



Certificate Of Zoning Amendment

Application Number **ZCA16-0007**

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-07	2016 - 31

The proposed amendment is to add new subsection 32.02(D) and to make corresponding modifications to swimming pool depth references in sections 14.02(B)(2), 15.02(B)(2), 16.02(B)(2) and 17.03(B)(2).

NOTATION BY:

Richard L. Constantine, Zoning Inspector

RESOLUTION DATE:

03/15/2016

EFFECTIVE DATE:

04/14/2016

HISTORY OF CHANGE REQUEST

16-ZC-07

Painesville Township Zoning Commission
Proposed Text Amendment
Modifications to 32.02(D), 14.02(B)(2), 15.02(B)(2), 16.02(B)(2) and 17.03(B)(2)

January 14, 2016	Application dated
January 27, 2016	Lake County Planning Commission Hearing Recommendation - <i>Approval</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 <u>2016-20 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>2016-31</u>	Painesville Township Trustees' Public Hearing- <i>Final Decision</i> <i>APPROVED 14</i> <i>EFF 4-13-16</i>
<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

Item 16-ZC-07

Ted Galuschik moved TO recommend approval of proposed amendments to the Painesville Township Resolution by adding new subsection 32.02(D) and by making corresponding modifications to swimming pool depth references in subsections 14.02(B)(2), 15.02(B)(2), 16.02(B)(2) and 17.03(B)(2) 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 32.1, 14.1, 15.1, 16.1 and 17.1.



Application For Zoning Amendment

Application Number **ZCA16-0007**

PAINESVILLE TOWNSHIP

LAKE, OHIO

PAINESVILLE TOWNSHIP ZONING

55 NYE ROAD, PAINESVILLE TOWNSHIP, OHIO 44077

440 352-1443

ZONING COMMISSION

CASE NO.

16-ZC-07

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 add new subsection 32.02(D) and to make corresponding modifications to swimming pool depth references in sections 14.02(B)(2), 15.02(B)(2), 16.02(B)(2) and 17.03(B)(2).

HEARING CLOSED ON 2/8/16 7:28PM

NOTATION BY:

Richard L. Constantine, Zoning Inspector

DATE:

01/14/2016

FEE:

\$0.00

Proposed New Subsection 32.02(D)

D. Accessory Uses

1. Office or studio of a member of a recognized profession

2. Home Occupations such as, but not necessarily limited to; beauty shop, caterer or seamstress but such home occupation shall not include automotive, mechanical or electrical repair shops nor manufacturing or assembly of any kind. Any person may maintain an office or carry on a customary home occupation in the dwelling used by him/her as his/her private residence providing such use is limited to 25% of the living area and does not involve any extension or modification of said dwelling which will alter its outward appearance and said use does not involve any outward evidence of such use.

3, Orderly storage of functional household equipment, tools and automobiles used as private transportation.

4. Swimming pools as provided herein. Swimming pools are intended to be used solely for the enjoyment of the occupants of the residential principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in a FPUD or PUD district except as an accessory use and unless it complies with the following conditions and requirements:

A. A Zoning Certificate is first acquired,

B. A swimming pool, including any walks, paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any side or rear lot line and must in its entirety be no closer to any road right-of-way, whether it be a public or private road, than the rear line of the main dwelling structure on the subject property,

C. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through it or under it. Fence or wall must be maintained in good condition with a gate and locking device,

D. No landowner or occupant of any property in an FPUD or PUD zoning district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured.

5. Storage of recreational vehicles as provided herein:

A. The outdoor parking or storage of not more than one (1) licensed recreational vehicle as defined in Section 4501.01(Q) of the Ohio Revised Code is permitted in accordance with the provisions as contained in Section 29 of this Resolution and with particular emphasis upon the requirement for asphalt or concrete parking surfaces.

Associated changes

Section 5.126 defines a swimming pool with a reference to a depth greater than two (2) feet. To maintain consistency with that definition, it is suggested that those sections which currently make reference to a three (3) foot minimum depth be amended by striking the three (3) and replacing with a two(2).

The sections affected are :

14.02(B)(2)

15.02(B)(2)

16.02(B)(2)

17.03(B)(2)

SECTION XXXII. FLEXIBLE PLANNED UNIT DEVELOPMENT DISTRICT
(Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

32.01 Purpose

The Township, recognizing that with increased urbanization and population growth comes increased demands for well organized residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential development, hereby provides for the Flexible Planned Unit Development District to promote the variety and flexibility of land development for residential purposes necessary to meet these demands while preserving and enhancing the health, safety and general welfare of the citizens of the Township.

