

RECORD OF PROCEEDINGS

December 12, 2023, at 6:00 P.M.

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ 20 _____

Chairman Wayman opened the Trustees' Special Zoning Public Hearing at 6:00 P.M. in the Trustees' Meeting Room at the Administration Building and welcomed everyone to the Meeting.

Mr. Wayman called for a roll call: Mr. Anderson, Mr. Gauntner, Mr. Wayman, Mr. Brown, Mrs. Gerred-Ditchcreek, Mr. Bernard and Mr. Pasqualone were in attendance.

Mr. Wayman turned the meeting over to Mr. Bernard, Assistant Zoning Inspector, who will explain the proposed rezoning request and proposed text changes.

Mr. Bernard stated the purpose of this Special Zoning Public Hearing is to hear public comment and to discuss a proposed Zoning Map Change. The map change request application (#23-002) would rezone Permanent Parcel #01-B-108-0-00-026-0 located on Hubbard Road, owned by John Petrizzo, from the multiple zoning districts of R-2 Single Family, R-4 Multiple Dwelling, and P-1 Professional to entirely R-2 Single Family. The applicant intends to build a single-family dwelling on the parcel should the request be approved. The Lake County Planning Commission met on October 24, 2023, and recommended the change in zoning for this property. The Zoning Commission met on November 13, 2023, and voted to recommend the Trustees approve this rezoning request. This Special Trustees Zoning Public Hearing was advertised in the News-Herald Legal Section on December 1, 2023. There has been no correspondence from neighbors commenting for or against this request. Mr. Bernard stated this is the parcel just south of Divine Living on the west side of Hubbard Road. Mr. Petrizzo owns the house there and wants to build another one. The front section of the parcel is zoned P-1, Professional, the middle portion of the parcel is zoned R-4 Multiple Dwelling, and the back portion is zoned R-2 Single Family Residential. Mr. Petrizzo wants to change the entire parcel to R-2 Single Family Residential. Mr. Gauntner stated this is a very large, deep parcel. The rezoning would only include the P-1, Professional, and R-4 Multiple Dwelling portions of the parcel. Mr. Wayman stated he was okay with the change since the Lake County Planning Commission and the Zoning Commission recommended it. Mr. Anderson said he had no problem with the change. Mr. Gauntner stated he did not think the change would be detrimental to the neighborhood. Mr. Wayman stated no one is here tonight to speak in favor or against the rezoning request. Mr. Wayman said the Board of Madison Township Trustees, at this time, will not vote on the proposed rezoning. The Board will act regarding the proposed rezoning at the Trustees' Regular Meeting tonight. Mr. Wayman closed the Petrizzo rezoning hearing at 6:05 p.m.

Mr. Wayman stated the Special Zoning Hearing would continue with the Zoning Commissions proposed zoning text changes.

Mr. Bernard stated he would also like to discuss recommendations from the Madison Township Zoning Commission for Zoning Text Change #23-001 to amend Sections 101, 107, 122, 125, 129, 130, 133, 134, and 143 of the Madison Township Zoning Resolution. Mr. Bernard said the Lake County Planning Commission met on October 24, 2023, and made their recommendation on the text changes to the Zoning Commission. The Zoning Commission then met on November 13, 2023, and voted to recommend the Trustees approve the proposed text changes. This Special Trustees Zoning Hearing was advertised in the News-Herald Legal Section on December 1, 2023. There has been no correspondence from any residents regarding these changes. Mr. Bernard said no one showed up for the Zoning Commission meeting on November 13, 2023. Mr. Gauntner suggested the Trustees walk through some of the proposed text changes as he had a few comments to make and discuss.

Mr. Bernard said most of the changes in Section 101 "DEFINITIONS" deal with adding additional definitions regarding solar energy. The "Alternative Energy" section of the Zoning Resolution prompted the need for additional solar energy definitions. The Madison Township Zoning Commission used a template from the State of Ohio for these new solar energy definitions.

Mr. Bernard stated in Section 107 "R-2 SINGLE FAMILY RESIDENTIAL DISTRICT" under Section 107.2 Floor Area, *one story home requires a minimum 1500 square feet finished area*. One text addition would be to require a minimum two (2) car enclosed garage with a minimum 500 square feet of unenclosed parking. Mr. Gauntner suggested putting an

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MADISON TOWNSHIP TRUSTEES' SPECIAL ZONING PUBLIC HEARING

Minutes of

Meeting

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asterisk (*) in front of the requirement, with a footnote at the bottom showing the asterisk as advising everyone to not count the square feet of the garage in the total livable square feet of a dwelling.

Mr. Bernard said in Section 122 "S-1 GREEN AREA DISTRICT", the words residential building construction is being removed from the SIC Codes in Section 122.4 and Section 122.6.1 Conditional Use Permits. Mr. Gauntner said he had no comments regarding this because he could not figure out why "Residential Building Construction" was there as a Conditional Use requirement.

