

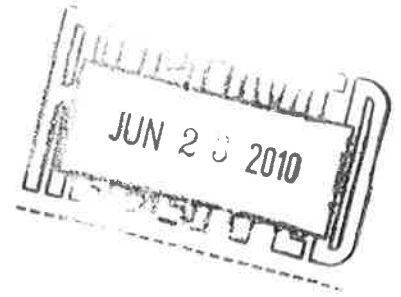
# PERRY TOWNSHIP ZONING COMMISSION

3740 Center Road, P.O. Box 65

Perry, OH 44081

(440) 259-5140

June 22, 2010



To: Perry Township Board of Trustees  
Walter R. Siegel, Administrator/Zoning Inspector

The Perry Township Zoning Board held a Public Hearing/ Regular Meeting on June 15, 2010. Chairman Mark Welch, Vice Chairman Randy Vermilya, Art Zentgraf, Nick Giegerich and Tom Barrett were present. Trustee Rick Amos also attended the meeting.

The Public Hearing was called to order and Chairman Welch read the proposed amendment to Section 410 Prohibited Uses, as well as the Lake County Planning Commission's response to a request for comment on the issue. There being no public comment, the public hearing was adjourned and the regular meeting was called to order.

The first item of business was to read and review the minutes from the May 18th meeting. Art Zentgraf motioned and Nick Giegerich seconded the motion to approve the minutes as written. The motion was approved by a vote of four ayes and Randy Vermilya abstained from voting.

Art Zentgraf made a motion to recommend the trustees adopt amendment to the Zoning Resolution **Section 410 Prohibited Uses: 410.01 Uses Declared Nuisances**. The uses set forth in this section are deemed to be inconsistent with the public health, safety, comfort, convenience, and general welfare and the Perry Township Comprehensive Plan. Such uses shall be considered Public Nuisances.

- 410.02 Junk and Rubbish: No junk, rubbish, offal, scrap metal, rubber tires, or other refuse shall be placed, stored, buried, reduced, burned or otherwise disposed of on any property except as specifically authorized and permitted in conformance with this Zoning Resolution and in compliance with a landfill or waste incinerator permit duly issued and approved by the Ohio EPA and Lake County General Health District.
- 410.03 Inoperable Vehicles: No unlicensed and/or junk vehicles shall be placed, parked, or stored on any property in any zoning district except within a completely enclosed building or as specifically authorized pursuant to a Conditional Use Permit duly issued in a Commercial District for a vehicle sales, rental, or service and repair facility.
- 410.04 Vehicle Tracks: The creation, establishment, maintenance, operation, or use of a track or course for the operation or racing of motor vehicles or motorized recreational vehicles in any form shall be prohibited.

Amend the definition section to include:

Motor Vehicle: Any vehicle, including motor homes and recreational vehicles, which is propelled or drawn by power other than muscular power.

Junk Vehicle: A junk motor vehicle means a motor vehicle that meets all of the following criteria:

1. Three model years old, or older.
2. Apparently inoperable.
3. Extensive damage, including but not limited to, any of the following: missing wheels, tires, engine, or transmission.

A collectors vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three criteria.

Inoperable Vehicle: Means any motor vehicle, car truck or motor home, camper, trailer or equipment that has missing wheels, tires, motors, transmissions or drivelines or major body parts. Vehicles must be in compliance with State of Ohio Motor Vehicle Laws.

Nick Giegerich seconded the motion and it was passed by unanimous decision.

Art Zentgraf brought some reference errors in the amended version of the Zoning Resolution to the board's attention. Rick Amos authorized Laura Stegman to go through the Resolution to find any other errors in the text. Any thing that is found will be discussed at a future meeting and set for public hearing.

Art Zentgraf asked what power the board had to stop problems like the man with the partially built house on Jen's Way and a discussion ensued. It was acknowledged that the zoning comes from Lake County and not the township and there are currently no limitations on how long you can take to build house after the permit is secured.

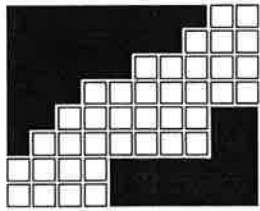
The board will meet next on August 10, 2010 at 6:30 pm for a regular meeting.

