

## Minutes of Zoning Commission

October 25, 2016

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Mr. Charles Nichols, Acting Chairman at 7:03 P.M. Members present were: Mr. Brent Classen; Mr. Howard Miller, Alternate and Mr. John Lateulere. Ms. Shannon Byrne and Mr. Justin Czekaj were absent. Ms. Karen Endres, Zoning Inspector was present.

GUESTS: Ms. Jennifer Syx of inSITE Advisory Group

### NEW BUSINESS

#### New Zoning Commission Member

The Zoning Commission members welcomed Mr. John Lateulere to the Zoning Commission.

#### Proposed Zoning Amendment Z-2016-1 (Definitions)

The Zoning Commission held a discussion regarding Zoning Amendment Z-2016-1 and the comments from Ms. Karen Endres, Zoning Inspector. She suggested deleting the definitions “Height” and “Cul-de-sac” since there are already definitions of “Building height” and “Street, Cul-De-Sac” in the resolution. Also discussed was the formatting of the Chapters 160, 169 and 173 since the definitions were being removed from these chapters. The Zoning Commission was in agreement to delete the aforementioned definitions and to leave the Section names of 163.03 in chapter “Establishment of Riparian Setbacks”; 169.01 in chapter “Off-Street Parking and Loading Facilities” and 173.02 in chapter “Signs” and replace the words “Definitions. (See Chapter 105) with “No Longer Used” in the index and the body of the text. This modification will be noted in the public hearing portion of the meeting.

Mr. Miller moved to recess the regular meeting.

Mr. Classen seconded the motion that passed unanimously.

The regular meeting was recessed at 7:22 P.M.

PUBLIC HEARING

Z-2016-1

Proposed Zoning Amendment Z-2016-1 (Definitions)

Mr. Nichols, Acting Chairman called the public hearing to order at 7:25 P.M. Members present were Mr. Brent Classen; Mr. John Lateulere; Mr. Howard Miller, Alternate and Mr. Charles Nichols.

Proposed amendment Z-2016-1 is a motion by the Zoning Commission for the purpose of relocating all of the definitions within the zoning resolution into current Chapter 105 and updating and modifying the definitions.

Mr. Nichols noted for the record that the legal advertisement for the public hearing had been duly advertised in the News Herald on October 14, 2016.

Ms. Zimmerman read into the record the recommendation of the Geauga County Planning Commission in a letter dated October 12, 2016 in which the planning commission recommended denial of Z-2016 with comments listed.

“Please be advised that the Geauga County Planning Commission, at its regular meeting held on October 11, 2016 voted to recommend denial of proposed Bainbridge Township Zoning Amendment Z-2016-1 initiated on September 27, 2016 by the Zoning Commission for the following generalized reasons:

- Complexity that creates confusion, ambiguity, and inability of the general public to utilize the regulations and enforceability.
- Extreme level of detail is unnecessary.
- Inter-mixing of regulations in a definition is not recommended.
- Defining things commonly understood is not necessary.

Pursuant to R.C. Section 519.12, the County Planning Commission’s recommendation must be considered at the public hearing held by the Zoning Commission on the subject amendment. Subsequent to the hearing, the recommendation must be forwarded to the Board of Township Trustees for review. If the amendment is ultimately adopted, copies thereof must be submitted to the County Recorder and to the County Planning Commission within five working days after its effective date.

If there are any questions, kindly contact the undersigned.

David C. Dietrich, AICP  
Planning Director”

Mr. Nichols explained that basically this amendment deals with definitions to be used to explain specific words and clauses in our zoning resolution and the purpose of it was to make it simpler for everybody to understand our zoning regulations and have to only refer to one area for a definition of a specific term, word or clause.

Ms. Syx said it is one depository for all of the information.

Mr. Nichols asked for any comments from the general public. He said since there being no general public here he has to assume there are no comments to be made regarding this amendment.

Mr. Nichols solicited comments for the proposed amendment.

