

**PAINESVILLE TOWNSHIP
Zoning Commission
MEETING MINUTES**

Monday, February 8, 2021

Painesville Township Office 55 Nye Rd. Painesville Twp., OH, 44077

Present: Amy Cossick, Darrell Webster, John Haught, Bailey MacKnight, Ted Galuschik

Absent: None

Zoning Inspector: Rich Constantine, Harley DeLeon

Legal Counsel: Jason Hartzell

Chairman, Ted Galuschik, called the meeting to order at 6:31 P.M. The meeting was held by video conference due to respectful response to the coronavirus mandates in the State of Ohio. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present.

Public Comment: None

Regular Meeting:

Chairman asked if the board had any additional comments or edits to the **January 11, 2021 Meeting Minutes**. Hearing none, Chairman entertained a motion to approve the **January 11, 2021 Meeting Minutes**.

Darrell Webster made a motion. Bailey MacKnight seconded.

Roll Call: MacKnight; Aye, Webster; Aye, Cossick; Aye, Haught; Aye, Chairman; Aye.
Motion carried.

Public Hearing: None

Site Plan/Architectural Reviews: None

New Business:

- **21-ZC-01:**

Section 5 and Section 6

Zoning Inspector Harley DeLeon let the Commission know that the case number was incorrect on the case file, but correct on the Meeting Agenda.

Harley DeLeon explained that the Trustees had requested the proposed amendment. Harley DeLeon continued that the Trustees would like the Line of Sight Safety Triangle measurement changed from 30 feet that was agreed upon by the Commission, to 20 feet.

Chairman asked Harley DeLeon if the Trustees felt that 30 feet measurement was too restrictive.

Harley DeLeon replied yes, that the Trustees agreed that there was a safety concern, and 20 feet would be better.

Harley DeLeon continued that the Trustees had also requested that language be inserted into Section 6 that would prohibit any part of a fence to be over parcel boundaries. Harley DeLeon also let the Commission know that the Painesville Township Fire Chief, Frank Huffman, had let Harley know that the Townships emergency vehicles were having issues reaching a specific gated community. The Fire Chief

requested that the Commission insert language that regulates the opening width and setback of vehicular entry gates. Harley DeLeon let the Commission know that the measurements proposed were provided by the Fire Chief, and he had based the measurements off of the Township's largest emergency vehicle.

Chairman asked if the Commission had any questions or comments.

Zoning Inspector Rich Constantine brought a property up as an example where the Line of Sight Safety Triangle could be used. Rich Constantine asked Harley DeLeon if the Trustees would enforce the property owner to cut a 20 feet diagonal or allow the property owner with that set up to bring their fence within 20 feet of the pavement.

Harley DeLeon presented on screen, an overview of the property being discussed as an example. Harley DeLeon replied that the Safety Triangle would be applicable in this example, as there is still a concern for visibility. Along with a concern for vehicular and pedestrian safety.

A conversation was held in regards to the Trustees intention for the Line of Sight Safety Triangle.

Chairman asked if the Commission had any more questions or comments. Hearing none. Chairman stated that he had no comments or questions for the proposed Text Amendment as it was clear cut.

Rich Constantine asked Harley DeLeon regarding the definition for vehicular entry gate. Rich Constantine asked what a "similar location facility building or portion thereof" meant.

Harley DeLeon replied that part of the definition was a catch all.

A discussion was held between Rich Constantine, Harley DeLeon, and Legal Advisor Jason Hartzel regarding how the definition for vehicular entry gate could be better worded.

Harley DeLeon continued that she would be editing the definition of vehicular entry gate to exclude gates that are installed to access a property's backyard.

Darrell Webster asked if the Commission should consider only allowing open air fences for the Line of Sight Safety Triangle as it was the only type of fence allowed in zoning codes prior.

Harley DeLeon stated that in discussions with the Trustees, she did not feel that they would agree only allowing open aired fences. Harley DeLeon continued that that was the Commission's right to make whatever suggestion they see appropriate to the Trustees.

Rich Constantine reminded the Commission that they are advisors to the Trustees, and that the Commission uses the Lake County Planning Commission as their advisors.

A discussion was held regarding sending **Case 21-ZC-01** to Public Hearing.

