

## CHAPTER 190

### MUP Mixed Use Planned Unit Development District

Z-2015-1

Article 2.2	Land Uses
Article 3.1	Development Yield
Article 3.2	Intentionally Left Blank
Article 3.3	Supplemental Development Standards
Article 4.1	Site Capacity and Environmental Quality
Article 4.2	Stormwater Management and Flood Damage Prevention
Article 5.1	General Development Standards
Article 5.2	Access, Parking, Loading, and Lighting
Article 5.3	Sign Standards – See Chapter 173 in current zoning code for sign standards
Article 5.4	Landscaping and Buffering
Article 6.1	PUD Administrative Standards
Article 7.1	Word and Document Usage, Measurements, and Definitions

ADOPTED JUNE 8, 2015

EFFECTIVE JULY 8, 2015

## Table of Contents

### Definition

### Purpose Statement

### Article 2.2 Land Uses

- Division 2.2.100 Purpose and Applicability of Article
  - Section 2.2.101 Purpose of Article
  - Section 2.2.102 Application of Article
- Division 2.2.200 Permitted, Conditional, and Prohibited Uses
  - Section 2.2.201 Purpose and Applicability of Article
- Division 2.2.300 Intentionally Left Blank
- Division 2.2.400 Compatibility Standards for Specific Uses
  - Section 2.2.401 Purpose and Applicability of Division
  - Section 2.2.402 Residential, and Commercial Use of the Home Standards
  - Section 2.2.403 Institutional, Recreation and Amusement Use Standards
  - Section 2.2.404 Commercial Use Standards
  - Section 2.2.405 Industrial and Storage, Transportation, and Communication Use Standards
  - Section 2.2.406 Prohibited Uses

### Article 3.1 Development Yield

- Division 3.1.100 New Residential Neighborhoods
  - Section 3.1.101 & 3.1.102 Intentionally Left Blank
  - Section 3.1.103 Standards for Alternate Ownership Patterns
  - Section 3.1.104 Preservation of Open Space
- Division 3.1.200 Housing Palette
  - Section 3.1.201 Intentionally Left Blank
  - Section 3.1.202 Single-Family Detached Dwellings
  - Section 3.1.203 Twin Houses
  - Section 3.1.204 Townhouses; Standards and Weak-link
  - Section 3.1.205 Multi-Family Dwellings
  - Section 3.1.206 Manufactured Homes
- Division 3.1.300 Mixed-Use Development Standards
  - Section 3.1.301 Purpose and Applicability of Division
  - Section 3.1.302 Mixed-Use Intensity Standards
  - Section 3.1.303 Mixed-Use Bulk Standards
  - Section 3.1.304 Mix of Housing Types in the Mixed-Use District

### Article 3.2 This Article intentionally left blank

### **Article 3.3 Supplemental Development Standards**

- Division 3.3.100 Supplemental Residential Development Standards
  - Section 3.3.101 Purpose and Applicability of Division
  - Section 3.3.102 Permitted Encroachments in Nonresidential and Mixed-Use Required Setbacks
  - Section 3.3.103 Accessory Buildings and Structures
  - Section 3.3.104 Common Areas And Gatehouses
  - Section 3.3.105 Decks and Balconies
  - Section 3.3.106 Fences, Hedges, and Garden Walls
  - Section 3.3.107 Intentionally Left Blank
  - Section 3.3.109 Swimming Pools and Spas
- Division 3.3.200 Supplemental Nonresidential Development Standards
  - Section 3.3.201 Purpose and Applicability of Division
  - Section 3.3.202 Permitted Encroachments into Required Setbacks
  - Section 3.3.203 Accessory Buildings and Structures
  - Section 3.3.204 Fences, Hedges, and Walls
  - Section 3.3.205 Loading, Truck Access, and Solid Waste Collection
  - Section 3.3.206 Outdoor Display of Merchandise

### **Article 4.1 Site Capacity and Environmental Quality**

- Division 4.1.100 Purpose and Applicability of Article
  - Section 4.1.101 Purpose of Article
  - Section 4.1.102 Application of Article
- Division 4.1.200 Site Capacity for Development
  - Section 4.1.201 Purpose and Applicability of Division
  - Section 4.1.202 Delineation of Protected Resources
  - Section 4.1.203 Resource Protection Standards
  - Section 4.1.204 Site Capacity Requirements
  - Section 4.1.205 Base Site Area
  - Section 4.1.206 Resource Open Space
  - Section 4.1.207 Uses in Open Space
- Division 4.1.300 Intentionally Left Blank
- Division 4.1.400 Environmental Quality
  - Section 4.1.401 Purpose and Applicability of Division
  - Section 4.1.402 Emissions and Odors
  - Section 4.1.403 Light and Glare
  - Section 4.1.404 & 4.1.405 Intentionally Left Blank

- Section 4.1.406 Blasting

## **Article 4.2 Stormwater Management and Flood Damage Prevention**

### **Article 5.1 General Development Standards**

- Division 5.1.100 Mixed-Use Development Standards
  - Section 5.1.101 Purpose and Applicability of Division
  - Section 5.1.102 Building Form and Design
  - Section 5.1.103 Mechanical Equipment
- Division 5.1.200 Planned-Unit Development Standards
  - Section 5.1.201 Purpose and Applicability of Division
  - Section 5.1.202 Planned Conservation Developments
  - Section 5.1.203 Mixed-Use in the MUP District

### **Article 5.2 Access, Parking, Loading, and Lighting**

- Division 5.2.100 Access and Circulation
  - Section 5.2.101 & 5.2.102 Intentionally Left Blank
  - Section 5.2.103 Vehicle Stacking Requirements
- Division 5.2.200 Intentionally Left Blank
- Division 5.2.300 Exterior Lighting
  - Section 5.2.301 Purpose and Applicability of Division
  - Section 5.2.302 General Outdoor Lighting Requirements

**Article 5.3 Sign Standards** - See Chapter 173 in current zoning code for sign standards

### **Article 5.4 Landscaping and Buffering**

- Division 5.4.100 Purpose and Applicability of Article
  - Section 5.4.101 Purpose of Article
  - Section 5.4.102 Applicability of Article
- Division 5.4.200 General Provisions
  - Section 5.4.201 General Requirements
  - Section 5.4.202 Selection of Plant Material
  - Section 5.4.203 Landscape Plan Approval
  - Section 5.4.204 Land Clearing and Existing Trees
  - Section 5.4.205 Required Maintenance and Care
- Division 5.4.300 Development Landscaping
  - Section 5.4.301 Street Trees
  - Section 5.4.302 Intentionally Left Blank
  - Section 5.4.303 Landscaping in the MUP District
- Division 5.4.400 Buffering

- Section 5.4.401 Bufferyard Classifications
- Section 5.4.402 Required Bufferyards

## **Article 6.1 PUD Administrative Standards**

### **Article 7.1 Word and Document Usage, Measurements, and Definitions**

- Division 7.1.100 Word and Document usage
  - Section 7.1.101 Word Usage
  - Section 7.1.102 Document Usage
- Division 7.1.200 Measurements and Calculation
  - Section 7.1.201 Density
  - Section 7.1.202 Intentionally Left Blank
  - Section 7.1.203 Intensity
  - Section 7.1.204 Lot Area
  - Section 7.1.205 Lot Coverage
  - Section 7.1.206 Lot Width
  - Section 7.1.207 Open Space Ratio (OSR) and Landscape Surface Ratio (LSR)
  - Section 7.1.208 Setbacks
- Division 7.1.300 Definitions
  - 0-9
  - A-Z

### **Appendix**

- A. Permitted Use Table
- B. Land Use Plan

## **Bainbridge Township - Chapter 190 MUP Mixed Use Planned Unit Development District**

For purposes of this chapter, Mixed-Use refers to development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development.

### **Purpose Statement**

The purpose of the Bainbridge Township Mixed-Use Planned Unit Development District (MUP) is to promote the redevelopment of a formerly regionally significant tourist area and to protect the site's plentiful natural resources while maximizing compatibility and integration with adjacent jurisdictions and existing uses (e.g., adjacent outdoor water park and residential areas). Bainbridge Township plans to provide flexibility in site design by creating opportunities for higher density, semi-urban residential housing and mixed-uses and to improve the overall tax base of the township. The mixed-use planned unit development district intends to promote integrated developments that are compatible with adjacent neighborhoods with access and internal circulation methods that are pedestrian-friendly. Within the MUP District, the zoning regulations need not be uniform, but may vary in order to accommodate unified development and to promote the public health, safety and morals. The foregoing proposed text is based on O.R.C 519.021, Planned Unit Development.

**Generally.** Development standards defined in this Mixed Use Planned Unit Development Chapter pertain only to the MUP zoning district as represented in in the Land Use Plan Map, (Appendix B). Definitions and development standards defined in this chapter supersede provisions elsewhere in the zoning resolution and pertain only to development in the MUP zoning district. All guidelines referring to development standards in the MUP district prevail over all other standards. All roadway and infrastructure standards in the MUP district shall adhere to current standards set forth by Bainbridge Township and Geauga County. Specific items such as nonconformities, parking, signage, erosion, blasting, and administrative process shall refer to those chapters in the zoning resolution while also taking into account new language in this chapter.

## **ARTICLE 1 Intentionally Left Blank**

---

## **ARTICLE 2.1 Intentionally Left Blank**

---

## **ARTICLE 2.2 LAND USES**

---

### **Division 2.2.100 Purpose and Applicability of Article**

#### **SEC. 2.2.101 PURPOSE OF ARTICLE**

The purpose of this Article is to set out, generally, what is allowed and not allowed in the Mixed Use Planned Unit Development zoning district. This Article also provides compatibility standards that control the development of buildings and structures where additional provisions are needed to ensure compatibility.

#### **SEC. 2.2.102 APPLICATION OF ARTICLE**

A. **Generally.** This Article sets out which land uses are allowed by right (Permitted), allowed subject to use-specific standards (Permitted with Regulations) or are permitted conditionally with BZA approval (Conditional), and not allowed (Prohibited) in the MUP zoning district.

**B. Permitted, Conditional, and Prohibited Uses.** Article 2.2, *Land Uses*, establishes which uses are allowed, allowed subject to use-specific standards and/or processes, and not allowed. In general, land uses are either permitted or prohibited. However, for some uses, there are other classifications, as follows:

1. *Permitted with Regulations.* Some uses may be approved by the Zoning Inspector, according to the procedures set out in *Chapter 109 Zoning Inspector; Certificates and Enforcement*, subject to use-specific standards to ensure that the uses are compatible with adjacent land uses. These standards are in addition to the standards that all development must comply with and are set out in **Division 2.2.400, Compatibility Standards for Specific Uses**; and
2. *Conditional Uses.* Some uses may be approved after a public hearing by the Board of Zoning Appeals, subject to the procedures set out in *Chapter 117 Board of Zoning Appeals*, which may apply general and/or use-specific standards to ensure that the use is compatible with adjacent land uses and the community as a whole. The general or use-specific standards are in addition to the standards that all development must comply with and are set out in **Division 2.2.400, Compatibility Standards for Specific Uses**.

**C. Existing Permitted Development.** Existing Commercial Subdivisions and single lots with existing permitted uses are to be regulated by any preexisting agreed upon development plan(s) and Standards from Chapter 143 CB: Convenience Business District.

## **Division 2.2.200 Permitted, Conditional, and Prohibited Uses**

### **SEC. 2.2.201 PURPOSE AND APPLICABILITY OF DIVISION**

**A. Purpose.** The purpose of this Division is to set out which uses are permitted (and require a zoning certificate), and which uses are prohibited.

**B. Applicability.**

1. *Zoning Certificates.* Uses that are permitted by right, or Permitted with Regulations subject to the compatibility standards set out in **Division 2.2.400, Compatibility Standards for Specific Uses**, require approval of a zoning certificate in conformance with the procedures set out in *Chapter 109 Zoning Inspector; Certificates and Enforcement*.

2. *Conditional Zoning Certificates.* Uses that are permitted conditionally subject to the compatibility standards set out in **Division 2.2.400, Compatibility Standards for Specific Uses**, and a public hearing in front of the Board of Zoning Appeals, require approval of a conditional zoning certificate in accordance with the procedures set out in *Chapter 117 Board of Zoning Appeals* and **Division 2.2.400 Compatibility Standards for Specific Uses**.

## **Division 2.2.300 Left Intentionally Blank**

## **Division 2.2.400 Compatibility Standards for Specific Uses**

### **SEC. 2.2.401 PURPOSE AND APPLICABILITY OF DIVISION**

**A. Purpose of Division.** The purpose of this Division is to establish compatibility standards which apply to specific **Permitted with Regulations or Conditional** uses. The intent is to further protect the Township's public health, safety, and general welfare by providing specific standards which increase compatibility and minimize adverse impacts on the environment and adjacent uses.

**B. Applicability of Division.**

1. *Timing of Compliance.* New buildings, structures or uses and expansions of any lawfully existing building, structure or use requires issuance of a Zoning Certificate prior to the start of that building, structure or use.

This Division applies to an expansion of use whether such expansion is to an existing use within an existing building, in an outdoor area devoted to the use, or a combination of the nature of the expansion.

2. *Use Standards.* The standards of this Division apply to uses identified as Permitted with Regulations, (PR) or Conditional Use, (C) as set out in Division 2.2.200, *Permitted, Conditional, and Prohibited Uses*, and are applied in addition to the other applicable standards of this chapter.
3. *Procedures.* For conditional uses, the standards of *Chapter 117*, also apply.

## **SEC. 2.2.402 RESIDENTIAL AND COMMERCIAL USE OF THE HOME STANDARDS**

A. **Generally.** The standards of this Section apply to residential, and commercial uses of the home.

B. **Home Occupations.** Home occupations are **Permitted with Regulations** as follows:

1. *Purpose.* The purpose of the home occupation allowances is to provide for the use of a residential dwelling unit for limited business purposes subject to regulations that are designed to maintain the residential character of the dwelling unit, lot, and neighborhood; minimize the conflict of the home occupation with the surrounding residential uses, and to protect residential property values.
2. *Building Character.*
  - a. There is no exterior indication of the home occupation, except that a single unlighted placard with a maximum size of two square feet may be affixed securely and flat against the street-facing facade of the dwelling.
  - b. No entrance is specifically dedicated for the home occupation, unless otherwise required by law.
  - c. No external alterations or construction or reconstruction of the dwelling unit on the lot to accommodate the home occupation is permitted.
3. *Maximum Floor Area.* Not more than 25 percent of the gross floor area of the principal dwelling unit or accessory building shall be devoted to a home occupation.
4. *Parking.* Parking spaces in connection with a home occupation shall not be located in the front yard setback nor in front of the dwelling unit, except in the driveway, and shall comply with the requirements of [Article 3.2.2, Access, Parking, Loading and Lighting](#).
5. *Operations.*
  - a. The home occupation shall be owned and operated by the person, or the immediate family living and working within the dwelling unit.
  - b. No more than one person shall be present and working at the home occupation at one time, other than the residents of the dwelling. This includes people who have entered into a contract to provide services for the home occupation.
  - c. The home occupation will be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes.
  - d. The home occupation shall be carried on wholly within the principal dwelling unit or accessory building, subject to the maximum floor area set out in subsection C.3., *Maximum Floor Area*, of this Section.
  - e. There shall be no outdoor display or storage of goods, materials, merchandise, or equipment related to the home occupation that is visible from the exterior of the dwelling unit.
  - f. Home occupations are not allowed in multi-family dwelling units.
6. *Deliveries.* The home occupation will not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one ton step-up vans, or similar-sized trucks.
7. *Vehicles.*
  - a. No licensed trailers are allowed as part of a home occupation.

8. *Nuisance.* The home occupation will not create or cause any perceptible noise, odor, smoke, heat, dust, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
9. *Risk.* The home occupation will not be more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes.
10. *Required Conformance.* The home occupation will be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained with a copy provided to the Township prior to beginning operation.

C. **Live/Work Townhomes.** Live/work townhomes are **Permitted with Regulations** as follows:

1. *Separation.* Within the MUP, they are separated from single-family detached dwellings by a Type A bufferyard or a local street.
2. *Use Restrictions.* The use of the area devoted to work is restricted to:
  - a. General Office;
  - b. Therapeutic services that do not involve medical waste;
  - c. Art studio; or
  - d. A use approved by the Board of Zoning Appeals.
3. *Design.*
  - a. The units are designed with an external appearance as a residence rather than a commercial business.
  - b. The units may be integrated into a mixed-use building as long as they are located above the ground floor.
  - c. Vehicular access to the units shall be provided directly adjacent to the building via a private street, parking structure, or surface parking lot with two way directional traffic thereby creating through access to the nearest cross streets.
  - d. The area devoted to work does not exceed 50 percent of the total habitable area of the unit.
4. *Operations.*
  - a. The live/work townhome shall be owned and operated by the person, or the immediate family living and working within the dwelling unit.
  - b. No more than one person shall be present and working in the live/work townhome at one time, other than the residents of the dwelling. This includes people who have entered into a contract to provide services for the operations of the business at the live/work townhome.
  - c. The live/work townhome will be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes.
  - d. The live/work townhome shall be carried on wholly within the principal dwelling unit.
  - e. There shall be no outdoor display or storage of goods, materials, merchandise, or equipment related to the live/work townhome that is visible from the exterior of the dwelling unit.
5. *Deliveries.* The live/work townhome will not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one ton step-up vans, or similar-sized trucks.
6. *Vehicles.*
  - a. No licensed trailers are allowed as part of a home occupation.
7. *Nuisance.* The live/work townhome will not create or cause any perceptible noise, odor, smoke, heat, dust, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
8. *Risk.* The live/work townhome will not be more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes.

9. *Required Conformance.* The live/work townhome will be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained with a copy provided to the Township prior to beginning operation.

10. A Live/Work Townhome shall be set back a minimum of 500' from the ordinary high watermark of a lake.

D. **Manufactured Homes** – Permitted with regulations as follows:

1. A Manufactured Home shall be setback a minimum of 500' from the ordinary high watermark of a lake.

E. **Multi-Family.** Multi-family dwellings are **Permitted with Regulations** as follows:

1. *Building Design.*

a. They are integrated into mixed-use buildings and located above the ground floor.

b. All units are accessed via interior hallways and designed and constructed with a balcony.

2. *Site Design.* Surface or structured parking is behind or underneath the building.

F. **Townhouses.** Townhouses are **Permitted with Regulations** as follows:

1. *Design.*

a. Townhouses shall be arranged in rows of three to a maximum of six attached townhouses. Fewer than three townhouses may be permitted in a townhouse row if:

i. The average number of units per townhouse row in the development is four or more; and

ii. The smaller rows are necessary for an efficient layout of the parcel proposed for development.

b. The one-story portion of weak-link townhouses shall constitute at least 20 percent of the front facade of each townhouse unit.

2. *Access.* Vehicular access to the units shall be provided directly adjacent to the building(s) via a private street, parking structure, or surface parking lot with two way directional traffic thereby creating through access to the nearest cross streets.

3. The Townhouse shall be setback a minimum of 500' from the ordinary high watermark of a lake.

G. **Single Family Detached Dwelling.** – Permitted with Regulations as follows:

1. There shall be no more than one single-family detached dwelling on a lot of record.

2. The Single Family Detached Dwelling shall be setback a minimum of 500' from the ordinary high watermark of a lake.

H. **Twin.** Permitted with Regulations as follows:

1. The Twin shall be setback a minimum of 500' from the ordinary high watermark of a lake.

I. **Child Family Day-Care Home** – Type B. Permitted

## **SEC. 2.2.403 INSTITUTIONAL, RECREATION AND AMUSEMENT USE STANDARDS**

A. **Generally.** The standards of this section apply to institutional, recreational and amusement uses in addition to other applicable provisions.

B. **Adult Long-Term Care Facilities.** Permitted.

C. **Child Day-Care Centers.** Child day-care centers are Permitted.

D. **Commercial Amusement, Indoor.** Permitted.

E. **Commercial Amusement, Outdoor.** Permitted with Regulations as follows:

1. *Access.* Access is required from an arterial street.

2. *Minimum Separation.* The use is located at least 600 feet from residentially used or zoned property.

3. *Required Buffer*. The use is separated from all residentially used or zoned property by a Type D bufferyard.
4. *Storage and Solid Waste Collection*. All storage of maintenance or related equipment, as well as central trash collection areas, shall be in accordance with [Section 3.3.205, Loading, Truck Access, and Solid Waste Collection](#).
5. *Signs*. The location and dimensions of all signs shall be in accordance with *Chapter 173*.

**F. Places of Public Assembly**. Places of public assembly are **Permitted with Regulations** as follows:

1. *Lot and Design Standards*.
  - a. The use meets the density requirements.
  - b. Parking will be provided on-site and without requiring parking on contiguous or noncontiguous parcels.
  - c. The use will be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.
2. *Expansion*. Expansion to abutting lots or parcels meets the following criteria and standards:
  - a. The applicant controls the property onto which the expansion is proposed.
  - b. It will allow the use to take access from a collector or arterial street.
  - c. It will involve the installation of a Type D bufferyard between the use and abutting residential uses, unless equivalent buffering is already provided.
  - d. The expansion will not involve the location of buildings or parking within 50 feet of residentially used or zoned property.
3. *Accessory Uses*. All accessory uses (*e.g.*, picnic pavilion) not detailed and approved on the original zoning certificate shall require a subsequent review and approval.
4. *Required Buffer*. The perimeter of the parcel shall be buffered with a Type D bufferyard.

**G. Public Safety**. Public safety facilities are **Permitted with Regulations** as follows:

1. *Access*. Access shall be taken from a collector or arterial street.
2. *Required Buffer*. In general, the use shall be screened from abutting property in the residential districts with a Type C bufferyard. Fleet storage areas and areas that are enclosed with barbed wire fences (if any) shall be screened from abutting properties with a Type D bufferyard. Barbed wire fences, if used, may be located behind the bufferyard (interior to the property) or incorporated into it, provided that, if incorporated, the landscaping is arranged to screen the fence.

**H. Recreation / Fitness, Indoor**. Permitted.

**I. Recreation / Fitness, Outdoor**. Permitted.

**J. Public Services**. Permitted.

**K. Motion Picture Production Studio**. Permitted.

**L. Hospitals/Medical Clinics/Medical Labs/Urgent Care**. Permitted.

**SEC. 2.2.404 COMMERCIAL USE STANDARDS**

**A. Generally**. The standards of this Section apply to commercial uses, in addition to the other applicable provisions.

**B. Animal Veterinary Services, Small Animal, Pet Stores**. Animal veterinary services, small animal and pet stores are **Permitted with Regulations as follows**:

1. Not allowed in a vertical mixed-use building where private offices or residences exist.

**C. Drive-In, Drive-Through Facilities.** Drive-in, drive-through facilities are **Permitted with Regulations** as follows:

1. *Generally.*

- a. Drive-in, drive-through facilities are permitted only as an accessory use to a principal use (*e.g.*, restaurant or bank).
- b. The drive-in, drive-through facility shall not be located within the front yard.

2. *Ordering/Speaker System.*

- a. The drive-in or drive-through ordering system / outdoor speaker system shall only be utilized for the purposes of communication between employees and customers and shall be located at least 75 feet from any residentially used or zoned properties.
- b. Ordering/speaker systems shall be designed to direct the sound away from adjacent residential properties.
- c. Ordering/speaker systems shall be buffered against any residentially used or zoned property by a Type C bufferyard, including a fence or wall, when not separated by the principal building.
- d. The speaker shall be located for service to the driver side door.

3. *Vehicle Queuing.* The queuing of vehicles complies with Section 5.2.103, *Vehicle Stacking Requirements.*

**D. Fueling Station / Vehicle Wash / Light Vehicle Service** are conditional uses with conditions as follows:

1. *Generally.* All fueling/charging station, vehicle wash, and light vehicle service uses shall comply with the following provisions in addition to the applicable provisions set out in the subsections below:

- a. Public water and sewer service is required.
- b. No storage, rental, or retail sales of vehicles is allowed.
- c. Landscaping.
  - i. Not less than 30 percent of the area of the parcel shall be a landscaped surface. This requirement supersedes the landscape surface ratio requirements of Section 4.1.207, *Uses in Open Space.*
  - ii. The perimeter of the parcel shall be buffered with a Type C bufferyard, except that if the abutting zoning district is R-5A or R-3A, the bufferyard shall include a fence or wall that is at least six feet in height.

2. *Fueling/Charging Stations.*

- a. Electric Charging Stations.
  - i. Level 1 and Level 2 electric charging stations are allowed in all parking locations, except those areas where parking is expected to be high turnover.
- b. Fueling Stations.
  - i. Fueling stations that dispense fossil fuels shall not be located within riparian setbacks or the 100-year including, but not limited to, the following:
    - a. All areas within 20 feet of a gasoline pump.
    - b. All underground tank fill points.
    - c. All service areas where fossil fuels, lubricants, solvents, or other hazardous materials are used.
  - ii. Fueling stations that dispense fossil fuels shall not be located within 200 feet of a wetland, waterbody (except detention or retention with treatment), or permitted potable water well.
  - iii. Fuel pumps and pump islands shall be setback at least 30 feet from the right-of-way line of any public or private street.

3. *Vehicle Washes* are permitted if it is demonstrated that:

- a. All mechanical equipment, excluding self-service vacuum units, will be enclosed within a building.
- b. All facilities will be designed and configured such that any outdoor spraying preparation or drying activities are directed away from and no less than 75 feet from any abutting residentially used or zoned properties.
- c. Bay access is oriented and/or screen walls are provided to prevent headlights from shining towards residential property. Generally, this means that wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and orient wash activities away from any abutting residentially used or zoned property.
- d. If self-service vacuum facilities are provided, a minimum of one parking space for each vehicle capable of being serviced at any one time at such vacuum facility shall be provided. Parking spaces for accessory vacuum facilities will not interfere with on-site circulation or entrance or exit drives.
- e. The following water recycling requirements will be applied to all full-service or conveyor-based vehicle wash facilities:
  - i. All vehicle wash facilities that obtain a zoning certificate after the effective date of this chapter will be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than 50 percent of the water being used by the facility.
  - ii. Any operator of a vehicle wash facility that has obtained a zoning certificate prior to the effective date of this chapter will be required to install, and maintain in operation, a water recycling system that will recycle not less than 50 percent of the water as a condition of any zoning certificate to:
    - a. Enlarge the water tap, meter, or service line in any vehicle wash facility; or
    - b. Demolish, destroy, or remove and then replace more than 50 percent of the floor area of the vehicle wash facility building as it existed on the effective date of this chapter, except for the purpose of replacing or repairing water recycling equipment; or
    - c. Expand the floor area of the vehicle wash facility building by more than 50 percent of the area of the vehicle wash facility building as it existed on the effective date of this chapter.

4. *Light Vehicle Service*.

- a. All service and repair work shall be conducted inside of the building.
- b. Vehicles waiting for service or vehicles that have been serviced, shall be parked no closer than 30 feet from the right-of-way line of any public or private street and screened. Outdoor storage of vehicles will be on an improved hard surface and enclosed by an approved fence or wall (see [Section 3.3.204, Fences, Hedges, and Walls](#)) to a minimum height of six feet, or within a clearly defined area that is screened from all rights-of-way by a row of shrubs that will attain a minimum height of four feet within one growing season.

**E. General Office.** General office uses are **Permitted**.

**F. Mixed-Use.** Mixed-use is **Permitted with Regulations** as follows:

1. *Common Areas*. If there are more than five dwelling units in the development, shared recreational amenities and/or landscaped outdoor areas are provided for the use of the residents, as follows:
  - a. Six to 50 units: 100 sf. per unit.
  - b. 51 to 100 units: 5,000 sf., plus 50 sf. per unit in excess of 50 units.
  - c. More than 100 units: 7,500 sf., plus 25 sf. per unit in excess of 100 units, but not less than three percent of the residential floor area.
  - d. The shared recreational amenities or landscaped outdoor areas are the greater of the above standards or the minimum landscape surface ratio set out in [Table 3.1.302, Mixed-Use Intensity Requirements](#).

2. *Conformance with Specific Use Standards.*

- a. If the development includes uses that are indicated as "Permitted with Regulations," the applicable Permitted with Regulations standards shall be met.
- b. If the development includes uses that are indicated as "conditional," the applicable conditional use standards shall be met and such approval shall require a conditional zoning certificate by the Board of Zoning Appeals.
- c. If there is a conflict between any "Permitted with Regulations" or "conditional use" standard stemming from the various uses, the most restrictive standard applies.
- d. If such Permitted with Regulations or conditional use standards require spacing from residential property, then they may not be combined with a residential use in a mixed-use development or they shall be separated by a Type D bufferyard.

G. **Overnight Accommodations** (hotels, motels, commercial inns). Overnight accommodation uses are Permitted.

H. **Retail Sales and Services.** Retail sales and services are Permitted.

I. **Animal Grooming Facilities.** – Permitted with Regulations as follows

1. Not allowed in a vertical mixed-use building where private offices or residences exist

J. **Medical Office.** – Permitted.

K. **Restaurant.** – Permitted.

**SEC. 2.2.405 INDUSTRIAL AND STORAGE, TRANSPORTATION, AND COMMUNICATION USE STANDARDS**

A. **Generally.** The standards of this Section apply to industrial and storage, transportation, and communication uses.

B. **Helistops.** Helistops are a **conditional** use as follows:

1. *FAA Determinations.* Applications for construction of a helistop shall include a determination by the Federal Aviation Administration of "no objection" or "conditional," pursuant to 14 CFR § 157.7, *FAA Determinations*. If the determination is "conditional," then the applicant shall demonstrate to the Township how the conditions will be met.
2. *Spacing.* Helistops shall be spaced, measured as the shortest distance from the boundary of the touchdown and lift-off area to the nearest property line of the use from which spacing is required, as follows:
  - a. At least 600 feet (horizontal distance) from multi-family, nonresidential and mixed-uses.
  - b. At least 1,000 feet (horizontal distance) from single-family detached, twin, townhome, and manufactured home, residential uses, and all public and private schools.
3. *Design.* Helistops shall be designed according to the applicable design standards set out in U.S. Department of Transportation Advisory Circular No. 150/5390-2C, dated April 24, 2012, as may be amended or supplemented from time to time; and shall meet all Federal Aviation Administration requirements. Compliance with these standards shall be demonstrated to the Township.
4. *Exemptions.*
  - a. In the interest of public safety, police stations, fire stations, hospitals, and trauma centers may be developed with an accessory helistop, subject to the standards set out in subsection 3, above.
  - b. Nothing in this subsection shall be construed to prohibit or limit the ability of an emergency services helicopter from landing or taking off as part of an emergency response or for special events (*e.g.*, a Township or other governmental agency event) normally associated with the use of helicopters.

**C. Research and Testing Laboratories.** Research and testing laboratories are **Permitted with Regulations:**

1. If it is demonstrated that all business activities (including storage of materials) will take place entirely within an enclosed building.

**D. Wireless Telecommunication Facilities.** Wireless Telecommunication Facilities are permitted as regulated in Chapter 186.

**SEC. 2.2.406 PROHIBITED USES.**

**A. Generally.** The following uses are specifically prohibited in addition to any use not specifically listed as Permitted, Permitted with Regulations or Permitted Conditionally.

1. Adult-Oriented Businesses
2. Animal Veterinary Services, Large Animals
3. Asphalt/concrete batch processing plants
4. Cemeteries
5. Commercial recycling centers
6. Commercial truck terminals: unless licensed by the Public Utilities Commission of Ohio (PUCO)
7. College / University / Vocational Schools
8. Disposal of radioactive wastes
9. Farm Supplies and Services
10. Funeral Homes
11. Golf Course / Driving Range / Club
12. Heavy Retail. - Prohibited
13. Heavy industry
14. Heliports
15. Internet cafes/sweepstakes
16. Light Industry and Wholesale
17. Library
18. Manufactured home park
19. Outdoor Public Recreation, Active
20. Outdoor Public Recreation, Passive
21. Pawn Shop
22. Personal Storage
23. Post Office or Parcel Service
24. Rendering Plants
25. Schools, Private
26. Schools, Public
27. Shooting / Archery Range, Indoor and outdoor
28. Small Wind Farms
29. Storage Yards
30. Tattoo Parlor
31. Vehicle Rentals and Sales
32. Warehousing and Logistics
33. Waste transfer stations
34. Warehousing and Logistics
35. All prohibited uses specified in Chapter 177.01

## **ARTICLE 3.1 DEVELOPMENT YIELD**

### **Division 3.1.100 New Residential Neighborhoods**

#### **SEC. 3.1.101 & 3.1.102 Intentionally Left Blank**

#### **SEC. 3.1.103 STANDARDS FOR ALTERNATE OWNERSHIP PATTERNS**

- A. **Generally.** The standards of [Division 3.1.200, \*Housing Palette\*](#), with respect to lot area, lot width, and setbacks relate to the development of residential buildings on conventional lots that are intended to be owned in fee-simple by the owners of the buildings. However, the standards are not intended to preclude other ownership types, such as condominiums (in which the land is owned in common by the owners of the condominium units), or common maintenance communities (in which fee simple ownership is limited to the land under the building, and, in some cases, a small area around it). The alternative standards of this Section are intended to allow such alternative ownership scenarios, provided that the development could be approved pursuant to this chapter using conventional fee-simple ownership arrangements.
- B. **Demonstration of Compliance Required.** The proposed pattern of development will be permitted if it is demonstrated that it will comply with the density, open space, and applicable setback requirements of this chapter if it were platted with lots that meet the minimum requirements of [Division 3.1.200, \*Housing Palette\*](#), for each of the proposed housing types or [Division 3.1.300, \*Mixed-Use Development Standards\*](#).

#### **SEC. 3.1.104 PRESERVATION OF OPEN SPACE**

- A. **Open Space Securely Held.** Open space that is required by this chapter shall not be developed or redeveloped once established.
- B. **Responsible Parties.** Open space that is required by this chapter shall be placed in an easement, and may be owned in the following ways:
1. As common areas by homeowners', condominium, or property owners' associations; or
  2. By a private, non-profit organization that is capable of managing the open space with a conservation easement dedicated to the non-profit organization and to the owners of rest of the property in the development.
- C. **Covenants, Conditions, and Restrictions ("CCRs").** A development plan and subsequent plat notation and written covenants, conditions, and restrictions are required identifying:
1. The owner of the property subject to the easement, the holder of the easement, and the responsibilities of the property owner and easement holder.
  2. A clearly defined boundary of the property subject to the easement, preferably by metes and bounds legal description and survey plat.
  3. Restrictions as to what the owner may do with the property and what may not be done with the property.
  4. Limitations which may include but may not be confined to prohibitions against subdivision, earthmoving, dumping, signs, construction, changes to existing structures, and uses made of the property.
  5. Property inspection rights for the easement holder to assure observance of restrictions.
  6. Enforcement procedures.
  7. Maintenance requirements and responsibilities of the property owner.

**D. Ownership and Management of Open Space.** Required open spaces owned and managed as common areas, as set out in subsection B.1., above shall be in accordance with the following requirements:

1. As part of the approval of the zoning certificate, the developer shall provide to the Zoning Inspector a description of the homeowners', condominium, or property owners' association, including bylaws and methods and assurances for maintaining the open space.
2. The homeowners', condominium, or property owners' association shall be established by the developer and endowed with a financial subsidy from the developer prior to the approval of the zoning certificate on the property involving a conservation easement.
3. Membership of each lot owner in the platted subdivision shall be mandatory (required) and automatic.
4. The homeowners', condominium, or property owners' association shall be responsible for maintenance, insurance, and taxes on the open space within the conservation easement area. The association shall be required to assess dues for the maintenance of open space, purchase of insurance, and payment of taxes, unless another income source is proven to be available. Members of the association shall share equitably the costs of open space development and maintenance as indicated in the bylaws. The association shall be empowered with the legal ability to place liens on lot owners for failure to pay association dues.
5. Said homeowners', condominium, or property owners' association shall not be dissolved without the consent of the Board of Trustees. If common ownership of open spaces by an association is proposed and approved, then open spaces shall be subject to permanent deed and final plat covenant, conditions, and restrictions on the future use, development, and subdivision of open spaces, in addition to the requirement of a conservation easement.
6. The Board of Trustees may require that the homeowners', condominium, or property owners' association establish a minimum amount of funds to be initially deposited and maintained in a maintenance account.

### **Division 3.1.200 Housing Palette**

**A. Purpose.** The housing palette set out in this Division is used to offer flexibility in the design of new subdivisions. Once the number of dwelling units is determined this Division provides a "palette" or "menu" of different lot and housing types that may be used to build the dwelling units.

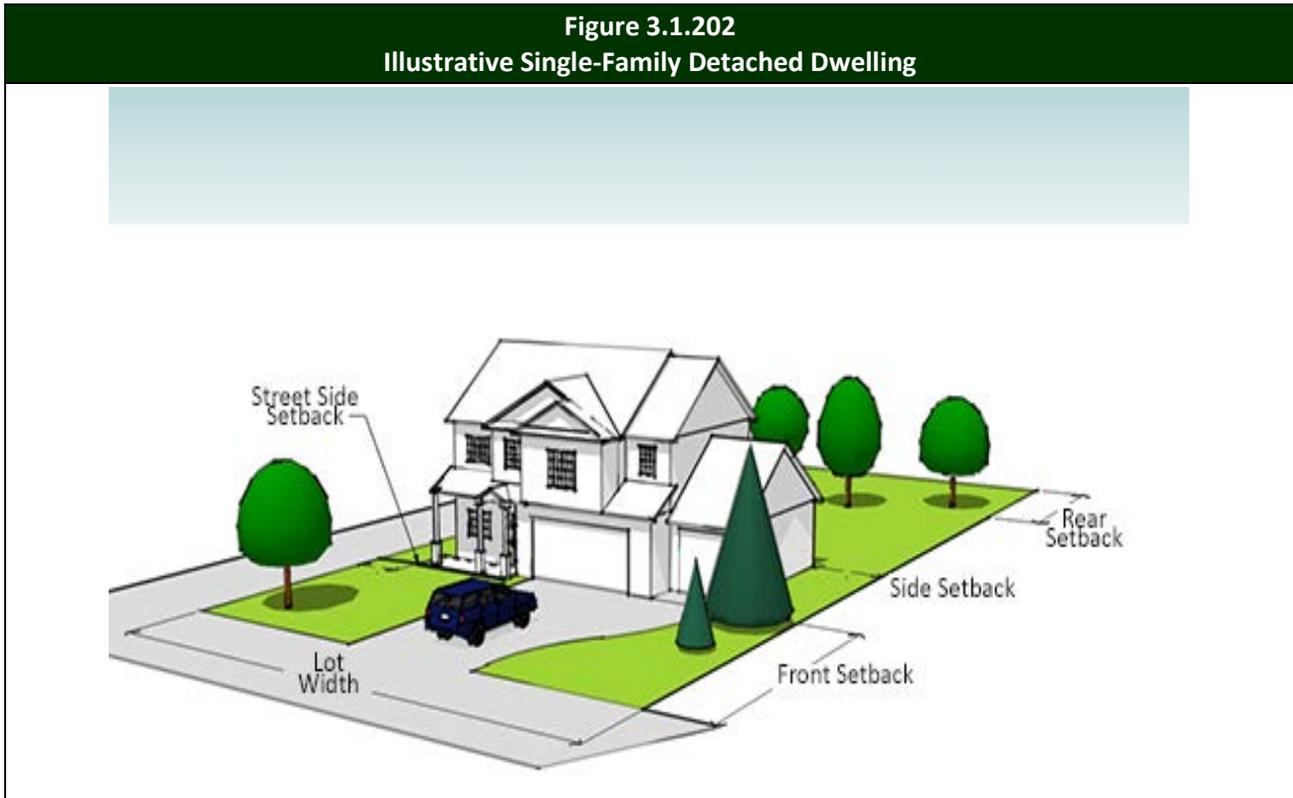
**B. Applicability.**

1. *Using the Housing Palette.* When applied to a parcel proposed for development, 2.2.202, *Residential and Commercial Uses of the Home*, sets out the housing types that are allowed. Then, *Mixed-Use Development* are used in conjunction with Division 4.1.200, *Site Capacity for Development*, to determine the number of dwelling units that may be constructed and how much land is available for development. Finally, the lot and building standards (and in some cases, other applicable standards) for each type of dwelling unit are set out in [Section 3.1.202, Single-Family Detached Dwelling](#) through [Section 3.1.206, Manufactured Home](#).
2. *Disclaimer.* The housing palette should not be construed to limit development to less than the allowed density, nor should it be construed to allow greater density than is permitted by [Division 3.1.300, Mixed-Use Development](#).

### **SEC. 3.1.201 Intentionally Left Blank**

**SEC. 3.1.202 SINGLE-FAMILY DETACHED DWELLINGS**

A. **Generally.** Single-family detached dwellings are residences for one family that are typically located on a privately-owned lot, with private yards on each side of the unit. Single-family detached units could also be located on condominium-owned property, surrounded by limited common elements for use by residents of the single-family dwelling, which would serve the same purpose as a private yard. See Figure 3.1.202, *Illustrative Single-Family Detached Dwelling*.



**B. Standards.**

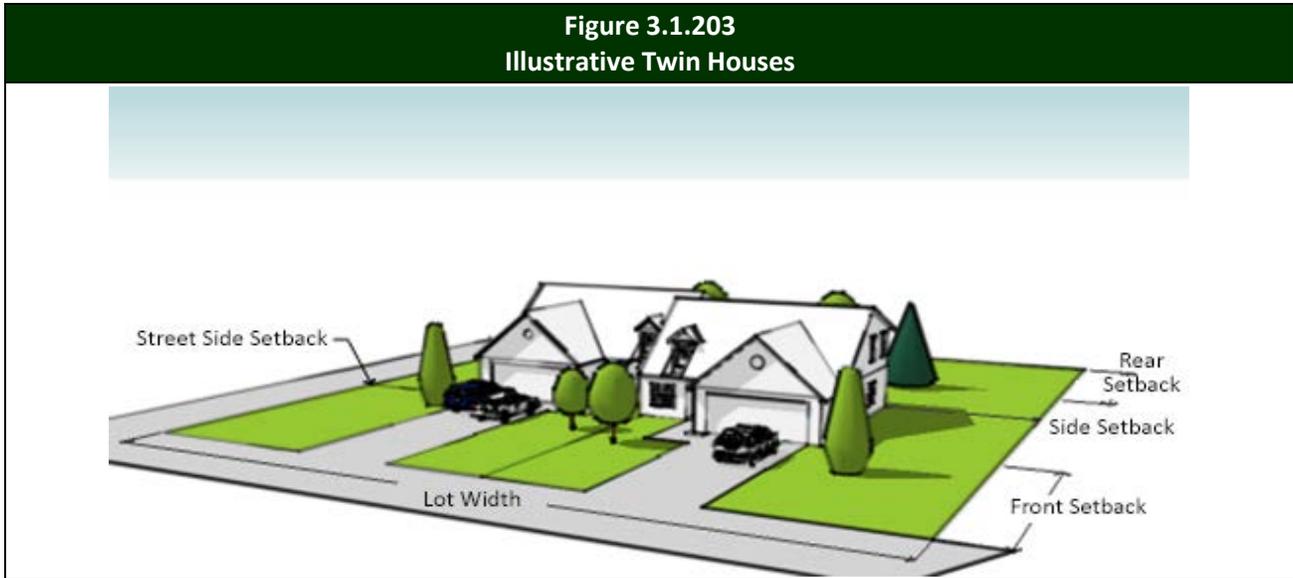
1. *Lot and Building Standards.* The lot and building standards for single-family detached dwellings are set out in Table 3.1.202, *Single-Family Detached Lot and Building Standards*.

Table 3.1.202 Single-Family Detached Lot and Building Standards								
Zoning District and Development Type	Single-Family Detached Dwelling							
	Lot Area (Min – Max)	Regulatory Lot Width <sup>1</sup>	Front Setback	Side Setback	Street Side Setback	Rear Setback	Max. Building Height <sup>2</sup>	Lot Coverage Ratio
Single-Family Detached House	0.5 - 1.0 acre	120'	45'	25'	45'	50'	35'	16%

**TABLE NOTE:**  
<sup>1</sup> May be different from actual lot width. See Section 7.1.206, Lot Width.  
<sup>2</sup> Maximum

**SEC. 3.1.203 TWIN HOUSES**

A. **Generally.** Twin houses are a single-family attached dwelling unit that includes two units that are attached along a common wall. The twin house has side-by-side units with a common wall (the units may be divided into separate lots along the common lot line for individual fee-simple ownership). See Figure 3.1.203, *Illustrative Twin House*.



**B. Standards.**

1. *Lot and Building Standards.* The lot and building standards for twin houses are set out in Table 3.1.203, *Twin House Lot and Building Standards*.

