

**PAINESVILLE TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

Monday, September 13, 2021

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

Present: Ted Galuschik, Amy Cossick, Darrell Webster, John Haught, Bailey MacKnight
Absent: None
Zoning Inspector: Harley DeLeon
Legal Counsel: Jason Hartzell

Chairman Ted Galuschik called the meeting to order at 6:30 P.M. The Pledge of Allegiance was recited. A roll call revealed that a quorum was present.

Public Comment: None

Regular Meeting:

Chairman asked if the members had any additional comments or edits to the August 9, 2021 Meeting. Darrell Webster needed clarification pertaining to amended meeting minutes edits corrected prior to the Meeting via email.

Hearing no other edits or comments, Chairman entertained a motion to approve the **August 9, 2021 Meeting Minutes**.

Darrell Webster made a motion. John Haught seconded.

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

Public Hearing: None

Site Plan/Architectural Reviews:

- **2021-0002-ZC:** Architectural Review for Giant Eagle at 1201 Mentor Ave.

Zoning Inspector Harley DeLeon let the members know that Giant Eagle was only adding an additional Enter/Exit door to the exterior front of the building. No other changes were going to be made.

Chairman needed clarification from Harley DeLeon that the members were reviewing provided drawings of the new entry/ exit door and awning.

Darrell Webster needed clarification pertaining to which end of the store would be renovated. Harley DeLeon stated that the south end of the building is where the new entry/exit doors will be located.

A discussion was held regarding any other renovations, interior, exterior that may be done. A discussion was held regarding the possible reason for adding another entry/exit to the store.

Bailey MacKnight asked if the awning for the new doors will meet the Western Reserve requirements. Harley DeLeon replied that it would.

Chairman entertained the motion to approve **2021-0002-ZC** Architectural Review for Giant Eagle as

submitted.

Bailey MacKnight made a motion to approve **2021-0002-ZC**. Amy Cossick seconded.

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

New Business: None

Old Business:

- **Case 20-ZC-07:** Section 28 Rewrite sign section.

Chairman reminded the Members that at the August Meeting, the Commission had gone page by page of the current draft of Section 28, holding discussions.

Chairman continued the discussion on Section 28.08(C) and (E), suggesting that the Commission table the discussion for the mathematical equations for another Meeting.

Bailey MacKnight needed clarification from the discussion at August 9, 2021's meeting pertaining to Section 28.08.

Zoning Inspector Harley DeLeon commented that from the August Meeting, the members were in agreement with not regulating balloons and strings of lights.

A discussion was held pertaining to Section 28.08(C) and (E), where the sign items could be displayed. Chairman needed a clarification regarding the reasoning of prohibiting inflatables, balloons, banners, ect.

Harley DeLeon replied that these items being prohibited, were pre-existing in the Zoning Resolution to deter Car Dealerships from using extravagant signage.

Bailey MacKnight questioned if it's a problem that a Car Dealership promotes an event with signs for a certain time frame, or would the Commission not want the signs to remain set up for a long time.

A discussion was held pertaining to the Zoning Resolution regarding setbacks, safety, and such. If regulating, who and what is affected.

Bailey MacKnight commented offering the idea of separate signage regulations for residents and businesses.

A discussion was held regarding either prohibiting or allowing certain types of signs.

Darrell Webster gave some history to the Zoning Resolution having the sign regulations. Darrell Webster commented concerning Section 28.08(E), regarding flags in general; could possibly not include the American or State Flag.

John Haught commented that there may not be as big of a safety issue and it might not be a good idea to limit certain sign items for residents and businesses.

A discussion was held pertaining to permits not needed for inflatable bounce houses, signs for advertising them, and the possible safety issue.

Darrell Webster commented regarding inflatable holiday decorations. If a setback was enforced, residents would not have room left to set up the holiday decorations.

A discussion was held regarding safety and road right-of-way for setbacks for businesses and residential for signage.

Chairman suggested discussing the size and height of signage that would be allowed.

