

# RECORD OF PROCEEDINGS

Minutes of

## MADISON TOWNSHIP ZONING COMMISSION REGULAR MEETING & WORKSHOP MINUTES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Monday, May 13, 2019

20

7:00 p.m.

The Madison Township Zoning Commission Meeting was called to order at 7:02 p.m. by Chairman Witt, with the following people present: Mr. R. Rothlisberger, Mr. J. Witt, and Ms. A. Wisniowski. Mr. B. Diak, and Mr. J. Hyrne, were absent. Mr. F. Walland was present as Zoning Inspector, and Mrs. M. Howell.

A motion was presented by Ms. Wisniowski to approve the minutes from the April 8, 2019 Meeting, seconded by Mr. Rothlisberger.

Roll Call: All "Ayes."

Chairman Witt asked if there was any new or old business. Mr. Walland stated that he did not have any new or old business to discuss at this time.

Mr. Walland informed those in attendance that this evening will be a workshop session for proposed text changes and to continue discussing the Comprehensive Plan Review.

Mr. Walland stated that the first proposed text change is for Section 101 – Definitions; the Home Occupation definition. Mrs. Howell stated that the definition for a home occupation has items A through F. Mr. Walland stated for the record that Item F of the Home Occupation definition reads as follows: *(F) There shall be no commodity sold upon the premises.* He stated that in his opinion Item F should be removed. He added, in his opinion, the other portions of the definition help to keep a home occupation from effecting the surrounding neighborhood, and if a home occupation became a problem then the permit could be revoked. The Board discussed and agreed that Item F should be removed from the Home Occupation definition.

Mr. Walland informed those in attendance that he received a legal opinion from Mr. Pasqualone, the Township Solicitor, regarding Section 137.7 – age requirement of a replacement mobile home and that Mr. Pasqualone's opinion is that the Township cannot put an age restriction on the replacement mobile home. Mrs. Howell stated for the record that the Board members have been provided with a copy of the Trustees' minutes in which Mr. Pasqualone's opinion is noted. Mr. Walland added that the Township is doing everything we can.

Mr. Walland informed those in attendance that the next proposed text change is for Section 142.4.5.7 - Planned Unit Development. He stated for the record that the current Section 142.4.5.7.3.2 reads as follows: *Shall be located only within an R-1, R-2, R-3, R-4, P-1, B-1, B-2, or B-3 District.* Mr. Walland stated for the record that the proposed text change is to remove the "B" Districts from the permitted locations. The Board discussed and agreed that the Business Districts should be removed Section 142.4.5.7.3.2.

Mr. Walland stated for the record that the next proposed text change is for Section 142.4.5.7.3.3, which reads: *Must have a minimum fifteen (15) acre site requirement with no more than fifteen (15) units per acre for senior citizen developments and nine (9) units per acre for any other development. Single family detached dwelling units shall have a density not to exceed three (3) dwellings per acre.*

Mr. Walland stated for the record that the proposed text change is to increase the minimum acreage for a PUD from fifteen (15) to fifty (50) acres. The Board discussed and agreed that the acreage should be increased to fifty (50) acres.

Mr. Walland stated for the record that the township has been taking people to court for Out of Compliance vehicles and the current Section 145 Penalties and Violations states a third degree misdemeanor, which is punishable with jail time, so Mr. Tim Brown, Township Administrator, has modified the text from Section 145.

Mr. Walland read the proposed Text for Section 145:



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7:00 p.m. \_\_\_\_\_ 20 \_\_\_\_\_

**145.1** Violations of this Zoning Resolution or failure to comply with any requirements, including violations of conditions and safeguards established in various sections of this Zoning Resolution, shall constitute an Unclassified Misdemeanor.

Any person who violates this Zoning Resolution or fails to comply with any of its requirements, upon conviction or an accepted plea of no-contest, shall therefore be punished for such Unclassified Misdemeanor as provided by Ohio Revised Code Section 519.99; and in addition shall pay all costs and expenses involved in the case.

Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, or other person who commits, participates in, assists with, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.

**145.2** In case any building is, or is proposed to be, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be used without a permit in violation of this Zoning Resolution, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent property owner who could be especially damaged by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, change, maintenance or use.

**145.3** Any person, firm, or corporation violating any of the provisions of this Zoning Resolution shall be deemed guilty of an Unclassified Misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) with each day's continuance a separate offense.

The owner of any buildings or premises or part thereof where anything in violation of this Zoning Resolution shall be placed, or shall exist, any architect, builder, contractor, agent, or person employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense.

The Board discussed and confirmed that that they are in agreement for the proposed changes to Section 145.

A motion to set a Public Hearing for the proposed text changes for June 10, 2019 was presented by Ms. Wisniowski, seconded by Mr. Rothlisberger.

Roll call: Mr. Rothlisberger: Yes Chairman Witt: Yes Ms. Wisniowski: Yes

Mrs. Howell stated for the record that Mr. Walland will forward the proposed text changes to Mr. Dave Radachy, Lake County Planning Commission, and the proposed text changes will be placed on their agenda for review at their May meeting.

Mr. Walland asked if there was any other old business that the Board would like to discuss. The Board had no other business to discuss.

Mr. Walland stated that this portion of the Workshop is to continue working through the Comprehensive Plan Review.

Mr. Walland stated that at the last meeting he asked the Board to read through sections 1 thru 3 of the Comprehensive Plan for the meeting this evening. The Board discussed and agreed that the winery and agriculture industries are the two (2) main assets of Madison Township.

Chairman Witt stated that under "U.S. 20 Corridor Plan" the word "(Draft)" should be removed because the Route 20 Corridor Plan has since been approved. Also, the U.S. 20 Corridor Plan was adopted by the Zoning Commission and the Township Trustees in February 2009.

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Mr. Rothlisberger commented that in his opinion the "vision statement" is the most important paragraph, because it establishes what the township would like to see in the future. He added that in his opinion the township should help the tourism industry within the township. Mr. Walland commented that in his opinion the area around Lake Erie should be more of an attraction, rather than all residential housing. Ms. Wisniowski added that when she first started mowing the Geneva Lodge there was an unbelievable amount of people who would go to the Lodge and go straight to Lake Erie because they live nowhere near something like that. Chairman Witt concurred with the opinions of the other Board members.

The Board members acknowledged that there is an issue with the numbering of the pages in the Comprehensive Plan Document.


Chairman Witt commented that on page 3-18 he was looking at the goals and policies, which state to encourage young professionals and empty nesters to live in the township. He stated that he agrees with that goal. Mr. Walland commented that other municipalities have created environmental developments, which leave a lot of area in its natural state, the trade-off being that they allow for smaller houses and smaller lots. Mr. Rothlisberger added that a guy from work currently lives in Strongsville and is looking to move out this way, but he is looking for a home with about one thousand (1,000) square feet because his kids are going to graduate high school and it will only be his wife and himself. He also stated that the guy said he doesn't want a big house or a big yard. Mr. Walland added that Pepperidge Tree Golf Course has been sitting with nothing happening and in his opinion it's because of the one hundred (100) foot frontage requirement.

Chairman Witt stated that the section segregating low income housing should be removed in his opinion. Mr. Walland agreed that it should not point toward income levels. The Board and Mr. Walland discussed and agreed to leave the general statement in Section 3.10 Goals and Policies, but remove anything below that statement on page 3-18.

Chairman Witt asked Mr. Walland if he would contact one of the individuals from the original Comprehensive Plan Committee and ask how and why they did things the way that they did. Mr. Walland agreed that he would contact previous committee members to get information.

There being no further business before the Board, a motion to adjourn the Meeting at 8:24 pm was presented by Ms. Wisniowski, seconded by Mr. Rothlisberger.

Roll call: All "Ayes."

  
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John Witt, Chairman

  
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Audra Wisniowski, Secretary



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