Table 3.1.203 Twin House Lot and Building Standards			
Development Type	Twin House		
Lot Size Group	Small	Average	Large
Minimum Percent of Twin Lots Allowed Per Lot Size Group	25%	50%	Remainder
Minimum Lot Area per Dwelling Unit	4,500 sf.	5,000 sf.	5,500 sf.
Minimum Regulatory Lot Width & Frontage	45' <sup>1</sup>	50' <sup>1</sup>	55' <sup>1</sup>
Front Setback, Street Access to Garage	20'		
Side Setback <sup>2</sup>	5'		
Rear Setback	25'		
Maximum Height	35'		
Maximum Lot Coverage Ratio	40%	45%	45%

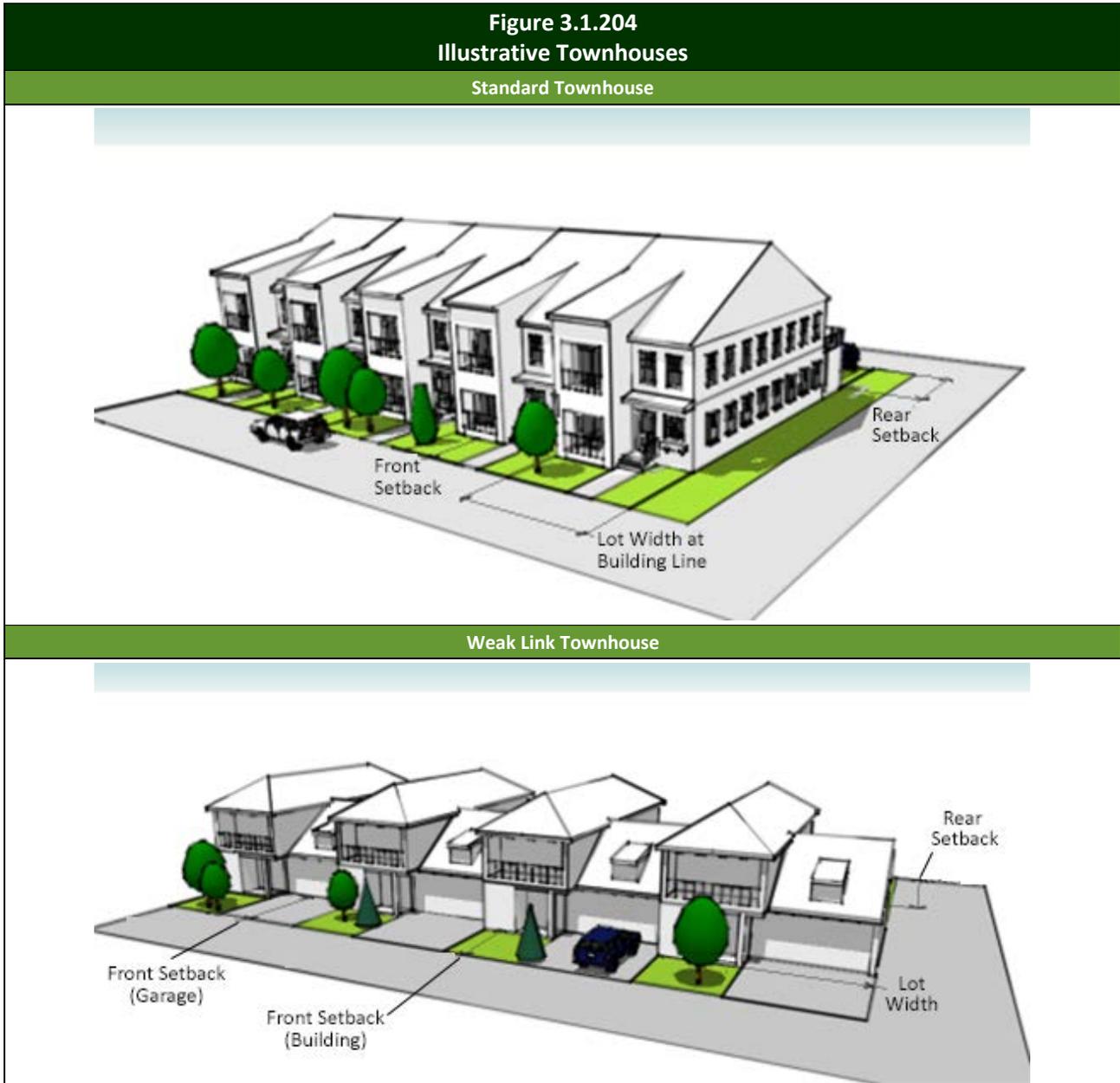
**TABLE NOTES:**  
<sup>1</sup> Per dwelling unit  
<sup>2</sup> This setback does not apply to the sides of the house that share a common wall.

2. *Dwelling Bulk.* Dwellings shall have a minimum floor of living space in conformance with this Section. Measurements shall be made from the outside dimensions of the dwelling, exclusive of porches, garages, and basements.

- a. One to two bedrooms: 1,200 square feet.
- b. Each additional bedroom: Add 150 square feet.

**SEC. 3.1.204 TOWNHOUSES; STANDARD AND WEAK-LINK**

A. **Generally.** Standard townhouses and weak-link townhouses are both single-family attached dwellings that are characterized by row arrangements with common side walls. Vehicular access to standard townhouses shall be provided directly adjacent to the building via a private street, parking structure, or surface parking lot with two way directional traffic thereby creating through access to the nearest cross streets. Vehicular access to weak-link townhouses may be provided from the street or surface parking lot. See Figure 3.1.204, *Illustrative Townhouses*.



**B. Standards.**

1. *Lot and Building Standards.* The lot and building requirements for standard townhouses and weak-link townhouses are set out in [Table 3.1.204, Townhouse Lot and Building Standards](#).

**Table 3.1.204  
Townhouse Lot and Building Standards**

Development Type	Standard Townhouse			Weak Link Townhouse		
	Small	Average	Large	Small	Average	Large
Lot Size Group						
Percent of Townhouse Lots (by Type of Townhouse) in Lot Size Group	25%	50%	Remainder	25%	50%	Remainder
Minimum Lot Area per Dwelling Unit	2,600 sf.	2,900 sf.	3,200 sf.	3,825 sf.	4,250 sf.	4,675 sf.
Min. Regulatory Lot Width & Frontage per Dwelling Unit	26'	29'	32'	45'	50'	55'
Minimum Front Setback (building / garage)	20'			10' / 20'		
Minimum Building Separation <sup>1</sup>	20'			20'		
Minimum Rear Setback <sup>2</sup>	25'			25'		
Maximum Building Height (2 story section / 1 story section)	35'			35' / 18'		
Maximum Lot Coverage Ratio, Street Access to Garage	46%	50%	50%	41%	44%	44%

**TABLE NOTES:**

<sup>1</sup> The building separation may be designated as common open space if it is linked to other common elements.

<sup>2</sup> A private street, parking garage, or surface parking lot may extend into the rear setback up to the rear lot line provided the maximum lot coverage is not exceeded. The Township may require additional setback as necessary to ensure safe passage along the street or surface parking lot.

2. *Dwelling Bulk.* Dwellings shall have a minimum floor of living space in conformance with this Section. Measurements shall be made from the outside dimensions of the dwelling, exclusive of porches, garages, and basements.

- a. One to two bedrooms: 1,200 square feet.
- b. Each additional bedroom: Add 150 square feet.

**SEC. 3.1.205 MULTI-FAMILY DWELLINGS**

A. **Generally.** Multi-family dwellings usually consist of two to four stories, and may also be a residential component of mixed-use buildings. See [Figure 3.1.205, Illustrative Multi-family Units](#).

**Figure 3.1.205  
Illustrative Multi-family Units**



B. **Standards.** The lot and building standards for multi-family development are set out in [Table 3.1.205, Multi-family Lot and Building Standards](#).

**Table 3.1.205  
Multi-family Lot and Building Standards**

Development Type	Apartment
Min. Site Area per Building	54,000 sf.
Min. Lot Area per du	1,500 sf.
Min. Lot Width & Frontage per Building	225' <sup>1</sup>
Min. Front Setback <sup>2</sup>	15'
Min. Rear Setback	25'
Min. Building Separation	30'
Building Side Setbacks	N/A
Parking Setback from Rear and Side Lot Lines	10'
Max. Height	48'
Max. Lot Coverage Ratio	34%
Max. Number of First Floor Units per Building	12

**TABLE NOTES:**

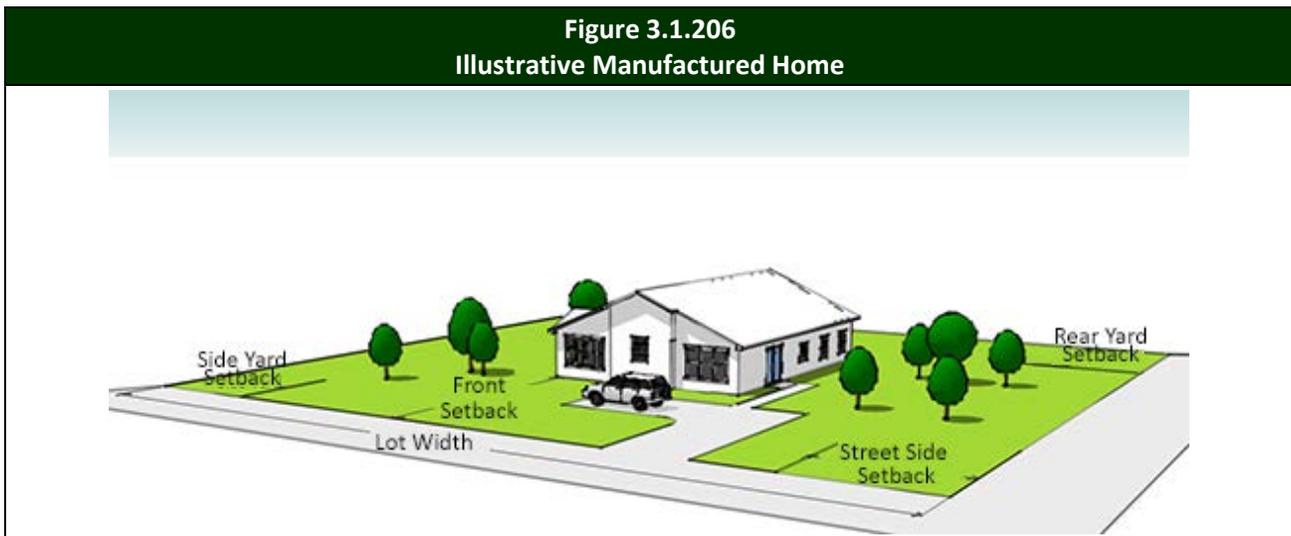
<sup>1</sup> Along arterials, the standards of Section 5.2.102, *Access Management*, may require a wider lot width.

<sup>2</sup> Setback from public street right-of-way. Where private internal circulation is used, the setback may be reduced to 12 feet.

**Vertically Mixed-Use Exception to Table 3.1.205.** Where multi-family is a component of a vertically mixed-use building, the lot standards that apply to the ground floor use shall control instead of the standards of Table 3.1.205, *Multi-family Lot and Building Standards*.

**SEC. 3.1.206 MANUFACTURED HOMES**

**A. Generally.** Manufactured homes are dwellings that are transportable in one or more sections, which are built on a permanent chassis, and in Bainbridge Township, are required to be permanently sited and built on a permanent foundation. Manufactured homes are built to standards promulgated by the United States Department of Housing and Urban Development. See Figure 3.1.206, *Illustrative Manufactured Home*.



**B. Location.** Manufactured homes are allowed as a single-family detached residential use as set out in Section 2.2.401, *Residential, and Commercial Uses of the Home*.

**C. Standards.** Manufactured homes are required to meet all the same standards as a single-family detached dwelling. See Table 3.1.202, *Single-Family Detached Dwelling*, and all other applicable sections of this chapter.

## Division 3.1.300 Mixed-Use Development Standards

### **SEC. 3.1.301 PURPOSE AND APPLICABILITY OF DIVISION**

**A. Purpose.** The purpose of this Division is to set out standards for mixed-use developments relating to:

1. Building scale;
2. Percent of site that is devoted to landscaping;
3. Building location relative to lot lines; and
4. Lot area.

**B. Applicability.**

1. *Intensity Standards.* Mixed-use intensity standards are set out [Section 3.1.302, Mixed-Use Intensity Standards](#), which establish the floor area ratio (FAR) and minimum landscape surface ratio (LSR).
2. *Bulk Standards.* Mixed-use bulk standards are set out in [Section 3.1.303, Mixed-Use Bulk Standards](#), which establish the minimum standards based on the zoning district and development type. These standards include minimum lot area; lot width; front, side, and rear setback; and maximum height.
3. *Housing Diversity.* Set out in [Section 3.1.304, Mix of Housing Types in the Mixed-Use District](#), is provisions requiring a mix of housing types for residential development in the Mixed-Use Planned Unit Development (MUP) district.

### **SEC. 3.1.302 MIXED-USE INTENSITY STANDARDS**

**A. Generally.** This Section sets out the mixed-use intensity standards and development type. See [Section 7.1.203, Intensity](#), for example calculations for nonresidential development intensity and floor area ratio and [Section 7.1.207, Open Space Ratio \(OSR\) and Landscape Surface Ratio \(LSR\)](#), for example landscape surface ratio calculations.

**B. Standards.** Set out in [Table 3.1.302, Mixed-Use Intensity Standards](#), is the maximum floor area ratio (FAR) and minimum landscape surface ratio (LSR) for each use.

**C. Open Space Requirements.** Set out in [Table 4.1.206, Required Open Space Determination](#), is the minimum required open space for development in the Mixed-Use Planned Development District.

**Table 3.1.302  
Mixed-Use Intensity Requirements**

Use	Maximum Floor Area Ratio (FAR) <sup>1</sup>	Minimum Landscape Surface Ratio (LSR) <sup>2</sup>
Mixed-Use (MUP)		
Planned Unit Development (PUD)	0.463	25%
Commercial Retail	0.327	15%
Office / Service	0.619	15%
Vertical Mixed-Use & Multi-Family Units	1.232	15%
All Other Uses	0.250	20%

**TABLE NOTES:**

<sup>1</sup> Illustrative example of Maximum Floor Area Ratio. A place of public assembly could construct a maximum of a 5,837 sf. building if it only had a one acre parcel (1 ac. which equals 43,560 sf. x 0.134 FAR = 5,837 sf. maximum building size. See also [Section 7.1.203, Intensity](#).

<sup>2</sup> See [Figure 7.1.207B Open Space Ratio \(OSR\) and Landscape Surface Ratio \(LSR\)](#), for illustrative examples of LSR calculations.

**SEC. 3.1.303 MIXED-USE BULK STANDARDS**

A. **Standards.** Set out in [Table 3.1.303A, Mixed-Use Bulk Requirements](#), is the lot area and width; street, side, and rear setbacks; and height standards for a mixed-use development type.

Table 3.1.303A Mixed-Use Bulk Requirements								
MUP District	Minimum							Maximum Height
	Lot Area (unless otherwise noted)	Maximum Lot Area (Unless otherwise noted)	Lot Width	Street Setback <sup>1</sup> (Local Roads / State and Federal Roads)	Side Yard Min.	Rear Setback	Parking, Loading, and Storage Setback	
	Mixed-Use (MUP)							
Planned Unit Development (PUD)	100 acres	-	Overall PUD intensity is indicated and individual uses shall meet the commercial retail, office / service, mixed-use, or all other use standards listed below.					
Commercial Retail	10,000 sf.	50,000 sf.	50'	15'	0' <sup>2</sup>	60' <sup>3</sup>	10'	35'
Office / Service	10,000 sf.	50,000 sf.	50'	15'	0' <sup>2</sup>	60' <sup>3</sup>	10'	48'
Vertical Mixed-Use	10,000 sf.	50,000 sf.	50'	15'	0' <sup>2</sup>	60' <sup>3</sup>	10'	48'
All Other Uses	10,000 sf.	50,000 sf.	50'	15'	0' <sup>2</sup>	60' <sup>3</sup>	10'	30'

**TABLE NOTES:**  
<sup>1</sup> For lots abutting state or federal highways, such distance shall be increased to 100 feet from the right-of-way of such highways. For lots wholly or partly abutting a residential district, including lots abutting a street or right-of-way, such distance shall be increased to 100 feet from the right-of-way of all dedicated streets or rights-of-way lying wholly or partly within the residential district.  
<sup>2</sup> Buildings may be attached provided they do not exceed 250 feet in length. If buildings are not attached, then a minimum three foot side setback is required.  
<sup>3</sup> The 60 foot buffer is a minimum; although the setback shall be large enough to accommodate a 10 foot setback for the parking and a 10 foot setback for the landscaping, in addition to the area needed for required parking.

**SEC. 3.1.304 MIX OF HOUSING TYPES IN THE MUP DISTRICT**

A. **Generally.** All new development in the Mixed-Use (MUP) district shall include a mix of housing types, as provided in this Section. Secondly first floor residential units are not permitted in developments in the MUP District.

B. **Allowed Dwelling Unit Types.** The different types of dwelling units are set out in *Division 2.2 Land Uses*.

C. **Dwelling Unit Mix.** Set out in [Table 3.1.304, Mix of Housing Types in the MUP District](#), is the number of dwelling unit that are required for development of various sizes, and the minimum and maximum percentages of any one housing type. In calculating the number of dwelling units of any one housing type, normal rounding is permitted.

**Table 3.1.304  
Mix of Housing Types in the MUP District**

Project Size (Units)	Minimum Number of Types <sup>1</sup>	Maximum Percentage Any Type	Minimum Percentage Any Type <sup>2</sup>
Less than 25 - SMALL	1	100%	20%
25 to 50 – AVERAGE	2	75%	25%
More than 50 – LARGE	3	40%	20%

**TABLE NOTE:**

<sup>1</sup> The residential component (e.g., multi-family) of a vertical mixed-use building counts as a separate housing type even if multi-family is located elsewhere on the parcel proposed for development.

<sup>2</sup> This requirement applies even if more than the minimum number of housing types are provided.

**D. Phasing.** If a development is proposed to be phased, the maximum residential development yield of the entire parcel proposed for development shall be used for calculating the required mix of housing types. When a parcel proposed for development is to be subdivided and developed over time, the Township may impose a mix of housing types for each phase based on the entire area of the parcel proposed for development in order to ensure an adequate mix of housing types.

**ARTICLE 3.2 Intentionally left blank**

**ARTICLE 3.3 SUPPLEMENTAL DEVELOPMENT STANDARDS**

---

**Division 3.3.100 Supplemental Residential Development Standards**

**SEC. 3.3.101 PURPOSE AND APPLICABILITY OF DIVISION**

**A. Purpose and Intent.**

1. **Purpose.** The purpose of this Division is to set out standards for structures, accessory buildings, accessory structures, and certain accessory uses that are associated with nonresidential and mixed-use uses in the Township.
2. **Intent.**
  - a. The intent of these supplemental regulations is to allow certain nonresidential and mixed-use development / redevelopment to occur, but in a manner that provides the requisite protective setbacks and other design considerations that protect the health and safety of individual property and business owners and their neighbors in the Township.
  - b. These supplemental regulations are also intended to further the interest of public convenience, comfort, prosperity, and general welfare (e.g., requiring reasonable landscaping and architectural standards) in accordance with the allowances provided by state law.
  - c. All structures that are accessory to residential dwelling units are to be located no closer than 500' from the ordinary high water mark of lakes.

**B. Applicability.**

1. *Permitted Encroachments.* Pre-approved encroachments are set out in [Section 3.3.102, Permitted Encroachments in Nonresidential and Mixed-Use Required Setbacks](#), in order to allow certain development/redevelopment to occur without placing undue burden on property owners (who would otherwise have to go through a public hearing process) and to reduce the amount of unnecessary applications on the agenda of the Board of Zoning Appeals.
2. *Accessory Buildings and Structures.* Set out in [Section 3.3.103, Accessory Buildings and Structures](#), is the standards for all residential buildings and structures, including detached garages and small sheds.

3. *Specific Accessory Buildings and Structures.* Set out in Section 3.3.104, *Common Areas and Gate Houses*, through Section 3.3.109, *Swimming Pools and Spas*, is the standards for specific accessory buildings (e.g., gatehouses) and structures (e.g., fences and decks), which ensures they are compatible with the public health and safety, convenience, comfort, prosperity, and general welfare of the Township.

**SEC. 3.3.102 PERMITTED ENCROACHMENTS IN RESIDENTIAL AND MIXED-USE REQUIRED SETBACKS**

A. **Generally.** This Section sets out the permitted encroachments that may be located within required setback areas (between the required setback lines and the lot lines). **Interpreting the Permitted Encroachments Tables.** The following is used to interpret Table 3.3.102B (see Figure 3.3.102, *Illustrative Measurement of Residential Encroachments*).

1. Measurements in the table are taken:
  - a. (A) From setback line toward the lot line; or
  - b. (B) From lot line toward the lot interior; or
2. If a measurement is indicated for "(A) From Setback Line Toward Lot Line" and "(B) From Lot Line Toward the Lot Interior," then the measurement that results in the larger distance from the lot line to the encroachment controls.
3. If a measurement is indicated for "(A) From Setback Line Toward Lot Line" and "(C) Into Right-of-Way," then the measurement that allows the smallest encroachment into the right-of-way controls.

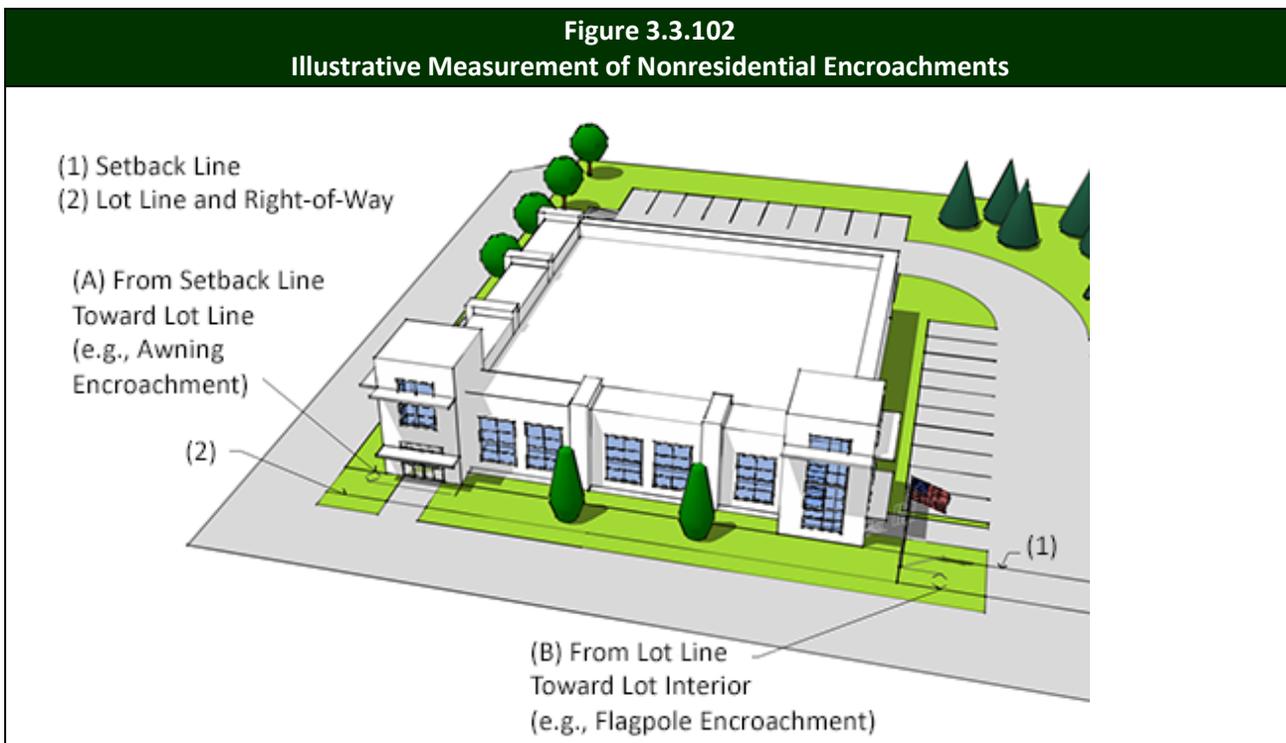


Table 3.3.102B Permitted Encroachments into Required Setbacks		
Location / Structure or Projection	Permitted Encroachments	
	(A) From Setback Line Toward Lot Line <sup>1</sup>	(B) From Lot Line Toward the Lot Interior <sup>1</sup>

**Table 3.3.102B  
Permitted Encroachments into Required Setbacks**

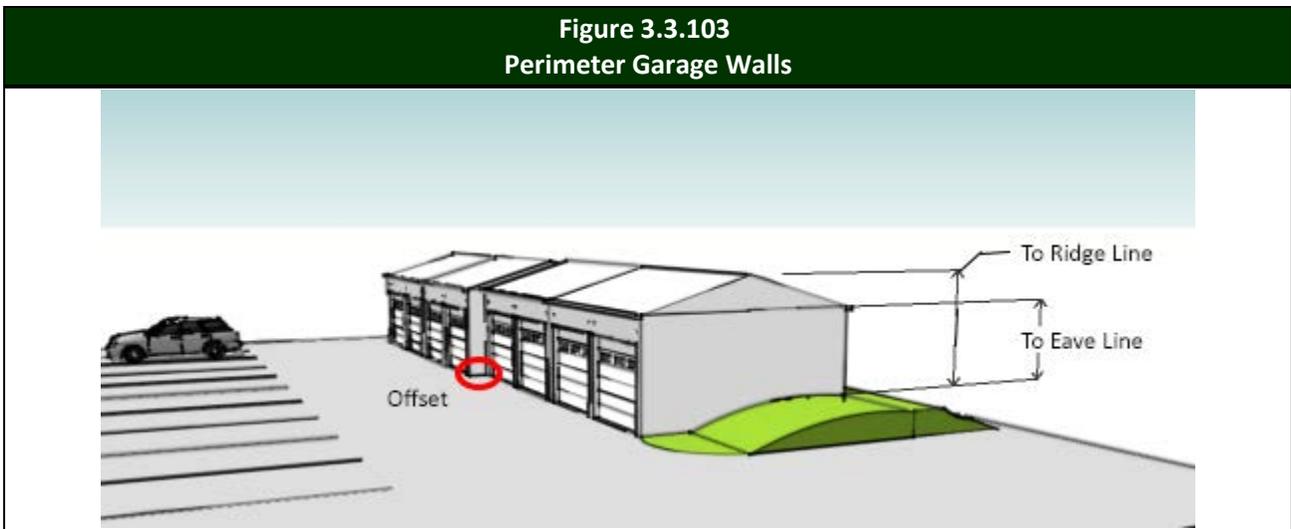
Location / Structure or Projection	Permitted Encroachments	
	(A) From Setback Line Toward Lot Line <sup>1</sup>	(B) From Lot Line Toward the Lot Interior <sup>1</sup>
<b>TABLE NOTES:</b>		
<sup>1</sup> Encroachments shall not cross into utility easements or onto abutting property that is not owned by the applicant. See subsection E. of this Section.		
<sup>2</sup> N/A in this table means "not applicable," in that the limits from the other columns are sufficient to control the location of the encroachment.		
<b>All Setbacks</b>		
Air conditioning units	Allowed in side and rear setbacks, provided that it is located no closer than 15 ft. from any lot line	
Arbors, trellises, pergolas, and gazebos	Allowed in all setbacks, provided said <u>structure</u> is located no closer than 20 ft. from any <u>lot line</u>	
Awnings and structurally supported canopies attached to a <u>building</u> without supports that extend to ground	5 ft.	N/A
Fences, hedges, and garden walls	N/A <sup>2</sup>	See Section <u>3.3.106</u> , <i>Fences and Garden Walls</i>
Flagpoles	Allowed in all setbacks	
Statuary or art objects	Allowed in all setbacks	
<b>Front Setback</b>		
Balconies	4 ft.	N/A
<u>Bus Shelters</u>	N/A	10 ft.
First floor bay windows	3 ft.	N/A
Overhanging eaves and gutters	2.5 ft.	N/A
Uncovered terraces and patios	Allowed in front setback, provided that it is located no closer than 25 ft. from the front lot line	
<b>Side Setbacks</b>		
Decks, less than four feet above grade	N/A	3 ft., subject to Section <u>3.3.105</u> , <i>Balconies and Decks</i>
Driveways	N/A	2 ft., unless shared
Overhanging eaves and gutters	2 ft.	1 ft.
Swing sets and similar recreational equipment	Allowed inside setbacks	
Uncovered terraces and patios	Allowed inside setbacks, provided that it is located no closer than 15 ft. from any lot line	
<b>Rear Setbacks</b>		
Balconies, four feet or more above grade	12 ft.	5 ft., subject to Section <u>3.3.105</u> , <i>Balconies and Decks</i>
Decks, less than four feet above grade	N/A	3 ft., subject to Section <u>3.3.105</u> , <i>Balconies and Decks</i> , but 1 ft. if the adjacent lot is permanent open space
Overhanging eaves and gutters	2.5 ft.	1 ft.
Rear-load garage in the MUP district	N/A	1 ft., or as allowed by the <u>PUD Conditional Use</u> for safe passage along a street or surface parking lot.
Side-load garage	N/A	5 ft.
Swing sets and similar recreational equipment	Allowed in rear setbacks	
Uncovered terraces and patios	Allowed in rear setbacks, provided that it is located no closer than 15 ft. from any lot line	

**B. Encroachments onto Other Abutting Properties or Easements.** No encroachment shall cross:

1. Into separately owned property, unless a recorded document provides for access to and maintenance of the encroachment; or
2. Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility provider or the Township to efficiently remove the encroachment at the property owner's expense.

**SEC. 3.3.103 ACCESSORY BUILDINGS AND STRUCTURES**

- A. **Generally.** The standards of this Section apply to accessory buildings and structures.
- B. **Effect on Lot Coverage.** Accessory buildings and structures are counted in the calculation of lot coverage.
- C. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building has already been constructed or is under construction simultaneously with the accessory building or structure.
- D. **Attached Accessory Buildings.** Accessory buildings that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building. Covered (but otherwise unenclosed) walkways shall not be considered attachments for the purpose of this subsection.
- E. **Detached Garages.** Detached garages may be single-story buildings or two-story buildings that include second floor workshop / storage space. Detached garages are subject to the following standards:
  - 1. **Access.** Access to detached garages shall be not less than 12 feet wide, and shall be set back as provided in Division 3.1.200, *Housing Palette*, unless it is permitted as an encroachment by Section 3.3.102, *Permitted Encroachments in Residential Required Setbacks*.
  - 2. **Single-Story Detached Garages as Perimeter Walls.** Single-story detached garages may be constructed as perimeter walls of single-family attached and multi-family developments, provided that:
    - a. The topography is such that height to the peak of the garage roof, measured from the finished grade at the outside building line of the garage is:
      - i. 6 feet to the eave line; and
      - ii. Not more than 10 feet to the highest point on the ridge line of the roof (see Figure 3.3.103, *Perimeter Garage Walls*); and
    - b. The perimeter wall is offset at least two feet for every 50 feet in length (see Figure 3.3.103, *Perimeter Garage Walls*); and
    - c. If the outside walls of the garages are used as part of a required bufferyard, they are installed on the inside boundary of the bufferyard.



- 3. **Two-Story Detached Garages.** Two-story detached garage buildings may be constructed as an accessory building to single-family detached dwellings if they are located within the building envelope (i.e., meet all required setbacks).

**F. Accessory Buildings or Structures Other than Detached Garages.** (Except small sheds, which are addressed in subsection G., *Small Sheds*, below).

1. *Encroachment into Easements:* Accessory structures shall not be located within access or utility easements unless the easement expressly allows the encroachment. A copy of the easement shall be provided to the Township prior to the issuance of certificates or clearances for such structures.

**G. Small Sheds.** Sheds that are less than nine feet in height to the peak of the roof and less than 120 square feet in floor area are subject to the following provisions:

1. *Single-Family Detached / Manufactured Home Lots.* On lots containing single-family detached or manufactured home dwellings, they may be located not closer than 10 feet to side lot lines, 50 feet from a rear lot line, and no closer than 50 feet from any dwelling located on abutting lots, subject to subsection F.1., *Encroachment into Easements*, above.
2. *All Other Lots.* On lots containing any other housing type (*e.g.*, single-family attached, multi-family, etc.), they may be located not closer than four feet to lot lines, subject to subsection F.1., *Encroachment into Easements*, above.
3. *All Lots*
  - a. If any small shed is located within the minimum required setback the area between the shed and the lot line is planted with shrubs that will grow to form a hedge with a height of five feet within not more than 18 months of planting.
  - b. All sheds shall be located in the rear yard.

**H. Residential Occupancy.** Residential occupancy of accessory buildings and structures is prohibited.

#### **SEC. 3.3.104 COMMON AREAS AND GATEHOUSES**

- A. **Common Areas.** Recreational equipment for the common use of all residents shall be located on lots or out-lots in accordance with the approved zoning certificate or development plan.
- B. **Gate Houses.** When a private street development is approved, gate houses or security posts shall be set back as follows:
  1. From private street easements: No setback is required, provided that the Zoning Inspector and the Fire Department approve the location so as not to conflict with utilities and fire protection needs.
  2. From public street right-of-way: 40 feet; additional setbacks may be required by the Zoning Inspector to accommodate stacking requirements of large subdivisions.
  3. From private property that abuts the parcel proposed for development: 30 feet.

#### **SEC. 3.3.105 DECKS AND BALCONIES**

- A. **Required Setbacks.** Decks and balconies shall be set back as required by [Section 3.3.201](#), *Permitted Encroachments in Residential Required Setbacks*.
- B. **Location.** Balconies and decks that are accessed from upper floors shall not be located on the sides of buildings if:
  1. The outer edge of the balcony or deck is closer than 15 feet to a side lot line; and
  2. The balcony would provide a direct view into the back yard of single-family detached or single-family attached lots that abut the lot proposed for development along the side or rear lot lines.

#### **SEC. 3.3.106 FENCES, HEDGES AND GARDEN WALLS**

- A. **Generally.** The requirements of this Section apply to fences, hedges, and garden walls on residential property.

B. **Purpose.** The purpose of this Section is to allow residential property owners to construct fencing on residential lots that is durable in quality and designed in a manner that protects the health and safety of the people and animals located on the property, as well as for those who may be passing by (e.g., protection of sight distance triangles).

C. **Height and Setbacks.** The maximum height and minimum setbacks for fences and garden walls are set out in Table 3.3.106, *Maximum Height and Minimum Setbacks for Fences and Garden Walls*.

Table 3.3.106 Maximum Height and Minimum Setbacks for Fences and Garden Walls						
Location	Front Yard	Interior Side Yard	Street Side Yard	Rear Yard	Rear Yard, Abutting Arterial or Collector	
<b>Table Notes:</b>						
<sup>1</sup> All fence components shall be located completely within the property lines it encloses.						
Maximum Height	4 ft.	8 ft.	8 ft.	8 ft.	8 ft.	
Minimum Setback from Property Line	0 ft. <sup>1</sup> , but at least 2' from sidewalk, if present; 5 ft. from streets, if no sidewalk; Not allowed in required sight distance triangles at street intersections or in the public right-of-way	0 ft. <sup>1</sup>	0 ft. <sup>1</sup> , but at least 6 in. from sidewalk, if present; 5 ft. from streets, if no sidewalk; Not allowed in required sight triangles at street intersections or in the public right-of-way	0 ft. <sup>1</sup>	0 ft. <sup>1</sup> ; Not allowed in required sight triangles at street intersections or in the public right-of-way	

D. **Design.**

1. Materials used for fences and garden walls shall be durable (i.e., able to withstand wear, pressure, or damage from weather and other conditions normal to fences), and of a type commonly used in residential applications.
2. Electric or barbed wire fencing shall be limited to agricultural use, although barbed wire cradles facing inward toward the property may be placed on top of fences enclosing neighborhood or regional utility buildings or wherever the Zoning Inspector finds that such are necessary to address a demonstrated security interest.
3. No fence or wall materials, exposed projections, nor the location or manner of construction shall constitute a hazard to the safety and welfare of the general public.
4. Structural posts and supports and other devices used to mark or establish boundary lines shall be erected within the side facing the property being enclosed.

E. **Fence Opacity.** The fence opacity of fences installed in front and street side yards shall be not more than 50 percent opaque.

F. **Hedges.** Hedges shall be planted and maintained so that they do not extend over public rights-of-way or interfere with required sight distance triangles. Hedges in front and street side yards shall not exceed four feet in height.

G. **Exceptions.** Fences, walls, or hedges that are specifically required pursuant to [Article 5.4, Landscaping and Buffering](#) shall conform to the requirements of that Article.

H. **Maintenance.** Fences shall be maintained in good structural condition and upright within 20 degrees of perpendicular to level. The Zoning Inspector shall have the authority to order the fence owner to repair or remove a fence, at the owner's expense, that constitutes a public safety hazard or nuisance by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

**SEC. 3.3.107 & 3.3.108** Intentionally left blank

**SEC. 3.3.109 SWIMMING POOLS AND SPAS**

A. **Generally.** The standards of this Section apply to swimming pools and spas.

B. **Timing of Construction.** No residential swimming pool or spa shall be constructed unless:

1. The principal building has already been constructed, or is under construction simultaneously; or
2. The structure is an amenity that is provided for the development as a whole, and the development plan shows that it is proposed to be constructed before the construction of dwelling units.

### C. Setbacks.

1. *Pools and Spas.* Setbacks shall be measured from the outside walls of the pool or spa and shall be regulated as follows;
  - a. Community Swimming Pools and Spas shall be constructed behind the pool house building with a minimum of 10' between the pool and building and owned by the Property Owner's Association for benefit of owners or amenity to single-family, attached or multi-family developments.
  - b. On-Lot Swimming Pools and Spas shall be constructed behind the principal building with a minimum of 5' between the pool and building.
  - c. No Pool shall be located closer than 2 feet to a utility easement or 10feet to an overhanging utility line.
2. *Portable Spas.* Portable spas are not subject to the setback requirements of this subsection.
3. *Mechanical Equipment.* The mechanical equipment for pools and spas shall meet the same setbacks as set out for regulating the pool or spa.

### D. Access Restrictions.

Outdoor swimming pools and associated deck area shall be completely enclosed by walls or fencing not less than four 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 or structure 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. The pool fence shall be set back from lot lines along the front and street sides of the lot as is required for the principal building.

## Division 3.3.200 Supplemental Development Standards

### SEC. 3.3.201 PURPOSE AND APPLICABILITY OF DIVISION

#### A. Purpose and Intent.

1. **Purpose.** The purpose of this Division is to set out standards for structures, accessory buildings, accessory structures, and certain accessory uses that are associated with mixed-use uses in the Township.
2. **Intent.**
  - a. The intent of these supplemental regulations is to allow certain mixed-use development / redevelopment to occur, but in a manner that provides the requisite protective setbacks and other design considerations that protect the health and safety of individual property and business owners and their neighbors in the Township.
  - b. These supplemental regulations are also intended to further the interest of public convenience, comfort, prosperity, and general welfare (*e.g.*, requiring reasonable landscaping and architectural standards) in accordance with the allowances provided by state law.

#### B. Applicability.

1. *Permitted Encroachments.* Pre-approved encroachments are set out in [Section 3.3.201, Permitted Encroachments Mixed-Use Required Setbacks](#), in order to allow certain development/redevelopment to occur.

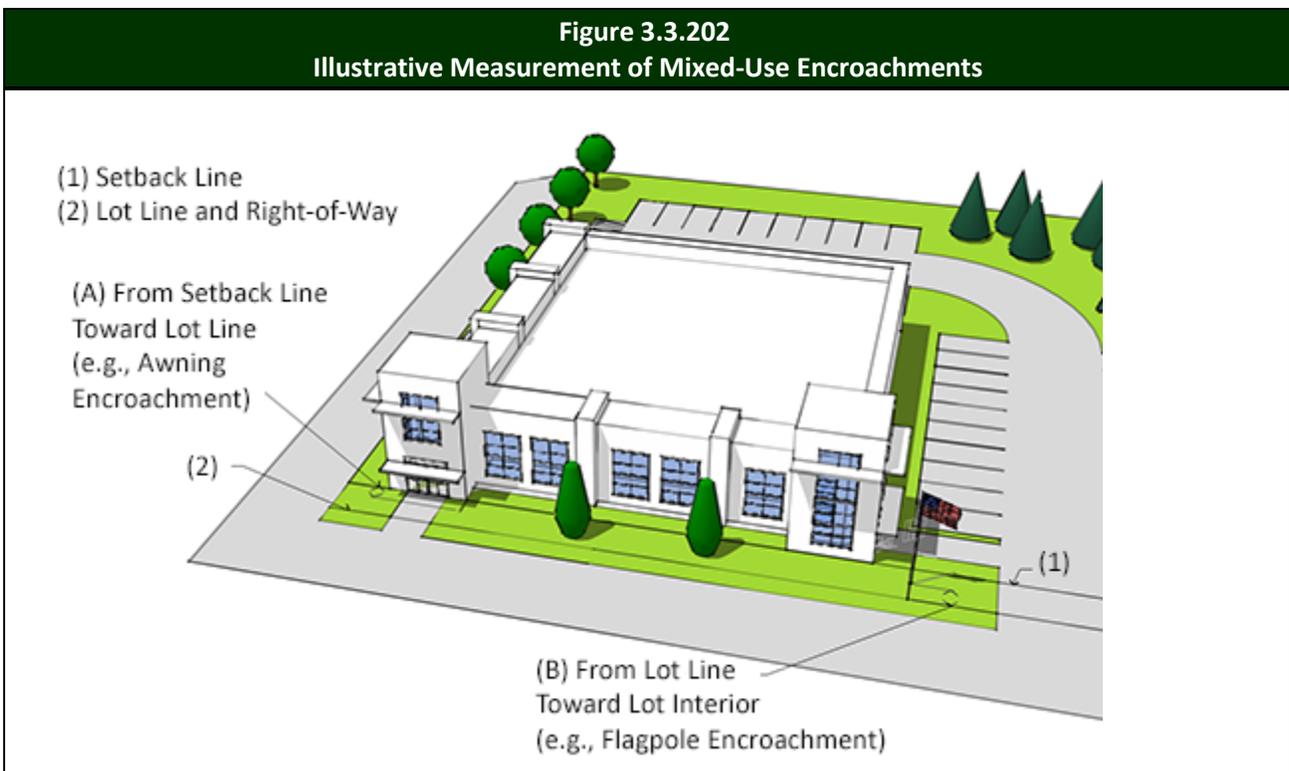
2. *Specific Accessory Buildings and Structures.* Set out in [Section 3.3.203, Accessory Buildings and Structures](#), are the standards for all nonresidential and mixed-use accessory buildings (e.g., fuel station islands/canopies, detached vehicle wash facilities), accessory structures (e.g., fences, vending kiosks/ATMs), and accessory uses (e.g., outdoor display of merchandise, outdoor storage), which ensures they are compatible with the public health and safety, convenience, comfort, prosperity, and general welfare of the Township.

**SEC. 3.3.202 PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS**

**A. Generally.** Set out in [Table 3.3.202, Permitted Encroachments into Required Setbacks](#) are projections that may be located outside of required setbacks (between the setback lines and the lot lines).

**B. Interpreting the Permitted Encroachments Tables.** The following is used to interpret Table 3.3.202, *Permitted Encroachments into Required Setbacks* (see Figure 3.3.202, *Illustrative Measurement of Permitted Encroachments & Required Setbacks*).

1. Measurements in the table are taken:
  - a. (A) From setback line toward the lot line; or
  - b. (B) From lot line toward the lot interior.
2. If a measurement is indicated for "(A) From Setback Line Toward Lot Line" and "(B) From Lot Line Toward the Lot Interior," then the measurement that results in the larger distance from the lot line to the encroachment controls.



**C. Permitted Encroachments in Mixed-Use Districts.** Set out in [Table 3.3.202, Permitted Encroachments into Required Setbacks of Mixed-Use Districts](#), is the permitted encroachments that are allowed in the required setbacks of the MUP district.

**Table 3.3.202  
Permitted Encroachments into Required Setbacks**

Location / Projection	Permitted Encroachments	
	(A) From Setback Line Toward Lot Line	(B) From Lot Line Toward the Lot Interior
<b>TABLE NOTES:</b>		
<sup>1</sup> Encroachments and structures listed in this column are subject to and conditioned upon compliance with subsection C. of this Section. If compliance is not demonstrated, then the standards for (B) From Lot Line shall be applied.		
<sup>2</sup> N/A means "not applicable," in that the limits from the other columns are sufficient to control the location of the encroachment.		
<b>All Setbacks</b>		
Awnings and canopies without supports that extend to ground, not less than 8 feet above sidewalk, and no interference with traffic flow	8 ft.	2 ft.
Steps, 4 feet or less above grade, which are necessary for access to a permitted building	5 ft.	0 ft.
Chimneys	2 ft.	1 ft.
Arbors, trellises, and outdoor seating	N/A <sup>2</sup>	3 ft.
Flagpoles	N/A	5 ft.
Fences, hedges, and walls	N/A	See Section <a href="#">3.3.204</a> , <i>Fences, Hedges, and Walls</i>
Driveways, except at points of access	N/A	10 ft.
Off-street surface parking spaces	N/A	10 ft., or width of bufferyard, whichever is greater
<b>Front Setbacks</b>		
Overhanging eaves and gutters	2.5 ft.	0 ft.
Patios; Decks that are less than 3 feet above grade	10 ft.	5 ft., or width of bufferyard, whichever is greater
Enclosed vestibule, 150 square feet or less in floor area encroaching	5 ft.	3 ft.
<b>Side Setbacks</b>		
Overhanging eaves and gutters	2.5 ft.	1 ft.
Air conditioning units	5 ft., if screened from view by a wall or hedge that is one foot taller than the equipment	2.5 ft., if screened from view by a wall or hedge that is one foot taller than the equipment
Patios; Decks, less than 3 feet above grade	N/A	3 ft.
Decks, 3 feet or more above grade	6 ft.	6 ft.
<b>Rear Setbacks</b>		
Overhanging eaves and gutters	2.5 ft.	1 ft.
Air Conditioning Units	5 ft., if screened from view by a wall or hedge that is one foot taller than the equipment	5 ft., if screened from view by a wall or hedge that is one foot taller than the equipment
Patios; Decks, less than 3 feet above grade	N/A	3 ft.
Decks, 3 feet or more above grade	12 ft.	10 ft.

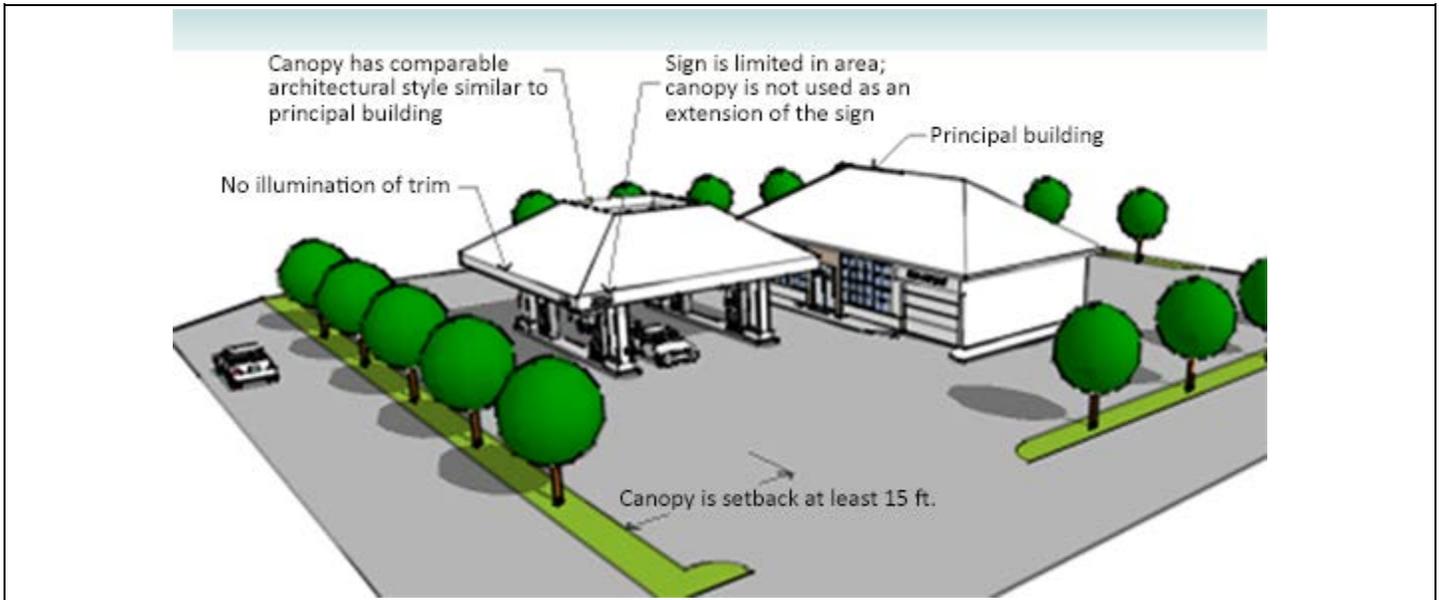
**D. Encroachments onto Other Abutting Properties or Easements.** No encroachment shall cross:

1. Into separately owned property, unless a recorded document provides for access to and maintenance of the encroachment; or
2. Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility provider or the Township to efficiently remove the encroachment at the property owner's expense.

