CITY OF CONNEAUT

HOUSING/ZONING OFFICE
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Conneaut Planning Commission

REGULAR MEETING AGENDA
January 9, 2018
6:00 P.M.

Call to Order

PLEDGE OF ALLEGIANCE

ROLL CALL: Mrs. Rebecca Gaugh, Mr. Joe Zingaro, Mrs. Dianna Spencer
Mr. Paul Sedmak, Mrs. Judy Prolongo

Approval of November 7, 2017 Meeting Minutes

OLD BUSINESS: None

NEW BUSINESS:

- ORDINANCE NO. 101-17 – Attached
  - An Ordinance to repeal Chapter 713- Mass Removal of trees, of the Conneaut Codified Ordinances and REPLACE it as follows, and not declaring an emergency

- ORDINANCE NO. 100-17 – Attached
  - An Ordinance to amend sections 1137.05(b) – Hearings, and 1137.05(c) – Decision of the Board, and 1137.07(a) – Public Hearing of the Conneaut Codified Ordinances, and NOT declaring and emergency

- Organization of the Commission
  - A Chairperson and Vice-Chairperson shall be elected by the majority of the Commissioners

- Update contact info:
  - Email address
  - Mailing address
  - Phone number (Land line and Cell)

Miscellaneous Business:

ADJOURNMENT:

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Tuesday, January 9, 2018

PLANNING COMMISSION MEETING

Sign in Sheet

Please print your name, adress and phone number

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Planning Commission Meeting
November 7, 2017

I. The November 7, 2017 meeting of the Planning Commission was called to order at 6:00 pm. Present were Mrs. Jones, Mrs. Gaugh, Mrs. Spencer, And Mr. Zingaro. A motion to excuse Mr. Sedmak Mr. Perkoski, and Mrs. Parlongo was made by Mr. Zingaro and seconded by Mrs. Jones. Motion carried. Corrections had been made to the September meeting minutes. Mrs. Spencer made a motion to approve the September meeting minutes with Mr. Zingaro seconding, motion carried. Mrs. Jones made a motion to approve the October meeting minutes, seconded by Mr. Zingaro. Motion carried.

II. New Business

There were no new cases to present, and therefore, no formal agenda for the meeting. Ms. Shubitowski brought the billboard ordinance to the attention of the commission. She said she wasn't sure if it was done by design or was simply outdated. New Leaf church had been considering renting out a space for advertisement, and upon review of the ordinance and speaking to a representative from Lamar Industries, found that the maximum size for a billboard by ordinance is smaller than the industry standard for size. By ordinance, this would mean that no billboards could be permitted and erected without obtaining a variance. Ms. Shubitowski had printed off what she had found online that backed what Lamar had said, with the smallest sign offered was 10' x 36' for a total area of 360 square feet. Ordinance 1133.05 states a maximum display area of 200 square feet for one face and 400 square feet for two faces. Mrs. Spencer said that was one of the things that was discussed at the comprehensive planning meetings, as many ordinances are out of date. The board expressed concern that things sent to City Council for change never get changed. Ms. Shubitowski said she knew that was true of the change to maximum size for accessory structures earlier to make the size within the district tables consistent with the ordinance itself. It was sent to Council, but still remains in the tables as 12' when ordinance defines it as 15'. The board also discussed disappointment that three years had been spent discussing changes to Bed and Breakfast guidelines, but nothing ever came about.

III. Mrs. Gaugh made a motion to adjourn, and it was seconded by Mr. Zingaro. Mrs. Jones adjourned the meeting at 6:18 pm

The minute of this meeting were compiled by Melanie Shubitowski

Acting Chairperson

Melanie Shubitowski - clerk

ORDINANCE NO. 100-17

Introduced By _____

AN ORDINANCE TO AMEND SECTIONS 1137.05(b) – HEARINGS, AND 1137.05(c) – DECISION OF THE BOARD, AND 1137.07(a) OF THE CONNEAUT CODIFIED ORDINANCES, AND NOT DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Section 1137.05(b) – Hearings, of the Conneaut Codified Ordinances is hereby amended to read as follows:

b) Hearings.

