

CHAPTER 135
R-5A Rural Open Residential District

135.01	Establishment.	135.05	Conditions of Tennis Club.
135.02	Use Regulations.	135.06	Regulations and Standards for Residential Care Facilities.
135.03	Height, area, yards and bulk.		
135.04	Conditions of Cluster Development.	135.07	Regulations and Standards for Nursing Homes.

135.01 ESTABLISHMENT.

In accordance with Sections 101.02 and 131.04(a), and: to provide for development of lands within the Township zoned for residential use which, by reason of adverse ecological conditions, have a limited capacity to support development; to prevent pollution of such lands and neighboring lands and the destruction of the underlying water table or aquifers by excessive development, and; to protect the water table or aquifer recharge areas, the R-5A Rural Open Residential District is established along with the following regulations.

135.02 USE REGULATIONS.

(a) Permitted Uses. Only the following uses shall be permitted:

No Zoning Certificate Required.

Bainbridge Township government buildings and uses.
Public utility or railroad as exempted by Ohio R. C.
519.21.

Zoning Certificate Required.

Single-family dwellings including industrialized units affixed to a permanent foundation. **[Adopted 6/26/2000 - Z-2000-3]**

Manufactured homes shall be permanently sited on a lot and shall conform with all of the following regulations: **[Adopted 6/26/2000 - Z-2000-3]**

- (1) Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 U.S.C.A. Section 5415, and be manufactured after January 1, 1995; and
- (2) Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home; and
- (3) Exclusive of any addition, have a width of not less than 22 feet at one point, a length of not less than 22 feet at one point, and a minimum floor area in accordance with the residential district in which it is located; and

- (4) Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering; and
- (5) Be permanently installed upon and properly attached to a foundation system that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to the appropriate facilities; and
- (6) Conform to all residential district regulations for the district in which it is located.
- (7) In addition to the above requirements the owner shall surrender the title to the manufactured home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home as real property.

Family home residential facilities as defined and licensed by the State, permitted by Ohio R. C. 5123.19(D), but subject to single-family dwelling area, height, yard and architectural requirements that are uniformly imposed.

Public schools.

Type B family day-care homes as defined by Ohio R. C. 5104.054.

- (b) Conditional Uses. Only the following conditional uses shall be permitted after obtaining a conditional zoning certificate in accordance with the provisions of Chapter 117.12 of this Zoning Resolution:

Places of worship provided no part of any building or land for place of worship use shall be used for business, commercial use or non-place of worship related activities. **[Adopted 10/26/98]**

Cluster Development.

Governmental buildings and uses.

Private and parochial schools.

Residential Care Facilities. **[Adopted 7/24/2006 - Z-2006-4]**

Nursing Homes. **[Adopted 7/24/2006 - Z-2006-4]**

Publicly owned parks, playgrounds or other recreational facilities but excluding privately owned facilities.

Cemeteries.

Adult family homes provided all required State approvals are first obtained relative to such home, elderly placements, qualifications of caregivers and facilities, services, accommodations and continuous monitoring. Caregivers shall be permanent home residents, total residents shall not exceed one and one-half (1.5) persons per bedroom and placement accommodations shall be on the first floor unless otherwise approved by the Zoning Inspector. A minimum of two (2) environmental options shall be provided, such as a landscaped yard, gardening, patio or screened porch, which shall be approved by the Zoning Inspector for adequacy and safety.

Adult Group Home, as defined in Section 3722.01(A)(8) of the Ohio Revised Code. All adults to whom the facility provides accommodations shall be considered as one group in determining the total number of residents in the adult group home. The adult group home must meet the following minimum conditions: **[Adopted 6/27/1994]**

- (1) The facility must be licensed in accordance with Chapter 3722 of the Ohio Revised Code and Chapter 3701-20 of the Ohio Administrative Code.
- (2) The application for a Conditional Use Certificate shall be accompanied by the license application submitted to the State of Ohio Director of Health, as required by Section 3701-20-03 of the Ohio Administrative Code.
- (3) The plans for the facility must initially be reviewed by the Bainbridge Volunteer Fire Department in order to show compliance with the requirements of Section 3701-20-11 of the Ohio Administrative Code and all other applicable building and safety codes. In addition, the Adult Group Home shall include the following:
 - a. Supervised alarm system with manual pull stations. Alarm shall go to Bainbridge Dispatch Center.
 - b. Hood suppression system in cooking area.
 - c. Illuminated exit signs with battery backup.
 - d. Emergency lighting.
 - e. Smoke detectors.