Zoning Inspector Harley DeLeon suggested that in Section 28.11(A)(5) mentioning size and number of days allowed, be included for Commercial Districts. While residential may already be covered for

signage including inflatables, banners, and such. The Commission can add to stay out of the road right-of-way for residential.

Darrell Webster commented that some inflatable decorations in residential areas can be big in height or size, they are mostly set back away from the road right-of-way.

A discussion was held that most Residential decorations were close to homes causing no issues. Whereas the Commercial District would pose an issue.

Chairman asked the Members if they would like to regulate size in the Commercial District.

Zoning Inspector Harley DeLeon included having setback requirements if residential and commercial were separated.

Darrell Webster commented that setback requirements are ok in commercial, whereas residential gets penalized.

A discussion was held regarding residential having more leeway pertaining to signage, as long as no signage was interfering with road-right-of-way.

Members agreed.

Darrell Webster gave a short history to pennants being added to the Zoning Resolution.

A discussion was held regarding regulating signage in the Commercial District.

A discussion was held pertaining to using Section 28.11 for the Commercial District.

Chairman asked Members if they would like staff to make Section 28.08 pertain to residential, and make Section 28.11 pertain to commercial.

Darrell Webster added Industrial needing to be included with Commercial for Section 28.11.

Chairman needed clarification from Harley DeLeon that the discussion was correct in what she had planned for the Section 28 rewrite.

Zoning Inspector Harley DeLeon reiterated what she had written from the Commission's discussion. A revision to Section 28.08(E), that inflatable objects including holiday decor, shall not be located within the road-right-of-way. This will be for all of Section 28, but mostly be for Residential. In Section 28.11(A)(5) there will be listed signs that will be permitted and include the limitations such as number of days and sizes. Harley DeLeon continued that wording will include language regarding setbacks of inflatables and height of inflatables, setbacks and size would be up to the decision of the Members.

Chairman suggested discussing Section 28.11(A)(1), regarding calculations of signs; leaving this section for a later discussion as some of the Members had some questions and concerns regarding this Section.

Darrell Webster had a concern regarding Electronic Message Boards being shortened to "EMB", and the shortened use not being consistently used starting in 28.13.

A discussion was held regarding Electronic Message Boards.

John Haught asked Harley DeLeon the setbacks on Route 20 for the Shopping Center or Car Lots.

Harley DeLeon replied 50 feet.

A discussion was held regarding separating signage for Commercial and Residential, if developments like subdivisions; were included for the Township to regulate for signs.

Harley DeLeon, replying to Darrell Webster, suggested adding "(EMB)" after "Electronic Message Boards" in the first paragraph of Section 28.13.

Darrell Webster agreed.

Harley DeLeon held a discussion regarding Section 28.08(D) also possibly needing to be revised or

striked out.

A discussion was held regarding Electronic Message Boards being omitted in Section 28.08(C).

Bailey MacKnight needed clarification that moveable, lighted items would still be allowed.

Harley DeLeon replied yes, but that 28.08(C) meant lights such as strobe or flashing lights.

A discussion was held regarding items that made sound pertaining to Section 28.08(D), and prohibiting these items.

A discussion was held pertaining to Section 28.08 being for all Districts, unless singled out.

Zoning Inspector Harley DeLeon stated that she could rewrite Section 28.08(D) as "No sign shall employ sound to attract attention.". Subsections C and D shall not apply to any sign performing a public service function, including public service announcements.

The Commission agreed.

Chairman suggested Section 28.09(A)(2) being written to say "Signs should not be in the road-right-of-way."

The Commission agreed.

Chairman needed clarification pertaining to garage sale sign regulations.

Harley DeLeon replied that they are not regulated, nor has she received any complaints from the public.

Harley DeLeon continued that including garage sale signs in the resolution, may have been preemptive, in case there were future complaints.

Chairman asked if verbiage could be struck out for Section 28.09(A)(6) after "open house hours for properties which are currently for sale."

The Commission agreed.

Harley DeLeon needed clarification for what the Commission wanted written.

Chairman suggested adding "nor for signs advertising a garage sale on the property upon which they are placed." and strike the remainder thereafter.

