

Minutes: Russell Township Zoning Commission
Russell Town Hall
September 27, 2023

Present: Mr. Barry Rogers, Chairman
Mr. Ben Kotowski – Vice-Chairman
Dr. Chris Stormann
Mr. Nathan Wynveen

Also in attendance: Mr. Shane Wrench, Zoning Inspector; Mrs. Cathleen Birli, Zoning Secretary

Also in attendance: Ms. Kristina Port, Trustee

Mr. Jim Dickinson was absent with apologies.

The meeting was called to order at 6:05 p.m.

The 2023 Schedule, Sunshine Notice, was announced in the Chagrin Valley Times and the Geauga Maple Leaf, Thursday, December 29, 2022.

Mr. Kotowski made the motion to accept the meeting agenda, Mr. Rogers seconded the motion, and it passed unanimously.

Resolution Book Updating

The Commissioners reviewed comments from the Board of Zoning Appeals, Sections 5 through 12 of the Resolution Book.

See Attachment

The Commissioners agreed to have a joint meeting with the Board of Zoning Appeals with consultant, Mr. Dave Dietrich, at the next scheduled meeting, Wednesday, October 25, 2023, at 6:00 p.m., to discuss the comments/concerns.

Other Business:

Exterior Lighting

Mr. Rogers passed out a handout showing Exterior Lighting Resolutions from the Geauga Township Model Resolution, Sydney, Ohio, Warren Ohio, and Coppell Texas. These can serve as examples of what other communities implemented, for discussion.

See Attachment

Section 5: Residential Zones

- 5.2(A) Accessory Dwelling Units: Isn't this update do restrictive, 800' seems small?
- 5.2(A) Minimum Lot Area: Need to clarify "Minimum lot width" dimension. Should be at the front depth setback line or house line, which is different from minimum frontage width. Minimum frontage is at the street line or right of way line. Minimum depth should be from the street line or right of way line.
- 5.2(A) Width Depth Frontage: The minimum dimension we usually consider is the frontage. Too many irregular shaped lots or old narrow lots in the Township.
- 5.2(A) Side Width: Suggest changing to make the front yard face on the major street. Major street is based on traffic flow.
- 5.2(I) Minimum width for a drive and double loaded parking aisle should be 64'.

Section 6: Conditional Use Regulations

- 6.1(E) Conditional Zoning Permit Certificate Required: Should we simply include the signed meeting minutes from the hearing? The minutes should contain the conditions. Suggesting this is a courtesy, NOT a requirement, on the Township.
- 6.3(A)(E) Can we strike this? In the hearing we may have questions which cannot be answered if the applicant is not there. It would seem we would want to revoke a certificate in a public hearing, just as we granted it.
- 6.4(7) Lot and Yard Dimensions: Should we specify which is the major street and make that the front yard?
- 6.4(7) Minimum Building Setback: What happened to 70'? Minimum building setback needs to be consistent with all sections throughout, whether it is the Right of way or edge of road. If it is the right of way, we will require a Township wide map identifying all the right of way widths. The term "Project boundary" is used nowhere else and not identified. Revise.
- 6.5(B) Parochial and Private Schools and Institutions: Can we add that activities must be educational for students and family, and not open to the public and excluding sporting events?
- 6.5(C) Churches: Spell out APD and PPD.
- 6.5(C)(7) Parking: Church standard requirements for parking is one space for 2.5 people.
- 6.5(D)(3) Private or Commercial Recreational Areas: Seems like a lot of coverage when talking about 50 acres. Suggest a stepped minimum lot coverage depending on lot size.
- 6.5(F)(1) Service Garage or Gasoline Service Stations: Gas Stations today have convenience stores inside. Service Stations only do repairs. Should we differentiate the two?
- 6.5(I) Adult Oriented Businesses: This was added because the Russell automotive threatened to open a porn shop. Do we still need it? Simplify – Adult oriented businesses are prohibited. Define what these are.
- 6.5(J)(3) Retail Food Service: Would they also mandate the use of grease trap to keep cooking oils out of the water supply? Suggest not mentioning grease traps here.

