

**PAINESVILLE TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

June 10, 2019

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

Present: Darrell Webster, John Haught, Amy Cossick and Ted Galuschik
Absent: Bailey MacKnight
Zoning Inspector: Rich Constantine
Legal Counsel: Matt Lallo

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 board had any additional edits to the May 13, 2019 meeting minutes besides the few minor edits that have been completed. No corrections or comments were offered by the Commission members. John Haught moved to approve the minutes as corrected. Darrel Webster seconded.

Roll Call: Webster; Aye, Haught; Aye, Cossick; Aye, Chairman; Aye.

PUBLIC HEARING:

Chairman stated he would entertain a motion to open the public hearing for **Case 19-ZC-03**.

Darrell Webster made the motion to open **Case 19-ZC-03**. Amy Cossick seconded it.

Roll Call: Webster; Aye, Haught; Aye, Cossick; Aye, Chairman; Aye.

Case 19-ZC-03 (*continued from May's meeting*) The Painesville Township Zoning Commission has proposed amendments to Section 32 - Flexible Planned Unit Development by adding new definitions 32.03(O) and 32.03(P) and re-lettering remainders thereafter, adding new subsection 32.03(T) and re-lettering remainders thereafter, and amending subsection 32.04(A).

Chairman asked if there was any discussion from the board. Hearing none, Chairman would entertain a motion to close. John Haught made a motion to close **Case 19-ZC-03**. Darrell Webster seconded it.

Roll Call: Webster; Aye, Haught; Aye, Cossick; Aye, Chairman; Aye.

Chairman stated he would entertain a motion to open the public hearing for **Case 19-ZC-04**.

Amy Cossick made the motion to open **Case 19-ZC-04**. Darrell Webster seconded it.

Roll Call: Webster; Aye, Haught; Aye, Cossick; Aye, Chairman; Aye.

Case 19-ZC-04: Painesville Township Zoning Commission has proposed amendment to amend subsection 5.108 by inserting a definition for "PARCEL" and renumbering the remainders thereafter. Chairman asked if there were any comments from the public. Hearing none he would entertain a motion to close **Case 19-ZC-04**.

Darrell Webster made a motion to close **Case 19-ZC-04**. John Haught seconded it.

Roll Call: Webster; Aye, Haught; Aye, Cossick; Aye, Chairman; Aye.

- d. shall not be erected, constructed or maintained in excess of thirty five (35) feet in height;
 - e. shall not be erected, constructed or maintained in excess of twenty five percent (25%) of the square footage of the main building on the lot;
 - f. shall be wholly contained within a completely fenced area or pen.
2. The maximum number of poultry and/or fowl on any one property shall not exceed a density of three (3) per one (1) acre of real property.
- D. On lots greater than one (1.000) acre, but not greater than five (5.000) acres [calculation of acreage may be rounded to the third decimal place only], when at least thirty-five percent (35%) of the lots in the subdivision described in this Subsection 31.03 are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Ohio Revised Code Section 4503.06, dairying and/or animal husbandry shall be regulated as follows:
- 1. Dairying and/or animal husbandry and/or buildings and structures incident to the use of land for dairying and/or animal husbandry:
 - a. shall require a Conditional Use Permit prior to commencement of such use from the Board of Zoning Appeals pursuant to Section XII of this Resolution;
 - b. shall be prohibited in front yards or side yards any closer to the road right-of-way than the rear line of the main building on the lot;
 - c. shall be set back from the rear lot line at least ~~fifty twenty (50)~~ (20) feet and screened from adjoining property by a minimum of ten (10) feet along the rear lot line of year round vertical screening;
 - d. shall be set back from the side lot lines at least ~~twenty five (25)~~ (20) feet and screened from adjoining property by a minimum of ten (10) feet along each side lot line of year round vertical screening;
 - e. shall not be erected, constructed or maintained in excess of thirty five (35) feet in height;
 - f. shall not be erected, constructed or maintained in excess of twenty five percent (25%) of the square footage of the main building on the lot;
 - g. shall be wholly contained within a completely fenced area or pen.
 - 2. ~~After thirty-five percent (35%) of the lots described in this Subsection 31.03 have been developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured houses under Ohio Revised Code Section 4503.06, dairying and/or animal husbandry and/or poultry husbandry shall be considered non-conforming use of land and buildings or structures pursuant to Ohio Revised Code Section 519.19 and this Resolution.~~

Harely DeLeaon stated that one issue is that the State of Ohio it is illegal to purchase or give 6 or more chicks, which can lead to owning a rooster because it's difficult to determine thier sex at a young age. John Haught stated that Painesville City went through this and now Perry Township is working on something similar. John Haught asked if the Zoning department has looked to see what they did. Darrell Webster stated that we can regulate them in a certain

subdivision but we may not be able to regulate them in some areas. Harley stated that the ORC and what authority it gives townships regarding Agricultural. Section 31 was written as ORC 519.21 as it's backbone. Harley stated that the history of our requirements and the creation of these requirements were brought on by a nuisance property. The Trustees have decided to eliminate the enclosure requirement. Chairman stated that he'd like to see how Perry handle this and discuss at the next meeting. Chairman would like to review the case before setting a Public Hearing. Darrell Webster asked if this only applies to poultry. Hareley DeLeaon stated that this would permit poultry and fowl with a Conditional Use Permit. Chairman stated that the discussion will continue to the next meeting.

DISPENSATION OF CLOSED PUBLIC HEARINGS:

Darrell Webster motioned to forward **Case 19-ZC-03** to the Board of Trustees with recommendation for approval
John Haught seconded.

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

Amy Cossick motioned to forward **Case 19-ZC-04** to the Board of Trustees with recommendation for approval.
John Haught seconded.

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

ITEMS BEING HELD FOR PUBLIC HEARING: None

ZONING INSPECTORS REPORT:

Trustees would like to meet the Chairman and one other person of the Commission to discuss the turn down of Case 18-ZC-04 one hour prior to July 8th meeting. Chairman may not be available for the July meeting, but will work out a time to meet with the Trustees.

Matt Lallo stated that according to Robert's Rules the board does not need to open a public hearing. The board only needs to make a motion.

Darrell Webster moved to adjourn the meeting. Amy Cossick seconded.

ADJOURNMENT at 7:16 PM

Next meeting will be Monday, July 8, 2019.

Respectfully submitted,



Ted Galuschik, Chairman



Larrie Schuck, Zoning Secretary