- f. A means of egress in the sleeping areas. This exit door should be equipped with panic hardware.
 - g. Adequate fire extinguishers located in appropriate locations.
- (4) The facility must initially be inspected in order to show compliance with Section 3701-20-11 (building, plumbing, and interim fire safety requirements for adult group homes) and Section 3701-20-12 (water, sewage, plumbing, and electrical inspection requirements for all adult care facilities) of the Ohio Administrative Code and all other applicable building and safety codes. Future inspections shall show continued compliance with said Sections.
 - (5) The facility must be connected to a sanitary sewer subject to direct control of the Geauga County Sanitary Engineer.
 - (6) This facility shall be allowed only in those areas of the township with ground water availability of 25 GPM or more as specified on Map 20 of the Bainbridge Township Land Use Plan.
 - (7) The number of resident beds in the facility may not exceed 1.5 times the number of resident bedrooms.
 - (8) The bedroom space provided for each resident shall meet all of the minimum criteria outlined in Section 3701-20-22(D) of the Ohio Administrative Code.
 - (9) No adult care facility shall be located within 10,560 feet of another adult care facility licensed under Chapter 3722 of the Ohio Revised Code.
 - (10) The minimum amount of parking spaces shall be as stated in Section 169.06 of this Resolution.
 - (11) The exterior of the facility shall be compatible in character with other residential dwellings in the area.
 - (12) A minimum of two (2) environmental options shall be provided, such as a landscaped yard, gardening, patio or screened porch, which shall be approved by the Zoning Inspector for adequacy and safety.
 - (13) This facility shall be established on a minimum of five (5) acres. (In Section 139.02 - a minimum of three (3) acres.)

- (14) The facility shall comply with all other zoning requirements imposed by this Resolution, including but not limited to the signage requirements contained in Chapter 173.

Tennis Club.

- (c) Accessory Uses. Only the following accessory uses or accessory structures shall be permitted after obtaining a zoning certificate:

Private attached or detached garages and carports, barns, tool sheds, storage and utility buildings, and animal shelters.

Private recreational facilities including tennis courts and skating rinks.

Outdoor swimming pools provided they are fenced or walled with a fence at least 4 feet in height completely enclosing the pool or the yard

containing the pool. The fence must be designed to limit access to children and any gates must be self-closing, self-latching and lockable.

The fence must extend to within three inches of the ground and to within three inches of any building that is part of the perimeter of the fenced area. Above ground outdoor swimming pools, with a minimum perimeter height above grade of at least 52 inches, are not required to have a fence.

[Adopted 8/2/2004 - Z-2004-1]

Wind energy systems including windmills and wind generators.

Ground mounted satellite dishes and UHF television antennas, and roof-mounted satellite dishes and UHF television antennas extending more than twelve (12) feet in height above the roof from the point of anchorage.

HOME OCCUPATION A Home Occupation as defined here shall be allowed as a permitted accessory use in a R-3A and R-5A Residential Zone subject to the requirements of Sections 135 and 139 respectively and the following regulations. **[Adopted 8/24/1991]**

- (1) Statement of Purpose. The purpose of the Home Occupation section of this resolution is to provide the opportunity for the use of the dwelling unit for limited business purposes subject to regulations designed to maintain the residential character of the dwelling unit, the lot and the neighborhood; minimize the conflict of the home occupation use with surrounding residential uses, and to protect residential property values.

- (2) Definition.

See "Home Occupation" in Chapter 105.02(31).

(3) Regulations for Home Occupations.

The following regulations shall be applied by the Zoning Inspector in reviewing and deciding upon any application for a zoning certificate for a home occupation.

- a. There shall be no exterior indication of the Home Occupation, except as provided in Section 3 (k) and (l).
- b. No external alterations, construction, or reconstruction of the dwelling unit on the lot to accommodate the home occupation shall be permitted.
- c. There shall be no outside storage of any kind related to the home occupation; only commodities produced within that portion of the dwelling unit designated for home occupation use shall be sold, such commodities shall be sold only from within that portion of the dwelling unit designated for home occupation use, and no display of products shall be visible from the street.
- d. Not more than twenty-five (25) percent of the gross floor area of the dwelling unit or an accessory building shall be devoted to the home occupation.
- e. Off-street parking spaces in connection with the home occupation shall not be located in the front yard setback nor in the front of the dwelling unit, except in the driveway, and shall comply with the requirements of Chapter 169. Additional parking for one employee as specified in (j) and Chapter 169 shall be provided and such parking must be off-street.
- f. There shall be no more than one Home Occupation within any single dwelling unit or an accessory building on a lot.
- g. A Home Occupation as provided in this section shall be carried on wholly within the principal dwelling unit or an accessory building, including storage of equipment or materials.
- h. Any noise, vibration, smoke, electrical interference, dust, odors, or heat shall not be detectable beyond the lot lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure.
- i. A Home Occupation shall be owned and operated by the person, or his immediate family, living and working within the dwelling unit or an accessory building.

