

RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP ZONING COMMISSION REGULAR MEETING MINUTES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Monday, June 10, 2019

20

7:00 p.m.

The Madison Township Zoning Commission Meeting was called to order at 7:05 p.m. by Chairman Witt, with the following people present: Mr. R. Rothlisberger, Mr. J. Witt, Mr. B. Diak, Mr. J. Hyrne, and Ms. A. Wisniowski. 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 May 13, 2019 Meeting, seconded by Mr. Rothlisberger.

Roll Call: All "Ayes."

Chairman Witt stated for the record that the Public Hearing this evening is for proposed text changes to Sections 101, 142, and 145 of the Madison Township Zoning Resolution and that all members are still present from roll call. Chairman Witt also stated for the record that there are no residents present this evening.

Mr. Walland stated for the record that the Public Hearing this evening is for proposed text amendments to Sections 101, 142.4.5.7.3.2, 142.4.5.7.3.3, and 145 of the Madison Township Zoning Resolution. He stated that the Zoning Commission held Workshops on March 11, 2019, April 8, 2019, and May 13, 2019 for the proposed text changes to Section 101 – Definitions, Section 142.4.5.7.3.2 – Planned Unit Development Permitted Locations, Section 142.4.5.7.3.3 – PUD Minimum Acreage Requirement, and Section 145 – Violations and Penalties.

Mr. Walland stated for the record that the Public Hearing was advertised in The News-Herald Legal Section on May 24, 2019 and that the Zoning Office has had no contact from residents regarding the proposed text changes. He also informed those in attendance that the Lake County Planning Commission met on May 21, 2019 and recommended accepting the proposed text amendments with a minimum PUD acreage to twenty-five (25) acres, instead of the proposed fifty (50) acres.

Mr. Walland stated that Section 145 currently states violations are Third Degree Misdemeanors, which includes jail time, so the language has been amended to read as an Unclassified Misdemeanor. Mr. Walland read the proposed text change for the record;

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.

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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.

Mr. Walland stated for the record that the next proposed text change is for Section 101 – Definition for Home Occupation. Mr. Walland stated that the text change is for removing Item F of the Home Occupation definition, which reads; *There shall be no commodity sold upon the premises*) from the definition. He reminded the Board that in previous discussions it was agreed that this makes it too restrictive to have a home occupation and the other items of the definition help with minimizing the impact of a home occupation in a neighborhood.

Mr. Walland stated for the record that the next Section is 142.4.5.7.3.2 – Permitted locations for a Planned Unit Development (PUD) are currently R-1, R-2, R-3, R-4, P-1, B-1, B-2, or B-3 District and the proposed change is to remove the Business Districts (B-1, B-2, & B-3) from the permitted locations.

Mr. Walland stated that the next proposed change is for Section 142.4.5.7.3.3 – currently the Minimum Acreage Requirement for a PUD is a minimum of fifteen (15) acres, and the proposed change is to increase the Minimum Acreage Requirement to fifty (50) acres.

Chairman Witt asked if anyone would like to discuss the Lake County Planning Commission’s recommendation. Mrs. Howell reminded the Board that Concord Township requires one hundred (100) acres for a PUD. The Board discussed and agreed that in order to development a PUD in accordance with the Zoning Requirements it would be best to have the minimum acreage of fifty (50) acres. Mr. Walland commented it would allow for buffers between different housing types within a PUD.

Chairman Witt asked if there were any other comments from the Board.

A motion to make a recommendation to the Madison Township Board of Trustees to approve the aforementioned text amendments to the Madison Township Zoning Resolution was presented by Mr. Rothlisberger, seconded by Ms. Wisniowski.

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

A motion was presented by Mr. Diak to close the Public Hearing at 7:19 p.m., seconded by Mr. Hyrne.

Roll Call: All “Ayes.”

Chairman Witt stated that the Workshop for the Comprehensive Plan Review is the next item on the agenda this evening. He commented that the first three (3) sections were reviewed last meeting and since two (2) Board members were absent, the three (3) sections will be reviewed again this evening.