Best regards,

Perry Township Zoning Commission

Mark O. Welch, Chairman  
Laura Stegman, Secretary

# LAKE COUNTY



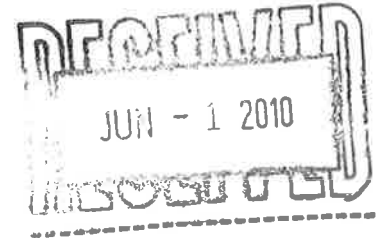
PLANNING COMMISSION

125 East Erie Street  
Painesville, Ohio 44077  
P: 440.350.2740 F: 440.350.2606  
lakecountyohio.gov/planning

Jason W. Boyd  
Director

May 27, 2010

Mr. Mark O. Welch, Chairman  
Perry Township Zoning Commission  
P.O. Box 65  
Perry, Ohio 44081



RE: Text Amendment Review of Section 410, Prohibited Uses

Dear Mr. Welch:

The Lake County Planning Commission took under consideration the above-mentioned zoning case at their regularly scheduled meeting of May 25, 2010. The Lake County Planning Commission recommended that the text changes submitted be made with the following recommendations:

1. Change reference from the Lake County Board of Health to the Lake County General Health District.
2. Create definitions for motor vehicle and for motorized recreational vehicle. Staff suggests using the definition from ORC 505.173. A copy of which is enclosed, along with an example in Leroy Township's text.
3. While uncommon uses, the Township may want to consider including rendering and stockyards to Section 410.

If you have any questions, please feel free to call my staff or myself.

Yours truly,

Jason W. Boyd  
Director

JB:dr

CC: Perry Township Trustees

Enclosures

provides the following care and services to hospice patients, including services as indicated below to hospice patients' families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to section 3712.06 of the Revised Code, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement (From: Ohio Revised Code Section 3712.01 (A)).

- a. Nursing care by or under the supervision of a registered nurse;
- b. Physical, occupational, or speech or language therapy, unless waived by the department of health pursuant to rules adopted under division (A) of section 3712.03 of the Revised Code;
- c. Medical social services by a social worker under the direction of a physician;
- d. Services of a home health aid;
- e. Medical supplies, including drugs and biologicals, and the use of medical appliances;
- f. Physician's services;
- g. Short-term inpatient care, including both palliative and respite care and procedures;
- h. Counseling for hospice patients and hospice patients' families;
- i. Services of volunteers under the direction of the provider of the hospice care program;
- j. Bereavement services for hospice patients' families.

(All of item 98; Hospice Care Program – 6/19/2009)

99. HOSPITAL: An institution providing health care services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities and other similar facilities. (6/15/2007)
100. HOTEL/MOTEL: A building with a minimum of nine (9) rooms in which lodging is provided and offered to the public for compensation at a daily rate, and which may include facilities for meetings, banquet rooms, restaurants and recreational facilities as incidental uses. (6/15/2007)
101. HOUSE TRAILER: Means a large trailer fitted for use as a mobile home. (11/24/1980)
102. ILLUMINANCE: The quantity of light arriving at a surface divided by the area of that surface. Measured in foot-candles. (12/15/2006)
103. INDOOR COMMERCIAL RECREATION: An establishment engaged in providing activities for the general public by means of games or sports for a fee including but, not limited to, bowling alleys, space for competition such as indoor basketball courts and indoor soccer fields, and arcade activities. (6/15/2007)
- \* 104. JUNK MOTOR VEHICLE: A motor vehicle that meets all of the following criteria: (1) Three model years old or older; (2) Apparently inoperable; and (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission. A collector's vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three criteria. (11/5/2004)
105. LANDSCAPE SERVICES: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. (6/15/2007)