Section 7: Non-Conformance

- 7.5 Substitution: Appeals by lot owners is through the BZA. There is a process.

Section 8: Zoning Commission

- 8.4 Meetings: Quorum: Should we also publish these to the Russell website? Similarly publish The BZA meetings there? All members agree.

Section 9: Board of Zoning Appeals

- 9.1 Alternate Members: The board agrees not to include this alternate idea. Change “Also” to “May not be a need”.
- 9.2(B) Powers: Area variances = practical difficulty. Use variances = unnecessary hardship. Believe the Duncan Factors apply to both, but we should verify with the Prosecutor.
- 9.5 Meetings: We always send notices of variances to the nearby neighbors via certified mail. The Board agrees and to add notice to the website.
- 9.13 Appeals: The Board has been letting the Applicants know they had 30 days to appeal, from the date the minutes and Findings of Fact were approved. Please clarify ORC with Prosecutor.
- 9.14(1) Area Variances: The question is the Duncan Factors, which are included in the variance request. It is always mentioned that the area variances so that people understand they have already commented. Please clarify that these are the Duncan Factors, and the applicant answers these questions in the variance request.
- 9.14(1)(H) Area Variances: We regularly include Duncan Factors. Why has this been struck? Leave Duncan Factors in. We typically have issues which are documented here.
- 9.14(2) Use Variances: Review if the Duncan Factors are applicable to Use variances with the Prosecutor. Do these replace the Duncan Factors for Use variances? In the past we have not considered “Practical difficulty” for Conditional Uses. Has the ORC changed? Please clarify ORC with Prosecutor.
- 9.15(A) Procedures and Decisions of the Board of Zoning Appeals: With the agreement of the applicant, we should allow for a 90 day window. Please be consistent. Certified Mail or Registered Mail?
- 9.15(B)(3) A party in interest shall be allowed: The applicant can also modify their appeal during the hearing, we do this many times. Find a replacement for the word “Contentions”. We want to modify an appeal in the hearing.
- 9.15(C)(2) Decisions of the BZA shall be in accordance with the following: Is this the new name for the Findings of Fact? We would like it to remain Findings of Fact to be consistent with past variances.
- 9.18 Supplementary Conditions on Variances: The enforcement of these conditions’ rests with the Zoning Inspector. Do we need to specify this here? See 10.1 Zoning Inspector Powers.

Section 10: Conformance and Enforcement

10.5(A)(6) Zoning Certificate Requirements: We do not have an outline of minimum submission requirements and how many copies, such as: site plan to scale (minimum 11 x 17 size) clearly dimensioned, topography map, architectural plans, and elevations to scale, photometric plans, proof of ownership, and anything else that is applicable to the request. At a minimum we should require a scaled drawing of the proposal. We regularly need a topo map when reviewing variance requests, should we require one? The Board agrees, that if an applicant is requesting a variance, a variance based on the topography, they need to supply one.

Section 11: Amendments

No Comments

Section 12: Penalties

No Comments

C. There shall be no more than one (1) detached licensed residential facility on a lot.

Section 402.13 Exterior Lighting

All sources of exterior illumination of a building, structure, or lot shall be shielded so as not to cause direct glare and shall be directed away from any perimeter lot lines and toward the principal building, structure, or use on a lot. In order to minimize light trespass, all exterior lighting fixtures with lamps rated at two thousand five hundred (2,500) lumens or more shall be of the full cutoff type. Such exterior lighting fixtures shall be installed so that they operate at all times as full cutoff fixtures as defined in this resolution. Exterior light poles and fixtures shall be setback from all lot lines a minimum of _____ feet and the maximum height shall be _____ feet.