Mr. Gauntner said in Section 125 "LOT SIZE, FRONTAGE, HEIGHT, and SETBACK EXCEPTIONS and MODIFICATIONS", he would like the word "construction" in Section 125.16 changed to "reconstruction". Mr. Bernard stated, also being added would be new Section 125.16.1 Minimum Lot Size Requirements Include: (A). 40-foot frontage and (B). 4000 square foot area; new Section 125.16.2 Minimum Residential Home Requirements: (A). A 20% increase over the existing home or a minimum of 1000 square feet for a 1-story finished. and (B). Minimum 2 car enclosed garage with a minimum 500 sq. ft. of unenclosed parking. Lastly, new Section 125.16.3 Minimum Set-Back Requirements: (A). Front yard setback will be the average of all the homes, same side of the street, for 250 feet in both directions and (B). Side and rear setback will be reduced by 10% of the frontage. Mr. Gauntner said he would also like to add subsection (C). under Section 125.16.2 to read "The garage area shall not be included when calculating the minimum square feet of living area." Additionally, in Section 125.16.2 add the word "Living area" at the end of subsection (A). Mr. Bernard said, this change and additions would entice people to rebuild newer homes on smaller lots found in some areas of the township.

Mr. Bernard stated Section 129, "SWIMMING POOLS", Changing the current text language in Section 129.1.2 to read: "Every swimming pool, except those which are a minimum of four (4) feet in height above the surrounding ground and which have retractable steps or ladders, shall be enclosed by an aesthetically acceptable fence or wall not less than four (4) feet in height. Such fence shall be constructed as to prevent a child from crawling or otherwise passing through or under it. Said fence or wall shall be maintained in good condition with a gate and locking device". Mr. Bernard said this change is just making the current text much clearer.

Mr. Bernard said Section 130, "ACCESSORY STRUCTURES (Residential Only)". In Section 130.6 it currently states that accessory structures shall not be closer than ten (10) feet to the main building or any projection thereof. Mr. Bernard stated a lot of residents want to build a shed on their smaller lots and do not have ten (10) feet to work with so this is a major deterrent for them. The Zoning Commission suggested that the requirement be changed to three (3) feet. Mr. Bernard said the Lake County Planning Commission was not a fan of this suggestion due to safety issues. Mr. Anderson stated he wanted to keep the requirement at ten (10) feet. Mr. Wayman said he would go to five (5) feet because some residents do not have big enough lots to do ten (10) feet. Mr. Gauntner said he could agree to go down to five (5) feet. After some discussion amongst the Trustees, Mr. Gauntner and Mr. Wayman both agreed to change the requirement to five (5) feet between the accessory structure and the main building. Mr. Anderson wanted to keep it at ten (10) feet for safety reasons.

Mr. Bernard stated Section 133 "FENCES and HEDGES", is being changed to eliminate regulating hedges in the requirements. Mr. Gauntner stated hedges are regulated by the Ohio Revised Code in the road right-of-way, and there is no need to regulate hedges through zoning. Section 133.4.3 states fences within thirty (30) feet from the front lot line of a corner lot which restricts visibility along a traveled right-of-way shall not exceed two and one-half (2-1/2) feet in height above the established street grade. Mr. Gauntner suggested the height should be changed to four and one-half (4-1/2) feet like stated in Section 133.4.2. Additionally, Section 133.5.3 should also have the two and one-half (2 1/2) feet requirement changed to four and one-half (4 1/2) feet as he has proposed for Section 133.4.3.

Mr. Bernard said, Section 134 "ALTERNATIVE ENERGIES" has been almost completely rebuilt. Mr. Gauntner asked if Mr. Radachy, Lake County Planning Commission Director,

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wrote this section regarding solar energy. Mr. Bernard stated that he wrote the section with the help of Mr. Ungers and the Zoning Commission. Mr. Gauntner said it is well written and much needed in today's world. Mr. Bernard said residents often call about solar panels and other questions regarding solar energy. Mr. Gauntner said he has no problem with the new text language in this section.

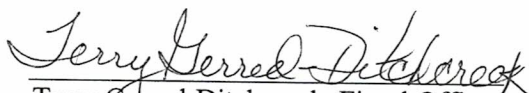
Section 143 "AMENDMENTS or SUPPLEMENTS" changes the percentage under 143.7 to read *Effective Date of Amendment or Supplement: The proposed amendment, if adopted by the Board, shall become effective in thirty (30) days after the date of its adoption, unless, within thirty (30) days after the adoption, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than fifteen (15) percent (changed from eight (8) percent) of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety (90) days after the petition is filed.* Also changing eight percent (8%) to fifteen percent (15%) in Section 143.8 "Petitions for Zoning Referendum." Mr. Gauntner said this text change is a result of a recent change in the Ohio Revised Code Section 519.12, and it mirrors that state law change.

Mr. Gauntner said the zoning text changes and amendments are well written. He had just a few minor tweaks that he wanted to mention. The Board will act on the proposed text changes at the Trustees' Regular Meeting later tonight.

Mr. Wayman thanked Mr. Bernard for all the hard work on the text changes.

Chairman Wayman adjourned the Special Zoning Public Hearing at 6:29 P.M.


Peter V. Wayman, Chairman


Terry Gerred-Ditchcreek, Fiscal Officer