- j. No more than one person shall be present and working at the Home Occupation at one time, other than the residents of the dwelling unit. This includes people who entered into a contract to provide services for the Home Occupation.
- k. Signs shall be allowed as provided in 173.09.
- l. Any vehicle with a business name or sign on it shall be parked in a fully enclosed building except as provided in Section 3.(e).

(4) Multifamily dwelling units.

Home Occupations that attract customers, clients, or students to the premises for sales or services shall not be allowed in multifamily dwelling units.

- (5) Home Occupations that comply with the above regulations shall be permitted in any R-3A and R-5A residential district upon the issuance of a zoning certificate to the applicant.

135.03 HEIGHT, AREA, YARDS AND BULK.

- (a) Height. No building or other structure shall exceed a height of thirty-five (35) feet or two and one-half (2.5) stories, whichever is less.
- (b) Lot and Yard Requirements. No building or structure shall be erected, nor shall land be used or developed unless in conformity with the following requirements. All dimensions shall be exclusive of streets, or public rights of way and lands subject to easements of record:

	<u>Feet (except as indicated)</u>
Minimum lot area	217,800 sq. ft. (5 acres)
Maximum lot coverage	
*Residential	10%
Other	40%
Minimum lot width	250
Minimum front yards	100
Minimum side yard	50
Minimum side yard abutting a street on corner lot	75
Minimum rear yard depth	90
Minimum front lot lines	60

* The number of detached accessory buildings on a lot shall be limited to two or a total lot coverage of 10 percent, whichever comes first.
[Adopted 10/26/98]

- (c) Dwelling Bulk. Dwellings shall have a minimum area of one thousand (1,000) square feet of living space by outside dimensions, exclusive of porches, garages and cellars or basements.

- (d) Floor Area. Dwellings or structures shall have the following minimum floor areas:

<u>Bedrooms</u>	<u>Square Feet</u>
1 or 2	1200
Each additional	Add 150

- (e) Signs. All signs shall conform to requirements of Chapter 173.
- (f) Ground mounted satellite dishes or ground mounted antennas shall be restricted to rear yards.
- (g) Address Numbers. All dwellings must have address numbers posted at least twenty-four inches (24") above the finished grade within fifty feet (50') of the road right-of-way or affixed to a roadside mailbox located within thirty feet (30') of the lot. Address numbers must be clearly visible from the road.

135.04 REGULATIONS AND STANDARDS FOR CLUSTER DEVELOPMENT
AS A CONDITIONAL USE **[Adopted 9/24/1990 - Z-90-1]**
[Amended 1/26/2004 - Z-2003-5]

- (a) In addition to the purposes set forth in Sections 101.02, 131.04(a) and 135.01, it is a further purpose of the Township's Zoning Resolution to permit cluster development when a more flexible arrangement of buildings and roadways, compared to a conventional subdivision development, will:

- (1) Maximize preservation of natural resources of the Township such as steep slopes, wetlands and ponds, woods, drainage courses and streams,
- (2) Provide common open space amenities for the enjoyment of the residents, and
- (3) Afford through site design flexibility the opportunity to offset any potential adverse impacts of adjacent non-residential uses, utilities or major highways.

In satisfying the intention of this subsection, a cluster development shall also comply with the standards and requirements of subsections (b) through (p).

- (b) Non-commercial recreational uses may be permitted to the extent that they are designed to serve the residents of the cluster development, including tennis courts, ponds, swimming pools, bridle trails, stables, picnic pavilions, hiking trails, putting greens, chip-and-putt areas, conventional sports playing fields, and maintenance buildings.

- (c) Sewage facilities shall meet all Geauga County regulations.
- (d) The minimum land area for a cluster development shall be 15 acres.
- (e) The maximum density shall be one (1) unit for each five (5) acres of land area designated for cluster development, provided that the maximum density on any single area in the cluster development shall not exceed three (3) units per acre.
- (f) A minimum of twenty-five (25) percent of the gross land area shall be devoted to common open space. In satisfying this requirement, such common open space shall not include parking lots, access drives, the minimum space between buildings, space between parking and buildings, space between parking and property lines, the minimum spacing between property lines and buildings or similar land fragments.