Section 402.14 Fire Protection Ponds

- A. A major subdivision containing _____ or more total sublots, or a building or group of buildings on a lot containing more than _____ square feet of gross floor area, shall include a pond for fire protection constructed by the owner in accordance with the standards and specifications of the _____ Fire Department, unless the fire department notifies the zoning inspector in writing that the installation of such a pond is not required for the affected subdivision or lot.
- B. The pond shall include the installation of a dry hydrant. The dry hydrant shall be installed in accordance with the standards and specifications of the _____ Fire Department and shall be so located as to permit access by firefighting and emergency vehicles.
- C. An application for the installation of a fire protection pond and dry hydrant shall be submitted by the owner in writing to the zoning inspector, who shall forward it to the _____ Fire Department within _____ days of receipt. The application shall include:
1. Owner's name, address, and telephone number.
 2. Address and permanent parcel number(s) of the affected lot(s) or major subdivision location.
 3. A site plan prepared by a professional engineer or surveyor showing:
 - a. The location and dimensions of the pond and the dry hydrant.
 - b. The location and distance of the pond and dry hydrant to adjacent lot lines and roads.
 - c. The water volume of the pond.
- D. The _____ Fire Department shall provide the zoning inspector with written notification regarding the approval or denial of the proposed fire protection pond and dry hydrant within _____ days of receipt of the application.

1105.02 OUTDOOR LIGHTING.



(a) Photometric Plan Review. For all proposed developments in the NC, CC, and IM Zones and in the OS District, a photometric plan showing compliance with these standards shall be submitted along with all site plans. The photometric plan may be incorporated into the site plan if all photometric plan components are included. The photometric plan shall include all of the following:

- (1) All structure(s), parking spaces, building entrances, traffic areas (both vehicular and pedestrian);
- (2) Vegetation that might interfere with lighting;
- (3) Adjacent uses that might be adversely impacted by the lighting;
- (4) All exterior lighting, including but not limited to, architectural, building-entrance, landscaping, flag, accent, etc.; and
- (5) A layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type.

(b) Exempt Exterior Lighting. The following exterior lighting is exempt from the requirements of this section:

- (1) FAA mandated lighting associated with a utility tower or airport;
- (2) Lighting for the United States flag, Ohio flag, a county or city flag, a corporate flag, or any other permissible flag;
- (3) Holiday lighting or special event lighting, provided the lighting does not create unsafe glare on street rights-of-way or on adjacent properties;
- (4) Battery-powered emergency lighting;
- (5) Architectural lighting of 40 watts or less;
- (6) Public safety lighting;
- (7) Street lighting in the public right-of-way, though every attempt shall be made to select glare free fixtures and use shields and other devices to direct lighting downward; and
- (8) Residential garage, porch, and architectural and landscape accent lighting.

(c) Light Level Measuring. The following sets forth the measurement of light level:

- (1) Light levels are specified, calculated and measured in foot-candles. All foot-candles values are maintained foot-candles.
- (2) Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

(d) Design and Installation Requirements. All light fixtures shall meet the following requirements:

- (1) The maximum light level of any light fixture cannot exceed 0.5 foot-candles measured at the property line of any residential district, 2.0 foot-candles measured at the property line of any non-residential district, and 2.5 foot-candles at the property line of a parking lot.
- (2) Lighting must not be oriented to direct glare or excessive illumination onto adjacent properties, streets or sidewalks.

(3) All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and are compatible with the architecture character of the development. Service connections for all freestanding lighting fixtures must be installed underground.

(4) Lighting must meet City of Sidney Engineering Standards

(e) Lighting Specifically for Parking and Pedestrian Areas. The following regulations apply specifically to parking and pedestrian areas:

- (1) Light fixtures within parking and vehicular areas may be no higher than 30 feet.
- (2) Light fixtures within pedestrian areas may be no higher than 15 feet.
- (3) Light fixture located within 50 feet of a property line of a residential zoning district may be no higher than 15 feet.
- (4) Light fixtures in parking and vehicular display areas must be full cutoff.
- (5) In all other areas, light fixtures with more than 2,000 lumens must be full cutoff unless they meet the following:

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ARTICLE 36. - GLARE AND LIGHTING STANDARDS

Sec. 12-36-0. - Purpose.

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

(Ord. No. 91500)

Sec. 12-36-1. - Glare.

Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together the light beam is controlled and not directed across any bounding property line above a height of three feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles.

(Ord. No. 91500)

Sec. 12-36-2. - Non-residential site lighting.