Chairman asked the Commission if they would like to set **Case 21-ZC-01** to a Public Hearing for the next Zoning Commission Meeting on Monday, March 8, 2021.

Bailey MacKnight made a motion to set **Case 21-ZC-01** to a Public Hearing. Amy Cossick seconded.

Roll Call: Haught; Aye, Webster; Aye, Cossick; Aye, MacKnight; Aye, Chairman; Aye.
Motion carried.

Old Business:

- **Case 20-ZC-07:**

Section 28 Rewrite sign section.

Chairman reminded the Commission what was previously discussed for **Case 20-ZC-07** prior to the current Meeting, pertaining to the drafts sent out by Zoning Inspector Rich Constantine.

Zoning Inspector Rich Constantine stated that he would like to get the Zoning Regulations to a point that a court could not accuse the Township of regulating signs based on content. Rich Constantine continued he would like to regulate what District a sign is in, and where the sign is located on the property. Rich Constantine continued that he tried to include a formula that incorporates distance from roadways, letter height, and sign area; and that also incorporates what kind of sign can be placed on certain roadways with multiple lanes and certain speeds. Rich Constantine let the Commission know it was time to start breaking apart the current draft for signs for any comments or questions the Commission may have.

John Haught asked if the Township had any say in signs hung on the inside of a window, on the inside of a property.

Rich Constantine replied he did not think that indoor signs could be regulated. Rich Constantine continued that after the main regulations were set, the Commission could see what the Lake County Planning Commission recommended if the Commission suggested regulating indoor signs.

John Haught commented that the draft for signs seemed to be well written, and he did not see any issues that could arise that could be argued in a court.

Rich Constantine stated that he would like to give businesses more freedom in the sign ordinance for permanent signs, which will allow businesses to get away from temporary signs. Rich Constantine continued that these businesses would not need to go to the Board of Zoning Appeals if they had more room in the Zoning Resolution, eliminating the need for variances.

John Haught asked if the timing for flashed messages from electronic messages boards had come from someone or somewhere specific.

A discussion was held pertaining to electronic message boards.

Bailey MacKnight asked Zoning Inspector Rich Constantine pertaining to Section 28.07(N) Wayfinding signs. If that would prohibit a property owner who owned multiple parcels of land, to put a sign on one property, directing people to another parcel of land.

Rich Constantine replied no, as long as it was a permanent sign. A conversation was held regarding Wayfinding signs.

Bailey MacKnight asked what was actually prohibited by Section 28.07(N)

Rich Constantine replied that this would prohibit a business from placing a sign at every intersection in the Township.

Legal Advisor Jason Hartzell let Zoning Inspector Rich Constantine know that he had made notes on a PDF copy of the current draft for signs, and would send it to Rich to look over and discuss.

Chairman asked Rich Constantine if flags and strings of lights were prohibited, pertaining to Section 28.07(E) of Signs. Chairman commented that should exclude the American Flag, and lights at Christmas time.

A discussion including Legal Advisor Jason Hartzell, was held regarding the Commission needing to consider changing the prohibition of flags and other items.

John Haught commented that flags can be a gray area on enforcement to the Zoning Resolution.

A discussion was held regarding tabling **Case 20-ZC-07** to discuss. To wait for Zoning Inspector Rich Constantine to send Draft 5 to the Commission.

Rich Constantine stated that if the Commission had any questions or comments after the current meeting, to let him know later on if need be, to be incorporated into Draft 5 for the March 8, 2021 Meeting.

Chairman asked if the Commission had any objection to table the discussion on **20-ZC-07** for the March 8, 2021 Meeting. Hearing none, Chairman stated to table **Case 20-ZC-07** until the March 8, 2021 Meeting.

Dispensation of Closed Public Hearings: None

Items being held for Public Hearing: None

Zoning Inspector's Report:

Rich Constantine brought the Commission up to date with the new Zoning Software being programmed, zoning data transferred, and a hopeful timeline when it should be installed for use.

Any Further Business to come before the Commission: None

Chairman adjourned the meeting at 7:42 P.M.

Next Meeting will be on Monday, March 8, 2021.

Respectfully submitted,



Ted Galuschik, Chairman



Rachel Muro, Zoning Secretary