- free of objectionable or hazardous elements such as smoke, noise, odor, or dust. Operation and storage occur primarily within enclosed structures and generate minimal industrial traffic or nuisances. (6/15/2007)
120. **MEDICAL AND DENTAL OFFICE:** An establishment where healthy, sick, ailing, infirm, or injured persons are seen by appointment for wellness check-ups, examination and treatment on an outpatient basis by one or more physicians, dentists, or other medical personnel and where patients are not lodged overnight. (6/15/2007)
121. **MEETING/BANQUET FACILITY:** A building or group of rooms which are rented by individuals or groups to accommodate private functions including but not limited to, banquets, weddings, anniversaries and other similar functions. Such use may or may not include: 1) kitchen facilities for the preparation of catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities. (6/15/2007)
122. **MEMBERSHIP SPORTS/FITNESS CLUB:** An indoor facility including uses such as game courts, exercise equipment, indoor and/or outdoor swimming pools, locker rooms, whirlpools, hot tubs and/or saunas, restaurant or snack bar, pro-shop and training facilities. (6/15/2007)
123. **MOBILE HOME:** A non-self propelled vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, designed for year-round living in one place, whether resting on wheels, jacks, blocks, or other temporary foundation and used or constructed as to permit its being used as a conveyance upon public streets and highways. (11/24/1980)
124. **MONOPOLE:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation. (12/17/2004)
- \* 125. **MOTOR VEHICLE:** Any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. (11/5/2004)
126. **MOTOR VEHICLE DEALER, (NEW/PRE-OWNED):** An establishment engaged in activities such as displaying, offering for sale and selling new motor vehicles at retail, and which may also include operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, offering for sale and selling used or pre-owned motor vehicles at retail, but only as incidental to the sale of new motor vehicles and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. See also "New Motor Vehicle." (6/15/2007)
127. **MULTI-FAMILY BUILDING(S):** A building containing no less than three (3), nor more than eight (8) dwelling units provided that each unit shares a party wall with its adjoining unit. (1/13/1986; Amended 6/18/1998)
128. **NEW MOTOR VEHICLE:** A motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacture, distributor or dealer to an ultimate purchaser. (6/15/2007)
129. **NOISE:** Any sound which annoys or disturbs persons of normal sensibilities or which causes or tends to cause an adverse psychological or physiological effect on persons. (12/15/2006)
130. **NOISE DISTURBANCE:** Any sound which endangers or injures the safety or health of humans or animals; annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property. (12/15/2006)

## Section 2

### DEFINITIONS

**HOSPITAL:** A full service health facility and staffed to provide a wide range of services including diagnosis, surgery, treatment, therapy, and rehabilitation on both outpatient and in-residence basis. (Effective 12/01/2004)

**IMPERVIOUS COVER;** means any paved, hardened or structural surface regardless of its composition including (but not limited to) buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools.

**INTRA-PROJECT POWER LINES:** Means all power and transmission lines leading to and or away from any wind tower and or solar panels. (Effective 5/12/10)

**JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS:** A lot with or without buildings where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, paper, rags, cordage, barrels, machinery, inoperable vehicles, etc., are sold, bought, exchanged, baled, packed, sorted, stored, disassembled or handled.

- \* 1. **Junk Vehicle:** A junk motor vehicle means a motor vehicle that meets all of the following criteria:
1. Three model years old, or older.
  2. Apparently inoperable.
  3. Extensive damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

A collector's vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three criteria. (Revised effective 7/06/06)

- \* 2. **Inoperable Vehicle:** Means any motor vehicle, car, truck, motor home, camper, trailer, or equipment that has missing wheels, tires, motors, transmissions or drivelines or major body parts. Vehicle must be in compliance with State of Ohio Motor Vehicle Laws.

**KENNEL:** Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained or sold and/or which offers minor medical treatment.

**LAND DEVELOPMENT ACTIVITY;** means any change to the surface area of a lot including (but not limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.

## **505.173 Storage of junk motor vehicles.**

(A) Notwithstanding sections 4513.60 to 4513.65 of the Revised Code, the board of township trustees may adopt resolutions as the board considers necessary to regulate the storage of junk motor vehicles on private or public property within the unincorporated area of the township. No resolution shall restrict the operation of a scrap metal processing facility licensed under authority of sections 4737.05 to 4737.12 of the Revised Code; the operation as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool of a person licensed under Chapter 4738. of the Revised Code; or the provision of towing and recovery services conducted under sections 4513.60 to 4513.63 of the Revised Code, including the storage and disposal of junk motor vehicles removed from public or private property in accordance with those sections. Except for a case in which division (C) of this section applies, no resolution shall prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain, or other suitable screening, any unlicensed collector's vehicle stored in the open.

(B) In addition to other remedies provided by law, the board of township trustees may institute an action for injunction, mandamus, or abatement, or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this section.

(C) Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this section if the collector's vehicle meets all of the criteria contained in division (E) of this section. If a collector's vehicle meets all of the criteria contained in division (E) of this section, a board of township trustees, in accordance with division (A) of this section, may regulate the storage of that motor vehicle on private or public property in the same manner that the board may regulate the storage of any other junk motor vehicle and, in case of a violation of this section, may pursue any remedy provided by law, including any remedy provided in division (B) of this section.

(D) Whoever violates any resolution adopted under this section is guilty of a minor misdemeanor. Each day that a violation of this section continues constitutes a separate offense. Fines levied and collected under this section shall be paid into the township general revenue fund.

(E) As used in this section, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:

- (1) Three model years old, or older;
- (2) Apparently inoperable;
- (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

Effective Date: 11-19-1996