### **SEC. 3.3.203 ACCESSORY BUILDINGS AND STRUCTURES**

- A. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building is completed.
- B. **Attached Accessory Buildings or Structures.** Accessory buildings or structures that are structurally attached to a principal building shall conform to all standards that are applicable to principal buildings.
- C. **Storage and Utility Sheds.**
1. *Nonresidential Lots*, Storage buildings are permitted as accessory structures on nonresidential lots if it is demonstrated that:
    - a. The cumulative floor area of storage and utility buildings does not exceed two percent of the maximum gross floor area permitted on the lot.
    - b. The floor area of any individual storage or utility building does not exceed 1,500 square feet.
    - c. Storage and utility buildings are located only behind principal buildings, or at least 150 feet from street rights-of-way, whichever is less.
    - d. Storage and utility buildings are screened 100 percent from the view of adjacent properties and public rights of way by hedges, buildings, or perimeter walls.
    - e. Converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment are not used for storage.
    - f. Storage and utility buildings are used for property maintenance purposes, and not for commercial uses or storage of goods for resale.
- D. **Fueling Station Islands/Canopies.** Fuel station islands/canopies for the purpose of dispensing fuel or other related services shall be permitted as accessory structures for fueling stations, vehicle wash, and light vehicle service as set out in [Table 2.2.205, Commercial Uses](#), if it is demonstrated that:
1. *Design, Canopy.*
    - a. Canopies use a similar architectural style, materials, and roofing as the principal building, and shall be sloped for a minimum of 4 feet in height measured from the base of the roof structure;
    - b. The trim of the canopy is not internally or externally illuminated; and
    - c. No signage is allowed.
  2. *Design, Other.* Bollards shall be used to protect buildings, structures, and equipment in high traffic areas.
  3. *Setbacks.* Islands/canopies are set back 15 feet from front lot and corner lot lines (see [Figure 3.3.203A, Island/Canopy Design](#)).

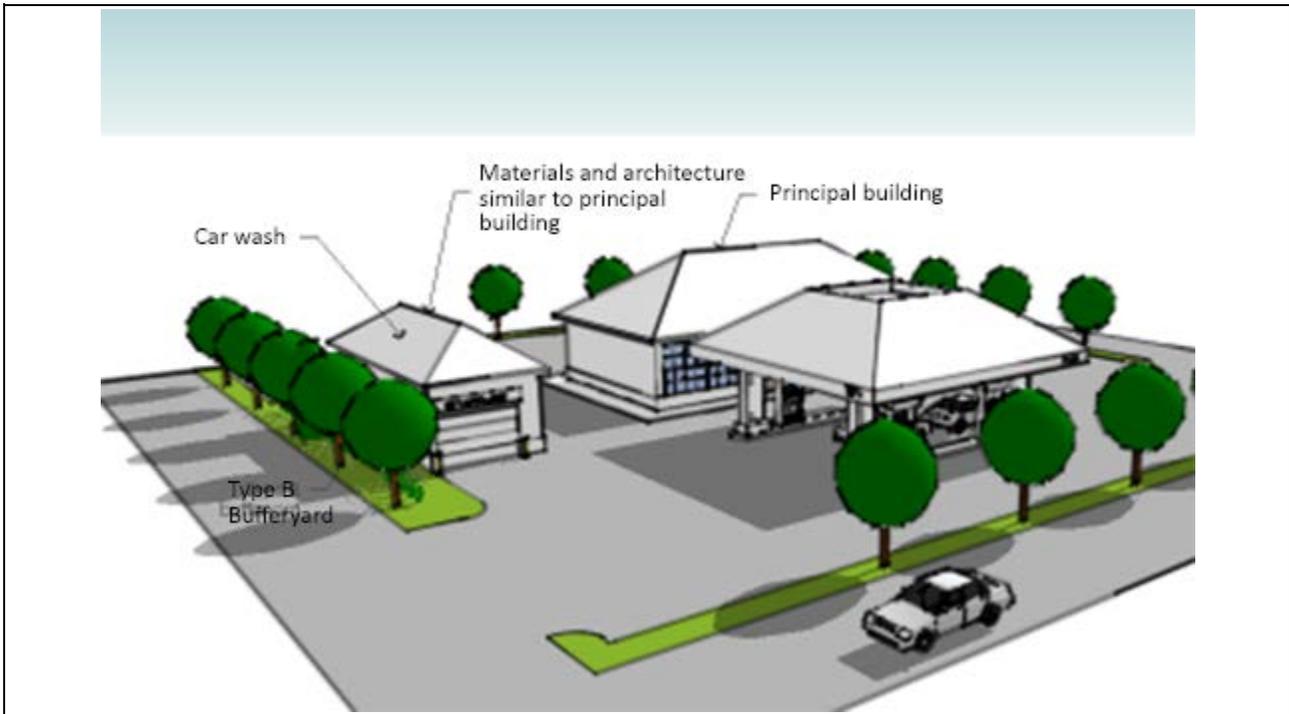
**Figure 3.3.203A  
Island/Canopy Design**



E. **Detached Vehicle Washes.** Detached vehicle washes shall be permitted as accessory structures for fueling stations, vehicle wash, and light vehicle service as set out in Section 2.2.404, if it is demonstrated that:

1. *Location and Access.*
  - a. The vehicle wash, except for an area for manually drying and polishing vehicles, is located entirely within a building; and
  - b. Access to the vehicle wash is provided by doors that open on demand by customers or employees.
2. *Design.*
  - a. The vehicle wash building is designed with a similar architectural style, materials, and roofing as the principal building; and
  - b. Outside areas for manually drying and polishing cars have sufficient capacity and do not interfere with on-site circulation or site ingress / egress (see Figure 3.3.203B, *Detached Vehicle Wash Design*).
  - c. Bollards shall be used to protect buildings, structures, and equipment in high traffic areas.
3. *Buffering.* The vehicle wash building is buffered from public rights-of-way by a Type B bufferyard, pursuant to [Division 5.4.400](#), *Buffering*.

**Figure 3.3.203B  
Detached Vehicle Wash Design**



F. **Vending Kiosks/ATMs.** Vending kiosks/ATMs, which apply only to walk up ATMs and similar vending kiosks that are located outside of a principal building (drive up ATMs and similar vending kiosks are subject to the standards set forth in subsection D., *Drive-In, Drive Through Facilities* of [Section 2.2.404, Commercial Use Standards](#). Vending kiosks/ATMs are permitted as accessory structures if it is demonstrated that:

1. *Required Setback.* They will be set back from property lines one foot for each foot in height of the kiosk or ATM, or no less than five feet, whichever is greater.
2. *Height.* They will not exceed a maximum height of 10 feet.
3. *Design.*
  - a. They will be elevated above parking lot surfaces and protected by a six-inch curb, with a minimum radius around the base of the kiosk of five feet.
  - b. Walk-up vending kiosks and ATMs are connected to the internal and external pedestrian circulation systems and do not interfere with vehicular circulation.
  - c. Bollards shall be used to protect buildings, structures, and equipment in high traffic areas.

G. **All Other Detached Accessory Buildings or Structures.**

1. *Minimum Size.* No accessory building or structure shall be smaller than 400 square feet in size.
2. *Height.* No detached accessory building shall have more than one story, nor exceed 17 feet in height, unless located within the building envelope and permitted as an accessory to business or manufacturing uses.
3. *Spacing.* No detached accessory building or structure shall be located closer than 10 feet to any other building.
4. *Easements.* Accessory buildings and structures shall not be located in easements on a property unless express written permission has been granted by all easement grantees and such permission is recorded in the public records of Geauga County. A copy of such written permission, including proof of recording, shall be submitted to the Zoning Inspector prior to the issuance of zoning certificates for such structures.
5. *Location.* No detached accessory building shall be located in a required front or street side yard.
6. *Lot Coverage.* The cumulative coverage of accessory buildings and structures on a nonresidential lot shall not be larger than 25 percent of the coverage of the principal building.

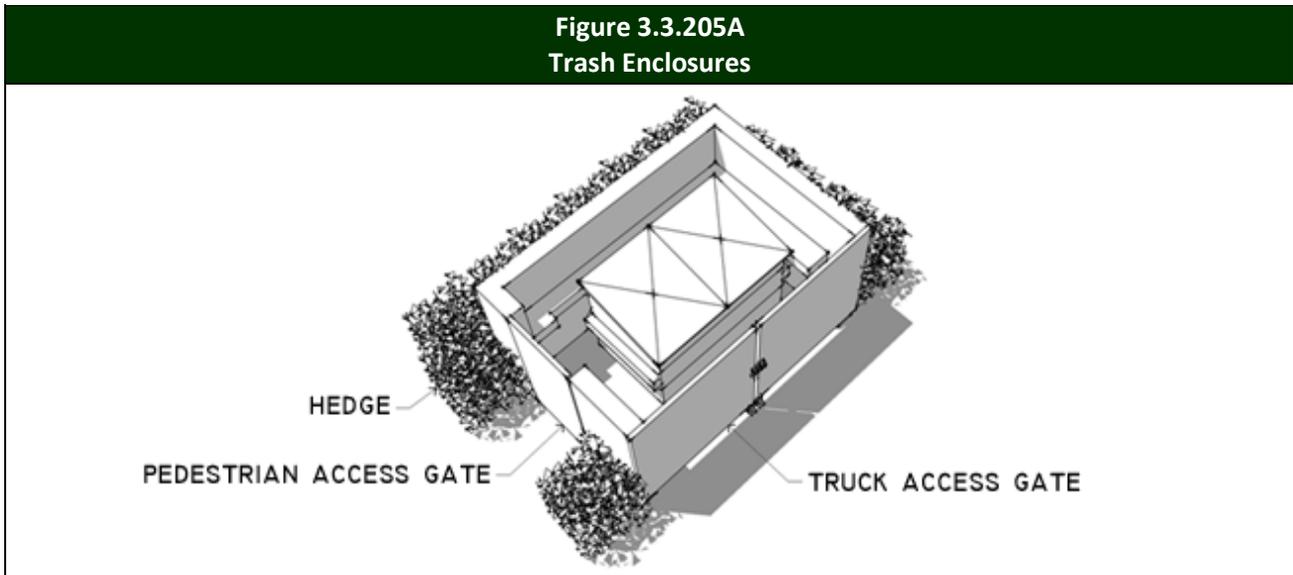
### **SEC. 3.3.204 FENCES, HEDGES, AND WALLS**

- A. **Generally.** The requirements of this Section apply to fences, hedges, and walls on nonresidential property.
- B. **Height.** No fence or wall shall exceed 8 feet in height in a rear or side yard or exceed 4' in height in a front yard., no hedge shall exceed 2.5 feet in height in a front yard., unless so required by [Division 5.4.400, Buffering](#):
- C. **Setbacks.** Fences, hedges, and walls shall be set back as follows:
1. Two feet from sidewalks or five feet from streets, whichever results in the greatest setback (this measure shall not allow encroachments into rights-of-way).
  2. Twenty feet from intersection of street lot lines.
- D. **Fence and Wall Design.**
1. Materials used for fences and walls shall be durable, and of a type commonly used in nonresidential applications.
  2. No fence or wall materials, exposed projections, nor the location or manner of construction shall constitute a hazard to the safety and welfare of the general public.
  3. Structural posts and supports and other devices used to mark or establish boundary lines shall be erected within the side facing the property being enclosed.
  4. Chain-link fences are permitted only in interior side yards and rear yards (including rear yards that face streets or shared parking lots) that are not also street yards and shall be screened from view by a Type A bufferyard.
- E. **Exceptions.** Fences, walls, or hedges that are specifically required pursuant to [Article 5.4, Landscaping and Buffering](#) shall conform to the requirements of that Section.

### **SEC. 3.3.205 LOADING, TRUCK ACCESS AND SOLID WASTE COLLECTION**

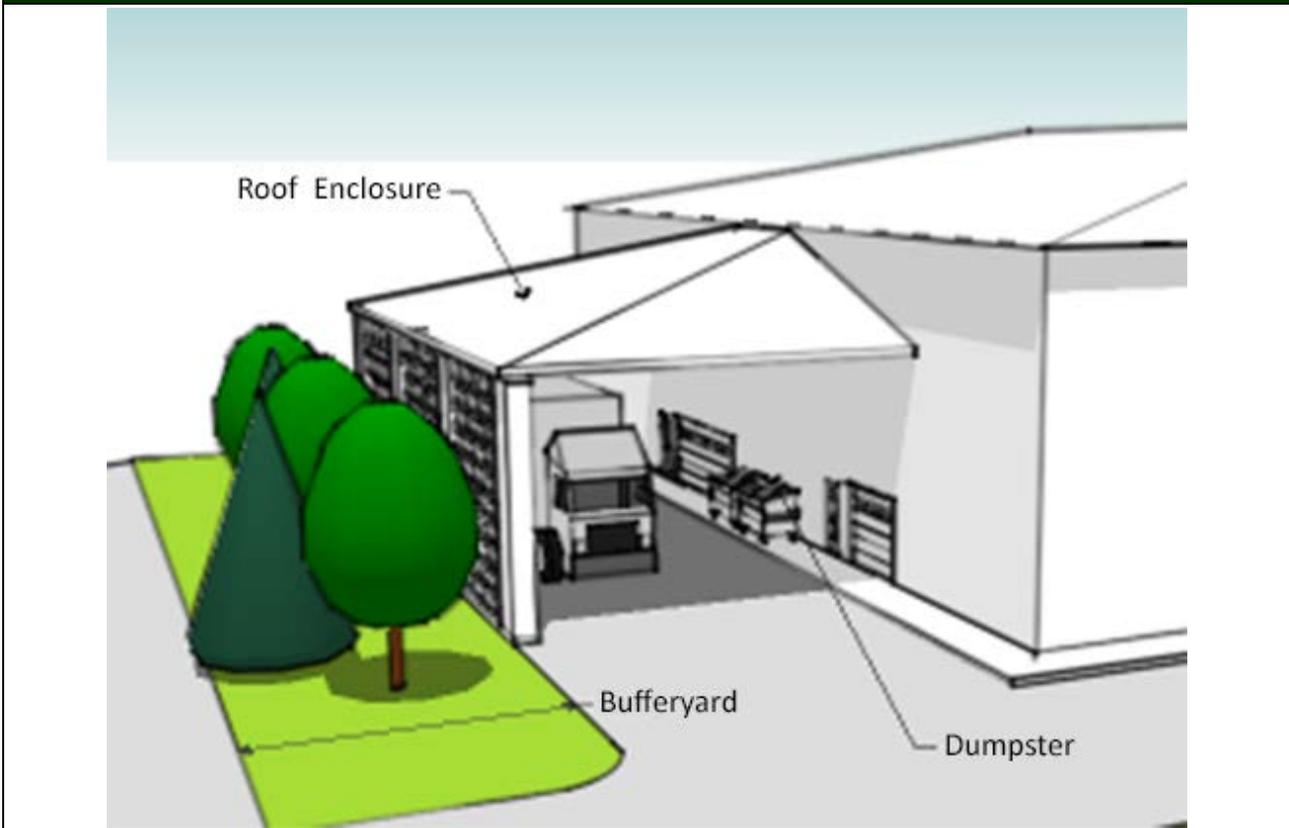
- A. **Loading and Truck Access.** Except as provided in subsections D. or F., loading and truck access facilities shall be:
1. Located behind principal buildings; and
  2. Screened from view from public rights-of-way by building walls, fences, landscaping, or berms.
- B. **Over-the-Curb Loading.** Over-the-curb loading is permitted only during hours as specified on the zoning certificate.
- C. **Solid Waste Collection Facilities, Generally.** Dumpsters or garbage or recycling bins may be provided for solid waste collection if it is demonstrated that:
1. The facilities are located:
    - a. No more than 300 feet (walking distance) from all individual commercial uses that they are intended to serve;
    - b. On the same lot as the property they serve.
  2. The facilities are located behind a principal building or in an interior side or rear yard, unless it is not possible to provide service access in such locations.
  3. Access to the facilities is configured to meet the requirements of the refuse service provider.
  4. The areas where dumpsters and/or garbage or recycling bins are stored are fully enclosed by:
    - a. An opaque wall that is one foot taller than the refuse container and constructed of materials comparable to the principal building; or
    - b. Earthen berms improved with ground cover and/or shrubs that are one foot taller than the refuse container and held in place with a retaining wall.

5. If an enclosure must be located in a front yard, it is designed and constructed to be consistent and compatible with the principal building in terms of its materials and architecture, and surrounded by landscaping in addition to that required by subsection D.7., below, that is sufficiently dense to completely conceal the enclosure from view from adjacent properties and public rights-of-way.
6. The enclosure has gates that will remain closed at all times except when the dumpster or garbage / recycling bins are being serviced.
7. The enclosures are landscaped as indicated in [Figure 3.3.205A, Trash Enclosure](#).
8. The enclosures are oriented so that the truck access gate faces the property interior away from adjoining properties and streets.



- E. Service Areas Adjacent to District Boundaries.** If loading, truck access, or solid waste collection facilities are located between a principal building and property that is used or zoned for residential purposes, then the following additional standards apply:
1. *Landscaping Only.* The loading, truck access, or waste storage area is screened of the entire boundary of the area where trucks are expected to circulate by a bufferyard that has one level more opacity than required by the district boundary (*e.g.*, if a Type C bufferyard is normally required, then a Type D bufferyard shall be installed). The bufferyard shall include a six-foot tall berm or durable solid fence or wall of the same height; or
  2. *Landscaping and Roof Enclosure.* The loading, truck access, or waste storage area shall be located under a roof enclosure as illustrated by [Figure 3.3.205B, Roof Enclosure](#). If a roof enclosure is used, the buffer may be reduced by one level of opacity adjoining the shed (*e.g.*, if a Type C bufferyard is required along the district boundary, a Type B bufferyard may be installed along the enclosure).

**Figure 3.3.205B**  
**Roof Enclosure**



### **SEC. 3.3.206 OUTDOOR DISPLAY OF MERCHANDISE**

- A. **Generally.** This Section sets out the standards that are applicable to permanent outdoor merchandise display areas.
- B. **Display Areas that are attached to Principal Buildings.** Outdoor display areas that are attached to a principal building are permitted if it is demonstrated that the display areas are:
1. Adjacent to a wall of a principal structure, and configured as a walled or decoratively fenced area that entirely screens the merchandise on all sides;
  2. Within the buildable area of the site;
  3. Not located in areas that are required or used for parking, loading, or vehicular circulation;
  4. Are displays for a retail sales and service uses; and
  5. The display area does not exceed 15 percent of floor area of principal building.
- C. **Sidewalk Displays.** Displays are permitted on sidewalks that abut the principal building if it is demonstrated that:
1. Merchandise is displayed to a height of six feet or less;
  2. There is at least four feet of clear width on the sidewalk for use by pedestrian traffic; and
  3. All sidewalk merchandise displays are within 30 feet of an entrance to the principal use, or located in the area defined by the forward projection of the side walls of the use, whichever is a smaller display area.

## ARTICLE 4.1 SITE CAPACITY AND ENVIRONMENTAL QUALITY

---

### Division 4.1.100 Purpose and Applicability of Article

#### **SEC. 4.1.101 PURPOSE OF ARTICLE**

- A. **Generally.** The purpose of this Article is to acknowledge that development will occur in a manner that promotes, protects, and improves the general health, safety, and welfare of the people and conserves the remaining sensitive natural resources within Bainbridge Township. These protections are set out to ensure that the Township continues to provide a desirable environment for residences, recreation, education, culture, commerce, and industry. These protections are set out below:
- B. **Resource Protection.** Protecting and preserving in a generally natural state, resources that:
1. Minimize the erosion of soils;
  2. Reduce the sedimentation of streams;
  3. Regulate stormwater runoff from developing areas;
  4. Reduce the damage potential of flood water;
  5. Protect properties near earth disturbing activities;
  6. Minimize the clogging of ditches;
  7. Reduce the silting of waterbodies;
  8. Strive to provide unobstructed and sanitary channels for stormwater runoff;
  9. Reduce flooding caused by the encroachment of buildings or other structures on natural watercourses and drainage channels;
  10. Minimize pollution of surface water and groundwater;
  11. Promote groundwater recharge;
  12. Reduce run-off;
  13. Increase groundwater recharge;
  14. Sequester carbon;
  15. Provide or protect wildlife habitats; and
  16. Mitigate heat island effects.
- C. **Use of Open Space.** Allowing reasonable use of open space and protected resources.
- D. **Health and Safety.** Protecting the general health, safety, and welfare of residents and those who work in or visit Bainbridge Township.

#### **SEC. 4.1.102 APPLICATION OF ARTICLE**

- A. **Generally.** This Article sets out the protection standards to ensure that development is congruent with the vision set out in the Township's Land Use Plan, including protecting and/or improving the Township's sensitive natural resources and providing the necessary environmental quality protections for residents and those who work in or visit the Township.
- B. **Exemption.** Due to the intense development that previously existed surrounding Geauga Lake, there are no site capacity protections applied against its waterfront area (*i.e.*, the chapter contemplates waterfront redevelopment and associated water-dependent uses).
- C. **Site Capacity for Development.** Set out in [Division 3.3.200, Site Capacity for Development](#), is a requirement that all developments conduct a site capacity analysis, unless exempted in [Section 3.3.204, Site Capacity Requirements](#), which regulates the maximum development intensity based on district standards and unique site conditions. A site capacity analysis is conducted to ensure that public health,

safety, and welfare are protected by preventing development from exceeding the site's capacity to sustain it.

- D. **Use of Open Space.** Set out in Section 4.1.207, *Uses in Open Space*, is the allowable uses in required open spaces.
- E. **Riparian Setbacks.** Set out in Division 4.1.300, *Riparian Setbacks*, is the minimum protection requirements established to ensure the environmental service benefits of riparian setbacks are maintained. This Division also sets out which riparian setback areas can be used for stormwater management purposes, which is further regulated by Division 4.2.200, *Drainage and Stormwater Management*.
- F. **Environmental Quality.** Set out in Division 4.1.400, *Environmental Quality*, is the standards for environmental emissions of land uses to ensure that the community is protected from nuisances.

## **Division 4.1.200 Site Capacity for Development**

### **SEC. 4.1.201 PURPOSE AND APPLICABILITY OF DIVISION**

- A. **Purpose.** The purpose of this Division is to allow reasonable development to occur in a manner that conserves the sensitive natural resources of a development site in accordance with the expressed purposes set out in Division 4.1.100, *Purpose and Applicability of Article*.
- B. **Resource Protection Policy.** Resource protection is important because the construction of buildings, parking, or other uses can be hazardous to life and property. The threat to public health and property may be on-site or off-site and may include impacts such as air, groundwater, and/or surface water pollution. Resource protection also provides hazard avoidance, preservation of community character, property value enhancement, and general quality of life for residents and businesses.
- C. **Applicability.**
  - 1. *Protected Resources.* Resources that are protected are set out in Section 4.1.202, *Delineation of Protected Resources*, and subject to the provisions in Section 4.1.203, *Resource Protection Standards*, using the calculations identified in 4.1.205, *Base Site Area* and Section 4.1.206, *Resource Open Space*.
  - 2. *Uses in Open Space.* Allowed uses of open space are set out in Section 4.1.207, *Uses in Open Space*.

### **SEC. 4.1.202 DELINEATION OF PROTECTED RESOURCES**

- A. **Generally.** All subdivisions and site plans that are subject to Section 4.1.203, *Resource Protection Standards*, shall show the boundaries of areas of protected natural resources, if such exist on the site.
- B. **Boundary Delineation.** Boundaries shall be drawn as follows:
  - 1. By a registered professional land surveyor and other qualified professionals.
  - 2. Measurements for boundaries are to be made horizontally, perpendicular from, or radial from any feature or point.
  - 3. Boundaries that are dependent on elevation shall be based upon on-site elevations and shall not be interpolated.
- C. **Riparian Setbacks.** Riparian setbacks shall be measured and delineated in accordance with the standards set out in Chapter 160 (Establishment of Riparian Setbacks).
- D. **Floodplains.** Floodplain shall be defined by the Federal Emergency Management Agency (FEMA) maps for Bainbridge Township.
- E. **Wetlands.** Wetlands shall be delineated by a site survey prepared by a qualified wetlands professional using delineation protocols accepted by a U.S. Army Corps of Engineers at the time of application of this chapter.

**F. Woodlands.** Forests and woodlands are areas that have overlapping crowns that provide at least 50 land percent coverage. Forests and woodlands are delineated by the edge of the crowns measured at the canopy line.

**G. Steep Slopes.** Steep slopes shall be mapped as those areas on a parcel proposed for development with an average grade of 18 percent or greater and shall be delineated with topographic lines at one-foot contour intervals, unless such intervals are impractical due to essentially flat topography.

**SEC. 4.1.203 RESOURCE PROTECTION STANDARDS**

**A. Generally.**

1. Natural resources shall be protected by leaving a portion of the area occupied by the resource undisturbed and:
  - a. Designated as open space in residential developments; or
  - b. Designated as undisturbed landscape surfaces in nonresidential developments.
2. Some uses are permitted on areas designated as open space as set out in Section 4.1.207, *Uses in Open Space*.

**B. Minimum Requirements.** The minimum amount of each area of natural resources that must be set aside as protected open space is set out in [Table 4.1.203, Resource Protection Standards](#).

Table 4.1.203 Resource Protection Standards <sup>1</sup>	
Resource	Open Space Ratio
Riparian Setbacks	100%
Floodplains	100%
Wetlands	100%
Woodlands	0%
Steep Slopes (>25% grade)	30%
Steep Slopes (18% to 25% grade)	60%
<b>TABLE NOTES:</b>	
<sup>1</sup> Note that Section 3.3.208, <i>Uses in Open Space</i> , and <a href="#">Article 4.2, Stormwater Management and Flood Damage Prevention</a> , contain additional standards for natural resources.	

**SEC. 4.1.204 SITE CAPACITY REQUIREMENTS**

**A. Applicability.**

1. A preliminary site capacity calculation shall be presented at the time of a proposed PUD. Every other application for development approval, except for the development of a residential lot in an existing platted subdivision or the development of any lot that is part of a parcel that has already been subject to a site capacity analysis, shall include a site capacity analysis based on the site's physical conditions and natural resources.

**B. Exemptions.** An application shall be exempt from the site capacity analysis requirement if:

1. Analysis has been submitted for a prior approval, the conditions upon which the analysis was based have not changed, and the application is consistent with the previous approved application (*e.g.*, an individual lot in an approved subdivision is not required to submit an individual site capacity calculation when the protection has already been achieved in the subdivision approval process); or
2. The parcel proposed for development is an existing lot of record that is:
  - a. Not proposed for subdivision; and
  - b. Proposed for development of a single-family home; or
3. The parcel proposed for development is an existing lot of record that:
  - a. Does not contain any wetlands or floodplains; and
  - b. Is less than one acre in area; or

The applicant demonstrates that the parcel proposed for development does not contain any of the natural resources set out in [Table 4.1.202, Resource Protection Standards](#).

**SEC. 4.1.205 BASE SITE AREA**

- A. **Generally.** Calculating base site area is required for all development as specified in this Section, unless exempted by [Section 4.1.204, Site Capacity Requirements](#).
- B. **Calculation Requirements.** The base site area of a site must be determined because there are generally areas on a property survey that are unavailable for development. For example, land in the existing road frontage is frequently indicated as part of the site. The base site area is the buildable portion of the site. Set out in [Table 4.1.205, Base Site Area](#), is the base site area calculation that must appear on all plans.

Table 4.1.205 Base Site Area	
Steps to Calculate Base Site Area	Acres <sup>1</sup>
Enter gross site area as determined by actual survey.	100.0
Subtract land within existing, ultimate rights-of-way of existing roads.	- 1.8
Subtract land within major utilities' rights-of-way (only includes those with a minimum 50-foot width for entire right-of-way)	- 0.0
Subtract land cut off from use by a railroad, highway, river, or lake.	- 0.0
Subtract all the surface area of watercourses.	- 5.0
Subtract land previously dedicated as open space, as applicable.	- 0.0
Equals Base Site Area	= 93.2
<b>TABLE NOTES</b>	
<sup>1</sup> The number of acres and calculations are illustrative and developers should enter the data for their specific site.	

**SEC. 4.1.206 RESOURCE OPEN SPACE**

- A. **Generally.** Calculating the amount of required open space for all development is specified in this Section using the base site area calculations from [Table 4.1.205, Base Site Area](#), and resource protection standards from [Table 4.1.203, Resource Protection Standards](#).
- B. **Calculating Required Open Space.** Set out in [Table 7.206, Required Open Space Determination](#), is the form for determining required open space to protect resources on the site. The steps are as follows:
  1. The Base Site Area is entered from [Table 4.1.205, Base Site Area](#), which establishes the buildable land area.
  2. Enter the acres of each resource present on the site from a resource protection survey in column two.
  3. Multiply the acres of each resource by the open space ratio and enter the total acres of protection for each resource.
  4. Total acres of protected land is the sum of the acres of protected land in step three.
  5. Enter land for stormwater facilities. For preliminary development plans enter 10 percent of base site area. For final development plans, enter actual area of facilities and their maintenance areas from the stormwater facilities plan.
  6. Total the open space from steps 4 and 5 above.
  7. Calculate the percentage of open space by dividing the total open space by the base site area.  
The minimum required open space is the result of the calculation in step 7. (see [Section 3.1.302, Mixed-Use Intensity Standards](#)).

Table 4.1.206 Required Open Space Determination			
1. Enter Base Site Area <sup>1</sup>			93.2
2. Resources	Acres of Resource (acres)	Open Space Ratio	Protected Land (acres) <sup>3</sup>
Riparian Setbacks	3.3	1.00	3.3
Floodplain	1.2	1.00	1.2
Wetlands	5.0	1.00	5.0
Woodlands	15.0	0.00	0
Steep Slopes (>25% grade)	5.2	0.30	1.56
Steep Slopes (18% to 25% grade)	2.0	0.00	0
3. Total Resource Protected Land	Sum of Acres of Protected Land		11.06
4. Stormwater Facilities	Enter land for detention or retention.		9.3
5. Total Open Space	Sum 3 and 4 above		20.36
6. Open Space %	Total Open Space / Base Site Area		21.8%
7. Minimum Open Space %	25% or minimum of 6 above, whichever is greater.		25% <sup>4</sup>
8. Minimum Amount of Required Open Space	Minimum Open Space % multiplied by Gross Site Area		25 acres
<b>TABLE NOTES:</b>			
<sup>1</sup> As calculated using Table 4.1.205, Base Site Area.			

### SEC. 4.1.207 USES IN OPEN SPACE

A. **Generally.** Set out in Table 4.1.207, *Uses in Open Space*, is the uses that may be permitted in the designated open spaces required in this chapter. The uses listed are narrower subsets of the use categories listed in Section 2.2.203, *Residential, and Commercial Uses of the Home* through Section 2.2.206, *Industrial and Storage, Transportation, and Communication Uses*. These more detailed uses allow a closer match between the permitted, Permitted with Regulations, or conditional uses and the resource's tolerance.

Table 4.1.207 Uses in Open Space									
P = Permitted Use; PR- PERMITTED WITH REGULATIONS; C = Conditional Use; - = Prohibited Use									
Use	General Open Space	Ponds and Streams	Riparian Setbacks	Floodway	Floodplain	Wetlands	Woodlands	Steep Slopes (>18 to 25%)	Steep Slopes (>25%)
Picnic Area	P	-	P	-	PR	-	PR	-	PR
Play Courts and Pools		-	-	-	PR	-	-	-	-
Trails	P	-	P	PR	P	PR	P	PR	PR
Public Facilities									
Sewer/Water	PR	C	PR	C	C	C	C	PR	-
Detention/Flood Control	P	PR	PR	-	PR	PR	-	PR	-
Essential Access	P	C	PR	C	C	C	C	PR	-
Temporary Uses									
Public Interest Event and Special Events	P	-	-	-	-	-	-	-	-

**D. Permitted with Regulations and Conditional Uses.** As set out in [Table 4.1.207, Uses in Open Space](#), various open space uses are identified as Permitted with Regulations or conditional uses. The rationale behind these designations is that some uses present potential threats to resources based on their tolerance or capacity limits. The following subsections set out the standards required for approval of uses identified in [Table 4.1.207, Uses in Open Space](#), as Permitted with Regulations or conditional uses.

**E. Specific Requirements for Recreational Uses.** The following requirements apply to recreational uses shown in [Table 4.1.207, Uses in Open Space](#), as "PR":

1. *Picnic Areas.* (Tables and benches no covered structures)

a. In riparian setbacks and floodplains, picnic areas shall be set back 25 feet from any stream channel or waterbody.

2. *Trails (Pedestrian / Bicycle).*

a. Trails are not allowed in wetlands or floodways, unless:

i. The trail must cross the wetland or floodway for educational purpose; or

ii. The trail must cross the wetland or floodway to connect a trail system that cannot otherwise be connected.

b. Where hard-surfaced trails are allowed in wetlands or floodways, they shall be elevated.

c. In wetlands, there shall be a minimum of 18 inches of freeboard under the bottom of the elevated walkway, and such walkways shall be installed using hand-carried equipment to minimize damage to the wetland.

d. In floodways, any trail crossings shall be on bridge structures that are designed to withstand the forces of the base flood; and provide at least two feet of freeboard.

e. On steep slopes, trails shall avoid areas that are prone to slippage due to soil or subsurface conditions, and shall be designed in a manner to avoid concentrating runoff.

**F. Specific Requirements for Public Facility Uses.** The following requirements apply to public facility uses shown in [Table 4.1.207, Uses in Open Space](#), as "PR" or "C":

1. *Sewer/Water.* Protected resource areas shall not be crossed with streets, access easements, water or sewer utility lines (except those that serve only the uses that are allowed by this Division), except as follows:

a. Generally, where it is not possible to make reasonable use of a parcel proposed for development without crossing a resource, the resource may be crossed if it is demonstrated that:

i. No feasible alternative to crossing the resource exists;

ii. The route selected is the least disruptive, based on a review of at least three crossings.

iii. Mitigation is undertaken to minimize the impact of the crossing on the resource, pursuant to subsection F.1.c, below.

b. Private streets or drives shall be permitted only where:

i. They are necessary to provide access to buildable land; and

ii. The parcel proposed for development would be unbuildable without the access

c. Mitigation standards. Anything crossing the floodway shall be elevated in accordance with [Article 4.2, Stormwater Management and Flood Damage Prevention](#).

i. Floodplains shall be mitigated as follows:

a. All streets shall be a minimum of one foot above the 100-year flood elevation.

b. All manholes or access to underground utilities, if applicable, shall be protected so the access is water-proofed to two feet above the 100-year flood elevation.

c. If the floodplain is forested, the regulations for woodlands shall also apply.

ii. Cleared woodlands shall be mitigated as follows:

a. Mitigation shall occur on site, or within the same drainage basin and within 1,500 feet of the site.

- b. The number of acres of required mitigation shall be:
  - 1. 1.5 acres per acre of young woodlands cleared; and
  - 2. Three acres per acre of mature woodlands cleared.
- c. Plants of the specified types and sizes shall be installed in the following quantities per acre of required mitigation:
  - 1. 25, three-inch caliper large trees;
  - 2. 10, one and one-half-inch caliper small trees; and
  - 3. 80, three-foot tall shrubs.
- d. Areas where mitigation plantings are installed shall be placed under a conservation easement.
- iii. Steep slopes shall be mitigated as follows:
  - a. Erosion controls shall be put in place to prevent erosion, and nets or other best management practices shall be applied to ensure that the ground cover is established quickly over the entire disturbed area.
  - b. Each acre of the area that is disturbed shall be planted with:
    - 1. 20, three-inch caliper large trees;
    - 2. 15, one and one-half-inch caliper small trees; and
    - 3. 80, three-foot tall shrubs.
- d. Impact of crossings on open space calculation.
  - i. Where public streets must cross open space, the pavement and improved shoulders are not counted as open space.
  - ii. Any right-of-way that is restored to natural conditions may be counted as preserved open space unless prohibited below.
  - iii. Any areas that are mitigated by re-vegetating to match surrounding areas may be counted as open space.
  - iv. Cleared woodland areas shall not be counted as preserved open space.

*2. Detention / Flood Control.*

- a. Man-made ponds may be used for detention by increasing their size or the dam height. Any other waterbody use for detention is prohibited.
- b. Detention is permitted in floodplains only as permitted by Geauga County, as set out in [Article 4.2, Stormwater Management and Flood Damage Prevention](#).
- c. Existing wetlands shall not be used for detention of stormwater.

**G. Prohibited Uses.** Any use not listed is prohibited.

**Division 4.1.300 Riparian Setback Requirements**

Riparian setback requirements are referenced in Chapter 160.

## Division 4.1.400 Environmental Quality

### SEC. 4.1.401 PURPOSE AND APPLICABILITY OF DIVISION

- A. **Purpose.** It is the purpose of this Division to prevent land or structures, including those **Permitted** by right, **Permitted with Regulations**, or **Conditionally** from being used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, radioactive, or other hazardous condition; noise or vibration; smoke, dust, odor, or other form of air pollution; or other substance, condition, or elements in a manner or amount as to adversely affect the surrounding area or the community at-large.
- B. **Applicability.** Compliance with the requirements of this Division applies to all areas within the Township and shall not be interpreted as authorizing a practice or operation which would constitute a violation of any other applicable statute, ordinance, rule, or regulation. Where these regulations conflict with other regulations, the more stringent regulation shall apply.

### SEC. 4.1.402 EMISSIONS AND ODORS

- A. **Control of Emissions.** All industrial uses shall submit verification that their proposed smoke and particulate matter emissions meet federal and state air quality standards set forth by the U.S. Environmental Protection Agency (Code of Federal Regulations, Title 40) and the state of Ohio.
- B. **State and Federal Permits.** No regulated emission source shall be constructed or operate without required permits from the state and federal governments.
- C. **Public Welfare.** In addition to the standards specified below, emissions in such manner or quantity as to be detrimental to or endanger the public health, safety, or welfare is declared to be a public nuisance and shall be unlawful.
- D. **Heat.** No use or activity shall be so operated that it emits or transmits heat or heated air or water so as to be discernible at or beyond the property line of the lot on which it is located.
- E. **Objectionable Odors.**
1. *Generally.* Any condition or operation which results in the creation of odors or hazardous emission of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove such odors or emissions.
  2. *Threshold.* No continuous, frequent, or repetitive emission of odors or odor-causing substances shall exceed the odor threshold at or beyond the bounding property line of the tract on which the odor emission is initiated. An odor emitted no more than once in any one day for a period not exceeding 15 minutes shall not be deemed as continuous, frequent, or repetitive within the meaning of this chapter.
- F. **Exemption.** As Bainbridge Township is still a rural township with agricultural activities, and the state specifically prohibits the Township from regulating agriculture in [O.R.C 519.21](#), *Powers not conferred on township zoning commission by chapter*, the odors from bonified agriculture activities are not considered objectionable for the purposes of this Section.

### SEC. 4.1.403 LIGHT AND GLARE

- A. **Lighting.** Lighting must be controlled to prevent glare and nuisance problems to adjacent land uses (*see [Division 5.2.300, Lighting](#)*).
- B. **Glare from Use.** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, or from any point that would create a hazard for other occupants of visitors to the property on which the activity is taking place.
- C. **Glare from Buildings and Structures.** Buildings and structures shall be designed and oriented to avoid glare that materially interferes with the safe operation of streets.

**SEC. 4.1.404 – 4.1.405** Intentionally Left Blank

**SEC 4.1.406 Blasting:** Refer to Chapter 185

**ARTICLE 4.2 STORMWATER MANAGEMENT AND FLOOD DAMAGE PREVENTION**

All Stormwater Management and Flood Damage Prevention standards refer to Chapter 159.

**ARTICLE 5.1 GENERAL DEVELOPMENT STANDARDS**

---

**Division 5.1.100 Mixed-Use Planned Unit Development Standards**

**SEC. 5.1.101 PURPOSE AND APPLICABILITY OF DIVISION**

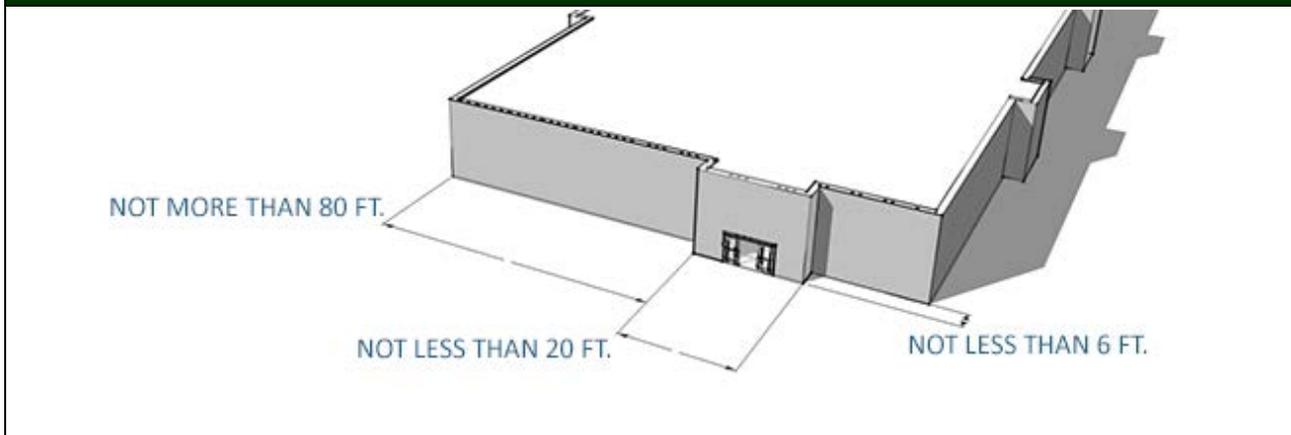
- A. Purpose.** As allowed by [O.R.C 519.02](#), *Board of township trustees may regulate location, size and use of buildings and lands in unincorporated territory*, and in the interest of the public convenience, comfort, prosperity, or general welfare, the Board of Trustees has established minimum architectural standards for buildings permitted in the mixed-use district, excluding building materials, to protect the quality, rural character, and long-term economic viability of the buildings in the Township.
- B. Applicability.** The provisions of [Division 5.1.100, Mixed-Use Planned Unit Development Standards](#), apply to all new nonresidential development and redevelopment, except that which may be specifically exempted by this Division.

**SEC. 5.1.102 BUILDING FORM AND DESIGN**

**A. Building Dimensions.**

1. *Maximum Horizontal Dimension.* No building wall shall have an uninterrupted horizontal dimension of more than 80 feet for buildings with footprints 12,000 square feet and larger and no more than 40 percent of the façade length for buildings with footprints smaller than 12,000 square feet in area.
2. *Required Offsets.* Building walls with a horizontal dimension of more than 80 feet shall have clearly pronounced projections or recesses of at least four feet, and at least two feet for buildings with a horizontal dimension of less than 80 feet, measured perpendicular to the vertical plane of the wall. These projections or recesses shall be spaced not more than 80 feet apart. Projections or recesses shall have a horizontal dimension parallel to the building wall from which the offset is measured of at least the lesser of:
  - a. Twenty feet; or
  - b. Twenty percent of the building facade. See [Figure 5.1.102A, Required Offsets](#).

**Figure 5.1.102A  
Required Offsets**



3. **Entryways.** Entryways to bays that are larger than 30,000 square feet shall project not less than four feet from the façade. This shall be represented by a change in the wall of the building and not only in a covered entry.

**B. 360-Degree Architecture.** The architectural features and articulation of the front façade shall be continued on all sides that are visible from a public street.

**C. Multi-Story Buildings.** Buildings with more than two stories shall be designed with a clearly differentiated base, middle, and top.

a. **Building Base.** A recognizable base shall include, but shall not be limited to:

- i. Thicker walls, ledges, or sills.
- ii. Raised planters, which are integral to the building façade.

b. **Building Top.** A recognizable top shall include, but shall not be limited to:

- i. Cornice treatments.
- ii. Sloping roofs with eaves and brackets.

**D. Awnings and Canopies.** Awnings and canopies, if installed, shall meet the following standards:

1. **Construction.** Awnings and canopies shall be attached and integral to the principal structure.

a. **Obstruction.** Awnings and canopies shall not obstruct any portion of any window. Transom windows may be located under awnings and canopies.

b. **Support.** Canopies shall have columns, beams, and/or brackets of adequate size to give both structural and visible means for support.

c. **Lighting.** Backlit or internal illuminated awnings or canopies are prohibited. Acceptable fixtures and methods of illumination include:

- i. Recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy.
- ii. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy. Indirect lighting fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the canopy.

d. **Clearance.** A minimum clearance of eight feet from finished grade to the bottom of the awning/canopy is required. Drive-under canopies shall not exceed 16 feet in height.

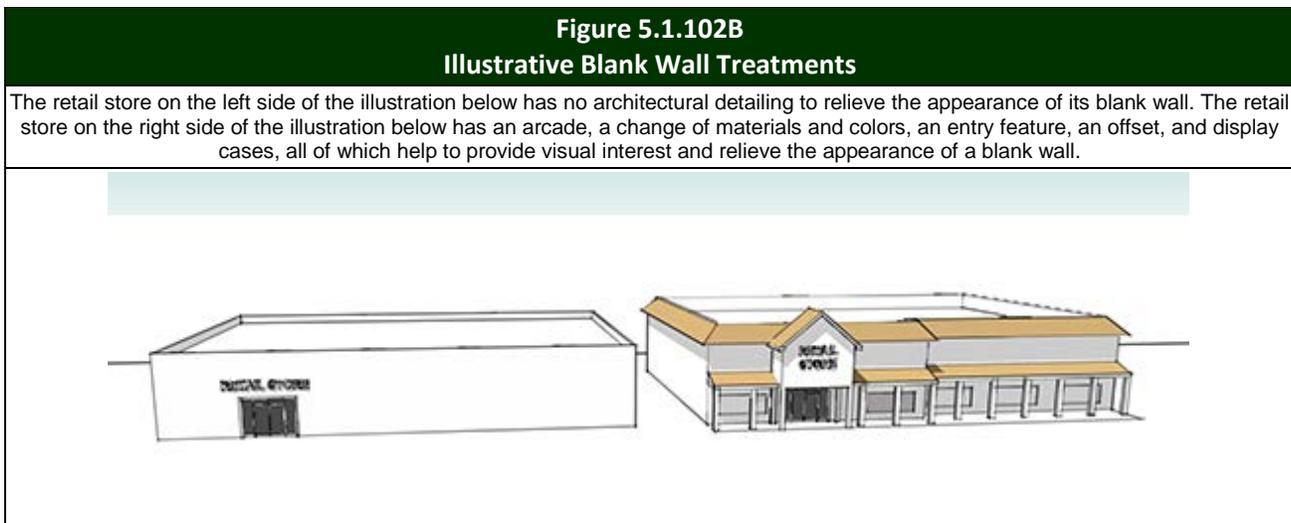
e. **Freestanding Canopies.** Freestanding or semi-freestanding canopies, such as those used as shelters for pump islands and porte-cocheres shall be of similar style, material, color, and lighting as those attached to the principal building.