1) The Board shall fix a reasonable time for the hearing of an appeal, or application for special permit, not more than thirty (30) days after receipt of the notice of appeal unless the same is waived by the applicant. The Zoning Inspector shall send written notice to the applicant ~~Board shall cause written notice to be sent to the applicant,~~ and those property owners either contiguous to the subject property or directly across the street at the mailing address listed on the County Auditor tax list~~or any other parties required by ordinance~~, at least ten (10) days prior to the hearing, unless the same is waived. The notice~~, and~~ shall contain the following:

   A. The date, time and location of the hearing.

   ~~A.~~B. A copy of the application for Zoning Permit, the written denial of the Zoning Inspector for such permit and a copy of the applicant's written request for a variance.

   ~~B.~~C. That the applicant or interested parties may choose to be represented by counsel and to have that counsel present.

   ~~C.~~D. That the applicant or such interested parties may call such witnesses as he chooses to testify on his behalf.

2) The Board may choose to enter into executive session for the purpose of deliberating on any appeal brought before it.

SECTION 2. That Section 1137.05(c) – Decision of the Board, of the Conneaut Codified Ordinances is hereby amended to read as follows:

c) Decision of the Board.

1) The Board shall decide in writing all applications and appeals within sixty (60)~~twenty (20)~~ days after the final hearing. Such decision shall be evidenced by a written variance, conditional use permit, denial, or special exception. ~~, when applicable, or by other form of direct communication in other circumstances.~~ The Zoning Inspector shall send ~~S~~such decisions or permits ~~shall be sent~~ by ~~certified~~ regular mail within ~~said~~ ten (10) ~~twenty (20)~~ days after the final decision of the Board ~~period~~ to the applicant and those property owners either contiguous to the

subject property or directly across the street at the mailing address listed on the County Auditor tax list. Decisions shall not take effect or be deemed issued until at least three of the Board members have approved the decision by voice vote in an open meeting.

2) The Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, the order, requirements, decision, or determination as in its opinion should be made and to that end, shall have all powers of the Zoning Inspector or other office from whom the appeal is taken. Such decision shall be binding upon the Zoning Inspector.

SECTION 3. That Section 1137.07(a) – Public Hearing, of the Conneaut Codified Ordinances is hereby amended to read as follows:

(a) Public Hearing. A public hearing may be ordered by the Board and notice thereof shall be given by the ~~Secretary of the Board~~Zoning Inspector ~~not less than thirty (30)~~at least ten (10) days prior to the hearing to the applicant and ~~to the date of the public hearing by publishing notice in a newspaper of general circulation in the City of Conneaut, Ohio. Notice shall be given by the Clerk of the board within twenty (20) days~~ to those property owners contiguous to the subject property and those directly across the street at the mailing address listed on the County Auditor tax list. ~~the parties having proprietary interest in the land located within two hundred (200) feet of the property in question.~~ Failure of any person, other than the applicant, to receive notice of any hearing or public hearing in no way shall effect the validity of the action taken.

SECTION 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this Ordinance is not declared to be an emergency measure and shall take effect thirty (30) days after passage.

Passed this _____ day of _____, 2017.

_____
President of Council

ATTEST:

_____
Clerk of Council

DECISION OF THE PLANNING COMMISSION

Conneaut, Ohio

ORDINANCE Number: 100-17

(Please Initial Choice)

	Approve	Deny	Table	Amend	Other	Abstain
Mr. Zingaro, Chair	✓					
Mrs. Spencer	✓					
Mrs. Gaugh, Vice	✓					
Mrs. Prolongo	✓					
Mr. Sedmak	✓					

Signature: _____ **Date:** 1-9-2018

Chair / Acting Chair

ORDINANCE NO. 101-17

Introduced by _____

AN ORDINANCE TO REPEAL CHAPTER 713 – MASS REMOVAL OF TREES, OF THE CONNEAUT CODIFIED ORDINANCES AND REPLACE IT AS FOLLOWS, AND NOT DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City of Conneaut, County of Ashtabula and State of Ohio:

SECTION 1. That Chapter 713 of the Conneaut Codified Ordinances is hereby repealed in its entirety and replaced to read as follows:

713.01 TIMBERING OR COMMERCIAL CUTTING DEFINED.

As used in this chapter, "timbering or commercial cutting" means the cutting of twelve (12) or more trees having a trunk diameter of not less than nine (9) inches at a distance of fourteen (14) inches above ground level.