1. All off-street parking areas for nonresidential uses in nonresidential district which are used after dark, shall be illuminated beginning one-half hour after sunset and continuing throughout the hours of use or until midnight, whichever is earlier. In case only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements. No intermittent or flashing lights are permitted.

2. *Intensity.*

(A) On the parking area surface, an average of at least two foot candles, initial measurement, and a minimum average of one foot

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candle on a maintained basis.

(B) (Reserved for future use).

3. *Height.* Luminaries located on privately-owned property shall be mounted at a height not to exceed 30 feet as measured vertically from the horizontal surface of the nearest parking pavement.

(Ord. No. 91500; Ord. No. 91500-A-30; Ord. No. 91500-A-159)

Sec. 12-36-3. - Luminaries.

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and/or so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above 15 watts or strings of lamps are prohibited except for temporary lighting not exceeding 45 days per year and as provided in 12-36-4.

(Ord. No. 91500; Ord. No. 91500-A-318, § 12, 3-19-02)

Sec. 12-36-4. - Special lighting; low wattage.

Holiday special lighting shall be permitted for a maximum time period of 45 days for each holiday used.

(Ord. No. 91500)

ARTICLE 3

CHAPTER 5: LIGHTING REQUIREMENTS AND STANDARDS

SEC 3.501 **PURPOSE:** The purpose of this Chapter is to protect and enhance development through the use of appropriate lighting practices. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy, maintain safety, and prevent the degradation of the night sky. The following standards shall apply to all outdoor lighting, including parking areas and areas where on-building lighting or other security lighting is utilized.

SEC. 3.502 **SCOPE:**

- (A) Unless expressly exempted, all exterior lighting intended for permanent installation and operation shall not be erected, constructed, expanded, materially altered, relocated, or reconstructed unless in compliance with lighting provisions of this Chapter.
- (B) The County may require the modification, removal, or limited operation of existing lighting fixtures found to be a public hazard or a public nuisance. Criteria for finding illumination to be a public hazard are as follows:
 - (1) Light trespass or glare which is so intense or contrasts excessively with surrounding illumination that it causes visual impairment or distracts from or impairs the safe operation of a vehicle.
 - (2) Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.

SEC 3.503 **PERMITS:** A permit is required for multi-family residential uses, non-residential uses, and temporary events.

SEC 3.504 **APPLICATION REQUIREMENTS:** The following information shall be provided with all site plans and may be required by the Zoning Inspector with any building or zoning permit application where exterior lighting is proposed to be altered or installed.

- (A) A lighting plan including the location, type, and height of all existing and proposed light fixtures, such as freestanding, building-mounted, and canopy light fixtures, and all existing and proposed sign lighting.
- (B) A photometric grid indicating the overall light intensity, measured in foot-candles, throughout the site.
- (C) Specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

SEC 3.505 **GENERAL REQUIREMENTS:** A use or activity shall not create a nuisance to surrounding properties or a viewing danger to the safety of motorists or pedestrians. The criteria for finding illumination to be a nuisance may be one of the following:

- (A) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property;
- (B) A high frequency and/or duration of periods when light trespass or glare interrupts or interferes with usual and reasonable use and enjoyment of a property;

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- (C) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties.

SEC 3.506

DESIGN REQUIREMENTS: In general, outdoor lighting shall be deflected, shaded, and focused away from adjacent properties and shall not create a spot glare nuisance. Outdoor lighting shall be designed so that any overspill of lighting onto adjacent residential properties shall not exceed two-tenths (0.2) foot-candles. The maximum permitted luminaire height and the maximum permitted illumination shall conform to this Section:

(A) **Lighting Source with No Cut-off or Cut-off Greater than ninety (90) Degrees:**

- (1) For residential uses (excluding multi-family residential): Light sources shall not exceed fifteen (15) feet and shall not exceed two-tenths (0.20) foot-candles at the property line.
- (2) For non-residential and multi-family residential uses: Shall be used only for decorative purposes, provided it does not exceed fifteen (15) feet; luminaires produce no more than one thousand five hundred (1,500) lumens (approximately equal to a one hundred watt (100W) incandescent bulb; and does not exceed three-tenths (0.30) foot-candles at the property line.