An application for a cluster development shall include a statement or preliminary documents submitted by the applicant indicating the intended ownership of the common open space (such as a homeowner's association, or similar entity) and the manner in which such common open space shall be preserved and maintained. Based on these statements or preliminary documents, a conditional use permit may be issued by the Board of Appeals provided that no subsequent zoning certificate shall be issued in response to any application for a proposed dwelling until the Board of Appeals has approved the document(s) and/or the restrictive covenant(s) related to the ownership, preservation, and maintenance of the common open space. Prior to approving the document(s), the Board of Appeals may seek the opinion and the advice of legal counsel.

- (g) Site coverage with structures, decks, patios, drives, roads and recreation facilities shall be no more than fifteen percent (15%) of the total cluster development.
- (h) A minimum of three (3) parking spaces per unit, with at least one of the required spaces being within a parking garage. The spaces shall be outside of the private drive(s) serving the development.
- (i) The Township Fire and Police Departments shall determine that their vehicles have adequate access to all dwelling units within the cluster development.

- (j) Roads, drives and cul-de-sacs may be privately owned and maintained by the homeowners or publicly dedicated. Driveway widths may vary, but main drives shall be no less than 20' in width with no parking permitted on them. Appropriate county construction standards shall apply for all main drives whether public or private. Main drives are equivalent to "local roads" (residential, light traffic) as shown in Table 1, Minimum Road Construction for Subdivisions, the Rules and Regulations and Standard Specifications Adopted by The Geauga County Board of Commissioners for the Construction of Streets, Curbs, Gutters, Sidewalks, StreetLights, Storm Sewers, and Other Utilities and Facilities, amended 2003. When approving the development plan, the Board of Appeals may waive the requirement that curbs and sidewalks be constructed when they determine that adequate alternative means for drainage and pedestrian movements have been provided in the project.

If a curb is not provided, the edge of the pavement shall be grassed, seeded and well maintained and the storm drainage system shall be adequately designed to prohibit standing water.

If private streets are proposed, the developer shall submit with the application for a Conditional Zoning Certificate detailed drawings indicating that road construction will be in compliance with county subdivision standards. In addition, the Township Trustees may require, as part of the application fees, that sufficient amounts will be placed on deposit to defray the costs of the Township inspecting the road during construction and verifying that construction is in compliance with county standards.

All detailed road construction drawings must be prepared and certified by a registered professional civil engineer.

A zoning certificate for individual dwellings or structures shall not be issued until the roads for each phase of the development, as necessary to serve the proposed dwellings or structures, are completed, inspected, and found to be constructed in accordance with the approved construction plans and are in good repair.

Table 1 [Amended 1/26/2004 - Z-2003-5]

MINIMUM ROADWAY SPECIFICATIONS FOR SUBDIVISIONS

Road Classification	Pavement Width		Pavement Thickness							
	Curbs	No Curbs (feet)	Non-Reinforced Concrete				Full Depth Asphalt		Aggregate Shoulder	
			204* Cement Stabilized Subgrade (minimum) (inches)	452 Concrete Pavement (inches)	204* Cement Stabilized Subgrade (minimum) (inches)	301 Asphalt Concrete Base (inches)	448 Asphalt Concrete Surface Course, Type 2 (inches)	448 Asphalt Concrete Surface Course, Type 1 (inches)	304 Aggregate Base (inches)	617 Compacted Limestone, Type B (inches)
Residential, Light Traffic	24	20	6	7	6	3	2	1.5	5	1.5

- * Subgrade to be proof rolled prior to cement stabilization.
- A residential light traffic road is a dead end road serving less than 50 sublots.
- In case of question, the County Engineer will decide on the road classification for construction purposes.

- (k) No dwelling unit shall be closer than 50 feet to a front lot line or 100 feet to any perimeter property line of the cluster development.
- (l) No dwelling unit shall be closer than 50 feet to a rear lot line or 30 feet to any side lot line or 100 feet to any perimeter property line of the cluster development.
- (m) A planting buffer, a natural landscape buffer and/or earth berming shall be provided at the perimeter of the cluster development.
- (n) Each application shall include a development plan drawn to scale by a registered professional surveyor, engineer, architect or landscape architect, certified by the applicant and his surveyor, engineer, architect or landscape architect, showing the dimensions and configuration of the parcel(s), existing and proposed structures, main drives, driveways, recreational facilities, open space, parking areas, and easements; the location and configuration of landscape buffers, topographical and drainage features and facilities, vegetation, and soil types; and an erosion and sediment control plan which has been approved by the Geauga County Soil and Water District.