Section 28.09(A)(6) would read "There will be no permit required for temporary signs advertising the property upon which they are placed for sale, nor for signs advertising an open house during the open house hours for properties which are currently for sale, nor for signs advertising a garage sale on the property upon which they are placed."

A discussion was held regarding signs being left up for open houses and garage sales after the day and times have ended.

Harley DeLeon let the Members know that Legal Advisor Jason Hartzell provided revisions to Section 28.07(B), she will include the revision in the next draft. She read Jason Hartzel's revision. Which read as follows, "The regulations and provisions contained in this Section 28 are applicable and enforced in all zoning districts within the unincorporated territory of Painesville Township for the purpose of regulating signage which is mounted and displayed on any exterior surface of properties located within the jurisdiction of Painesville Township."

Legal Advisor Jason Hartzell let the Members know that he had since revised his revision. Jason Hartzell felt that mentioning "all zoning districts" was unneeded and already implied throughout. Jason Hartzell continued what needs to be written is that it applies to signs on the outside. Jason Hartzell read his revision as "The regulations and provisions contained in Section 28 shall only apply to signage which is mounted or displayed on any exterior surface or outside area of properties within the jurisdiction of Painesville Township."

Zoning Inspector Harley DeLeon asked Legal Advisor Jason Hartzell to send his revision to her.

Chairman needed clarification for Section 28.09(A)(7) regarding the reasoning to "three additional

temporary signs...”

Harley DeLeon replied it was to help alleviate election sign pollution on front lawns without addressing election signs, as the Township has no authority to address election signs.

A discussion was held regarding definitions of Temporary Signs in Section 28.06.

Chairman asked Legal Advisor Jason Hartzell if time frames can be added to temporary signs.

Harley DeLeon replied that time periods on temporary signs would be difficult to regulate. The Township could address dilapidated signs.

A discussion with Legal Advisor Jason Hartzell, was held regarding time frames for putting election signs up, and time frames for taking signs down. Most jurisdictions don't enforce time frames on political signs.

Darrell Webster had a concern regarding Section 28.10(A)(1) and subsections following after, pertaining to the inconsistent use of words “arterial” or “public” for roadway.

A discussion was held changing and using “dedicated public roadway” throughout Section 28.10(A). Zoning Inspector Harley DeLeon suggested using “dedicated roadway” concerning private roads, developments, and subdivisions.

The Commission agreed.

Chairman needed clarification for Section 28.11(B) regarding an amount allowed of signs not mentioned.

A discussion was held pertaining to the size of sign allowed, and the setback required of that certain size.

Harley DeLeon needed clarification from the Chairman pertaining to the maximum size of a sign allowed.

Chairman suggested revising Section 28.11(B) and subsections within, that the maximum size allowed for a sign is 32 square feet.

Harley DeLeon needed clarification from Legal Advisor Jason Hartzell, if Section 28.11(B)(3)(C) was allowed.

A discussion was held between Legal Advisor Jason Hartzell, staff and the Members, regarding being able to or not being able to regulate the amount of political signs allowed on a property in Section 28.11(B)(3)(C).

A discussion was held regarding the Township being drawn into court, if trying to enforce the amount of political signs allowed.

Chairman asked Jason Hartzell, if Section 28.11(B)(3) could be removed from the Section 28 draft.

Chairman and Legal Advisor Jason Hartzell had a separate discussion, looking over Section 28.11(B)(3).

Bailey MacKnight and Harley DeLeon held a discussion.

Zoning Inspector Harley DeLeon suggested adding a maximum number of signs if 32 square feet is the maximum size. Harley DeLeon commented that it was not clear if 32 square feet was the total square footage for all temporary signs, or if one sign can be a maximum size of 32 square feet.

A discussion was held regarding permitting a maximum of 32 square feet for all temporary signage as described in Section 28.11(B)

Harley DeLeon continued suggesting possible verbiage “Permit any number of signs when the total square footage of all sign faces does not exceed 32 square feet...”, for the Commission to think over.

A discussion was held regarding possible verbiage to use and the amount of signs.