Mr. Walland stated that he ran into Mr. Mark Mackovjack, who was a member of the Madison Township Comprehensive Plan Committee back in 2009, and asked him why all of the demographics in the Comprehensive Plan. Mr. Walland informed the Board that Mr. Mackovjack told him that is was “the view” of what Madison Township was made up of in 2009. Mr. Diak added that demographics are very important when it comes to development. He also added that age demographics have changed dramatically, today 65 year olds out number 25 year olds in most counties in Ohio. Mr. Diak also stated that ten (10) years ago it wasn’t even close to that. The Board discussed and agreed that the demographics are very important. Mr. Walland asked if the information is from census material. Chairman Witt stated that it’s got to be the 2000 census. Mr. Diak stated that in his opinion the demographics in the Comprehensive Plan need to be revised. Chairman Witt commented that there have been requests to rezone to allow for senior

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housing and none of them have ever been developed. Mr. Diak stated that it might not ever happen in the Township because of transportation issues.

Mr. Walland stated that a marketing guy came in to discuss the Pepper Ridge Tree property and wanting to develop a Planned Unit Development (PUD), but was inquiring if the minimum frontage requirement for a single family lot in a PUD could be reduced. Mr. Hyrne added that the Ryan Homes development on Main Street in Perry is a fifty (50) or fifty-five (55) years and over, and is one hundred eighty (180) or two hundred twenty (220) homes. Mr. Diak reiterated that general demographics is the most important starting point. Mr. Hyrne concurred. Chairman Witt stated that it is the same old story – knock down homes, developers don't want to put the money in to a custom built home.

Mr. Hyrne asked what else was discussed at the last meeting regarding the first three (3) sections. Mrs. Howell read from the May minutes; *The Board discussed and agreed that the winery and agriculture industries are the two (2) main assets, 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, 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 and that Lake Erie, the wineries, and tourism are focal points for the Township, with Ms. Wisniowski and Chairman Witt agreeing, and Ms. Wisniowski stated that the general statement in Section 3.10 Goals and Policies was discussed and the Board members present at May Meeting agreed that the general statement should stay, but remove anything below that statement on page 3-18.*

Mr. Walland asked the Board if they felt it was best to go through the entire book and note the items that need accomplished. Chairman Witt asked if anyone felt the vision statement needed to be modified. Mr. Diak stated that the demographics need to be updated. Mr. Walland asked how to obtain updated demographics. Mr. Diak stated that the County has all kinds of data to draw from.

The Board discussed and agreed that Mr. Walland needs to reach out to Mr. Dave Radachy, Director of the Lake County Planning Commission, to find out where the Board can obtain data to update the Comprehensive Plan.


Mr. Rothlisberger asked if the Trustees gave a reason for the request to update the Comprehensive Plan. Mr. Walland stated that he was informed that a Comprehensive Plan is usually updated every seven (7) years.

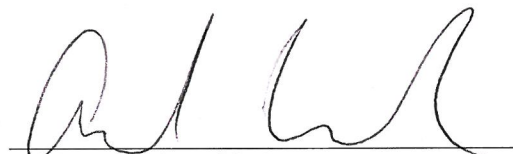
The Board discussed and agreed that the next step is to wrap up Sections 1 through 3 before moving on to the next section. The Board agreed that Mr. Walland should touch base with Mr. Dave Radachy.

Chairman Witt asked if there was any other business to discuss at this time. Mr. Walland informed the Board that Mike Profeta owns the Mansion and is requesting a Zoning District change. Chairman Witt asked what is going on next to the old Quality building on Route 20. Mr. Walland stated that the BZA issued a Conditional Use Permit for used RV, sports vehicles sales to Roughin' It, Inc. – Chuck & Ashley Starr.

There being no further business before the Board, a motion to adjourn the Meeting at 8:19 p.m. was presented by Mr. Hyrne, seconded by Mr. Rothlisberger.

Roll call: All "Ayes."


John Witt, Chairman


Audra Wisniowski, Secretary

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