- (o) Prior to being issued a building permit from the County for any dwelling in a cluster development, the applicant shall first apply for a zoning certificate from the Township Zoning Inspector. Such zoning certificate may be issued if the Inspector determines that the proposed dwelling or structure complies with the conditional zoning certificate for the cluster development. If the Zoning Inspector determines that the proposed dwelling or structure does not so comply, the zoning certificate shall not be issued. When not issued, the applicant may appear before the Township Zoning Board of Appeals which shall either:
 - (1) Determine that the proposed dwelling or structure does substantially comply with conditional zoning certificate and instruct the Zoning Inspector to issue the zoning certificate,
 - (2) Confirm the ruling of the Zoning Inspector that the proposed dwelling or structure does not comply with the conditional zoning certificate, or
 - (3) Consider amending the cluster development plan according to the procedures for Conditional Uses in Chapter 117.
- (p) Ponds and lakes shall be equipped by the developer with dry hydrant(s) meeting the Bainbridge Fire Department's specifications, and located per the direction of the Fire Department.

135.05 CONDITIONS OF TENNIS CLUB.

Private tennis club including accessory buildings, structures, and uses as provided under paragraph (g) herein. A private tennis club and accessory buildings, structures, and uses shall conform with the following conditions:

- (a) The minimum lot size shall be ten (10) acres, calculated exclusive of the area within any road right-of-way, and shall be held in the same ownership.
- (b) Every building and structure shall be set back at least one hundred (100) feet from the road right-of-way margin and eighty (80) feet from all property lines.
- (c) The minimum lot frontage shall be one hundred fifty (150) feet.
- (d) The maximum lot coverage shall be forty (40) percent.
- (e) Where exterior lighting is provided in or around such use, it shall be arranged so that no annoying glare is directed or reflected toward other buildings or streets adjacent to the tennis club.

- (f) Retail sales and services shall not be permitted except those incidental to the running of the complex, restaurant, snack bar, pro shop, pool and private parties.
- (g) The following accessory facilities shall be permitted for the use of members and their guests only:
 - (1) Platform tennis courts
 - (2) Health club facilities
 - (3) Bath house, dressing rooms, sanitary facilities
 - (4) Swimming pool (Maximum 5,000 square feet)
 - (5) Volleyball courts
 - (6) Squash and racquetball courts
- (h) The following activities will not be permitted:
 - (1) Picnic grounds
 - (2) Barbecue pits
 - (3) Tents, cabins, trailers, and similar structures used for residential occupancy whether temporary or permanent.
- (i) Membership for each private tennis club shall be limited to 700 members for each ten (10) acres of club; however, when a club forms an integral part of a housing development and so provides the open space (Section 510.30 and 511.40), the members limit shall apply to those living outside of the development.
- (j) A conditional zoning permit shall be issued for an initial period not to exceed two (2) years from the date of issuance and thereafter for a period not to exceed five (5) years from the date of renewal. Application for renewal of such certificate shall be made 60 days prior to the expiration of such certificate. **[Adopted 10/23/2000 - Z-2000-5]**

A conditional zoning certificate shall be revoked upon a change of ownership or lease of the premises unless a new application is made for such a certificate by the new owner or lessor within fifteen (15) days of the date of transfer or lease.

Any failure to comply with the conditions approved by the Board for the issuance of a conditional zoning certificate shall constitute a revocation of such certificate only after a hearing is held. Reinstatement is not automatic, if a conditional zoning certificate has been revoked, the procedure set forth in this Zoning Resolution for the issuance of another certificate must be followed. See Section 117.12.

135.06 REGULATIONS AND STANDARDS FOR RESIDENTIAL CARE FACILITIES AS
DEFINED IN 105.02 AS A CONDITIONAL USE. **[Adopted 8/18/97]**
[Adopted 7/24/2006 - Z-2006-4]