E. **Building Entrances.** Each building, regardless of size, must have clearly-defined, highly-visible building entrances that include at least three of the following architectural features:

1. Canopies, porticos, arcades, or overhangs;
2. Recesses or projections;
3. Raised corniced parapets;
4. Over the door or peaked roof forms;
5. Arches;
6. Outdoor patios or plazas;
7. Display windows;
8. Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; and/or
9. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

F. **Blank Walls.** Except where necessary to accommodate the future expansion of a building, blank walls are not allowed. No building wall may include an area which is larger than 15 feet tall by 25 feet wide that does not include one or more of the following:

1. Window(s);
2. Door(s);
3. Building wall offset that complies with subsection D.2., *Required Offsets*, above;
4. Sign(s), in accordance with [Article 5.3, Sign Standards](#);
5. Architectural details that relieve the appearance of the blank wall;
6. A canopy or an arcade. (See [Figure 5.1.102B, Illustrative Blank Wall Treatments](#)); or
7. Vines or other plantings on wall trellises that cover at least 60 percent of the facade elevation.

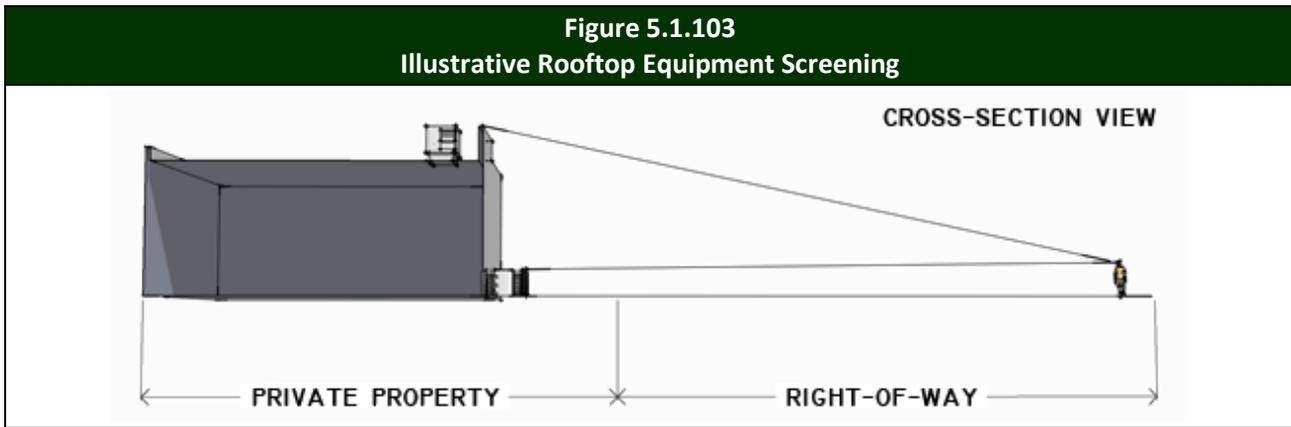


### **SEC. 5.1.103 MECHANICAL EQUIPMENT**

A. **Generally.** Mechanical equipment associated with building operations (*e.g.*, HVAC systems, electric meter banks, etc.) shall be screened as set out in this Section.

B. **Ground-Level Equipment.** Mechanical equipment and meters shall be screened from public view by building wall extensions, opaque fencing, structural enclosure, or landscaping. Hedges and screen walls that are used to screen mechanical systems shall be maintained at a height that is at least one foot higher than the equipment to a maximum height of six feet. Wall extensions, opaque fencing, and structural enclosures shall use materials and colors that match or are consistent or comparable with the design and materials of the principal building.

C. **Rooftop Equipment Screening.** Exterior rooftop equipment including any HVAC roof refrigeration or other mechanical fixtures shall be concealed from eye-level view from any public rights-of-way and from any abutting properties by incorporating a parapet wall extension and capped cornice treatments. (See Figure 5.1.103, *Illustrative Rooftop Equipment Screening*).



D. **Building-Mounted Equipment.** Mechanical equipment that is mounted on a building wall that is within public view shall be enclosed, screened by opaque fencing and landscaping, or painted to match the building façade.

## Division 5.1.200 Planned-Unit Development Standards

### SEC. 5.1.201 PURPOSE AND APPLICABILITY OF DIVISION

#### A. Purpose.

1. As authorized by [O.R.C 519.021](#), *Planned-unit development regulations*, this Division is intended to permit the creation of planned-unit developments (PUD) to encourage the efficient use of land and resources, promote greater efficiency in providing public utilities and other public services, and encourage innovation in the planning and building of all types of development.
2. The regulations set out in this Division are adopted to accommodate unified planning and development resulting in a form of development that is different than what is authorized using conventional zoning provisions in the Township.

B. **Intent.** The planned-unit development regulations are intended to achieve the following land use objectives:

1. Provide the opportunity for a different form and character of development within the Township.
2. Provide for the opportunity of different lot size or housing types comprised in a single unified development that is integrated into the community.
3. Promote economical and efficient use of land and reduce infrastructure costs through unified development.
4. Respect the character of surrounding rural developments by providing appropriate buffers as a transition to higher density uses.
5. Encourage the protection of open space by permitting development with a range of densities that also provide open space, consistent with the open space character of the surrounding area.
6. Permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting activity areas.
7. Provide a higher level of design review to ensure an attractive, well-planned unified development.

- C. **Applicability.** Applications for planned-unit developments shall only be allowed in the Mixed-Use (MUP) district.
- D. **Application.** As authorized by subsection C., of the [O.R.C 519.021](#), upon application of the property owners or their agent, the Board of Zoning Appeals may establish a planned-unit development (PUD) by conditional zoning certificate. Once the property has received the approval of the conditional zoning certificate, the parcel proposed for development shall comply with the regulations of the underlying zoning district, applicable other standards of this zoning resolution, and other conditions of approval as determined by the Board of Zoning Appeals.

### **SEC. 5.1.202 Intentionally left blank**

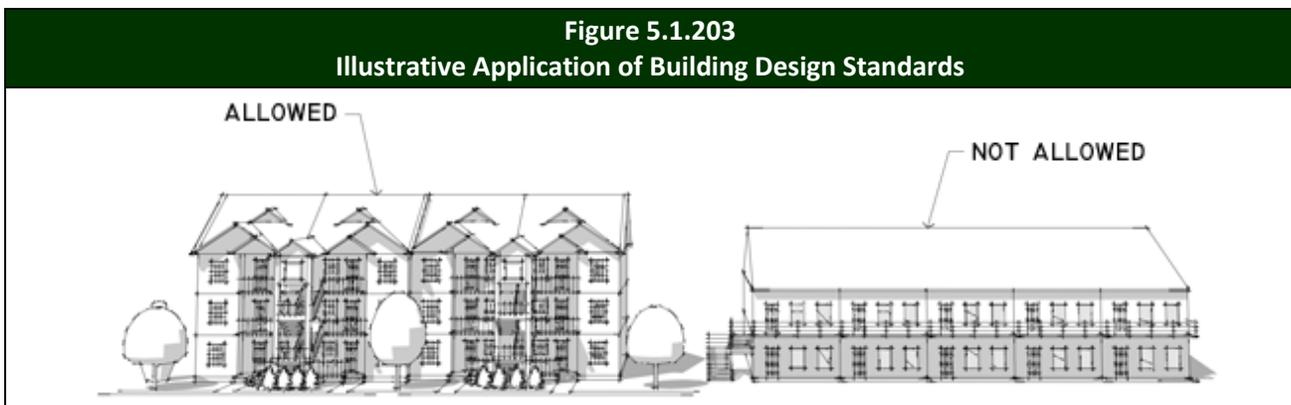
### **SEC. 5.1.203 MIXED-USE IN THE MUP DISTRICT**

- A. **Generally.** New development or redevelopment within the MUP district shall meet the provisions of this Division, [Division 3.1.300, Mixed-Use Development Standards](#), [Division 3.1.200, Housing Palette](#), [Article 4.1, Site Capacity and Environmental Quality](#), and other applicable sections of this chapter, unless otherwise specified in this Section.
- B. **Applicability.**
1. *Existing Active Development.*
    - a. Infill lots that are platted, currently vacant, and under unified control are not subject to the planned-unit development regulations set out by this Section. New development and redevelopment shall continue under their original approval and other applicable sections of this chapter (*e.g.*, signs).
    - b. Lots that are platted and have existing occupied buildings are not subject to the planned-unit development regulations set out by this Section. Redevelopment shall occur outside of the planned-unit development process and be in conformance with all applicable provisions of this chapter.
  2. *All Other Lots.* All other lots under unified control that meet the minimum lot size set out for planned-unit developments, as set out in [Table 3.1.303A, Mixed-Use Bulk Requirements.](#), shall be processed as a planned-unit development.
- C. **Open Space.** Minimum open space shall be in conformance with [Division 4.1.200, Site Capacity for Development](#). Landscape areas minimums shall be in conformance with [Table 3.1.302, Mixed-Use Intensity Requirements](#). Only 50 percent of the open space area may be used to meet the landscape surface ratio requirements of [Table 3.1.302, Mixed-Use Intensity Requirements](#).
- D. **Development Standards.**
1. *Uses.* Only those uses allowed in the MUP district are permitted in a planned-unit development.
  2. *Lot Building Standards.* Standards for maximum building heights; lot area, width, and coverage maximums; and setbacks are set out as follows:
    - a. [Division 3.1.200, Housing Palette](#) per residential dwelling type for residential-only portions of the development; or
    - b. [Division 3.1.300, Mixed-Use Development Standards](#) mixed-use development.
  3. *Mix of Uses.* Planned-Unit Developments shall be comprised of the following minimums:
    - a. 30% Residential;
    - b. 30% Nonresidential;
    - c. 30% vertical mixed-use; and
    - d. 10% Variable
  4. *Residential.*

- a. Mixed-use developments may also include attached residential dwellings as part of a mixed-use building where office or retail sales and services uses are located on the first floor and residential uses are located on the upper floors.
- b. Residential dwelling units shall be prohibited on the first floor of mixed-use buildings.
- c. The maximum residential gross density for multi-family or mixed-use buildings (mix of residential and nonresidential in the same structure) shall be 10 dwelling units per acre.
- d. The presence of a home occupation in conjunction with a residential use does not constitute a mixed-use, multi-tenant development.
- e. Minimum floor area requirements for dwelling units shall be as follows:
  - i. Single-family detached: 1,400 square feet;
  - ii. Twin: 900 square feet per unit;
  - iii. Townhouse: 900 square feet per unit; and
  - iv. Multi-family: 900 square feet per unit.
- f. No residential except residential in a vertical mixed-use building is permitted within 500 feet of the ordinary high water mark of a lake.

5. *Multi-Family.*

- a. A multifamily building containing more than eight units shall be designed to break up a rectangular floor plan and avoid a box or monolithic appearance. See [Figure 5.1.203](#), *Illustrative Application of Building Design Standards*.



- b. Any of the following techniques, or any technique that would produce a comparable effect, may be used to avoid the appearance of a boxy or monolithic building.
  - i. Varying roof lines;
  - ii. Changes in wall planes of at least three feet at intervals of not more than 60 feet;
  - iii. The use of dormers, bay windows, or other windows that create dimension that breaks up the facade;
  - iv. Balconies that are used irregularly, some projecting, some recessed;
  - v. End or corner treatments that alter the plane of the facade;
  - vi. Primary entrance treatments that are recessed or project from the main facade; and
  - vii. Changes in floor plans that create rooms with corner windows.

6. *Parking.*

- a. On-street parking is allowed in a planned-unit development in the MUP district provided that it is provided on a new street which is designed for such use.

- b. On-street parking spaces shall only count as meeting the minimum parking requirements of [Section 5.2.202, Required Parking and Loading Spaces](#), for the commercial retail components of a mixed-use building.
- c. The number of parking spaces, design, and location of required parking and loading shall be in conformance with [Division 5.2.200, Required Parking and Loading](#).

7. *Pedestrian Circulation, Walkways, and Trails.*

- a. A pedestrian circulation system shall be included in a planned-unit development in the MUP district and should be designed to ensure that pedestrians can walk safely and easily throughout the development, without having to walk or utilize the street for travel. The pedestrian system should provide connections between properties and activities or special features within common areas and need not always be located along streets. If the pedestrian system intersects a public or private street within the development, “pedestrian crossing” signs shall be posted.
- b. A trail system may be provided in any areas of open space in conformance with the provisions set out in [Section 4.1.207, Uses in Open Space](#). The system should be designed to minimize disturbance of the site with regard to the natural drainage system and topography. To the maximum extent feasible, natural materials should be used in the construction and maintenance of the trail system.
- c. When the parcel proposed for development abuts a public trail, park, or recreation area, the development shall provide pedestrian access from the development to the public area by way of connecting walkway, trail, boardwalk, or bridge.

8. *Property Owners' Association Required.* A property owners' association, with approved covenants, conditions, and restrictions (CCRs) shall be approved as set out in [Section 3.1.104, Preservation of Open Space](#).

9. *Public Utilities.* Public utilities shall be required for all planned-unit developments in the MUP district.

10. *Maximum Building Height.* All new buildings that are located within 50 feet of the property line where an existing off-site residential dwelling exists shall have a maximum building height equal to that of the zoning district where the residential dwelling is located and shall be screened by a Type C bufferyard.

**E. Application Requirements.**

- 1. *Common Ownership.* All applications for a planned-unit development shall be for property that is under common ownership, or if under several ownerships, the application shall be filed jointly by all owners of the parcels proposed for development within the proposed planned-unit development boundaries.
- 2. *For Individual Lots.* Once a development approval has been obtained, and prior to applying for a building permit with Geauga County, the applicant shall apply for a zoning certificate with the Zoning Inspector. Such zoning certificate shall be issued by the Zoning Inspector to determine the proposed dwelling or structure complies with the chapter.

## **ARTICLE 5.2 ACCESS, PARKING, LOADING AND LIGHTING**

---

A. **Generally.** All Parking requirements follow the standards set forth in Chapter 169. Specifics on mixed-use and shared parking are laid out below. In the MUP, parking in front of buildings is discouraged to promote pedestrian friendly environments. Further, as safety is an essential component of responsible development, the Township encourages the use of decorative bollards, bicycle racks, and other landscaping aesthetics for front and side parking areas. The Township may also allow for diagonal or parallel parking for front and side areas of vertical mixed-use buildings. When shared parking lots face secondary or rear access of vertical mixed-use buildings they must allow for two way directional traffic flow creating through access to the nearest adjacent cross streets. Designated crosswalks or sidewalks must be included in all shared parking structures to ensure pedestrian safety and convenience. Surface parking is prohibited along the waterfront.

**B. Mixed-use and Shared Parking.** The Township recognizes that uses may have different hours of operation and peak parking demand hours. For this reason, the Township desires to encourage the sharing of parking for its potential to reduce paved areas and/or to enhance the efficiency of land use. Where a mix of uses creates synergy with respect to the use of parking spaces due to differences in when the spaces are most likely to be used, the Board of Zoning Appeals may reduce the required number of spaces according to the provisions of this subsection.

1. *Shared Parking, Common Ownership.* Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak use of parking areas at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:

- a. Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals (*e.g.*, spaces that are either posted "reserved," or secured behind a gate), by the appropriate percentage listed in [Table 5.2.204A, Mixed-Use and Shared Parking](#), for each of the designated time periods.
- b. Calculate a sum for all uses for each of the five time periods (columns). The minimum parking requirement is the highest of these sums. Set out in [Table 5.2.204B, Illustrative Shared Parking Credit Calculation](#), is an example of how to calculate shared parking credits.
- c. In general, the maximum reduction allowed shall be no more than 25 percent. However, a greater reduction may be permitted by the Board of Zoning Appeals, provided that:
  - i. Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the Board of Zoning Appeals determine that they are necessary (*see* subsection G., *Deferred Parking*, of this Section; and
  - ii. The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the Zoning Inspector.

Table 5.2.204A Mixed-Use and Shared Parking					
Use	Weekday			Weekend	
	Night (12 a.m. to 6 a.m.)	Day (6 a.m. to 6 p.m.)	Evening (6 p.m. to 12 a.m.)	Day (6 a.m. to 6 p.m.)	Evening (6 p.m. to 12 a.m.)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Overnight Accommodations	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

Table 5.2.204B Illustrative Shared Parking Credit Calculation					
EXAMPLE: A mixed-use building in a standard development has 50 2-bedroom residences, 50,000 square feet of general office space, and 50,000 square feet of retail space. Separately, these uses would require 450 parking spaces ((50 sp. x 2 sp. / unit) + (50,000 sf. x (3 sp. / 1,000 sf.)) + (50,000 sf. x (1 sp. / 250 sf.)) = 450). However, combined, they could share 350 parking spaces.					
Use	Weekday			Weekend	
	Night (12 a.m. to 6 a.m.)	Day (6 a.m. to 6 p.m.)	Evening (6 p.m. to 12 a.m.)	Day (6 a.m. to 6 p.m.)	Evening (6 p.m. to 12 a.m.)
Residential 100 spaces	100% x 100 = 100	60% x 100 = 60	90% x 100 = 90	80% x 100 = 80	90% x 100 = 90
Office 150 spaces	5% x 150 = 8	100% x 150 = 150	10% x 150 = 15	10% x 150 = 15	5% x 150 = 8

**Table 5.2.204B  
Illustrative Shared Parking Credit Calculation**

**EXAMPLE:** A mixed-use building in a standard development has 50 2-bedroom residences, 50,000 square feet of general office space, and 50,000 square feet of retail space. Separately, these uses would require 450 parking spaces ((50 sp. x 2 sp. / unit) + (50,000 sf. x (3 sp. / 1,000 sf.)) + (50,000 sf. x (1 sp. / 250 sf.)) = 450). However, combined, they could share 350 parking spaces.

Use	Weekday			Weekend	
	Night (12 a.m. to 6 a.m.)	Day (6 a.m. to 6 p.m.)	Evening (6 p.m. to 12 a.m.)	Day (6 a.m. to 6 p.m.)	Evening (6 p.m. to 12 a.m.)
Retail / Commercial 200 spaces	5% x 200 = 10	70% x 200 = 140	90% x 200 = 180	100% x 200 = 200	70% x 200 = 140
Overnight Accommodations	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
<b>COLUMN TOTALS</b>	<b>118</b>	<b>350</b>	<b>285</b>	<b>295</b>	<b>238</b>

**TABLE NOTE:**

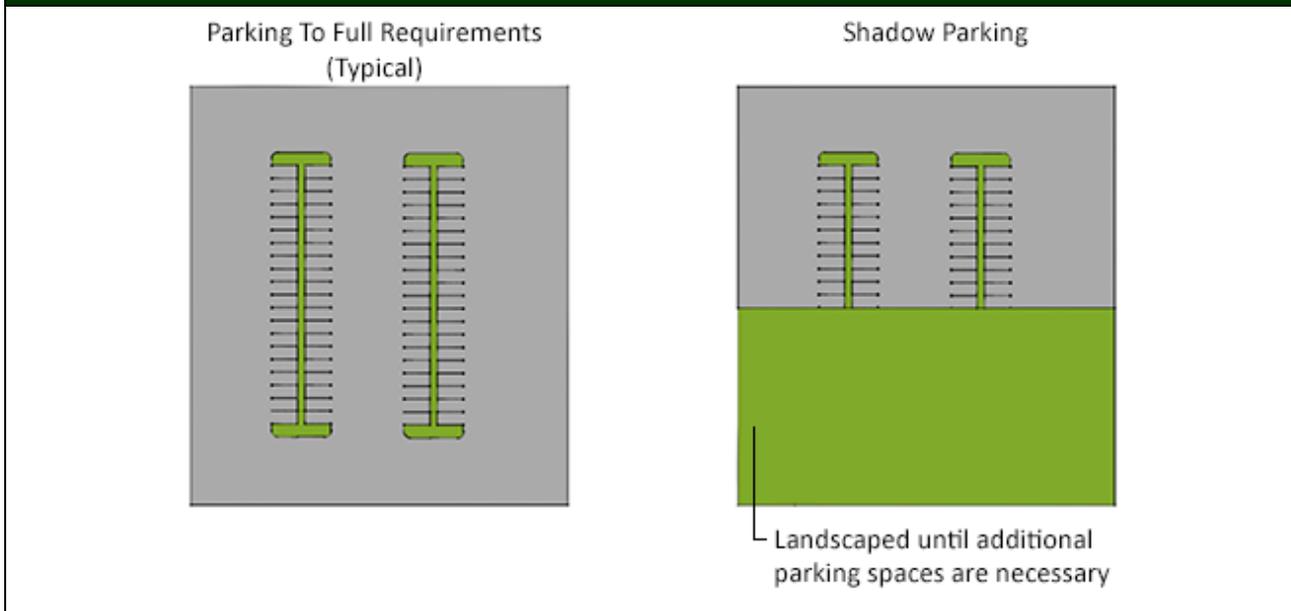
The largest number, 350, is the number of parking spaces that are required. This example is a 22 percent reduction compared to individual calculations.

2. *Shared Parking Among Lots Under Different Ownership.* When a shared parking reduction is to be applied to uses on several lots under different ownership, the following shall be provided:

- a. A plan that provides for interconnected parking lots;
- b. Recorded easements, accepted on a form acceptable to the Township's attorney, that provide, at a minimum, for:
  - i. Cross-access among the parking areas and connections to allow parking by the different uses anywhere on the connected properties;
  - ii. Allocation of maintenance responsibilities;
  - iii. A pedestrian circulation system that connects uses and parking areas, making it easy and convenient for pedestrians to move between uses; and
  - iv. A right of enforcement by the Township.

**E. Deferred Parking.** In order to minimize unnecessary expanses of impervious surfaces to accommodate parking that may be only needed at certain points of the year (*e.g.*, during a holiday shopping season), portions of the required parking spaces may be set aside, or deferred, for future improvement. These areas may stay landscaped and unpaved or paved with impervious paving materials provided that the parking and unpaved areas comply with the following standards. See [Figure 5.2.204A, Illustration of Deferred Parking](#).

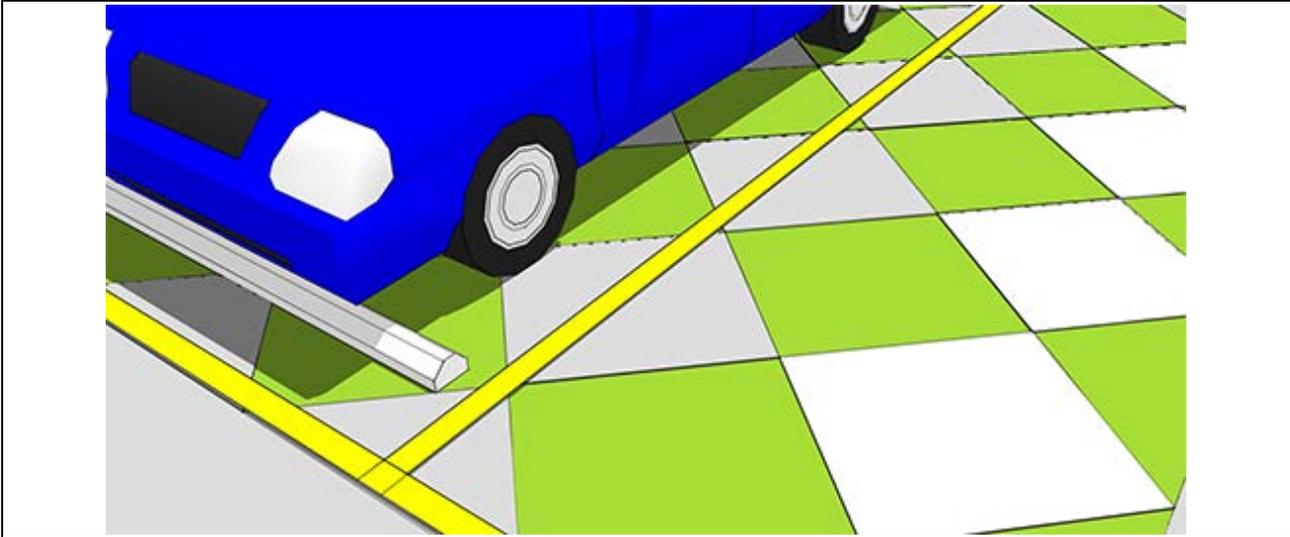
Figure 5.2.204A  
Illustration of Deferred Parking



1. Design.

- a. No more than 30 percent of the required number of parking spaces may be allotted for deferred parking.
- b. Deferred parking areas shall not count towards the minimum landscape surface ratio (LSR) minimums set out in [Section 3.1.302, Mixed-Use Intensity Standards](#).
- c. Deferred parking areas shall be reserved by a deed restriction required as a condition of approval of the conditional zoning certificate, which shall state that the areas set aside for future parking be maintained as landscaped area or open space until they are needed to be used to meet parking demands. The restriction shall be required to continue until an application to extinguish deferred parking is approved by the Board of Zoning Appeals.
- d. At no point shall any part of the deferred parking areas be used for the construction of any buildings, structures, or paved surfaces with the exception of grass pavers (*see [Figure 5.2.204B, Grass Pavers](#)*) or reinforced turf which can be used to provide temporary parking and allow for grass and other vegetation to grow through them.

**Figure 5.2.204B  
Grass Pavers**



**SEC. 5.2.101 & 5.2.102 INTENTIONALLY LEFT BLANK**

**SEC. 5.2.103 VEHICLE STACKING REQUIREMENTS**

- A. **Generally.** Stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service window. The position in front of a drive-through station (*i.e.*, a service window, ATM, or station at a drive-through bank) is counted as a stacking space.
- B. **Required Stacking Spaces.** All **drive-in and drive-through facilities** shall provide vehicle stacking in accordance with Table 5.2.103, *Required Vehicle Stacking Requirements*.

**Table 5.2.103  
Required Vehicle Stacking Spaces**

Use with Drive-Through	Stacking Requirement
Restaurants, Fast Food	Four vehicles behind menu board Four vehicles behind first window  Two vehicles behind second window, including position at second window (refer to Figure 5.2.103, <i>Illustrative Stacking Requirements</i> )
Financial Institutions	For single drive-through lane: six vehicles For multiple drive-through lanes: four vehicles per window/kiosk For ATMs: three vehicles per window/kiosk
Pharmacies	Two vehicles per drive-through station
Convenience Stores	Four vehicles per drive-through station
Dry Cleaners	Two vehicles per drive-through station, including position at window
Vehicle Wash	For automatic washes: two vehicles per bay at entrance; two vehicles per bay at exit For self-service washes: two vehicles per bay at entrance; two vehicles per bay at exit For full-service washes: two vehicles per bay at entrance; two vehicles per bay at exit
Fueling Stations	Two vehicles per fuel pump
Gated Parking Lots or Drives	Two vehicles per gate
Public Uses	Two vehicles per window/kiosk
Other Functionally Similar Uses	As part of the approval of the zoning certificate, or conditional zoning certificate, the Board of Zoning Appeals shall determine the minimum number of vehicle stacking spaces by determining which stated use, above, is the most similar to the proposed use.

- C. **Design.** Stacking areas shall be designed to ensure vehicular and pedestrian safety in accordance with the following:
1. Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic or pedestrian circulation.
  2. Stacking lanes shall be designed with an abutting eight-foot wide bypass lane.
  3. Stacking spaces may not be counted towards the minimum parking requirements in the MUP district.

### Division 5.2.200 Intentionally left blank

### Division 5.2.300 Exterior Lighting

#### **SEC. 5.2.301 PURPOSE AND APPLICABILITY OF DIVISION**

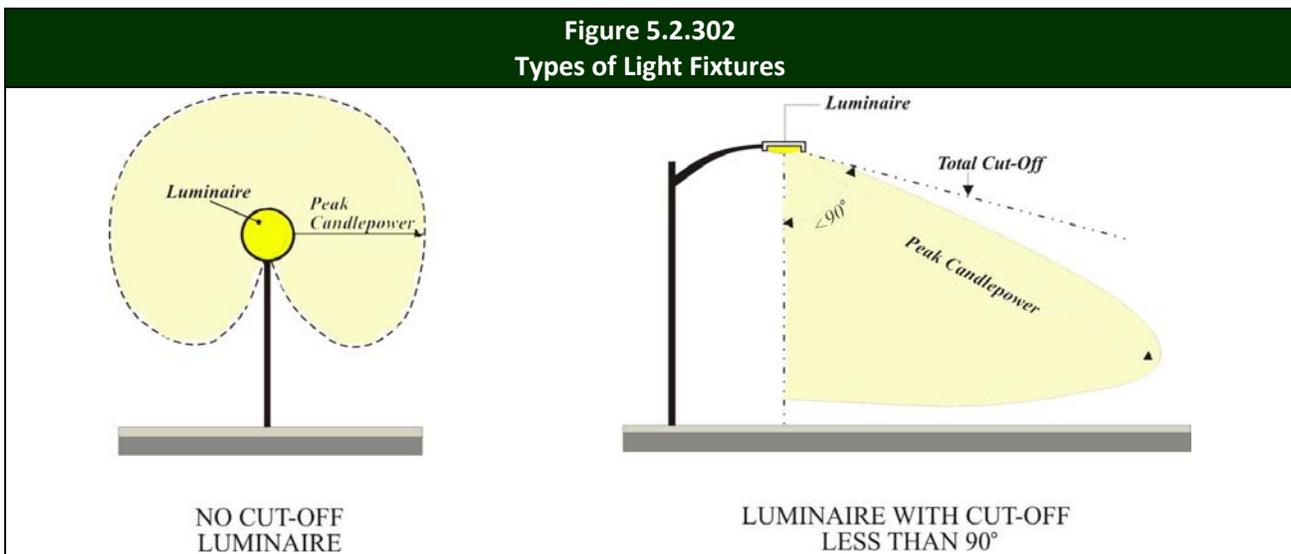
- A. **Purpose.** It is the purpose of this Division to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security, and nighttime use and enjoyment of property. These measures will help to curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where needed, decrease the waste of energy associated with exterior lighting, help reduce glare associated with the use of poorly shielded or inappropriately aimed lighting fixtures, and reduce the contribution to light pollution from exterior lighting.
- B. **Applicability.** This Division applies to all outdoor lighting that is installed after the effective date, with the exception of the following:
1. Lighting used to control and regulate the flow of pedestrian and motor vehicle movement on public rights of way;
  2. Temporary lighting for construction, provided that such lighting is of a temporary nature and is discontinued daily immediately upon completion of the construction work for the day. Where safety is a concern, this lighting may be allowed to remain in operation after daily construction operations are complete through a written request to the Zoning Inspector;
  3. All low-voltage lighting rated 12 volts or less and all lighting used as decoration for any national, state, local or religious holiday provided that the lighting is of a temporary nature and energized for no more than 60 consecutive days nor more than 60 total days in any one year;
  4. Lighting required by law enforcement or public safety personnel to protect life or property, provided the lighting is of a temporary nature and is discontinued immediately upon resolution of the emergency necessitating its usage;
  5. Lighting required by and regulated by the Federal Aviation Administration for the purpose of air traffic control, navigation, or warning;
  6. Civic monuments as determined by the Zoning Inspector;
  7. Lighting approved by the Zoning Inspector as a part of a temporary use pursuant to [Division 2.2.300, Temporary Uses](#); and
  8. Lighting that is associated with amusement and water park uses in the MUP district.
  9. In addition, all outdoor lighting fixtures producing light directly by the combustion of fossil fuels (*e.g.*, kerosene lanterns or gas lamps) are exempt from the full cut-off light fixture requirements.
- C. **Maintenance Exemption.** The replacement of lamps of the same type and the same or lower wattage or lumens, the replacement of up to 50 percent of existing lighting fixtures as of the effective date, and other similar types of routine maintenance shall be exempt from the provisions of this Division.
- D. **Resolution of Conflicts.** When the requirements of this Division conflict with lighting that is required by federal or state law, regulation, or rule, then the federal or state requirements control, but only to the extent of the specific conflict.

**SEC. 5.2.302 GENERAL OUTDOOR LIGHTING REQUIREMENTS**

A. **Generally.** The maximum permitted illumination and the maximum permitted lighting fixture or luminaire height shall conform to the standards of this Section.

B. **Fixture Type.**

1. Generally, light fixtures shall be (see [Figure 5.2.302, Types of Light Fixtures](#)):
  - a. "cut-off" fixtures that limit lighting that is visible or measurable at the property line;
  - b. of constant intensity;
  - c. reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance, or unreasonably interfere with a neighboring property owner's right to enjoy his property.
2. "No cut-off" fixtures may be used only for decorative purposes, provided:
  - a. They have luminaires that produce less than 2,500 lumens (approximately equal to a 150W incandescent bulb);
  - b. They have a maximum height of 15 feet; and
  - c. They use energy-efficient bulbs, such as compact fluorescent (CF) and light-emitting diode (LED).



C. **Cut-off Requirements.**

1. Except as otherwise allowed for in this Division, all lighting (including, but not limited to street, parking lot, security, walkway and building) shall conform with the Illuminating Engineering Society of North America (IES) criteria for full cut-off light fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.
2. When used for security purposes or to illuminate pedestrian walkways, driveways, equipment and storage areas, product display areas, streets, parking lots, or signage, only full cut-off light fixtures shall be used.
3. All lighting fixtures that are mounted within 15 feet of a residential property line or public right-of-way boundary shall be classified as IES Type III or Type F (asymmetric forward throw). These fixtures shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way, and shall direct glare toward the principal building and parking area on the lot.
4. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object. No more than 1,800 lumens shall be used for each flag, statue, or other object illuminated.

5. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the principal building roofline.

**D. Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 30 feet in height.

**E. Maximum Illumination.**

1. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to such adjacent properties, nor hazardous motor vehicles on abutting rights-of-way;
2. The maximum illumination at a property line abutting or across the street from residential zoning districts shall not exceed two-tenths foot-candles. On abutting nonresidential properties or public streets, the maximum illumination at the property line shall not exceed five foot-candles.
3. If additional light is necessary (*e.g.*, for vehicle rental or sales uses or others who believe they need more illumination), it shall be provided within an enclosed structure.

**F. Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas, such as gas or fuel stations, shall meet the standards of this Section. All light fixtures shall be recessed into the canopy so that they cannot be viewed off-site from an eye height of four feet (to protect automobile drivers from glare).

**G. Outside Wall-Mounted Lighting.** Outside wall-mounted lighting shall also comply with the standards of this Section, except that lighting that is required by the Federal Aviation Administration shall comply with Federal standards.

**H. Prohibited Lighting.**

1. *Generally.* No outdoor lighting may be used in any manner that is likely to interfere with the safe movement of motor vehicles on public rights-of-ways.
2. *Prohibitions.* The following are prohibited:
  - a. Any fixed light not designed for street illumination that produces incident or reflected light that could impair the operator of a motor vehicle.
  - b. The installation, use, or maintenance of beacons or searchlights;
  - c. Exposed strip lighting or neon tubing used to illuminate building facades or outline buildings or windows or flickering or flashing lights installed in like fashion, except for temporary decorative seasonal lighting.

**I. Exterior Lighting Plan.** An exterior lighting plan is required for all nonresidential and mixed-use development, redevelopment, major expansions and shall include the following:

1. *Lighting Plan.* A lighting plan that:
  - a. Shows the location and mounting height above grade of light fixtures including building mounted fixtures;
  - b. Shows the location of all buildings, parking spaces, parking aisles, walkways and if applicable any areas dedicated to the outdoor storage or display areas on the lot or parcel; and
  - c. Denotes the type of each light fixture, keyed to a light fixture schedule and picture, cutsheets or line drawings of the proposed light fixtures.
2. *Light Fixture Schedule.* A light fixture schedule indicating fixture type keyed to the plan, the quantity and type of lamp to be used in each fixture along with the rated lumen output of the lamp, the shielding category in which the light fixture belongs (unshielded, shielded, fully shielded, or full cut-off), and a description of the fixture.
3. *Cutsheets.* Cutsheets, pictures or line drawings of each light fixture keyed to the lighting plan.
4. *Photometric Plan.* A photometric plan showing initial horizontal illuminance (maintenance factor = 1.0) calculated at grade using a grid of points no more than 10 feet apart and covering the entire site (excluding buildings) and extending a minimum of 10 feet beyond the lot or parcel property line. The maximum and minimum illuminance values within each specific use area (*i.e.*, outdoor storage or display of merchandise, parking areas, walkways, etc.) shall be clearly distinguished. Statistics for

uniformity for each specific use area shall be included on the plan. Photometric plans for sites with existing pole mounted lighting within 50 feet of the property line shall include this existing lighting in the calculation. When photometric data for the existing fixtures is not available photometry for a similar fixture may be used. The fixture(s) used to represent existing lighting shall be included on the lighting fixture schedule and designated as existing.

J. **Conditional Use.** Any lighting fixture or luminaire that exceeds 30 feet in height, or proposes more than 400 Watts (incandescent equivalent) or more than three luminaries per pole, shall be approved as a conditional use and reviewed by the Board of Zoning Appeals for impact on all surrounding uses.

## ARTICLE 5.3 SIGN STANDARDS

---

Refer to Chapter 173 for sign standards

## ARTICLE 5.4 LANDSCAPING AND BUFFERING

---

### Division 5.4.100 Purpose and Applicability of Article

#### **SEC. 5.4.101 PURPOSE OF ARTICLE**

- A. **Generally.** The purpose of this Article is to establish reasonable landscaping standards to:
1. Promote the health and quality of life of the residents of the Township through the protection of trees and landscaping;
  2. Preserve the ecological function of sensitive natural resources;
  3. Contribute to the process of air purification, groundwater recharge, control of stormwater runoff, and energy conservation;
  4. Remove, reduce, lessen, or mitigate the impacts between differing uses of abutting zoning districts;
  5. Promote the value and benefit of landscaping while recognizing the needs to utilize water and other resources as efficiently as possible;
  6. Promote low impact development designs and best management practices to reduce the risk of flooding and restore pre-development hydrologic regime on the site without solely using traditional storm drainage conveyance systems; and
  7. Protect and preserve the appearance and character of the community.
- B. **Intent.** In establishing these standards, it is the Board of Trustee's intent to encourage the preservation of trees and their value to the community, increase the compatibility of abutting uses, and to minimize the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts of an abutting or nearby use.

#### **SEC. 5.4.102 APPLICABILITY OF ARTICLE**

- A. **Generally.** For the purposes of this Article, the Zoning Inspector shall be authorized to review and make decisions on landscaping plans as provided for in [O.R.C 519.171](#).
- B. **Applicability.**
1. *General.* The landscaping standards of this Article shall apply to new parcels proposed for development or substantial reconstruction of existing buildings or structures, except for individual single-family detached and two-family dwellings (twin) and parking lots of five spaces or smaller.
  2. *Buffering.* In addition to subsection B.1., of this Section, [Division 5.4.400, Buffering](#), shall apply to any size expansion of a structure where such expansion will decrease the setback between the structure and a residential zoning district.

3. *Parking Lots.* In addition to subsection B.1., of this Section, this Article shall apply to expansions of parking lot areas when the expansion is greater than five parking spaces, even if there is not a corresponding expansion to a building or structure.
4. *Existing Development.* Development that was approved in the Township prior to the effective date of this chapter shall comply with the terms of the development approval (and not this Section) to the extent that alternative landscaping requirements are already specified. Such approved development shall not be required to install bufferyards if there is insufficient land area identified on the approved plans to accommodate them.

**C. Lesser Requirements.**

1. The Board of Zoning Appeals may approve a lesser landscaping requirement on sites that are proposed for substantial reconstruction where due to the geometry of the site or existing improvements, installation of landscaping in compliance within this Article would be impractical or unreasonable.
2. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided.

## **Division 5.4.200 General Provisions**

### **SEC 5.4.201 GENERAL REQUIREMENTS**

- A. **Generally.** Requirements for the removal and/or planting of all landscape material is set out in this Article. The minimum landscape surface ratio (LSR) from [Table 3.1.302, \*Mixed-Use Intensity Requirements\*](#), is combined with this Article, in addition to other applicable requirements of this chapter, to determine the type, quality, quantity, and location of required landscape material on a parcel proposed for development.
- B. **Planting Locations.** In addition to the other requirements of this Article, the following rules apply to the installation of plants.
  1. *Distance from Utilities.*
    - a. No street trees or large trees shall be planted under or within 10 lateral feet of any overhead utility lines.
    - b. No trees, except street tree species that are approved by the Township, shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility line, or as required by the owner of the utility or the requirements of the specific easement.
  2. *Sight Distance Triangles.* Trees shall not be installed in locations where there is a substantial likelihood that the mature form of the tree would have to be materially compromised in order to maintain sight distance triangles. See also subsection [5.2.102B.4.](#), regarding landscaping in sight distance triangle areas.

### **SEC. 5.4.202 SELECTION OF PLANT MATERIAL**

- A. **Generally.** Plant material that is used to demonstrate compliance with this Article shall be selected as provided in this Section.
- B. **Approved Plants.** Plants used to meet the requirements of this Article shall be selected from those that are normally found to grow in Plant Hardiness Zone 6a as defined by the United States Department of Agriculture (USDA).
- C. **Minimum Size of Plants at Installation.** Plant material that is installed to comply with the requirements of this Article shall be of the following minimum sizes at installation as set out in [Table 5.4.202, \*Minimum Size of Plants at Installation\*](#).

**Table 5.4.202  
Minimum Size of Plants at Installation**

Type of Plant Material	Minimum Size at Installation
Large Tree	3 inch caliper
Small Tree	2.5 inch caliper
Evergreen Tree	6 feet in height
Shrub	5 gallon container

**D. Quality of New Plantings.**

1. All landscape material shall be in compliance with the standards of the American Nursery and Landscape Association.
2. Single trunk tree species with co-dominant trunks (multiple trunks of equal size) shall not be used. Single trunk trees shall have one trunk to the top, and all branches shall be less than half of the diameter of the adjacent trunk.
3. All plant material shall have a habit of growth that is normal for the species and shall be of sound health, vigorous growth, and free from insect pests, diseases and injuries.

**SEC. 5.4.203 LANDSCAPE PLAN APPROVAL**

**A. Generally.**

1. *Landscape Plan.* Compliance with the standards of this Article shall be demonstrated by schematic landscape plan.
2. *Landscape Architect Required.* Landscape plans for nonresidential, mixed-use, and multi-family development shall be prepared by a registered landscape architect who is licensed to practice in the State of Ohio.

**B. Contents of Schematic Landscape Plan.** The landscape plan shall include the elements that are set out in this Section. The Zoning Inspector may waive elements of the landscape plan if the Zoning Inspector finds that they are unnecessary due to the type of development approval sought, or the conditions of the site being developed, or both. The Zoning Inspector is authorized to require additional information on the landscape plan as needed to administer the requirements of this chapter. The schematic landscape plan shall include all of the following information:

1. *Plan Drawing.* A plan view, drawn to scale, that shows:
  - a. The location and species of each plant, showing the anticipated canopy or spread of the plant five years after installation;
  - b. The general layout of irrigation systems (if included);
  - c. The location of existing landscaping for which credit is requested, including the diameter at breast height measurements of large trees; and
  - d. The location of property lines; building footprints, utility easements, and power lines.
2. *Tabular Information.* Tabular information that shows, for each landscape area required by this Article:
  - a. The landscape surface area available for planting;
  - b. The number of, and species of, large trees, evergreen trees, small trees, and shrubs, perennials, or ornamental grasses that are required in each area; and
  - c. Any credits that are requested for preserving existing trees or shrubs pursuant to [Section 5.4.204, Land Clearing and Existing Trees](#).

**C. Approval and Timing of Approval.**

1. Plans meeting the standards of this chapter shall be approved. However, in reviewing the plans, adjustments in the location of plants may be required where the Township finds such alterations would better serve the purposes for which they are intended.
2. Landscape plans shall be submitted for approval with all zoning certificates or conditional zoning certificates.

3. Failure to implement the required landscaping and bufferyards within 12 months of the issuance of a zoning certificate shall be deemed a violation of this chapter.

**SEC. 5.4.204 LAND CLEARING AND EXISTING TREES**

**A. Purpose.** In conformance with this Section, existing trees, because of the beneficial qualities and natural beauty they add to the community, shall be retained to the maximum extent practicable in all new development, redevelopment or substantial improvement of the same.

**B. Preservation of Significant Stands.**

1. Development shall be designed to the maximum extent practicable so that significant stands of existing trees are preserved and located in designated open spaces or landscape areas.
2. The locations of trees to be protected shall be, at minimum, those set out in Article 4.1, *Site Capacity and Environmental Quality*.

**C. Limitations on Clear Cutting.** Sites, subject to the applicability of this Article, that include significant stands of trees shall not allow earth disturbing activity in preparation of development that results in a clear cut of existing vegetation. Instead, existing vegetation shall be removed only if:

1. They are unhealthy or structurally unsound;
2. They are within 10 feet of an approved building footprint;
3. They are within five feet of the paved area of an approved street or parking lot;
4. They are within eight feet an approved outdoor recreation area that by its nature requires the removal of the trees (*e.g.*, ball fields);
5. They are within an approved stormwater retention/detention area and are not adapted to such conditions; or
6. They are within six feet of a utility easement and would interfere with the use of the easement as determined by the Zoning Inspector.

**D. Credit for Preservation of Trees.** It is the policy of the Township to promote the preservation of its healthy mature tree canopy. Healthy, mature trees that are preserved on-site shall count as more than one tree for the purposes of landscaping requirements required by this Article. Credit for the preservation of existing trees is set out in [Table 5.4.204, Credit for Preservation of Trees](#).

Table 5.4.204 Credit for Preservation of Trees			
Preserved Healthy Tree Unit of Measurement (use whichever one produces the most credit)			Credit for Preserved Tree
Diameter at Breast Height	Tree Height	Years Established	
At least 3.5 inches, but less than 5 inches	At least 10 ft., but less than 15 ft.	Any	1 large tree
At least 5 inches, but less than 9 inches	At least 15 ft., but less than 24 ft.	5	2 large trees
At least 9 inches, but less than 12 inches	At least 24 ft., but less than 32 ft.	10	3 large trees
At least 12 inches, but less than 16 inches	At least 32 ft., but less than 40 ft.	15	4 large trees
16 inches or more	40 ft. or more	20 years or more	5 large trees

**F. Application of Tree Preservation Credit.** The tree preservation credit is applied towards the requirements for the area in which the tree is planted. If there are no requirements for that area, the credit applies in the following order of descending priority:

1. General site landscaping requirements;
2. Parking lot landscaping requirements; and
3. Bufferyard requirements, provided that the tree is located between the bufferyard to which the credit applies and the building or use that is being buffered.

