



Certificate Of Zoning Amendment

Application Number **ZCA16-0006**

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
NA	NA	16-ZC-06	2016 - 30

The proposed amendment is to modify Section 29.11 by inserting a new subsection A, re-lettering existing subsections A & B to B & C respectively, striking the phrase " for a period of more than fifteen (15) days" to the subsection now identified as C, to add a reference to 29.11 to subsections 14.05(B), 15.05(B), 16.05(B) and 17.12(C), and finally to strike all language following "repair of said premises" from subsections 14.07, 15.07, 16.07 and 17.14.

NOTATION BY:

Richard L. Constantine, Zoning Inspector

RESOLUTION DATE:

03/15/2016

EFFECTIVE DATE:

04/14/2016

HISTORY OF CHANGE REQUEST

16-ZC-06

Painesville Township Zoning Commission Proposed Text Amendment

Modifications to 29.11, 14.05(B), 14.07, 15.05(B), 15.07, 16.05(B), 16.07, 17.12(C) and 17.14

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> ^{2016-20} TR RES <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>2016-30</u>	Painesville Township Trustees' Public Hearing- <i>Final Decision</i> APPROVED 14 EFF 4-15-16
<u> </u>	Send results to Lake County Planning Commission
<u> </u>	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
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Item 16-ZC-06

Beth Knezevich moved TO recommend approval of proposed amendments to the Painesville Township Resolution Section 29.11 by inserting a new subsection A, re-lettering existing subsections A & B to B & C respectively, striking the phrase "for a period of more than fifteen (15) days" in the subsection now identified as C, by adding a reference to 29.11 to subsections 14.05(B), 15.05(B), 16.05(B) and 17.12(C), and finally to strike all language following the phrase "repair of said premises" from subsections 14.07, 15.07, 16.07 and 17.14 AND TO forward such recommendation to the Painesville Township Board of Trustees.

The motion was seconded by Lee Bodnar.

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 29.3, 14.4, 14.5, 15.5, 16.4, 16.5, and 17.4.



Application For Zoning Amendment

Application Number **ZCA16-0006**

PAINESVILLE TOWNSHIP

LAKE, OHIO

PAINESVILLE TOWNSHIP ZONING

55 NYE ROAD, PAINESVILLE TOWNSHIP, OHIO 44077

440 352-1443

ZONING COMMISSION

CASE NO.

16-ZC-06

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 is to modify Section 29.11 by inserting a new subsection A, re-lettering existing subsections A & B to B & C respectively, striking the phrase " for a period of more than fifteen (15) days" to the subsection now identified as C, to add a reference to 29.11 to subsections 14.05(B), 15.05(B), 16.05(B) and 17.12(C), and finally to strike all language following "repair of said premises" from subsections 14.07, 15.07, 16.07 and 17.14.

HEARING CLOSED ON 2/8/16 7:26PM

NOTATION BY:

Richard L. Constantine, Zoning Inspector

DATE:

01/14/2016

FEE:

\$0.00

SECTION XXIX. PARKING

(Adopted July 9, 1987 by Resolution 87-67, effective August 8, 1987)

29.01 In all districts, there shall be provided at the time any building or structure is erected or structurally altered or any use established, parking spaces located outside the road right-of-way as required in this Section and other applicable sections of this Resolution. An application for a Zoning Certificate shall include in the plot plan a scale drawing showing the off-street parking facilities.

29.02 Parking Space

A parking space shall consist of an area of not less than one hundred eighty (180) square feet exclusive of access, attached garages, driveways, aisles, ramps, columns, streets, alleys or private drive or roadways, useable for the parking of passenger vehicles or commercial vehicles under two (2) tons capacity. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

29.03 Off-Street Parking Spaces and Access Driveways

Off-street parking spaces and access driveways serving said individual parking spaces shall, as minimum, conform to the following table:

		45°	60°	90°	Parallel
A.	Width of Parking	9'	9'	9'	9'
B.	Length of Parking Space 20'	20'	20'	20"	25"
C.	Width of Driveway Aisle	15'	18'	24'	
D.	Width of Access Driveway				
	(1-Way Traffic)	17'	24'	24'	14'
	(2-Way Traffic)	24'	24'	24'	24'

29.04 Minimum Number of Parking Spaces

Parking facilities shall be provided for the hereinafter designated uses and districts as follows:

Building or Use	Minimum Parking Spaces
Single family or duplex dwellings	2 per unit
Multi-family dwellings	2.5 per unit
Church or public place of worship	1 per 5 seating capacity
Motel, hotel, tourist home	1 per guest room plus adequate employee space
Hospitals	1 per bed and staff space
Clinics, medical and dental buildings	1 per 150 sq. ft. of gross floor area
Theater, arena, stadium, gymnasium, auditorium, assembly hall	1 space per three seating capacity
Bowling alley	4 spaces for each alley
Private clubs, lodges	1 space for each 5 members
Nursing homes, homes for aged, children's homes, sanitariums, asylums	1 space for each 2 beds
Restaurants, bars, taverns	1 space per 100 sq. ft. gross floor area
Drive-in restaurants	1 space per 75 sq. ft. gross floor area
Banks, business or professional offices, public administration buildings	1 space per 250 sq. ft. gross floor area
Retail stores	1 space per 250 sq. ft. gross floor area
Planned shopping centers	1 space per 200 sq. ft. gross floor area
Single occupant industrial buildings	1 space per 700 sq. ft. gross floor area
All other industrial buildings	1 space per 500 sq. ft. gross floor area
Kindergarten, child care, nursery school	2 each per classroom but not less than 6 spaces
Elementary and Junior High Schools	2 each per classroom plus 1 for every 8 seats in assembly halls
High schools	2 each per classroom plus 1 for every 10 students
Business, trade or technical school	1 each per 2 students
College, University	1 each per 4 students
Libraries, museums, art galleries	1 space per 250 sq. ft. gross floor area

Any use not specifically set forth herein shall have parking facilities consistent with the facilities required for similar uses. It shall be the intent of this Resolution to require spaces at least sufficient for the vehicles of the employees and patrons of any business.

29.05 Access

- A. Other than for single or two family dwellings, any parking area shall be designed in such manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion.
- B. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible, for a reasonable distance, from a public or private road.
- C. Off-street parking area shall be located on the same lot with the building or use they are intended to serve and shall remain under the same ownership and control as the principal uses.
- D. The Board of Zoning Appeals may, on appeal, cause to be issued a Zoning Certificate in a case requiring parking facilities, where such parking facilities are not immediately adjacent to the premises to be served, but have reasonable and safe access thereto, where such parking space will remain reasonably available for use, and where easements or restrictive covenants are made.
- E. Collective parking facilities shall provide at least the minimum total number of spaces required for all of the buildings or uses sharing the facilities.

29.06 Surfacing

- A. All off-street parking surfaces, driveways, loading and service spaces in all districts shall be of concrete or asphalt. Any modification or expansion of driveways and parking areas must result in a totally homogeneous surface. (Adopted May 7, 2013 by Resolution 2013-26 effective June 6, 2013.) Any other material must be approved by the Board of Zoning Appeals with a variance. (Adopted by Resolution 99-52 effective July 1, 1999)

29.07 Drainage

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

29.08 Lighting, Screening and Striping

- A. Any parking lot intended to be used during non-daylight hours shall be illuminated.

Any lighting used to illuminate any off-street parking facilities shall be so arranged as to reflect away from adjoining properties.
- B. Any parking located outside of the road right-of-way adjoining a residential area or district shall be screened on any side adjoining said area or district by a decorative fence, wall, or evergreen vegetation to provide a year round screening effect. Such wall, fence or hedge shall not be less than five (5) feet in height, maintained in good condition, and not located within the road right-of-way.

29.09 Loading and Servicing

In addition to the minimum number of parking spaces required in Section 29.05, all B-1, B-2, B-3, CS, I-1, I-2, REC-1, REC-2 and REC-3 districts (or all business, industrial, recreational and multi-family residential uses) shall provide off-street parking outside of public right-of-way for vehicles delivering to, unloading or taking away from said premises, user goods, material, supplies, or waste in connection with said use. A loading space shall have a minimum width of twelve (12) feet and shall be located so as to minimize interference with on-site traffic movement.

29.10 Distance Required from Boundary or Right-of-way

- A. Setbacks from lot side lines and right-of-way lines of roads, for the purpose of parking, shall be in accordance with the following:

District	Setback	Sideline Clearance
R-1,R-2,R-3	None	None
R-4	25'	25'
REC-1,2,3	25'	25'
TC	25'	25'
IN	25'	25'
B-1,2,3	10'	10'
I-1,2	No parking permitted between the right of way line and the setback line	25'

- B. Buffering from Single-family and Duplex Dwellings

1. No parking area in any district except R-1, R-2 and R-3 shall extend closer than fifty (50) feet to an adjacent single family or two-family dwelling district.
2. The parking area of a non-residential use in an R-1, R-2 or R-3 District shall not extend closer than fifty (50) feet to an adjacent single family or two-family dwelling.
3. Said separation or buffer strip shall be landscaped with the purpose of providing a year round vertical green screen of trees and shrubs of no less than five (5) feet in height.
4. In areas where general planting will not grow, other screening devices such as fences and walls shall be used.

