking the words "or used" as indicated by red text in the first sentence of the subsection and also by inserting the word "district" between the words "Recreational" and "property" near the end of the subsection as indicated by red text.

*SEE PAGES 25, 2 AND 26, 2*

*HEARING CLOSED 2/8/16 6:53 PM*

NOTATION BY:

Richard L. Constantine, Zoning Inspector

DATE:

**01/14/2016**

FEE:

**\$0.00**

SECTION XXV. LIGHT INDUSTRY AND MANUFACTURING I-1

(Adopted January 12, 1989 by Resolution 89-11, effective February 12, 1989)

25.01 The following uses and no other shall be deemed I-1 uses and permitted in all I-1 Districts (Light Industry):

- A. Research, experimental or testing laboratories.
- B. General Offices.
- C. Manufacture and/or assembly of:
  - 1. medical and dental equipment, laser devices
  - 2. drafting, optical, and musical instruments
  - 3. clocks, watches, jewelry, precious metals
  - 4. games, toys
  - 5. boats, motors, tools
  - 6. rubber or plastic products but not including the manufacture of raw material
  - 7. apparel and other finished products made from fabric and similar material
  - 8. furniture and fixtures
  - 9. electrical appliances and electronic machinery, equipment and supplies.
  - 10. manufacture of metal, wood or composite parts and components by machining, including cutting, drilling, pressing, bending, welding or laminating. (Adopted January 3, 2012 by resolution 2012-04, effective February 3, 2012).
- D. Manufacture, compounding, processing and packaging of:
  - 1. bakery products, candy, food products (other than meat), dairy products
  - 2. cosmetics, drugs, pharmaceuticals, soap, toiletries
- E. Manufacture of:
  - 1. pottery, ceramics
  - 2. paper products (not including the manufacture of paper), cork products, glass products
  - 3. signs
- F. Cement block plant.
- G. Motor freight transportation terminal.
- H. Transportation services.
- I. Tire retreading and repair.
- J. Commercial warehouse, distribution and storage center, including facilities for warehousing, wholesaling, distribution and storage of foodstuffs, beverages and other consumer or retail goods and including facilities solely for storage and warehousing.
- K. Similar uses not listed above with the approval by Resolution of the Board of Township Trustees. (Adopted by Resolution 99-52 effective July 1, 1999)

25.02 All light industrial uses permitted as a similar use by Resolution of the Board of Township Trustees shall require the issuance of a Conditional Use Permit in accordance with the provisions of Section XII of this Resolution. (Adopted by Resolution 2008-75 effective November 21, 2008)

25.03 Prohibited Uses. The following uses shall be prohibited in a Light Industrial zoned area: the crushing and/or processing of concrete, rock, asphalt or any other type of aggregate material; storage yards for dangerous or hazardous materials including, but not limited to, flammable gases and/or liquids. (Adopted by Resolution 2008-75 effective November 21, 2008)

25.04 Accessory Uses and Buildings

- A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in an I-1 District.
  - B. Accessory buildings or structures shall be buildings or structures that are clearly incidental and secondary to the main use of land and buildings in an I-1 District.
- 25.05 The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, smoke, dust, gas, fumes, noise, flame or vibration.
- 25.06 Lot Area
- A. No minimum lot area shall be required except that necessary to comply with other provisions in this Resolution such as, but not limited to, setback, side and rear yard clearance, parking and buffering.
  - B. In computing lot area for the purpose of setback or side and rear yard clearance, no portion of the road or street right-of-way may be included regardless of whether or not owner holds title to same.
- 25.07 Lot Width
- No minimum lot width shall be required in an I-1 District except that necessary to comply with other provisions in this Resolution such as, but not limited to side yard clearance, parking and buffering.
- 25.08 Setback Building Line
- In an I-1 District, no building or structure except permitted signs shall be erected or maintained within fifty (50) feet of the right-of-way sideline of a dedicated road or less than eighty (80) feet from the center of the traveled portion of the road, whichever is greater.
- 25.09 Side and Rear Yards (Adopted by Resolution 99-52 effective July 1, 1999)
- A. Buildings and accessory structures thereto in I-1 Districts shall have side and rear lot line clearance of at least twenty-five (25) feet except that no side or rear yard shall be required for the portion of a building or structure adjacent to a railroad siding. This setback shall be fifty (50) feet from the buffer strip required in Section 25.07(B) if the I-1 District abuts any Residential or Recreational District.
  - B. There shall be a buffer strip of fifty (50) feet when any I-1 District abuts any Residential District or any Recreational District. This fifty (50) foot buffer strip shall not be included in the side and rear yard setback required in Section 25.07(A) and shall be additional footage.
- 25.10 Maximum Height
- There shall be no limitation of height of industrial buildings or structures in an I-1 District.
- 25.11 Buffering and Screening
- A. The buffer strip provided for in Section 25.07(B) shall be planted with grass and landscaped with the purpose of providing year round vertical green combinations of shrubs and trees between any I-1 District and any Residential District or between any I-1 District and any Recreational District. (Adopted May 28, 1992 by Resolution 92-44, effective June 27, 1992.)
  - B. Screening of service yards, trash and/or garbage collection areas and other area which tend to be unsightly, shall be accomplished by use of walls, fences, planting or a combination of these. Screening shall be equally effective winter and summer.
  - C. Where an I-1 District abuts a lot zoned ~~or used~~ for Residential or Recreational purposes, no loading docks, bays or facilities, no trash loading, unloading or storage facilities, and no parking of anything other than passenger type vehicles for employees or visitors shall take place on the side of the building or structure adjacent to or abutting said Residential or Recreational District. Any building or structure placed on the site should be done to minimize the impact of the industrial use of the property on the abutting Residential or Recreational district property owners. (Adopted by Resolution 99-52 effective July 1, 1999)
- 25.12 Parking