## **SEC. 5.4.205 REQUIRED MAINTENANCE AND CARE**

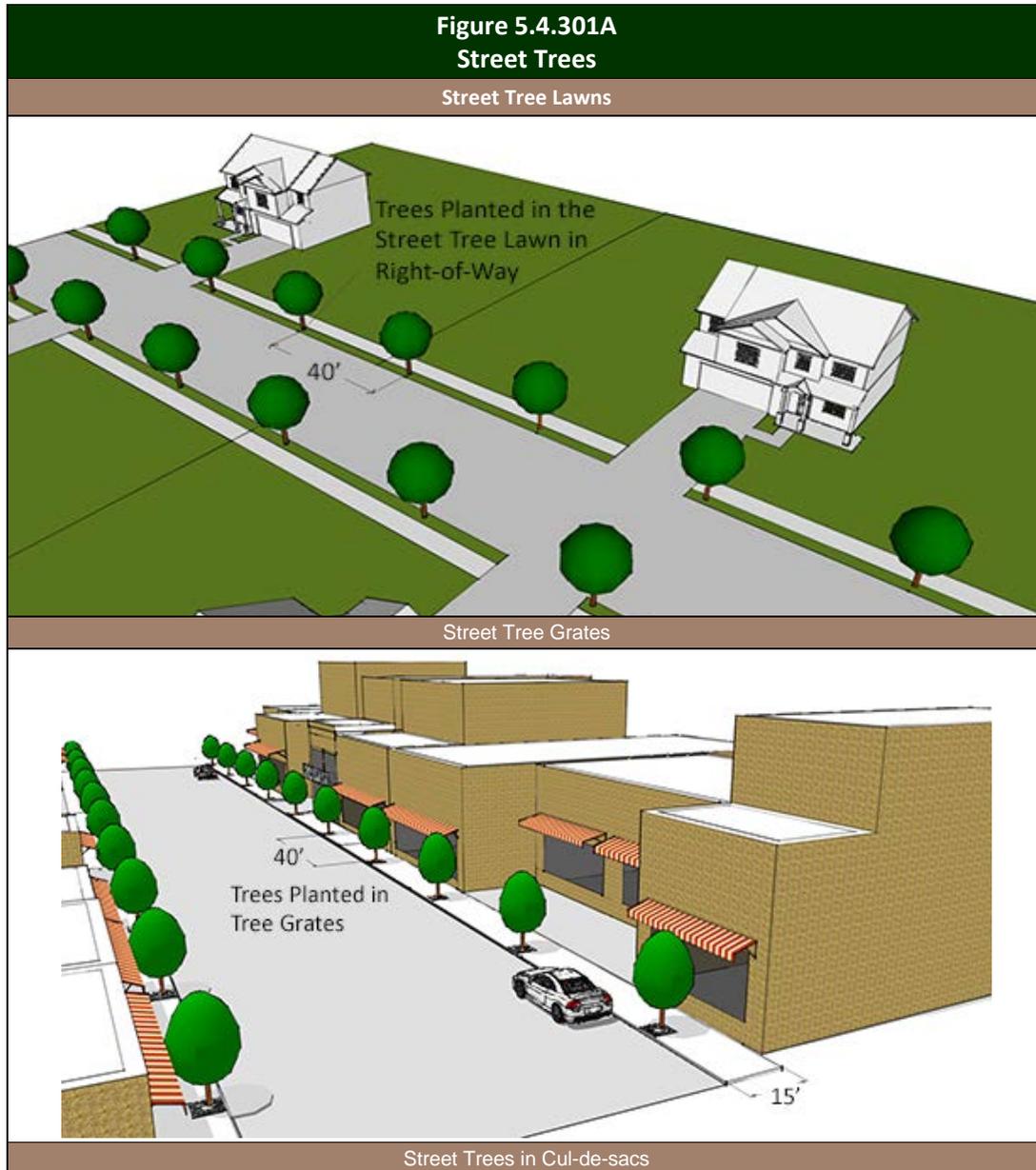
- A. **Generally.** Uses that require landscape plans shall provide for the care and maintenance of landscaping and trees within the landscape plan.
- B. **Maintenance Responsibility.** The owner of the lot or parcel or the manager or agent (which may be a mandatory property owners' association if such is provided in the association's governing documents), shall be responsible for the maintenance of all landscape areas, including abutting landscaped portions of public rights-of-way.
- C. **Maintenance Standards.**
1. All landscaped areas shall be kept free from refuse and debris.
  2. Maintenance and care of landscaping on multi-family, mixed-use, and nonresidential properties (except agricultural properties) shall be according to the most current ANSI A300 *Standards for Tree Care Operations*.
  3. In other areas, maintenance and care shall meet the following standards:
    - a. Landscape areas, including abutting landscaped portions of public rights-of-way, shall be pruned as needed to present a healthy, neat and orderly appearance at all times.
    - b. All landscaped areas shall be watered only as needed to ensure continuous healthy growth and development.
    - c. Maintenance shall include the removal and replacement of dead, dying or diseased plant material. Replacement material shall conform to the original intent of the approved landscaping plan.
    - d. Trees extending over a street shall be kept pruned so as to not interfere with street traffic.
  4. Nothing in this section shall require any application or permit from any public utility provider prior to removing a tree whenever it has determined the tree poses a hazard, or interferes with restoration or continuation of utility services.
  5. Failure to maintain the required landscaping shall constitute a violation of this chapter. Such violation shall be grounds for the Zoning Inspector to require replacement of the landscape material or initiate legal proceedings to enforce the provisions of this chapter.

## **Division 5.4.300 Development Landscaping**

### **SEC. 5.4.301 STREET TREES**

1. **Generally.** Street trees are those trees which are planted at regular intervals in the street right-of-way and shall be planted according to the standards of subsection B., below, in the following circumstances:
    - a. Along both sides of all streets;
  2. As set out in [Section 3.1.302, Mixed-Use Intensity Requirements](#), required street tree plantings, street tree lawns, and street tree grates may not be used to satisfy the minimum open space ratio (OSR) or landscape surface ratio (LSR) requirements, as they are planted in the right-of-way, and not on individual lots.
- B. **Street Tree Requirements.** Street trees shall be provided in street tree lawns or street tree grates in sidewalks as follows: (see [Figure 5.4.301A, Street Trees](#))
1. Along new public streets or private street easements that are created on a parcel proposed for development;
  2. In medians (including cul-de-sacs) that are created on a parcel proposed for development;
  3. In medians that are constructed near a parcel proposed for development in order to manage the traffic impacts of the development, provided that the medians:
    - a. Are of sufficient width to accommodate the root system;
    - b. Are maintained by the property owners' association of the development that provides the median; and

- c. The installation of street trees in the median on private streets would not be detrimental to public safety.





### C. Required Spacing.

1. *Generally.* Street trees shall be spaced 60 feet on center in street tree lawns or street tree grates, but shall not be installed in locations that interfere with required sight distance triangles (see also subsection 5.2.102B.4., regarding landscaping in sight distance triangle areas). Special plantings may be clustered if it is demonstrated that the cluster arrangement will not negatively affect the long-term health of the clustered trees.
2. *Wide street tree lawns and medians.*
  - a. If a median or street tree lawn is greater than 20 feet in width, then the street trees shall be installed in two rows, staggered, with each row spaced 60 feet on-center.
  - b. If a median is 11 feet or more in width, up to 20 feet in width, then it shall be planted with street trees, spaced a distance equal to the diameter of the tree canopy at maturity, less 10 percent.

### D. Types and Species of Street Trees.

1. To maintain a consistent appearance along individual street segments, all trees planted shall be large trees with single-stemmed trunks, branched no lower than six feet above median grade (for visibility purposes), and shall be suitable for installation in the space within the street tree lawn or within a street tree grate.
2. Small trees may be approved in areas where large trees would likely create conflicts with buildings (*e.g.*, in the MUP district).

**E. Maintenance.** Street trees required by this chapter shall be maintained by a developer, lot owner/operator, tenant, property owners' association or other entity having a legal interest in the ownership of the subdivision or lots in the subdivision.

### F. Street Tree Plan Approval.

1. A street tree plan shall be submitted to the Township at the time of zoning certificate or conditional zoning certificate.
2. The requirement for street trees may be waived for streets that provide access to fewer than 16 lots and do not provide through access to abutting development.

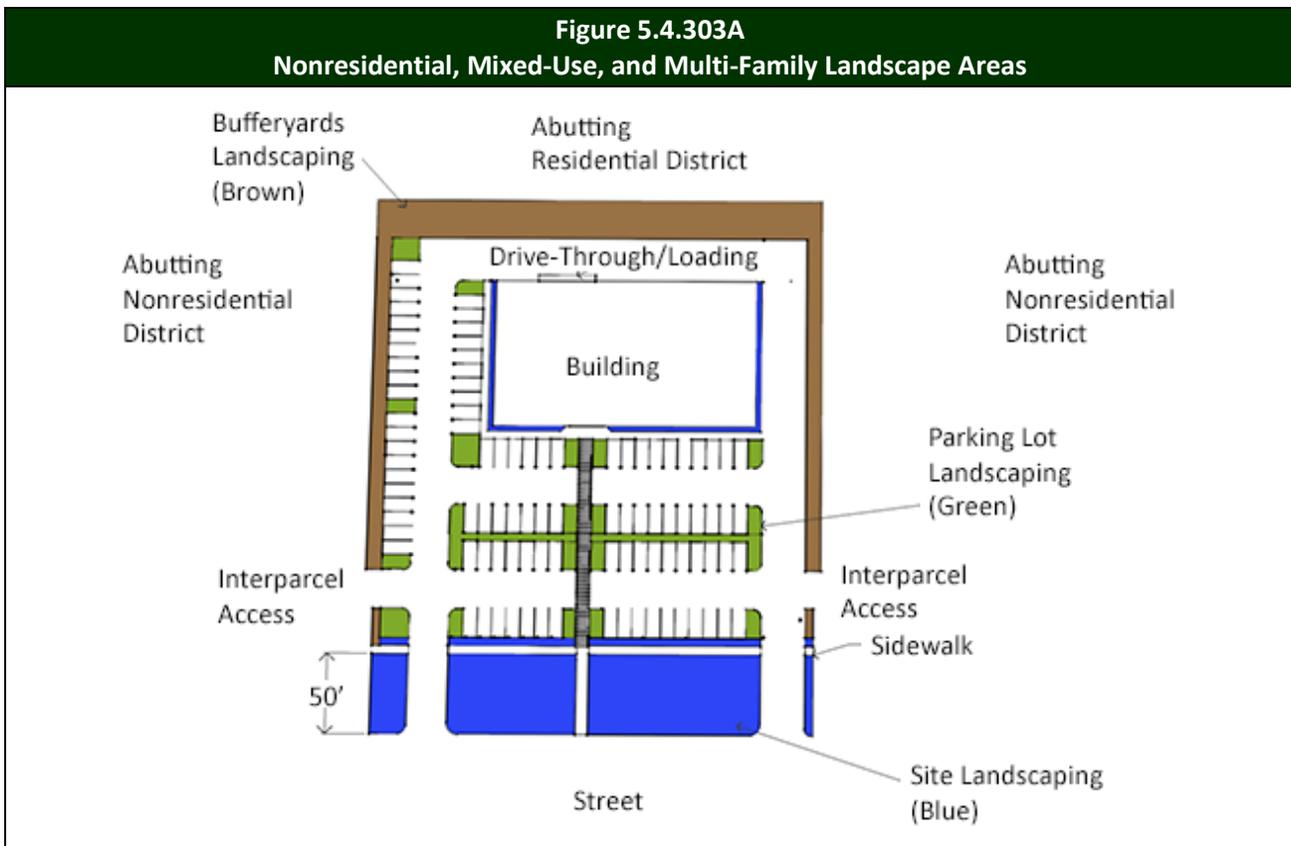
**G. Timing of installation.** Street trees not installed within 12 months of the issuance of a zoning certificate or conditional zoning certificate shall be deemed a violation of this chapter.

### **SEC. 5.4.302 Intentionally left blank**

**SEC. 5.4.303 LANDSCAPING IN THE MUP DISTRICT**

**A. Generally.** Site landscape areas are required on parcels proposed for development as follows:

1. *Minimum Landscape Surface Ratio (LSR) and Lot Coverage Requirements.* All landscape area plantings on a lot (including general site landscaping, parking lot landscaping, and bufferyards) may be used to meet the minimum landscape surface ratio (LSR) requirements as set out in [Section 3.1.302, Nonresidential and Mixed-Use Intensity Standards](#) (for nonresidential and mixed-uses), and lot coverage ratio requirements as set out in [Section 3.1.205, Multi-family Dwellings](#) (for multi-family). Required street tree plantings may not be used to satisfy the minimum LSR or lot coverage requirements, as they are planted in the right-of-way, and not on individual lots.
2. *Planting Numbers and Locations, Generally.* The minimum number and type of site and parking lot landscape area plants required are set out in this Section. Minimum plant requirements may only be planted in the area specified in the requirement. For example, if a specified number of trees are required per parking lot island, as required by subsection D., *Parking Lot Landscaping*, of this Section, then those required plantings may only be planted in areas delineated in [Figure 5.4.303A, Nonresidential, Mixed-Use, and Multi-Family Landscape Areas](#), as "parking lot landscaping," and may not be used to meet the minimum requirements for general site landscaping, bufferyards, or street tree plantings. The minimum requirements for these landscape area plantings are set out below in subsection B., *General Site Landscaping* (for general site landscaping), and subsection C., *Parking Lot Landscaping* (for parking lot landscaping), [Section 5.4.301, Street Trees](#) (for street trees), and [Division 5.4.400, Buffering](#) (for required bufferyards).



**B. General Site Landscaping.** Nonresidential, mixed-use, and multi-family buildings shall be surrounded by planting areas with a minimum width as set out in [Table 5.4.303A, General Site Landscaping Requirements](#).

**Table 5.4.303A  
General Site Landscaping Requirements**

	Minimum Radius Around Building		
	Front and Street Side	Side	Rear
	3 ft. <sup>1</sup>		0 ft.

**TABLE NOTES:**

Where planting areas are required, they may be crossed with sidewalks to provide access to the building or buildings.

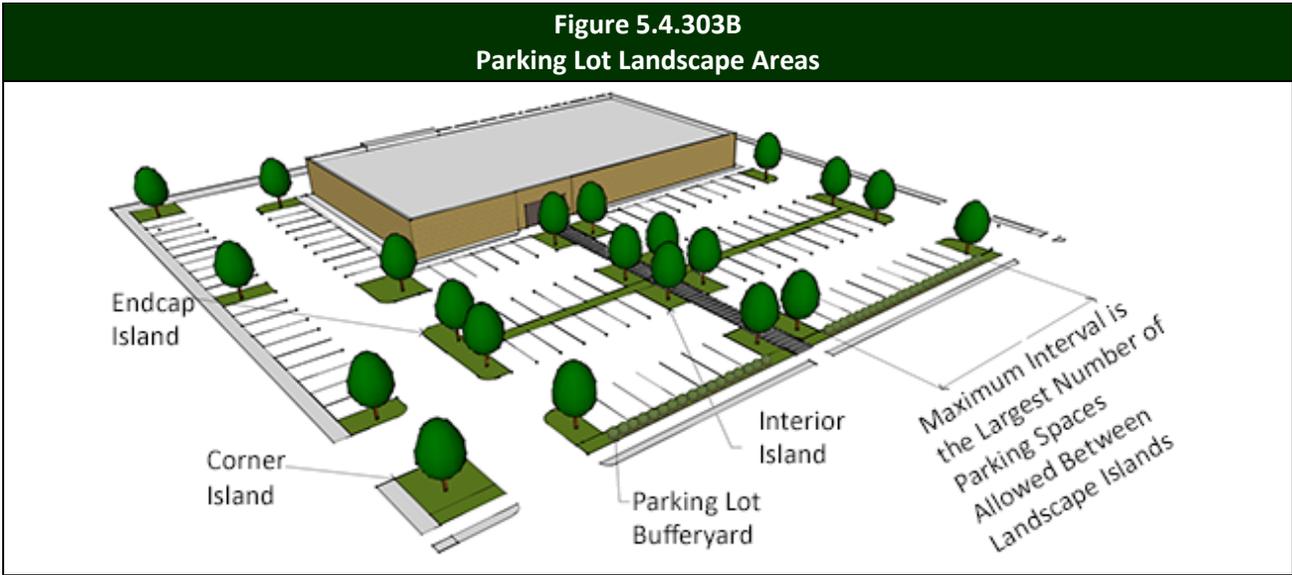
<sup>1</sup> The required front landscaping may be met with tree wells, planters and landscaped plazas.

1. *Planting Location.* The planting areas are not required in areas that are designated for direct vehicular access to the building, such as loading bays, service bays, and drive-through lanes on the side of the building with a service window, but shall be installed adjacent to the building foundation and between the parking and vehicular use areas and the property line under all other conditions (*see Figure 5.4.303A, Nonresidential, Mixed-Use, and Multi-Family, Landscape Areas*).
2. *Planting Requirements.* The required planting area shall be planted as follows:
  - a. *Front and Street Side.*
    - i. *Trees:* One large or three small trees shall be planted within the front and street side planting areas for each 30 linear feet of frontage measured parallel to the building, or portion thereof;
    - ii. *Shrubs:* Five shrubs shall be planted within the front and street side planting areas for each 30 linear feet of frontage measured parallel to the building, or portion thereof. The shrubs may be planting in a continuous line or in groupings. Ornamental grasses may be used to meet up to 25 percent of the shrubbery requirement;
    - iii. *Groundcover:* All remaining ground surface not covered by subsection B.2.a.i. and B.2.a.ii., above, shall be groundcover, which shall include sod, ornamental grasses, mulch, or perennial or seasonal plantings; and
    - iv. *Exception:* In lieu of the required groundcover and shrubbery, wet ponds with fountains, vegetated rain gardens, naturalized wetlands and/or xeriscape gardens may be used and approved during the approval process of the zoning certificate or conditional zoning certificate.
  - b. *Side.*
    - i. *Trees:* Small trees shall be planted with a maximum spacing of 10 feet between the primary tree trunk or from the center of the root ball, as applicable, along the entire length of the side; and
    - ii. *Shrubs:* Shrubs shall be planted as set out in subsection B.2.a.ii., above; and
    - iii. *Groundcover:* All remaining ground surface not covered by subsection B.2.b.i and B.2.b.ii., above, shall be groundcover, which shall include sod, ornamental grasses, mulch, or perennial or seasonal plantings.
  - c. *Rear.* A rear planting area that is adjacent to a drive-in or drive-through lane or a parking lot shall meet the requirements of C.2., above. All other rear planting and ground surface areas shall be in groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings.

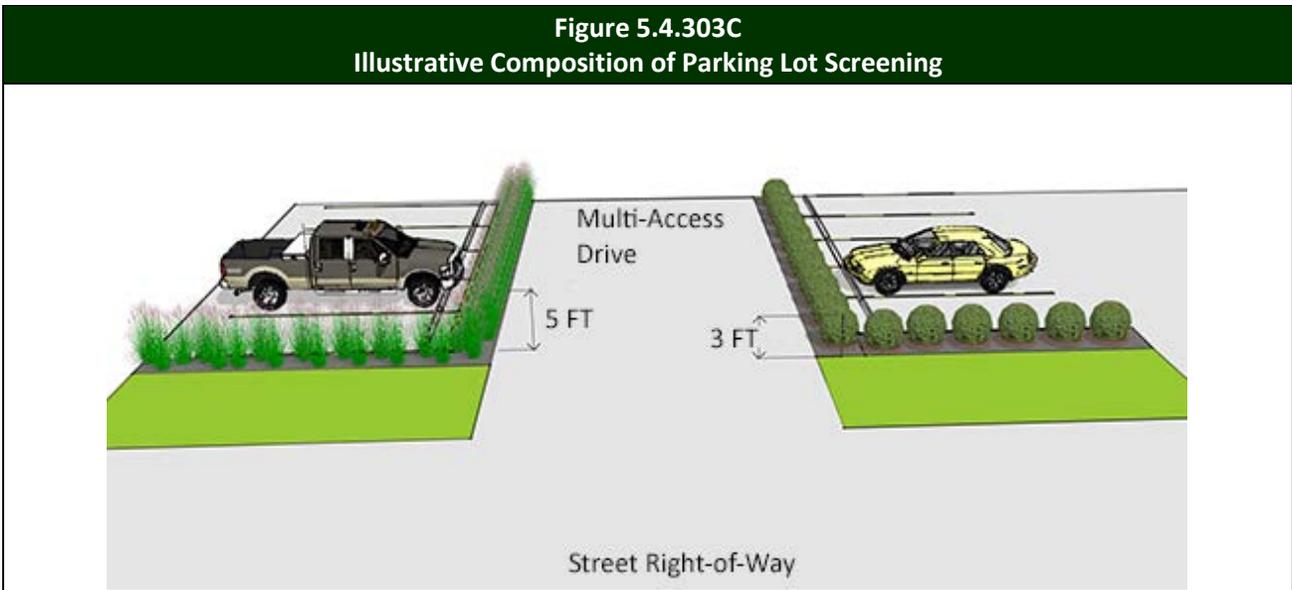
**C. Parking Lot Landscaping.**

1. *Generally.* Parking lot landscaping is required within and around nonresidential and multi-family parking lots that contain more than five parking spaces. This subsection does not apply to single-family detached or single-family attached uses.
2. *Parking Lot Planting Locations.* As illustrated in [Figure 5.4.303B, Parking Lot Landscape Areas](#), parking lot landscape areas are required as follows:
  - a. At the ends of parking rows, planted in endcap islands that are not less than nine feet wide and the length of the parking row (*i.e.*, if there is single row of 90 degree parking spaces, the length is 20 feet; if there is a double row of 90 degree parking spaces, the length is 40 feet), with 10 foot curb radii on the side closest to the parking aisle.

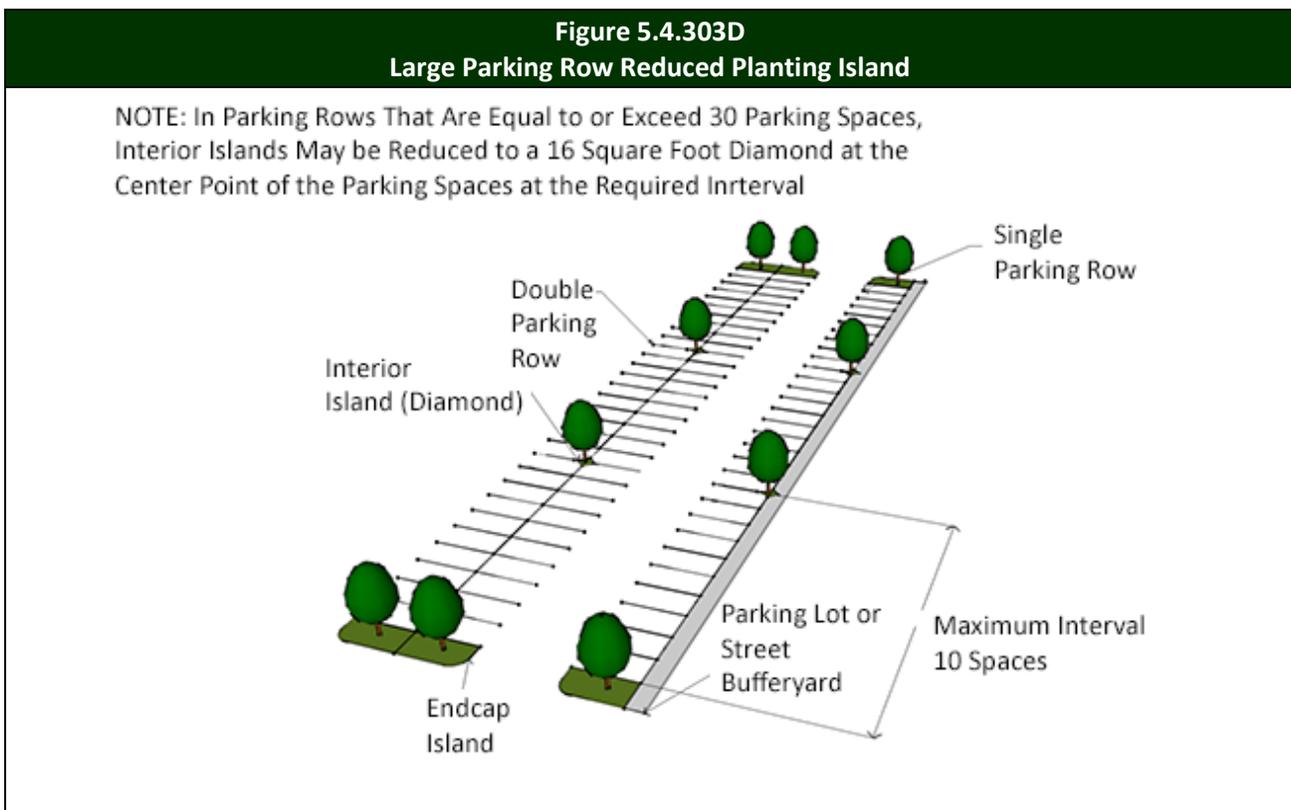
- b. In the middle of parking rows at intervals required by subsection C.3., below, planted in interior islands that are not less than nine feet wide and the length of the parking space (*i.e.*, if there is single row of 90 degree parking spaces, the length is 20 feet; if there is a double row of 90 degree parking spaces, the length is 40 feet), with five foot curb radii on the side closest to the parking aisle.
- c. At the corners of parking lots, planted in corner islands, which is the area defined by the extension of the edges of intersecting parking rows.



- d. A three foot landscape hedge or five foot ornamental grasses which screens at minimum 75 percent of the parking spaces when visible from abutting street right-of-way or an access drive to a multitenant center. See [Figure 5.4.303C](#), *Illustrative Composition of Parking Lot Screening*.



3. *Parking Lot Planting Requirements.* Parking lot landscape islands shall be provided at an interval of one island for each 10 parking spaces, or fraction thereof, planted as follows:
  - a. Each interior and endcap island shall be planted with a minimum of:
    - i. One large tree per parking row; and
    - ii. Groundcover, which shall:
      - a. Consist of xeric shrubs, ornamental grasses, or perennials that are planted at intervals of not less than three feet in a bed of mulch, and sod, which may only be used for a maximum of 25 percent of the groundcover area.
      - b. Not include concrete, asphalt, or other impervious surfaces, with the exception of decorative pavers or stamped, dyed concrete which may be used only within the first foot of the parking island to allow persons to access their vehicle without stepping on landscaping.
  - b. Each parking lot corner shall be planted with one large tree or two small trees and groundcover in conformance with subsection C.3.a.ii., of this Section.
4. *Large Parking Row Planting Requirements.*
  - a. In parking lots where parking rows have equal to or exceed 30 parking spaces, the interior planting islands (planted at intervals of not less than one island for each 10 parking spaces) may be reduced to 16 square feet configured in a diamond pattern, with the center point of the diamond located at the point where two (for a single parking row) or four parking spaces meet (for double parking rows). See [Figure 5.4.303D, Large Parking Row Reduced Interior Islands.](#)
  - b. In these reduced parking islands, one small tree shall be planted with the remaining area being filled in with mulch or other groundcover.



5. *Substitution of Large Trees.* Small trees may only be substituted for large trees if the dimensions of the lot are such that the large trees would not have room to grow to a full canopy without conflicting with the building or overhead utilities. For the purposes of this substitution, one large tree equals two small trees.
6. *Protection of Planting Areas.* Planting areas shall be protected by wheel stops and six inch curbs. Curbs may be punctuated to allow for stormwater flows into biological treatment areas, as applicable,

pursuant to an approved drainage plan, provided that the punctuations do not interfere with their protective function (see subsection D., *Use of Island for Low Impact Development*, below).

7. **Purpose and Maintenance.** The primary purpose of planting trees in parking lots is to provide shade and reduce peak temperatures throughout the parking lot. Secondary purposes are to improve air quality, reduce maintenance costs for improved hard surfaces, support stormwater management, and improve overall appearance. To preserve the benefit of the primary purpose, trees shall not be pruned in a manner that attempts to restrict the overall growth of the canopy, except in instances set out in subsection C.5., of this Section.

**D. Low Impact Development.** Wherever possible, landscape areas may be used for low impact development (LID) to satisfy stormwater management requirements. These landscape areas may have to exceed the minimum areas required by subsections B., and C., above, in order to meet ensure engineering best management practices (BMPs) are met.

### Division 5.4.400 Buffering

#### SEC. 5.4.401 BUFFERYARD CLASSIFICATIONS

**A. Generally.** The bufferyards that are required by this chapter are based on the amount of screening (*i.e.*, opacity) they provide. Bufferyards are classified from less screening (Type A) to more screening (Type D).

**B. Purposes of Bufferyards.** Bufferyards are used to screen development from abutting properties, to improve compatibility and protect the privacy of abutting uses, and to protect natural resources from impacts of nearby development.

**C. Opacity and Width Standards.**

1. **Opacity Standards.** The opacity of the bufferyard is a measure of the percentage of the view that is blocked by the bufferyard from grade to a height of 35 feet. Opacity relates to planting density, plant forms, bufferyard widths, and the presence of structures (*e.g.*, fences and walls) or topography (*e.g.*, natural slopes or constructed berms).

2. **Width Standards.** Comparable opacities can be achieved with bufferyards of different widths. However, in certain circumstances (*e.g.*, where noise, dust, runoff, or other non-visual impacts are to be mitigated by the bufferyard), the width of the bufferyard may be as important as or more important than its opacity. Where bufferyard widths are specified by **Permitted with Regulations** or **Conditional** use standards, Option 2, in subsection D., (with narrower widths) is not allowed unless a structure is specifically required as part of the **Permitted with Regulations** or **Conditional** use standards or approvals.

**D. Bufferyard Options.** There are two bufferyards options. Landscape only bufferyards are the preferred option and use a higher density of plant material to screen abutting properties. For properties more constrained by size, a second option provides a similar level of screening, but allows a berm, wall, or fence to be used in conjunction with a smaller width of landscape strip and lower density plant material. Each option identifies the width of the buffer and the numbers and types of plants required per 100 linear feet, or portion thereof. The minimum planting requirements for each type and composition of bufferyard are set out in [Table 5.4.401, Bufferyard Classifications](#).

Table 5.4.401 Bufferyard Classifications						
Type (Opacity)	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall or Fence <sup>1</sup>
		Large Trees	Small Trees	Evergreen Trees	Shrubs	
Option 1: Landscape Only Bufferyard						
Type A (10%)	10'	1	1	1	5	N/A
Type B (25%)	15'	2	1	3	10	N/A
Type C (50%)	25'	4	3	5	20	N/A

**Table 5.4.401  
Bufferyard Classifications**

Type (Opacity)	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall or Fence <sup>1</sup>
		Large Trees	Small Trees	Evergreen Trees	Shrubs	
Type D (65%)	40'	4	5	5	25	N/A
Option 2: Landscape with Berm, Wall, or Fence <sup>2</sup>						
Type A (10%)	5'	-	1	0	5	30" tall masonry wall
Type B (25%)	10'	1	1	1	15	3' tall masonry wall
Type C (50%)	15'	2	2	3	15	5' fence or 4' berm
Type D (65%)	25'	3	5	5	25	3' berm

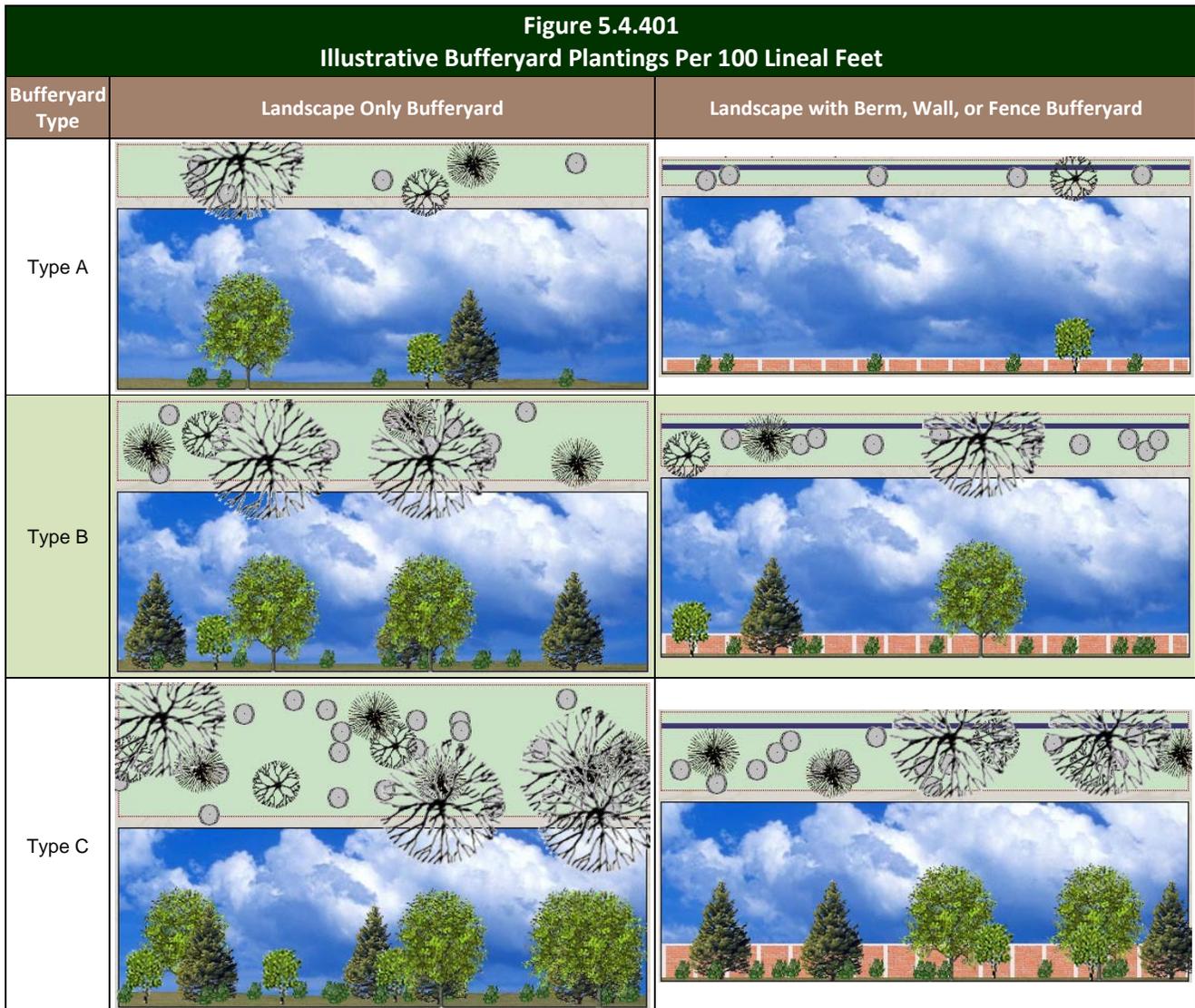
**TABLE NOTES:**

N/A - Not Applicable.

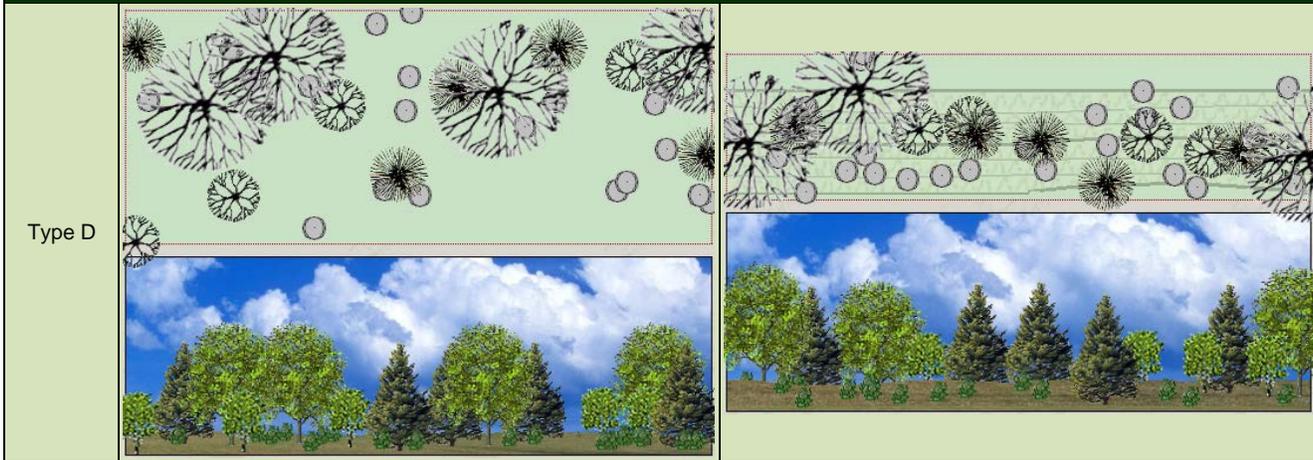
<sup>1</sup> A berm, wall, or fence is not required for landscape only bufferyards.

<sup>2</sup> Plant material, except large trees, must be installed on the outside of the wall or fence facing the street or abutting properties.

**E. Illustrative Bufferyards.** Set out in [Figure 5.4.401, Illustrative Bufferyard Plantings Per 100 Linear Feet](#), are the illustrative levels of opacity (*i.e.*, screening) achieved by the different types of bufferyards (*e.g.*, Type A versus Type B, or landscape only versus landscaping with a berm, wall, or fence).



**Figure 5.4.401  
Illustrative Bufferyard Plantings Per 100 Lineal Feet**



**SEC. 5.4.402 REQUIRED BUFFERYARDS**

**A. Generally.** Bufferyard standards for district boundaries, certain corridors, and other required screening are set out in this Section using the classifications set out in [Section 5.4.401, Bufferyard Classifications](#).

1. *Agricultural Uses.* Agricultural uses are not required to provide a bufferyard.
2. *Relationship to Other Bufferyard Requirements.* Some Permitted with Regulations or conditional uses may have different requirements for bufferyards, as specified in [Division 2.2.400, Compatibility Standards for Specific Uses](#). If bufferyards are required by another section of this chapter, the most restrictive bufferyard requirement shall apply.
3. *Relationship to LSR, OSR, and Site Capacity Requirements.* The area of required bufferyards may be counted towards the minimum landscape surface ratio (LSR) and open space ratio (OSR) requirements, and may be used to meet the minimum protected areas of woodlands as set out in [Division 4.1.200, Site Capacity for Development](#) (as long as the existing woodlands also meet the minimum opacity requirements of this Division).
4. *Existing Trees, Fences, and Walls on Developed Property.* Existing trees, fences, and walls may be counted towards bufferyard requirements, provided that the trees are in good health and are not invasive exotic species, and the fences or walls are in good repair.
  - a. Credit shall be given for existing trees according to the standards of [Section 5.4.204, Land Clearing and Existing Trees](#).
  - b. If a fence or wall is required and there is already a fence or wall in the area subject to the requirement, then the Township may temporarily waive the fence or wall requirement, provided:
    - i. The Zoning Inspector verifies that the existing fence or wall is sturdy and in good condition;
    - ii. The height, opacity, and extent of the fence or wall meets the intent of this Division with regard to buffering.

**B. District Boundary Bufferyards.** The boundaries are Depot Road, the old railroad track and the township lines. Development that borders other municipal boundaries does not require a bufferyard, however a type “A” bufferyard may be allowed if the developer feels it is beneficial to their project.

1. *Generally.* *District Bufferyard Standards*, are the required bufferyards between properties (delineated by zoning districts) that are not separated by a public or private street. Landscaping along property lines that are bordered by a public or private street are subject to the landscaping requirements set out in [Division 5.4.300, Landscaping](#).

2. *Existing Adjacent Development without Bufferyards.* Where the abutting property is an existing single-family detached, twin, or other single-family attached residential property or development that does not have the required district boundary bufferyard, the proposed mixed-use, or nonresidential development shall provide a bufferyard of the next higher classification (*e.g.*, if the requirement is a Type B bufferyard, then the screening of the parcel proposed for development shall be a Type C bufferyard).

## **ARTICLE 6.1 PUD ADMINISTRATIVE STANDARDS**

### **SEC. 6.2 INTENTIONALLY LEFT BLANK**

Sections 6.3.100-6.3.405 Intentionally Left Blank

### **SEC. 6.3.406 PLANNED-UNIT DEVELOPMENTS**

#### **A. Generally.**

1. Applications for planned-unit developments shall only be approved by a conditional zoning certificate by the Board of Zoning Appeals.
2. *Two-Part Review and Approval Process.* Due to the inherent flexibility and potential complexity of a planned-unit development application, a two-part review and approval process is required. The purpose of this two-part process is to allow the developer to preliminarily propose a conceptual planned-unit development for consideration of approval.
3. *Procedure, Generally.* Applications for planned-unit developments shall follow the same procedures as set out in 117.12, *Conditional Use Procedures*, but are also subject to the requirements of this Section.

**B. Pre-Application Conference.** All applications for planned-unit developments require a pre-application conference with the Zoning Inspector, as set out *below*, to discuss the initial concepts of the proposed planned-unit development and general compliance with the applicable provisions of this chapter prior to the submission of the application.

An informal pre-application meeting is recommended for all applications for development approval except applications for single-family detached or twin dwellings, residential accessory buildings or structures, and signs. At the pre-application meeting, the Zoning Inspector and/or other members of Township Staff, as appropriate, will meet with the applicant to review preliminary materials, identify issues, and advise the applicant regarding which applications and approvals will be required from the Township and others, and what information will have to be provided.

#### **C. Pre-Application Meeting Materials.**

1. The applicant shall bring to (or submit prior to) the pre-application meeting sufficient supporting materials to explain:
  - a. The location of the project;
  - b. The proposed uses (in general terms);
  - c. The proposed arrangement of buildings, parking lots, access points, open spaces, and drainage facilities, including public/private roadways,
  - d. The relationship to existing development;
  - e. Generally, a conceptual site plan with proposed setbacks, topography, buffer areas and utilities;
  - f. Generally, the presence of natural resources, open water, floodplains, and other sensitive natural resources on the parcel proposed for development; and
  - g. Any other conditions or items that the applicant believes are relevant to the processing of the application.

2. The Zoning Inspector may request that the applicant bring completed application forms (in draft form) for the types of approvals or certificates being sought.

**D. Conditional Zoning Certificate - Preliminary Development Plan.**

1. *Application.* In addition to the normal application requirements for all conditional zoning certificates, a planned-unit development application shall include a preliminary development plan and any other information needed by the Zoning Inspector or Board of Zoning Appeals to ensure the application meets the intent of the purposes of the planned-unit development regulations and this chapter.
2. *Procedure.* The conditional zoning certificate application shall be reviewed by the Board of Zoning Appeals at a public hearing as set out in *Chapter 117*.
3. *Additional Standards to be Reviewed.* In addition to the general standards to be reviewed for all conditional zoning certificates, the following additional standards shall be included in the review and consideration by the Board of Zoning Appeals.
  - a. The preliminary development plan is consistent with the purpose and intent of planned-unit developments, as set out in [Section 5.1.201, Purpose and Applicability of Division](#).
  - b. The proposed location and arrangement of buildings and structures, lots, parking lots, walks, open spaces, landscaped areas, lighting and light pollution and associated facilities are compatible with the surrounding land uses.
  - c. The required resource protection land and open space areas, as required by [Division 4.1.200, Site Capacity for Development](#), are identified and provisions have been made for the care and maintenance of such areas.
  - d. The design and layout of the open space areas incorporate existing natural resources in a method that provides benefit to the overall community while ensure long-term protection of the Township's sensitive natural resources.
  - e. The preliminary development plan has been transmitted to all other review bodies for commenting as described below:

**E. Formal Review Procedures**

**Generally.** In addition to the [Zoning Inspector](#), there are other reviewing bodies that may participate in the review of development applications for the Township. They include, but are not limited to:

1. *Township Departments.* Staff from the Township Fire, Police, and Service Departments may participate in the review of development applications as necessary.
2. *Geauga County.* Staff from the following county departments may participate in the review of development applications: Geauga County Planning Commission, Emergency Management Agency, Engineers Office, Prosecutor's Office, Water Resources and others as necessary.
3. *Others.* Staff from various local, county (*e.g.*, the Geauga Soil and Water Conservation District), state (*e.g.*, the Ohio Department of Transportation, State Fire Marshal's Office, etc.), and federal agencies and other outside entities may participate in the review of development applications as may be needed from time to time.

**F. Coordination.** The coordination and administration of these comments shall be the responsibility of the Zoning Inspector.

1. *Effect of Decision.* Approval of the preliminary development plan shall include density, intensities, land uses and their inter-relationship, development and design standards required by, or above and beyond, this chapter, and the conceptual locations of all buildings and structures. The location of buildings and structures may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed final development plans.
2. *Time Limit of Approval.* Conditional zoning certificate approval of a preliminary development plan shall be valid for a period of no more two years, or as established by the Board of Zoning Appeals at the time of decision.

**G. Conditional Zoning Certificate - Final Development Plan.** Once a preliminary development plan has been approved by the Board of Zoning Appeals, the applicant shall proceed with the preparation of the more detailed final development plan in whole or in phases.

1. *Application.*

- a. Prior to finalizing and submitting the final development plan to the Township, the applicant shall obtain preliminary subdivision approval from the Geauga County Planning Commission to ensure compliance with the county subdivision regulations.
- b. In addition to the normal application requirements required for all conditional zoning certificates, a planned-unit development application for final approval shall include a final development plan and any other requirement needed by the Zoning Inspector or Board of Zoning Appeals to ensure the application meets the intent of the purposes of the planned-unit development regulations and this chapter.
- c. The final development plan shall be consistent with the applicable requirements of this chapter and the preliminary development plan.
- d. The final development plan shall include all necessary legal documentation relating to the incorporation of the property owners' association.

2. *Procedure.* The conditional zoning certificate application shall be reviewed by the Board of Zoning Appeals at a public hearing as set out in *Chapter 117 Board of Zoning Appeals*.

3. *Additional Standards to be Reviewed.* In addition to the general standards to be reviewed for all conditional zoning certificates, the following additional standards shall be included in the review and consideration by the Board of Zoning Appeals.

- a. Appropriate arrangements with the applicant have been made to ensure the completion of the public improvements and protection of open space areas as indicated on the preliminary development plan and final development plan.
- b. The proposed final development plan for an individual section of the overall planned-unit development is consistent in content with the approved preliminary development plan.
- c. Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.
- d. The proposed covenants, conditions, and restrictions provide the necessary framework for the property owners' association to assume long-term control and maintenance of all common areas in conformance with Section 3.1.104, *Preservation of Open Space*, and establishes timeframes to transfer control from the developer to the property owners' association.
- e. The preliminary development plan has been transmitted to all other review bodies, as set out in Section 6.3.406(C)(e)), for commenting.