29.11 Special Parking Provisions

- A. The outdoor parking and/or storage of commercial vehicles having a load capacity of 2 (two) net tons or more, or of commercial equipment and/or supplies, is strictly prohibited on any property zoned for or being used for residential purposes. An exception may be made for vehicles and equipment owned by a contractor who has been retained by a property owner to construct, reconstruct or in any demonstrable way perform work to make improvement or repair to the property and such work is in progress and will be completed within 7 days or within such time as authorized in writing by the Zoning Inspector. Commercial vehicles with load capacity of less than 2 (two) net tons and which are typically used as private transportation for an occupant of a residential premises may be parked on the driveway area or paved parking area of said premises. No commercial vehicles, equipment, trailers or personal utility trailers or recreational vehicles are to be parked or stored on any non-driveway area between the road right-of-way and the rear line of the main structure on any property zoned for or used for residential purposes.
- B. Owners of camping or recreational vehicles may park or store such equipment in any residential district subject to the following conditions:
1. A camping or recreational vehicle shall not have fixed connections to electricity, water, gas or sanitary sewer facilities.
 2. Such recreational vehicles shall be those defined within Ohio Revised Code Section 4501.01.
- C. At no time shall anyone park unlicensed or inoperable vehicles or shall any landowner permit an unlicensed or inoperable vehicle to remain on his or her land in any district ; other than those zoned to permit auto wrecking. , for a period of more than fifteen (15) days. The only exceptions to this requirement will be in the case of service stations engaged in towing and storing vehicles pending action by responsible parties, repair garages performing repairs and dealers holding vehicles for resale. The above-noted exceptions must perform their services upon the property normally used as their business. No dismantling or reducing to scrap of vehicles shall take place except in areas zoned for that purpose.

NOTES pertaining to the above changes:

1. The change to 29.11(C) is to conform to the requirement expressed in 6.02(f) which does not allow a 15 day grace period.
2. See the addition of reference to Sec. 29.11 added to Sections 14.05(B), 15.05(B), 16.05(B) and 17.12(C).
3. See also the stricken language from Sections 14.07, 15.07, 16.07 and 17.14

F. Side Yards.

1. In regards to structures which constitute dwellings, side yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the side property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback. (Adopted by Resolution 2015-67, effective July 22, 2015.)
2. For every dwelling, accessory building or accessory structure in an R-1 District, there shall be a minimum side yard clearance as shown in Section 14.03-A of this Resolution, which space shall remain open and unoccupied by any building or structure.

G. Rear Yards.

1. In regards to structures which constitute dwellings, rear yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the rear property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback. (Adopted by Resolution 2015-67, effective July 22, 2015.)
2. For every dwelling erected in an R-1 District, there shall be a minimum rear yard clearance of twenty-five (25) feet for a main building.
3. For every accessory building or structure in an R-1 District, there shall be a minimum rear yard clearance of ten (10) feet, which space shall be open and unoccupied by any building or structure.
4. For uses in Section 14.01-B of this Resolution, rear yard clearance shall be sufficient to assure that said use shall not be a nuisance to adjoining property residents but shall be a minimum of fifty (50) feet.

H. Minimum Dwelling Area.

1. In an R-1 District, one (1) story dwellings shall have a minimum living area, exclusive of basements, porches, breezeways, patios, accessory buildings, or garages of 1,500 square feet. (Adopted by Trustee Resolution 91-46 effective June 21, 1991.)
2. In an R-1 District, dwellings of more than one (1) story shall have a minimum of 875 square feet of living area on the ground level, exclusive of basements, porches, breezeways, patios, accessory buildings or garages, and shall have a total living area of not less than 1,500 square feet.
3. Each dwelling shall have an attached two car garage.

14.04 Maximum Height of Buildings

No building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty-five (35) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.

14.05 Parking

- A. Each single family dwelling shall have a minimum of two (2) off-street parking spaces.
- B. See Sections 29.01, 29.02, 29.04, 29.10 and 29.11 inclusive for additional requirements.
- C. See Section 29.11 for special parking provisions for recreational vehicles in residential districts.

14.06 Signs

- A. Identification Sign: See Section 28.04-A-1.
- B. Sale, Rental or Lease Sign: See Section 28.04-B.
- C. Open House Sign - One: See Section 28.04-D.

D. Political Sign - One: See Section 28.04-C.

E. Temporary Sign (Construction): See Section 28.03-B.

14.07 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises. ~~and except that this provision shall not apply to parking of licensed cars or trucks owned and personally operated by the occupant or occupants of said premises.~~

15.04 Maximum Height of Buildings

No building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty-five (35) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.