- (a) In addition to the purposes set forth in 101.02 of this Zoning Resolution, Residential Care Facilities are allowed as conditional uses to promote compliance with the Americans with Disabilities Act (The ADA) and the Federal Fair Housing Act (FHA).
- (b) The use of a Residential Care Facility as a conditional use shall serve as a transition from a residential zone to a Professional Office District (P-O), or Convenience Business (CB) zone as shown on the official Bainbridge Township Zoning Map. As a transitional use, the RCF shall not be expanded beyond its original lot lines of record and as shown on the site plan included with the application for a conditional zoning certificate and approved by the Board of Zoning Appeals. Nor shall any use other than residential expand off of it into a residentially zoned area. The RCF shall not be adjacent to a Light Industrial Restricted (LIR) zoned area because of possible industrial hazards and nuisances.
- (c) In satisfying the purpose of this subsection, the Residential Care Facility (RCF) shall comply with Sections 117.12 and 117.13, and the following conditions. In the case of any conflict, the provisions contained in this Section of the Zoning Code shall prevail.
- (1) The RCF shall be bordered on at least one side by a lot of record zoned Professional Office District (P-O), or Convenience Business (CB) as shown on the official Bainbridge Township Zoning Map. If adjacent to a Professional Office District the Residential Care Facility shall not violate the purpose of a Professional Office District pursuant to Chapter 141 of this Zoning Resolution.
 - (2) The minimum lot size for a RCF shall be five acres in an R-5A district; and a minimum of three acres in an R-3A district.
 - (3) The RCF must be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources, or an alternative on-lot system approved by the Ohio EPA and located on a lot included for sewer service in accordance with the Geauga County 208 Sewer Plan.
 - (4) The RCF shall only be allowed in those areas of the Township with a connection to and served by a public water supply operated by a governmental agency or an entity subject to the jurisdiction of the Public Utilities Commission of Ohio. In addition, RCF's are permitted where sufficient ground water is available without

adversely affecting wells drawing from the same aquifers to be used by the RCF as determined by a hydrologist hired by the Township at the Applicant's expense.

- (5) The number of resident beds in the facility shall not exceed 1.5 times the number of resident bedrooms.
- (6) The bedroom space provided for each resident shall meet the minimum criteria outlined in any application provision of the Ohio Administrative Code, or any licensing requirements.
- (7) The minimum amount of parking spaces for any facility shall be the same as required for adult care facilities set forth in Section 169.06 of this Resolution.
- (8) Any proposal for an RCF shall include a site plan and floor plan drawn to scale, delineating the items necessary to prove compliance with Section 109.04 of this Resolution. The Applicant shall also submit architectural drawings showing the exterior building elevations, and exterior building materials, which shall be subject to review by and approval from the Board of Zoning Appeals. The Applicant shall also submit a landscaping plan and loading and unloading plan which shall be subject to review by and approval from the Board of Zoning Appeals.
- (9) The RCF shall comply with all other zoning requirements imposed by the Zoning Resolution, for the zoning district in which it is located including, but not limited to the signage requirements contained in Chapter 173.
- (10) The facility shall meet all the height, area, yard, and bulk requirements set forth in Chapters 135 and 139, whichever is applicable with the following exception: Maximum lot coverage shall be 10%, however, it may increase 2% per acre if the lot is over 5 acres to a maximum of 20%.
- (11) P-O screening regulations set forth in Section 141.03(g) along rear and side yards next to adjacent residential areas shall be required.
- (12) The plans for the RCF must initially be reviewed by the Bainbridge Volunteer Fire Department in order to show compliance with the requirements of the applicable Ohio Administrative Code sections, all applicable Building, Fire and other Safety Codes and the Bainbridge Township Fire Department Fire Prevention Resolution or similar local Fire Department Rules and Regulations published by the Fire Department.

- (13) Parking in front of the principal building may be allowed provided landscaped islands and buffer areas are included. There shall be no parking or loading/unloading spaces within required yards. Where practical, the loading and unloading shall be in a yard adjacent to a non-residentially zoned parcel.
- (14) No outside storage or display of any materials allowed as required by Section 141.03(h).
- (15) All trash containers shall be fully screened as required by Section 141.03(i).
- (16) If an application for a Conditional Use Certificate for an RCF is granted, and thereafter a license cannot be obtained in accordance with Chapter 3721 of the Ohio Revised Code, and corresponding Chapters of the Ohio Administrative Code, after notice and hearing, the Zoning Board of Appeals may revoke the Conditional Use Certificate.
- (17) The Applicant shall submit a traffic impact study with the application for a conditional use permit corroborating that the level of service, as a result of the addition of the RCF, will not be reduced to an unacceptable level, in accordance with standards of the Ohio Department of Transportation, or as a condition of the application pay for the installation of on and off site improvements that may be required to improve the level of service to an acceptable level in accordance with Ohio Department of Transportation Standards, as verified by the Applicant's Traffic Engineer who prepares the traffic impact study.
- (18) The Applicant shall also submit a storm water plan that will be filed with the Geauga County Soil and Water Conservation District, and shall utilize bioretention as part of its storm water plan where practical and as approved by the Geauga County Soil and Water Conservation District.
- (19) The Applicant shall submit an exterior lighting plan, which shall be reviewed and subject to the approval of the Board of Zoning Appeals. The Applicant shall, as a condition of obtaining a conditional use permit, obtain a driveway access permit from the State of Ohio or Geauga County, as the case may be.
- (20) The Applicant shall present information establishing the static and residual water pressure to provide fire fighting capability to the RCF. In the event the Bainbridge Fire Department determines that either the static or residual pressure is insufficient for fire fighting, the Applicant shall install booster pumps powered by either gas or diesel fuel.