4. *Effect of Decision.*

- a. After approval of the final development plan, the applicant shall be required to submit a revised final development plan incorporating any revisions or modifications approved by the Board of Zoning Appeals for Township records and so that individual zoning certificates may be subsequently issued.
- b. Approval of the final development plan and a county subdivision recorded plat is required prior to the commencement of construction. Individual buildings, structures, signs, and other applicable types of development shall require a subsequent zoning certificate from the Zoning Inspector in conformance with *Chapter 109 Zoning Inspector; Certificates and Endorsement*, and approval by the Geauga County Planning Commission.
- c. If the applicant has not received subdivision plat approval from the county, or an extension pursuant to this Section, within one year of the date of the Township's approval of the final development plan, both the preliminary and final development plans will become null and void.

- d. The approved final development plan shall be kept on record in the Zoning Department together with all applications, plats, plans, and other information regarding the development.
  - e. The use of the planned-unit development property or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development plan shall be considered a violation of this chapter and subject to the procedures and penalties specified in *Chapter 109 Zoning Inspector; Certificates and Endorsement*.
5. *Time Limit of Approval*. Conditional zoning certificate approval of a final development plan shall be valid as set out in *Chapter 117 Board of Zoning Appeals*.

#### **H. Phased Development.**

- 1. *Phasing*. For phase developments, the Board of Zoning Appeals may approve a phased final development plan schedule as part of the preliminary development and/or final development plan approval. In such case, the approved timeframes shall establish when the approved development plans shall expire.
- 2. *Additional Requirements*. When an applicant proposes to complete the project in phases, each phase shall have adequate provision for access, open space, parking, stormwater management, and other applicable public utilities or improvements to serve each parcel proposed for development in accordance with the applicable criteria set forth in this chapter. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and abutting property. The open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of any recreation facilities shall be clearly identified on a phasing plan.

#### **I. Conformance with Approved Plans and Conditions.**

- 1. *Township Initiated*. If an applicant fails to comply with the approved development plans or other conditions of the conditional zoning certificate approval, the Zoning Inspector shall initiate a review and present findings at a public hearing of the Board of Zoning Appeals, who, at the conclusion of the hearing, may:
  - a. Extend any applicable time period; or
  - b. Modify or revoke the conditional zoning certificate associated with the preliminary and/or final development plan approval.
- 2. *Applicant Initiated*. If the applicant requires an extension of the time limits, it shall be the applicant's responsibility to request a status review by submitting a written request to the Zoning Inspector.

#### **J. Individual Zoning Certificates.**

- 1. A zoning certificate may be issued for any new buildings or structures in a planned-unit development, in accordance with the final recorded development plan and the Geauga County Planning Commission subdivision plat.
- 2. No zoning certificate shall be issued for any property in a planned-unit development and no construction, except approved preliminary excavation, shall begin until an approved conditional zoning certificate, and associated final development plan, is in effect for that phase or property.

#### **K. Modifications to Approved Preliminary or Final Development Plans.**

- 1. Modifications to approved preliminary or final development plans require a new conditional zoning certificate by the Board of Zoning Appeals. In the review and consideration of a new or modified preliminary or final development plan following the expiration of a previous development plan, the Board of Zoning Appeals may take into consideration changes in the Township's Land Use Plan and/or this chapter.

# ARTICLE 7.1 WORD AND DOCUMENT USAGE, MEASUREMENTS AND DEFINITIONS

## Division 7.1.100 Word and Document Usage

### SEC. 7.1.101 WORD USAGE

- A. **Generally.** For purposes of interpretation of this chapter, the following rules of construction apply:
1. The particular controls the general.
  2. Words used in the present tense include the future, words in the singular include the plural, and words of one gender include all other genders, unless the context clearly indicates the contrary.
  3. The word "shall" is mandatory.
- B. **Defined Words and Phrases.** Words and phrases which are defined in [Division 7.1.300, Definitions](#), are those having a special meaning relative to the purposes of this chapter. All words, terms and phrases not otherwise defined herein shall be given their usual and customary meanings, unless the context clearly indicates a different meaning was intended
- C. **Acronyms.** Table 7.1.101, *Acronyms*, are the acronyms that are used within this chapter. The Zoning Inspector authorized to update this table without further action by the Board of Trustees when amendments to this chapter include new acronyms.

Table 7.1.101 Acronyms	
Acronym	Meaning
ac.	Acre
ADA	American with Disabilities Act
ATM	Automated Teller Machine
BR	Per Bedroom
C	Conditional Use
CCRs	Covenants, Conditions, and Restrictions
CRWP	Chagrin River Watershed Partners, Inc.
dBa	A-weighted decibels
du	Dwelling Unit
e.g.	"exempli gratia," which is translated to "for example." The items listed after the abbreviation e.g. are illustrative and not limiting.
etc.	"etcetera," which is translated to mean "and others;" "and so forth;" "and so on."
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
ft.	Foot or feet
GFA	Gross Floor Area
HDTV	High-Definition Television
i.e.	"id est," which is translated "that is." The text following the abbreviation "i.e." is a restatement of the preceding text using different words.
IES	Illuminating Engineering Society of North America
kW	Kilowatt
LOS	Level of Service
LSR	Landscape Surface Ratio
MUP	Mixed-Use Planned Unit Development
NAICS	North American Industrial Classification System

**Table 7.1.101  
Acronyms**

Acronym	Meaning
N/A	Not Applicable
OSR	Open Space Ratio
P	Permitted Use
PR	Permitted with Regulations
PFA	Per Square Foot of Parking Floor Area
PU	Public District
PODS	Portable On Demand Storage
PU	Public
PUCO	Public Utilities Commission of Ohio
PUD	Planned Unit Development
R.C.	Ohio Revised Code
RV	Recreational Vehicle
SAE	Society of Automotive Engineers
Sec.	Section
sq. ft. or sf.	Square Feet
SWCD	Geauga Soil and Water Conservation District
TV	Television
U.S.	United States
U.S.C.	United States Code
USDA	United States Department of Agriculture
USPS	United States Post Office
VdB	Vibration Decibel
WECS	Wind Energy Conversion System
WTF	Wireless Telecommunications Facility

**SEC. 7.1.102 DOCUMENT USAGE**

- A. **Generally.** For purposes of interpretation of this chapter, the following rules apply regarding internal crossreferences, external hyperlinks, section titles, and illustrations.
- B. **Internal Crossreferences.** If a crossreference is set out within this chapter, the crossreference refers to another part of this chapter unless a separate document is specifically included in the crossreference.
- C. **External Hyperlinks.**
  - 1. *Statutory and United States Code References.*
    - a. References to the Ohio Revised Code or United States Code shall be interpreted to mean the most current version of the referenced Section at the time the reference is applied. If a referenced Section is repealed and replaced by another Section of the Ohio Revised Code or United States Code with comparable subject matter, the replacement Section shall control. If a referenced Section is repealed and not replaced, the repealed Section shall control if it is within the statutory authority of the Township to effectuate such result, or the application shall be held (and not considered officially filed) for up to 12 weeks for the Township to revise this chapter to resolve the reference and establish an appropriate rule or policy.
    - b. Where referenced Sections are the source of authority for the promulgation of administrative rules, references to the Ohio Revised Code or United States Code shall be interpreted to include the phrases "and rules promulgated thereunder."

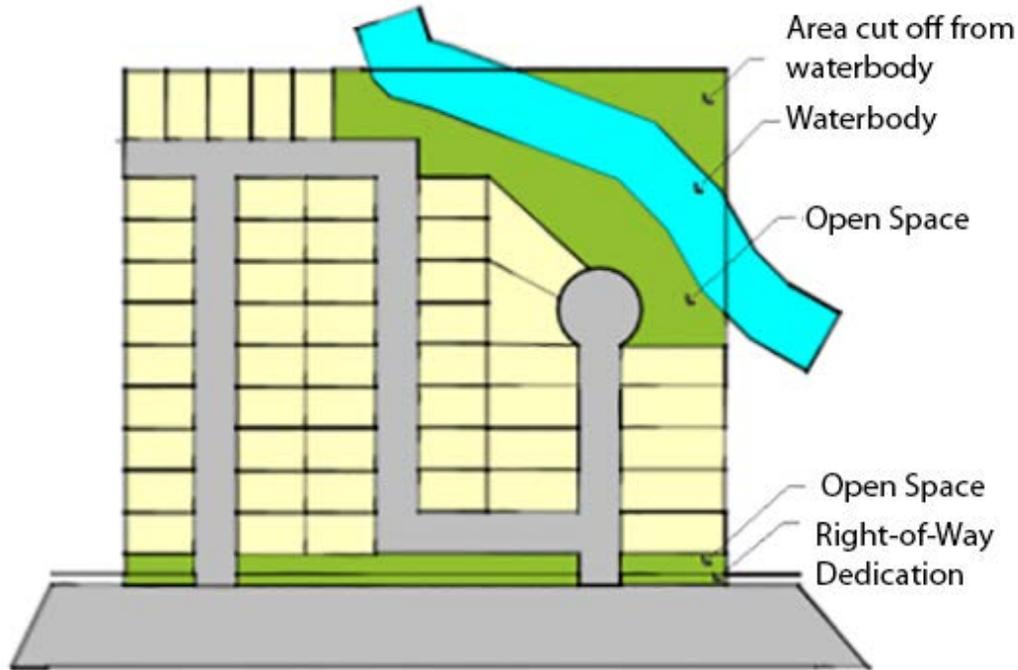
2. *Disclaimer Regarding Hyperlinks.* Hyperlinks to the Ohio Revised Code or other external documents within the online version of this chapter are provided for the convenience of the user. The Ohio Revised Code and other referenced documents stand in their own right and are not a part of this chapter unless specifically incorporated by reference (*e.g.*, the "Official Zoning Map") or by application of subsection C.1., above. Broken and misdirected hyperlinks may occur as a result of typographical or administrative error or changes in the location of the referenced documents, and shall have no force with respect to the interpretation of this chapter.
  3. *Authorization to Maintain Hyperlinks.* The Zoning Inspector is authorized, without further action by the Board of Trustees, to:
    - a. Add, remove, and maintain hyperlinks to external materials that are referred to in this chapter; and
    - b. Add, remove, and maintain hyperlinks among related Sections and definitions within this chapter, whether the related Sections and definitions are set out within the adopted text or provided as annotations for ease of access and reference (however, annotations shall be clearly marked as such).
- D. **Section Titles.** In case of difference of meaning or implication between the regulatory provisions of this chapter and the section titles for each Chapter, Article, Division, Section, or subsection, the text of the regulatory provisions shall control.
- E. **Illustrations.** The illustrations provided in this chapter are intended to provide visual guidance regarding how particular standards are to be applied, and are not intended as standards in their own right.
1. *Conflicts.* Where there is a conflict between the text, caption, or graphic in an illustration and the text of the regulatory provisions of this chapter, the text of the regulatory provisions shall control.

## Division 7.1.200 Measurements and Calculations

### **SEC. 7.1.201 DENSITY**

- A. **Generally.** Density is measured in two ways: gross density and net density. See [Figure 7.1.201, Illustrative Density Calculation](#).
- B. **Gross Density.** Gross density is calculated by dividing the number of proposed dwelling units by the base site area (calculated as set out in [Section 4.1.205, Base Site Area](#)).
- C. **Net Density.** Net density is calculated by dividing the number of dwelling units by the net buildable area of the parcel proposed for development.

**Figure 7.1.201  
Illustrative Density Calculations**



Gross Density Example Calculation	Net Density Example Calculation
<p>A. <b>Total Land Area</b> = 636,315 sq. ft. or 14.6 acres                      B. <b>Less Area Cut Off By Waterbody</b> = 19,936 sq. ft.                      C. <b>Less Right-Of-Way Dedication</b> = 12,900 sq. ft.                      D. <b>Equals Base Site Area</b><sup>1</sup> = 603,479 sq. ft. or 13.9 acres                      E. <b>Units</b> = 51                      F. <b>Gross Density</b> = 3.67 units per acre (Step 5 divided by Step 4)</p>	<p>A. <b>Total Land Area</b> = 636,315 sq. ft. or 14.6 acres                      B. <b>Less Area Cut Off By Waterbody</b> = 19,936 sq. ft.                      C. <b>Less Right-Of-Way Dedication</b> = 12,900 sq. ft.                      D. <b>Equals Base Site Area</b> = 603,479 sq. ft. or 13.9 acres                      E. <b>Less Open Space</b> = 80,599 sq. ft.                      F. <b>Buildable Area</b><sup>1</sup> = 522,880 sq. ft. or 12.0 acres                      G. <b>Units</b> = 51                      H. <b>Net Density</b> = 4.25 units per acre (Step 7 divided by Step 6)</p>
<p><b>Table Notes:</b>  <sup>1</sup> Calculations for Base Site Area are included for illustrative purposes. More specific calculations for Base Site Area are found in Section 4.1.205, <i>Base Site Area</i>.</p>	

**SEC. 7.1.202 Intentionally left blank**

**SEC. 7.1.203 INTENSITY**

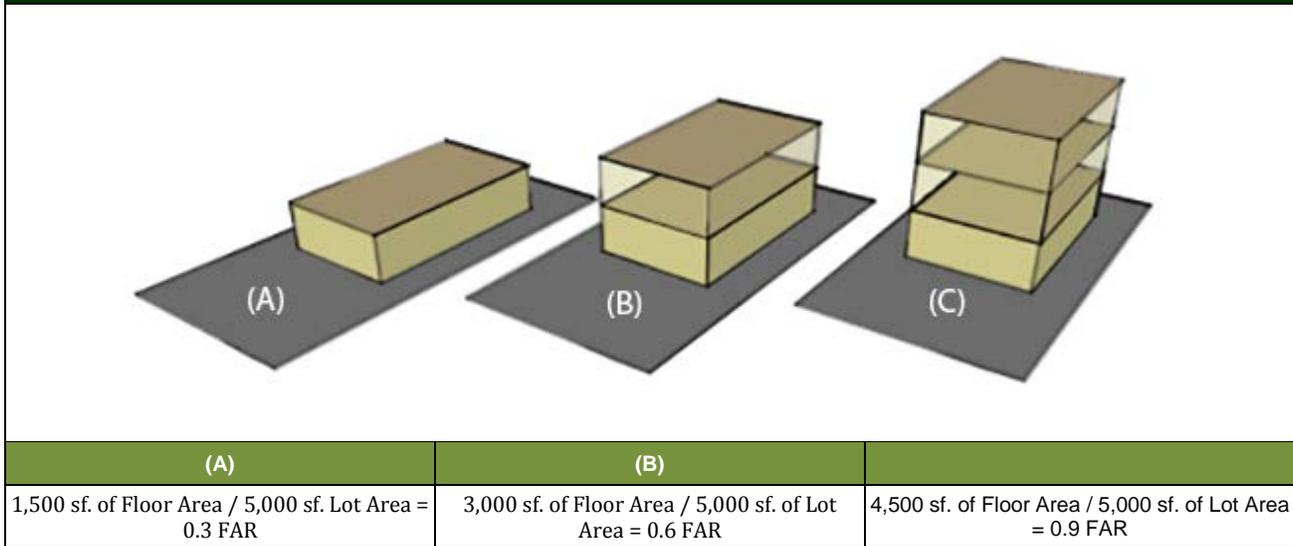
**A. Generally.** The unit of measurement for intensity calculates the gross floor area to determine the parcel's floor area ratio (FAR).

**B. Calculation.**

1. For individual lots, FAR is calculated by dividing the total floor area on the lot by the lot area. See [Figure 7.1.203, Illustrative Intensity Calculations](#).
2. For parcels proposed for development, gross FAR is calculated by dividing the total floor area on the parcel proposed for development by the base site area.
3. For parcels proposed for development, net FAR is calculated by dividing the total floor area on the parcel proposed for development by the difference between the base site area and the required area of landscaped open space.

**C. Structured Parking Exception.** The floor area of structured parking is not included in the calculation of FAR.

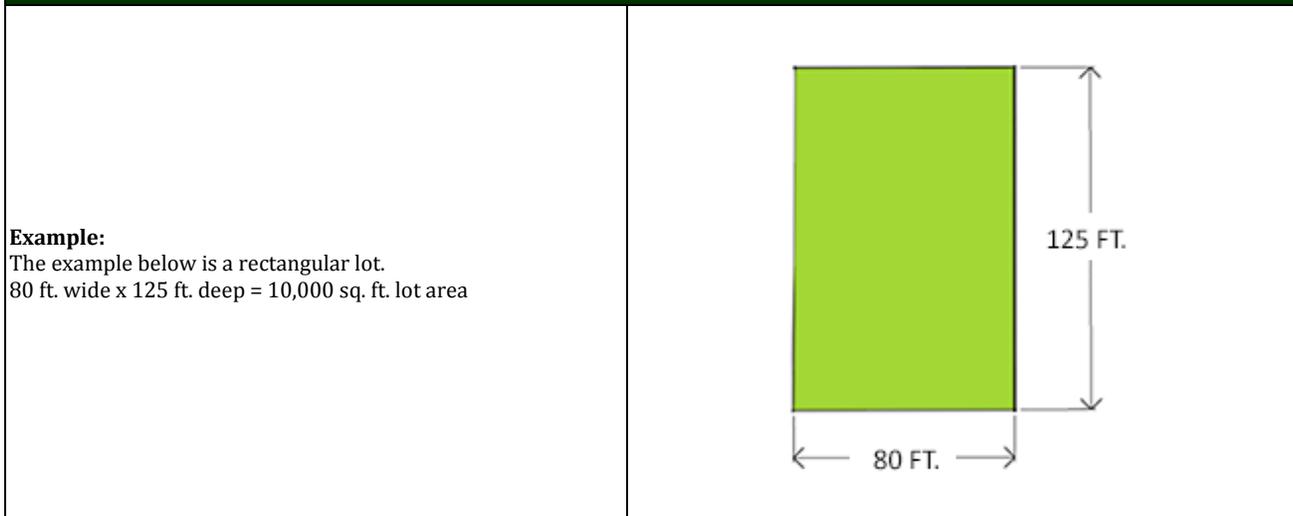
**Figure 7.1.203  
Illustrative Intensity Calculations**



**SEC. 7.1.204 LOT AREA**

Lot area is calculated as the area within the lot lines of a lot (see Figure 7.1.204, *Illustrative Lot Area Calculation*), and does not include any area located within the right-of-way.

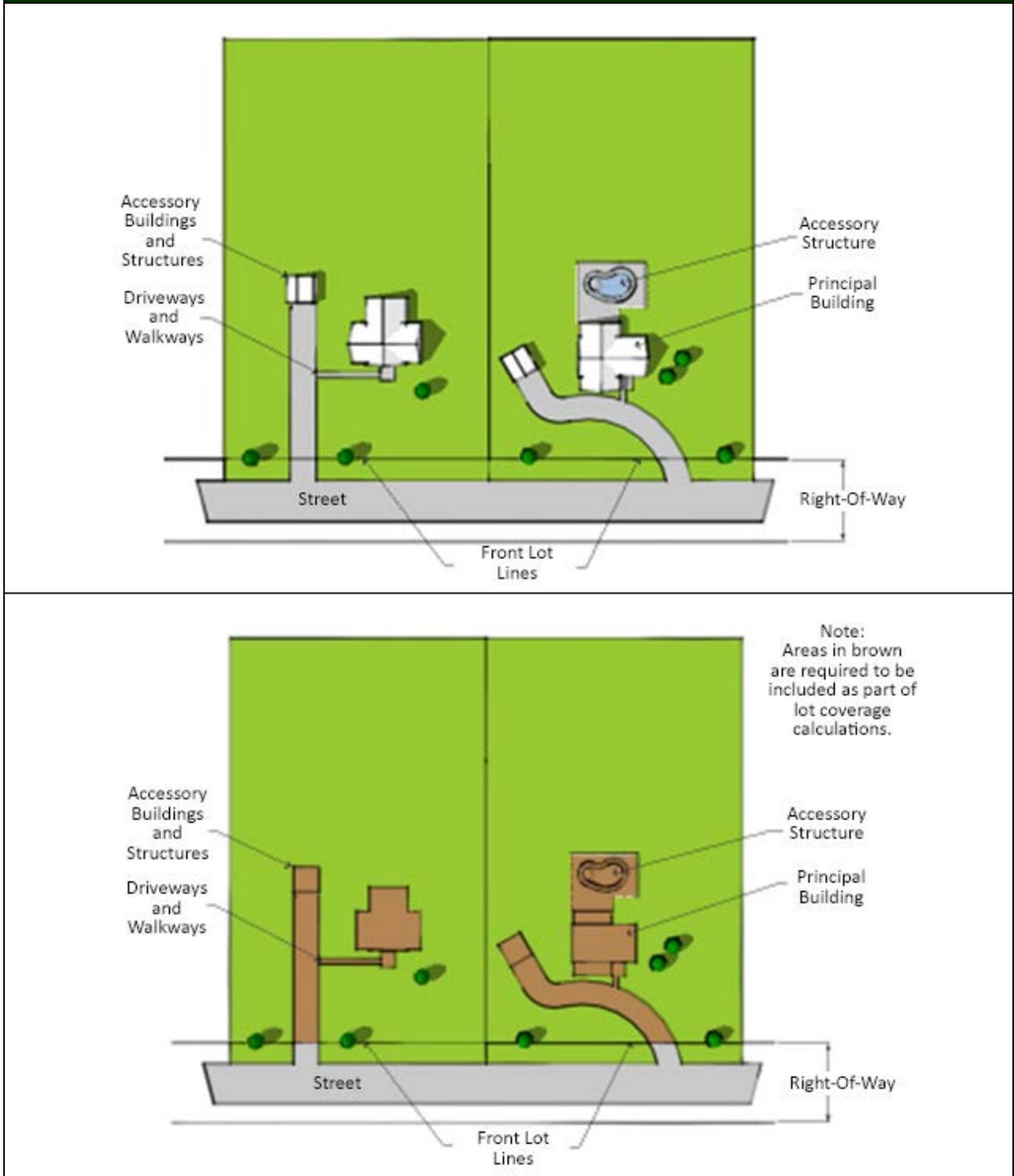
**Figure 7.1.204  
Illustrative Lot Area Calculation**



**SEC. 7.1.205 LOT COVERAGE**

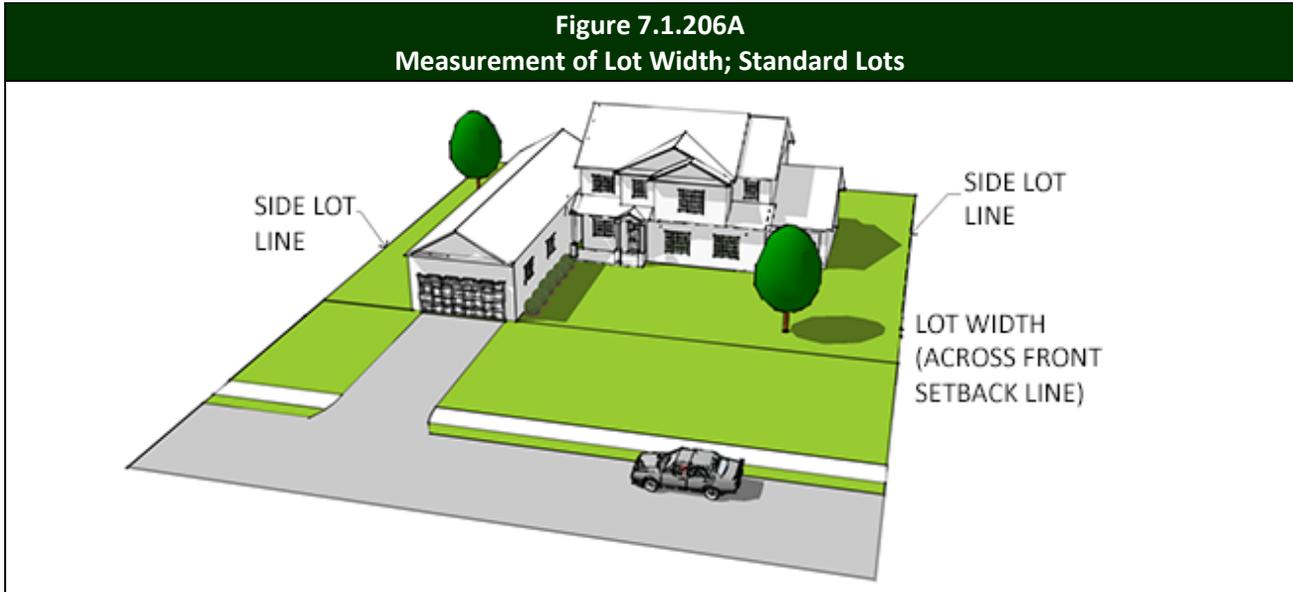
- A. Lot Coverage.** The measurements of lot coverage are as follows. (see definition of lot coverage)
1. Measurements for buildings and structures are taken on a horizontal plane at the main grade level of the principal building or structure and all accessory buildings and structures. All dimensions are measured between the exterior faces of walls.
  2. Measurements for driveways, walkways, parking lots, and other non-elevated structures (e.g., pools) are taken using the area delineated by the improved hard surface.
- B. Lot Coverage Ratio.** Lot coverage ratio is lot coverage divided by lot area. See [Figure 7.1.205, Lot Coverage Ratio Illustration](#)

**Figure 7.1.205**  
**Lot Coverage Ratio Illustration**

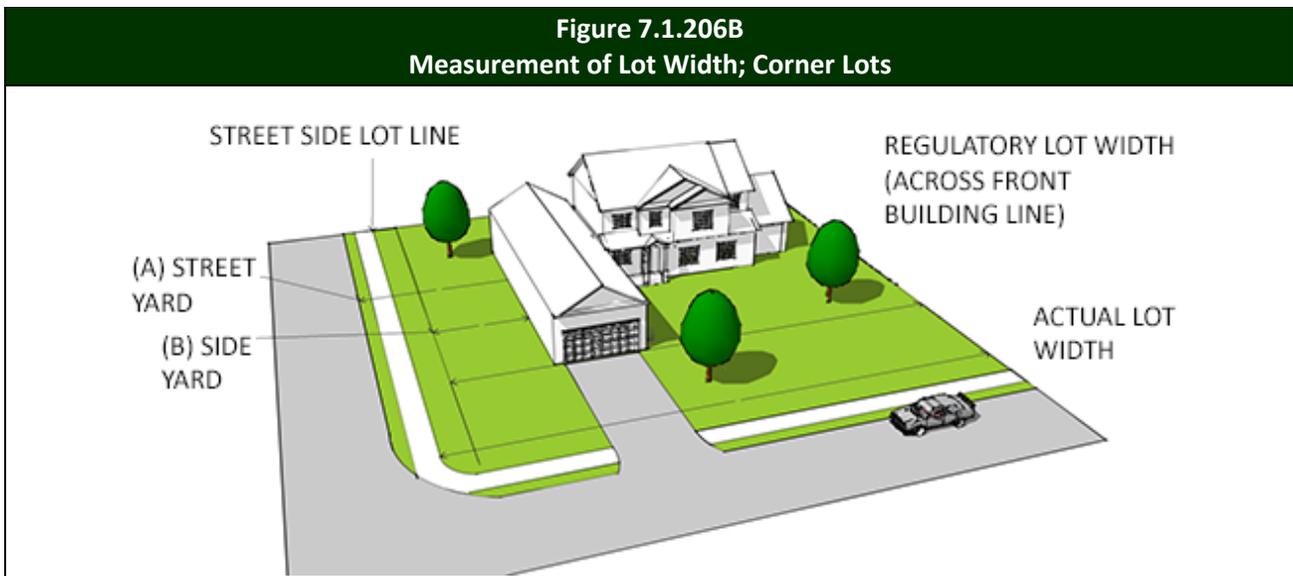


**SEC. 7.1.206 LOT WIDTH**

A. **Generally.** Lot width is the distance from one side lot line to the opposite side lot line at the front setback line. See [Figure 7.1.206A](#), *Measurement of Lot Width; Standard Lots*.



B. **Corner Lots.** Lot width (for regulatory purposes) is the distance from the interior side lot line to the side street lot line, measured at the front building line, minus the difference between the street yard setback and the side yard setback. See [Figure 7.1.206 B](#), *Measurement of Lot Width; Corner Lots*.



B. **Irregular Lots.** Lot width is the distance from one side lot line to the opposite side lot line at the front building line. See [Figure 7.1.206C](#), *Measurement of Lot Width; Irregular Lots*. Generally, the front building line is the front setback line. However, an alternative front building line may be established on the plat of a subdivision that is more distant than the front setback line from the front lot line. Lot width must be maintained to a depth that is sufficient to accommodate a reasonable building in the context of adjacent and nearby lots.

**Figure 7.1.206C**  
**Measurement of Lot Width; Irregular Lots**



### **SEC. 7.1.207 OPEN SPACE RATIO (OSR) AND LANDSCAPE SURFACE RATIO (LSR)**

**A. Generally.** Open space ratio (OSR) and Landscape Surface Ratio (LSR) are related concepts. OSR applies to residential development, and refers to commonly owned open space (open space that is not located on private lots). LSR applies to landscaped spaces in nonresidential development. OSR and LSR are not necessarily a measure of "green" open space on a parcel proposed for development, as it may also refer to areas of open water. The following delineations further define what can or cannot be counted as open space or landscape surface.

1. *Allowable Areas.* Bufferyard requirements, parking lot landscaping, natural resource protection standards (see [Division 4.1.200, Site Capacity for Development](#)), stormwater management systems, passive recreation areas, and other requirements of this chapter that require common areas to be landscaped or remain undeveloped shall count as open space or landscape surface area, and may, in the aggregate, require more open space than the OSR or LSR would require.

2. *Prohibited Areas.*

- a. Open spaces that do not qualify for the calculation of OSR include any areas on private, buildable lots and any commonly-owned open space that is less than 320 contiguous square feet.
- b. Open spaces that do not qualify for the calculation of LSR include any area that less than 320 contiguous square feet and areas set aside for parking spaces that are intended for future development.

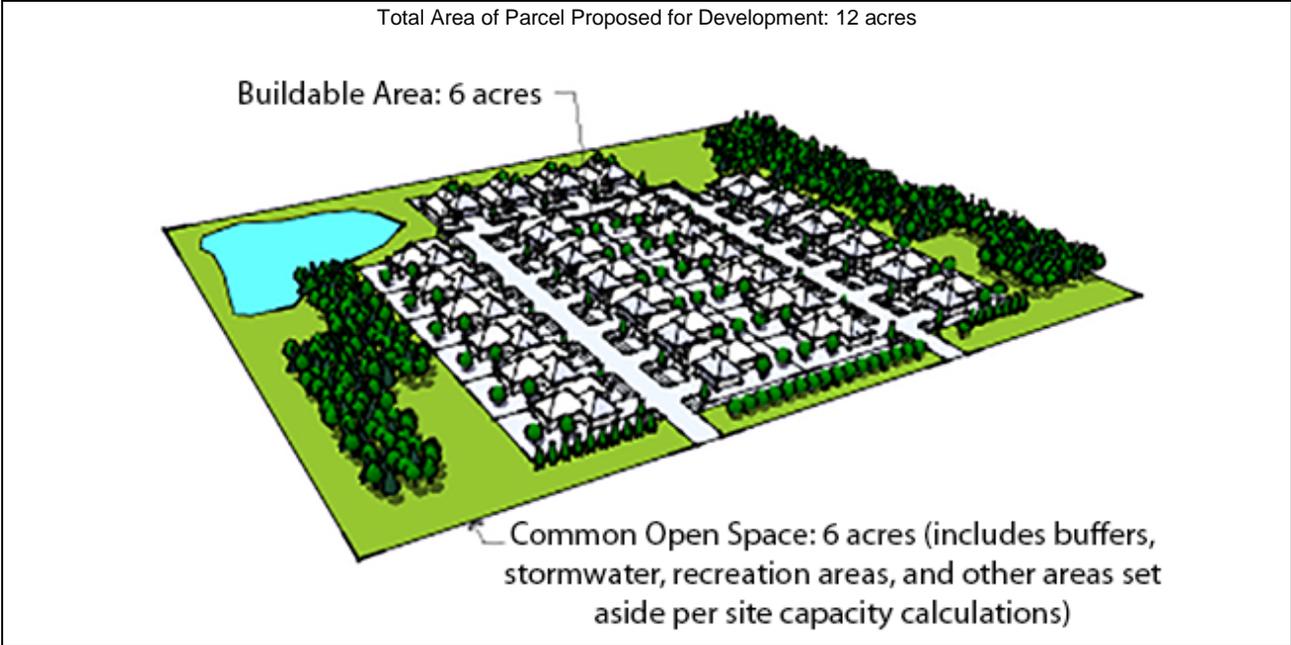
### **B. Calculation.**

1. *Open Space Ratio.* OSR is calculated by dividing the total amount of commonly-owned open space on the residential parcel proposed for development by the total area of the entire parcel proposed for development. See [Figure 7.1.207A, Illustrative Measurement of Open Space Ratio \(OSR\)](#).

2. *Landscape Surface Ratio.* LSR is calculated by dividing the total amount of landscaped and open space area on a parcel proposed for development by the entire area of the parcel proposed for development. See [Figure 7.1.207B, Illustrative Measurement of Landscape Surface Ratio \(LSR\)](#).

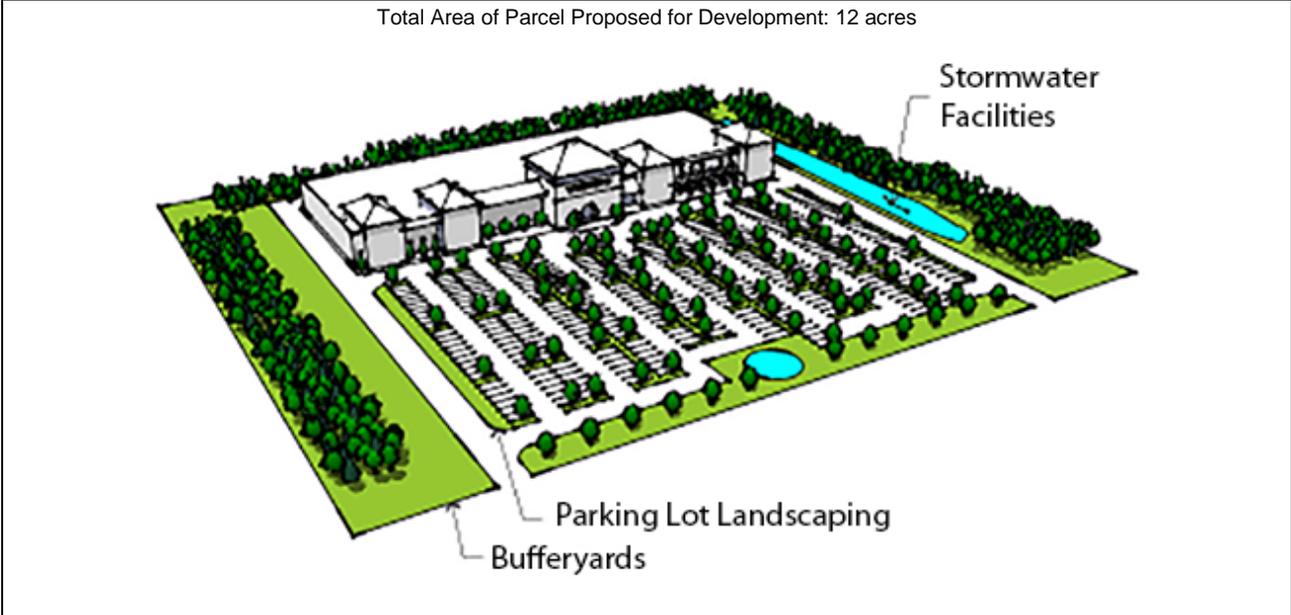
**Figure 7.1.207A**  
**Illustrative Measurement of Open Space Ratio (OSR)**

**EXAMPLE**  
6 acres of Common Open Space  
**DIVIDED BY**  
12 acre Area of Parcel Proposed for Development  
**EQUALS**  
50% OSR



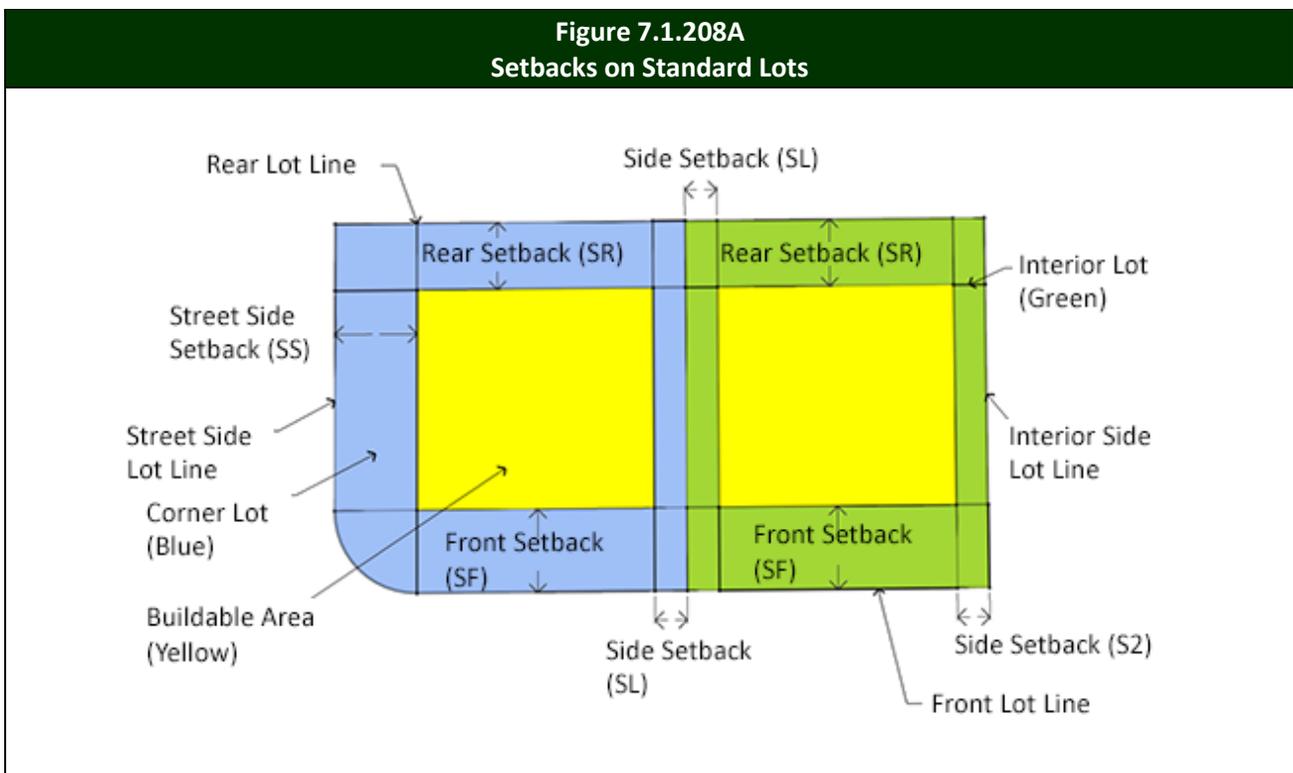
**Figure 7.1.207B**  
**Illustrative Measurement of Landscape Surface Ratio (OSR)**

**EXAMPLE**  
5 acres of Landscape Surface Area  
**DIVIDED BY**  
12 acre Area of Parcel Proposed for Development  
**EQUALS**  
41.7% LSR



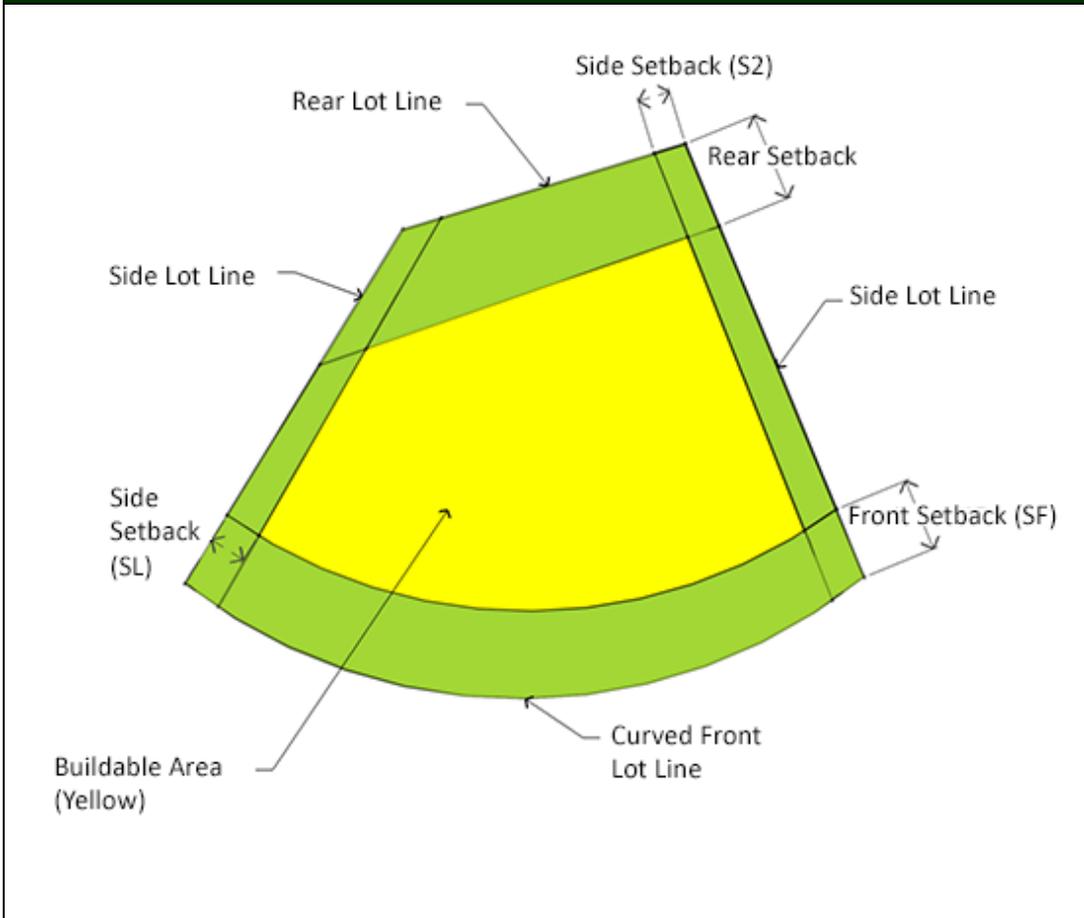
**SEC. 7.1.208 SETBACKS**

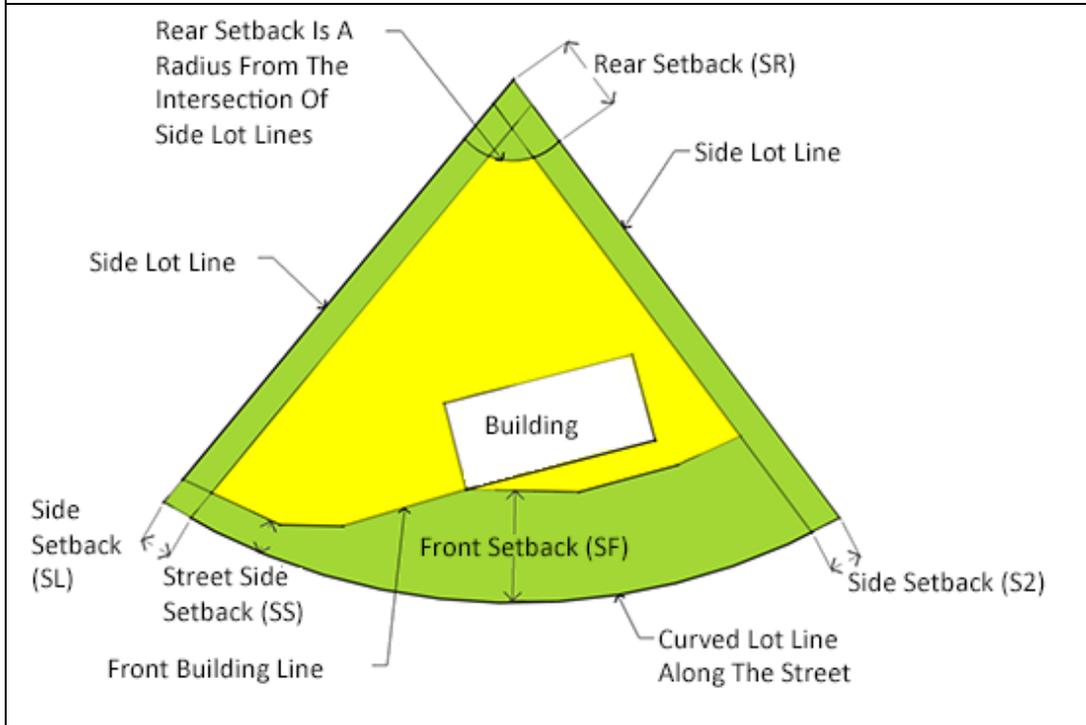
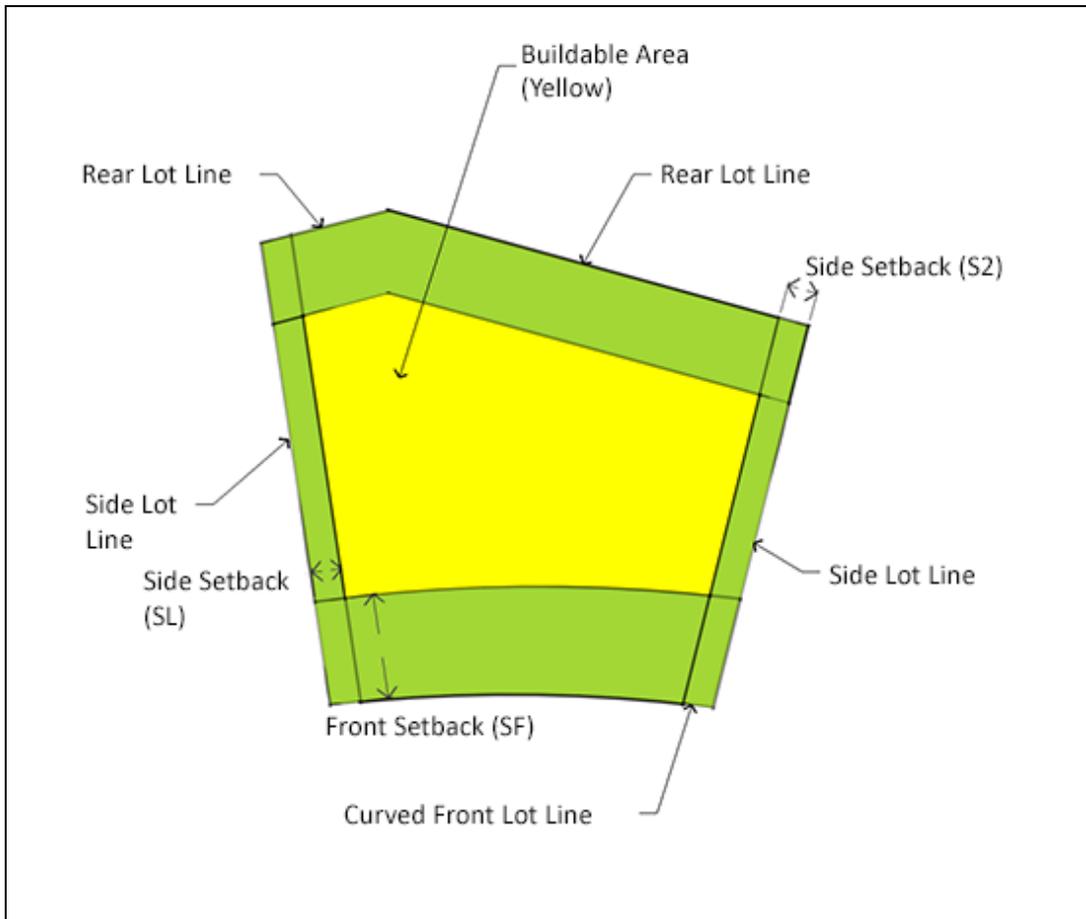
- A. Standard Lots.** Setbacks are measured from lot lines towards the center of the lot, as follows:
1. Front setbacks (abbreviated "SF") are measured from the front lot line. The front lot line is the lot line that abuts the right-of-way from which the lot takes its address. For corner lots with standard curb radii, the front setback is not measured from the curved portion of the lot (however, a portion of this area is included in the required sight triangle (see Section 5.2.102, *General Access, Circulation, and Street Requirements*)).
  2. Rear setbacks (abbreviated "SR") are measured from the rear lot line. The rear lot line is the lot line that is opposite from the front lot line.
  3. Side setbacks (abbreviated "S1" and "S2") are measured from side lot lines. Side lot lines are lot lines that intersect with front lot lines.
  4. Street side setbacks (abbreviated "SS") are measured from street side lot lines. See Figure 7.1.208A, *Setbacks on Standard Lots*.