Ms. Syx stated that she would be for this amendment because she knows that the Zoning Commission has worked for years on these definitions and when she first got involved each Zoning Commission member was taking a section of the alphabet and going through each word to make sure it was correct or it needed to be changed and then Ms. Zimmerman took it even a step further by looking at it and in some cases there were three or four different definitions for the same word and she broke it all out and we went through that document and so she really thinks we are at a point that we need to move this forward and would respectfully request the Zoning Commission's approval tonight.

Ms. Endres stated that she would be for the amendment with the changes we discussed prior to the public hearing portion of the meeting.

Mr. Nichols solicited comments against the proposed amendment.

None.

The Zoning Commission summarized the suggested changes/modification to proposed Zoning Amendment Z-2016-1.

Delete the definition of "Height" and leave the definition of "Building height".

Delete the definition of "Cul-de-sac" and leave the definition of "Street, Cul-De-Sac".

Modify chapter definition section numbers 160.03; 169.01 and 173.02 – to replace "Definitions (See Chapter 105)" with "No longer used" in the index and the body of the text.

Ms. Endres stated that the section numbers are no longer relevant because the definitions are now embedded in Chapter 105.

Ms. Syx stated that “No longer used” will be in the index as well as in the body of the chapter.

Mr. Lateulere stated that if we want to add something in the future we can reuse that section.

Mr. Nichols stated that we have entered into this public hearing with recommended changes to the amendment.

Mr. Nichols asked if there are any objections to the proposed changes. He said there being none we can close the public hearing.

Mr. Lateulere moved to close the public hearing.

Mr. Miller seconded the motion.

Vote: Mr. Classen, aye; Mr. Lateulere, aye; Mr. Miller, aye; Mr. Nichols, aye.

The public hearing was closed and the regular meeting was reconvened at 7:32 P.M.

#### Proposed Zoning Amendment Z-2016-1

#### Recommendation

Mr. Miller moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommends the approval of the modification to the proposed amendment to the Bainbridge Township Zoning Resolution attached hereto: See attached modification.

Mr. Classen seconded the motion.

Vote: Mr. Classen, aye; Mr. Lateulere, aye; Mr. Miller, aye; Mr. Nichols, aye.

This amendment will be submitted to the Bainbridge Township Board of Trustees for its action.

#### OLD BUSINESS

#### Proposed Zoning Amendment – Development Standards

The Zoning Commission was in agreement to initiate this proposed amendment at the next regular meeting to be held November 29, 2016.

### Agritourism

The Zoning Commission discussed the memo from Geauga County Planning Director David Dietrich regarding Agritourism.

### Medical Marijuana Legislation

The Zoning Commission discussed the proposed Medical Marijuana legislation and the memo from Geauga County Planning Director David Dietrich regarding same. It was noted that it could be placed in Prohibited Uses.

### CORRESPONDENCE

1. Memo from David C. Dietrich, Geauga County Planning Director, dated September 21, 2016. RE: S.B. 75 – Agritourism.
2. Memo from David C. Dietrich, Geauga County Planning Director, dated September 21, 2016. RE: H.B. 523 – Medical Marijuana.
3. Memo from David C. Dietrich, Geauga County Planning Director, dated October 21, 2016. RE: Licensed Residential Facility.
4. Memo from David C. Dietrich, Geauga County Planning Director, dated October 24, 2016. RE; Signage in Public Road R.O.W. and on Utility Poles.
5. Memo from David C. Dietrich, Geauga County Planning Director, dated October 11, 2016. RE: Villas of Gates Landing Subdivision – Final Plat.

Since there was no further business to come before this meeting of the Bainbridge Township Zoning Commission, Mr. Lateulere made a motion to adjourn.

Mr. Nichols seconded the motion that passed unanimously. The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

---

Linda L. Zimmerman  
Zoning Secretary

---

Charles Nichols, Acting Chairman

Date Approved: November 29, 2016

AUDIO RECORDING OF PUBLIC HEARING ON FILE

ZC 10/25/2016