- (21) The Applicant shall install concrete or asphalt access to at least 3 sides of the RCF in order for emergency services to gain access to the RCF. The access shall be sufficiently wide enough and connected to the main drive into the parcel for the emergency services to gain direct and immediate access to the RCF.
- (22) The Fire Department shall determine, prior to occupancy of any RCF, whether there is, as a result of the construction materials and density of the RCF building, an impediment to continuous and clearly audible communication signals when using communication equipment employed by emergency services in the Township. In the event there is such a communication problem, the Applicant shall, prior to occupancy, and as a condition of the conditional use permit issued for the RCF construct, install and maintain a passive repeater system, or similar system in accordance with the Fire Department's rules and resolutions that will enhance emergency service communications in compliance with this paragraph.

135.07 REGULATIONS AND STANDARDS FOR NURSING HOMES. **[Adopted
7/24/2006 - Z-2006-4]**

Regulations and Standards for Nursing Homes as defined in Section 105.02 is a conditional use.

- (a) In addition to the purposes set forth in 101.02 of this Zoning Resolution nursing homes are allowed as conditional uses in R-5A and R-3A Districts when operated in conjunction with, and on the same lot of record as a residential care facility to promote compliance with the Americans With Disabilities Act (the **ADA**) and the Federal Fair Housing Act (**FHA**).
- (b) The use of a nursing home as a conditional use shall serve as a transition from a residential zone to a Professional Office District (**P-O**), or Convenience Business (**CB**) zone as shown on the official Bainbridge Township Zoning Map. As a transitional use, the nursing home shall not be expanded beyond its original lot lines of record and as shown on the site plan included with the application for a conditional zoning certificate and approved by the Board of Zoning Appeals. Nor shall any use other than residential expand off of it into a residentially zoned area. The nursing home shall not be adjacent to a light industrial restricted (**LIR**) zoned area because of possible industrial hazards and nuisances.
- (c) In satisfying the purposes of this section, the nursing home shall comply with Sections 117.12 and 117.13 of this Resolution, and the following conditions. In the case of any conflict, the provisions contained in this section of this Resolution shall prevail:

- (1) The nursing home shall be bordered on at least one side by a lot of record zoned Professional Office District (**P-O**), or Convenience Business (**CB**) as shown on the official Bainbridge Township Zoning Map or be on the same site as a residential care facility previously permitted as a conditional use in accordance with Section 135.06 of this Resolution. If adjacent to a Professional Office District, the nursing home shall not violate the purpose of a Professional Office District pursuant to Chapter 141 of this Resolution. The nursing home shall be located on a lot containing frontage on State Route 306 (Chillicothe Road), or East Washington Street. No driveway serving a nursing home shall intersect with any other road other than State Route 306 or East Washington Street.
- (2) The minimum lot size for a nursing home shall be 5 acres in an R-5A District; and a minimum of 3 acres in an R-3A District.
- (3) The nursing home must be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources and located on a lot included for sewer service in accordance with the Geauga County 208 Sewer Plan.
- (4) The nursing home shall only be allowed in those areas of the Township with a connection to and served by a public water supply operated by a governmental agency or an entity subject to the jurisdiction of the Public Utilities Commission of Ohio.
- (5) The number of resident beds in the facility shall not exceed 1.5 times the number of resident bedrooms.
- (6) The bedroom space provided for each resident shall meet the minimum criteria outlined in any applicable provisions of the Ohio Administrative Code, or any licensing requirements of the State of Ohio.
- (7) The minimum amount of parking spaces for any nursing home shall as set forth in Section 169.06 of this Resolution for nursing homes.
- (8) Any proposal for a nursing home shall include a site plan and floor plan drawn to scale, delineating the items necessary to prove compliance with Section 109.04 of this Resolution. The Applicant shall also submit architectural drawings showing the exterior building elevations, and exterior building materials, which shall be subject to review and approval from the Board of Zoning Appeals. The Applicant shall also submit a landscaping plan and loading and unloading plan which shall be subject to review and approval from the Board of Zoning Appeals.