- B. Odd-Shaped Lots.** Setbacks are measured from lot lines towards the center of the lot, as follows, and as depicted in Figure 7.1.208B, *Setbacks on Odd-Shaped Lots*:
1. Generally, setbacks are measured as set out in subsection A., above.
  2. Where lot lines are curvilinear, setbacks shall be measured as offsets from the curvilinear lot line.
  3. Where there are multiple rear lot lines, the rear setback is measured as offsets from the multiple rear lot lines.
  4. Where there is no rear lot line, the rear setback shall be measured as a radial distance from the intersection of side lot lines at the rear of the lot.
  5. Where the front lot line is an arc, the street side setback area is defined as the area behind the front building line along the arc of the street.

**Figure 7.1.208B**  
**Setbacks on Odd-Shaped Lots**





## Division 7.1.300 Definitions

### 0-9

**100-Year Floodplain.** *See* one-hundred year floodplain.

### A

**Abutting**, when referring to lots, parcels or property, means next to and having some portion of a boundary that is coterminous with the parcel proposed for development.

**Access** means a vehicular connection to a public or private street from a surface parking lot, parking garage or parcel.

**Access Easement** means a recorded private easement for vehicular access across one lot or parcel to another (*e.g.*, a driveway across a lot to access another lot). Cross-access easements are reciprocal arrangements that provide for the free flow of vehicles across the property line of abutting lots (*e.g.*, a driveway connection between abutting nonresidential uses).

**Accessory Building** means a building that is subordinate to the principal building which serves a purpose that is customarily associated with the principal use. Examples of accessory buildings include storage sheds and detached residential garages. The phrase accessory building does not include structured parking.

**Accessory Structure** means a structure which is on the same parcel of property as a principal use or building the use of which is incidental to the use of the principal use or building (such as gazebos and carports).

**Accessory Use** means a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

**Adult Arcade** means an establishment where coin operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one person per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas." (*see also* "video / arcade viewing booth")

**Adult Bathhouse or Sauna** means a steam bath or heated bathing room used for the purpose of bathing, relaxation, or using steam or hot air as a cleaning, relaxing or reducing agent and the service provided is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**Adult Cabaret** means a building or portion thereof including a nightclub, bar, restaurant or similar establishment which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on:

1. Persons who appear in a state of nudity, or
2. The exhibition of "specified anatomical areas" or "specified sexual activities" for observation by patrons.

**Adult Long-Term Care Facility** means a residential facility that provides personal care services for more than 24 hours for one or more unrelated adults, including all of the following:

1. A "nursing home," "residential care facility," or "home for the aging" as defined in O.R.C 3721.01;
2. A facility authorized to provide extended care services under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, including a long-term acute care hospital that provides medical and rehabilitative care to patients who require an average length of stay greater than 25 days and is classified by the centers for Medicare and Medicaid services as a long-term care hospital pursuant to 42 C.F.R. 412.23(e);

3. A county home or district home operated pursuant to O.R.C 5155;
4. A residential facility licensed under O.R.C 5119.22 that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or accommodations and personal care services for only one or two adults who are recipients under the residential state supplement program;
5. A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.

An "Adult long-term care facility" does not include a residential facility licensed under O.R.C 5123.19.

**Adult Massage Business** means an establishment where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other treatment of the body is practiced which is characterized by emphasis on matters related to "specified sexual activities" or "specified anatomical areas," unless such massage treatment is practiced by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional practitioner licensed by the state.

**Adult Media** means magazines, books, videotapes movies, slides, cd-roms, dvds, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "hard-core material."

**Adult Media Store** means an establishment that rents and /or sells media and that meets any of the following:

1. 25 percent or more of the "gross public floor area" is devoted to "adult media."
2. 25 percent or more of the stock in trade consists of adult media.
3. It advertises or markets itself in any forum as "X rated," "adult," "sex," or otherwise as an "adult oriented business," other than an "adult media store," "adult motion picture theater," or "adult cabaret."

**Adult Motel / Hotel** means an establishment which:

1. Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;"
2. Rents, leases, or offers sleeping rooms or suites for a period of time that is less than 10 hours;
3. Allows an occupant or tenant to sublet a room or suite for less than 10 hours; or
4. Rents, leases or lets any single room or suite more than twice in a 24 hour period.

**Adult Motion Picture Theater** means an establishment where, for any form of consideration, films, motion pictures, video cassettes, compact or digital discs, slides, similar photographic reproductions or previously recorded visual presentations are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Adult Oriented Business** means an establishment which is designed and used to sell, rent, or show sexually explicit or "hard-core materials," paraphernalia, machines, equipment, services, performances, and such other uses distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as herein defined and is more particularly, but not exclusively, defined as meaning an "adult arcade," "adult bathhouse or sauna," "adult cabaret," "adult massage business," "adult motel / hotel," "body-painting studio," "lingerie or adult modeling studio," "nude photography studio," "adult media store," "adult motion picture theater," "adult theater," "adult sexual paraphernalia business," and an "adult sexual encounter business."

**Adult Sexual Encounter Business** means an establishment that offers, for any form of consideration, a place where persons or patrons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of "nudity." An adult sexual encounter business shall include an "adult cabaret," a "lingerie or adult modeling studio," a "nude photography studio," an "adult bathhouse or sauna," a "body-painting studio," an "adult massage business," and an "adult motel / hotel." It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.

**Adult Sexual Paraphernalia Business** means an establishment which devotes 25 percent or more of its "gross public floor area" to the sale or rental of "adult media" or "sexually oriented devices, toys or novelties."

**Adult Theater** means an establishment such as a playhouse, arena, amphitheater, auditorium or concert hall which features persons who appear in a state of "nudity" or live performance characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**Agriculture** means farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Amateur Radio Service** means the amateur service, the amateur-satellite service, and the radio amateur civil emergency service as provided for under 47 C.F.R. part 97.

Cross-reference: O.R.C 5502.031, *Regulation of amateur radio service communications and structures.*

**Amusement or Water Park** means an area of land used for outdoor commercial amusement on a general admission or per-amusement fee basis. Facilities at an amusement park include amusement rides (*e.g.*, motorized rides, water slides, wave pools, go-carts, bumper cars, bumper boats, and comparable facilities), and may also include supporting uses and facilities such as concert stages, theaters, batting cages, gardens, playgrounds, shops, child care, food stands, and restaurants.

**Animal Boarding Facility, Small Animal** means any premises where any combination of dogs, cats or other household pets, totaling four or more animals, six months of age or older, are kept, boarded or bred for the intention of profit. This also includes those services provided at an animal grooming facility, but with overnight accommodations.

**Animal Grooming Facility** means an establishment where domestic animals are bathed, clipped, or combed for the purpose of enhancing their appearance or health, and for which a fee is charged, but not including overnight boarding of animals.

**Veterinarian, Large Animal** means an animal hospital or clinic that provides medical care services for large animals, livestock animals, or wildlife, including but not limited to: horses, cows, bison, elk, deer, llamas, alpacas, sheep, goats, chickens, turkeys, ducks, and pigs. (*see also* Veterinarian, Small Animal)

**Animal Veterinarian, Small Animal** means a use in which medical care is provided for household pets (*e.g.*, dogs, cats, birds, and exotic pets). The phrase does not include medical care for wild animals or livestock. (*see also* Animal Veterinarian, Large Animal)

**Attached Wireless Telecommunications Facility ("WTF")** means a wireless telecommunications facility that is attached to a building, or to a structure other than a stealth tower, monopole, guyed tower, or lattice tower.

## **B**

**Base Site Area** means the calculated area obtained by subtracting various land areas from the gross site area. (*see* Division 3.3.200, *Site Capacity for Development*)

**Best Management Practices** means that combination of conservation measures, structures, vegetation, or other management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, or watercourses and waterbodies.

**Body-Painting Studio** means an establishment wherein paint or similar materials or substances are applied to "specified anatomical areas" of patrons who are in a state of "nudity."

**Buffer** means open spaces, landscaped areas, fences, walls, berms, or any combination thereof, which are used to physically and visually separate one use or property from an abutting property in order to mitigate the impacts of noise, light, or other nuisance.

**Bufferyard** means a designated strip of land upon which a buffer is installed. Bufferyards may be required between land uses, along district boundaries, along parking lot boundaries, and along street and railroad rights-of-way.

**Building** means a structure that has a roof and walls, and which is intended to shelter people, animals, property, or business activity, and includes any structure used or intended to be used for supporting or sheltering a use or occupancy. The term "building" shall be construed as if it were followed by the words "or part or parts thereof and all equipment therein."

**Building Line** means a line that circumscribes or outlines the exterior wall face of any building.

Bus Shelter means a small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

## **C**

**Cemetery** means any one or a combination of more than one of the following:

1. A burial ground for earth interments;
2. A mausoleum for crypt entombments;
3. A columbarium for the deposit of cremated remains;
4. A scattering ground for the spreading of cremated remains.

Crossreference: O.R.C 1721.21, *Establishment of endowment care trust.*

**Certified Seismologist** means a blasting consultant, seismologist, or professional engineer who has been trained in current blasting technology and state and federal blasting laws and regulations, and one who possesses a valid certificate.

**Charging Station** means a device or station that provides power to charge the batteries of a plug-in electric vehicle. These chargers are classified according to output voltage and the rate at which they can charge a battery. As established by the Society of Automotive Engineers (SAE), charging stations generally fall within three categories:

1. *Level 1.* Level 1 charging is the slowest, and can be done through most wall outlets at 120 volts alternating current.
2. *Level 2.* Level 2 charging is faster, and is done at less than or equal to 240 volts alternating current, with a power output of less than or equal to 14.4 kW.
3. *Level 3.* Level 3 charging is fastest, and can be done with power output of greater than 14.4 kW.

Level 1 and 2 charging stations are often found in homes with the proper equipment, while Level 2 and 3 charging stations are more often found at fixed public charging stations.

**Child Family Day-Care Home - Type A** means a permanent residence of the administrator in which child care or publicly funded child care is provided:

1. For seven to 12 children at one time; or
2. For four to 12 children at one time if four or more children at one time are under two years of age.

In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted.

Crossreference: O.R.C 5104.01, Child-care definitions.

**Child Family Day-Care Home - Type B** means a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the Type B home shall be counted.

Crossreference: O.R.C 5104.01, Child-care definitions.

**Child Day-Care Center** means any place in which child care or publicly funded child care is provided for 13 or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven to 12 children at one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

Crossreference: O.R.C 5104.01, Child-care definitions.

**Cluster or Clustering** means a development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel as in traditional development. Clustering allows the remaining land to be used for outdoor active or passive recreation, open space, and the preservation of natural resources.

**College / University** means an educational institution that is authorized by the State of Ohio or other nationally recognized accrediting entity to award associates' or higher degrees.

**Commercial Amusement, Indoor** means uses that provide commercial (for profit or non-profit) amusement indoors, including, but not limited to:

1. Movie theaters;
2. Bowling alleys and pool rooms;
3. Video arcades.

The phrase "Commercial Amusement, Indoor" does not include the phrase "Adult Oriented Businesses," "Internet Cafe/Sweepstakes," "Place of Assembly," or "Recreation / Fitness, Indoor." It also does not include video arcades that are accessory to restaurants. The phrase "Commercial Amusement, Indoor" is subsumed by the phrases "Amusement or Water Park" when such facilities include indoor commercial amusement activities.

**Commercial Amusements, Outdoor** means uses that provide commercial (for profit or non-profit) amusement outdoors including, but not limited to:

1. Amphitheaters;
2. Arenas;
3. Batting cages;

4. Miniature golf establishments;
5. Outdoor performing arts facilities; and
6. Paintball courses.

The phrase "Commercial Amusement, Outdoor" does not include "Adult Oriented Businesses," "Amusement or Water Park," "Outdoor Public Recreation, Active," "Outdoor Public Recreation, Passive," "Golf Course / Driving Range / Club," or "Shooting / Archery Range."

**Commercial Business** is any permitted for-profit business providing professional sales and services or supporting services directly to other business or the general public.

**Commercial Outdoor Sales Event** means outdoor sales of retail and seasonal products on a seasonal or temporary basis. Illustrative temporary commercial sales include seasonal holiday sales (*e.g.*, pumpkins and Christmas trees), truckload sales, temporary flea markets, tent sales, and outdoor sales by itinerant vendors (*e.g.*, poster or framed art sale, carpet sales).

**Commercial Stables** means the stabling, training, feeding of horses, or the provision of riding facilities for the use of anyone other than the resident of the property. Equestrian trails that are constructed as part of the common open space of a subdivision and intended for the exclusive use of residents of the subdivision are not commercial stables.

**Conditional Use** means a use permitted in a district which is not permitted by right but only upon approval of the Board of Zoning Appeals and the issuance of a conditional zoning certificate, provided such use is authorized as a conditional use by this chapter and the Board of Zoning Appeals determines compliance with all applicable provisions of this chapter (including the compatibility standards for specific uses) and other safeguards needed to ensure that the use does not adversely affect the surrounding areas.

**Conditional Zoning Certificate** means a certificate issued by the Zoning Inspector, upon approval of the Board of Zoning Appeals, to permit a conditional use in a district specifically authorized by this chapter.

**Condominium** means a form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to O.R.C 5311, *Condominium property*, and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.

**Constructed Wetlands** means:

1. An artificially created facility, designed and engineered to treat stormwater and wastewater runoff, or
2. A man-made wetland that is designed to have the same benefits of a natural wetland (*i.e.*, nutrient uptake and sediment removal).

**Covenants, Conditions, and Restrictions** means a restriction on the use or development of land, or which requires affirmative actions to be performed (*e.g.*, the payment of dues to a property owners' association, maintenance of common open space, etc.), that is set forth in a recorded agreement, and that runs with the land (*i.e.*, it is binding upon subsequent owners of the property).

**Detention Basin** means:

1. A facility for the collection and release of surface and stormwater runoff from a site at a slower rate than it is collected by the drainage facility system, the difference being held in temporary storage.
2. A facility that may remain dry for the majority of the year; except that it fills with water only after a large rain event and then slowly releases the stored water over the next few hours. (*see* also Extended Detention Basin)

**Development Plan** means a drawing prepared by a developer, which may include explanatory exhibits and text, submitted to the designated authority for the purpose of study of a proposed development of land, or a preliminary plan of land and buildings of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.

**Display Publicly** means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a road, a public sidewalk, from an adjoining lot line, or from any portion of the premises where items and material other than adult media are on display to the public.

**Drive-In, Drive-Through Facilities** means a facility used by an approved commercial retail or service use to provide service to customers in vehicles who either:

1. Drive up to a window or station (*e.g.*, an ATM or similar machine); or
2. Drive through the building for purchases.

**Driveway** means a private accessway, primarily for vehicles, leading from a street to a parking or loading area.

**Drug Paraphernalia** means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of state or federal law. It includes, but is not limited to:

1. Kits used, intended for use or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parentally injecting controlled substances into the human body; and

12. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
  - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
  - b. Water pipes;
  - c. Carburetion tubes and devices;
  - d. Smoking and carburetion masks;
  - e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - f. Miniature cocaine spoons and cocaine vials;
  - g. Chamber pipes;
  - h. Carburetor pipes;
  - i. Electric pipes;
  - j. Air-driven pipes;
  - k. Chillums;
  - l. Bonges; and
  - m. Ice pipes or chillers.

In determining whether an object is "drug paraphernalia," a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
3. The proximity of the object, in time and space, to a direct violation of state or federal law;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of state or federal law; the innocence of an owner or of anyone in control of the object, as to a direct violation of state or federal law shall not prevent a finding that the object is intended for use, or designed for use as "drug paraphernalia";
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
12. The existence and scope of legitimate uses for the object in the community; and
13. Expert testimony concerning its use.

This definition does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with state law, nor shall it be construed to prohibit any possession, manufacture or use of hypodermics made lawful by state law.

**Dwelling** means any building, except a manufactured home as defined in the O.R.C 3781.06, which is designed and used as a dwelling unit for residential purposes.

**Dwelling Unit** means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family, with separate facilities for all of the following: sanitation, living, sleeping, cooking, and eating.

## **E**

**Earth Disturbing Activity** means clearing, grading, excavating, filling, dumping, grubbing, stripping, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

**Easement** means any portion of a parcel that is subject to a recorded agreement with the County Recorder's Office between the property owner and another party, which grants the other party the right to make limited use of that portion of the property for a specified purpose.

**Economically Significant Wind Farm** means wind turbines and associated facilities, whether publicly or privately owned, on a lot with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five megawatts or more. (*see* also Small Wind Farm)

**Erosion** means the process by which the land surface is worn away by the action of water, wind, ice or gravity.

**Essential Access** means access that must cross a resource restricted area, such as a wetland or steep slope, to reach an area of the site that is otherwise buildable and would result in damage to the restricted resource.

**Event Facility** means a facility that may temporarily hold a large number of persons that attend a special use such as a conference, ceremony, exhibit, etc. (*e.g.*, banquet hall or lodge). Meals may or may not be served or made available in such facilities.

**Explicit Sexual Material** means any "hard-core material."

**Extended Detention Basin** means:

1. A facility for the detention of stormwater runoff volumes in water quality basins to remove suspended solids.
2. A facility similar to a detention basin, except that it is designed to store stormwater for a longer duration.
3. A practice designed to store stormwater runoff by collection as a temporary pool of water and provide for its gradual release over 24 hours or more.
4. A practice which is used to control peak discharge rates and which provides gravity settling of pollutants.

## **F**

**Family** means one person living alone, or group living together as a single nonprofit household unit in a dwelling unit, as follows:

1. Two or more persons where they are all related to one another by blood, marriage, or legal adoption;
2. Up to four persons not related by blood, marriage or legal adoption.

**Farm Market** means the seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale and where 50 percent or more of the gross income received from the market is derived from the crop raised on farms or operated by the market operator in a normal crop year.

This does not apply to farmers markets that may be organized and operated on public property.

**Farm Supplies and Services** means businesses that principally provide supplies for agricultural or equestrian use, including feed and seed stores, tack and equestrian product shops, and farm equipment sales and service.

**Federal Emergency Management Agency (FEMA)**, or successor agency, means the agency with overall responsibility for administering the National Flood Insurance Program.

**Fenestration** relates to the design, construction, or presence of openings in a building or structures. Fenestration includes windows, doors, louvres, vents, wall panels, skylights, storefronts, curtain walls, and slope glazed systems, and other similar openings.

**Floodplain** means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water. (see also One-Hundred Year Floodplain)

**Foot-candle** means a unit equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

**Fraternal Organization** means a group of people formally organized for a common interest (*e.g.*, culture, religion, or public service), with regular meetings and formal written membership requirements.

**Fueling Stations, Vehicle Wash, and Light Vehicle Service** means:

1. Gasoline service stations or fuel stations (*e.g.*, hydrogen, compressed natural gas, or liquefied petroleum gas) for alternative fuel vehicles; or
2. Electric vehicle charging stations; or
3. Gasoline, fuel station, or charging station convenience marts (a gasoline service station, fuel station, and / or charging station with a convenience store); or
4. Automated, self-service, or full-service car wash or detailing (cars, light trucks, and sport utility vehicles only); or
5. Quick service oil, tune-up, brake, inspections, and/or muffler shops in which:
  - a. Repairs are made in fully enclosed bays;
  - b. Repairs are of a type that is typically completed in less than two hours (*e.g.*, oil changes, brake service, tire rotation and balancing, glass repair, tire replacement, fluid checks and replacement, muffler service, spark plug replacement, state inspections and comparable services); and
  - c. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors.
6. Any combination of 1, 2, 3, 4, or 5, above.

**Funeral Home** means a building that is used principally for:

1. Human funeral services;
2. Embalming and the performance of other services used in the preparation of the dead for burial; and / or
3. The performance of autopsies and other tests or surgical procedures on human remains.

In addition to the above functions, funeral homes may also store caskets, funeral urns, hearses and other vehicles used in funeral processions.

For the purposes of this chapter, funeral homes do not include crematories or the cremation of human remains.

## **G**

**Garage Sale** means all sales which are open to the public and conducted from or on residential property, which are for the purpose of selling items of the residents' personal property. Garage sales are also commonly known as "lawn," "yard," "attic," "porch," "room," "backyard," "patio," or "rummage" sales. In some cases, multiple households, or entire neighborhoods may organize a single day or group of consecutive days to host a neighborhood garage sale.

**Office, General** means uses in which professional, business, information processing, or financial services are administered or provided. The term includes such uses as:

1. Accounting, auditing and bookkeeping;
2. Administration of businesses (*e.g.*, corporate headquarters);
3. Advertising, graphic design, and photographic design studios;
4. Architectural, engineering, interior design, urban planning, and surveying services;
5. Attorneys and court reporters;
6. Call centers;
7. Computer and software consulting, programming, development or design services;
8. Data processing and word processing services;
9. Detective agencies;
10. Employment agencies;
11. Management consulting services;
12. Military recruiters;
13. Mortgage companies; and financial services (but not walk-in or drive-through banks);
14. Government offices;
15. Insurance sales and / or administration;
16. Real estate management companies (*e.g.*, professional homeowners' association managers, commercial real estate managers, etc.);
17. Real estate sales;
18. Retail catalog, Internet, and telephone order processing, but not warehousing;
19. Software development; and
20. Virtual office services.

The phrase "General Office" does not include the phrases "Retail Sales and Services" or "Medical Office."

**Glare** means the sensation produced by luminance with the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**Golf Course / Driving Range / Club** means a tract of land that is designed for the game of golf, including tees, fairways, greens, and hazards, and / or a tract of land on people drive golf balls from a central driving tee (*e.g.*, a driving range). Such uses may also include a clubhouse, pro shop, golf equipment rental, and incidental food vending. "Golf Course / Driving Range / Club" subsumes the uses "Recreation and Fitness, Indoor," and "Recreation and Fitness, Outdoor," when those are uses are present and incorporated into an overall golf course / driving range / club facility.

**Gross Floor Area ("GFA")** is the sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

A. The horizontal square footage is measured from the outside face of all exterior walls.

**Gross Public Floor Area** means the total area of a building accessible or visible to the public including showrooms, merchandise display areas, service areas, behind-counter areas, storage areas, stage areas, screen areas, and arcades; including the aisles, hallways, and entryways serving such areas.

**Gross Site Area** means the total land and water surface area contained within the boundaries of a parcel proposed for development.

**Ground Cover** means low growing plants that are planted landscape areas in such a manner as to form a continuous cover over the ground, such as turf, liriope, ground cover jasmine, or like plants that can be maintained at or below two feet in height. The phrase "ground cover" includes grasses, ornamental grasses, vines, and other herbaceous material.

## H

**Hard-Core Material** means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

**Heavy Industry** means:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:
  - a. An outside storage area that is larger than the area of the first floor of buildings on the same lot; or
  - b. A material risk of environmental contamination, explosion, or fire; or
  - c. Perceptible ground vibration; or
  - d. Perceptive noise or dust; or
  - e. Emission of objectionable odors; or
  - f. More than 12 trips by semi-trailer trucks per day; or
  - g. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, or fossil fuels; or
  - h. Industries that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to Title V of the Federal Clean Air Act.
2. For illustrative purposes, heavy industrial uses include, but are not limited to:
  - a. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline or fuel stations); and bulk fuel dealers;
  - b. Facilities used in the primary or secondary production of metals (*e.g.*, primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops) or acids;
  - c. Portland cement plants;
  - d. Sawmills and pulp mills;
  - e. Incinerators with the capacity to charge more than 250 tons of refuse per day;
  - f. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
  - g. Fossil fuel combustion (boilers or electricity generation) totaling more than 250 million BTUs per hour of heat input;
  - h. Fabrication of building materials such as countertops, drywall, and cut stone;

- i. Fabrication of vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;
- j. Auto or marine body, paint, or upholstery shops;
- k. Drycleaner processing plants that use PERC or comparable petrochemical solvents;
- l. Meat or seafood processing plants;
- m. Manufacture of glass products (*e.g.*, window panes, bottles and jars), except hand-blown products;
- n. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
- o. Plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than 200 amps; TIG welding; and other heavy welding procedures (*e.g.*, for structural steel, automotive body, or heavy equipment manufacture or repair);
- p. Hot mix asphalt plants;
- q. Regional wastewater utilities;
- r. Fossil fuel power plants, waste-to-energy plants, and biomass plants that produce more than 100 megawatts of electricity;
- s. Fossil fuel power plants.

**Heavy Retail** means retail and/or service activities that have regular outside service or outside storage areas, exceptionally large floor areas, or partially enclosed structures, as listed below:

1. Permanent retail operations that are located outside of enclosed buildings, except nurseries or green houses, retail;
2. Home centers;
3. Lumber and other building materials;
4. Lawn, garden equipment, and related supplies stores;
5. Warehouse clubs and super stores;
6. Recreational equipment rental where the equipment is stored outside;
7. Heavy truck or recreational vehicle leasing or sales;
8. Manufactured home sales; and
9. Industrial or construction equipment leasing or sales.

**Height** means the vertical distance of a building or structure as measured by the standards set out in Section 17.202, *Height*.

**Heliport** means a facility that is designed to be used for the take-off and / or landing of helicopters, including operations facilities such as maintenance, loading and unloading, storage, fueling, or terminal facilities. (*see also* helistop)

**Helistop** means an area used for the take-off and landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. The use of the helistop is restricted to specific users or purposes (*e.g.*, tenants of a corporate park; a hospital trauma center; etc.), and the term does not include facilities for general helicopter aviation use. The term Helistop does not mean "Heliport."

**Home Occupation** means a lawful business, occupation or activity conducted for financial gain from within a dwelling unit, where:

1. Such use is incidental and accessory to the use of the building as a residence by the person engaged in the home occupation and up to one employee who does not live in the building; and
2. Such use does not involve any of the following:

- a. Wholesale or retail sales, except for sales distributors who fill orders for catalog type products and then make deliveries to the customer's house (as opposed to customers coming to the place of business).
- b. Opening of the home to the public for the sale of goods or services without an invitation or appointment;
- c. Mechanical equipment that is not normally associated with domestic household use; or
- d. Modification of the exterior of the home.
- e. Activities that require commercial deliveries from trucks (as opposed to parcel services).
- f. On-site parking of commercial vehicles, or on-street parking of commercial vehicles next to the dwelling unit.

**Hospital** means a facility which:

- 1. Is primarily engaged in providing, by or under the supervision of physicians:
  - a. Concentrated medical and nursing care on a 24-hour basis to inpatients experiencing acute illness; and
  - b. Diagnostic and therapeutic services for medical diagnosis and treatment, psychiatric diagnosis and treatment, and care of injured, disabled, or sick persons; and
  - c. Rehabilitation services for injured, disabled, or sick persons; and
  - d. Obstetrical care.
- 2. Provides for care of two or more individuals for 24 or more consecutive hours.
- 3. Is staffed to provide professional nursing care on a 24-hour basis.

**I**

**Improved Hard Surface** means any street, driveway, or parking lot surface paved with at least four inches of asphalt, concrete, brick pavers, or other approved uniform, hard material so as to provide a durable and dust-free surface for vehicular traffic.

**Internet Cafe / Sweepstakes** means any premises upon which a sweepstakes terminal device is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever.

**J**

**Junk** as used herein means scrap or discarded household appliances, furniture, mattresses or bedding, plumbing fixtures, motor vehicle parts including batteries or tires, or accumulations of scrap metal, rubber, rags, bottles, cans, boxes, cardboard, waste paper or pallets, or other similar items.

**Junk Vehicle** means any motor vehicle which is in wrecked or worn out condition and unfit for operation as a motor vehicle.

**Junk Yard** means an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk, includes scrap metal processing facilities.

Crossreference: O.R.C 4737.05, *Licensing of junk yard definitions.*

**K**

**Kennel.** See animal boarding facility, small animal.

**L**

**Lambert** means a unit of luminance of a surface emitting or reflecting one lumen per square foot.

**Landfill** means an area of land or an excavation in which wastes are placed for permanent disposal. For the purposes of this chapter, the word "Landfill" does not include clean debris, *e.g.*, dirt, trees, rocks, etc.

**Landscape Area** means that portion of a lot or parcel proposed for development which is required to contain landscape materials such as grass, ground covers, shrubs, vines, hedges, trees, and berms. Impervious surfaces are not counted as landscaped areas.

**Landscape Surface Ratio (LSR)** means the ratio of landscaped surface area to a unit of land area. Minimum LSRs for mixed-use development are set out in Section 3.1.302, *Mixed-Use Intensity Standards*. LSR is calculated by dividing the total amount of landscaped and open space area on a mixed-use parcel proposed for development by the entire area of the parcel proposed for development.

**Level of Service (LOS)** means a qualitative measure from A (best) to F (worst) describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. LOS is measured by degree of volume to capacity ratio. Crossreference: Ohio Department of Transportation, *Policy for Applying Level of Service and Volume-to-Capacity Ratio in the Transportation Development Process*. Policy 322-002(P).

**Library** means a public or nonprofit facility in which books, periodicals, audio or video recordings, film, and comparable materials are kept for use or loaning to patrons of the facility. Such use may also offer use of computers and the incidental or periodic sale of surplus books.

**Light Fixture** means the physical unit that holds a lamp and that may include parts to redirect the light produced by the lamp.

**Light Fixture, Full Cut-Off** means an outdoor lighting fixture with shields, reflectors, or refractor panels which direct and cut-off the light at an angle that is less than 90 degrees.

**Light Industry and Wholesale** means uses that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with limited outside storage and limited external impacts or risks; or wholesale uses; or rental or sale of large items that are stored outside. For illustrative purposes, light industry and wholesale uses include:

1. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
2. Offices of general contractors, specialty subcontractors, or tradesmen which include:
  - a. Bay door access to indoor storage of tools, parts, and materials;
  - b. Parking of commercial vehicles; or
  - c. Outdoor storage areas that are smaller than the area of the first floor of the building that are used for storage of materials or vehicles that are less than 12 feet in height.
3. Communications facilities, except wireless telecommunications facilities;
4. Data centers, server farms, telephone exchange buildings, and telecom hotels;
5. Food production and packaging other than meat and seafood processing and restaurants;
6. Furniture making or refinishing;
7. Manufacture of textiles or apparel;
8. Screen printing of apparel;
9. Printing and publishing, except copy centers (which are Retail Sales and Services), and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are Heavy Industry);

10. Wholesale trade, durable and non-durable, except:
  - a. Farm products;
  - b. Combustible or hazardous materials, and
  - c. Wholesale clubs that are open to the public for membership;
11. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
12. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
13. Packaging of products.
14. The phrase "Light Industry and Wholesale" does not include "Research and Testing Laboratory."

**Light Pollution** means the visual consequence of using light outdoors, resulting from light going directly or being reflected into the sky and then redirected back to an observer (also called sky-glow).

**Light Trespass** means the light projected onto a property from a light source located on a different property typically in the form of either spill light or glare or both.

**Lingerie or Adult Modeling Studio** means an establishment that provides the services of live models to model lingerie to patrons and who engage in "specified sexual activities" or expose "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, photographed, or otherwise depicted by patrons.

**Live-Work Unit Townhome** means a dwelling unit that provides space that is designed for one or more commercial or office uses that are allowed in the MUP district. Access between the dwelling unit and the commercial or office space is provided within the unit.

**Loading Space** means a durably paved, off-street space used for loading and unloading from vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

**Lot** means a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as set out in this chapter. Such lots shall have frontage on an improved public or private street or have access to a legal right of way and shall be a lot of record.

**Lot Area** means the area of a lot taken at its perimeter exclusive of any portion within a public or private street right-of-way.

**Lot Coverage** means the ratio of gross floor area of all buildings and structures and all areas that are associated with driveways and parking areas on a lot to the total lot area, expressed as a percentage. See Section 17.205, *Lot Coverage*, for the measurements of lot coverage.

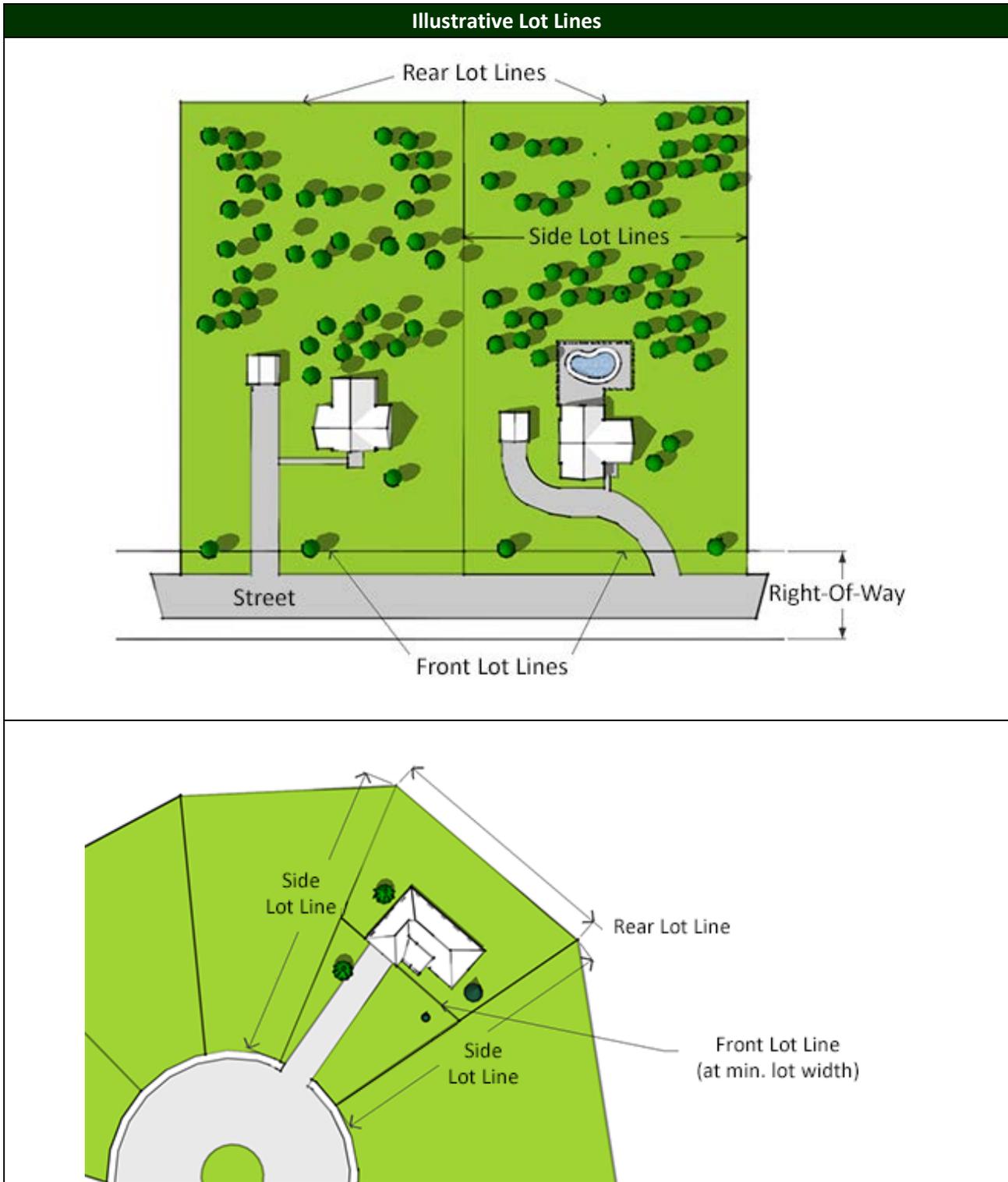
**Lot Frontage** means the total length of the line or curve of a lot boundary that is coterminous with a street right-of-way line. For corner lots, frontage may be calculated for each street.

**Lot Line** means the boundary of a lot separating it from adjoining public or private land, or the dividing line between lots, pieces or parcels of land, without regard to any recorded subdivision plat.

1. "Front Lot Line" means the lot line which abuts a dedicated street, private road or easement of access. The lot owner shall designate the front lot line for any corner lot or through lot and such designation may not be changed after the principal building is erected.
2. "Rear Lot Line" means:
  - a. For a quadrangular lot, the lot line which is not tangent to any point on the front lot line.
  - b. For a polygonal or irregularly shaped lot, the course, whether straight or curved, along the lot line, the center point of which is most remote, in linear distance, from the center point of the front lot line.

c. For a triangular lot, the junction point of the two side lines which point shall be treated as the rear lot line.

3. "Side Lot Line" means the lot lines that run generally perpendicular or at angles to the street or any lot line which is not a front or rear lot line.



**Lot of Record** means a lot which is part of a subdivision plat recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded, and is shown as a separate unit on the last preceding county tax roll.

**Lot Width** means the distance across the lot (side lot line to side lot line), measured in conformance with the provisions set out in Section 17.206, *Lot Width*.

**Low Impact Development (LID)** means a comprehensive land planning and engineering design approach with the goal of maintaining, as a minimum, the pre-development hydrologic regime on the site without solely using traditional storm drainage conveyance systems (*e.g.*, detention/retention basins) to satisfy drainage and flood mitigation requirements. LID integrates small-scale measures scattered throughout the development site, including such things as constructed green spaces, native landscaping, and a variety of innovative bioretention (*e.g.*, bioswales) and infiltration techniques to capture and manage stormwater on-site. LID reduces peak runoff by allowing rainwater to soak into the ground, evaporate into the air, or collect in storage receptacles for irrigation and other beneficial uses. In areas with slow drainage or infiltration, LID captures the first flush before excess stormwater is diverted into traditional storm conveyance systems.

## **M**

**Manufactured Home** means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

**Manufactured Home Park** means any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. Manufactured Home Park does not include any of the following:

1. A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp as defined in O.R.C 3729.01, *Definitions*; or
2. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority; or
3. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

**Medical Clinic** means a facility that provides medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including diagnostic services, treatment, training, administration, and services to outpatients, employees, or visitors, often without appointment. The phrase "Medical Clinic" includes immediate care facilities, where urgent care treatment is the dominant form of care provided at the facility, and "Medical Lab" to the extent necessary to carry out diagnostic services for the medical clinic's patients. The phrase "Medical Clinic" does not include the phrase "Medical Office." The phrase "Medical Clinic" is subsumed by the term "Hospital."

**Medical Lab** means a facility that is used for the express purpose of the design, fabrication and repair of dental and optical goods, and / or a laboratory where tests are performed on biological specimens in order to obtain information about the health of a patient.

**Office, Medical** means office space used for the examination and / or treatment of patients on an outpatient basis (with no overnight stays by patients), generally by appointment, by such professionals as:

1. Medical doctors (physicians, pediatricians, obstetricians, gynecologists, radiologists, geriatricians, general and specialist surgeons, podiatrists, ophthalmologists, anesthesiologists, etc.) and nurses;
2. Dentists, endodontists, orthodontists, and periodontists;
3. Optometrists;
4. Midwives;
5. Physical therapists, occupational therapists, and speech therapists;
6. Chiropractors, licensed massage therapists, and acupuncturists;
7. Nutritionists and homeopaths;
8. Psychiatrists, clinical psychologists, clinical social workers, and marriage and family therapists;
9. Physiatrists, physiotherapists, orthotists, prosthetists, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and
10. Other comparable health care professionals.

The phrase "Medical Office" includes the phrase "Medical Lab" to the extent necessary to carry out diagnostic services for the medical office's patients. The phrase "Medical Office" does not include the phrase "Medical Clinic." The phrase "Office, Medical" is subsumed by the term "Hospital."

**Meeting Hall** means a building that is designed for public gatherings or meetings.

**Mixed-Use** means development in which a combination of residential and commercial uses (*e.g.*, residential-over-retail), or several classifications of commercial uses (*e.g.*, office and retail), are located on the same parcel proposed for development.

**Mobile Home** means a structure that is similar in appearance to a manufactured home but that was constructed prior to June 15, 1976 and is not constructed in conformance with the Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403.

**Motion Picture Production Studio** means the use of a lot or building for the production of films or other motion picture entertainment, which are handled by the production company. A motion picture production studio may have an integrated public use component on the premises. A motion picture production studio does not include activities regulated by the adult oriented business provisions of the chapter.

**Multi-family** means:

1. Buildings that contain three or more dwelling units that:
  - a. Are accessed by from interior elevators or hallways, or from individual exterior entrances; and
  - b. Are separated by interior walls and/or floors.
2. Multi-family does not include boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, single-family attached, or overnight accommodations (*e.g.*, hotels and motels).

## **N**

**Net Floor Area** means the gross floor area less the floor area taken up by lobbies and hallways, enclosed machinery rooms on the roof, stairs and escalators, mechanical and electrical services, lifts, columns, toilet areas (other than in domestic property), ducts and risers, and other non-usable areas of the building or structure.

**Nonconforming Building or Structure** means a building, structure or parts thereof lawfully existing at the time this chapter or a subsequent amendment to this chapter became effective which does not conform to the dimensional requirements of the district in which it is located.

**Nonconforming Lot** means a lot legally established prior to the effective date of this chapter which does not meet the standards of the district in which it is located. This can involve minimum area, or dimensional requirements of the lot.

**Nonconforming Sign** means any sign, legally established prior to the adoption of this chapter, which does not fully comply with the standards of this chapter.

**Nonconforming Use** means a use of land or use of a building or structure lawfully existing at the time this chapter or a subsequent amendment to this chapter became effective which does not conform to the use requirements of the district in which it is located.

**Nonconformity** (or nonconformities) occurs when, on the effective date of this chapter, or amendment thereto, or the previous Zoning Resolution, an existing lot, building, structure, landscape area, parking lot, sign, or use of an existing lot, building, or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, building, structure, landscape area, parking lot, sign, or use is located.

**Non-Stealth Freestanding Wireless Telecommunications Facility ("WTF")** means lattice towers, monopole towers, guyed towers, or other freestanding wireless telecommunications facilities that do not meet the definition for "Stealth Freestanding Wireless Telecommunications Facilities."

**North American Industrial Classification System (NAICS)** is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. As of the effective date of this chapter, NAICS lookup tables were available from the U.S. Census Bureau web site at <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2007>.

**Nude Photography Studio** means an establishment that takes still or motion pictures for any form of consideration of models or patrons who engage in "specified sexual activities" or expose "specified anatomical areas" while being photographed.

**Nudity** means the showing of either of the following:

1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or
2. The female breast with less than a fully opaque covering on any part of the areola.

**Nursing Home**, as defined in O.R.C 3721.01(A)(6), *Nursing Homes; Residential Care Facilities*, and as hereafter amended or supplemented, and which requires a Certificate of Need from the State of Ohio, means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing services and of individuals who require personal care services but not skilled nursing services. Skilled nursing services for the purposes of this paragraph means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. A nursing home shall not include a hospital as defined by O.R.C 3701.01(C), *Department of Health*, and as hereafter amended or supplemented, except that it shall not be deemed to exclude extended care.

## O

**Official Zoning Map** means the map showing the location and boundaries of the zoning districts established by this chapter. These maps are entitled, the "Official Zoning Map of Bainbridge Township, Ohio."

**One-Hundred Year Floodplain** means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.

**Ohio Environmental Protection Agency** means the organization referred throughout this regulation as the "Ohio EPA."

**Opacity** means:

1. *Fence Opacity*. The opacity of a fence is measured as the total width of pickets (or other fence components) between posts, divided by the distance between posts; or in the case of horizontal fence types, the total width of horizontal fence elements divided by the height of the fence.
2. *Landscape Opacity*. The opacity of landscape material means the measurement of the screening effectiveness of a bufferyard expressed as the percent of view across the bufferyard that may be blocked to a height of 35 feet, based on the expected volume of landscape material at a variety of heights that is likely to result from a given planting program.

**Opaque** means not able to be seen through; not transparent.

**Open Space** means land area that will be left undeveloped as part of a natural resource preservation, recreation, bufferyard, or other open space provision of this chapter. Open space excludes areas in lots, street rights-of-way, or parking lots. Private open space is designed and intended for common use and the enjoyment of the residents of a subdivision or other residential development. Public open space is designed and intended for common use and the enjoyment of the residents of Bainbridge Township. Open space is sometimes referred to as "green space," however, such phrase shall have no effect on the way open space is regulated pursuant to this chapter.

**Open Space Ratio (OSR)** means the proportion of a development required to be set aside and preserved as open space. Minimum OSRs for residential development are set out in Section 3.1.102, *New Residential Development Standards*. OSR is calculated as provided in Section 7.1.207, *Open Space Ratio (OSR) and Landscape Surface Ratio (LSR)*.