713.02 PERMIT REQUIRED.

There shall be no clear-cutting, timbering or commercial cutting of trees on any piece or parcel of land located within the City unless a permit therefor shall have been issued by the Zoning Inspector or his or her deputy.

713.03 CLEAR-CUTTING.

Clear-cutting is prohibited, except to the extent necessary to clear a building site, yard, driveway and right of way providing access to the site from a dedicated public highway, after a permit therefor has been issued by the Zoning Inspector.

713.04 SELECTIVE CUTTING.

Selective or sanitary cutting of timber shall be permitted under the following conditions, upon application to the Zoning Inspector:

a) The Zoning Inspector or his or her deputy, an arborist selected by the City and the owner or his or her representative shall together inspect the wooded area to be selectively cut, to butt brand and paint stripe the specific trees to be cut.
b) Only trees so branded and marked shall be cut. Each unauthorized cutting of an unmarked tree shall constitute a separate violation of this chapter and shall constitute grounds for the immediate revocation of the permit.

713.05 PERMIT APPLICATIONS.

An application for a permit required by this chapter shall be in writing and accompanied by a $100.00 application fee and shall set forth in full the name and address of each owner of the premises upon which it is proposed to engage in the cutting of trees; the name and address of each person who shall engage in the cutting of trees on such premises, either under contract or any other arrangement with the owner; a copy of the contract covering such arrangement for the cutting of trees, or if there is no such contract reduced to writing, a succinct statement of the terms and provisions of such arrangement; and a legal description of the premises upon which such cutting

of trees is proposed, or in lieu thereof a description of such premises which will adequately describe them so that they may be located on the plat map of the City.

713.06 CONDITIONS OF PERMIT; BOND.

The conditions under which permits shall be issued under this chapter are as follows:

a) A permit for the cutting of trees shall not be issued by the Zoning Inspector in any case where such cutting of trees would result in interference with the natural water supply of the City or any of the lots or lands therein, or if it would result in the undue erosion of the soil on such lots of lands.

b) A permit for the cutting of trees shall not be issued by the Zoning Inspector unless and until adequate assurance is furnished by the applicant that if such permit is granted and such cutting of trees is done, all of the cordwood, branches, brush, rubble and refuse resulting therefrom will be removed from the premises or cut up, chipped and placed on the forest floor in such a way that no fire hazard shall result therefrom.

c) The Zoning Inspector is authorized to require the filing with the City by the applicant of a bond, the penal sum of which shall be in an amount which the Zoning Inspector reasonably estimates will be sufficient to pay the cost and expense of the clean-up operation.

d) The bond hereinabove provided for shall be signed by the owner of the premises concerned and by each of the persons with whom arrangements have been made for the commercial cutting of the trees under contract or otherwise as principals, and by such sureties as the Zoning Inspector shall deem sufficient.

e) A permit for the cutting of trees shall not be issued by the Zoning Inspector where trees are located within twenty-five (25) feet of a protected watercourse.

713.07 EXEMPTIONS.

The following activities and properties are exempt from the regulations in this Chapter and no timbering operation permit is required:

a) The removal of dead, diseased, or damaged trees.

b) The removal of trees necessary for the construction, operation, and maintenance of drainage facilities and sanitary and storm sewers approved by the City.

c) The removal of trees for construction of public roadways and improvements approved by the City.

d) The removal of trees in time of emergency or which pose potential danger to life or property.

e) The removal of trees for the personal use of the landowner.

f) The clear-cutting of any development for which site plans, plats, or improvement drawings have been approved by the Planning Commission and/or City Council.

713.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter shall be fined not less than five hundred dollars ($500.00) nor more than five thousand dollars ($5,000) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after the offender has been notified, by the Zoning Inspector or his or her deputies, of such violation or noncompliance.

DECISION OF THE PLANNING COMMISSION

Conneaut, Ohio

ORDINANCE Number: 101-17

(Please Initial Choice)

	Approve	Deny	Table	Amend	Other	Abstain
Mr. Zingaro, Chair						
Mrs. Spencer	✓					
Mrs. Gaugh, Vice		✓				
Mrs. Prolongo		✓				
Mr. Sedmak		✓				

Signature: _____ **Date:** 1-9-2018

Chair / Acting Chair

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is not declared to be an emergency measure and shall take effect thirty (30) days after passage.

Passed this _____ day of _____, 2017.

_____
President of Council

ATTEST:

_____
Clerk of Council