- A. Required in all Districts and in Plot Plan - See Section 29.01.
- B. Parking Space - See Section 29.02.
- C. Dimensional Table and Access - See Section 29.03.
- D. Required number of spaces - See Section 29.04.
- E. Access Drives - See Section 29.05.
- F. Surfacing - See Section 29.06.
- G. Drainage - See Section 29.07.
- H. Lighting, Screening and Striping - See Section 29.08.
- I. Loading and Servicing - See Section 29.09.
- J. Distance from Boundaries - See Section 29.10.
- K. Unlicensed/inoperable vehicles - See Section 29.11B.

25.13 Signs

- A. General Requirements - See Section 28.01.
- B. Miscellaneous Signs - See Section 28.03.
- C. On Premises Signs: Walls, Free Standing, Planter Type, Identification - See Section 28.05A&B.
- D. Off Premises Signs: Advertising, Billboard - See Section 28.05C.
- E. See Section XXVIII of this Resolution for other provisions.

25.14 Accessory Use Requirements.

Accessory uses, building and structures permitted in I-1 Districts shall comply with the following regulations:

- A. **Accessory Buildings.** Accessory buildings with a floor area 200 square feet or less shall conform to all lots and yard requirements for principal buildings of the corresponding zoning district and be subject to the approval of the Zoning Inspector. Accessory buildings with a floor area greater than 200 square feet shall conform to all lot and yard clearances and site plan review and approval requirements of the zoning district in which the parcel or lot is located.
- B. **Trash Receptacles.** All solid waste resulting from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings or in completely enclosed container. Such building, container, or dumpster shall comply with the following.
  - 1. All commercial compactors, storage bins, refuse containers utilities or mechanical equipment shall be contained wholly within enclosed buildings, or enclosed by three solid walls and one gated wall of such nature and height (2 foot height exceeding enclosed containers) as to conceal completely all operations thereof from grade level.
  - 2. Gates and doors shall be kept closed at all times and only opened when containers are being used or emptied or serviced.
  - 3. All receptacle areas shall be designed and constructed with screening as an integral part of the associated building architecture and using the building massing, materials, and architectural detail to unite screening structure with the building when property abuts a residential property district.

4. Loading, unloading, opening, closing, or operation of trash containers shall not take place in such a manner as to cause a noise disturbance across a residential district property boundary between the hours of 7:00 p.m. and 6:00 a.m. The actual pick-up time/haul away for trash containers and commercial trash/waste containers shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m. The actual operation of trash compactors shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m., including delivery and loading operations.
- C. Fences and walls. Fences and wall may be erected in compliance with the requirements set forth in Section VI of the Zoning Resolution.

SECTION XXVI. HEAVY INDUSTRY I-2

(Adopted January 12, 1989 by Resolution 89-11, effective February 12, 1989)

26.01 The following uses and no other shall be deemed I-2 uses and permitted in all I-2 Districts (Heavy Industry):

- A. All uses of land and buildings permitted in I-1 Light Industry.
- B. The manufacture of:
  - 1. chemicals
  - 2. glass
  - 3. paper
  - 4. textiles
  - 5. plastics
  - 6. rubber
- C. Boiler works.
- D. Foundry.
- E. Forge.
- F. Refinery.
- G. Smelter.
- H. Similar uses not listed above with the approval by Resolution of the Board of Township Trustees. (Adopted by Resolution 99-52 effective July 1, 1999)

26.02 Accessory Uses and Buildings

- A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in an I-2 District.
- B. Accessory buildings or structures shall be buildings or structures that are clearly incidental and secondary to the main use of land and buildings in an I-2 District.

26.03 The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, smoke, dust, gas, fumes, noise, flame or vibration.

26.04 Lot Area

- A. No minimum lot area shall be required except that necessary to comply with other provisions in this Resolution such as, but not limited to, setback, side and rear yard clearance, parking and buffering.
- B. In computing lot area for the purpose of setback or side and rear yard clearance, no portion of the road or street right-of-way may be included regardless of whether or not owner holds title to same.