Harley DeLeon let the Commission know she can write and send different verbiage for the Members to look over.

Bailey MacKnight commented regarding removing political signs all together from temporary signs.

Legal Advisor Jason Hartzell commented that if Section 28.11(B)(3) was removed, it could be read that political signs weren't allowed; where commercial businesses are concerned.

A discussion was held regarding not describing the type of temporary signs allowed in Section 28.11(B)(3).

A discussion was held regarding being able to regulate limitations to the amount, size, and setbacks of signs for commercial properties.

Legal Advisor Jason Hartzell was hesitant to regulate political signs.

A discussion was held regarding how to go about writing language or removing language pertaining to political signs for temporary signs, if the Township cannot regulate political signs;

Chairman needed clarification from Zoning Inspector Harley DeLeon that political signs were allowed as temporary signs in Section 28.08.

A discussion was held pertaining to Section 28.08, allowing political and temporary signs being applicable to all zoning districts.

Bailey MacKnight needed clarification that Section 28.11(B) is saying no permit is needed.

Harley DeLeon replied yes.

Chairman commented that he thought 28.11(B) was for developmental properties.

Harley DeLeon corrected the Commission that Section 28.08 does not address temporary signs to what is permissible within all districts. Harley DeLeon continued that Section 28.09(A) is broken down for Residential, and 28.11(B) is new; as these Sections were once in 28.08. Harley DeLeon suggested striking out A, B, and C from Section 28.11(B)(3) and writing "Temporary signs expressing non-commercial messages including political signs are exempt from Zoning Certificate requirements." Harley DeLeon continued that the amount of signs wouldn't be regulated, but the maximum size allowed would be.

Chairman asked Legal Advisor Jason Hartzell, if Section 28.11(B) was currently written in a way that read that the Township was regulating sign size for commercial, but not regulating size of signs for political signs.

A discussion was held regarding First Amendment speech protection including Political Speech pertaining to political signs.

Bailey MacKnight asked if the total amount of signs weren't limited or the total volume of signs weren't limited, but the size of a sign was limited; would that be acceptable?

Jason Hartzell commented it would be slightly better for that verbiage, but would still be hard to take zoning violations to court regarding political signs.

Chairman asked Zoning Inspector Harley DeLeon and Legal Advisor Jason Hartzell to discuss and send to the Commission their comments pertaining to Section 28.11(B) for the October Meeting.

Chairman would like to table the discussion for **Case 20-ZC-07** until the October 11, 2021 Meeting.

- **Amendment to Section 7** - Non-conforming Uses.

Harley DeLeon let the Commission know that she did not have any information ready to present at the current Meeting. Harley DeLeon continued she knew the intention to add the agenda item was to close a potential loophole. Harley DeLeon asked to table the discussion.

Chairman would like to table the discussion for the amendment to Section 7 until the October Meeting.

Dispensation of Closed Public Hearings: None

Items being held for Public Hearing: None

Zoning Inspector's Report:

Harley DeLeon let the Commission know that the Trustees passed both of the Commissions amendment recommendations. Harley DeLeon continued that there was a small modification to the language, due to receiving the Lake County Planning Commission's comments after the Zoning Commission's Public Hearing. The Lake County Planning Commission's comment was recommending the Members change the language in Section 31, the prohibition of roosters on all parcels 5 acres or less. As opposed to what the Members had written, all parcels less than 5 acres. The ORC grants the Township the authority to regulate agriculture or animal husbandry on parcels 5 acres or less. The revision was made and the final approval from the Trustees.

Any Further Business to come before the Commission:

Chairman let the members know that he would not be available for the October 11, 2021 Meeting. A discussion was held regarding possibly moving the meeting date due to his absence and due to the meeting falling on Columbus Day.

The members decided to continue to hold the meeting on Monday October 11, 2021.

Chairman adjourned the meeting at 8:11 P.M.

Next Meeting will be on Monday, October 11, 2021.

Respectfully submitted,


Ted Galuschik, Chairman


Rachel Muro, Zoning Secretary