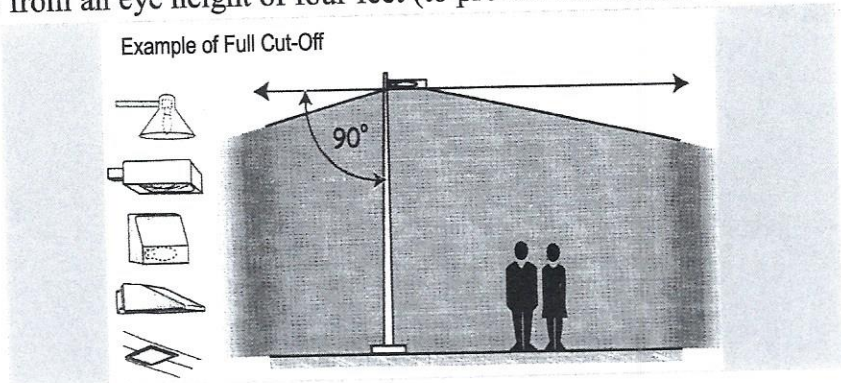
(B) **Lighting Source with Ninety (90) Degree Cut-off (Full Cut-off):**

- (1) For residential uses (excluding Multi-Family Residential): Light sources shall not exceed twenty (20) feet and five tenths (0.50) foot-candles at the property line.
- (2) For non-residential and multi-family residential uses: Light sources shall not exceed twenty five (25) feet in height and two tenths (2.0) foot-candles at the property line.

(C) **Lighting Source with Less than Ninety (90) Degree Cut-off:**

- (1) For residential uses (excluding Multi-Family Residential): Light sources shall not exceed thirty (30) feet and one (1.0) foot-candle at the property line.
- (2) For non-residential and multi-family residential uses: Light sources shall not exceed thirty-five (35) feet and four (4.0) foot-candles at the property line.

- (D) **Canopy Lighting:** Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall be recessed into the canopy so that they cannot be viewed from off-site from an eye height of four feet (to protect automobile drivers from glare). *Figure 3.506-1*



SEC 3.507 **LIGHTING FOR OUTDOOR PERFORMANCE AREAS AND RECREATION FACILITIES:**

- (A) Shall not exceed thirty (30) foot-candles and shall not exceed eighty (80) feet in height.
- (B) Shall be a minimum distance of one and one-half (1 ½) times the height of the lighting luminaire device from the property lines.
- (C) Existing vegetation that mitigates glare upon residential properties shall be maintained to the greatest extent possible.
- (D) Where playing field or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing areas and immediate surroundings, and so that illumination is not directed off the site.
- (E) The main lighting shall not remain longer than fifteen (15) minutes following the end of the event. A low-level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities. The low level lighting system shall not exceed three (3) foot-candles at the property line.

SEC 3.508 **SEARCH LIGHTING FOR SPECIAL EVENTS OR ATTRACTIONS:** One (1) or more light of such type and for such purposes is permitted at a non-residential location for a temporary period not to exceed three (3) calendar days within a one hundred eighty (180) day period, provided its location and operation on a site is in a manner that will not interfere with traffic movement or endanger public safety and its operation is not past midnight on each day allowed. No searchlight shall be permitted within one hundred (100) feet of a residential use.

SEC 3.509 **NEON LIGHTING FOR BUILDING ORNAMENTATIONS AND ACCENTUATIONS:**

- (A) The intensity of illumination in relation to the height proposed complies with Section 3.506.
- (B) Flashing or blinking illumination is prohibited.
- (C) Use is limited to building edge or border locations, such as around doors, windows and/or along a canopy, awning, marquee, or parapet.
- (D) The lighting is not located on a side of a building that faces an adjacent residential use or zoning district, unless effectively screened from view.

SEC 3.510 **EXEMPTIONS:** Lighting fixtures and standards required by federal, state, or county agencies, including street lights within public right-of-way.