26.05 Lot Width

No minimum lot width shall be required in an I-2 District except that necessary to comply with other provisions in this Resolution such as, but not limited to side yard clearance, parking and buffering.

26.06 Setback Building Line

In an I-2 District, no building or structure except permitted signs shall be erected or maintained within fifty (50) feet of the right-of-way sideline of a dedicated road or less than eighty (80) feet from the center of the traveled portion of the road, whichever is greater.

26.07 Side and Rear Yards

- A. Buildings and accessory structures thereto in I-2 Districts shall have side and rear lot line clearance of at least twenty-five (25) feet except that no side or rear yard shall be required for the portion of a building or structure adjacent to a railroad siding. This setback shall be fifty (50) feet from the buffer strip required in Section 26.07(B) if the I-2 District abuts any Residential or Recreational District.
- B. There shall be a buffer strip of fifty (50) feet when any I-2 District abuts any Residential District or any Recreational District. This fifty (50) foot buffer strip shall not be included in the fifty (50) foot side and rear yard setback required in Section 26.07(A) and shall be additional footage. (Adopted by Resolution 99-52 effective July 1, 1999)

26.08 Maximum Height

There shall be no limitation of height of industrial buildings or structures in an I-2 District.

26.09 Buffering and Screening

- A. The buffer strip provided for in Section 26.07(B) shall be planted with grass and landscaped with the purpose of providing year round vertical green combinations of shrubs and trees between any I-2 District and any Residential District or between any I-2 District and any Recreational District. (Adopted May 28, 1992 by Resolution 92-44, effective June 27, 1992.)
- B. Screening of service yards, trash and/or garbage collection areas and other area which tend to be unsightly, shall be accomplished by use of walls, fences, planting or a combination of these. Screening shall be equally effective winter and summer.
- C. Where an I-2 District abuts a lot zoned ~~or used~~ for Residential or Recreational purposes, no loading docks, bays or facilities, no trash loading, unloading or storage facilities, and no parking of anything other than passenger type vehicles for employees or visitors shall take place on the side of the building or structure adjacent to or abutting said Residential or Recreational District. Any building or structure placed on the site should be done to minimize the impact of the industrial use of the property on the abutting Residential or Recreational district property owners. (Adopted by Resolution 99-52 effective July 1, 1999)

26.10 Parking

- A. Required in all Districts and in Plot Plan - See Section 29.01.
- B. Parking Space - See Section 29.02.
- C. Dimensional Table and Access - See Section 29.03.
- D. Required number of spaces - See Section 29.04.
- E. Access Drives - See Section 29.05.
- F. Surfacing - See Section 29.06.
- G. Drainage - See Section 29.07.
- H. Lighting, Screening and Striping - See Section 29.08.
- I. Loading and Servicing - See Section 29.09.
- J. Distance from Boundaries - See Section 29.10.
- K. Unlicensed/inoperable vehicles - See Section 29.11B.

26.11 Signs

- A. General Requirements - See Section 28.01.
- B. Miscellaneous Signs - See Section 28.03.
- C. On Premises Signs: Walls, Free Standing, Planter Type, Identification - See Section 28.05A&B.
- D. Off Premises Signs: Advertising, Billboard - See Section 28.05C.
- E. See Section XXVIII of this Resolution for other provisions.

26.12 Accessory Use Requirements.

Accessory uses, building and structures permitted in I-2 Districts shall comply with the following regulations:

- A. **Accessory Buildings.** Accessory buildings with a floor area 200 square feet or less shall conform to all lots and yard requirements for principal buildings of the corresponding zoning district and be subject to the approval of the Zoning Inspector. Accessory buildings with a floor area greater than 200 square feet shall conform to all lot and yard clearances and site plan review and approval requirements of the zoning district in which the parcel or lot is located.
  
- B. **Trash Receptacles.** All solid waste resulting from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings or in completely enclosed container. Such building, container, or dumpster shall comply with the following.
  - 1. All commercial compactors, storage bins, refuse containers utilities or mechanical equipment shall be contained wholly within enclosed buildings, or enclosed by three solid walls and one gated wall of such nature and height (2 foot height exceeding enclosed containers) as to conceal completely all operations thereof from grade level.
  - 2. Gates and doors shall be kept closed at all times and only opened when containers are being used or emptied or serviced.
  - 3. All receptacle areas shall be designed and constructed with screening as an integral part of the associated building architecture and using the building massing, materials, and architectural detail to unite screening structure with the building when property abuts a residential property district.
  - 4. Loading, unloading, opening, closing, or operation of trash containers shall not take place in such a manner as to cause a noise disturbance across a residential district property boundary between the hours of 7:00 p.m. and 6:00 a.m. The actual pick-up time/haul away for trash containers and commercial trash/waste containers shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m. The actual operation of trash compactors shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m., including delivery and loading operations.
  
- C. **Fences and walls.** Fences and wall may be erected in compliance with the requirements set forth in Section VI of the Zoning Resolution.