**Ordinary High Water Mark** means the point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction, or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

**Ornamental Grasses** means grass that is not mown but is allowed to grow to its full potential and is used in the landscape in the same way as perennials or other ornamental plants. Most are herbaceous perennials, though many are evergreen and some develop woody tissues. Many are bunch grasses and tussock grasses, though others form extensive systems of many-branched rhizomes. The bunching types are often called "clump-forming." Some ornamental grasses are species that can be grown from seed while others are cultivars and must be propagated by vegetative propagation of an existing plant. In some instances in this chapter, ornamental grasses may be used to meet a minimum "screening" requirement in a parking lot. In these cases, only ornamental grasses whose full growth potential meets the minimum height required are allowed.

**Outdoor Public Recreation, Active** means the public use of public property to provide active recreational facilities for the community within a park-like setting and atmosphere; to promote certain healthy and beneficial outdoor leisure time activities for park users which do not present a significant risk of harm to others; and to afford reasonable access for the public to outdoor athletic, social and educational activities. Compatible uses are intended to be active in nature and will require modification and alteration of natural terrain and disturbance to natural habitat to create a balance between the public's need for active outdoor recreation and preservation of open space. Compatible uses include but are not limited to:

1. All uses allowed in "Outdoor Public Recreation, Passive" areas;
2. Fairgrounds;

3. Ice skating rinks;
4. Picnic grounds, barbecue pits and similar cooking facilities;
5. Playgrounds;
6. Shelters, observation decks, platforms, pavilions, storage sheds, patios, and restroom facilities;
7. Sports courts and playing fields, including baseball, basketball, football, lacrosse, rugby, soccer, softball, tennis, and other similar athletic activities; and
8. Swimming pools, lakes, and ponds.

The phrase "Outdoor Public Recreation, Active" includes allowances for public parking and access roads and buildings and structures normally incidental to the types of uses described above. The phrase "Outdoor Public Recreation, Active" does not include "Amusement or Water Park," "Golf Course / Driving Range / Club," "Commercial Amusement, Outdoor," "Recreation / Fitness, Outdoor," or "Shooting / Archery Range." In addition, the phrase "Outdoor Public Recreation, Active" does not include such uses including but not limited to all-terrain vehicle, motorbike, go-cart, snowmobile, or horse riding or operation; survival games, or any use that involves the use of a firearm or bow.

**Outdoor Public Recreation, Passive** means the public use of public property to protect and preserve park lands, wilderness areas, open spaces, and scenic areas; to conserve fish and wildlife, to promote forestry, wetlands, and other natural habitats; and to promote natural green spaces for the community to use for passive recreational purposes. Compatible uses are intended to be passive in nature to prevent the disturbance of the natural terrain, habitat and wildlife and include but are not limited to such things as:

1. Agricultural uses, not requiring extensive cultivation such as orchards and meadows;
2. Botanical gardens;
3. Community gardens;
4. Constructed wetlands;
5. Cross-country skiing;
6. Fishing in areas designated by applicable park board regulations;
7. Nature viewing;
8. Pedestrian walkways, sidewalks, trails, and bicycle paths (specifically excluding trails for motorized equipment).
9. Tree farms, operated on a non-profit basis and not for commercial logging;

The phrase "Outdoor Public Recreation, Passive" includes allowances for public parking and access roads and buildings and structures normally incidental to the types of uses described above. The phrase "Outdoor Public Recreation, Passive" does not include "Amusement or Water Park," "Commercial Amusement, Outdoor," "Golf Course / Driving Range / Club," or "Outdoor Public Recreation, Active."

**Overnight Accommodations** means places that offer overnight accommodations for short-term rental in increments of not less than 20 hours, including hotels, motels, and commercial inns.

## **P**

**Parcel Proposed for Development** means any legally described parcel of land which is designated by the owner or developer as land to be used or developed as a single unit, or which has been developed as a unit as determined by the Zoning Inspector. Parcels proposed for development oftentimes go through the subdivision to create individual lots.

**Parking Aisle** means the area of a parking lot or parking structure which provides for vehicular access to off-street parking stalls. The phrase "parking aisles" does not include the word "driveway" or the phrase "access point."

**Parking Lot** means an area of land that is designated for the parking of automobiles and light trucks, the related parking aisles, the landscaped areas that are surrounded by the parking lot's paved areas, and the landscaped areas at the corners of the paved areas insofar as their inclusion in the parking lot area gives it a regular shape. The phrase "parking lot" does not include driveways on individual residential lots, nor does it include individual garages or carports. Parking lots that are principal uses of property are not related to a specific land use on the same parcel.

**Parking Row** means a row of parking spaces that are parallel to each other and take access to a parking aisle or street. Parking rows may exist as singular rows, or may be located back-to-back to each other providing access to different, but parallel parking aisles.

**Parking, Shared** means parking lots or spaces which is shared by tenants, visitors, and the general public.

**Parking Space** means an area that is used for parking of motor vehicles, whether in a building, structure, or in the open, that:

1. Is accessible from a street or parking aisle and meets the applicable dimensional requirements of this chapter; or
2. Is accessible from a street is located in a residential driveway, garage, or carport, and meets the dimensional requirements for a standard parking space set out in this chapter.

**Parking Structure** means a structure that is composed of one or more levels that are used exclusively for the parking of motor vehicles. A parking structure may be totally below grade (underground parking structure); or partially or totally above grade (above-ground parking structure); and may be separate from or integrated into a building that is used for other purposes. Parking structures include parking lifts. Parking structures that are principal uses of property are not related to a specific land use on the same parcel.

**Permanent Foundation** means permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to O.R.C 4781, to which a manufactured home may be affixed.

**Permanently Sited** means a manufactured home meets all the criteria set out by the O.R.C 3781.06(C)(6), *Public buildings to be safe and sanitary - definitions*.

**Permitted Use** means a use that is allowed by right in a district after the issuance of a zoning certificate (in most cases), provided such use is authorized as a permitted use by this chapter and the Zoning Inspector determines compliance with all applicable provisions of this chapter.

**Permitted with Regulations Use** means a use that is approved by the zoning inspector contingent on compliance with listed regulations.

**Personal Care Services** means services including, but not limited to, the following:

1. Assistance with activities of daily living;
2. Assistance with self-administration of medication, in accordance with paragraph (C) as set out in Ohio Admin. Code 5122-33-17; and
3. Preparation of special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian in accordance with paragraph (B) as set out in Ohio Admin. Code 5122-33-20.

Personal care services does not include "skilled nursing services." A facility need not provide more than one of the services listed in this paragraph for a facility to be considered to be providing personal care services. Nothing in this definition shall be construed to permit personal care services to be imposed upon a resident who is capable of performing the activity in question without assistance.

**Personal Storage** means a building or group of buildings of a controlled- access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access bays, stalls or lockers for the storage of customers' household items or business property.

**Pervious Pavement** or **Pervious Pavement System** means a pervious pavement surface which is combined with one or more underlying aggregate layers designed to temporarily store stormwater. These systems include, but are not limited to, the following:

1. Pervious asphalt;
2. Pervious concrete;
3. Modular pavers designed to funnel water between blocks;
4. Lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water;
5. Plastic geocells with turf grass or gravel; and
6. Reinforced turf grass or gravel with overlaid or embedded meshes.

Impervious surfaces and gravel, turf, or other materials that are not part of a structured parking system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system.

**Pervious Pavement Surface** means pavement surface or other similar material which permits percolation of stormwater into the ground.

**Pet Store** means any retail establishment offering small animals, fish and birds for sale as pets and including grooming services and the sale of associated pet food and supplies.

**Place of Public Assembly** means a building in which people assemble for civic, educational, religious, or cultural purposes. This use includes facilities used for the following:

1. Event Facilities;
2. Meeting Halls;
3. Fraternal Organizations;
4. Places of Worship; and
5. Private Clubs.

The phrase "place of public assembly" does not include the phrase "indoor recreation" or "indoor commercial amusement."

**Place of Worship** means a facility where persons regularly assemble for religious purposes and related social events.

**Planned-Unit Development (PUD)** means a set of regulations authorized by O.R.C 519.021, *Planned-unit development regulations*, which furthers the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development.

**Planned Conservation Development** means a planned-unit development option for new residential neighborhoods that provides a more flexible arrangement of buildings and roadways intended to:

1. Maximize preservation of the Township's remaining sensitive natural resources by determining the site's capacity for development, including varying protections of:
  - a. Waterbodies and Watercourses;
  - b. Wetlands;
  - c. Riparian Setbacks;
  - d. Drainageways;

- e. Steep Slopes; and
  - f. Woodlands;
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.

The term "Planned Conservation Development" is the opposite of the "Traditional Development" and does not allow a mixed-use form of development.

**Post Office or Parcel Service** means a retail branch of the United States Postal Service or private parcel delivery service.

**Principal Building** means a building in which the principal use of a lot or parcel is conducted.

**Principal Structure** means, if there is no principal building the structure in which the principal use of a parcel is located, or the largest structure on a parcel. Fences and garden walls are not principal structures.

**Principal Use** means the main use to which a parcel, lot, or premise (*e.g.*, a leased space in a commercial shopping center) is put.

**Private Restrictions** means easements, servitudes, covenants, conditions, and / or restrictions on property which are enforceable between private parties.

**Professional Sales & Services Office** is any business who provides sales or services directly to other businesses or supports other businesses or the general public and their well-being. These include permitted uses other than general retail sales and services.

**Prohibited Use** means a use that is not allowed in the specified district and in some cases the entire Township.

**Property Owners' Association** means an incorporated nonprofit organization operating under recorded land agreements through which:

1. Each lot, unit, or home or business owner in a planned conservation development (or other subdivision where there is common open space) is automatically a member;
2. Each lot, unit, or homeowner or business owner is automatically subject to a charge for a proportionate share of the expense of the organization's activities (*e.g.*, maintaining common open space, or other commonly owned property such as entrance monuments and landscaping); and
3. The charge, if unpaid, becomes a lien against the property.

Property owners' associations may also be called such things as "community associations," "condominium associations," "homeowner associations," "neighborhood associations," etc.

**Protected Lands** means lands permanently protected from development, whether by purchase or donation, through a perpetual conservation or open space easement or fee ownership for their cultural, historical, ecological, or agricultural value.

**Public Safety** means a police station, fire station, or emergency medical services station.

**Public Services** means federal, state and county functions that have direct contact with residents, visitors, or business owners on a regular basis, generally without appointments, including agricultural extension offices, driver's license and vehicle registration offices, and comparable facilities. The phrase "public services" is limited to services provided by the public sector.

**Public Utility** means any company or other legally existing entity which hold a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which delivers a good or service to the public and which has been determined to be a public utility by the Zoning Inspector or the Board of Zoning Appeals based upon the following factors relative to:

1. *Public Service.*

- a. Is there the devotion of an essential good or service to the general public, which has a right to demand or receive the good or service?
- b. Must the company provide its good or service to the public indiscriminately and reasonably?
- c. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?

2. *Public Concern.*

- a. Is there concern for the indiscriminate treatment of those people who need and pay for the good or service? (For example, are prices fairly set?)
- b. Is there a mechanism for controlling price? (For example, does marketplace competition force providers to stay fairly priced?)

A "Public Utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, that has been issued a permit under O.R.C 3734, *Solid and hazardous wastes*, or a construction and demolition debris facility that has been issued a permit under O.R.C 3714, *Construction and demolition debris*.

## Q

**Quarrying** means the removal of minerals, rock, stone, clay, gravel, sand, earth or topsoil by excavation or otherwise for disposition elsewhere. The term "Quarrying" does not include any necessary excavation related to any lawful construction operation, or any earth disturbing activities which cause any slope to become unstable, impose loads which affect the safety of structures or slopes, interfere with adequate drainage for the site area or the drainage of land tributary to the site, or obstruct, damage or adversely affect lawfully existing utilities or drainage, whether public or private, or cause stagnant water to collect, or cause sedimentation or erosion.

## R

**Recreation / Fitness, Indoor** means uses that provide active indoor recreation opportunities, on a subscription or membership basis, on a per-unit of time basis, or free of charge, for the public or for residents of a subdivision or development. The phrase "Recreation / Fitness, Indoor" includes but is not limited to:

1. Subdivision, neighborhood, or community recreation centers or athletic clubs;
2. Gymnasiums;
3. Indoor swimming pools;
4. Indoor tennis, basketball, racquetball, handball or other play courts;
5. Indoor skating rinks (ice or roller);
6. Indoor playgrounds (including, but not limited to, standard playground equipment, inflatable equipment, trampolines, rock climbing walls, and zip lines);
7. Indoor velodromes;
8. Laser tag; or
9. Martial arts, yoga, dance, and exercise studios.

The phrase "Recreation / Fitness, Indoor" does not include the phrase "Commercial Amusement, Indoor," nor does it include indoor playgrounds that are accessory to restaurants. The phrase "Recreation / Fitness, Indoor" is subsumed by the phrases "Amusement Park" when such facilities include indoor recreation activities.

**Recreation / Fitness, Outdoor** means uses that provide active or passive outdoor recreation opportunities, on a subscription or membership basis, on a per-unit of time basis, or free of charge, for the public or for residents of a subdivision or development. The phrase "Recreation / Fitness, Outdoor" includes but is not limited to:

1. Jogging, cycling, tot-lots, fitness trails, playing fields, playgrounds, outdoor swimming pools, and tennis courts;
2. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or
3. Other passive recreation-oriented areas, including picnic areas and community garden plots.

The phrase "Recreation / Fitness, Outdoor" does not include "Amusement or Water Park," "Commercial Amusement, Outdoor," "Golf Course / Driving Range / Club," "Outdoor Public Recreation, Active," "Outdoor Public Recreation, Passive," or "Shooting / Archery Range."

**Recycling Center** means a building or site that is used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, or cleaning. Processing does not mean melting down.

**Rendering Plant** means any premises where raw rendering materials are converted into fats, oils, feeds, fertilizer, and other products.

Crossreference: O.R.C 953.21, *Rendering plant definitions*.

**Research and Testing Laboratory** means research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. The phrase "Research and Testing Laboratory" does not include the phrase "Medical Lab," but does include other research and testing that may be related to medicine that is not included in that phrase, such as mass spectrometry and product quality testing.

**Residential Care Facility** means (except as provided below) a home or facility, including a facility certified as an intermediate care facility for the mentally retarded, in which an individual with mental retardation or a developmental disability resides. A Residential Care Facility does not mean any of the following:

1. The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides;
2. A respite care home certified under O.R.C 5126.05; *County boards of developmental disabilities*.
3. A county home or district home operated pursuant to O.R.C 5155, *County homes*;
4. A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living.

**Restaurant** means an establishment that serves prepared meals to customers for consumption on-site or off-site, but does not include drive-in or drive-through facilities (but may include designated parking spaces for "curbside pickup" of food ordered in advance if the curbside pickup is a clearly subordinate function to the restaurant's operations). The phrase includes:

1. Full-service restaurants;
2. Limited-service eating facilities; and
3. Special foodservices.

**Retail Sales and Services** means commercial retail, business service, and personal service uses that are not specifically defined elsewhere in this chapter, which do not include regular outside storage or sales. The phrase includes uses that are comparable to the following:

1. Branch banking
2. Clothing, clothing accessory, and jewelry stores;
3. Computer and small appliance repair;
4. Copy centers, parcel service drop-off locations, and mailbox services;
5. Electronics and appliance stores;
6. Florist, card, and gift shops;
7. Food and beverage stores;
8. Furniture and home furnishings stores;
9. General merchandise stores;
10. Hair and nail salons;
11. Hardware stores, plumbing supplies, electrical supplies, lighting stores;
12. Health and personal care stores;
13. Laundromat, retail dry cleaning, tailoring, shoe repair, and clothes restoration;
14. Miscellaneous store retailers;
15. Music, dance, martial arts, yoga, and other similar instruction;
16. Paint and wallpaper stores;
17. Pet stores (with or without animal grooming and boarding);
18. Sporting goods, hobby, book, and music stores;
19. Tanning facilities and day spas; and
20. Tutoring.

**Retention Basin** means a facility within which stormwater runoff is stored in a permanent pool of water (also referred to as a wet pond).

**Right-of-Way** means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system. In no case shall a right-of-way be construed to mean an easement.

**Riparian Area** means naturally vegetated land adjacent to watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of Division 4.1.300, *Riparian Setbacks*.

**Riparian Setback** means those lands in Bainbridge Township that fall within the area defined by the criteria set forth in Section 4.1.302, *Establishment of Designated Watercourses and Riparian Setbacks*.

## **S**

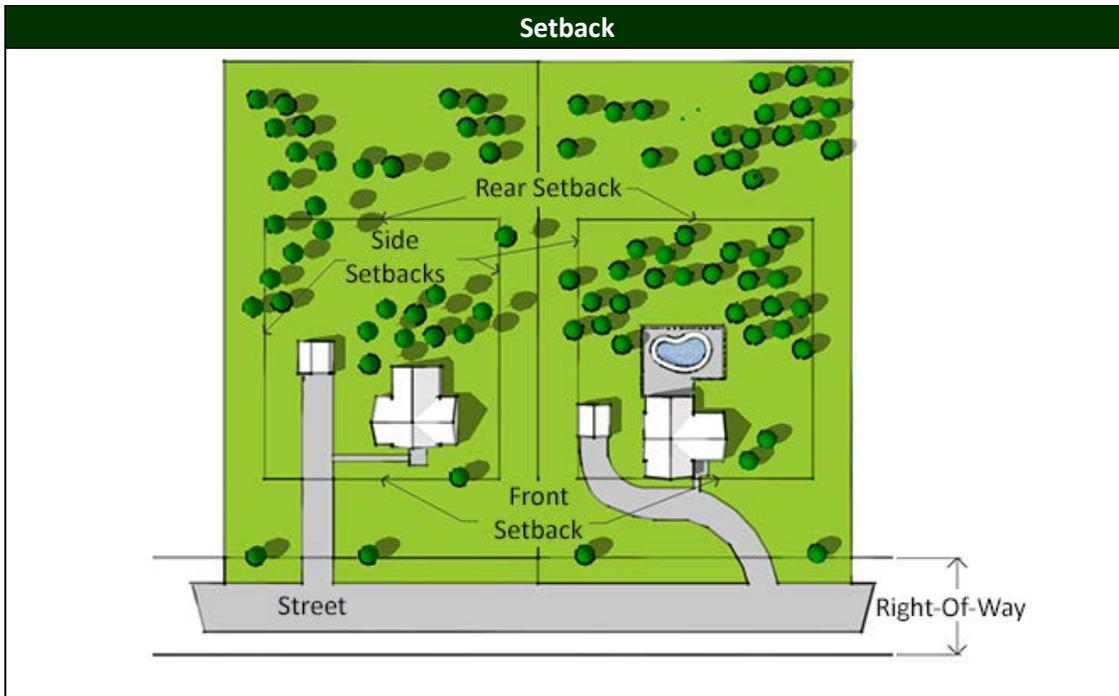
**Schools, Private** means an educational institution which provides fee-based instruction.

**Schools, Public** means the Kenston Local School District or other public accredited school system by the Ohio Department of Education.

**Sediment Pollution** means failure to use management (including stormwater management) or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other earth disturbing activities on land used or being developed or built upon for commercial, industrial, residential, or other non-agricultural purposes.

**Sedimentation** means the accumulation of soils or other surface materials transported and/or deposited by the action of wind, water, ice, or gravity as a product of erosion.

**Setback** means a line established by this chapter, generally parallel with and measured from any lot line, defining the limits of a front, side or rear yard in which no building may be located.



**Sexually Oriented Devices, Toys or Novelties** means, without limitation, any artificial or simulated "specified anatomical area" or other device, novelty, toy or paraphernalia that is designed principally for "specified sexual activities" or to stimulate human genital organs, but shall not mean any contraceptive device.

**Shielded** means a light fixture in which the lamp is not in sight from normal viewing angles. All fully shielded and full cut-off fixtures are considered to be shielded.

**Shooting / Archery Range, Indoor** means an area fully enclosed within a sound-proof building which is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar sport shooting.

**Shooting / Archery Range, Outdoor** means an outdoor area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar sport shooting.

**Shopping Center, Commercial** means a planned retail commercial site of not less than eight acres that contains a minimum of 10 individual retail stores and a minimum of 60,000 gross square feet of building floor area in not more than three buildings in a coordinated design with shared parking and access provisions.

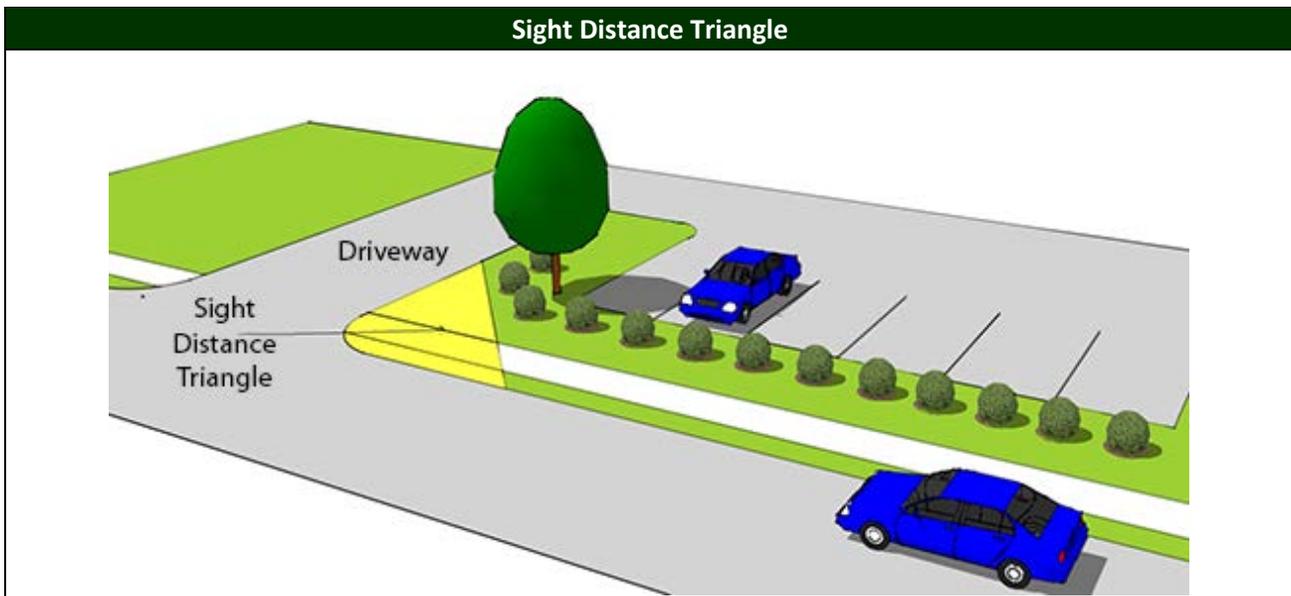
**Shopping Center, Large Commercial** means a planned retail commercial site of at least 20 acres that contains either a minimum of 400,000 gross square feet of building floor area or a minimum of 20 individual retail stores in a coordinated design with shared parking and access provisions.

**Shrub** means any of the following:

1. A woody plant of less size than a small tree, and usually with several stems from the same root;
2. Perennial plants that reach at least three feet in height; and
3. Ornamental grasses that reach at least three feet in height.

**Sidewalk** means a pedestrian way extending along, parallel to, and within an easement or the right-of-way of a public or private street. In addition, sidewalks are also used to provide off-site connections into and throughout a development.

**Sight Distance Triangle** means the triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway.



**Significant Stand** means a stand of trees with interconnected canopies that cover an area of at least 10,000 square feet.

**Single-Family Attached** means:

1. Two or more dwelling units that are designed so that individual units have individual ground-floor access and are separated from each other by unpierced common walls from foundation to roof (*e.g.*, side-by-side duplexes and all types of townhomes); or
2. Two dwelling units that are designed so that individual units:
  - a. May or may not have individual exterior doors, but provide no direct access between the first floor and second floor unit (access may be through a common interior foyer that provides access to both units or through separate exterior doors); and
  - b. Are separated from each other by a floor (*e.g.*, over-under duplexes).

**Single-Family Detached** means dwelling units that are:

1. Located in individual buildings that are constructed on:
  - a. Individual lots; or
  - b. Land that is designated as a limited common element in a declaration of condominium;
2. Separated from each other by outside walls; and
3. Intended for the use of a single housekeeping unit.

The term also means industrialized units that are affixed to a permanent foundation and are similar in scale and appearance to houses in the general vicinity. Industrialized units are defined in O.R.C 3781.06(C)(3) and have an insignia which has been issued by the Ohio Board of Building Standards pursuant to Ohio Admin. Code 4101:2-1-62(A). "Industrialized unit" does not include a "manufactured home" or "mobile home" as defined in this chapter.

The term does not include patio/garden homes nor townhomes.

**Single-Family Cluster** means a development of single-family detached buildings that are arranged to provide common open spaces, sized according to minimum open space ratios that are established by this chapter.

**Skilled Nursing Services** means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing services" includes, but is not limited to, the following:

1. Irrigations, catheterizations, application of dressings, and supervision of special diets;
2. Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;
3. Special procedures contributing to rehabilitation;
4. Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication; or
5. Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

**Slaughterhouse** means a place where animals are slaughtered for food.

**Slope** means the change in the vertical measurement divided by the change in the horizontal measurement. The figure is written as a ratio or a percentage.

**Steep Slopes** means land where the slope has a grade of 18 percent or greater.

**Small Wind Farm** means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts. Crossreference: O.R.C 519.213, *Township small wind farm zoning regulations*.

**Soil and Water Conservation District** means an entity organized under O.R.C 1515, *Soil and water conservation commission*, referring to either the Soil and Water Conservation District Board or its designated employees.

**Specified Anatomical Areas** means less than completely and opaquely covered human genitals, pubic region, buttocks, and the female breast at a point immediately above or below the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities** means any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;
3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
4. Masturbation, actual or simulated; or
5. Excretory functions as part of, or in connection with, any of the activities set forth herein above.

**Standard Neighborhood** means a residential development that consists of single-family detached housing that could include a variety of lot sizes including single-family cluster development configurations.

**Stealth Attached Wireless Telecommunications Facility ("WTF")** means a wireless telecommunications facility that is:

1. Attached to or incorporated into a building or structure (including light poles and electric power poles, but not including other guyed towers, lattice towers, or monopoles, except as provided in this definition, below); and
2. Designed so that it is either not visible (*e.g.*, it is located within a tower, cupola, steeple, silo, etc.) or it appears to be part of the building or structure (*e.g.*, integrated into the facade of a building as an architectural feature).

The phrase "Stealth Attached Wireless Telecommunications Facility" includes new antennae that are proposed for co-location on the support structure of a "Stealth Freestanding Wireless Telecommunications Facility," provided that such antennae will retain the stealth design of the Stealth Freestanding Wireless Telecommunications Facility.

**Stealth Freestanding Wireless Telecommunications Facility ("WTF")** means a wireless telecommunications facility, including a mounting structure, which is both:

1. Designed in such a way as to blend in with its immediate visual context, such that the structure and antenna is not readily recognized as a wireless communication facility; and
2. Not attached to a building or structure that is put to a different use.

**Storage Yard** means outdoor storage of operable equipment and building or infrastructure construction materials for off-site projects or right-of-way maintenance.

**Stormwater Management** means the mitigation of the hydrologic impacts of lost natural runoff storage by the use of constructed storage facilities.

1. For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by earth disturbing activities or activities upon the land; and
2. For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by earth disturbing activities or activities upon the land.

**Street** means a strip of land, comprising the entire area within a street right-of-way, which is intended for use as a means of vehicular and pedestrian circulation, which provides access to more than one lot.

**Street, Arterial** means a street (or road) indicated on the Geauga County Thoroughfare Plan Map for through traffic movement, typically carrying heavy traffic volumes, usually on a continuous route. A secondary function is providing access to abutting property.

Crossreference: Section 501D, Classification of Roads, of the Geauga County Subdivision Regulations.

**Street, Collector** means a street (or road) as indicated on the Geauga County Thoroughfare Plan Map for through traffic movement, which intercepts traffic from intersecting local streets and directs traffic movement to the nearest arterial street, typically carrying medium traffic volumes. A secondary function is providing access to abutting property.

Crossreference: Section 501D, Classification of Roads, of the Geauga County Subdivision Regulations.

**Street, Cul-De-Sac** means a local street one end of which connects with another street and the other end of which terminates in a vehicular turnaround the construction of which conforms to rules, regulations, and standard specifications for road improvements adopted by the board of county commissioners pursuant to O.R.C 711.101.

Crossreference: Article II, Definitions, of the Geauga County Subdivision Regulations.

**Street, Local** means a street (or road) as indicated on the Geauga County Thoroughfare Plan Map used primarily for direct access to abutting property and to serve localized needs, typically carrying light traffic volumes.

Crossreference: Section 501D, Classification of Roads, of the Geauga County Subdivision Regulations.

**Street, Loop** means a type of local street each end of which terminates at an intersection with the same arterial, collector, or local street.

Crossreference: Article II, Definitions, of the Geauga County Subdivision Regulations.

**Street, Marginal Access** means a local or collector street providing access to abutting properties and protection from arterial or collector streets.

Crossreference: Article II, Definitions, of the Geauga County Subdivision Regulations.

**Street, Private** means any street right-of-way that is not dedicated to public use, and which is maintained by a private entity, such as a property owners' association.

**Street, Public** means any street right-of-way that is publicly owned by deed, right-of-way dedication, or any other conveyance, and maintained by a federal, state, or local unit of government.

**Structure** means anything constructed or erected, the use of which requires a location on the ground or is attached to something having a location on the ground, and includes, but is not limited to, buildings, parking lots, driveways, sidewalks, fences, seating facilities, platforms, backstops, pergolas, ponds, pools, poles, tanks, tents, towers, transformer substations, signs, walls, canopies, air supported structures, street gutters, detention basins, extended detention basins, retention basins, constructed wetland infiltration basins, catch basins, oil/water separators, sediment basins, modular, porous and solid pavements, and aggregate stone driveways. Structure also includes any edifice used for storage.

**Subdivision** means the division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots for the purpose, whether immediate or future, or lease, or the transfer of ownership, or for development.

**Substantial Reconstruction** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial reconstruction is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications, which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

**Sweepstakes** means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under O.R.C 2915, *Gambling*, pari-mutuel wagering as authorized by O.R.C 3769, *Horse racing*, lotteries conducted by the state lottery commission as authorized by O.R.C 3770, *State lottery*, and casino gaming as authorized by O.R.C 3772, *Casino gaming*.

**Sweepstakes Terminal Device** means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

1. The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
2. The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
3. The device selects prizes from a predetermined finite pool of entries.
4. The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
5. The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
6. The device utilizes software to create a game result.
7. The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
8. The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered. Crossreference: O.R.C 2915.01, *Gambling definitions*

## **I**

**Temporary Use** means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

**Townhouse** means a single-family attached dwelling unit, with a single unit going from ground to roof and with individual outside access.

1. *Standard Townhouse.* The term "standard townhouse" means that each unit shares a common wall along both stories.
2. *Weak-Link Townhouse.* The term "weak-link townhouse" means that the units share a common wall, but each unit has a one-story and two-story section. Oftentimes, this makes the weak-link townhouse wider than a standard townhouse.

**Traditional Development** means a development option for new residential neighborhoods that provides a typical suburban form of residential development characterized by subdivisions of large/medium sized lots along curving streets. For the purposes of this chapter the term "Traditional Development" is not a planned-unit development and not require an analysis of site's capacity for development nor the set aside of protected open space.

The term "Traditional Development" is the opposite of the "Planned Conservation Development" and does not allow a mixed-use form of development.

**Tree, Evergreen** means a tree or shrub that has persistent foliage and remains green throughout the year. For the purposes of this chapter, evergreen trees shall reach at least 12 feet in height at maturity.

**Tree, Large** means a tree with a canopy that, at maturity, would occupy the upper level of a forest in a natural ecological situation. These trees are commonly called shade trees. They typically reach heights of more than 50 feet at maturity.

**Tree, Small** means a tree with a canopy that would occupy the intermediate level of a forest in a natural ecological situation. They are also found as dominant species in old field succession. These trees are commonly called ornamental trees. Small trees are deciduous trees that typically reach heights of 12 to 44 feet at maturity.

**Tree, Street** means a species of a tree that the Township has determined is appropriate for planting within private street easements.

**Tree, Street Grate** means a small planting area that is integrated into a sidewalk in order to provide a planting medium for street trees where there is an insufficient area for a street tree lawn, *e.g.*, in the MUP

district. Street tree grates are located within the right-of-way lying between the public or private street and private property.

**Tree, Street Lawn** means the land (or landscape area) within the right-of-way lying between the public or private street and private property (excluding such portion that is covered by a sidewalk) which is where street trees (and sometimes, other landscaping) are planted.

**Twin** means a single building on a single lot, which contains two dwelling units, each of which is totally separated from the other by an unpierced wall extending from foundation to roof.

## U

**Urgent Care** is an establishment that provides unscheduled, ambulatory walk-in care outside of a hospital emergency room.

## V

**Variance** means a modification or departure from the terms of this chapter, authorized by the Board of Zoning Appeals on appeal.

**Vehicle Rentals and Sales** means uses that sells or rents automobiles, light trucks, boats, all-terrain vehicles, and motorcycles, where the inventory is stored for any length of time on-site. The use may also include Fueling Stations, Vehicle Wash, and Light Vehicle Service uses as an accessory use (*i.e.*, fleet maintenance or a service department). The use does not include body shops (*e.g.*, collision repair), paint booths, or reupholstering unless they are approved as principal uses on the same site.

**Vending Kiosk / ATM** means a self-service, interactive device that is located on the outer side of a principal building (or as a stand-alone unit outside and independent of the principal building), which is accessible to the general public for the purposes of dispensing product or information.

**Video / Arcade Viewing Booth** means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video tape, laser disc, cd-rom, dvd, books, magazines or periodicals) for observation by patrons therein. A video-viewing booth or arcade booth shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than 500 square feet of floor area.

**Vertical Mixed Use** includes specific structures permitted in a mixed-use development. Multi-story buildings requiring first floor/level retail sales or retail service tenants with pedestrian access. Subsequent stories may have either retail, professional offices, or apartment or condominium style units, but may not have a blend of residential uses with non-residential uses on the same floor. First floor residential is prohibited.

**Vocational School** means an educational facility that primarily teaches skills that directly prepare students for jobs in a trade or profession. Examples include, but are not limited to, art schools, business colleges, trade schools, and secretarial colleges.

## W

**Warehousing and Logistics** means indoor warehousing, distribution, or logistics facilities; retail distribution centers; order fulfillment centers; and moving and storage services (including full-service moving and storage and indoor storage of shipping containers). The phrase does not include self-storage; wholesale; or warehousing and distribution that are accessory to a light industrial or heavy industrial facility, nor parcel service drop-off locations that are not accessory to a parcel service processing facility.

**Waste Transfer Station** means the use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. The phrase "Waste Transfer Station" includes a facility for drop-off of recyclable materials (*e.g.*, waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing. The phrase "Waste Transfer Station" does not include a wastewater treatment facility.

**Waste Water Treatment Plant (WWTP)** means a facility at the end of a sanitary collection system which processes the influent waste, and discharges water to a receiving system, treated to the standards of the Ohio Environmental Protection Agency (EPA).

**Waterbody** means any area where there is permanent water surface and is delineated by the following:

1. Lake: a waterbody greater than two acres.
2. Pond: a waterbody that is two acres or less.
3. River: a waterbody that is 20 feet or greater in width.
4. Stream: a waterbody is less than 20 feet in width.

**Watercourse** means any brook, channel, creek, river, or stream having banks, a defined bed, and definite direction of flow, either continuously or intermittently flowing.

**Wetland** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 CFR 232, as amended).

**Wild, Dangerous, or Undomesticated Animal** means an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:

1. Is a poisonous or venomous animal or snake, or a snake that is a constrictor;
2. Is an omnivorous or carnivorous animal weighing more than twenty pounds and which is a predator in its natural habitat;
3. Is an animal which, by reason of its size, strength or appetite, if unrestrained and free in the Township, could cause peril to persons, pets, or other domesticated animals, buildings, landscaping or personal property;
4. Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal;
5. Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
6. Is, by illustration, and without limitation to the following: a lion, tiger, lynx, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elk, moose, caribou, elephant, giraffe, rhinoceros, hippopotamus, wolf, wild ox, boar, crocodile, alligator, caiman, gavial, ostrich, hyena, gorilla, bison or coyote.

**Wind Energy Conversion System (WECS)** means equipment that converts and then stores or transforms kinetic energy from the wind into usable forms of energy. Such equipment includes, but is not limited to, an anchor base, airfoil, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wiring, inverter, batteries, or any other components used in the system. A WECS may include equipment that is used for pond aeration and/or pumping water and may be free standing or attached to a building that supports the wind turbine. A single WECS, or multiple WECS's may be combined to create a small wind farm.

**Wireless Telecommunications Facilities** means radio or television broadcasting towers, telecommunications towers, and antenna / satellite dish arrays (free-standing or tower mounted). The phrase does not include residential satellite dishes, TV or HDTV antennae, or amateur radio antennae.

**Woodland** means an area covered by a canopy of woody plants (trees) that qualifies as mature and/or young. It may also be a forest, wood lot, grove, or stand of trees meeting the specifications of the forest type.

**X**

**Y**

**Yard** means an open area on the same lot with a building, which is unoccupied and unobstructed by any portion of the building from the ground upward, except as may otherwise be provided in this chapter, and may be further defined as:

1. "Front yard" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front building line of the principal building.
2. "Rear yard" means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear building line of the principal building.
3. "Side yard" means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Z**

**Zoning Certificate** means a document authorized by this Zoning Resolution and issued by the Zoning Inspector authorizing a building or structure or the use of a building or structure, land or premises

**Zoning Department**, means the Zoning Department (or title as amended) of Bainbridge Township, Ohio.

**Zoning Inspector**, means the Zoning Inspector (or title as amended) of the Zoning Department for Bainbridge Township, Ohio, or designee thereof, and whose duties include administration and enforcement of this resolution.

**Appendices**

**Appendix A – Use Table**

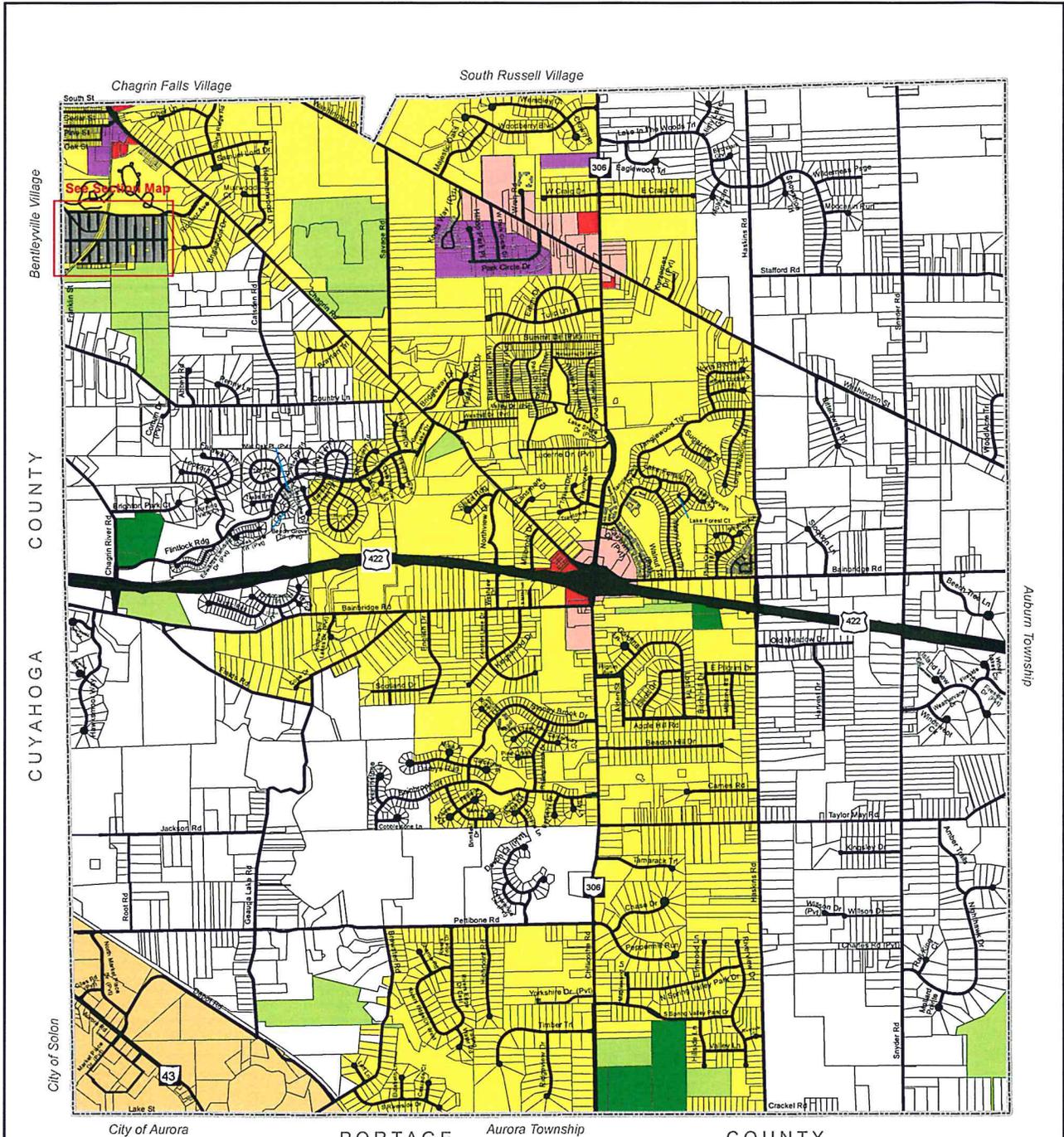
List of Uses by Allowance Type: C=Conditional, (-) =Not Permitted, P=Permitted Use, PR=Permitted with Regulations Use

Use	Use Allowance
Helistop	C
Planned Unit Development	C
Adult Oriented Business	-
Animal Veterinary Services, Large Animals	-
Cemetery	-

<b>College/University/Vocational School</b>	-
<b>Farm Supplies and Services</b>	-
<b>Funeral Home</b>	-
<b>Golf Course/Driving Range/Club</b>	-
<b>Heavy Retail</b>	-
<b>Library</b>	-
<b>Light Industry and Wholesale</b>	-
<b>Manufactured Home</b>	-
<b>Outdoor Public Recreation, Active</b>	-
<b>Outdoor Public Recreation, Passive</b>	-
<b>Pawn Shop</b>	-
<b>Post Office or Parcel Service</b>	-
<b>Schools, Private</b>	-
<b>Schools, Public</b>	-
<b>Shooting/Archery Range, Indoor</b>	-
<b>Small Wind Farm</b>	-
<b>Storage Yard</b>	-
<b>Tattoo Parlor</b>	-
<b>Vehicle Rentals and Sales</b>	-
<b>Warehousing and Logistics</b>	-
<b>Adult Long-Term Care Facility</b>	P
<b>Child Day-Care Center</b>	P
<b>Child Family Day-Care Home Type B</b>	P
<b>Commercial Amusement, Indoor</b>	P
<b>General Office</b>	P
<b>Hospitals/Medical Clinics/Medical Labs/Urgent Care</b>	P
<b>Medical Office</b>	P
<b>Motion Picture Production Studio</b>	P
<b>Overnight Accommodations (hotels, motels; commercial inns</b>	P
<b>Public Services</b>	P
<b>Recreation and Fitness, Indoor</b>	P
<b>Recreation and Fitness, Outdoor</b>	P
<b>Restaurant</b>	P
<b>Retail Sales and Services</b>	P
<b>Single-Family Detached</b>	P

<b>Twin</b>	<b>P</b>
<b>Agriculture Uses</b>	<b>PR</b>
<b>Amusement or Water Park</b>	<b>PR</b>
<b>Animal Boarding Facilities, Small Animals</b>	<b>PR</b>
<b>Animal Grooming Facilities</b>	<b>PR</b>
<b>Animal Veterinary Services, Small Animals</b>	<b>PR</b>
<b>Commercial Amusement, Outdoor</b>	<b>PR</b>
<b>Drive-In/Drive-Through Facilities</b>	<b>PR</b>
<b>Farm Market</b>	<b>PR</b>
<b>Fueling Stations, Vehicle Wash, and Light Vehicle Service</b>	<b>PR</b>
<b>Home Occupation</b>	<b>PR</b>
<b>Live/Work Townhome</b>	<b>PR</b>
<b>Mixed-Use</b>	<b>PR</b>
<b>Multi-Family</b>	<b>PR</b>
<b>Non-Stealth Freestanding WTF</b>	<b>PR</b>
<b>Nursery or Greenhouse, Retail</b>	<b>PR</b>
<b>Pet Stores</b>	<b>PR</b>
<b>Personal Storage</b>	<b>PR</b>
<b>Place of Public Assembly (places of worship, meeting halls, and fraternal organizations)</b>	<b>PR</b>
<b>Public Safety</b>	<b>PR</b>
<b>Research and Testing Laboratory</b>	<b>PR</b>
<b>Stealth Attached WTF</b>	<b>PR</b>
<b>Stealth Freestanding WTF</b>	<b>PR</b>
<b>Townhome</b>	<b>PR</b>

**Appendix B**



BENTLEYVILLE VILLAGE  
 COUNTY  
 CUYAHOGA  
 CITY OF SOLON

Chagrin Falls Village

South Russell Village

See System Map

City of Aurora

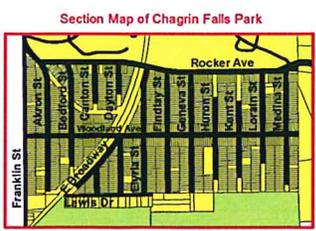
PORTAGE

Aurora Township

COUNTY

Auburn Township

# Bainbridge Township Zoning Map



Source: Geauga County Auditor's Office & Bainbridge Township Zoning Map.  
 Prepared by: Geauga County Planning Commission April 2004;  
 Revised August 2005, Revised October 2005, Revised February 2014.

- Zoning Districts**
- R-3A: Rural Residential
  - R-5A: Rural Open Residential
  - CB: Convenience Business
  - PO: Professional Office
  - MUP: Mixed Use Planned Unit Development
  - LIR: Light Industry Restricted
  - APP: Active Public Park
  - PPP: Passive Public Park



2-2015-1  
 Amendment No. \_\_\_\_\_ is hereby Adopted by the Bainbridge Township Board of Trustees this 8<sup>TH</sup> day of JUNE, 2015.  
 Effective 8<sup>TH</sup> day of JULY, 2015.  
 Read and approved by the Board of Trustees this 8<sup>TH</sup> day of JUNE, 2015.

*Jeffrey Markley*  
 Jeffrey Markley, Trustee

*Orville Horn*  
 Orville Horn, Trustee

*Lorrie Sass Benza*  
 Lorrie Sass Benza, Trustee

*Janece Sugerman*  
 Janece Sugerman, Fiscal Officer