- (9) The nursing home shall comply with all other zoning requirements imposed by the Resolution, for the Zoning District in which it is located including, but not limited to, the signage requirements contained in Chapter 173 of this Resolution.
- (10) The facilities shall meet all of the height, area, yard and bulk requirements set forth in Chapters 135 or 139, as applicable, with the following exception:
 - A. Maximum lot coverage shall be 10%, however, it may increase 2% per acre if the lot is over 5 acres, to a maximum of 20%.
- (11) P-O Screening Regulations set forth in Section 141.03(g) along rear and side yards next to adjacent residential areas shall be required.
- (12) The plans for the nursing home must initially be reviewed by the Bainbridge Volunteer Fire Department in order to show compliance with the requirements of the applicable Ohio Administrative Code sections, all applicable Building, Fire and other Safety Codes and the Bainbridge Township Fire Department Fire Prevention Resolution or similar local Fire Department Rules and Regulations published by the Fire Department.
- (13) Parking in front of the principal building may be allowed provided landscaped islands and buffer areas are included. There shall be no parking or loading/unloading spaces within required yards. Where practical, the loading and unloading shall be a yard adjacent to a non-residentially zoned parcel.
- (14) No outside storage or display of any materials will be allowed as required by Section 141.03(h) of this Resolution.
- (15) All trash containers shall be fully screened as required by Section 141.03(i) of this Resolution.
- (16) If an application for a conditional use certificate for a nursing home is granted, and thereafter a certificate of need that may be required from the State of Ohio cannot be obtained, after notice to Applicant, and a Public Hearing, the Zoning Board of Appeals may revoke a conditional use certificate issued for the nursing home.
- (17) The nursing home operations shall be combined with, although not necessarily attached to, the residential care facility on the same lot of record and the Applicant shall, where appropriate, combine services for the residential care facility and the nursing home in order to reduce deliveries, and permit overlap of staffing to further reduce traffic in and out of the combined facilities.

- (18) The Applicant shall utilize on site medical or nursing staff at a nursing home to assist in emergencies at residential care facilities in order to reduce the number of emergency responses required by Bainbridge Township or private emergency medical services.
- (19) The Applicant shall submit a traffic impact study with the application for a conditional use permit corroborating that the level of service, as a result of the addition of the nursing home, will not be reduced to an unacceptable level, in accordance with standards of the Ohio Department of Transportation, or as a condition of the application pay for the installation of on and off site improvements that may be required to improve the level of service to an acceptable level in accordance with Ohio Department of Transportation Standards, as verified by the Applicant's Traffic Engineer who prepares the traffic impact study.
- (20) The Applicant shall also submit a storm water plan that will be filed with the Geauga County Soil and Water Conservation District, and shall utilize bioretention as part of its storm water plan where practical and as approved by the Geauga County Soil and Water Conservation District.
- (21) The Applicant shall submit an exterior lighting plan, which shall be reviewed and subject to the approval of the Board of Zoning Appeals. The Applicant shall, as a condition of obtaining a conditional use permit, obtain a driveway access permit from the State of Ohio or Geauga County, as the case may be.
- (22) The Applicant shall present information establishing the static and residual water pressure to provide fire fighting capability to the nursing home. In the event the Bainbridge Fire Department determines that either the static or residual pressure is insufficient for fire fighting, the Applicant shall install booster pumps powered by either gas or diesel fuel.
- (23) Where a nursing home and residential care facility are located on the same property, there shall be one alarm system servicing all of the facilities. Where the nursing home and residential care facility are attached, there shall be one sprinkler system serving the buildings. A standpipe for fire fighting purposes shall be installed in the nursing home in accordance with the Bainbridge Fire Department's rules and resolutions.
- (24) The Applicant shall install concrete or asphalt access to at least 3 sides of the nursing home in order for emergency services to gain access to the nursing home. The access shall be sufficiently wide enough and connected to the main drive into the parcel for the emergency services to gain direct and immediate access to the nursing home.

- (25) The Fire Department shall determine, prior to occupancy of any nursing home, whether there is, as a result of the construction materials and density of the nursing home building, an impediment to continuous and clearly audible communication signals when using communication equipment employed by emergency services in the Township. In the event there is such a communication problem, the Applicant shall, prior to occupancy, and as a condition of the conditional use permit issued for the nursing home construct, install and maintain a passive repeater system, or similar system in accordance with the Fire Department's rules and resolutions that will enhance emergency service communications in compliance with this paragraph.