32.02 Permitted Uses

The following uses of building and land and no others shall be classified as Flexible Planned Unit Development:

- A. Single family fee-simple lots.
- B. Detached single family in condominium ownership pursuant to O.R.C. Chapter 5311.
- C. Other specific uses as approved by the Board of Trustees.
- D.

Accessory Uses

- 1. Office or studio of a member of a recognized profession
- 2. Home Occupations such as, but not necessarily limited to; beauty shop, caterer or seamstress but such home occupation shall not include automotive, mechanical or electrical repair shops nor manufacturing or assembly of any kind. Any person may maintain an office or carry on a customary home occupation in the dwelling used by him/her as his/her private residence providing such use is limited to 25% of the living area and does not involve any extension or modification of said dwelling which will alter its outward appearance and said use does not involve any outward evidence of such use.
- 3. Orderly storage of functional household equipment, tools and automobiles used as private transportation.
- 4. Swimming pools as provided herein. Swimming pools are intended to be used solely for the enjoyment of the occupants of the residential principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in a FPUD or PUD district except as an accessory use and unless it complies with the following conditions and requirements:
 - A. A Zoning Certificate is first acquired,
 - B. A swimming pool, including any walks, paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any side or rear lot line and must in its entirety be no closer to any road right-of-way, whether it be a public or private road, than the rear line of the main dwelling structure on the subject property,
 - C. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through it or under it. Fence or wall must be maintained in good condition with a gate and locking device,
 - D. No landowner or occupant of any property in an FPUD or PUD zoning district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured.
- 5. Storage of recreational vehicles as provided herein:
 - A. The outdoor parking or storage of not more than one (1) licensed recreational vehicle as defined in Section 4501.01(Q) of the Ohio Revised Code is permitted in accordance with the provisions as contained in Section 29 of this Resolution and with particular emphasis upon the requirement for asphalt or concrete parking surfaces.

32.03 Definitions (applicable to this section only)

SECTION XIV. RESIDENTIAL R-1 (Single-Family Dwellings)

(Adopted April 23, 1987 by Resolution 87-38, effective May 23, 1987)

14.01 The following uses of buildings and land and no others shall be classified as R-1 Residential:

- A. Single family detached dwellings.
- B. Fire station, police station, township hall, township cemetery or other public service facility operated by or on behalf of the Board of Trustees of Painesville Township.

14.02 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 R-1 District and shall include but shall not be limited to:
 - 1. Office or studio of a member of a recognized profession.
 - 2. Home Occupations such as, but not necessarily limited to, beauty shop, caterer or seamstress; such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind.
 - 3. Swimming pools as provided herein.
 - 4. Roadside stands as provided herein.
 - 5. Storage of household equipment, tools, and automobiles for use as private transportation.
 - 6. Storage of recreational vehicles as provided herein.
- B. Accessory Uses in R-1 District:
 - 1. Any person may maintain an office or may carry on a customary home occupation in the dwelling used by him as his private residence providing such use is limited to 25% of the living area and does not involve any extension or modification of said dwelling which will alter its outward appearance, said use does not involve any outward evidence of such use except not more than one (1) sign as authorized in other sections of this Resolution.
 - 2. Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than ~~three (3)~~ two (2) feet. No such swimming pool shall be allowed in an R-1 District except as an accessory use and unless it complies with the following conditions and requirements:
 - a. A zoning certificate is first acquired:
 - b. A swimming pool, including any walks, paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any rear lot line, and side yard clearances shall be in accordance with those required in Section 14.03(A) of this Resolution. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
 - c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through or under it. Fence or wall must be maintained in good condition with a gate and locking device. (Adopted October 1, 2002 by Resolution 2002-97, effective October 31, 2002)
 - d. No landowner or occupant of any property in this district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)

SECTION XV. RESIDENTIAL R-2 (Single-Family Dwellings)

(Adopted April 23, 1987 by Resolution 87-39, effective May 23, 1987)

15.01 The following uses of buildings and land and no others shall be classified as R-2 Residential:

- A. Single family detached dwellings.
- B. Fire station, police station, township hall, township cemetery or other public service facility operated by or on behalf of the Board of Trustees of Painesville Township.