15.05 Parking

- A. Each single family dwelling shall have a minimum of two (2) off-street parking spaces.
- B. See Sections 29.01, 29.02, 29.04, 29.10 and 29.11 inclusive for additional requirements.
- C. See Section 29.11 for special parking provisions for recreational vehicles in residential districts.

15.06 Signs

- A. Identification Sign: See Section 28.04-A-1.
- B. Sale, Rental or Lease Sign: See Section 28.04-B.
- C. Open House Sign - One: See Section 28.04-D.
- D. Political Sign - One: See Section 28.04-C.
- E. Temporary Sign (Construction): See Section 28.03-B.

15.07 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises. ~~and except that this provision shall not apply to parking of licensed cars or trucks owned and personally operated by the occupant or occupants of said premises.~~

F. Side Yards.

1. In regards to structures which constitute dwellings, side yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the side property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback. (Adopted by Resolution 2015-67, effective July 22, 2015.)
2. For every duplex dwelling or attached single-family dwelling in an R-3 District, there shall be a minimum side yard clearance as shown in Section 16.03(A) of this Resolution, which space shall remain open and unoccupied by any building or structure. For every accessory building or structure of two hundred (200) square feet or less, with a maximum height of twelve (12) feet, there shall be a minimum side yard clearance of three (3) feet. (Adopted December 21, 2010 by Resolution 2010-98, effective January 20, 2011)

G. Rear Yards.

1. In regards to structures which constitute dwellings, rear yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the rear property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback. (Adopted by Resolution 2015-67, effective July 22, 2015.)
2. For every duplex or attached single-family dwelling unit erected in an R-3 District, there shall be a minimum rear yard clearance of twenty-five (25) feet for a main building or any portion thereof. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)
3. For every accessory building or structure in an R-3 District, there shall be a minimum rear yard clearance of three (3) feet, which space shall be open and unoccupied by any building or structure. (Adopted December 21, 2010 by Resolution 2010-98, effective January 20, 2011)

H. Minimum Dwelling Area.

1. Each half of an attached single-family dwelling unit shall have a minimum living area, exclusive of basements, porches, breezeways, patios, accessory buildings, or garages of not less than 1,200 total square feet with a minimum of 875 square feet of living area on the ground level. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)
2. Each dwelling unit shall have an attached two car garage. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

16.04 Maximum Height of Buildings

No building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty-five (35) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.

16.05 Parking

- A. Each single family dwelling shall have a minimum of two (2) off-street parking spaces.
- B. See Sections 29.01, 29.02, 29.04, 29.10 and 29.11 inclusive for additional requirements.

- C. See Section 29.11 for special parking provisions for recreational vehicles in residential districts.

16.06 Signs

- A. Identification Sign: See Section 28.04-A.
- B. Sale, Rental or Lease Sign: See Section 28.04-B.
- C. Open House Sign - One: See Section 28.04-D.
- D. Political Sign - One: See Section 28.04-C.
- E. Temporary Sign (Construction): See Section 28.03-B.

16.07 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises. ~~and except that this provision shall not apply to parking of licensed cars or trucks owned and personally operated by the occupant or occupants of said premises.~~

16.08 Trash and garbage collection areas shall be on a concrete pad and enclosed by a solid fence or wall at least four (4) feet in height if such area is not within an enclosed building or structure. In no case shall such solid fence or wall be less than eighteen (18) inches higher than the tallest receptacle contained within the fence or wall. (Adopted May 28, 1992 by Resolution 92-44, effective June 27, 1992.)

- A. Required in plot plan - See Section 29.01.
- B. Parking Space - See Section 29.02 and 29.11.
- C. Off-street Parking and Access Drives - See Section 29.03.
- D. Minimum Parking Spaces - See Section 29.04.
- E. Access - See Section 29.05.
- F. Surfacing - See Section 29.06.
- G. Lighting, Screening and Striping - See Section 29.08.
- H. Drainage - See Section 29.07.
- I. Loading and Servicing - See Section 29.09.
- J. Required Distances from Boundary or Right-of-way - See Section 29.10A.
- K. Buffering from Single Family and Duplex Dwellings - See Section 29.10B.

17.13 Signs

- A. General Requirements - See Section 28.01.
- B. Construction, Entrance and Exit Signs - See Section 28.03B and C.
- C. Identification Signs - See Section 28.04A-2.
- D. Real Estate Signs - See Section 28.04B and D.
- E. See Section XXVIII for other applicable regulations.

17.14 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises. ~~and except that this provision shall not apply to parking of licensed cars or trucks owned and personally operated by the occupant or occupants of said premises.~~