15.02 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 R-2 District and shall include but shall not be limited to:

- 1. Office or studio of a member of a recognized profession.
- 2. Home Occupations such as, but not necessarily limited to, beauty shop, caterer or seamstress; such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind.
- 3. Swimming pools as provided herein.
- 4. Roadside stands as provided herein.
- 5. Storage of household equipment, tools, and automobiles for use as private transportation.
- 6. Storage of recreational vehicles as provided herein.

- B. Accessory Uses in R-2 District:

- 1. Any person may maintain an office or may carry on a customary home occupation in the dwelling used by him as his private residence providing such use is limited to 25% of the living area and does not involve any extension or modification of said dwelling which will alter its outward appearance, said use does not involve any outward evidence of such use except not more than one (1) sign as authorized in other sections of this Resolution.
- 2. Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than ~~three (3)~~ two (2) feet. No such swimming pool shall be allowed in an R-2 District except as an accessory use and unless it complies with the following conditions and requirements:
 - a. A zoning certificate is first acquired:
 - b. A swimming pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any rear lot line and side yard clearances shall be in accordance with those required in Section 15.03(A) of this Resolution. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
 - c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through or under it. Fence or wall must be maintained in good condition with a gate and locking device. (Adopted October 1, 2002 by Resolution 2002-97, effective October 31, 2002)

SECTION XVI. RESIDENTIAL R-3 (Duplex Dwellings)

(Adopted April 23, 1987 by Resolution 87-40, effective May 23, 1987)

16.01 The following uses of buildings and land and no others shall be classified as R-3 Residential:

- A. Duplex dwellings.
- B. Fire station, police station, township hall, township cemetery or other public service facility operated by or on behalf of the Board of Trustees of Painesville Township.
- C. Attached single-family dwelling unit. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)

16.02 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 R-3 District and shall include but shall not be limited to:
 - 1. Office or studio of a member of a recognized profession.
 - 2. Home Occupations such as, but not necessarily limited to, beauty shop, caterer or seamstress; such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind.
 - 3. Swimming pools as provided herein.
 - 4. Roadside stands as provided herein.
 - 5. Storage of household equipment, tools, and automobiles for use as private transportation.
 - 6. Storage of recreational vehicles as provided herein.
- B. Accessory Uses in R-3 District:
 - 1. Any person may maintain an office or may carry on a customary home occupation in the dwelling used by him as his private residence providing such use is limited to 25% of the living area and does not involve any extension or modification of said dwelling which will alter its outward appearance, said use does not involve any outward evidence of such use except not more than one (1) sign as authorized in other sections of this Resolution.
 - 2. Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than ~~three (3)~~ two (2) feet. No such swimming pool shall be allowed in an R-3 District except as an accessory use and unless it complies with the following conditions and requirements:
 - a. A zoning certificate is first acquired:
 - b. A swimming pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any rear lot line and side yard clearances shall be in accordance with those required in Section 16.03(A) of this Resolution. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
 - c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or

SECTION XVII. RESIDENTIAL R-4 (Multiple Unit Dwellings)

(Adopted April 23, 1987 by Resolution 87-41, effective May 23, 1987)

17.01 For purposes of R-4 Residential uses, the words "Apartment Building", "Townhouse", "Multiple Family Dwelling" and "Attached Single Family Dwelling Unit" shall be synonymous.

17.02 The following uses of buildings and land and no others shall be classified as R-4 Residential:

A. Multiple-Family Dwellings.

17.03 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 and shall include but shall not be limited to:

1. Swimming pools.

2. A general service building for the storage, collection or accumulation of maintenance equipment or machinery for use of the complex. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

3. Facilities for shuffleboard, croquet, tennis, badminton and similar recreational uses.

B. 1. Swimming pools and other recreational facilities are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests and not operated for profit.

2. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than ~~three (3)~~ two (2) feet. Any swimming pool in an R-4 District shall comply with the following conditions and regulations:

a. A zoning certificate is first acquired:

b. A swimming pool shall be located on the same lot as the building served.

c. A swimming pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than fifty (50) feet to any rear or side lot line. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

d. A swimming pool shall be situated at least thirty (30) feet from any main building.

e. A swimming pool shall be enclosed within a wall or fence not less than four (4) feet in height to prevent access to the pool except through a controlled point.

f. Facilities for shuffleboard, croquet, tennis, badminton and similar recreational uses shall not require a zoning certificate but shall be located not closer than fifty (50) feet to any rear or side lot line and thirty (30) feet to any main building.

3. No landowner or occupant of any property in this district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)

17.04 Lot Area

A. No apartment building in an R-4 District shall be erected or maintained on any parcel of land divided unless the following lot areas are provided and maintained in connection with such building: