BAINBRIDGE TOWNSHIP

1987

ZONING RESOLUTION

"Including Subsequent Amendments Adopted Thereto"

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CHAPTER 101

PURPOSE AND CONFLICT

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101.01 TITLE.

This resolution shall be known and may be cited as the duly-enacted 1948 Zoning Resolution, amended thereafter, of Bainbridge Township, Geauga County, Ohio, and is referred to herein as this Zoning Resolution. **[Adopted 6/1/2009 - Z-2009-1]**

101.02 DECLARATION OF PURPOSE.

The Board of Trustees and Zoning Commission of Bainbridge Township have, through an evaluation of development factors, anticipated future growth and basic community goals, established basic guidelines and objectives for future development in the Township. It has been determined, due to the location of the Township within the area, the natural limitations of soil and geologic conditions which affect water supply and sewage treatment, the limited capability of the Township to provide urban services, the current character of development within the Township, and the expressed objective of the residents of the community, that Bainbridge Township shall be essentially a low density residential community, with nonresidential development generally limited to that necessary for the convenience of residents. It has been further determined that a major asset to the community is the natural rural quality of the landscape, and that this quality, insofar as possible, should be preserved. To achieve these basic objectives, in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare, to insure the preservation of open space, adequate light and air, freedom from congestion and objectionable or noxious uses, and to provide for the orderly and efficient growth of the community, the Board of Trustees of Bainbridge Township deems it necessary, in accordance with the provisions of Ohio R. C., Chapter 519, to regulate the use of land, the size and location of buildings, yards and open space and other characteristics of future development within the Township, and hereby adopts and enacts the following Resolution which shall be in force and effect within the unincorporated territory of

Bainbridge Township. The Board of Trustees of Bainbridge Township intends to exercise all zoning and planning powers now or hereafter conferred by the Ohio General Assembly and has enacted this Zoning Resolution to be consistent with and to implement the Bainbridge Township Guide Plan for Land Development, 2000. **[Adopted 6/1/2009 - Z-2009-1]**

101.03 PROVISIONS TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Zoning Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Zoning Resolution conflict, the requirements imposing the most restrictive or the higher standards shall govern.

101.04 SEVERABILITY CLAUSE.

Should any section or provision of this Zoning Resolution be declared to be unconstitutional or invalid, such decision shall not affect the validity of the Zoning Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

101.05 REPEAL OF CONFLICTING PROVISIONS.

All resolutions or parts of resolutions in conflict with this Zoning Resolution or inconsistent with the provisions thereof are hereby repealed to the extent necessary to give this Zoning Resolution full force and effect. This Zoning Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

101.06 FIRST DAY EXCLUDED AND LAST DAY INCLUDED IN COMPUTING TIME; EXCEPTIONS; LEGAL HOLIDAY DEFINED.

The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Saturday, Sunday or a legal holiday, then the act may be done on the next succeeding day which is not Saturday, Sunday or a legal holiday.

When a public office in which an act, required by law, is to be performed is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Saturday, Sunday or legal holiday as defined in Ohio Revised Code Section 1.14.

"Legal holiday" as used in this section means the days set forth in Ohio Revised Code Section 1.14. If any day designated in Ohio Revised Code Section 1.14 as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.

If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

101.07 EFFECT OF AMENDMENT.

The amendment of this resolution does not:

A. Affect the prior operation of this resolution or any prior action taken thereunder;

B. Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;

C. Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal;

D. Affect any investigation, proceeding, or remedy in respect to any such privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the resolution had not been amended.

E. A provision or regulation, which is reenacted or amended, is intended to be a continuation of the prior provision or regulation and not a new enactment, so far as it is the same as the prior provision or regulation.

101.08 POWERS NOT CONFERRED BY CHAPTER 519 OF THE OHIO REVISED CODE OR THIS RESOLUTION.

A. This resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure. However, this resolution shall regulate the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located in accordance with Ohio Revised Code Section 519.21(B).

B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. As used in this resolution, “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 Chapter 3734. of the Ohio Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714. of the Ohio Revised Code. However, subject to Ohio Revised Code Section 519.211(B)(4)(a), the

provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.

C. This resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted by this resolution.

D. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

E. This resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public road or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909., 4921., and 4923. of the Ohio Revised Code.

F. This resolution does not apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any economically significant wind farm, whether publicly or privately owned, or the use of land for that purpose, having 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 five (5) megawatts or more.

G. Pursuant to Ohio Revised Code Section 5502.031, this resolution does not preclude amateur radio service communications and does not restrict the height or location of amateur station antenna structures in such a way as to prevent effective amateur radio service communications and shall comply with 47 C.F.R. 97.15.

H. This resolution does not prohibit a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes. As used herein, “biodiesel,” “biomass energy,” and “electric or heat energy” have the same meanings as in Section 5713.30 of the Ohio Revised Code.

I. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,060.710) British thermal units, five (5) megawatts, or both. As used in this section, "biologically derived methane gas" has the same meaning as in Section 5713.30 of the Ohio Revised Code.

J. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for agritourism. As used in this section, "agritourism" has the same meaning as in Section 901.80 of the Ohio Revised Code.

CHAPTER 105

DEFINITIONS

105.01 Rules of construction.

105.02 Specific meanings of words or phrases.

105.01 RULES OF CONSTRUCTION.

(a) **Common and Technical Usage.** Words and phrases as used in this Zoning Resolution shall be defined as provided in the latest edition of Webster's New World College Dictionary, except for those as may otherwise be specifically defined herein, and except for those words and phrases which have acquired a technical or particular meaning, whether by legislative definition or otherwise, and which shall be construed accordingly.

(b) **Singular and Plural; Gender; Tense.** As used in this Zoning Resolution, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular.

(2) Words in one gender include the other genders.

(3) Words in the present tense include the future.

(c) **Shall, May and Should.** The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.

(d) **Lot.** See definition of “lot” in Section 105.02.

(e) **Person.** The word "person" includes an individual, corporation, company, firm, organization, business trust, trust, estate partnership, association or any other legal entity.

(f) **Owner.** "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.

(g) **Tenant or Occupant**. "Tenant" or "occupant" as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

(h) **Premises.** "Premises", as applied to property, includes land, structures, and buildings.

105.02 SPECIFIC MEANINGS OF WORDS OR PHRASES.

As used in this Zoning Resolution, certain words or phrases shall have the following meanings:

"ABUTTING" means next to and having some portion of a lot, parcel or property boundary that is coterminous with another lot, parcel or property.

"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.

"ACCESSORY BUILDING, STRUCTURE OR USE" means a subordinate use of a building, structure or lot or a subordinate building or structure: (1) the use of which is clearly incidental to the use of the principal building, structure, or use of a lot; (2) which is customary in connection with the principal, structure or use of a lot; and (3) which is located on the same lot with the principal building, structure or use.

"ADJACENT" means the condition of being near or close to but may not necessarily be adjoining or touching.

"ADULT DAY-CARE" means a community-based establishment which provides recreational and educational activities in addition to care services for seniors.

"AGRICULTURAL PRODUCTION" shall have the same meaning as in O.R.C. Section 929.01.

"AGRICULTURE" includes farming; algaculture meaning the farming of algae; 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; and 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.

"AGRITOURISM" as defined in O.R.C. Section 901.80 means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity. For purposes of this definition, a "farm" as defined in O.R.C. Section 901.80 means land that is composed of tracts, lots or parcels, totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars ($2,500.00) from agricultural production.

"AGRITOURISM PROVIDER" as defined in O.R.C. Section 901.80 means a person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

"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 and O.R.C 5502.031.

"ANTENNA" means any system of wires, poles, rods, discs, dishes, or similar devises used for the transmission or reception of electromagnetic waves attached to the exterior of a building or mounted in the ground independent (freestanding) of a building. **[Z-1997-4 – Effective 8/6/1997]**

"APPLICANT" means the property owner or authorized legal entity filing an application under this resolution.

"AVERAGE FINISHED GRADE ELEVATION" means the mean elevation of the finished grade around the perimeter of any building or structure.

"BAINBRIDGE" means Bainbridge Township, its elected or appointed representatives, boards, or commission.

"BASEMENT" means that part of a building having at least one-half of its height below the average finished grade elevation.

"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 nuisances.

"BUILDING" means a temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

"BUILDING HEIGHT" means the vertical distance measured from the average finished grade at the front (street facing) of the building to the highest point of a gable, hip or gambrel roof or the coping of a flat roof or to the deck line of a mansard roof. **[Z-2002-2 – Effective 5/8/2002]**

"BUILDING LINE" means a line that circumscribes or outlines the exterior wall face of any building.

"BUILDING, PRINCIPAL" means a building within which the main or primary permitted or conditional use is conducted on a lot.

"CEMETERY" means real property used for the interment of human remains including any one (1) or a combination of more than one (1) of the following: a burial ground containing plots designated for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit of cremated remains.

"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.

"CHANNEL" means a manmade bed that conveys water; a ditch excavated for the flow of water a non-stream, a non-watercourse.

"CHILD DAY-CARE" means supervision and care of children that is provided by a person or organization that possesses any applicable licensing.

"CHILD DAY-CARE CENTER" and "CENTER" as defined in O.R.C. 5104.01(L).

"CHURCH" means a building used for public worship and may include temples, cathedrals, synagogues, mosques, chapels, and congregations.

"CLINIC" or "URGENT CARE CENTER" means a place used for the examination, diagnosis and treatment of patients who are not fed or lodged overnight on the premises.

"CLUB" means a building or premises owned or operated primarily for exclusive use of members and guests, whether for a social, literary, political, educational or recreational purpose.

"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.

"COLLOCATION" means locating wireless telecommunications antennas and appurtenant equipment from more than one (1) provider on a single wireless telecommunications tower site.

"COMMERCIAL MOTOR VEHICLE" means any motor vehicle designed and used for carrying merchandise or freight, or used as a combination tractor-trailer or commercial tractor by drawing other vehicles whether independently or by carrying a portion of such other vehicle or its load, or both.

"COMMERCIAL SHOPPING CENTER" means a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, with on-site parking provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. The site shall be not less than eight (8) acres and contain a minimum of ten (10) individual retail stores and a minimum of sixty thousand (60,000) gross square feet of building floor area in not more than three (3) buildings in a coordinated design that may include shared parking and access provisions.

"COMPOST" means a humus-like organic material resulting from the biological decomposition of solid waste which may include a chemical change.

"COMPOSTING" means the managed process of biological decomposition of solid waste, which may include a chemical change, under controlled conditions resulting in compost.

"COMPREHENSIVE PLAN" means the Township Land Use Plan, as adopted by Bainbridge Township pursuant to O.R.C. 519.02, or any part, amendment, supplement or replacement thereof, which establishes goals, objectives and policies of the Township and shows the general location and extent of present and proposed physical facilities including residential, commercial and industrial uses, streets, parks and schools.

"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 resolution and the Board of Zoning Appeals determines compliance with all applicable provisions of this resolution (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 allow a conditional use in a district specifically authorized by this Zoning Resolution.

"CONTIGUOUS" means coterminous with or sharing a common lot line.

"COUNTY" means Geauga County, Ohio.

"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 instrument, and that runs with the land (*i.e.*, it is binding upon subsequent owners of the property).

"DAMAGED or DISEASED TREES" means trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a structure.

"DECK" means a structure consisting of wood, vinyl or other composite materials with or without a roof that is an open platform attached to a building or is freestanding and is supported by posts or piers.

"DENSITY" means a unit of measurement that indicates the number of buildings or dwelling units per acre of land.

"DESIGNATED WATERCOURSE" means a watercourse that is contained within, flows through, Bainbridge Township and meets the criteria set forth in Section 160.04 of this resolution.

"DETENTION BASIN OR STRUCTURE" means a permanent stormwater management facility for the temporary storage of runoff, which is designed to delay and attenuate flow.

"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 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.

"DISTRICT" means a portion of the township shown on the official township zoning map within which zoning regulations apply as specified in this resolution.

"DRIVEWAY" means a private accessway, primarily for vehicles, leading from a street to a parking space or loading/unloading area.

"DRY HYDRANT" means a standpipe connected by means of a pipeline to a water source that permits the withdrawal of water by drafting through the use of firefighting equipment.

"DWELLING" means any building, except a mobile home as defined in Ohio R. C. 4501.01(O), which is designed and used for residential purposes.

A. "Single-family dwelling" means a dwelling consisting of a single dwelling unit only, separated by other dwelling units by open space.

B. "Two-family dwelling" means a dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances. The combined two (2) dwelling units shall be separated from other dwelling units by open space.

C. "Multi-family dwelling" means a dwelling consisting of three (3) or more dwelling units with varying arrangements of entrances and party walls.

D. "Industrialized Unit" means a building as defined in Ohio Revised Code Section 3781.06(C)(3) for which an insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62(A). "Industrialized unit" does not include a "manufactured home" or "mobile home" as defined in this resolution. **[Z-2000-3 – Effective 7/26/2000]**

E. "Dwelling unit" means a group of rooms for living, dining and sleeping and attendant cooking, bathing and toilet facilities, which are arranged, maintained or designed to be occupied and used by a single family.

F. "Manufactured home" means a building unit or assembly of closed construction as defined in O.R.C. Section 3781.06(C)(4).

"EARTH OR SOIL 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. This may also include construction of buildings, structures, utilities, roadways, parking areas, and septic systems that will involve soil disturbance or altering of the existing ground cover.

"EASEMENT" means any portion of a parcel that is subject to a recorded instrument 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 (5) megawatts or more.

"EQUIPMENT BUILDING or SHELTER" means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed. **[Z-1997-4 – Effective 8/6/1997]**

"EROSION" means the process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

"ESSENTIAL SERVICES" means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

"EXTERIOR DISPLAY or SALES AREA" means an open area on a lot used to purvey goods, merchandise or services sold within the principal building on the same lot. Such goods or merchandise shall be available for direct sale and shall not be within shipping cartons or crates.

"EXTERIOR STORAGE AREA" means an open area on a lot used for parking or storage of equipment, materials, machinery or vehicles in connection with the principal building, structure, or use on the same lot for a period of twenty-four (24) hours or more.

"FAMILY" means one (1) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses.

"FARM MARKET" as defined in O.R.C. 519.21(C)(1) means the use of any land zoned for agricultural, residential, commercial or industrial use where fifty per cent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

"FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" means the agency with overall responsibility for administering the National Flood Insurance Program.

"FENCE" means an artificially constructed structure consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot. A "fence" shall not include hedges, shrubs, trees or other natural growth or vegetation.

"FINISHED GRADE LEVEL" means the elevation of the finished grade of the ground immediately adjacent to a building or structure at its exterior foundation.

"FIXTURE, FULL CUT-OFF LIGHTING" means a lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture.

"FLOOD PLAIN" means the designated areas shown on the flood hazard boundary maps of the county, prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, and the Federal Emergency Management Agency; which are subject to periodic flooding from a 100-year frequency storm.

"FLOOR AREA" of a building means the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings. "Floor area" shall not include: basement space; crawl space; attic space; terraces, breezeways and open porches; uncovered steps; and garages.

A."Ground floor area" means the horizontal area of the foundation under the living area measured from the outside walls.

B."Net floor area" of a building means the sum of the horizontal area of a floor or of the several floors of the building, measured from the interior faces of exterior walls or wall separating two (2) or more buildings. Interior walls within the horizontal area shall be included in the calculation for net floor area.

"FOOD PROCESSING" means the preparation, storage or processing of food products, and includes bakeries, dairies, canneries and other similar businesses.

"FRONTAGE" see "lot line, front or frontage."

"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 resolution, funeral homes do not include crematories or the cremation of human remains.

"GARAGE, PRIVATE" means a building attached to the principal building or a detached accessory building to be used for the storage of motor vehicles or recreational vehicles owned or operated by occupants of the principal use or by permission of such occupants.

"GARAGE, REPAIR" means a building in which motor vehicles or recreation vehicles which are owned by the general public are stored, parked, repaired or serviced.

"GARAGE, SERVICE STATION" means any building or premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail; electric vehicles may be recharged; and where, in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries and distributor parts;

2. Tire servicing and repair, but not recapping or re-grooving;

3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;

4. Radiator cleaning and flushing;

5. Washing, polishing and sale of washing and polishing materials;

6. Greasing and lubrication;

7. Providing and repairing fuel pumps, oil pumps and lines;

8. Minor servicing and repairing of carburetors and fuel injectors;

9. Adjusting and repairing of brakes;

10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;

11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers as accessory and incidental to principal operations;

12. Provision of road maps and other informational material to customers;

13. Provision of restrooms and facilities; and

14. Warranty maintenance and safety inspections. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

"GARAGE, STORAGE" means any building used for the storage or parking of motor vehicles or recreational vehicles which are owned by the general public.

"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.

"GAZEBO" means an octagonal structure with a roof that is open on its sides.

"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. **[Z-2001-2 – Effective 7/25/2001]**

"GLARE, DIRECT" means the glare resulting from the human eye being able to see the light emitting portion of a light fixture. **[Z-2001-2 – Effective 7/25/2001]**

"HAZARDOUS WASTE" means substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques and as defined in O.A.C. Section 3745-51-03.

"HOME OCCUPATION" means an occupation for remuneration conducted within a dwelling on a lot within a residential or Mixed Use Planned Unit Development (MUP) zoning district.

"HOSPITAL" means a building containing beds for patients and accommodations for the diagnosis, operation, treatment, and care of humans by licensed physicians and staff and as defined in O.R.C. 3727.01(B)(2).

"HOSPITAL, ANIMAL" means a building used for the diagnosis, operation, treatment and care of animals by licensed veterinarians and staff. Boarding and overnight accommodations if incidental to the principal use are deemed accessory to the use of the premises.

"IMPERVIOUS SURFACE OR COVER" means any materials which prevent percolation of stormwater into the ground, including but not limited to, roofing, concrete, asphalt, metal, wood, plastic, compacted soil, and aggregates.

"INDOOR DRIVING RANGE" means a golf practice facility comprised of a tee and landing area enclosed by an air-supported structure. The facility would also include an entrance building and parking lot. **[Z-1995-4 – Effective 2/26/1996]**

"INSTITUTION" means any building or premises devoted to educational, scientific, charitable or eleemosynary purposes of general public benefit, including mental, therapeutic or rehabilitative counseling services and other correctional services.

"JUNK" means scrap or discarded household appliances, furniture, mattresses or bedding, plumbing fixtures, motor vehicle parts including batteries or tires, accumulations of scrap metal, rubber, rags, bottles, cans, boxes, cardboard, waste paper, plastic, glass, pallets, or other similar items.

"JUNK VEHICLE" means any vehicle that meets all of the following criteria: it is (1) three years (3) old or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

"JUNK YARD" means any lot, building, structure, establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk or junk vehicles, including scrap metal processing facilities.

"LANDSCAPING" means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, or sculptures, reflective pools, and fountains.

"LAND BANKING" means a reserve of required parking spaces, which shall be counted as lot coverage, that will be left open as landscaped green space until the applicant is required to complete the requirements of this resolution as directed by the zoning inspector.

"LARGE COMMERCIAL SHOPPING CENTER" means a planned retail commercial site of at least twenty (20) acres that contains either a minimum of four hundred thousand (400,000) gross square feet of building floor area or a minimum of twenty (20) individual retail stores in a coordinated design with shared parking and access provisions.

"LATTICE" means a framework or structure of cross metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed. **[Z-1997-4 – Effective 8/6/1997]**

"LATTICE TOWER" means a framework or structure of cross metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

"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.

"LICENSED RESIDENTIAL FACILITY" means a facility as defined in O.R.C. Sections 5119.34(B)(1)(b) and 5123.19(A)(5)(a).

"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 TRESPASS" means light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited.

"LOADING/UNLOADING SPACE" means an area durably paved, designed and used for parking one (1) truck or delivery vehicle for bulk pickups and deliveries and which space has access to a public street. All off-street loading/unloading spaces shall be located entirely outside the right of way of any public street or private access or circulation drive and such spaces shall not be used or included in computing required off-street parking spaces.

“LOT” means a parcel or plot 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 resolution. Such lots shall have frontage on an improved public or private street and shall be a lot of record.

“LOT CORNER” means a lot located at the intersection of two (2) or more roads.

“LOT COVERAGE” means the ratio of ground floor area of all buildings and structures and all areas that are associated with driveways, parking areas, and other impervious surfaces on a lot to the total lot area, expressed as a percentage. Lot coverage shall not include retention basins, detention basins, and ponds.

“LOT DEPTH” means the total distance of each side lot line measured from the front lot line to the rear lot line.

“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.

1. "Lot line, front or frontag*e"* means the boundary of a lot which abuts a public or private road right-of-way. In the case of a corner lot or a multiple frontage lot, all lot boundaries abutting a road right-of-way are considered front lot lines.

2. "Lot line, rear" means the boundary of a lot which is parallel or within forty-five (45) degrees of being parallel to the front lot line and is opposite the front lot line. For irregularly shaped lots the following shall apply:

    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. "Lot line, side" means any boundary of a lot which is not a front lot line nor is a rear lot line.

“LOT, AREA” means the total area, expressed in acres, included within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any abutting public or private road.

“LOT, MULTIPLE FRONTAGE” means a lot, other than a corner lot, with lot lines on more than one (1) road. A multiple frontage lot may also be referred to as a through lot.

"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 on a deed or instrument of conveyance, and is shown as a separate unit on the last preceding county tax roll.

"LOT WIDTH" means the straight line horizontal distance between the side lot lines of a lot measured at the front setback line. **[Z-2018-1 – Effective 12/26/2018]**

"MAIN or PRINCIPAL BUILDING" see "principal building."

"MAINTENANCE FACILITY" means a building used for the storage and repair of vehicles, equipment, tools, and related activities.

"MANUFACTURED HOME PARK" means any tract of land upon which three (3) 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 in accordance with O.R.C. 4781.01(D).

"MEDICAL MARIJUANA" means marijuana, as defined in O.R.C. Section 3796.01(A) (1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per O.R.C. Section 3796.01 (A) (2). **[Z-2017-1 – Effective 5/24/2017]**

"MEETING HALL" means a building that is designed for public gatherings or meetings.

"MOBILE HOME" means a building unit or assembly of closed construction as defined in O.R.C. 4501.01(O).

"MOBILE HOME PARK" means a lot where two (2) or more mobile homes are located.

"MONOPOLE" means a structure composed of a single spire used to support communications equipment. **[Z-1997-4 – Effective 8/6/1997]**

"MOTEL/HOTEL" means any premises offering guest rooms with accompanying parking for the lodging of transients for a consideration.

"NONCONFORMING BUILDING or STRUCTURE" means a building, structure or parts thereof lawfully existing at the time this zoning resolution or any subsequent amendment thereto became effective which does not fully comply with the dimensional and area requirements of the district in which it is located.

"NONCONFORMING LOT" means a lot of record lawfully existing prior to the effective date of this zoning resolution or any subsequent amendment thereto which does not fully comply with the requirements of the district in which it is located. This can involve minimum area or dimensional requirements of the lot.

"NONCONFORMING SIGN" means any sign lawfully existing prior to the effective date of this zoning resolution or any subsequent amendment thereto which does not fully comply with the requirements of the district in which it is located.

"NONCONFORMING USE" means a use of land or use of a building or structure lawfully existing at the time this zoning resolution or any subsequent amendment thereto became effective which does not fully comply with the use requirements of the district in which it is located.

"NONCONFORMITY" means upon the effective date of this resolution, or any subsequent amendment thereto, a lawfully existing lot of record, building, structure, landscape area, parking lot, sign, or use which does not fully comply with the requirements currently applicable to the district in which the lot, building, structure, landscape area, parking lot, sign, or use is located.

"NURSING HOME"~~,~~ as defined in O.R.C 3721.01(A)(6) 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.

"O.A.C." means the Ohio Administrative Code.

"OCCUPANCY" means the purpose for which a building, land or premises is used or intended to be used.

"OFF-STREET PARKING SPACE" means an area for parking one (1) motor vehicle, whether in a building or in the open and which space has access to a public street. All off-street parking spaces shall be located entirely outside the right of way of any public street or private access or circulation drive, and shall not be used or included in computing required off-street loading/unloading spaces.

"OFFICIAL ZONING MAP" means the map showing the location and boundaries of the zoning districts established by this resolution as adopted by the Board of Township Trustees and currently in effect. The map is entitled, the "Bainbridge Township Zoning Map."

"OHIO ENVIRONMENTAL PROTECTION AGENCY" means the organization referred throughout this resolution as the "Ohio EPA."

"OHIO EPA CLASS I, II, III, and IV SOLID WASTE COMPOSTING FACILITIES" shall be as defined in O.A.C. Section 3745-560-02.

"OHIO REVISED CODE" means the duly enacted laws of the state of Ohio and may also be referred to as O.R.C. or R.C.

"OPEN SPACE" means land area that will be left undeveloped as part of a natural resource preservation, recreation, buffer yard, or other open space provision of this resolution. 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 development. Public open space is designed and intended for common use and the enjoyment of the general public. 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 resolution.

"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.

"OUTDOOR MINIATURE GOLF" means an outdoor golf putting facility comprised of a number of tees and putting services connected by improved walkways. The facility may also include a small structure for the rental of golf putters and golf balls. **[Z-1997-8 – Effective 4/15/1998]**

"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 term "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 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 resolution; or

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

"PARTY CENTER" means a special event facility that is rented for banquets, conferences, receptions, weddings, and similar temporary uses.

"PATIO" means a structure with a level, surfaced area consisting of concrete, pavers, stone or gravel with or without walls or a roof that is attached or is directly adjacent to a building.

"PAVILION" means a roofed open structure with no more than two (2) enclosed sides used for recreation, entertainment, dining or shelter.

"PERMANENT FOUNDATION" means permanent masonry, concrete, or a footing or foundation. O.R.C. 3781.06(C)(5) applies to a permanent foundation for a manufactured home.

"PERMANENTLY SITED" means, as applied to a manufactured home, compliance with all of the criteria in O.R.C. 3781.06(C)(6).

"PERMITTED USE" means a use that is allowed by right in a district after the issuance of a zoning certificate (if required), provided such use is authorized as a permitted use by this zoning resolution and the Zoning Inspector determines compliance with all applicable provisions included herein.

"PERSONAL CARE SERVICES" means services as defined in O.R.C. 3721.01(A)(5)(a).

"PERSONAL WIRELESS SERVICES" means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services. **[Z-1997-4 – Effective 8/6/1997]**

"PERSONAL WIRELESS SERVICE FACILITY" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by 47 U.S.C. 332 (c)(7). **[Z-1997-4 – Effective 8/6/1997]**

"PLACE OF WORSHIP" see "church."

"POND" means a water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout; and having an area of less than five (5) acres.

"PORCH" means a covered area adjoining an entrance to a building with no more than three (3) enclosed sides.

"PPN" means the permanent parcel number as assigned to a lot by the county auditor.

"PRINCIPAL BUILDING" means a building in which the main or primary use of a lot or parcel is conducted.

"PRINCIPAL STRUCTURE" means, if there is no principal building, the structure in which the main or primary use of a lot or parcel is located.

"PRINCIPAL USE" means the main or primary use to which a parcel, lot, or premises is put.

"PRIVATE ROAD" means a recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as a road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

"PRODUCE" means fresh fruit and vegetables, eggs, grains, herbs, honey, maple syrup and milk.

"PROHIBITED USE" means a use that is not allowed in the specified district and in some cases the entire Township.

"PUBLIC ROAD" means a road right-of-way for public use as defined in O.R.C. Section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

"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 (A) public service and (B) public concern.

A. Public Service

1. 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?

2. Must the company provide its good or service to the public indiscriminately and reasonably?

3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?

4. Are there any applicable statutory or regulatory requirements that the service be accepted?

5. Is there a right of the public to demand and receive the service?

B. Public Concern

1. 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?)

2. Is there a mechanism for controlling price? (For example, does marketplace competition force providers to stay fairly priced?)

3. Is there public regulation or oversight of rates and charges?

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 Chapter 3734. of the Ohio Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714. of the Ohio Revised Code.

"RADIO" means the communication of impulses, sounds, and pictures through space by electromagnetic waves. **[Z-1997-4 – Effective 8/6/1997]**

"RECREATIONAL FACILITIES" include public and private facilities open to the public which are used for golf courses, driving ranges, tennis courts, skating rinks, swimming pools, riding stables, riding trails for horses and bicycles, and fishing.

"RECREATIONAL VEHICLE" means a portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in O.R.C. Section 4501.01.

"RESIDENTIAL CARE FACILITY" means a home as defined in O.R.C. 3721.01(A)(7) that provides either of the following:

(a) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;

(b) Accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one (1) of those individuals, any of the skilled nursing care authorized by section 3721.011 of the Revised Code.

"RESTAURANT" means a retail service establishment wherein the entire or substantially all of the business activity consists of the sale of food for consumption within the building.

A. Carry-out restaurant means a retail service establishment where a substantial portion of the business activity is that of carry-out service of food for consumption outside the building.

B. Drive-in restaurant means any premises used for the sale and service of food in motor vehicles, including those establishments where customers may serve themselves and may consume the food on the premises either in the motor vehicle or in the building.

"RETENTION BASIN" means a permanent stormwater management facility that provides for the storage of stormwater runoff while maintaining a permanent pool of water. Basins are designed to delay and attenuate flow and may have the ability to remove pollutants.

"RIGHT-OF-WAY" means an area of land that is dedicated for public use as a road, or land recorded as an easement for private use as a road, for ingress and egress.

"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 this resolution.

"RIPARIAN SETBACK" means an area of naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants. This area shall be a designated distance from a watercourse and wetland.

"ROAD" means a public or private road or street as defined in this resolution.

"ROADSIDE STAND" means a movable structure used for the sale of agricultural products.

"SATELLITE DISH ANTENNA" means an accessory structure capable of receiving, for the sole benefit of the principal use it serves, radio or television signals.

"SCHOOL" means (1) public school chartered by the State Board of Education and is in conformity with minimum standards prescribed by the state; or (2) nonpublic or parochial school chartered and certified or accredited by the Ohio Department of Education which offers state approved courses of instruction.

"SCHOOL, PRIVATE" means an educational institution or other legal entity which provides fee-based instruction that may not be certified or accredited by the Ohio Department of Education.

"SCHOOL, PUBLIC" means the Kenston Local School District or other public certified or accredited school system or district by the Ohio Department of Education.

"SCRAP METAL PROCESSING" means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

"SCREENING" means a strip of land planted with shrubs or trees to form a year-round dense screen.

"SEAT" means the actual seating capacity of an area based upon the number of seating units provided or one (1) seat per eighteen (18) linear inches of bench length or space of loose chairs.

"SEDIMENT" means soils or other surface materials that are or have been transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.

"SEDIMENTATION" means the deposition or settling of sediment.

"SEDIMENT CONTROL" means the limiting of sediment transport by controlling erosion, filtering sediment from water, or detaining sediment-laden water allowing sediment to settle. **[Z-1998-5 – Effective 11/25/1998]**

"SEDIMENT POLLUTION" means degradation of waters of the state by sediment as a result of failure to apply management or conservation practices to abate wind or water soil erosion, specifically in conjunction with soil-disturbing activities on land used or being developed for commercial, institutional, industrial, residential, or other non-farm purposes.

"SELF-SERVICE STORAGE FACILITY" means a building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property and as further defined in O.R.C. 5322.01(A).

"SETBACK" means a line established by this resolution, 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.

"SEWAGE SYSTEM, ON-SITE" means a septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the effluent subject to the approval of health and sanitation agencies or departments having jurisdiction.

"SEWERS, CENTRAL" means a sewage disposal system which provides a collection network connected to a central treatment facility serving buildings, structures or uses subject to the approval of health and sanitation agencies or departments having jurisdiction.

"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.

"SHOPPING STRIP CENTER" means a single free standing or a collection of single free standing buildings, wherein three or more businesses are located, with no internal access thereto by patrons and employees. **[Z-2000-2 – Effective 6/21/2000]**

"SIGN" means a name, display, identification, device, notice, figure, painting, drawing, message, placard, poster, word, bulletin board, symbol, letter, numeral, emblem, trademark, flag, or banner, pennant, or other illustration which is affixed to or painted or represented directly or indirectly upon a building, or other outdoor surface, or parcel of land and which directs attention to an object, product, place, activity, person, institution, organization, or business, and is visible from any alley, street, highway, sidewalk, or other public way, whether such is placed out of doors or in windows. The term sign does not include any display of official notices of courts or other public offices, nor the flag, emblem or insignia of a nation, political unit, school, or religious group. The term "sign" shall not include the merchandise, which is for sale on the premises, the packaging or container for such merchandise, or any writings or other symbols on such merchandise, container, or packaging.

"SIGN, AWNING, CANOPY, and PATIO UMBRELLA" means a sign that is mounted on or painted on or attached to an awning, canopy, or patio umbrella.

"SIGN, BILLBOARD" means an outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or person for the purpose of selling advertising messages for profit. A billboard is an off-premises sign.

"SIGN, CHANGEABLE COPY" means a sign designed to display multiple or changing messages whether by manual, mechanical or electronic means. Such signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed signs may include either electronic message boards or digital displays (which may be both referred to as "electronic display").

"SIGN, CHANNEL LETTERS" means letters that are custom-made metal or plastic used in changeable copy exterior signage and often internally illuminated.

"SIGN, DIRECTIONAL" means a sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.

"SIGN FACE" means the area or display surface used for the message.

"SIGN, GENERAL ADVERTISING" means a sign directing attention to a business, product, service or entertainment conducted, sold or offered elsewhere than upon the lot on which the sign is located.

"SIGN, GROUND" means a sign with not more than two (2) faces supported by one (1) or more uprights, poles or braces, the lowest surface of which is four (4) feet or less above the surface of the ground, or a sign erected on a free-standing wall or monument with a solid continuous foundation.

"SIGN, ILLUMINATED" means any sign illuminated by electricity, gas or other artificial light, including reflecting or phosphorescent light.

"SIGN LIGHTING DEVICE" means any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.

"SIGN, NONACCESSORY or OFF-PREMISES" means any sign unrelated to any business or profession conducted, or to a commodity or service sold or offered for sale, upon the premises where such sign is located.

"SIGN, POLE or PYLON" means a sign with not more than two (2) faces that is affixed to one (1) or more pylons or poles, designed or configured in one of the following ways:

1. The combined width of the pole(s) or pylon(s) is less than sixty (60) percent of the width of the sign face; and

2. Two (2) poles support the sign face, one (1) on each end, and the clearance under the sign is more than four (4) feet.

"SIGN, PROJECTING" means a sign erected on or attached to the outside wall of a building and which projects out at an angle from said wall.

"SIGN, ROOF" means a sign erected upon the roof of a building, all surfaces of which are located above the roof surface and do not project beyond any exterior wall of the building.

"SIGN, SANDWICH BOARD" means a freestanding temporary A-frame sign.

"SIGN, TEMPORARY" means any sign that is not a permanent sign, is intended for short-term display. Temporary signs sometimes contain graphics, text, or a combination of both to display:

1. Commercial messages regarding the sale of items or business related activities (*e.g.*, real estate or special event signs.); or

2. Noncommercial messages (*e.g.*, political signs).

"SIGN, WALL" means a sign erected on, attached to, painted on the surface of, or integral with the wall of any building, located in a plane parallel to the plane of the wall, and supported by the building.

"SIGN, WINDOW" means a sign painted on, attached or affixed to the interior or exterior surface of a window or door of a building, or designed to be seen through a window or door.

"SITE" means, for the purpose of telecommunications towers, antennas, and facilities only; how or in what manner such towers, antennas, and facilities may be situated on a lot, building, or structure. **[Z-1997-4 – Effective 8/6/1997]**

"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.

"SOIL and WATER CONSERVATION DISTRICT" means an entity organized under Chapter 940 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board, or its designated employee(s), hereinafter referred to as the Geauga SWCD.

"SOIL DISTURBING ACTIVITIES" see "earth disturbing activities."

"SOLAR PANEL" means a photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation electricity and/or heating.

"SOLAR PANEL ARRAY" means an integrated assembly of solar panels with a support structure or foundation and other components.

"SOLAR PANEL, FREESTANDING" means a solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground.

"SOLAR PANEL, ROOF MOUNTED" means a solar panel or an array of solar panels attached to the roof of a principal or accessory building.

"STORAGE CONTAINER" means a portable enclosed structure or unit consisting of metal or other components for the temporary storage of goods, merchandise, materials, equipment, or other personal property.

"STORMWATER MANAGEMENT" means a system of structural and non-structural practices used to safely convey, temporarily store, improve quality, release at an allowable rate and/or minimize erosion and flooding from stormwater runoff.

"STORY" means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half (1/2) of its height is located above the finished grade level of the adjacent ground.

"STREET" see "road."

"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.

"STREET, PRIVATE" see "private road."

"STREET, PUBLIC" see "public road."

"STRUCTURAL ALTERATION" means any change in the supporting members of a building including, but not limited to, bearing walls, columns, beams, or girders as well as nonbearing internal walls that may be used to divide the floor area of a building.

"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. **[Z-2007-1 – Effective 1/16/2008]**

"SUBDIVISION" means the division of land as defined in O.R.C. 711.001(B).

"SUPERMARKET" means a store primarily for the retail sale of food which has a gross of floor area, including all types of storage rooms, rest rooms, and other incidental rooms or areas, of ten thousand (10,000) square feet or more.

"SWIMMING POOL" means an indoor or outdoor structure, chamber or tank, whether permanent or portable, which is capable of containing a body of water to a depth of two *(2)* feet or more at any point therein.

A. "Private swimming pool" means a swimming pool located on residential premises which is for the exclusive use of residents and their non-paying guests.

B. "Public swimming pool" means a swimming pool to be used collectively by persons for swimming or bathing, whether operated by any governmental, public or private entity or individual, and regardless of whether a fee is charged for such use.

"TECHNICALLY SUITABLE" means the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the Township. **[Z-1997-4 – Effective 8/6/1997]**

"TELECOMMUNICATIONS" means technology permitting the passage of information from the sender to one (1) or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.

"TELECOMMUNICATIONS TOWER" means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.211 (B)(a-e) and Chapter 186 of this resolution. **[Z-1997-4 – Effective 8/6/1997]**

"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.

"TOWER" means a structure that is mounted in the ground or affixed to a building or other structure that is used for transmitting or receiving television, radio, telephone or other communications. **[Z-1997-4 – Effective 8/6/1997]**

"TOWNSHIP" means Bainbridge Township, Geauga County, Ohio

"TOWNSHIP FISCAL OFFICER" means the fiscal officer of the township.

"TRUSTEE" means a member of the board of trustees of the township.

"TYPE A FAMILY DAY-CARE HOME" and **"TYPE A HOME"** as defined in O.R.C. 5104.01(TT).

"TYPE B FAMILY DAY-CARE HOME" and **"TYPE B HOME"** as defined in O.R.C. 5104.01 (UU).

"UNLICENSED WIRELESS SERVICE" means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct to home satellite services. **[Z-1997-4 – Effective 8/6/1997]**

"USE" means the specific main or principal purpose for which a building, land or premises is occupied or maintained. Permitted and conditional uses are designated by this Zoning Resolution.

"VARIANCE" means a modification or departure from the terms of this Zoning Resolution, authorized by the Board of Zoning Appeals on appeal. **[Z-1992-3 – Effective 4/26/1993]**

"VEHICLE" means anything that is or has been on wheels, runners or tracks.

"VEHICLE WRECKING" means the dismantling or wrecking of vehicles as defined herein, including the storage or sale of such vehicles, junk motor vehicles or their parts.

"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 structure outside and independent of the principal building, which is accessible to the general public for the purposes of dispensing a product or information.

"WALKWAY" means a horizontal structure made of concrete, bricks, stone, pavers, wood chips, or other like construction for the purpose of creating a pathway for walking. A walkway may include a sidewalk or a trail.

"WATERCOURSE" means a natural channel with defined bed and banks within which concentrated water flows, either continuously or intermittently, (e.g. brooks, creeks, rivers or streams).

"WATER, CENTRAL" means a system having one (1) or more wells or other sources of water supply joined together by pipelines so as to form a water distribution system for more than one (1) dwelling or building, community, or region subject to the approval of health and sanitation agencies or departments having jurisdiction.

"WETLAND" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and contain a predominance of hydric soils, and that under normal circumstances do support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

"WIND ENERGY SYSTEM" 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.

"WIND ENERGY SYSTEM TOWER" means a monopole that supports a wind turbine.

"WIND TURBINE" means the parts of a wind energy system including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower or a building.

"WIRELESS TELECOMMUNICATIONS ANTENNA" means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding an antenna for an amateur radio operator. **[Z-1997-4 – Effective 8/6/1997]**

"WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING" means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed. **[Z-1997-4 – Effective 8/6/1997]**

"YARD" means an open area on the same lot with a building or structure, which is unoccupied and unobstructed by any portion of the building or structure from the ground upward, except as may otherwise be provided in this resolution, 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 or accessory building or structure.

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 or accessory building or structure.

3. "Side yard" means a yard extending from the principal or accessory building or structure to the side lot line on both sides of the principal or accessory building or structure between the lines establishing the front and rear yards.

"ZONING BOARD OF APPEALS OR BOARD OF ZONING APPEALS" means the board of zoning appeals of the township.

"ZONING CERTIFICATE" means a written permit authorized by this Zoning Resolution and issued by the Zoning Inspector authorizing a building or structure or the use of a building, structure, land or premises. A zoning certificate may be issued for permitted or conditional buildings, structures, and uses as specified in this zoning resolution.

"ZONING COMMISSION" means the zoning commission of the township.

"ZONING DEPARTMENT" means the Zoning Department of Bainbridge Township, Ohio.

"ZONING DISTRICT MAP" means the map established by and made part of this Zoning Resolution which is currently in effect and indicates the boundaries and limits of the districts established by this Zoning Resolution.

"ZONING INSPECTOR" means the Zoning Inspector of the Zoning Department for Bainbridge Township, Ohio, or designee thereof, and whose duties include administration and enforcement of this resolution.

THE FOLLOWING WORDS OR PHRASES SHALL APPLY TO THE MUP ZONING DISTRICT

"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.

"ANIMAL 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.

"BASE SITE AREA" means the calculated area obtained by subtracting various land areas from the gross site area.

"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.

"BUFFER YARD" means a designated strip of land upon which a buffer is installed. Buffer yards may be required between land uses, along district boundaries, along parking lot boundaries, and along street and railroad rights-of-way.

"BUS SHELTER" means a small, roofed structure, usually having three (3) walls, located near a street and designed primarily for the protection and convenience of bus passengers.

"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).

"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," "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 AMUSEMENT, 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" means 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.

"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.

"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).

"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.

"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, or exhibit, (*e.g.*, banquet hall or lodge). Meals may or may not be served or made available in such facilities.

"EXTENDED DETENTION BASIN WET" 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 dry pond or dry extended 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 twenty-four (24) hours or more.

4. A practice which is used to control peak discharge rates and which provides gravity settling of pollutants.

"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.

"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.

"FOOT-CANDLE" means a unit equivalent to the illumination produced by a source of one (1) candle at a distance of one (1) foot and equal to one (1) 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. Any combination of 1, 2, 3, or 4 above.

“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 criterion: 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 (2) feet in height. The phrase "ground cover" includes grasses, ornamental grasses, vines, and other herbaceous material.

“HEAVY INDUSTRY” means:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:

   An outside storage area that is larger than the area of the first floor of buildings on the same lot; or

   A material risk of environmental contamination, explosion, or fire; or

   Perceptible ground vibration; or

   Perceptive noise or dust; or

   Emission of objectionable odors; or

   More than twelve (12) trips by semi-trailer trucks per day; or

   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

   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. Heavy industrial uses include:

   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;

   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;

   Portland cement plants;

   Sawmills and pulp mills;

   Incinerators with the capacity to charge more than two hundred and fifty (250) tons of refuse per day;

Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;

Fossil fuel combustion (boilers or electricity generation) totaling more than two hundred and fifty (250) million BTUs per hour of heat input;

Fabrication of building materials such as countertops, drywall, and cut stone;

Fabrication of vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;

Auto or marine body, paint, or upholstery shops;

Drycleaner processing plants that use PERC or comparable petrochemical solvents;

Meat or seafood processing plants;

Manufacture of glass products (*e.g.*, window panes, bottles and jars), except hand-blown products;

Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);

Plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than two hundred (200) amps; TIG welding; and other heavy welding procedures (*e.g.*, for structural steel, automotive body, or heavy equipment manufacture or repair);

Hot mix asphalt plants;

Regional wastewater utilities;

Fossil fuel power plants, waste-to-energy plants, and biomass plants that produce more than one hundred (100) megawatts of electricity;

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.

"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. (s*ee* 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."

"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.

"KENNEL" see "animal boarding facility, small animal."

"LAMBERT" means a unit of luminance of a surface emitting or reflecting one (1) lumen per square foot.

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

"LANDSCAPE AREA" means that portion of a lot or parcel 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 *Mixed-Use Intensity Requirements*. 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 in accordance with the Ohio Department of Transportation, *Policy for Applying Level of Service and Volume-to-Capacity Ratio in the Transportation Development Process*. Policy 322-002(P).

"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. 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 twelve (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).

"LIVE-WORK UNIT TOWNHOME" means a dwelling unit that provides space that is designed for one (1) 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.

"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.

“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 term "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 term "Medical Clinic" does not include the term "Medical Office." The term "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, orthodontists, prosthetists, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and

10. Other comparable health care professionals licensed by the state of Ohio.

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

"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.

"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 DWELLING" means:

1. Buildings that contain two (2) 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 dwelling does not include boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, single-family attached, or overnight accommodations (*e.g.*, hotels and motels).

"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.

"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 zoning resolution or any amendment thereto, NAICS lookup tables were available from the U.S. Census Bureau website at *http://www.census.gov*.

“NURSERY or GREENHOUSE, RETAIL” means an enterprise that conducts the retail sale of plants grown off of the premises. The terms also may include, as an accessory use, the sale of a limited selection of items (*e.g.*, such as soil, planters, pruners, mulch, lawn or patio furniture, and garden accessories, etc., but not power equipment) that are directly related to the care and maintenance of landscapes. The term "Nursery or Greenhouse, Retail" does not include the cultivation of trees (or other vegetation normally associated with landscaping) where the principal use is growing nursery stock for sale at off-site retail businesses, as this is more appropriately classified as agriculture.

“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 term "General Office" does not include the terms "Retail Sales and Services" or "Medical Office."

"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 buffer yard expressed as the percent of view across the buffer yard that may be blocked to a height of thirty-five (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 RATIO (OSR)" means the proportion of a development required to be set aside and preserved as open space.

"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 term "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 term "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 term "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 term "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 term "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 ACCOMODATIONS” means places that offer overnight accommodations for short-term rental in increments of not less than twenty (20) hours, including hotels, motels, and commercial inns.

“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 may go through the subdivision platting process 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 term "parking aisles" does not include the term "driveway" or the term "access point."

"PLANNED-UNIT DEVELOPMENT (PUD)" means 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.

"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 are shared by tenants, visitors, and the general public.

"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.

"PERMITTED-ADMINISTRATIVE USE" means a use that is allowed, subject to standards that mitigate its impact on the environment or other uses in the zoning district or that prevent a concentration of the use in a particular area.

"PERMITTED with REGULATIONS USE" means a use that is approved by the zoning inspector contingent on compliance with listed regulations.

"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 a 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."

“POST OFFICE or PARCEL SERVICE” means a retail branch of the United States Postal Service or private parcel delivery service.

“PRIVATE RESTRICTIONS” means easements, servitudes, covenants, conditions, and / or restrictions on property which are enforceable between private parties.

“PROFESSIONAL SALES & SERVICES OFFICE” means any business providing 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.

“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”, or "neighborhood associations”.

“PROTECTED LANDS” means lands permanently protected from development, whether by purchase or donation, through a perpetual conservation or open space recorded 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. The phrase "public services" is limited to services provided by the public sector.

“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.

“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:

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 term "Recreation / Fitness, Indoor" does not include the term "Commercial Amusement, Indoor," nor does it include indoor playgrounds that are accessory to restaurants. The term "Recreation / Fitness, Indoor" is subsumed by the term "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:

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 in accordance with O.R.C. 953.21.

"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 term, such as mass spectrometry and product quality testing.

“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.

"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 ten (10) individual retail stores and a minimum of sixty thousand (60,000) gross square feet of building floor area in not more than three (3) buildings in a coordinated design with shared parking and access provisions.

"SHOPPING CENTER, LARGE COMMERCIAL" means a planned retail commercial site of at least twenty (20) acres that contains either a minimum of four hundred thousand (400,000) gross square feet of building floor area or a minimum of twenty (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~~n~~ small tree, and usually with several stems from the same root;

2. Perennial plants that reach at least three (3) feet in height; and

3. Ornamental grasses that reach at least three (3) 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 ten thousand (10,000) square feet.

“SINGLE-FAMILY ATTACHED” means:

1. Two (2) 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 (2) 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 a dwelling unit that is:

1. Located in an individual building that is constructed on:
   a. Individual lots; or

   b. That is designated as a separate unit as part of a condominium plan;

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 or 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 CARE” as defined in O.R.C. 3721.01(A)(4) 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 care" 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.

“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 (5) megawatts as defined in O.R.C. 519.213.

“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 are 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.

"STEEP SLOPES" means land where the slope has a grade of eighteen percent (18%) or greater.

"STORAGE YARD" means outdoor storage of operable equipment and building or infrastructure construction materials for off-site projects or right-of-way maintenance.

"STRUCTURED PARKING" means a covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure where there is gross building area below the parking, but nothing above it is structured parking. The structure may be the primary structure for a Commercial Parking facility or be accessory to multi-family dwellings, commercial, industrial, and institutional uses.

"SUBSTANTIAL RECONSTRUCTION" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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.

“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 form of residential development characterized by subdivisions of large/medium sized lots along curving streets. For the purposes of this resolution 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 twelve (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 fifty (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 twelve (12) to forty-four (44) feet at maturity.

“TREE, STREET” means a species of a tree that the Township has determined is appropriate for planting within private street right-of-ways.

“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 (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from foundation to roof.

“URGENT CARE” is an establishment that provides unscheduled, ambulatory walk-in care outside of a hospital emergency room.

“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 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.

“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 is 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 (2) acres.

2. Pond: a waterbody that is two (2) acres or less.

3. River: a waterbody that is twenty (20) feet or greater in width.

4. Stream: a waterbody is less than twenty (20) feet in width.

"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.

"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.

CHAPTER 109

ZONING INSPECTOR; CERTIFICATES AND ENFORCEMENT

109.01 Zoning Inspector creation and duties.
109.02 Right of entry and inspection.
109.03 Zoning certificate required; exemptions.
109.04 Zoning certificate application.
109.05 Submission to Ohio Director of Transportation.
109.06 Certificate approval or denial.
109.07 Certificate revocation.
109.08 Schedule of fees.
109.09 Violations.
109.10 Complaints regarding violations.
109.99 Penalty.

109.01 ZONING INSPECTOR CREATION AND DUTIES.

(a) Creation. For the purpose of enforcing this Zoning Resolution, the Board of Township Trustees hereby establishes a system of zoning certificates. The enforcement of this Zoning Resolution is hereby delegated to the Zoning Inspector whose position shall be filled by such Board, together with such assistants as the Board deems necessary. The Board shall fix the term and compensation for such positions and approve the bond of the Zoning Inspector as provided by Ohio R.C. 519.161.

(b) Duties. For the purpose of enforcing this Zoning Resolution, the Zoning Inspector shall have the following duties:

(1) Provide zoning certificate applications or other zoning forms to applicants therefor.

(2) Receive, act upon, issue or revoke zoning certificates as authorized by this Zoning Resolution.

(3) Waive the requirement for any information he/she deems unnecessary to the type application or form being submitted.

(4) Keep and maintain an official record of all complaints and applications indicating the date received and all actions taken by the Zoning Inspector or Board of Zoning Appeals and the relative dates thereof.

(5) Receive notices of appeal, note the date of receipt and forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken, as provided by Ohio R.C. 519.15.

(6) Allow for public inspection of all official zoning records and provide copies thereof at a fee as set by the Board of Township Trustees.

(7) Receive and keep custody of all fees received, and deposit such with the Township Fiscal Officer, within twenty four (24) hours of receipt pursuant to Ohio R.C. 117.17. **[Z-2018-1 – Effective 12/26/2018]**

(8) Keep custody of all official zoning records, which he/she receives or takes action on under the duties imposed on him/her by this Zoning Resolution, and which shall be retained until disposal is authorized pursuant to Ohio R. C. 149.42. **[Z-2018-1 – Effective 12/26/2018]**

(9) Make inspections as he/she deems reasonably necessary to ensure conformance with this Zoning Resolution or to investigate complaints. **[Z-2018-1 – Effective 12/26/2018]**

(10) Upon finding any violation of this Zoning Resolution, notify in writing the person responsible for such violation and order the action necessary to correct such violation.

(11) In writing, order the discontinuance of any work contrary to this Zoning Resolution or any illegal uses of land, buildings or structures, or order the removal of illegal buildings or structures or illegal additions or structural alterations.

(12) Take any other action authorized by this Zoning Resolution to ensure compliance with or to prevent violations of this Zoning Resolution, including the institution of injunction, mandamus, abatement or any other appropriate action or proceeding authorized by Ohio R. C. 519.24.

(13) Review proposed preliminary major subdivision plans and final major subdivision plats pursuant to O.R.C. Section 711.10 and the ”Subdivision Regulations of Geauga County, Ohio” and sign and date the original mylar of such plans or plats to ensure proof of compliance with the applicable provisions of this zoning resolution.

(14) Review proposed divisions of land that are not subject to platting and consolidations of lots of record pursuant to the “Subdivision Regulations of Geauga County, Ohio” and sign and date the survey plat with the appropriate language thereon to ensure compliance with the applicable provisions of this zoning resolution.

109.02 RIGHT OF ENTRY AND INSPECTION.

(a) The Zoning Inspector or any of his/her assistants may at any reasonable hour, enter any building, structure or premises within the Township to perform any duty imposed on him/her by this Zoning Resolution, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made. **[Z-2018-1 – Effective 12/26/2018]**

(b) No person shall refuse to permit lawful entry or inspection, nor shall any person hinder, obstruct, resist or abuse any person making or attempting to make such entry or inspection.

109.03 ZONING CERTIFICATE REQUIRED; EXEMPTIONS.

(a) Unless excepted as provided in this Zoning Resolution, no person within the Township without obtaining a zoning certificate therefor shall:

(1) Locate, relocate, erect, construct, reconstruct, enlarge or structurally alter any building or structure.

(2) Establish a new use or change the use of any building, structure, land or premises, whether such use is permitted, accessory, conditional or nonconforming.

(b) No zoning certificate shall be required for any building, structure, land or premises specifically exempted by this Zoning Resolution or Ohio R. C. 519.21, however compliance with all other provisions of this Zoning Resolution shall be required for such exemptions as may be lawful. If provisions of the Ohio statutes exempt any person from obtaining a zoning certificate from the Township, such person shall, prior to commencing construction or operations, consult with the Zoning Inspector and provide such information as may be necessary to substantiate the validity and legality of such exemption and so as to complete Township records.

(c) No zoning certificate shall be issued unless the application and plans therefor fully comply with the provisions of this Zoning Resolution in effect at the time of filing the application, nor unless any necessary action or approval of the Board of Zoning Appeals is obtained in writing prior to issuance.

109.04 ZONING CERTIFICATE APPLICATION. [Z-2000-2 – Effective 6/21/2000]

(a) The application for a zoning certificate shall be signed and dated by the applicant who by subscribing thereto:

(1) Assumes the legal responsibility for the truth, correctness and accuracy of all information supplied on the application. An agent by signing on behalf of an owner subscribes that the owner also is aware and agrees to the truth, correctness and accuracy of all information supplied on the application.
(2) Agrees to inspection by the Zoning Inspector prior to commencing work, during work progress and within thirty days of completion.
(3) Understands that the certificate may be revoked for reasons as specified in this Zoning Resolution.

(b) Zoning certificate applications shall be obtained from and filed with the Zoning Inspector who may waive the requirement for any information he/she deems unnecessary, and/or request additional information he/she deems necessary to the filing and approval thereof. The zoning certificate application is in the Appendix of this resolution. The non-residential addendum is in the Appendix of this resolution.

109.05 SUBMISSION TO OHIO DIRECTOR OF TRANSPORTATION.

(a) Upon receipt of an application for a zoning certificate or a conditional zoning certificate affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the Board of Township Trustees and Zoning Inspector by the Ohio Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of such centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director.

(b) The Zoning Inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the Director. If the Director notifies the Zoning Inspector that he has purchased or has initiated proceedings to appropriate the land which is the subject of the application, then the Zoning Inspector shall refuse to issue the zoning certificate. If the Director notifies the Zoning Inspector that he has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director and the property owner, the Zoning Inspector shall act upon the application in accordance with the provisions of this Zoning Resolution.

109.06 CERTIFICATE APPROVAL OR DENIAL.

(a) The Zoning Inspector shall approve or deny the application for a zoning certificate within thirty (30) days of its submission. One copy of the submitted plans or drawings shall be signed and dated by the Zoning Inspector and returned to the applicant either as approved or disapproved and one copy shall be retained by the Zoning Inspector. Reasons for denial shall be in writing and the applicant shall be notified of his right to appeal within twenty (20) days after the decision.

(b) Upon approval of an application, the Zoning Inspector shall sign, date and issue a zoning certificate conditioned that the applicant agrees the work or use shall be commenced within one (1) year of issuance and shall be completed within two (2) years of issuance. Conditional Zoning certificates shall not be transferable and a change of ownership shall require the new property owner to obtain a new conditional zoning certificate.

A conditional zoning certificate for any of the uses provided herein shall be valid for an initial period of two (2) years from the date of issuance and thereafter for a period not to exceed five (5) years from the date of renewal. **[Z-2000-5 – Effective 11/22/2000]**

(c) A new certificate or renewal may be granted upon application for good cause and provided that the conditional use is in compliance with all of the conditions set forth in this resolution and such other conditions approved by the board of zoning appeals. Application for renewal of a conditional zoning certificate shall be made not less than sixty (60) days prior to the expiration of such certificate. The zoning inspector shall review all applications for renewal and the application shall be forwarded to the board of zoning appeals for review and a decision to grant or deny it. **[Z-2000-5 – Effective 11/22/2000]**

109.07 CERTIFICATE REVOCATION.

(a) A zoning certificate shall be revoked by the Zoning Inspector if:

(1) It has been issued in error or has been issued based on materially false information or misrepresentation.
(2) Construction or the use is not commenced within one (1) year of certificate issuance.
(3) Construction is not completed within two (2) years of certificate issuance and a new certificate, renewal or extension has not been obtained.

(4) The work or use is not being conducted in accordance with the approved application and plans.

(5) The owner or applicant has not complied with a corrective or abatement order from the Zoning Inspector for violation of this Zoning Resolution or failed to comply with conditions of this Zoning Resolution or the certificate when issued.

(b) Written notice of revocation and reasons shall be signed and dated by the Zoning Inspector and sent to the applicant. The applicant shall be notified of his right to appeal within twenty (20) days after the decision.

(c) Notice of revocation shall contain a statement that all work or the use shall cease pending determination of an appeal or approval of an extension or new certificate.

109.08 SCHEDULE OF FEES.

The Board of Township Trustees shall by separate resolution establish a schedule of fees to be collected for inspections, legal advertising and other expenses involved in processing applications for zoning certificates, appeals, variances, conditional use permits, zoning amendments, plan approvals and all other matters pertaining to the administration and enforcement of this Zoning Resolution. The fee schedule shall be available from the Zoning Inspector or the office of the Board of Trustees. The schedule may only be changed by Board resolution. Until all applicable fees have been paid in full, no action shall be taken on any application or other matter requiring a fee.

109.09 VIOLATIONS.

(a) No building or structure shall be located, relocated, erected, constructed, reconstructed, enlarged, changed or maintained, and no land, building or structure shall be used in violation of this Zoning Resolution or any amendment thereto.

(b) No person shall commence any work or use requiring a zoning certificate or approval without first obtaining such certificate or approval, nor shall any person vary from the terms or conditions of issued certificates or authorized approvals, nor shall any person fail to comply with any corrective or abatement order issued by the Zoning Inspector.

109.10 COMPLAINTS REGARDING VIOLATIONS.

Whenever an alleged violation of this Zoning Resolution occurs, any person may file a written complaint with the Zoning Inspector specifying the facts and nature of the violation. The Zoning Inspector shall date each complaint received, investigate such complaint within thirty (30) days and take action thereon as provided in this Zoning Resolution.

109.99 PENALTY.

Whoever violates any provision of this Zoning Resolution shall, as provided by Ohio R. C. 519.23, be punished as provided in Ohio R. C. 519.99.

CHAPTER 113

ZONING COMMISSION

113.01 Members appointment or removal.
113.02 Officers.
113.03 Rules.
113.04 Meetings.
113.05 Quorum.
113.06 Powers
113.07 Records.
113.08 Planning functions.
113.09 Employment of consultants.

113.01 MEMBERS APPOINTMENT OR REMOVAL.

Zoning Commission members shall be appointed or removed and vacancies filled as provided in Ohio R. C. 519.04.

113.02 OFFICERS.

The Zoning Commission shall annually elect a Chairman and a Vice Chairman from its members, and a Secretary who may be a member. The annual election of officers shall take place at a regular meeting after the Board of Township Trustees have appointed a Commission member to replace the member whose term has expired at the end of the preceding calendar year.

113.03 RULES.

The Zoning Commission shall adopt rules, not in conflict with State law, and this Zoning Resolution, for the conduct of its regular and special meetings, the transaction of its business and the exercise of its powers.

113.04 MEETINGS.

The Zoning Commission shall meet in regular session at least once during each calendar month, except that the Commission may, by motion, dispense with regular meetings in July and August. Special meetings shall be held at the call of the Chairman, upon request of any two members, and at such other times as the Commission may determine. All Commission meetings to transact official business shall be open to the public.

113.05 QUORUM.

A majority of Zoning Commission members shall constitute a quorum for the transaction of business at any meeting. No Commission action shall be taken unless concurred in by a majority of members present at any meeting, except that action on proposed amendments to this Zoning Resolution shall require a majority vote of the entire Commission.

113.06 POWERS.

The Zoning Commission shall exercise such powers as are conferred by general law and by this Zoning Resolution, and shall:

(1) Initiate proposed amendments to this Zoning Resolution.
(2) Review all proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees as specified in O.R.C. Section 519.12 and this Zoning Resolution.

113.07 RECORDS.

The Zoning Commission shall keep minutes of its meetings, hearings and proceedings. Such minutes shall include a record of all actions, findings and determinations of the Commission and shall show the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The minutes and records of the Commission shall be filed in the office of the Commission and shall be public records open for public inspection. The Commission shall provide for the safekeeping of its minutes and records.

113.08 PLANNING FUNCTIONS.

When requested by the Board of Township Trustees, the Zoning Commission shall submit a plan, including both text and maps, embodying its recommendations for exercise by the Trustees of the powers conferred by Ohio R. C. Chapter 519. The Commission shall make use of such information and counsel as may be available from public officials, departments and agencies relative to planning and zoning for Bainbridge Township. It may request the Geauga County Planning Commission or any regional planning commission to prepare, or make available, any relevant maps, data or planning materials.

113.09 EMPLOYMENT OF CONSULTANTS.

Within the limits of monies appropriated for such purpose by the Board of Township Trustees, the Zoning Commission may employ or contract with such planning consultants and counsel as it deems necessary. It shall authorize payment of such compensation as is fixed by the Trustees. Members of the Commission and its Secretary shall be allowed compensation or expenses incurred in the performance of their official duties, or both, within the limits of monies as approved and provided by the Board. No Trustee shall be eligible for employment by the Commission.

CHAPTER 117

BOARD OF ZONING APPEALS

117.01 Members appointment or removal.
117.02 Officers.
117.03 Rules.
117.04 Meetings.
117.05 Quorum.
117.06 Powers.
117.07 Records.
117.08 Attendance of witnesses.
117.09 Appeal procedure.
117.10 Variance application and procedure.
117.11 Notice and conduct of public hearing.
117.12 Conditional use application and procedure.
117.13 General standards and specific criteria for conditional uses.
117.14 Supplementary conditions, limitations and safeguards.
117.15 Board final decision.

117.01 MEMBERS APPOINTMENT OR REMOVAL.

Board of Zoning Appeals members and/or alternates shall be appointed or removed and vacancies filled as provided in Ohio R. C. 519.13. **[Z-2006-3 – Effective 7/12/2006]**

117.02 OFFICERS.

The Board of Zoning Appeals shall annually elect a Chairman and a Vice Chairman from its members, and a Secretary who may be a member. The annual election of officers shall take place at a regular meeting after the Board of Township Trustees have appointed an Appeals Board member to replace the member whose term has expired at the end of the preceding calendar year.

117.03 RULES.

The Board of Zoning Appeals shall adopt rules, not in conflict with State law and this Zoning Resolution, for the conduct of its regular and special meetings, and public hearings, the transaction of its business and the exercise of its powers.

117.04 MEETINGS.

Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board determines. All Board meetings to transact official business shall be open to the public.

117.05 QUORUM.

A majority of members of the Board of Zoning Appeals shall constitute a quorum for the transaction of business at any meeting. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Resolution or to authorize any variance or conditional use as provided in this Zoning Resolution.

117.06 POWERS.

The Board of Zoning Appeals shall have such powers and duties as are conferred by general law and by this Zoning Resolution. For the purpose of this Zoning Resolution, the Board shall have the following specific powers and duties:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
(2) To authorize upon appeal such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Resolution will result in unnecessary hardship, and so that the spirit of this Zoning Resolution shall be observed and substantial justice done;
(3) To grant upon initial direct application conditional zoning certificates for the use of land, buildings, or other structures as are authorized in this Zoning Resolution under the conditions specified in this Zoning Resolution, and under such additional conditions and safeguards as are imposed by the Board to uphold the purpose and spirit of this Zoning Resolution.

117.07 RECORDS.

The Board of Zoning Appeals shall keep minutes of its meetings, hearings and proceedings. Such minutes shall include a record of all actions, findings and determinations of the Board and shall show the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The minutes and records of the Appeals board shall be filed in the office of the Board of Township Trustees and shall be public records open for public inspection. The Board shall provide for the safekeeping of its minutes and records until such filing.

117.08 ATTENDANCE OF WITNESSES.

(a) The Board of Zoning Appeals shall have the power to issue subpoenas to require the attendance and testimony of witnesses and the production of books, papers, records and other documentary evidence deemed pertinent to any hearing or proceeding. It may cross-examine, or permit examination or cross-examination, of any witness in relation to any matter it may lawfully determine. A subpoena shall be issued and signed by the Board Chairman or Vice Chairman, upon its own initiative or upon filing of a written request therefor by any party to a proceeding, any person entitled to notice of such proceeding or an attorney or representative of such party or person. Witness fees and travel allowance shall be paid by the Township Fiscal Officer on warrants issued by the Board Secretary, the same as are allowed by State Law in courts of record. Such fees and travel allowance shall be taxed as costs of the appeal or proceeding. The Board may require a deposit for the subpoena of any witness at the time of filing of the request but no deposit shall be required of a witness subpoenaed on behalf of the Board or any Township officer. The Township Police Department shall be responsible for the serving of subpoenas within township boundaries. **[Z-2018-1 – Effective 12/26/2018]**

(b) No person shall willfully fail to obey a subpoena issued by the Board, avoid being served a subpoena, refuse to produce documentary evidence under his possession or control, refuse to be sworn or to affirm, or refuse to testify except as to the right against self-incrimination.

117.09 APPEAL PROCEDURE.

(a) It is the intent of this Zoning Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, then to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from written decisions of the Board shall be filed within thirty (30) days to the courts as provided by law. The duties of the Board of Township Trustees in connection with this Zoning Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall only have the powers and duties provided by general law to include considering and adopting or rejecting proposed amendments or the repeal of this Zoning Resolution as provided by law, and establishing forms and a schedule of fees. Nothing herein shall be interpreted to prevent any Township official from appealing a decision of the Board to the courts as provided in Ohio R. C. Chapters 2505 and 2506.

(b) Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Zoning Resolution may be taken by any person aggrieved or by any Township officer affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board, a notice of appeal alleging error on forms provided by the Zoning Inspector, completing the required information and specifying the grounds upon which the appeals is being taken. The appeal notice shall be signed and dated by the appellant who by subscribing thereto assumes the legal responsibility for the truth, correctness and accuracy of all information supplied on the notice of appeal. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him/her, that by reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown. **[Z-2018-1 – Effective 12/26/2018]**

(d) In determining an appeal alleging error, the Board may, as long as such action is in conformity with the terms of this Zoning Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken.

117.10 VARIANCE APPLICATION AND PROCEDURE.

(a) Contents of application for an appeal: see application in the Appendix of this resolution. Appeals to the Board of Zoning Appeals requesting a variance may be taken by any person aggrieved by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and the Board, a notice of appeal requesting variance on forms provided by the Zoning Inspector, completing the required information and specifying the exact nature of the variance along with reference to the specific provision of this Zoning Resolution from which variance is requested. Written justification for a variance shall be made by the appellant on a form provided by the Zoning Inspector and the Board of Zoning Appeals shall determine if the proposed variance involves an "area" variance or a "use" variance.

The appeal notice for a variance shall be signed and dated by the appellant who by subscribing thereto assumes the legal responsibility for the truth, correctness and accuracy of all information supplied in such notice of appeal. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(1) Standards for an "area" variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following. Not all of the following factors must be met by the appellant and no single factor controls in a determination of practical difficulties.

a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

b. Whether the variance is substantial.

c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

d. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer).

e. Whether the property owner purchased the property with the knowledge of the zoning restriction.

f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

(2) Standards for a "use" variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following. All of the following factors must be met by the appellant.

a. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district.

b. The hardship condition is not created by actions of the appellant.

c. The granting of the variance will not adversely affect the rights of adjacent owners.

d. The granting of the variance will not adversely affect the public health, safety, or general welfare.

e. The variance will be consistent with the general spirit and intent of the zoning resolution.

f. The variance sought is the minimum which will afford relief to the appellant.

g. There is no other economically viable use which is permitted in the zoning district.

(b) An appeal for a variance stays all proceedings as provided in Section 117.09 (c).

(c) In determining an appeal requesting a variance, the Board shall consider the following in its findings: Note:

(1) "Unnecessary hardship" and/or "practical difficulty" does not include hardship or practical difficulty that is self-imposed, solely financial or for convenience.

(2) "Contrary to the public interest" means deviation from the purposes of the Zoning Resolution as provided in Section 101.02, the Bainbridge Township Guide Plan for Land Development, 2000, and the district involved as provided in Section 131.04.

(3) "Special conditions" mean that extraordinary circumstances really exist that will not frequently recur, are peculiar and do not result from the actions of the applicant.

(4) No variance shall permit a use which is specifically prohibited by Section 177.01 of this Zoning Resolution.

(5) No variance shall be granted due to nonconformities in the same district or in the Township.

(6) The variance if granted shall be the least possible to achieve just relief and the desired result.

(7) No variance shall be granted if rezoning the property in question is proper and will achieve substantially like results.

(8) No variance shall adversely affect the use or value of the neighborhood nor alter its essential character.

117.11 NOTICE AND CONDUCT OF PUBLIC HEARING.

(a) The Board of Zoning Appeals shall conduct a public hearing within thirty (30) days or a reasonable time after receiving notice of an appeal alleging error or requesting a variance. Prior to holding the public hearing, the Board shall give ten (10) days written notice to the parties in interest by personal service or ordinary mail and publish notice of such public hearing once in a newspaper of general circulation in Geauga County. The notice shall set forth the time and place of the public hearing and the general nature of the appeal alleging error or requesting variance. **[Z-2018-1 – Effective 12/26/2018]**

(b) In addition to notice as provided in subsection (a) hereof, the Board shall give notice of a request for variance on appeal or a request for a conditional use certificate by personal service or ordinary mail **[Z-2015-1 – Effective 7/8/2015]** to all property owners, as shown on the latest tax duplicate of Geauga County, in the following manner:

1. Residential area variances: All property owners immediately abutting subject property. **[Z-1998-1 – Effective 11/25/1998]**

2. Residential use variances: All property owners within 100 feet of subject property. **[Z-1998-1 – Effective 11/25/1998]**

3. Commercial area (including LIR, MUP and PO Zoning Districts) and use variances: All property owners within 300 feet of subject property. **[Z-1998-1 – Effective 11/25/1998] and [Z-2015-1 – Effective 7/8/2015]**

4. Conditional use certificates: All property owners within 300 feet of subject property. **[Z-1998-1 – Effective 11/25/1998]**

5. All others: All property owners within 300 feet of subject property. **[Z-1998-1 – Effective 11/25/1998]**

If all parcels within such radius are owned by the applicant, the owners of all properties abutting the applicant's land shall be notified. Failure of delivery of such notice shall not invalidate the Board's proceedings.

(c) The public hearing shall be conducted by the Board as in the trial of a civil action and may be continued for good cause. The appellant or applicant shall have the burden of proof and any contiguous or neighboring property owner especially

affected may become a party in interest. All testimony and evidence shall be given under oath or affirmation administered by the Board Chairman or Vice Chairman. Any party may call any other party as if on cross-examination. The appellant or applicant and any other party shall be afforded an opportunity to be heard in person or by attorney, to offer witnesses and evidence in support of their respective positions, to examine and cross-examine witnesses, to offer evidence to rebut or refute testimony opposed to their respective positions, and to present either oral or written argument on the merits of their respective contentions. The Zoning Inspector may be a party to Board proceedings to justify a decision on appeal, to oppose the granting of a variance or a conditional use, or to safeguard the public interest by presenting relevant evidence to any matter being considered by the Board.

117.12 CONDITIONAL USE APPLICATION AND PROCEDURE. [Z-2003-3 – Effective 10/15/2003]

(a) Contents of Application for Conditional Zoning Certificate: the conditional use zoning certificate application is in the Appendix of this resolution.

(b) The Board of Zoning Appeals may grant conditional zoning certificate approval for those uses specifically designated conditional uses in this Zoning Resolution. A conditional use once authorized achieves a conforming use status in the district but only during full compliance with the limiting requirements or restrictions as provided in this Zoning Resolution or as imposed by the Board in the initial grant. Conditional uses shall be considered by the Board individually on direct application by an owner or lessee of the property involved and may be transferrable to another owner or lessee upon application to the Board of Zoning Appeals and approval by the Board.

(c) Within thirty (30) days after receipt of an application for a conditional use, the Board shall give notice and conduct a public hearing as provided in Section 117.11.

117.13 GENERAL STANDARDS AND SPECIFIC CRITERIA FOR CONDITIONAL USES.

(a) <u>General Standards</u>

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following general standards and shall find adequate evidence showing that such use at the proposed location:

(1) Is in fact a conditional use as specified in this Zoning Resolution for the zoning district involved;

(2) Will be harmonious with and in accordance with the purposes of the Zoning Resolution as provided in Section 101.02, the Bainbridge Township Guide Plan for Land Development, 2000 or the latest version of the Township Land Use Plan, and the district involved as provided in Section 131.04;

(3) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

(4) Will not be hazardous or disturbing to existing or future neighboring uses;

(5) Will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools;

(6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Township;

(7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

(8) Will have vehicular approaches to the property so designed as not to interfere with traffic on neighboring public streets;

(9) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance, or the natural rural quality of the landscape.

(b) Specific Criteria

The following specific criteria and requirements for conditional uses are mandatory, if applicable to the proposed use and location:

(1) All buildings shall be located at least one hundred (100) feet from all property lines and have primary access to a street, except as may otherwise be provided in this zoning resolution;

(2) Loud speakers shall not be permitted;

(3) All points of entrance or exit drives shall be located not closer than two hundred (200) feet from the intersection of two streets;

(4) No more than one (1) sign oriented to each abutting street identifying the use or

activity shall be permitted, except as may otherwise be provided in this zoning resolution.

(5) No lighting shall constitute a nuisance, not impair safe movement of traffic on any street, nor shine directly on adjacent properties;

(6) Access roads shall be constructed, graded, treated and maintained to be dust free and usable by Township safety or emergency vehicles;

(7) Non-residential uses shall not be located adjacent to residential uses unless buffered or conducted so as not to interfere with residential property enjoyment;

(8) Site locations shall be preferred that offer natural or man-made barriers to lessen the effect of intrusion into a residential area;

(9) The use shall be adequately landscaped to act as a buffer or be harmonious with surrounding uses;

(10) Permitted outside installations or storage shall be kept in a sanitary and orderly conditions so as not to become a nuisance;

(11) Truck traffic shall be conducted and scheduled so as not to annoy neighboring properties by noise, dust or vibration;

(12) No work shall be conducted that causes pollution, sedimentation, and erosion or has a probable effect on the existing water table;

(13) All outside work conducted in connection with such use shall be done between the hours of 7:30 a.m. and 5:00 p.m.;

(14) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration.

(15) An interior traffic pattern design indicating all directional signage, pavement markings for vehicular flow and pedestrian crosswalks), and control thereof shall be submitted for review. **[Z-1999-3 – Effective 4/19/1999]**

(c) Child Day-Care Center

The following specific criteria and requirements for child day-care centers, when allowed in a zoning district as a conditional use are mandatory, in addition to the general criteria and specific criteria set forth in Section 117.13 (a) and (b): **[Z-2002-7 – Effective 1/22/2003]**

(1) In the event outdoor activities, on site, will be part of a child day-care center operation, such activities shall take place in one or more completely and securely fenced play lots which shall be no closer than one hundred (100) feet to any residentially zoned lot line, shall be screened by a masonry wall, fence, or compact evergreen hedge no less than five (5) feet in height, and maintained in good condition.

(2) Any outdoor activity conducted in conjunction with the child day-care center shall not occur after 6:00 P.M. and before 7:30 A.M.

(3) The applicant shall provide auditory and visual screening and buffering for any outdoor activities engaged in by the children in conjunction with the child day-care center for any portion of the lot that is adjacent to a Residential District which shall include ten foot (10') high landscaped earthen mound, fencing or walls as determined by the Board of Zoning Appeals. A twenty (20) year growth landscaping plan shall be prepared by a registered landscape architect and submitted to the Board of Zoning Appeals for the required landscaping for any child day-care center proposal.

(4) The applicant of the child day-care center shall provide for drop off and pick up of children in an area where it will not impede traffic on or off the site and where the least amount of unrelated traffic circulation is probable in light of the type of uses on the site and locations of buildings on the site are contained and where safest for children to leave and re-enter such motor vehicles. When the Board of Zoning Appeals deems is appropriate, the applicant shall submit a traffic impact analysis of the proposed addition of the child day-care center on the lot, and the Board of Zoning Appeals, when it deems appropriate, may have an independent evaluation of such traffic impact analysis prepared for the Board of Zoning Appeals, at the expense of the applicant.

(5) The applicant shall provide for additional screening for auditory purposes when the Board of Zoning Appeals determines that it is required to reduce the impact on tenants of buildings located on the same lot being utilized for convenience business, service or office uses.

(6) The applicant shall provide signage, based upon the size, number and location determined necessary for the lot by the Board of Zoning Appeals, noting pick up and drop off points for children to adequately warn occupants and users of the lot of the existence of the child day-care center and shall impose rules for the users of the child day-care center to follow for pick up and drop off of children at clearly marked points to promote the safety and security of the children utilizing the child

day-care center.

(7) Each child day-care center shall provide a location, as determined by the Board of Zoning Appeals, for school bus drop off and shall provide for the ability of the school bus to either turn around within the drop off area or alternatively provide a circular drive back to the road upon which such lot is located.

(8) The applicant shall provide written certification from the applicable governmental agency having jurisdiction thereof that (i) adequate sanitary sewage disposal has been provided for by a public sanitary sewer system, or (ii) the proposed on site sewer system will be in compliance with the statutes, rules and regulations of the State of Ohio and the Ohio Department of Health. Each child day-care center shall comply with all applicable federal, state, county and township regulations.

(9) The applicant shall provide written certification from the applicable governmental agency that a public water supply is available to the child day-care center or, in the event no such public water supply is available, provide a report of a hydrogeologist or hydrologist that there is adequate ground water in the aquifer serving the child day-care center to supply the employees and children at the child day-care center without unreasonably affecting the aquifer serving other portions of the same lot and surrounding property served by the same aquifer. The Board of Zoning Appeals may, when it deems appropriate, obtain an independent evaluation of such report prepared for the Board of Zoning appeals, at the expense of the applicant.

(10) Minimum Lot Width. A lot shall have a minimum width of two hundred fifty feet (250').

(11) Each child day-care center shall have at least one building entrance dedicated solely for its use.

(d) Adult Day-Care

The following specific criteria and requirements for day-care centers, when allowed in a zoning district as a conditional use are mandatory, in addition to the general criteria and specific criteria set forth in Section 117.13 (a) and (b), when used for adults: **[Z-2006-6 – Effective 11/8/2006]**

1. In the event outdoor activities, on site, will be part of a day-care center operation, such activities shall take place in one or more completely and securely fenced lots which shall be no closer than one hundred (100) feet to any residentially zoned lot line, shall be screened by a masonry wall, fence, or compact evergreen hedge no less than five (5) feet in height, and maintained in good condition.

2. Any outdoor activity conducted in conjunction with the day-care center shall not occur after 6:00 P.M. and before 7:30 A.M.

3. The applicant of the day-care center shall provide for drop off and pick up of the attendees in an area where it will not impede traffic on or off the site and where the least amount of unrelated traffic circulation is probable in light of the type of uses on the site and locations of buildings on the site are contained and where safest for attendees to leave and re-enter such motor vehicles. When the Board of Zoning Appeals deems it appropriate, the applicant shall submit a traffic impact analysis of the proposed addition of the day-care center on the lot, and the Board of Zoning Appeals, when it deems appropriate, may have an independent evaluation of such traffic impact analysis prepared for the Board of Zoning Appeals, at the expense of the applicant.

4. The applicant shall provide for additional screening for auditory purposes when the Board of Zoning Appeals determines that it is required to reduce the impact on tenants of buildings located on the same lot being utilized for convenience business, service or office uses.

5. The applicant shall provide signage, based upon the size, number and location determined necessary for the lot by the Board of Zoning Appeals, noting pick up and drop off points for attendees to adequately warn occupants and users of the lot of the existence of the day-care center and shall impose rules for the users of the day-care center to follow for pick up and drop off of attendees at clearly marked points to promote the safety and security of the attendees utilizing the day-care center.

6. The applicant shall provide written certification from the applicable governmental agency having jurisdiction thereof that (i) adequate sanitary sewage disposal has been provided for by a public sanitary sewer system, or (ii) the proposed on site sewer system will be in compliance with the statutes, rules and regulations of the State of Ohio and the Ohio Department of Health. Each day-care center shall comply with all applicable federal, state, county and township regulations.

7. The applicant shall provide written certification from the applicable governmental agency that a public water supply is available to the day-care center or, in the event no such public water supply is available, provide a report of a hydrogeologist or hydrologist that there is adequate ground water in the aquifer serving the day-care center to supply the employees and attendees at the day-care center without unreasonably affecting the aquifer serving other portions of the same lot and surrounding property served by the same aquifer. The Board of Zoning Appeals may, when it

deems appropriate, obtain an independent evaluation of such report prepared for the Board of Zoning Appeals, at the expense of the applicant.

8. Minimum Lot Width. A lot shall have a minimum width of two hundred fifty feet (250').

9. Each day-care center shall have at least one building entrance dedicated solely for its use.

(e) Private Schools

The following specific criteria and requirements for private schools, when allowed in the zoning district as a conditional use, are mandatory, in addition to the general criteria and specific criteria set forth in Section 117.13(a) and (b): **[Z-2006-6 – Effective 11/8/2006]**

1. In the event outdoor activities, on site, will be part of a school operation, such activities shall take place in one or more completely and securely fenced play lots which shall be no closer than one hundred (100) feet to any residentially zoned lot line, shall be screened by a masonry wall, fence, or compact evergreen hedge no less than five (5) feet in height, and maintained in good condition.

2. Any outdoor activity conducted in conjunction with the school shall not occur after 6:00 P.M. and before 7:30 A.M.

3. The applicant shall provide auditory and visual screening and buffering for any outdoor activities engaged in by the students in conjunction with the school for any portion of the lot that is adjacent to a Residential District which shall include ten foot (10') high landscaped earthen mound, fencing or walls as determined by the Board of Zoning Appeals. A twenty (20) year growth landscaping plan shall be prepared by a registered landscape architect and submitted to the Board of Zoning Appeals for the required landscaping for any school proposal.

4. The applicant of the school shall provide for drop off and pick up of students in an area where it will not impede traffic on or off the site and where the least amount of unrelated traffic circulation is probable in light of the type of uses on the site and locations of buildings on the site are contained and where safest for students to leave and re-enter such motor vehicles. When the Board of Zoning Appeals deems it appropriate, the applicant shall submit a traffic impact analysis of the proposed addition of the school on the lot, and the Board of Zoning Appeals, when it deems

appropriate, may have an independent evaluation of such traffic impact analysis prepared for the Board of Zoning Appeals, at the expense of the applicant.

5. The applicant shall provide for additional screening for auditory purposes when the Board of Zoning Appeals determines that it is required to reduce the impact on tenants of buildings located on the same lot being utilized for convenience business, service or office uses.

6. The applicant shall provide signage, based upon the size, number and location determined necessary for the lot by the Board of Zoning Appeals, noting pick up and drop off points for students to adequately warn occupants and users of the lot of the existence of the school and shall impose rules for the users of the school to follow for pick up and drop off of students at clearly marked points to promote the safety and security of the attendees utilizing the school.

7. Each school shall provide a location, as determined by the Board of Zoning Appeals, for school bus drop off and shall provide for the ability of the school bus to either turn around within the drop off area or alternatively provide a circular drive back to the road upon which such lot is located.

8. The applicant shall provide written certification from the applicable governmental agency having jurisdiction thereof that (i) adequate sanitary sewage disposal has been provided for by a public sanitary sewer system, or (ii) the proposed on site sewer system will be in compliance with the statutes, rules and regulations of the State of Ohio and the Ohio Department of Health. Each school center shall comply with all applicable federal, state, county and township regulations.

9. The applicant shall provide written certification from the applicable governmental agency that a public water supply is available to the day-care center or, in the event no such public water supply is available, provide a report of a hydrogeologist or hydrologist that there is adequate ground water in the aquifer serving the school to supply the employees and students at the school without unreasonably affecting the aquifer serving other portions of the same lot and surrounding property served by the same aquifer. The Board of Zoning Appeals may, when it deems appropriate, obtain an independent evaluation of such report prepared for the Board of Zoning Appeals, at the expense of the applicant.

10. Minimum Lot Width. A lot shall have a minimum width of two hundred fifty feet (250').

11. Each school shall have at least one building entrance dedicated solely for its use.

117.14 SUPPLEMENTARY CONDITIONS, LIMITATIONS AND SAFEGUARDS.

The Board of Zoning Appeals, in deciding any appeal alleging error or granting any conditional zoning certificate, may prescribe such supplementary conditions, limitations and safeguards which are not in conflict with this Zoning Resolution and which the Board deems necessary to protect the public interest and neighboring properties. The Board in deciding any appeal requesting a variance may prescribe such supplementary limitations and safeguards which are not in conflict with this Zoning Resolution and which the Board deems necessary to protect the public interest and neighboring properties. Such supplementary conditions, limitations and safeguards shall be made a part of the Board proceedings and shall be incorporated in the final Board decision or grant. Violation of such supplementary conditions and safeguards which are made a part of the written decision or grant by the Board shall be deemed a violation of this Zoning Resolution and punished as provided in Section 109.99.

117.15 BOARD FINAL DECISION.

(a) The Board of Zoning Appeals shall render a final written decision within thirty (30) days after conclusion of the public hearing for an appeal alleging error, an appeal requesting a variance, or an application for a conditional zoning certificate. To support its decision or grant and resolution of the questions and issues raised in the proceedings, the Board shall adopt findings of fact and may include mixed questions of law and fact. The Board decision or grant and related findings shall be made at a public meeting of the Board, dated and signed by concurring members and attested by the Board Secretary.

Copies of the written decisions or grant and related findings shall be furnished the Board of Township Trustees, Zoning Commission and Zoning Inspector and copies shall be mailed to all parties in interest.

(b) All Board records of the proceedings including the decision and findings shall be considered public records and filed with the Board of Township Trustees subject to retention for court appeal. The date Board members sign the written decision shall be the date of entry as provided in Ohio R. C. 2505.07 for appeal to common pleas court pursuant to Ohio R. C. 2506. Within forty (40) days after receipt of notice of appeal, the Board Secretary shall prepare and file in common pleas court a complete transcript of all the proceedings which are the subject of the appeal, as required by Ohio R.C. 2506.02. **[Z-2020-1 – Effective 5/27/2020]**

CHAPTER 121

AMENDMENTS

121.01 Procedure.
121.02 Application.
121.03 Filing with Zoning Commission.
121.04 Submission to Ohio Director of Transportation.

121.01 PROCEDURE.

Amendments to the Zoning Resolution text and/or the Zoning Map shall be initiated, enacted and become effective in accordance with Ohio R. C. 519.12.

121.02 APPLICATION.

An application for an amendment is in the Appendix of this resolution.

121.03 FILING WITH ZONING COMMISSION.

Amendment applications are available from the Township Fiscal Officer, or Zoning Commission Secretary. Completed applications shall be submitted to the Zoning Commission Secretary and shall be filed by him/her**,** with the Zoning Commission at the next regularly scheduled meeting which shall be considered the original filing date, provided the Zoning Commission determines that the application is fully complete. **[Z-2018-1 - Effective 12/26/2018]**

121.04 SUBMISSION TO OHIO DIRECTOR OF TRANSPORTATION.

(a) Before any zoning amendment is adopted affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the Board of Township Trustees and Zoning Inspector by the Ohio Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of such centerline with any public road or highway, the Board of Township Trustees shall give notice, by registered or certified mail to the Director.

(b) The Board of Township Trustees shall not adopt a zoning amendment for one hundred twenty (120) days from the date the notice is received by the Director. If the Director notifies the Board that he has purchased or has initiated proceedings to appropriate the land which is subject of the amendment, then the Board shall refuse to adopt the amendment. If the Director notifies the Board that he has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director and the property owner, the Board shall proceed as required by the Ohio Revised Code.

CHAPTER 131

DISTRICTS CLASSIFIED AND PURPOSE: ZONING MAP

131.01 Districts classified.
131.02 Map Incorporation and attestation.
131.03 Interpretation of district boundaries.
131.04 Purpose of districts.

131.01 DISTRICTS CLASSIFIED.

For the purposes of this Resolution, the entire territory of Bainbridge Township is hereby divided into the following classes or districts which are hereby established:

Designation	District Name
R-5A	Rural Open Residential District
R-3A	Rural Residential District
CB	Convenience Business District
CR	Commercial Recreation District **[Deleted 6/8/2015 – Z-2015-1]**
LIR	Light Industry Restricted District
P-O	Professional Office District **[Adopted 3/18/1991 – Z-1990-5]**
APP	Active Public Park District **[Adopted 7/6/1999 – Z-1999-7]**
PPP	Passive Public Park District **[Adopted 8/2/1999 – Z-1999-8]**
MUP	Mixed Use Planned Unit Development **[Adopted 6/8/2015 – Z-2015-1]**

131.02 MAP INCORPORATION AND ATTESTATION.

(a) The districts as classified and established in this Zoning Resolution are shown on the official Zoning Map which, together with all explanatory matter thereon, is hereby adopted as part of this Zoning Resolution.

(b) The official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees and attested to by the Township Clerk.

131.03 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to boundaries of any of the districts shown on the official Zoning Map, the following rules of interpretation shall apply:

(a) Where a district boundary is indicated as approximately following the center line of a street or highway, or a street or highway right-of-way line, such center line or right-of-way line shall be deemed to be the boundary.

(b) Where a district boundary is indicated as approximately following a lot line, such lot line shall be deemed to be the boundary.

(c) Where a district boundary is indicated as being approximately parallel to the center line or the right-of-way line of a street or highway, such district boundary shall be deemed as being parallel thereto and at such distance therefrom as is indicated on the official Zoning Map. If no distance is given, the distance shall be determined by use of the scale shown on the official Zoning Map.

(d) Where the boundary of a district follows a stream, the center of the stream shall be deemed such boundary. The "center of a stream" is defined as:
   (1) In the case of a diurnal stream, the midpoint between its banks at the low-water mark; or
   (2) In the case of an ephemeral stream, the midpoint between the outer limits of its visibly discernible channel.

131.04 PURPOSE OF DISTRICTS.

The zoning use districts as classified and established for the Township are created and the boundaries thereof delineated in furtherance of the general purposes of this Zoning Resolution as set forth in Section 101.02. In addition, the specific purpose of each district is as follows:

(a) Rural Open Residential District (R-5A). The purpose of the R-5A District is to permit development and use of land for low density, single-family dwellings with lot size sufficient for on-site water supply and sewage treatment facilities; but not to exceed one (1) dwelling unit per five (5) acres. R-5A Districts are generally associated with the areas as shown on the Bainbridge Township Guide Plan for Land Development, 2000, for Rural Open Residential Development.

(b) Rural Residential District (R-3A). The purpose of the R-3A District is to permit development and use of land for low density, single-family dwellings with lot size sufficient for on-site water supply and sewage treatment facilities; but not to exceed one (1) dwelling unit per three (3) acres. R-3A Districts are generally associated with the areas shown on the Bainbridge Township Guide Plan for Land Development, 2000, for Rural Residential Development.

(c) Convenience Business District (CB). The purpose of the CB District is to permit and reasonably regulate development and use of land for convenience businesses.

A convenience business is one which:

(1) Provides goods and services required by Township residents on a frequent or daily basis, for which travel to a major commercial center would be impractical; and which
(2) Serves primarily local patrons, rather than drawing customers from a large market area outside the Township.

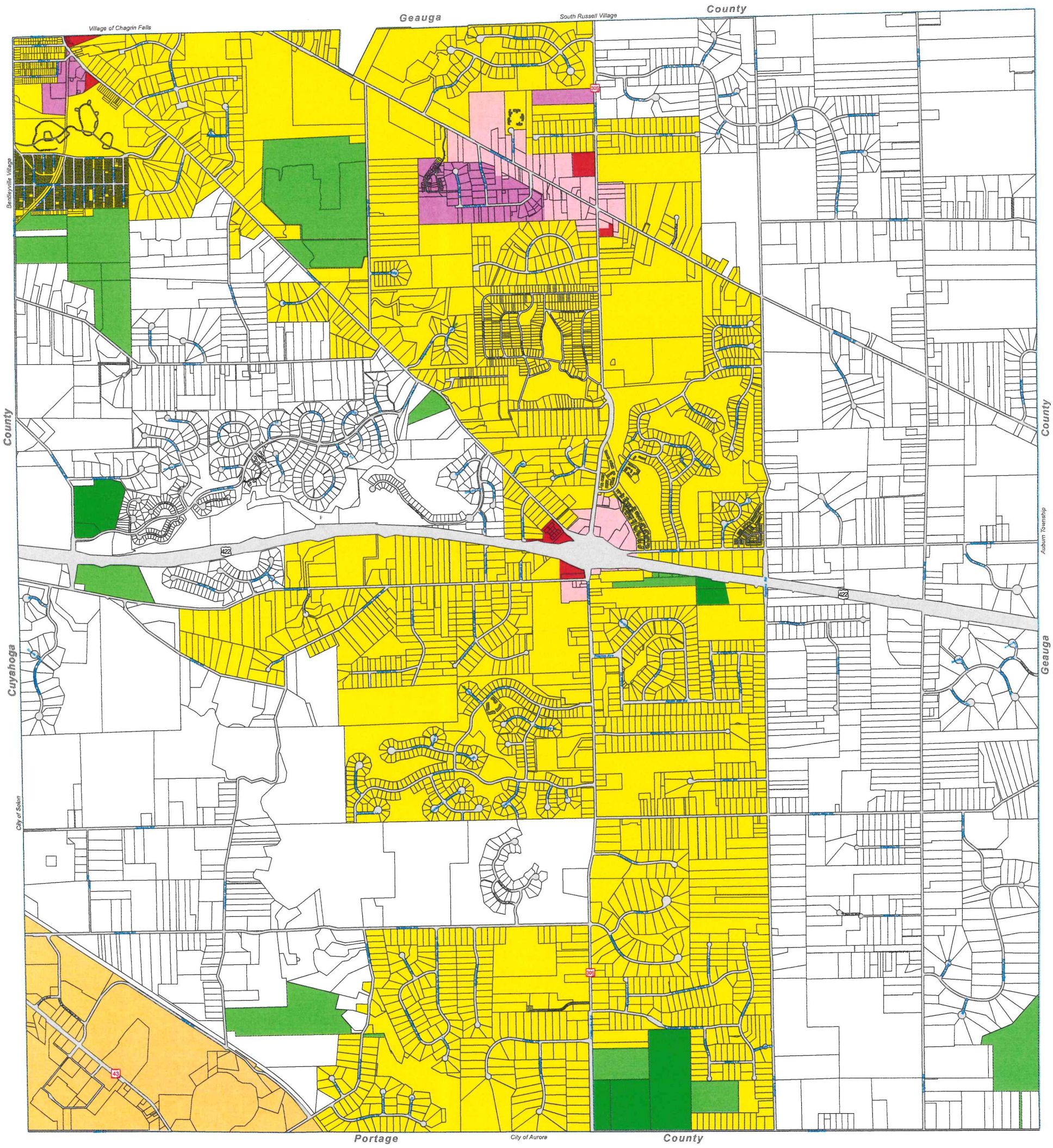
The CB District would normally be located in areas served by central sewers and therefore suitable for commercial development, as indicated on the Bainbridge Guide Plan for Land Development, 2000.

(d) Mixed Use Planned Unit Development (MUP). The purpose of the Bainbridge Township Mixed-Use Planned Unit Development District 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 R.C. 519.021, Planned Unit Development. **[Adopted 6/8/2015 – Z-2015-1]**

(e) Light Industry Restricted District (LIR). The purpose of the LIR District is to reasonably regulate the development and use of land for light manufacturing and research establishments, the operation of which: is free of hazards such as odor, smoke, dust, noise, glare and/or other pollution; conducted entirely within an enclosed structure; generates little industrial traffic, and; is served by central sewers. Additional or future industrial development will be encouraged in areas designated most suitable for industrial development as indicated in the Bainbridge Township Guide Plan for Land Development, 2000.

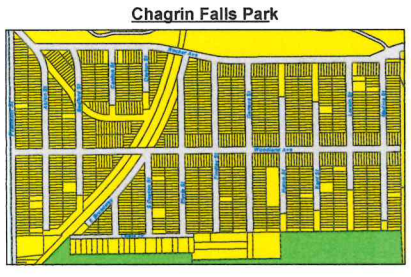
(f) Active Public Park District (APP). The Active Public Park District is established to provide recreational facilities for the community within a park-like setting and atmosphere; to promote certain healthy and beneficial outdoor leisure time activities for park users which do not present a significant risk of harm to others; and to afford reasonable access for the public to outdoor athletic, social and educational activities. Unlike the Passive Public Park District, this district recognizes that certain outdoor activities may require modification and alteration of natural terrain and disturbances of natural habitat. The Active Public Park District is created to achieve a balance between the public's need for active outdoor recreational facilities and the preservation of open space. **[Adopted 7/6/1999 – Z-1999-7]**

(g) Passive Public Park District (PPP). The Passive Public Park District is established 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. Passive Public Park District uses are intended to be passive in nature to prevent the disturbance of the natural terrain, habitat and wildlife of the area. **[Adopted 8/2/1999 – Z-1999-8]**



Bainbridge Township Zoning Map

Chagrin Falls Park



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
- PPP: Passive Public Park
- APP: Active Public Park

N W E S

0 500 1,000 2,000 3,000 Feet

Amendment No. Z-2020-5 is hereby adopted by the Bainbridge Township Board of Trustees

this 12TH *day of* OCTOBER, *2020.*

Jeffrey S. Markley, Trustee

Lorrie A. Sass Benza, Trustee

Kristina O'Brien, Trustee

Janice S. Sugarman, Fiscal Officer

Effective this 11TH *day of* NOVEMBER, *2020.*

Janice S. Sugarman, Fiscal Officer

Revised : October 2020

Geauga County digital data is a representation of recorded plats, surveys, deeds, and other collected information for use within the Geographic Information System for purposes of public access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use. Geauga County assumes no legal responsibility for the information and users should contact the GIS Department with questions or concerns. October 21, 2020

CHAPTER 135

R-5A RURAL OPEN RESIDENTIAL DISTRICT

135.01 Establishment.
135.02 Use regulations.
135.03 Lot requirements, height, yards, lot coverage, bulk, floor area, signs, satellite dishes and antennas, and off-street parking.
135.04 Conditions for cluster development.
135.05 Conditions for residential care facilities.
135.06 Conditions for nursing homes.

135.01 ESTABLISHMENT.

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

135.02 USE REGULATIONS.

(a) Permitted Principal Buildings, Structures, and Uses. Only the following principal buildings, structures, and uses shall be permitted after obtaining a zoning certificate in accordance with the provisions of Chapter 109 of this Zoning Resolution:

Offices, meeting facilities, parks, recreation facilities, playgrounds, libraries, schools, maintenance facilities, cemeteries, museums, police stations, and fire stations of a political subdivision of the state of Ohio.

Single-family detached dwellings including industrialized units affixed to a permanent foundation. **[Z-2000-3 – Effective 7/26/2000]**

Manufactured homes shall be permanently sited on a lot and shall conform with all of the following regulations: **[Z-2000-3 – Effective 7/26/2000]**

(1) Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 U.S.C.A. Section 5415, and be manufactured after January 1, 1995; and

(2) Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home; and

(3) Exclusive of any addition, have a width of not less than twenty-two (22) feet at one point, a length of not less than twenty-two (22) feet at one point, and a minimum floor area in accordance with the residential district in which it is located; and

(4) Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering; and

(5) Be permanently installed upon and properly attached to a foundation system that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to the appropriate facilities; and

(6) Conform to all residential district regulations for the district in which it is located.

(7) In addition to the above requirements the owner shall surrender the title to the manufactured home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home as real property.

Licensed residential facilities as defined and licensed by the State, permitted by Ohio R. C. 5123.19 (M) and 5119.341(A), but subject to single-family dwelling area, height, and yard requirements that are uniformly imposed in this Zoning Resolution.

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

(b) Conditional Uses. Only the following conditional uses shall be allowed after obtaining a conditional zoning certificate in accordance with the provisions of Chapter 117 of this Zoning Resolution, particularly Sections 117.12 and 117.13:

Places of worship or churches provided no part of any building or land for place of worship or church use shall be used for business, commercial use or non-place of worship related activities. **[Z-1998-3 – Effective 11/25/1998]**

Cluster Development. See Section 135.04.

Private and parochial schools. See Section 117.13 (e).

Residential Care Facilities. **[Z-2006-4 – Effective 8/23/2006]** See Section 135.05.

Nursing Homes. **[Z-2006-4 – Effective 8/23/2006]** See Section 135.06.

Cemeteries privately owned.

(c) Permitted Accessory Buildings, Structures, and Uses. Only the following accessory buildings, structures, and uses shall be permitted after obtaining a zoning certificate in accordance with the provisions of Chapter 109 of this Zoning Resolution:

(c-1) Private attached or detached garages and carports, barns, sheds, storage and utility buildings, and animal shelters.

(c-2) Indoor and outdoor private recreational facilities including tennis courts, basketball courts, volleyball courts, and skating rinks.

(c-3) Indoor or outdoor swimming pools for personal use provided outdoor pools are fenced or walled. The fence or wall shall be at least four (4) feet in height completely enclosing the pool or the yard containing the pool. The fence or wall 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 (3) inches of the ground and the fence or wall to within three (3) inches of any building that is part of the perimeter of the fenced or walled area. Above ground outdoor swimming pools, with a minimum perimeter height above grade of at least four (4) feet, are not required to have a fence. **[Z-2004-1 – Effective 9/1/2004]**

(c-4) Wind energy conversion systems including wind turbines in accordance with Chapter 161.

(c-5) Ground mounted satellite dishes and UHF television antennas, and roof-mounted satellite dishes and UHF television antennas in accordance with Chapter 161.

(c-6) Such other buildings, structures, and uses set forth in Chapter 161.

(c-7) Signs in accordance with Chapter 173.

(c-8) Off-street parking and loading/unloading spaces in accordance with Chapter 169.

(c-9) Home Occupations: A Home Occupation as defined herein shall be allowed as a permitted accessory use in a R-3A and R-5A Residential Zone subject to the requirements of Sections 135 and 139 respectively and the following regulations. **[Z-1991-3 – Effective 9/23/1991]**

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

(2) Definition.

See "Home Occupation" in Chapter 105.02.

(3) Regulations for Home Occupations.

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

a. There shall be no exterior indication of the Home Occupation, except as provided in subparagraph 3 (k) and (l).

b. No external alterations, construction, or reconstruction of the dwelling unit on the lot to accommodate the Home Occupation shall be permitted.

c. There shall be no outside storage of any kind related to the Home Occupation; only commodities produced within that portion of the dwelling unit designated for home occupation use shall be sold, such commodities shall be sold only from within that portion of the dwelling unit designated for Home Occupation use, and no display of products shall be visible from the street.

d. Not more than twenty-five (25) percent of the gross floor area of the dwelling unit shall be devoted to the home occupation.

e. Off-street parking spaces in connection with the home occupation shall not be located in the front yard setback nor in the front of the dwelling unit, except in the driveway, and shall comply with the requirements of Chapter 169. Additional parking for one employee as specified in subparagraph (j) and Chapter 169 shall be provided and such parking must be off-street.

f. There shall be no more than one (1) Home Occupation within any single dwelling unit on a lot.

g. A Home Occupation as provided in this section shall be carried on wholly within the principal dwelling unit, including storage of equipment or materials.

h. Any noise, vibration, smoke, electrical interference, dust, odors, or heat shall not be detectable beyond the lot lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure.

i. A Home Occupation shall be owned and operated by the person, or his immediate family, living and working within the dwelling unit.

j. No more than one (1) person shall be present and working at the Home Occupation at one time, other than the residents of the dwelling unit. This includes people who entered into a contract to provide services for the Home Occupation.

k. Signs shall be allowed as provided in Section 173.10(a)(2).

l. Any vehicle with a business name or sign on it shall be parked in a fully enclosed building except as provided in subparagraph 3. (e).

m. There shall be no more than three (3) customers or clients allowed concurrently on the premises.

(4) Prohibited Home Occupations.

Home Occupations that attract customers or clients to the premises for retail sales or services.

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

135.03 LOT REQUIREMENTS, HEIGHT, YARDS, LOT COVERAGE, BULK, FLOOR AREA, SIGNS, SATELLITE DISHES AND ANTENNAS, AND OFF-STREET PARKING.

(a) Height. No principal building or other structure, except as may otherwise be provided in this Zoning Resolution, shall exceed a height of thirty-five (35) feet or two and one-half (2.5) stories, whichever is less. No detached accessory building shall exceed a height of twenty-one (21) feet.

(b) Lot and Yard Requirements. No building or structure shall be erected, nor shall land be used or developed, unless in conformity with the following requirements. All dimensions shall be exclusive of any road rights of way.

	Feet (except as indicated)
(1) Minimum lot area	217,800 sq. ft. (5 acres)
(2) Minimum lot width	250
(3) Minimum front yards	100
(4) Minimum side yard	50
(5) Minimum side yard abutting a street on corner lot	100
(6) Minimum rear yard depth	90
(7) Minimum frontage/front lot lines	60

(8) The maximum lot coverage for residential buildings, structures, and uses for conforming and nonconforming lots, except as may otherwise be specified in section 135.04(q), shall be as follows:

(i) Lot coverage shall be calculated with a progressive calculation. Lot coverage shall be calculated as per the equation outlined below, with partial acreages being calculated as follows:

a. Lots 0.5 acre or less in area shall be permitted to have lot coverage that is the greater of 4,000 square feet or 25% of the area of the lot.

b. Lots greater than 0.5 acre up to 1.0 acre in area shall be permitted to have additional lot coverage area calculated at 10% of the area over 0.5 acre.

c. Lots greater than 1.0 acre in area shall be permitted to have additional lot coverage calculated at 6.25% of the area over 1.0 acre.

Lot area per calculation	Percent Coverage	Calculated maximum*
< 21,780 sq. ft. or <0.5 acre	25%	
21,780 - 43,560 sq. ft. or 0.5-1.0 acre	10%	
>43,560 sq. ft. or >1.0 acre	6.25%	

* Note: See the Appendix for a calculator regarding maximum lot coverage.

(ii) The maximum lot coverage for lots 3.0 acres or greater in area shall be ten percent (10%).

(9) The maximum lot coverage for all nonresidential buildings, structures, and uses shall be forty percent (40%).

(10) The number of detached accessory buildings on a residential lot shall be limited to two (2). **[Z-1998-4 – Effective 11/25/1998]**

(11) Maximum detached accessory building floor area, measured using the footprint of the building on conforming lots: 900 square feet by exterior dimensions.

(12) Minimum setbacks for detached accessory buildings and structures on conforming lots, except for private recreational facilities:

a. Minimum front yard: 100 feet or front setback of the principal building, whichever is less restrictive.

b. Minimum side yard: 50 feet or setback of the principal building, whichever is less restrictive.

c. Minimum side yard on a corner lot abutting street: 100 feet or setback of principal building, whichever is less restrictive.

d. Minimum rear yard: 50 feet.

(13) The minimum setback for private recreational facilities shall be 50 feet from all lot lines and such facilities shall be located behind the principal building.

(14) Except as provided for in Section 161.11, no detached accessory building or structure shall be located in front of a dwelling or principal building.

(15) Except as provided for in Section 161.11, the minimum distance between a dwelling or principal building and a detached accessory building or structure that is covered by a roof shall be ten (10) feet.

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

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

Bedrooms	Square Feet
1 or 2	1200
Each additional	Add 150

(e) Signs. All signs shall conform to requirements of Chapter 173.

(f) Ground mounted satellite dishes or ground mounted antennas. Shall be restricted to rear yards in accordance with Chapter 161.

(g) Off-street Parking. Shall be in accordance with Chapter 173.

135.04 CONDITIONS FOR CLUSTER DEVELOPMENT AS A CONDITIONAL USE. [Z-1990-1 – Effective 10/24/1990] [Amended 1/26/2004 – Z-2003-5]

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

(1) Maximize preservation of natural resources of the Township such as steep slopes, wetlands and ponds, woods, drainage courses and streams,

(2) Provide common open space amenities for the enjoyment of the residents, and

(3) Afford through site design flexibility the opportunity to offset any potential adverse impacts of adjacent non-residential uses, utilities or major highways.

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

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

(c) Sewage facilities shall meet all Geauga County regulations.

(d) The minimum land area for a cluster development shall be fifteen (15) acres.

(e) The maximum density shall be one (1) dwelling unit for each five (5) acres of land area designated for cluster development, provided that the maximum density on any single area in the cluster development shall not exceed three (3) dwelling units per acre.

(f) A minimum of twenty-five percent (25%) of the gross land area shall be devoted to common open space that shall be separately recorded**.** In satisfying this requirement, such common open space shall not include parking lots; access drives; roads and the minimum space or setbacks between buildings, parking and buildings, parking and property lines, property lines and buildings or similar land fragments.

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

(g) Site coverage with structures, decks, patios, drives, roads and recreation facilities shall be no more than fifteen percent (15%) of the total cluster development. Individual lot coverage shall be indicated for each lot on the preliminary and final subdivision plats or development plan, set forth in the declaration of restrictive covenants for the subdivision or development, and be shown in total on the plats or plan and in the declaration of restrictive covenants.

(h) A minimum of three (3) parking spaces per unit, with at least one (1) of the required spaces being within a parking garage. The spaces shall be outside of the private drive(s) serving the development.

(i) The Township Fire and Police Departments shall determine that their vehicles have adequate access to all dwelling units within the cluster development.

(j) Roads and cul-de-sacs may be privately owned and maintained by the homeowners' association or publicly dedicated. Road widths may vary, but main roads shall be no less than 20' in width with no parking permitted on them. Appropriate county construction standards shall apply for all main roads whether public or private. Main roads are equivalent to "local roads" (residential, light traffic) in accordance with the latest version of the "Standard Specifications and Procedures for Design and Construction of the Subdivision Roads in Geauga County, Ohio" adopted by the Board of County Commissioners. When approving the development plan, the Board of Zoning Appeals may waive the requirement that curbs and sidewalks be constructed when it determines that adequate alternative means for drainage and pedestrian movements have been provided in the development.

If a curb is not provided, the edge of the pavement shall be bermed, grassed, seeded and well maintained and the storm drainage system shall be adequately designed to prohibit standing water in accordance with the latest version of the "Water Management and Sediment Control" regulations adopted by the Geauga Soil and Water Conservation District.

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

All detailed road construction drawings must be prepared and certified by a registered professional civil engineer in the state of Ohio.

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

(k) No dwelling unit, accessory building or structure shall be closer than fifty (50) feet to a front lot line or one hundred (100) feet to any perimeter property line of the cluster development.

(l) No dwelling unit, accessory building or structure shall be closer than fifty (50) feet to a rear lot line or thirty (30) feet to any side lot line or one hundred (100) feet to any perimeter property line of the cluster development.

(m) A planting buffer, a natural landscape buffer and/or earth berming shall be provided at the perimeter of the cluster development and designated as open space on the plat or development plan.

(n) Each application shall include a development plan or plat drawn to scale by a registered professional surveyor in the state of Ohio, certified by the applicant and his surveyor, showing the dimensions, acreages and configuration of the parcel(s), existing and proposed structures, main drives, roads, driveways, recreational facilities, open space, parking areas, and easements; the location and configuration of landscape buffers, topographical and drainage features and facilities, vegetation, and soil types; and storm water and sediment control plan which has been approved by the Geauga County Soil and Water Conservation District. The applicant shall detail on the plan or plat the front, side, and rear setbacks for principal and accessory buildings and structures including, but not limited to, decks, patios, and swimming pools.

(o) Prior to being issued a building permit from the County for any dwelling in a cluster development, the applicant shall first apply for a zoning certificate from the Township Zoning Inspector. Such zoning certificate may be issued if the Inspector determines that the proposed dwelling or structure complies with the conditional zoning certificate for the cluster development. If the Zoning Inspector determines that the proposed dwelling or structure does not so comply, the zoning certificate shall not be issued. When not issued and upon filing the appropriate application, the applicant may appear before the Township Board of Zoning Appeals which shall:

(1) Determine that the proposed dwelling or structure does substantially comply with conditional zoning certificate and authorize the Zoning Inspector to issue the zoning certificate, or

(2) Confirm the ruling of the Zoning Inspector that the proposed dwelling or structure does not comply with the conditional zoning certificate, or

(3) Consider amending the cluster development plan according to the procedures for Conditional Uses in Chapter 117.

(p) Storm water retention basins, ponds and lakes shall be equipped by the developer with dry hydrant(s) meeting the Bainbridge Fire Department's specifications, and located per the direction of the Fire Department, provided the Fire Department has determined that any dry hydrant(s) are warranted and accessible to firefighting apparatus. If located outside of the road right-of-way, access to a dry hydrant shall be granted to the Fire Department and the appropriate instrument recorded.

(q) The maximum lot coverage for individual lots within the following lawfully existing residential cluster developments, planned unit developments, and condominium developments recorded prior to January 1, 2018 that may be nonconforming shall be as follows:

Amber Trails: 18%
Bainbrook Condominium: 30%
Bridgeway Estates: 26%
Country Estates of Geauga Condominium: 20%
Dennis Family Condominium Association: 19%
Hawksmoor: 25%
Laurel Springs: 30%
Living Homes: 30%
Northwood Lakes Condominium: 20%
Peppermill Chase: 16%
Reserves At Brighton Park Estates: 20%
The Sanctuary: 18%
Stoneridge of Geauga: 63%
Tanglewood: 30%
The Woods of Wembley: 7,840 square feet

135.05 CONDITIONS FOR RESIDENTIAL CARE FACILITIES AS DEFINED IN 105.02 AS A CONDITIONAL USE. [Z-1997-5 – Effective 9/17/1997] [Z-2006-4 – Effective 8/23/2006]

(a) In addition to the purposes set forth in 101.02 of this Zoning Resolution, Residential Care Facilities are allowed as conditional uses to promote compliance with the Americans with Disabilities Act (The ADA) and the Federal Fair Housing Act (FHA).

(b) The use of a Residential Care Facility as a conditional use shall serve as a transition from a residential zone to a Professional Office District (P-O), or Convenience Business (CB) zone as shown on the official Bainbridge Township Zoning Map. As a transitional use, the RCF shall not be expanded beyond its original lot lines of record and as shown on the site plan included with the application for a conditional zoning certificate and approved by the Board of Zoning Appeals. Nor shall any use other than residential expand off of it into a residentially zoned area. The RCF shall not be adjacent to a Light Industrial Restricted (LIR) zoned area because of possible industrial hazards and nuisances.

(c) In satisfying the purpose of this subsection, the Residential Care Facility (RCF) shall comply with Sections 117.12 and 117.13, and the following conditions. In the case of any conflict, the provisions contained in this Section of the Zoning Code shall prevail.

(1) The RCF shall be bordered on at least one side by a lot of record zoned Professional Office District (P-O), or Convenience Business (CB) as shown on the official Bainbridge Township Zoning Map. If adjacent to a Professional Office District the Residential Care Facility shall not violate the purpose of a Professional Office District pursuant to Chapter 141 of this Zoning Resolution.

(2) The minimum lot size for a RCF shall be five (5) acres in an R-5A district; and a minimum of three (3) acres in an R-3A district.

(3) The RCF must be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources, or an alternative on-lot system approved by the Ohio EPA and located on a lot included for sewer service in accordance with the current version of the Geauga County 208 Sewer Service Plan as adopted by the Board of Township Trustees.

(4) The RCF shall only be allowed in those areas of the Township with a connection to and served by a public water supply operated by a governmental agency or an entity subject to the jurisdiction of the Public Utilities Commission of Ohio. In addition, RCFs are permitted where sufficient ground water is available without adversely affecting wells drawing from the same aquifers to be used by the RCF as determined by a hydrologist hired by the Township at the Applicant's expense.

(5) The number of resident beds in the facility shall not exceed 1.5 times the number of resident bedrooms.

(6) The bedroom space provided for each resident shall meet the minimum criteria outlined in any application provision of the Ohio Administrative Code, or any licensing requirements.

(7) The minimum amount of parking spaces for any facility shall be the same as required for adult care facilities set forth in Section 169.06 of this Resolution.

(8) Any proposal for an RCF shall include a site plan and floor plan drawn to scale, delineating the items necessary to prove compliance with Section 109.04 of this Resolution. The Applicant shall also submit architectural drawings showing the exterior building elevations, and exterior building materials, which shall be subject to review by and approval from the Board of Zoning Appeals. The Applicant shall also submit a landscaping plan and loading and unloading plan which shall be subject to review by and approval from the Board of Zoning Appeals.

(9) The RCF shall comply with all other zoning requirements imposed by the Zoning Resolution, for the zoning district in which it is located including, but not limited to the signage requirements contained in Chapter 173.

(10) The facility shall meet all the height, area, yard, and bulk requirements set forth in Chapters 135 and 139, whichever is applicable with the following exception: Maximum lot coverage shall be ten percent (10%), however, it may increase two percent (2%) per acre if the lot is over five (5) acres to a maximum of twenty percent (20%).

(11) P-O screening regulations set forth in Section 141.03(g) along rear and side yards next to adjacent residential areas shall be required.

(12) The plans for the RCF must initially be reviewed by the Bainbridge Fire Department in order to show compliance with the requirements of the applicable Ohio Administrative Code sections, all applicable Building, Fire and other Safety Codes and the Bainbridge Township Fire Department Fire Prevention Resolution or similar local Fire Department Rules and Regulations published by the Fire Department. **[Z-2018-1 – Effective 12/26/2018]**

(13) Parking in front of the principal building may be allowed provided landscaped islands and buffer areas are included. There shall be no parking or loading/unloading spaces within required yards. Where practical, the loading and unloading shall be in a yard adjacent to a non-residentially zoned parcel.

(14) No outside storage or display of any materials allowed as required by Section 141.03(h).

(15) All trash containers shall be fully screened as required by Section 141.03(i).

(16) If an application for a Conditional Use Certificate for an RCF is granted, and thereafter a license cannot be obtained in accordance with Chapter 3721 of the Ohio Revised Code, and corresponding Chapters of the Ohio Administrative Code, after notice, the Zoning Inspector may revoke the Conditional Use Certificate.

(17) The Applicant shall submit a traffic impact study with the application for a conditional use permit corroborating that the level of service, as a result of the addition of the RCF, will not be reduced to an unacceptable level, in accordance with standards of the Ohio Department of Transportation, or as a condition of the application pay for the installation of on and off site improvements that may be required to improve the level of service to an acceptable level in accordance with Ohio Department of Transportation Standards, as verified by the Applicant's Traffic Engineer who prepares the traffic impact study.

(18) The Applicant shall also submit a storm water plan that will be filed with the Geauga County Soil and Water Conservation District, and shall utilize bioretention as part of its Water Management and Sediment Control plan where practical and as approved by the Geauga County Soil and Water Conservation District.

(19) The Applicant shall submit an exterior lighting plan, in accordance with Chapter 161, which shall be reviewed and subject to the approval of the Board of Zoning Appeals. The Applicant shall, as a condition of obtaining a conditional use permit, obtain a driveway access permit from the State of Ohio or Geauga County, as the case may be.

(20) The Applicant shall present information establishing the static and residual water pressure to provide firefighting capability to the RCF. In the event the Bainbridge Fire Department determines that either the static or residual pressure is insufficient for firefighting, the Applicant shall install booster pumps powered by either gas or diesel fuel.

(21) The Applicant shall install concrete or asphalt access to at least three (3 sides) of the RCF in order for emergency services to gain access to the RCF. The access shall be sufficiently wide enough and connected to the main drive into the parcel for the emergency services to gain direct and immediate access to the RCF.

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

135.06 CONDITIONS FOR NURSING HOMES. [Z-2006-4 – Effective 8/23/2006]

Conditions for Nursing Homes as defined in Section 105.02 as a conditional use.

(a) In addition to the purposes set forth in 101.02 of this Zoning Resolution nursing homes are allowed as conditional uses in R-5A and R-3A Districts when operated in conjunction with, and on the same lot of record as a residential care facility to promote compliance with the Americans With Disabilities Act (the ADA) and the Federal Fair Housing Act (FHA).

(b) The use of a nursing home as a conditional use shall serve as a transition from a residential zone to a Professional Office District (P-O) or Convenience Business (CB) zone as shown on the official Bainbridge Township Zoning Map. As a transitional use, the nursing home shall not be expanded beyond its original lot lines of record and as shown on the site plan included with the application for a conditional zoning certificate and approved by the Board of Zoning Appeals. Nor shall any use other than residential expand off of it into a residentially zoned area. The nursing home shall not be adjacent to a light industrial restricted (LIR) zoned area because of possible industrial hazards and nuisances.

(c) In satisfying the purposes of this section, the nursing home shall comply with Sections 117.12 and 117.13 of this Resolution, and the following conditions. In the case of any conflict, the provisions contained in this section of this Resolution shall prevail:

(1) The nursing home shall be bordered on at least one side by a lot of record zoned Professional Office District (P-O), or Convenience Business (CB) as shown on the current official Bainbridge Township Zoning Map or be on the same site as a residential care facility previously permitted as a conditional use in accordance with Section 135.05 of this Resolution. If adjacent to a Professional Office District, the nursing home shall not violate the purpose of a Professional Office District pursuant to Chapter 141 of this Resolution. The nursing home shall be located on a lot containing frontage on State Route 306

(Chillicothe Road), or Washington Street. No driveway serving a nursing home shall intersect with any other road other than State Route 306 or Washington Street.

(2) The minimum lot size for a nursing home shall be five (5) acres in an R-5A District; and a minimum of three (3) acres in an R-3A District.

(3) The nursing home must be connected to an existing sanitary sewer subject to direct control of the Geauga County Department of Water Resources and located on a lot included for sewer service in accordance with the currently adopted Geauga County and Bainbridge Township 208 Sewer Service Plan.

(4) The nursing home shall only be allowed in those areas of the Township with a connection to and served by a public water supply operated by a governmental agency or an entity subject to the jurisdiction of the Public Utilities Commission of Ohio.

(5) The number of resident beds in the facility shall not exceed one and one-half (1.5) times the number of resident bedrooms.

(6) The bedroom space provided for each resident shall meet the minimum criteria outlined in any applicable provisions of the Ohio Administrative Code, or any licensing requirements of the State of Ohio.

(7) The minimum amount of parking spaces for any nursing home shall as set forth in Section 169.06 of this Resolution for nursing homes.

(8) Any proposal for a nursing home shall include a site plan and floor plan drawn to scale, delineating the items necessary to prove compliance with Section 109.04 of this Resolution. The Applicant shall also submit architectural drawings showing the exterior building elevations, and exterior building materials, which shall be subject to review and approval from the Board of Zoning Appeals. The Applicant shall also submit a landscaping plan and loading and unloading plan which shall be subject to review and approval from the Board of Zoning Appeals.

(9) The nursing home shall comply with all other zoning requirements imposed by the Resolution, for the Zoning District in which it is located including, but not limited to, the signage requirements contained in Chapter 173 of this Resolution.

(10) The facilities shall meet all of the height, area, yard and bulk requirements set forth in Chapters 135 or 139, as applicable, with the following exception:

A. Maximum lot coverage shall be ten (10%), however, it may increase two (2%) per acre if the lot is over five (5) acres, to a maximum of twenty (20%).

(11) P-O Screening Regulations set forth in Section 141.03(g) along rear and side yards next to adjacent residential areas shall be required.

(12) The plans for the nursing home must initially be reviewed by the Bainbridge Fire Department in order to show compliance with the requirements of the applicable Ohio Administrative Code sections, all applicable Building, Fire and other Safety Codes and the Bainbridge Township Fire Department Fire Prevention Resolution or similar local Fire Department Rules and Regulations published by the Fire Department. **[Z-2018-1 – Effective 12/26/2018]**

(13) Parking in front of the principal building may be allowed provided landscaped islands and buffer areas are included. There shall be no parking or loading/unloading spaces within required yards. Where practical, the loading and unloading shall be a yard adjacent to a non-residentially zoned parcel.

(14) No outside storage or display of any materials will be allowed as required by Section 141.03(h) of this Resolution.

(15) All trash containers shall be fully screened as required by Section 141.03(i) of this Resolution.

(16) If an application for a conditional use certificate for a nursing home is granted, and thereafter a certificate of need that may be required from the State of Ohio cannot be obtained, after notice to Applicant, the Zoning Inspector may revoke a conditional use certificate issued for the nursing home.

(17) The nursing home operations shall be combined with, although not necessarily attached to, the residential care facility on the same lot of record and the Applicant shall, where appropriate, combine services for the residential care facility and the nursing home in order to reduce deliveries, and permit overlap of staffing to further reduce traffic in and out of the combined facilities.

(18) The Applicant shall utilize on site medical or nursing staff at a nursing home to assist in emergencies at residential care facilities in order to reduce the number of emergency responses required by Bainbridge Township or private emergency medical services.

(19) The Applicant shall submit a traffic impact study with the application for a conditional use permit corroborating that the level of service, as a result of the addition of the nursing home, will not be reduced to an unacceptable level, in accordance with standards of the Ohio Department of Transportation, or as a condition of the application pay for the installation of on and off site improvements that may be required to improve the level of service to an acceptable level in accordance with Ohio Department of Transportation Standards, as verified by the Applicant's Traffic Engineer who prepares the traffic impact study.

(20) The Applicant shall also submit a Water Management and Sediment Control plan that will be filed with the Geauga County Soil and Water Conservation District, and shall utilize bioretention as part of its storm water plan where practical and as approved by the Geauga County Soil and Water Conservation District.

(21) The Applicant shall submit an exterior lighting plan, which shall be reviewed and subject to the approval of the Board of Zoning Appeals. The Applicant shall, as a condition of obtaining a conditional use permit, obtain a driveway access permit from the State of Ohio or Geauga County, as the case may be.

(22) The Applicant shall present information establishing the static and residual water pressure to provide firefighting capability to the nursing home. In the event the Bainbridge Fire Department determines that either the static or residual pressure is insufficient for firefighting, the Applicant shall install booster pumps powered by either gas or diesel fuel.

(23) Where a nursing home and residential care facility are located on the same property, there shall be one alarm system servicing all of the facilities. Where the nursing home and residential care facility are attached, there shall be one sprinkler system serving the buildings. A standpipe for firefighting purposes shall be installed in the nursing home in accordance with the Bainbridge Fire Department's rules and codes.

(24) The Applicant shall install concrete or asphalt access to at least three (3) sides of the nursing home in order for emergency services to gain access to the nursing home. The access shall be sufficiently wide enough and connected to the main drive into the parcel for the emergency services to gain direct and immediate access to the nursing home.

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

CHAPTER 139

R-3A RURAL RESIDENTIAL DISTRICT

139.01 Establishment.
139.02 Use regulations.
139.03 Lot requirements, height, yards, lot coverage, bulk, floor area, signs, satellite dishes and antennas, and off-street parking.
139.04 Conditions of cluster development.
139.05 Conditions for residential care facilities.
139.06 Conditions for nursing homes.

139.01 ESTABLISHMENT.

In accordance with Sections 101.02 and 131.04, and: to provide for development of lands within the Township zoned for residential use, in accordance with the ability of such lands to support development without central water supply and/or central sewerage disposal facilities; to prevent pollution of such lands and neighboring lands and the destruction of the underlying water table or aquifers by excessive development, and; to protect the water table or aquifer recharge areas, the R-3A Rural Residential District is established along with the following regulations.

139.02 USE REGULATIONS.

Permitted Principal, Conditional, and Accessory Buildings, Structures, and Uses. Same as R-5A District in Section 135.02, after obtaining a zoning certificate in accordance with the provisions of Chapter 109 for a permitted use and Chapter 117 for a conditional use of this Zoning Resolution.

139.03 LOT REQUIREMENTS, HEIGHT, YARDS, LOT COVERAGE, BULK, FLOOR AREA, SIGNS, SATELLITE DISHES AND ANTENNAS, AND OFF-STREET PARKING.

(a) Lot requirements, height, yards, bulk, floor area, lot coverage, signs, satellite dishes and antennas, and off-street parking shall be the same as R-5A District in Section 135.03, except as may otherwise be provided herein.

(b) Lot Requirements. Same as R-5A District in Section 135.03(b) except the minimum lot area shall be three (3) acres (130,680 square feet) and the minimum lot width shall be two hundred (200) feet.

139.04 CONDITIONS FOR CLUSTER DEVELOPMENTS AS A CONDITIONAL USE.

Cluster developments may be permitted in a R-3A District according to the provisions of Section 135.04 except that in a R-3A District, the following modifications shall apply:

(a) The minimum land area for a cluster development shall be nine (9) acres.

(b) The maximum density shall be one (1) dwelling unit for each three (3) acres within the land area designated for a cluster development, provided that the maximum density on any single acre in the cluster development shall not exceed three (3) dwelling units per acre.

139.05 CONDITIONS FOR RESIDENTIAL CARE FACILITIES AS DEFINED IN 105.02 AS A CONDITIONAL USE. [Z-1997-5 – Effective 9/17/1997]

Same as R-5A District in Section 135.05.

139.06 CONDITIONS FOR NURSING HOMES AS DEFINED IN SECTION 105.02 AS A CONDITIONAL USE. [Z-2006-4 – Effective 8/23/2006]

Same as R-5A District and Section 135.06, except the minimum lot area shall be three (3) acres.

CHAPTER 140

ACTIVE PUBLIC PARK DISTRICT

140.01 Purpose.
140.02 Use Regulations.
140.03 Area, height and other regulations.

140.01 PURPOSE.

The Active Public Park District is established to provide 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. Unlike the Passive Public Park District, this district recognizes that certain outdoor activities may require modification and alteration of natural terrain and disturbances of natural habitat. The Active Public Park District is created to achieve a balance between the public's need for active outdoor recreational facilities and the preservation of open space.

140.02 USE REGULATIONS.

(a) Permitted Principal Buildings, Structures, and Uses:

All uses permitted in a Passive Public Park District.

Picnic grounds, barbecue pits and similar cooking facilities.

Shelters, observation decks, platforms, pavilions, storage sheds, patios, and restroom facilities.

Pedestrian walkways, sidewalks, and bicycle trails.

Jogging trails, tennis courts, and bicycling paths.

Playgrounds.

Ball games, including hardball, softball, soccer, football, lacrosse, rugby, and other similar athletic activities.

Outdoor sports playing fields, dugouts, fences, backstops, goal posts, hard surface tennis courts and other similar structures or facilities necessary to carry on any permitted use.

Swimming pools, lakes, and ponds.

Outdoor ice skating rinks.

(b) Prohibited Uses: The following uses, are specifically prohibited within an Active Public Park District.

Any activity involving operating, riding, or the use of the following:

All-terrain vehicles, motorbikes, snowmobiles, horses.

Golf courses.

Survival games.

Any activity involving the use of firearms, including hunting, skeet-shooting and target practice.

Crossbow or archery.

Dumping of trash, waste or other materials of any kind.

Fireworks.

Lit outdoor sports playing fields.

Any use not listed as permitted shall be prohibited.

(c) Permitted Accessory Buildings, Structures and Uses

Signs shall be in accordance with Chapter 173.

Off-street parking shall be in accordance with Chapter 169.

140.03 AREA, HEIGHT, AND OTHER REGULATIONS.

(a) Maximum height of buildings and structures: The maximum height of any building or structure, with the exception of wireless telecommunications towers as outlined in Chapter 186 of this resolution, shall not exceed twenty-four (24) feet above the finished grade level.

(b) The minimum lot area shall be two (2) acres.

(c) The maximum lot coverage shall be ten (10) percent.

(d) The minimum setback of any building, structure, or use shall be one hundred (100) feet from any property line.

(e) The storage of maintenance or park related equipment, as well as any central trash collection areas, shall be in a fully enclosed building or structure.

(f) Where an active public park adjoins a residential district, a dense buffer of trees fifty (50) feet wide shall be installed and maintained so as to screen the park on a year round basis.

(g) The minimum distance between buildings on a lot shall be twenty (20) feet.

(h) Proof of compliance with the regulations of the applicable governmental agency regarding water and sewage facilities, if any, shall be provided.

(i) Minimum lot frontage shall be sixty (60) feet and minimum lot width shall be two hundred (200) feet.

CHAPTER 141

PROFESSIONAL OFFICE (P-O) DISTRICT

141.01 Establishment.
141.02 Use regulations.
141.03 Height, area, yards, and bulk.
141.04 Occupancy of existing buildings.

141.01 ESTABLISHMENT.

The purpose of the Professional Office (P-O) District is to permit and reasonably regulate the development and use of land for non-retail office uses only on main roads (such as Washington, Chillicothe, Chagrin, Bainbridge) or at major intersections where commercial zoning (CB or LIR) currently exists. Based on the Township's objectives as expressed in Section 101.02 Declaration of Purpose, this district shall have limited application and shall be used as a transitional zone or buffer between existing commercial or industrial uses and existing or future residential property. It is not intended to create any type of commercial use in an area that is currently without commercial use or to isolate existing residentially zoned lots. **[Z-2015-1 – Effective 7/8/2015]**

This district shall only be applied along such main roads the minimum distance necessary to achieve the transition. Where practicable, and when satisfying the intent to minimize the extension of non-residential zoning on main roads, natural features (such as ravines, streams, woods, etc.) and man-made features (such as land uses, land ownership and subdivision patterns, utility corridors and easements, etc.) shall be the basis for establishing the limits of this district.

In accordance with Sections 101.02 and 131.04 and to promote and regulate development of lands within the Township, the Professional Office (P-O) District is established along with the following regulations:

141.02 USE REGULATIONS.

(a) Permitted principal buildings, structures, and uses.

Offices of a political subdivision of the state of Ohio.

Public schools.

Any medical office, including general medical, dental, or any specialized medical practice, where treatment is provided by, or under the direct supervision of, a doctor licensed by the State of Ohio.

An attorney's office.

A clinical laboratory provided that the facility operates in accordance with all State of Ohio and United States government regulations.

An architectural, surveying, or engineering firm, provided that only office work and drawing are done on site.

A corporate office or headquarters. Only normal office and managerial functions are permitted on site.

A computer consulting, programming, or design company.

An accounting or bookkeeping company or consulting firm.

A stock brokerage or financial consulting firm.

An interior design or decorating firm.

An insurance agency.

A real estate office.

An advertising agency.

An employment agency.

A management consulting service.

A secretarial service.

A manufacturer's representative acting solely as a sales agent who is not in possession of inventory for resale.

Medical and Diagnostic Laboratories.

Medical Art Services.

Medical Pathology Laboratories.

Medical Photography Services.

Clinical Psychologist Office.

Doctors of Psychology Office.

Psychoanalyst Office.

Psychologist Office.

Psychotherapist Office.

Clinical Social Worker Office.

Chiropractor Office.

Optometrist Office.

Hearing Testing Services, Occupational Therapist Office, Speech Pathologist Office and Voice Pathologist Office.

Biofeedback Centers and Clinics, Infusion Therapy Centers and Clinics, Pain Therapy Centers and Clinics and Sleep Disorder Centers and Clinics on an out-patient basis other than a maximum stay of two (2) nights per patient or client for diagnostic purposes.

Diagnostic Imaging Centers primarily engaged in producing images of a patient generally on referral from a Health Practitioner.

Blood Pressure Screening Facilities, Health Screening Services and Pacemaker Monitoring Services.

Marriage Counseling Services.

Mediation Services for Families.

Acupuncturists.

Dieticians Office for Individualized Counseling.

Licensed Practical Nurses Office and Registered Nurses Office.

Licensed Massage Therapist.

Administrative Offices, Professional Offices and similar Business Offices to those set forth in this section.

Implementation of medical treatment by individuals licensed by a Federal or State governmental agency where any sale of products must be incidental to the treatment provided.

Photography studios where photographs are taken off site and studio visits are by appointment only.

Zoning certificates are required for all occupancies by the owner or tenants, and all proposed changes of use, whether for all or a portion of the building. All applicants for reuse of all or a portion of the building shall submit an application to the Zoning Inspector in sufficient detail for the Zoning Inspector to determine if the proposed use is the same as the prior use or a different use.

(b) Prohibited uses:

Any establishment that stores materials for use or sale at another location. This includes, but is not limited to, construction or improvement companies that store building materials for use at other job sites, landscaping companies that store materials in a similar manner, and repair facilities that store parts or materials for repairs that are performed at another location. These uses are prohibited even if the use would otherwise be permitted. Materials that will be used on site, for example medical supplies, office supplies, accounting forms or books, or parts used for repairs performed on site, may be stored inside a building.

Any establishment that manufactures anything, with the exception of manufacturing necessary for medical or dental offices. This manufacturing includes false teeth or plates, splints, casts, braces, or other similar devices.

Any use not specifically permitted shall be prohibited.

(c) Permitted accessory buildings, structures, and uses.

(1) Wind energy conversion systems or wind turbines in accordance with Chapter 161.

(2) Ground-mounted satellite dishes and UHF television antennas, and roof-mounted satellite dishes and UHF television antennas in accordance with Chapter 161.

(3) Recreation areas and cafeterias for the use of the tenants of the building.

(4) Off-street parking and loading/unloading spaces in accordance with Chapter 169 and this chapter.

(5) Signs in accordance with Chapter 173 and this chapter.

(6) Solar panels and solar panel arrays in accordance with Chapter 161.

(d) Conditional Buildings, Structures, and Uses. Only the following conditional uses shall be allowed:

Child day-care center as licensed by the State. See Section 117.13. **[Z-2002-7 – Effective 1/22/2003]**

Day-care centers for adults. See Section 117.13. **[Z-2006-6 – Effective 11/8/2006]**

Private schools, preschool, and combined rehabilitation and educational facilities. See Section 117.13. **[Z-2006-6 – Effective 11/8/2006]**

141.03 HEIGHT, AREA, YARDS, AND BULK.

All uses, buildings and structures located within the Professional Office (P-O) District shall conform to the following requirements:

(a) Minimum lot area. A lot shall have a minimum of two (2) acres (87,120 square feet), exclusive of public or private road rights of way.

(b) Minimum lot frontage and width. A lot shall have a minimum frontage and width of two hundred (200) feet.

(c) Maximum lot coverage. Lot coverage shall not exceed forty percent (40%). Lot coverage includes structures, buildings, driveways, parking areas, hard surfaced, paved, or graveled areas, trash containment areas, and other covered areas, including gazebos.

(d) Minimum yard dimensions.

(1) Front yards. No building or structure, including paved or gravel areas other than roadways or driveways, shall be located less than seventy (70) feet from the right of way of any public road right of way. For lots wholly or partially abutting a residential district, and lots abutting a residential district on the center line of a public road or right of way, such distance shall be increased to one hundred (100) feet from the public road right of way lying wholly or partly within the residential district.

(2) Side yards. Each lot shall have side yards, free of all buildings and structures, including paved or graveled areas, of not less than twenty feet (20'); except that the parking or loading areas may be located up to the lot line of an adjacent property where such areas serving the establishment are shared with or coordinated with similar areas serving such adjacent property. For lots wholly or partially abutting a residential district, a side yard of not less than one hundred feet (100') shall be maintained free of all buildings, structures, paved or graveled areas, driveways, or parking areas, trash containment areas, or any other covered areas along all lot lines abutting such residential district.

(3) Rear yards. A rear yard of not less than fifty (50) feet shall be maintained free of all buildings and structures including paved and graveled areas. For lots abutting a residential district, the rear yard shall be increased to sixty (60) feet along the lot line adjacent to a residential district.

(e) Maximum height. No building or structure or any part thereof shall exceed thirty-five (35) feet in height above the average finished grade at the building perimeter.

(f) Parking and loading/unloading spaces. Off road parking and loading/unloading spaces shall conform to requirements of Chapter 169. In addition, parking is not permitted in the front yard of any lot or in front of any building. Parking is also not permitted in the side yard abutting a residential district. Any commercial vehicle parked outside overnight must be parked behind the building. Overnight parking of recreational vehicles is forbidden.

(g) Screening and landscaping. All yards shall be entirely landscaped. Where the lot line of a parcel abuts a residential district, a strip of land densely planted with shrubs or trees must be maintained along such boundary line, so as to form a year-round dense visual screen. The screen must have a minimum height of six (6) feet from grade extending along the property line adjacent to the site's building, parking and loading areas and in other locations as necessary to effectively screen the proposed use from existing residential development. Plants that are four feet or more in height may be planted when the property is initially developed, providing that the plants reach a minimum height of six (6) feet within one (1) year. Existing woods on the affected property may be substituted for the required new screening.

(h) Outside storage. There is to be no outside storage of any materials at all.

(i) Trash containers. All outside trash containers must be fully screened by a wall that shall match the siding on the building or an opaque fence.

(j) Outside sales. Nothing shall be displayed for sale in the open or outside of any building.

(k) Trailers. Except for and during actual loading and unloading, no trailer shall be parked on any lot for the receipt, storage, or sale of anything.

(l) Signs. Signs shall conform to the regulations stated in Chapter 173. In addition, no sign shall be illuminated in any way.

141.04 OCCUPANCY OF EXISTING BUILDINGS.

Any building existing on a lot of record at the time such property is rezoned to the Professional Office District may be occupied by any use permitted in this district regardless of the lot area, frontage, width, yard dimensions, or building setback, provided that all of the other requirements of Chapter 141 have been met and that off-street parking and loading/unloading spaces comply with the requirements of Chapter 169 and this chapter. If the existing building on a lot of record at the time such property is rezoned to the Professional Office District does not conform to all of the requirements of Chapter 141, including lot area, frontage, width, yard dimensions, and building setback the maximum lot coverage must not exceed ten percent (10%). Lot coverage includes structures, buildings, driveways, parking areas, hard surfaced, paved, or graveled areas, trash containment areas, and other covered areas, including gazebos.

CHAPTER 142

PASSIVE PUBLIC PARK DISTRICT

142.01 Purpose.
142.02 Use Regulations.
142.03 Area, height, and other regulations.

142.01 PURPOSE.

The Passive Public Park District is established 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. Passive Public Park District uses are intended to be passive in nature to prevent the disturbance of the natural terrain, habitat and wildlife of the area.

142.02 USE REGULATIONS.

(a) Permitted Principal Buildings, Structures, and Uses:

Cross-country skiing and snow shoeing in areas designated by the applicant.

Constructed wetlands.

Fishing in areas designated by applicable park board regulations.

Pedestrian walkways, sidewalks, trails and bicycle paths.

Township cemeteries.

Shelters.

Observation decks.

Platforms.

Pavilions.

Storage sheds.

Patios.

Restroom facilities.

(b) Prohibited Uses: The following uses, are specifically prohibited within a Passive Public Park District:

Horses, stables and trails.
Any motorized vehicle except within designated off-street parking areas.
Ball fields.
Vehicle washing.
Golf courses.
Tennis courts.
Hunting.
Dumping of trash, waste or other materials of any kind.
Any buildings, structures or uses prohibited in an Active Public Park District.
Any use not listed as permitted shall be prohibited.

(c) Permitted Accessory Buildings, Structures and Uses

Signs shall be in accordance with Chapter 173.

Off-street parking shall be in accordance with Chapter 169.

142.03 AREA, HEIGHT, AND OTHER REGULATIONS.

(a) Maximum height of buildings and structures: The maximum height of any building or structure, with the exception of radio and telecommunications towers as outlined in Chapter 186 of this resolution shall not exceed twenty-four (24) feet above the finished grade level.

(b) Minimum lot area shall be two (2) acres.

(c) Minimum lot frontage shall be sixty (60) feet. The minimum lot width shall be two hundred (200) feet.

(d) Maximum lot coverage shall be ten (10) percent.

(e) Minimum setback of any buildings, structures or uses shall be one hundred (100) feet from residentially zoned property line.

(f) Storage of maintenance and park related equipment, as well as any central trash collection areas, shall be in a fully enclosed building.

(g) Minimum distance between buildings on a lot shall be twenty (20) feet.

(h) Proof of compliance with the regulations of the applicable governmental agency regarding water and sewage facilities, if any, shall be provided.

CHAPTER 143

CB

CONVENIENCE BUSINESS DISTRICT

143.01 Establishment.
143.02 Use regulations.
143.03 Height, area, yards and bulk.
143.04 Outside sale of equipment and merchandise.
143.05 Conditions for shopping center mall.

143.01 ESTABLISHMENT.

In accordance with Sections 101.02 and 131.04 (c) and to promote and regulate development of lands within the Township to serve the daily needs of residents for goods and services, taking into account the functional capacities of available central sewage treatment facilities, the CB Convenience Business District is established along with the following regulations.

143.02 USE REGULATIONS.

(a) Permitted Principal Buildings, Structures, and Uses.

Permitted principal buildings, structures, and uses in accordance with Chapter 141, Section 141.02(a).
Offices, meeting facilities, parks, recreation facilities, playgrounds, libraries, maintenance facilities, museums, police stations, and fire stations of a political subdivision of the state of Ohio.
Professional, medical, administrative, business and sales offices and office buildings.
Banks and other similar financial institutions, and loan companies.
Business, trade or vocational schools and classes or instruction involving
music;
dance;
exam preparation;
self-defense;
self-improvement and weight loss.

Preparation and processing of food and beverages to be retailed on the premises including

- bakeries;
- delicatessens;
- meat markets;
- confectionery shops;
- ice cream parlors;
- soda fountains;
- taverns and restaurants including carry-out or drive-in restaurants.

Food sales including convenience and beverage stores, and frozen food lockers.

Drug stores, retail stores and shops selling the following merchandise:

- variety home items and consumables;
- hardware and paint; **[Z-2018-1 – Effective 12/26/2018]**
- floor and wall coverings;
- pharmaceuticals;
- surgical, medical, dental and optical instruments and supplies;
- stationery and office supplies;
- cards;
- tobacco;
- reading material;
- musical instruments and supplies;
- athletic equipment, clothes and supplies;
- photo equipment, supplies and processing;
- records, tapes and supplies;
- video sales and lease;
- clothing, footwear and headwear;
- linens, drapery and fabrics;
- luggage;
- appliances;
- lamps and lighting fixtures;
- toys;
- bicycles, supplies and repairs;
- auto parts and supplies.

Specialty retailers selling the following merchandise:

- flowers, plants and gifts;
- seed, lawn and garden equipment and supplies;
- hobbies and crafts;
- pet stores, supplies and grooming;
- artwork;
- antiques;
- jewelry, silverware and watches;
- glassware;
- handbags and leather goods;
- novelties;
- paper goods;

computers and related electronic equipment;
telecommunication equipment;
vehicles and boats.

Personal service establishments including
tailors, furriers, dressmaking or sewing;
barbers and beauticians;
dry cleaning, laundries and laundromats;
carpet and upholstery cleaning;
shoe, leather, watch, clock, lamp, camera, radio, television and appliance repair;
photo and art studios;
photocopying and printing;
travel bureaus;
picture framing;
interior decorating;
custom signs and lettering;
website design, internet sales and services;
locksmiths, alarm and security systems;
caterers;
micro-blading service establishments licensed by the state of Ohio;
exercise and fitness studios, martial arts facilities, yoga studios, and similar disciplines and related facilities.

Indoor Theater for Motion Pictures.

(b) Conditional Buildings, Structures, and Uses. Only the following conditional uses shall be allowed:

Adult day-care. See Section 117.13.
Party centers.
Places of worship or churches provided no part of any building or land shall be used for business, commercial use or non-place of worship related activities. **[Z-1998-3 - Effective 11/25/1998]**
Child day-care center as licensed by the State. See Section 117.13.
Lodges and fraternal organizations.
Private museums, art galleries and libraries.
Funeral homes but not including crematoriums.
Hospitals, clinics and emergency care centers.
Veterinary hospitals.

Service station garages or repair garages provided:

such uses are served by central sewage disposal facilities;

no motor vehicle shall be parked nor shall any pump or pump island be located on the premises closer than thirty (30) feet from the right-of-way line of any dedicated street;

no rental trailers may be stored or displayed outside, and;

no repair work on motor vehicles shall be done except within a building.

Shopping Center Mall.
Shopping Strip Center. **[Z-2000-2 – Effective 6/21/2000]**
Indoor Golf Driving Range. **[Z-1995-4 – Effective 2/26/1996]**
Outdoor Miniature Golf Course as an accessory use to Indoor Golf Driving Range. **[Z-1997-8 – Effective 4/15/1998]**
Aboveground gas or oil tanks or pumps, not exceeding five hundred (500) gallons, shall not be located in the front yard or within fifteen (15) feet of any side or rear lot line.

Indoor or outdoor tennis club subject to the following conditions:

(1) The minimum lot size shall be ten (10) acres, calculated exclusive of the area within any road right-of-way, and shall be held in the same ownership.

(2) Every building and structure shall be set back at least one hundred (100) feet from the road right-of-way margin and hundred (100) feet from all property lines.

(3) The minimum lot frontage shall be one hundred fifty (150) feet.

(4) Where exterior lighting is provided in or around such use, it shall be arranged so that no annoying glare is directed or reflected toward other buildings or streets adjacent to the tennis club.

(5) Retail sales and services shall not be permitted except those incidental to the running of the club, restaurant, snack bar, pro shop, pool and private parties.

(6) The following accessory facilities shall be allowed:
   (a) Platform tennis courts
   (b) Health club facilities
   (c) Bath house, dressing rooms, sanitary facilities
   (d) Swimming pool (Maximum 5,000 square feet)
   (e) Volleyball courts
   (f) Squash and racquetball courts.

(7) The following activities shall not be allowed:
(a) Picnic grounds
(b) Barbecue pits
(c) Tents, cabins, trailers, and similar structures used for residential occupancy whether temporary or permanent.

(8) Shall comply with all of the other applicable regulations for the zoning district in which it is located.

(c) Accessory Buildings, Structures, and Uses. Only the following accessory buildings, structures, and uses shall be permitted:

Wind energy conversion systems or wind turbines in accordance with Chapter 161.

Ground mounted satellite dishes and UHF television antennas, and roof-mounted satellite dishes and UHF television antennas in accordance with Chapter 161.

Off-street parking and load/unloading spaces in accordance with Chapter 169.
Signs in accordance with Chapter 173.
Solar panels and solar panel arrays in accordance with Chapter 161.

143.03 HEIGHT, AREA, YARDS AND BULK.

All uses, buildings and structures located within the CB Convenience Business District shall conform to the following requirements:

(a) Minimum Lot Area. Lots shall have a minimum area of one (1) acre (43,560 square feet), exclusive of public or private road right of way.

(b) Minimum Lot Width. All lots shall have a minimum width of one hundred fifty (150) feet.

(c) Maximum Lot Coverage. Lot coverage shall not exceed forty percent (40%).

(d) Minimum Yard Dimensions.

(1) Front yards. No building or structure, including paved or graveled areas other than roadways or driveways not used for the parking of vehicles, shall be located less than seventy (70) feet from the right of way of any public or private road right of way. For lots abutting State or Federal highways, such distance shall be increased to one hundred (100) feet from the right of way of such highways. For lots wholly or partly abutting a residential district, including lots abutting a residential district on the center line of a public or

private road right of way, such distance shall be increased to one hundred (100) feet from the right of way of all public or private road rights of way lying wholly or partly within the residential district.

(2) Side yards. Each lot or separate development shall have side yards, free of all buildings and structures including paved or graveled areas, of not less than twenty (20) feet; except that parking or loading areas may be located up to the boundary line of an adjacent property where such areas serving the establishment are shared with or coordinated with similar areas serving such adjacent property. For lots wholly or partly abutting a residential district, a side yard of not less than forty (40) feet shall be maintained free of all buildings and structures including paved or graveled areas along all boundary lines abutting such residential district. No commercial building shall be located less than one hundred (100) feet from the boundary line of any lot located in a residential district.

(3) Rear yards. A rear yard of not less than fifty (50) feet shall be maintained free of all buildings and structures including paved and graveled areas. For lots abutting a residential district, the rear yard shall be increased to sixty (60) feet along the boundary line adjacent to a residential district.

(e) Maximum Height. No building or other structure shall exceed a height of thirty-five (35) feet or two and one-half (2.5) stories, whichever is less other than indoor theaters for motion picture use which shall be no higher than forty-five (45) feet, with any building between forty (40) and forty-five (45) feet having automatic smoke vents or the currently deemed acceptable device for smoke ventilation.

(f) Parking and Loading/Unloading. Off-street parking and loading/unloading spaces shall conform to requirements of Chapter 169.

(g) Screening and Landscaping. All yards shall be entirely landscaped. Where the lot line of a parcel abuts a residential district, a solid wall or uniformly painted fence not less than five (5) nor more than six (6) feet in height shall be constructed and maintained along such lot line. In the alternative, a strip of land densely planted with shrubs or trees and not less than four (4) feet wide may be maintained along such boundary line, so as to form a year-round dense visual screen.

(h) Minimum Front Lot Lines/Lot Frontage. All front lot lines shall be a minimum of one hundred fifty (150) feet.

143.04 OUTSIDE SALE OF EQUIPMENT AND MERCHANDISE.

(a) Except for farm markets and roadside stands, no equipment, merchandise or food except for Christmas trees or nursery stock shall be permanently displayed for sale in the open or outside any building. Except for and during actual loading or unloading, no trailer shall be parked on any lot for the receipt, storage or sale of any equipment, merchandise or food therefrom. No tents or stands shall be erected on any lot for the receipt, storage or sale of equipment, merchandise or food, with the exception of temporary charitable events sponsored by a non-profit organization and as may be permitted in accordance with Section 161.03. **[Z-1996-4 – Effective 5/28/1996]**

(b) There shall be no more than two (2) exterior vending machines and they shall be located immediately adjacent to a building.

(c) Vending Kiosks and Automated Teller Machines (ATMs) that are stand-alone structures may be located in a parking lot and are permitted subject to the following regulations:
(1) Minimum yards: see Section 143.03(d).
(2) Maximum height: Ten (10) feet.
(3) Maximum size: Twenty-five (25) square feet.
(4) Maximum number per lot: Two (2).
(5) Design:
a. They shall be elevated above the parking lot surface and protected by a six-inch curb or protected by bollards.
b. Walk-up vending kiosks and ATMs shall be connected to external pedestrian circulation systems and shall not interfere with vehicular circulation.

143.05 CONDITIONS FOR SHOPPING CENTER MALL.

(a) The uses set forth in Section 143.02 (a) shall be permitted uses in a Shopping Center Mall along with supermarkets and department stores.

(b) The shopping center mall shall be constructed as a single unitary structure and all uses shall have direct access from the interior of the enclosed mall. The mall shall contain a minimum of two (2) anchor tenants, each with not less than 75,000 square feet of usable area.

(c) The entrances and exits to a Shopping Center Mall shall be planned to cause the least amount of traffic congestion. No access point shall be located closer than one hundred and twenty-five (125) feet from the intersection of two or more streets. There shall not be more than two (2) access points on any street.

(d) The permanent outdoor storage, display, servicing or repair of equipment, goods or merchandise shall be prohibited, irrespective of whether or not such are for sale.

(e) The minimum area to develop a Shopping Center Mall shall be one hundred (100) acres.

(f) Not more than forty percent (40%) of the area shall be occupied by buildings and structures.

(g) The maximum height of the building shall be thirty-five (35) feet or two and one-half (2.5) stories, whichever is less.

(h) Trash compactors, dumpsters or other similar facilities shall be screened from public view and may be located in the loading/unloading areas.

(i) Outdoor lighting shall be designed by an illuminating engineer to prevent glare or direct light on abutting public or private property. Outdoor lighting shall be diminished after 10:00 p.m. except for security or occasional special event lighting. Outdoor lighting shall be in accordance with Chapter 161.

CHAPTER 153

FARM MARKETS AND AGRITOURISM

153.01 Applicability of this chapter.
153.02 Size of the structure.
153.03 Size of parking area.
153.04 Minimum yards.
153.05 Zoning certificate application.

153.01 APPLICABILITY OF THIS CHAPTER.

Pursuant to O.R.C. 519.21(C)(1), this chapter shall be applicable to the use of any land for a farm market in a district zoned for industrial, residential, commercial, or agricultural uses where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

Pursuant to O.R.C. 519.21(C)(4), this chapter shall be applicable to the use of any land for agritourism in a district zoned for industrial, residential, commercial, or agricultural uses. For the purposes of this chapter, "agricultural production," "agritourism," "agritourism provider," "farm," and "participant" shall have the same meanings as in O.R.C. 901.80(A). Nothing herein allows for the prohibition of the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on any land any part of which is used for viticulture as provided in O.R.C. 519.21(A).

The following regulations are necessary to protect the public health and safety.

153.02 SIZE OF THE STRUCTURE.

The maximum size of the structure for a farm market or for a structure primarily used for agritourism shall be as follows:

1. R-3A and R-5A Districts: 100 square feet.
2. All other districts: 1000 square feet.

153.03 SIZE OF PARKING AREA.

The size of the parking area required and regulations pertaining to egress and ingress for a farm market shall be as set forth in Chapter 169.

The size of the parking area required and regulations pertaining to egress and ingress for agritourism shall be the same as those for a farm market. However, parking areas for agritourism cannot be required to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.

153.04 MINIMUM YARDS.

The minimum yards (set back building lines) pertaining to a farm market or for structures used primarily for agritourism shall be as follows:

(a) R-3A and R-5A Districts.

1. Front yard: 100 feet.
2. Each side yard: 50 feet. The minimum side yard adjacent to the road right-of-way for a corner lot shall be 100 feet.
3. Rear yard: 90 feet.

(b) All other districts.

1. Front yard: 70 feet.
2. Each side yard: 20 feet unless the lot is adjacent to a residential district. The side yard adjacent to a residential district shall be a minimum of 40 feet. The minimum side yard adjacent to the road right-of-way for a corner lot shall be 70 feet.
3. Rear yard: 50 feet unless the lot is adjacent to a residential district. The rear yard adjacent to a residential district shall be a minimum of 60 feet.

153.05 ZONING CERTIFICATE APPLICATION.

An application for a zoning certificate shall be submitted to the Zoning Inspector documenting that the use of the affected lot and the structure(s) to be erected thereon is for a farm market or primarily for agritourism. The Zoning Inspector shall process the application in accordance with the provisions of this Resolution. The Zoning Inspector may request such additional documentation including, but not limited to, gross income in order to determine if the farm market or agritoursim use is in accord with the applicable provisions of the Ohio Revised Code and this Resolution. The applicant shall be advised in writing whether a zoning certificate is or is not required.

CHAPTER 155
LIR
LIGHT INDUSTRY RESTRICTED DISTRICT

155.01 Establishment.
155.02 Use regulations.
155.03 Height, area, yards and bulk.
155.04 Industrial park conditions.
155.05 Adult entertainment and adult oriented businesses.

155.01 ESTABLISHMENT.

In accordance with Section 101.02 and 131.04 (f) and in order to provide for establishment and development of light industry in appropriate areas of the Township, which is physically compatible with existing patterns of land use that is predominantly residential in character, and which will not overtax the physical capacity of land and water resources to support such development, the LIR Light Industry Restricted District is hereby established along with the following regulations.

155.02 USE REGULATIONS.

(a) Permitted Principal Buildings, Structures, and Uses.

Permitted principal buildings, structures, and uses in accordance with Chapter 143, Section 143.02(a).

Professional, medical, administrative, business and sales offices and office buildings.

Data and word processing activities, and computer operations.

Manufacturing, production or fabrication of the following, but excluding operations involving reduction, refining or chemical conversion of primary raw materials:

(1) Precision electrical or electro-mechanical equipment;

(2) Precision instruments, including clocks, cameras and other photo equipment, optical goods, business machines, surgical and dental instruments;

(3) Printing and reproduction products, including engraving and bookbinding, and;

(4) Assembly or creation of products made of plastic, rubber, wood or other similar substances.

Warehouses and commercial and household storage facilities including self-storage units.

Wholesaling operations for: drugs, chemicals and allied products; dry goods and apparel; groceries and related products; electrical goods; hardware, plumbing and heating equipment and supplies; tobacco and allied products; beer, wine and distilled alcoholic beverages; paper and its products; furniture and home furnishings.

Exercise and fitness studios, martial arts facilities, yoga studios and similar disciplines and related facilities. **[Z-2019-1 – Effective 8/21/2019]**

(b) Conditional Uses. Only the following conditional uses shall be allowed:

Animal Hospital.

Funeral homes but not including crematoriums.

Hospitals, clinics and emergency care centers.

Industrial Park.

Research and development laboratories including laboratories for the development of manufactured, processed or compounded products, and development of techniques for the assembling and distribution of such products, provided that only such buildings and structures are to be permitted and only such facilities and equipment are to be located or installed on the premises as may be required for the operation of such laboratories, including such pilot experimental facilities and developmental assembly facilities as may require supervision by the staff of such laboratories.

Service station garages or repair garages provided: such uses are served by central sewage disposal facilities; no part of such premises is located within 3000 feet from any lot line of another lot of service station garage or repair garage use; no motor vehicle shall be parked nor shall any pump or pump island be located on the premises closer than thirty (30) feet from the right-of-way line of any dedicated street; no rental trailers may be stored or displayed outside, and; no repair work on motor vehicles shall be done except within a building.

Adult Entertainment and Adult Oriented Businesses. **[Z-2003-2 – Effective 10/15/2003]**

(c) Accessory Buildings, Structures, and Uses. Only the following accessory buildings, structures, and uses shall be permitted:

Wind energy conversion systems or wind turbines in accordance with Chapter 161.

Ground mounted satellite dishes and UHF television antennas, and roof-mounted satellite dishes and UHF television antennas in accordance with Chapter 161.

Off-street parking and loading/unloading spaces in accordance with Chapter 169.

Signs in accordance with Chapter 173.

Solar panels and solar panel arrays in accordance with Chapter 161.

Recreation areas, clinics and cafeterias for the use of employees, storage of materials and equipment, heating and cooling power plants, water tanks and refuse disposal systems, subject to the following limitations:

(1) That all accessory facilities shall serve only the premises to which they are accessory, and no other.

(2) That clinics, cafeterias and recreation areas shall be conducted within a main or accessory building, for the exclusive use of the occupants, employees and business invitees of the main use.

(3) That all storage of motor vehicles, equipment, supplies and refuse shall be located entirely within a building or in underground containers, or otherwise shall be effectively screened from the view of the public and of the occupants of adjacent properties.

155.03 HEIGHT, AREA, YARDS AND BULK.

All uses, buildings and structures located within the LIR Light Industry Restricted District shall conform to the following requirements:

(a) Minimum Lot Area. Any lot shall have a minimum area of twenty (20) acres.

(b) Minimum Lot Coverage For Buildings. The area covered by all principal and accessory buildings and structures, including heating, air conditioning and power plants, water towers and tanks, security offices and gates, but excluding parking areas, shall not exceed fifteen percent (15%) of the total area of the lot. This total lot coverage may be extended to twenty-five percent (25%) when the principal building is a one (or single) story building.

(c) Minimum Yard Dimensions Except as herein specifically provided, no building or structure, including paved or graveled areas, other than driveways or roadways not used for parking of motor vehicles, shall be located less than three hundred (300) feet from the side line of any dedicated public street or less than three hundred (300) feet from any lot line; except that where a lot line abuts a park or other reserved open space, the required distance from such lot line may be reduced to a minimum of one hundred fifty (150) feet. Gate houses and security offices not exceeding one (1) story in height may be located not less than thirty (30) feet from the side line of any dedicated public street. Water storage tanks not exceeding ten (10) feet in height above the average grade at its perimeter may be located less than three hundred (300) feet from the side line of the dedicated public street or less than three hundred (300) feet from the lot line, if required by applicable fire or fire prevention regulations.

(d) Maximum Height. No building or structure or any part thereof shall exceed thirty-five (35) feet or two and one-half (2.5) stories in height above the average grade at the building perimeter, whichever is less.

(e) Parking and Loading/Unloading. Off-street parking and loading/unloading spaces shall conform to requirements of Chapter 169.

(f) Utility Lines. All on-site utility lines shall be located underground.

(g) Screening and Landscaping. Front yards shall be entirely landscaped. Where parking areas are located adjacent to a front yard, such areas shall be placed as close as possible to the principal building, leaving maximum landscaped area between the building and abutting streets. If an industrial use authorized under this chapter abuts a residential district:

(1) A visual screen of natural or decorative materials shall be interposed between all parking areas and the residential district, sufficient to conceal the view of such parking area from occupants of adjacent residential properties, and;

(2) All yards adjoining such residential district shall include a natural screen or landscaped buffer, which shall be suitably maintained at all times. For purposes of this section "natural screen" means an evergreen hedge not less than five (5) feet nor more than eight (8) feet above ground level. “Landscaped buffer” means an open space, unoccupied except by any pedestrian walk with the ground surface maintained in lawn or evergreen ground cover, with or without shrubs or trees.

(h) Minimum Front Lot Lines/Frontage. All front lot lines shall be a minimum of sixty (60) feet.

(i) Minimum Lot Width: The minimum lot width shall be eight hundred (800) feet.

155.04 INDUSTRIAL PARK CONDITIONS.

(a) The park shall contain a minimum of one hundred (100) acres. The park shall be subdivided into lots.

(b) Each principal building shall be placed on a lot with a minimum of three (3) acres and a minimum lot width at the building line of two hundred (200) feet and a minimum lot frontage of sixty (60) feet.

(c) No building shall be nearer than seventy-five (75) feet to the front lot line. Except for necessary drives and walks, a front yard shall be planted in grass or other suitable ground cover, including flowers, ornamental shrubs and trees.

(d) All buildings shall have a total side yard requirement of fifty (50) feet with a minimum of fifteen (15) feet set back from the lot line. Each side yard shall comply with the planting requirements of a front yard. On a corner lot, the side yard adjacent to a street shall be subject to all regulations governing a front yard.

(e) No building shall be nearer than fifty (50) feet to the rear lot line.

(f) When a side or rear yard of a lot used for industrial purposes adjoins a residential district, such side or rear yard shall be at least one hundred (100) feet in width or depth, and the strip of land nearest the lot line of such side or rear yard shall be planted to a width of twenty (20) feet with trees and shrubs in such a manner as reasonably to screen the industrial lot and buildings from the residential district. With the exception of the twenty foot area, the side or rear yard may be used for parking motor vehicles.

(g) Parking and loading areas may be placed in a side or rear yard, except that on a corner lot they shall not be placed in the side yard adjacent to a street, provided such areas are not nearer than twenty-five (25) feet to a side or rear lot line and not nearer than one hundred (100) feet to such lot line if such side or rear yard adjoins a residential district, and provided further that sufficient screening by shrubbery, trees or other means is provided so that no vehicle can be seen from any street. No loading docks are allowed in front of a building.

(h) Not more than forty percent (40%) of a lot shall be covered by buildings or structures nor may more than forty percent (40%) of the industrial park be covered by buildings, structures, or roads.

(i) No building or structure or any part thereof shall exceed thirty-five (35) feet or two and one-half (2.5) stories in height above the average grade at the building perimeter, whichever is less.

(j) Chimneys, flagpoles, towers, water tanks, stacks, vents and other mechanical appurtenances to a building for industrial purposes shall be constructed as an integral part of such building, and may exceed the maximum allowable building height, but in no case shall exceed one hundred (100) feet in height above the established grade. Such appurtenances shall be so designed and arranged as to minimize their visibility from the lot lines, and especially from the front lot line.

155.05 ADULT ENTERTAINMENT AND ADULT ORIENTED BUSINESSES CONDITIONS. [Z-2003-2 – Effective 10/15/2003]

(a) Purpose and Intent

It is the purpose of this section to regulate adult oriented businesses, to promote the health, safety, morals, and general welfare of the citizens of Bainbridge Township and to establish reasonable and uniform regulations to prevent the concentration of adult oriented businesses within Bainbridge Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented material protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to the adult market. There is convincing documented evidence that adult oriented businesses, because of their very nature, have a deleterious effect on both the existing business around them and the surrounding residential areas adjacent to them, causing increased crime and downgrading property values.

The Bainbridge Township Trustees desire to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety morals, and general welfare of the citizenry.

(b) Definitions applicable only to this section:

For the purposes of this section, the following definitions of terms shall apply.

(1) "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 (1) 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 viewing booth or arcade booth.

(2) "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.

(3) "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:

A) Persons who appear in a state of nudity, or

B) The exhibition of specified anatomical areas or specified sexual activities for observation by patrons.

(4) "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.

(5) "Adult media" means magazines, books, videotapes movies, slides, cd-roms 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.

(6) "Adult media store" means an establishment that rents and/or sells media and that meets any of the following:

A) Twenty-five (25) percent or more of the gross public floor area is devoted to adult media.

B) Twenty-five (25) percent or more of the stock in trade consists of adult media.

C) It advertises or markets itself in any forum as “X rated”, “adult”, “sex”, or otherwise as a sexually or adult oriented business, other than an adult media store, adult motion picture theater, or adult cabaret.

(7) "Adult motel or hotel" means an establishment which:

A) 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";

B) Rents, leases, or offers sleeping rooms or suites for a period of time that is less than ten (10) hours; or

C) Allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or

D) Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.

(8) "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."

(9) "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 or 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.

(10) "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 hotel or motel. It shall not include an establishment operated by a licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.

(11) "Adult sexual paraphernalia business" means an establishment which devotes twenty-five (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.

(12) "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."

(13) "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.

(14) "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.

(15) "Establishment" means any business regulated by this section.

(16) "Explicit sexual material" means any hard-core material.

(17) "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.

(18) “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.

(19) "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.

(20) "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.

(21) "Nudity" means the showing of either of the following:

A) The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or

B) The female breast with less than a fully opaque covering on any part of the areola.

(22) "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.

(23) "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.

(24) "Specified sexual activities" means any of the following:

A) Human genitals in a state of sexual stimulation or arousal;

B) The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;

C) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

D) Masturbation, actual or simulated; or

E) Excretory functions as part of, or in connection with, any of the activities set forth herein above.

(25) “Video viewing booth or arcade 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, 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 five hundred (500) square feet of floor area.

(c) Regulations Governing Adult Oriented Business

An adult oriented business shall be classified as a Conditional Use and is only allowed in areas zoned Light Industrial. As such, all adult oriented businesses are subject to the procedure for conditional zoning certificates as set forth in section 117.12 of this resolution, the general conditions for conditional uses as provided in section 117.13 of this resolution, and the following specific conditions. No person, proprietorship, partnership, corporation or any other legal entity shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provisions of this resolution. Nothing in this resolution shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film, video or other form of media or material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

a) The proposed business shall be located more than five hundred (500) feet from the boundaries of a lot having situated on it a public or private school, church, library, public playground, active or passive public park or child day care center. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented business is conducted, to the nearest lot line of the premises of a public or private school, or church, or library, or public playground, or active or passive public park or child day care center.

b) The proposed business shall be located more than three hundred (300) feet from any boundary of a residential district, active park district, passive park district, convenience business district, commercial recreation district, or professional office district as established by the Bainbridge Township Zoning Resolution, the lot line of a lot devoted to residential uses, any boundary of a residential district in a local political subdivision abutting Bainbridge Township, or any building that contains a residence. Measurement shall be made in a straight line, without regard to intervening buildings, structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented business is conducted, to the nearest affected lot line of a residential district, or active park district, or passive park district, or a convenience business district, or a commercial recreation district, or a professional office district, or a lot devoted to residential use or possession of a building that contains a residence.

c) The proposed use shall be located more than one thousand (1,000) feet from an already existing adult oriented business, whether by permit or other means of establishment. The distance between any two adult oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest external wall of the structure in which each business is located.

d) All viewing booths and viewing areas in an adult arcade, adult book store, adult video store, adult motion picture theater, or adult theater must be visible from an adjoining and continuous main aisle and must not be obscured by any curtain, door, wall or other enclosure or means of cover.

e) No sexually oriented activities or materials may be sold, furnished or displayed to any person under the age of eighteen (18) years.

f) No owner or operator of an adult oriented business in the unincorporated areas of the township shall knowingly do any of the following:

1) Refuse to allow appropriate state or local authorities, including police officers, access to the adult oriented business for any health or safety inspection, or any inspection conducted to ensure compliance with sections 503.41 and 503.52 to 503.59 of the Ohio Revised Code and regulation adopted by the township under sections 503.52 or 503.56 of the Ohio Revised Code;
2) Employ any person under the age of eighteen;

g) No person employed in an adult oriented business in the unincorporated area of the township shall knowingly do any of the following in the performance of duties at the adult oriented business:

1) Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female;

2) Perform, offer, or agree to perform any act that would require the touching of the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female;

3) Uncover the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female.

h) All provisions of the Ohio Fire Code must be met prior to the issuance of a zoning certificate.

i) No person shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provision of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

j) As amended, any adult oriented business lawfully operating on the effective date of Section 155.05(c) of this Resolution that is in violation of that section of the Resolution shall be deemed a nonconforming use. An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a public or private school, church, library, or child day care center within five hundred (500) feet, or a residential district, active park district, passive park district, convenience business district, mixed use planned unit development district, professional office district within three hundred (300) feet, of the adult oriented business. When a nonconforming adult oriented business use of a building or premises is voluntarily discontinued or abandoned (2) two years or more, the building, or premises shall not thereafter be used except in conformity with the uses allowed for the zoning district in which it is located. **[Z-2015-1 – Effective 7/8/2015]**

CHAPTER 157

AGRICULTURE

157.01 Applicability of this chapter.
157.02 Agriculture on lots of one acre or less.
157.03 Buildings or structures incident to the use of land for agriculture purposes on lots greater than one acre but not greater than five acres.

157.01 APPLICABILITY OF THIS CHAPTER.

(a) Except as provided herein, this resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

(b) This chapter shall be applicable in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road. This chapter shall not be applicable to agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

157.02 AGRICULTURE ON LOTS OF ONE ACRE OR LESS.

(a) Permitted buildings structure and uses.

1. Non-commercial agriculture consisting of raising of plants for the use or enjoyment of the property owner.

2. Storage sheds for agricultural tools and supplies related to Section 157.02 (a).

(b) Prohibited buildings, structures and uses.

Any agricultural building, structure, or use not specifically listed in Section 157.02 (a) of this regulation shall not be permitted on lots of one (1) acre or less which are subject to the provisions of this chapter. This includes animal husbandry of poultry, sheep,

goats, pigs, horses, ponies, cows, and similar animals.

(c) Minimum yards. (setback building lines)

The minimum yards (setback building lines) for all permitted buildings, structures, and uses set forth in Section 157.02 (a) shall be as follows:

1. Front yard: 100 feet.

2. Each side yard: 50 feet.

3. Rear yard: 90 feet.

(d) Maximum height.

The maximum height of all permitted buildings, structures and uses set forth in Section 157.02 (a) shall be twelve (12) feet.

(e) Maximum size.

The maximum size of all permitted buildings, structures, and uses set forth in Section 157.02 (a) shall be one hundred and forty-four (144) square feet.

157.03 BUILDINGS OR STRUCTURES INCIDENT TO THE USE OF LAND FOR AGRICULTURAL PURPOSES ON LOTS GREATER THAN ONE ACRE BUT NOT GREATER THAN FIVE ACRES.

(a) Minimum yards. (setback building lines)

The minimum yards (setback building lines) for buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall be as follows:

1. Front yard: 100 feet.

2. Each side yard: 50 feet.

3. Rear yard: 90 feet.

(b) Maximum height.

The maximum height of all buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall be eighteen feet (18').

(c) Maximum size.

The maximum size for buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall be one percent (1%) of the total square footage of the lot up to a maximum of one thousand (1000) square feet.

(d) Dairying and animal and poultry husbandry are prohibited on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent (35%) of the lots in the subdivision subject to this chapter are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, dairying and animal and poultry husbandry which was in existence shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Ohio Revised Code.

CHAPTER 159

ENVIRONMENTAL STANDARDS

159.01 Purpose and intent.
159.02 Words and terms defined.
159.03 Requirements and application procedures.
159.04 Compliance with state and federal regulations.

159.01 PURPOSE AND INTENT.

A. The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.

B. These regulations are intended to:

1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.

2. Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

C. These regulations apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this zoning resolution, except as otherwise provided herein.

159.02 WORDS AND TERMS DEFINED.

For the purpose of these regulations, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Geauga County Water Management and Sediment Control (WMSC) Regulations administered by the Geauga Soil and Water Conservation District (SWCD). Said terms are adopted and made a part of these regulations as though fully rewritten herein.

159.03 REQUIREMENTS AND APPLICATION PROCEDURES.

A. Two (2) sets of a Water Management and Sediment Control (WMSC) Plan shall be included with the application for a zoning certificate for any of the permitted principal accessory, or conditional buildings, structures, and uses or off-road parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto, disturbing three hundred (300) square feet or more of land area on a lot or contiguous lots under the same ownership of record. A WMSC Plan must be submitted, reviewed and approved by the Geauga SWCD if one (1) or more of the following conditions apply:

1. If the disturbance (regardless of size) is planned on a sublot within a platted subdivision; or
2. If one (1) acre (43,560 square feet) or more of land area will be disturbed on a lot or on contiguous lots under the same ownership of record.

B. WMSC Plans are not required for any permitted principal, accessory, or conditional buildings, structures, or uses or off-road parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than three hundred (300) square feet of land area on a lot or on contiguous lots under the same ownership of record, unless the disturbance is within a platted subdivision as set forth in paragraph (A)(1) hereinabove. This shall include structures where post holes and/or excavation and grading will not exceed three hundred (300) square feet even though the structure may exceed three hundred square feet (300).

C. The contents of the WMSC Plan shall meet all requirements and recommendations for erosion and sediment control and storm water management contained in the most recent version of the Geauga County Water Management and Sediment Control Regulations.

D. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the most recent version of the Ohio Environmental Protection Agency's (EPA) General NPDES Permit for Storm Water Associated with Construction Activity, this SWP3 may be submitted in lieu of a separate WMSC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.

E. The zoning inspector shall review the WMSC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within thirty (30) working days after receipt of the Plan. The zoning inspector may advise applicants to submit the WMSC Plan to the Geauga SWCD for review provided, however, if the disturbance falls within conditions set forth in paragraph (A)(1) or (A)(2) hereinabove, then the zoning inspector shall require the applicant for a zoning certificate or a conditional zoning certificate to submit the WMSC Plan to the Geauga SWCD for review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Geauga County Water Management and Sediment Control Regulations. At the time the zoning inspector receives a revised Plan, another thirty (30) day review period shall begin.

F. Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a WMSC Plan approved by the zoning Inspector in accordance with these regulations or a copy of an approval letter or permit issued by the Geauga SWCD in accordance with the Geauga County WMSC Regulations that has been submitted with an application for a zoning certificate or a conditional zoning certificate.

G. Any addition or alteration to the site design as shown on the approved WMSC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector shall consult with the Geauga SWCD. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

159.04 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

A. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army corps of Engineers, and/or other federal, state, and/or county agencies not listed herein, nor does it imply that the owner has met the requirements of those agencies. Such permits and/or approvals should be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.

B. Soil-disturbing activities regulated under these regulations may not begin until proof of compliance with all necessary state and federal permits as detailed below has been obtained or an explanation of why such permits are not required or applicable. The authorizing agencies cited herein are responsible for ensuring compliance with their respective permits. These permits may include, but are not limited to, the following:

1. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES permit is not applicable.

2. If there is any indication or reasonable evidence that disturbance of an existing watercourse or wetland might occur, one (1) or all of the following shall be required depending on the extent and type of the disturbance:

    a. Jurisdictional Determination: Proof of compliance shall be a copy of the Jurisdictional Determination from the U.S. Army Corps of Engineers affirming the findings of a qualified professional's survey and report of the site.

    b. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification approval, public notice, or a letter from a qualified professional who has surveyed the lot explaining why Section 401 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time an application is made under this resolution.

    c. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's isolated Wetland Permit approval or a letter from a qualified professional who has surveyed the lot explaining why the Ohio EPA Isolated Wetland Permit is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time an application is made under these regulations.

    d. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one (1) of the following:

        i. A letter from a qualified professional who has surveyed the site explaining why Section 404 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the zoning inspector.

ii. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations.

3. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

CHAPTER 160

ESTABLISHMENT OF RIPARIAN SETBACKS

160.01 Public purpose.
160.02 Applicability.
160.03 No longer used.
160.04 Establishment of designated watercourses and riparian setbacks.
160.05 Permitted structures and uses without zoning certificate.
160.06 Permitted structures and uses with zoning certificate.
160.07 Conditional structures and uses in riparian setbacks.
160.08 Structures and uses prohibited in riparian setbacks.

160.01 PUBLIC PURPOSE.

(a) The specific purpose and intent of this regulation is to regulate building and land use within riparian setback areas that would impair the ability of these areas to:

(1) Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.

(2) Assist in stabilizing the banks of watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from watercourse banks.

(3) Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.

(4) Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.

(5) Provide watercourse habitats with shade and food.

(6) Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.

(7) Provide riparian habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.

(8) Preserve and conserve the quality and free flowing condition of designated watercourses in the interest of promoting and protecting public health and safety.

(9) Minimize encroachment on designated watercourses and limiting the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public health and safety within the affected watershed.

(b) This regulation has been enacted to protect these services of riparian areas by providing reasonable controls governing building, structures, land use and related soil disturbing activities within a riparian setback along designated watercourses in Bainbridge. Due to the importance of properly functioning riparian areas, minimum riparian setbacks may be given preference over minimum front, side, and rear setbacks as specified in this zoning resolution in consideration of an appeal for an area variance by the board of zoning appeals.

(c) This regulation has been enacted in compliance as a co-permittee under Geauga County Small Municipal Separate Storm Sewer System permit 3GQ00088*CG and all subsequent updates.

160.02 APPLICABILITY.

(a) This regulation shall apply to all zoning districts in Bainbridge as defined in the most recent version of the Bainbridge Township Zoning Resolution.

(b) This regulation shall apply to all lands that are within the jurisdiction of Bainbridge and that border designated watercourses as defined in this regulation.

(c) This regulation shall apply only when the following conditions are met:

(1) Soil disturbing activities regulated by this resolution are those proposed in a riparian setback as set forth in these regulations.
(2) A zoning certificate or conditional zoning certificate is required.

(d) The use of any building, structure, or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Chapter 165.

(e) The repair, maintenance, extension, replacement, restoration, reconstruction, or substitution of a building, structure or use lawfully existing prior to the effective date of these regulations may be continued or completed, subject to the provisions of Chapter 165.

(f) No zoning certificate or conditional zoning certificate shall be issued for any building, structure, or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

160.03 NO LONGER USED. (Z-2016-1 – Effective 1/11/2017)

See definitions in Chapter 105.

160.04 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS.

(a) Designated watercourses shall include those watercourses meeting any ONE of the following criteria:

(1) All watercourses draining an area greater than or equal to one-half (1/2) square mile, OR

(2) All watercourses draining an area less than one-half (1/2) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the Zoning Inspector may consult with representatives of the Geauga SWCD or other technical experts.

(b) Riparian setbacks on designated watercourses are established as follows:

(1) A minimum of one hundred and twenty (120) feet on each side of all watercourses draining an area greater than or equal to twenty (20) square miles.

(2) A minimum of seventy-five (75) feet on each side of all watercourses draining an area greater than or equal to one-half (1/2) square mile and up to twenty (20) square miles.

(3) A minimum of twenty-five (25) feet on each side of all watercourses draining an area less than one-half (1/2) square mile and having a defined bed and bank as determined in Section 160.04(a) (2) of this regulation.

(c) Riparian Setback Guide Map. The Township shall create a map identifying designated watercourses and their riparian setbacks. This map is attached with this regulation as Exhibit A. The Riparian Setback Guide Map may be utilized as a reference document by the zoning inspector and the board of zoning appeals in determining when a riparian setback applies. The following shall apply to the Riparian Setback Guide Map:

(1) Nothing herein shall prevent the Township from making additions, amendments, revisions, or deletions from the Riparian Setback Guide Map.

(2) If any discrepancy is found at the time of application of this regulation between the Riparian Setback Guide Map and the criteria for designated watercourses or riparian setbacks as set forth in 160.04 (a) and (b) of this regulation, 160.04 (a) and (b) shall prevail.

(d) The following shall apply in riparian setbacks:

(1) Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of each designated watercourse, except for in-line ponds. The minimum riparian setback on an in-line pond shall be measured from the ordinary high water mark of the designated watercourse at it enters the pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Riparian setbacks on existing in-line ponds shall be expanded to include wetlands and floodplains as set forth herein. The creation of new in-line impoundments shall not be permitted under this zoning resolution.

(2) Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.

(3) Where the 100-year floodplain is wider than a riparian setback on either or both sides of a designated watercourse, the riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA.

(4) Where wetlands are identified within a riparian setback, the minimum riparian setback width shall be extended to the outer boundary of the wetland. Wetlands shall be delineated by a site survey prepared by a qualified wetlands professional using delineation protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(e) The site owner shall be responsible for delineating riparian setbacks as required by these regulations and shall identify these setbacks on all site plans submitted to the Zoning Inspector. The site plan shall be drawn to scale and shall be based upon a survey of the affected lot. Copies of the site plan shall be submitted with the application for a zoning certificate as required by the resolution.

(f) If soil disturbing activities, or construction related activities such as materials storage, will occur within fifty (50) feet of the outer boundary of a riparian setback, the riparian setback shall be clearly delineated by the site owner on-site with construction fencing prior to any soil disturbing or construction related activities. Such delineation shall extend fifty (50) feet beyond the limits of soil disturbing or construction related activities and shall be maintained throughout soil disturbing or construction related activities.

(g) The Zoning Inspector shall not issue approvals or zoning certificates prior to delineation of riparian setbacks by the applicant and in conformance with this regulation as detailed in Section 160.04 (f).

(h) The Zoning Inspector may consult with the Geauga SWCD, the Chagrin River Watershed Partners, Inc., or other such experts retained by the board of township trustees in reviewing any submittals associated with implementation of this regulation.

160.05 PERMITTED STRUCTURES AND USES WITHOUT ZONING CERTIFICATE.

The following structures and uses are permitted in the riparian setback without a zoning certificate. No structure or use permitted under this regulation shall allow trespass on, or public access to, privately held lands.

(a) Recreational Activity. Passive recreational uses, as permitted by Chapter 142 Passive Public Park District.

(b) Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed.

(c) Maintenance and Repairs. Maintenance and repair on roads, driveways, bridges, culverts, trails, walkways, paths, wastewater treatment plants and appurtenances, water wells, water treatment plants and appurtenances, storm sewers, and on-site sewage disposal systems, all existing at the time of passage of this resolution.

(d) Maintenance and Cultivation of Lawns and Landscaping. The maintenance of existing, and the cultivation of new, lawns, landscaping, shrubbery, or trees.

(e) Water Supply Wells. Water supply wells for the purpose of serving permitted structures or uses on lots of record shall be allowed.

(f) Open Space. Open space restricted to preserve the designated watercourse.

(g) Crossings. Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means shall be allowed, subject to other requirements of the Bainbridge Township Zoning Resolution, the Geauga SWCD, and the Geauga County Engineer. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the Zoning Inspector. Proof of compliance shall be the following:

(1) A site plan showing that any proposed crossing conforms to the general and specific conditions of the applicable Nationwide Permit, or

(2) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or

(3) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

160.06 PERMITTED STRUCTURES AND USES WITH ZONING CERTIFICATE.

The following structures and uses may be permitted in a riparian setback, subject to the approval of an application for a zoning certificate by the Zoning Inspector and in accordance with the following regulations and such other applicable regulations contained in this zoning resolution.

(a) Streambank Stabilization Projects. Streambank stabilization projects along designated watercourses shall be allowed, subject to other requirements of the Bainbridge Township Zoning Resolution and the Geauga SWCD. If streambank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to the Zoning Inspector. Proof of compliance shall be the following:

(1) A site plan showing that any proposed crossing conforms to the general and specific conditions of Nationwide Permit 13, or

(2) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or,

(3) A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

(b) Storm Water Retention and Detention Facilities. Storm water retention and detention facilities may be constructed in the riparian setback, provided:

(1) Storm water quality treatment consistent with current Ohio EPA and Geauga County SWCD regulations is incorporated into the basin.

(2) Storm water retention and detention facilities are located at least fifty (50) feet from the ordinary high water mark of the designated watercourse.

160.07 CONDITIONAL STRUCTURES AND USES IN RIPARIAN SETBACKS.

The following conditional structures and uses may be allowed in riparian setbacks, subject to the approval of an application for a conditional zoning certificate by the board of zoning appeals in accordance with the conditions herein and such other applicable regulations set forth in this zoning resolution.

(a) Waste Water Treatment Plants and Appurtenances. Privately owned waste water treatment plants and appurtenances may be constructed in the riparian setback. Proof of compliance with the applicable regulations of the Ohio EPA and the Geauga County Water Resources Department shall be provided.

(b) Signs. Signs in accordance with this zoning resolution may be erected in the riparian setback.

160.08 STRUCTURES, USES, AND OBSTRUCTIONS PROHIBITED IN RIPARIAN SETBACKS.

Any structure or use not permitted under this regulation shall be prohibited in riparian setbacks. The following structures or uses are specifically prohibited:

(a) Construction. There shall be no structures, as defined in Chapter 105 of the Bainbridge Township Zoning Resolution, of any kind except as permitted under this regulation.

(b) Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquids, yard wastes, or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under this regulation.

(c) Fences and Walls. There shall be no fences or walls constructed in the riparian setback except as permitted under this regulation.

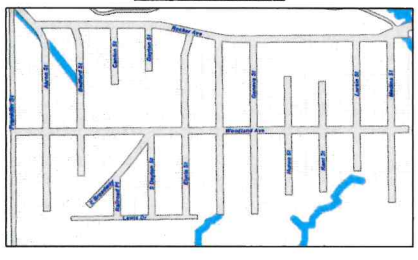
(d) Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles. There shall be no parking spaces, lots, or loading/unloading spaces, except as permitted under this regulation.

(e) Roads or Driveways. There shall be no roads or driveways, except as permitted under this regulation.

(f) All obstructions as delineated in Section 161.11 except 161.11 (12). **[Z-2006-2 – Effective 6/29/2006]**

Bainbridge Township
Riparian Setback Guide Map

Chagrin Falls Park



Riparian Setback

- 120 feet
- 75 feet
- 25 feet
- Wetlands
- A & AE - Floodzone

N W E S

0 500 1,000 2,000 3,000 Feet

Amendment No. Z-2020-1 *is hereby adopted by the Bainbridge Township Board of Trustees this* 27th *day of* APRIL, *20*20.

Jeffrey S. Markley, Trustee

Lorrie A. Sass Benza, Trustee

Kristina O'Brien, Trustee

Janice S. Sugarman, Fiscal Officer

Effective this 27th *day of* MAY, *20*20.

Janice S. Sugarman, Fiscal Officer

Exhibit "A"

Revised : October 2019

Geauga County digital data is a representation of recorded plats, surveys, deeds, and other collected information for use within the Geographic Information System for purposes of public access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use. Geauga County assumes no legal responsibility for this information and users should contact the GIS Department with questions or concerns. October 7, 2019

CHAPTER 161

GENERAL PROVISIONS

161.01 Compliance with regulations.
161.02 Measurement of distances.
161.03 Temporary structures and uses.
161.04 Required street frontage.
161.05 Accessory building or structure construction.
161.06 Architectural projections.
161.07 Height limit exceptions.
161.08 Setback for corner lot buildings or structures.
161.09 Visibility at intersections.
161.10 Fences and walls.
161.11 Permitted yard obstructions.
161.12 Outdoor lighting.
161.13 Exceptions to lot coverage calculations.
161.14 Address numbers.
161.15 Antennas.
161.16 Alternative energy.
161.17 Compliance with fire department codes.

161.01 COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this Zoning Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except hereinafter provided:

(a) There shall be no more than one (1) single family detached dwelling on a lot of record. **[Z-2003-6 – Effective 2/25/2004]**

(b) No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. (See Chapter 165 for exceptions.) **[Z-1994-3 – Effective 10/24/1994] [Z-2004-2 – Effective 9/1/2004]**

(c) No building or other structure shall be erected or altered:

(1) To provide for greater height or bulk;

(2) To accommodate or house a greater number of families;

(3) To occupy a greater percentage of lot area; or

(4) To have narrower or smaller rear yards, front yards, side yards or other open spaces; than required herein, or in any other manner be contrary to the provisions

of this Zoning Resolution.(See Chapter 165 for exceptions.) **[Z-1994-3 – Effective 10/24/1994] [Z-2004-2 – Effective 9/1/2004]**

(d) No yard or lot existing at the time of passage of this Zoning Resolution shall be reduced in dimension or area below the minimum requirements set forth herein, nor shall any yard about any building or structure be considered as providing a yard for any other building or structure whether located on the same or another lot. Yards or lots created after the effective date of this Zoning Resolution shall at least meet the minimum requirements set forth herein.

161.02 MEASUREMENT OF DISTANCES.

Except as otherwise provided in this Resolution, all prescribed distances shall be measured in a straight line. See Chapter 105 for the definitions of lot depth, lot frontage, lot line, lot multiple frontage, lot width, setback, and yard and the regulations contained in the applicable chapter(s) of this Resolution.

161.03 TEMPORARY STRUCTURES AND USES.

The following temporary structures and uses may be permitted in the Convenience Business (CB), PO (Professional Office, Light Industry Restricted (LIR), and Mixed Use Planned Unit Development (MUP) zoning districts subject to the following regulations in order to protect the public health, safety, and general welfare. These regulations allow for short-term structures and uses that will be compatible with, and shall not adversely impact, the adjacent area and existing uses; and, that shall be terminated and completely removed in a timely manner. If a temporary structure or use is not specifically listed herein, it shall be prohibited. The regulations herein do not apply to any property held by a political subdivision of the state of Ohio.

A. General regulations. A temporary structure or use shall:

1. Not involve the construction, addition to, or alteration of any permanent building or structure.

2. Not be located within designated and recorded open space areas.

3. Not displace loading/unloading spaces nor be located within a designated fire lane or a public or private road right-of-way. Existing off-street parking areas may be used to accommodate vehicles associated with a temporary structure or use. A designated area on the lot for off-street parking and loading/unloading staging shall be provided.

4. Be permitted to be located in required yards but shall be setback a minimum of twenty-five (25) feet from lot lines, unless adjacent to a dwelling or residential district boundary or as otherwise set forth herein. If adjacent to a dwelling or

residential district boundary the minimum yard shall be fifty (50) feet.

5. Be permitted to be located in off-street parking areas, provided no more than ten percent (10%) of the parking area may be devoted to such temporary structures or uses. However, off-street parking areas shall not be used for temporary structures and uses during the months of November and December nor any time period designated by state law as sales tax free.

6. Be completely removed within fourteen (14) consecutive days after the expiration of the time period specified herein. This includes, but may not be limited to, tents, tables, chairs, signage, merchandise, equipment, food trucks, trailers, sanitary facilities, and trash receptacles.

7. Maintain daily hours of operation no earlier than 8:00 a.m. and no later than 8:00 p.m.

8. Not utilize outdoor loudspeakers or generate offensive noise, music, smoke, odors, dust or fumes.

9. Not utilize temporary outdoor generators unless noise is attenuated.

10. Have properly enclosed trash receptacles as well as other sanitary facilities.

11. Utilize lighting fixtures that are properly shielded and cut-off so as not to cause glare on adjacent lots and road right-of-ways and that are of a constant intensity. All lighting shall be extinguished upon closure of the temporary structure or use for the day. Any electrification shall comply with applicable fire and building safety codes.

12. Not deposit dust and mud on adjacent roads from vehicles entering and exiting the lot.

13. Maintain appropriate security and traffic control regarding ingress/egress, parking and pedestrian safety in consultation with the township police and fire departments.

14. Not permit motorized amusement rides.

15. Comply with any applicable public health, sanitary, fire, and building codes.

16. Comply with all other applicable regulations for the zoning district in which located.

17. Comply with temporary sign regulations in accordance with Chapter 173.

18. Obtain a zoning certificate prior to the commencement of any activities on the lot upon completion of an application and submission of a site plan.

B. Specific regulations. Temporary structures and uses shall comply with the following applicable regulations. The maximum time duration provided herein shall begin upon the date of issuance

of the zoning certificate and shall not be extended.

1. Yard and garage sales:
   a. Maximum time duration: five (5) consecutive days no more than three (3) times per calendar year.
   b. Shall not be held on a vacant lot or on a lot with an unoccupied building.
   c. No zoning certificate is required.

2. Trailers for office use and equipment/tool storage and sanitary facilities related to construction activities:

   a. Maximum time duration: two (2) years or upon completion of construction, whichever is first.
   b. Maximum total number per lot: four (4).
   c. No advertising or other signage shall be allowed on a trailer.

3. Security fences and gates related to construction activities:

   a. Maximum time duration: two (2) years or upon completion of construction, whichever is first.
   b. Fencing and gates may be located along the perimeter of the lot.

4. Driveways, off-road parking and loading/unloading or staging areas related to construction activities:

   a. Maximum time duration: two (2) years or completion of construction, whichever is first.

5. Portable storage containers:

   a. Maximum time duration: forty-five (45) consecutive days no more than three (3) times per calendar year.
   b. Maximum number per lot: four (4).

6. Special events:

   a. Maximum time duration: fourteen (14) consecutive days no more than two (2) times per calendar year.
   b. Food trucks, tents or trailers accessory to a special event are allowed with a maximum number of: four (4).

161.04 REQUIRED STREET FRONTAGE.

Except as may be otherwise specifically provided for in this Zoning Resolution, each lot shall abut a street.

161.05 ACCESSORY BUILDING OR STRUCTURE CONSTRUCTION.

No accessory building or structure shall be erected, installed or relocated prior to completion of construction of the foundation, framing, and roof of the main or principal building.

161.06 ARCHITECTURAL PROJECTIONS.

Covered structures: such as porches, canopies, balconies, platforms, carports, patios, decks, ramps, steps, terraces and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

Uncovered structures: see Section 161.11.

161.07 HEIGHT LIMIT EXCEPTIONS.

The height limitations contained in this Zoning Resolution do not apply to spires, belfries, cupolas, flagpoles, water tanks, wind energy conversion systems or wind turbines, silos, grain elevators, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

161.08 SETBACK FOR CORNER LOT BUILDINGS OR STRUCTURES.

On a corner lot the principal building and its accessory buildings or structures shall be required to have the same setback distance from all street right-of-way lines as is required for the front yard in the district in which such buildings or structures are located. The Zoning Inspector shall determine the appropriate application of the required minimum side and rear yard setbacks.

161.09 VISIBILITY AT INTERSECTIONS.

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of three (3) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along such street lines twenty-five (25) feet from the point of intersection**.**

161.10 FENCES AND WALLS.

Fences and walls may be erected in compliance with the following:

(1) No part of any fence or wall shall extend beyond the boundary lines of the property being enclosed.

(2) 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.

(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) Electrical and barbed wire fencing shall be limited to agricultural use.

(5) Fences and walls in Residential (R-3A and R-5A), Professional Office (PO) and Convenience Business (CB) Zoning Districts shall not exceed eight (8) feet in height above the finished grade level, subject to lot visibility limitations and provided that in any required front yard, no fence or wall shall exceed four (4) feet in height above the finished grade level or materially impede vision of a driver. **[Z-1998-2 – Effective 12/9/1998]** A fence or wall for a dwelling in a residential zoning district located on a lawfully existing nonconforming lot of record may exceed four (4) feet in height provided it is located behind the front of the dwelling.

(6) The height of a fence or wall in the Light Industrial Restricted (LIR) Zoning Districts may exceed four (4) feet in height above the finished grade level provided the fence or wall is decorative in nature, such as wrought iron or board on board. Chain link fences are not permitted. The maximum height of a fence or wall shall not exceed ten (10) feet above the finished grade level. **[Z-1998-2 – Effective 12/9/1998]** and **[Z-2015-1 – Effective 7/8/2015]** In the Mixed Use Planned Unit Development District (MUP) see Article 3.3.

(7) Fences or walls deemed unsafe, insecure or in disrepair so as to constitute a nuisance or safety hazard, as determined by the Zoning Inspector, shall be repaired, replaced or taken down on order of the Zoning Inspector.

(8) Along lot lines the unfinished side, if any, of a fence including the structural supports and posts, shall face the lot upon which the fence is constructed.

161.11 PERMITTED YARD OBSTRUCTIONS.

Unless otherwise specifically provided for and in addition to other permitted encroachments,

the following shall not be considered as obstructions when located within required yards, but are still considered obstructions within Riparian Setbacks as defined in Chapter 160: **[Z-2006-2 – Effective 6/29/2006]**

(1) Mail boxes and newspaper tubes.

(2) Student bus shelters, to be used by persons waiting for pick-up only, with a maximum floor area of twenty (20) square feet and no more than one (1) such shelter per lot. The minimum setback from any lot line shall be ten (10) feet.

(3) Permanent statuary or art objects. The minimum setback from any lot line shall be twenty (20) feet.

(4) Swing sets and related recreational or playground equipment, except as may otherwise be provided in this resolution. Such equipment shall be setback a minimum of ten (10) feet from any side or rear lot line and shall not be located in any required front yard. If such recreational or playground equipment has walls and/or a roof, it shall not exceed forty (40) square feet by measuring its footprint using exterior dimensions.

(5) Flag poles. A flag pole shall be setback a minimum of 1.1 times the height of the pole from any lot line and shall not interfere with any overhead utility wires.

(6) Awnings attached to and supported by building walls.

(7) Free standing air conditioning or heating units shall be located within five (5) feet of the building or structure they serve.

(8) Uncovered steps, terraces, ramps providing handicapped access, and patios, shall not be located within fifteen (15) feet of any side or rear lot line nor within twenty-five (25) feet of the front lot line, and they shall be attached or adjacent to a principal building.

(9) Aboveground gas or oil tanks or pumps for on-site residential use for heating or cooling not exceeding five hundred (500) gallons, shall not be located in the front yard or within fifteen (15) feet of any side or rear lot line.

(10) Standby or emergency generators shall not be located in the front yard and shall be located within four (4) feet of the building they serve.

(11) Modular, porous and solid or impervious pavements, aggregate stone driveways, turnarounds, trails, walkways, and sidewalks provided that they are located not less than two (2) feet to any side or rear lot line. **[Z-1996-8 – Effective 1/8/1996 and Z-1997-6 – Effective 9/3/1997]**

(12) Detention basins, extended detention basins, retention basins, ponds, fire protection ponds, and constructed wetlands. **[Z-1997-6 – Effective 9/3/1997]**

(13) Exterior ornamental and security lighting fixtures. The minimum setback from any lot line shall be equal to the maximum height of the fixture.

(14) Landscaping features and screening, including earthen mounds and retaining walls. The minimum setback shall be five (5) feet from any lot line.

(15) Fences and walls.

(16) Permanent outdoor barbeque facilities, kitchens, fireplaces, and fire pits shall not be located in the front yard and the minimum setback shall be fifteen (15) feet from any side or rear lot line. Provided, however, if there is a chimney attached to the barbeque facility, kitchen or fireplace then the minimum setback shall be equal to the height of the chimney to any side or rear lot line, but in no case less than fifteen (15) feet.

161.12 OUTDOOR LIGHTING.

All outdoor lighting shall be of constant intensity, and shall be directed, 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/her property.

(1) To this end and to minimize light trespass: **[Z-2001-2 – Effective 7/25/2001]**

(a) All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking area on a lot. Lighting fixtures and devices from which direct glare is visible on adjoining roads or property shall be prohibited.

(b) All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause glare which is hazardous to vehicle drivers or is objectionable to owners of adjacent lots.

(c) Lighting fixtures with lamps rated at initial lumens of two thousand five hundred (2,500) or greater must be the full cutoff type. For purposes of this regulation, a full cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.

(d) 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. Only one fixture with a lamp emitting no more than one thousand eight hundred (1,800 lumens) shall be used for each flag, statue, or other object illuminated.

(e) Flashing lights, beacons, or search lights shall be prohibited.

(f) When used for security purposes or to illuminate walkways, driveways and storage areas, roadways, equipment yards and parking lots, only fully shielded cut-off style light fixtures shall be utilized.

(g) All outdoor light pole fixtures shall not exceed a maximum height of thirty (30) feet.

(2) Exemptions to 161.12 (1).

(a) All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lantern or gas lamps, are exempt from the requirements of 161.12 (1) (f).

(b) All low-voltage lighting rated twelve (12) volts or less and seasonal lighting shall be exempt from the requirements of 161.12 (1).

(c) Holiday lighting or lighting for temporary uses permitted in this Zoning Resolution are exempt from the requirements of 161.12(1).

161.13 EXCEPTIONS TO LOT COVERAGE CALCULATIONS. [Z-2001-1 – Effective 4/25/2001]

The area within detention basins, extended detention basins, and ponds shall not be used in calculating maximum lot coverage as required in this Zoning Resolution.

161.14 ADDRESS NUMBERS.

A. All dwellings must have address numbers posted at least twenty-four inches (24") above the finished grade within fifty feet (50') of the road right-of-way or affixed to a roadside mailbox located within thirty feet (30') of the lot. Address numbers must be clearly visible from the road. No zoning certificate is required.

B. All business addresses must be posted in front of or on the front of the building at least twenty-four inches (24") above the finished grade or affixed to a roadside mailbox located within thirty feet (30') of the lot. Address numbers must be clearly visible from the road. No zoning certificate is required.

161.15 ANTENNAS.

A. Radio or television antennas including satellite dish antennas designed to receive direct broadcast satellite service, as well as direct to home satellite service, or to receive or transmit

fixed wireless signals via satellite; antennas designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite; and antennas designed to receive local television broadcast signals may be permitted as an accessory structure. Provided, however, no zoning certificate shall be required if such satellite dish antennas are three (3) feet or less in diameter; or, if the mast for an antenna designed to receive local television broadcast signals is twelve (12) feet or less above the roof line of the building to which it is mounted. A ground mounted antenna shall be setback a distance equal to 1.1 times its total height measured from all lot lines to the base of the antenna. Such antennas and satellite dish antennas shall not be located in the front yard or in front of a principal building on a lot.

B. In accordance with O.R.C Sections 519.214 and 5502.031, an antenna for amateur radio service communications may be permitted as an accessory structure and if ground mounted shall be setback a minimum distance equal to 1.1 times its total height measured from all lot lines to the base of the antenna. An antenna for amateur radio service communications shall not be located in any front yard or in front of a principal building on a lot.

161.16 ALTERNATIVE ENERGY.

A. Solar Panels and Solar Panel Arrays

1. A freestanding solar panel or solar panel array may be permitted as an accessory structure and shall not be located in front of a principal building and shall be in accordance with all of the minimum yards for the zoning district in which located. A zoning certificate is required.

2. A roof mounted solar panel or solar panel array may be permitted and shall be considered as a part of the roof structure of the affected building to which it is attached. It shall not project beyond the roof line in any direction including the peak. No zoning certificate is required.

B. Wind Turbines

A freestanding wind turbine may be permitted as an accessory structure and shall not be located in front of the principal building. It shall be setback a minimum of 1.1 times its height from the base of the turbine to any lot line. Height shall be measured from the finished grade level at the base of the turbine to the tip of the blade or airfoil at its highest point. No part of a wind turbine may extend over parking areas, driveways, or overhead utility lines. It shall not be illuminated. There shall be no more than one (1) wind turbine on a lot. A zoning certificate is required.

161.17 COMPLIANCE WITH FIRE DEPARTMENT CODES.

Prior to the issuance of a zoning certificate for any new construction of nonresidential permitted or conditional buildings, structures, or uses, the Zoning Inspector shall consult with the Township Fire Department to ensure that any applicable codes regarding, but not limited to, fire apparatus roads and access, key boxes, radio amplifiers, and gates as set forth in the most current version of Chapter 5 of O.A.C. 1301:7-7-05 will be met.

CHAPTER 165

NONCONFORMITIES

165.01 Intent.
165.02 Incompatibility of nonconformities.
165.03 Exception for zoning certificates applied for.
165.04 Nonconforming use of building and land not affected by zoning.
165.05 Completion of nonconforming buildings or structures.
165.06 Restoration of nonconforming uses.
165.07 Reconstruction of nonconforming uses.
165.08 Extension of nonconforming buildings, structures, and uses.
165.09 Substitution of nonconforming uses.
165.10 Nonconforming lots of record in any zoning district.
165.11 Repairs and maintenance.
165.12 Exceptions for nonconforming single family detached dwellings on conforming lots in R-5A and R-3A zoning districts.
165.13 Conditional uses considered conforming.
165.14 Conditional uses considered nonconforming.
165.15 Buildings and structures on nonconforming lots of record in R-5A and R-3A zoning districts.
165.16 Agreed judgment entries for lots of record.

165.01 INTENT.

Within Bainbridge Township there exists lots, buildings, structures and uses of land which were lawful prior to the effective date of this Zoning Resolution or amendments thereto but which would be prohibited, regulated or restricted under the terms of this Zoning Resolution or which may hereafter be prohibited, regulated or restricted by amendments. It is the intent of this Zoning Resolution to permit these nonconformities to continue until lawful elimination but not to encourage their survival. It is further the intent of this Zoning Resolution that nonconformities may not be enlarged, expanded, extended or materially altered, and that their existence shall not be used as a reason for permitting new or additional buildings, structures or uses of land which do not conform to the provisions of this Zoning Resolution. The completion, restoration, reconstruction, extension, or substitution of nonconforming uses shall be considered upon such reasonable terms as set forth in this Zoning Resolution.

165.02 INCOMPATIBILITY OF NONCONFORMITIES.

Nonconformities are hereby declared to be incompatible with permitted uses and contrary to the intent and provisions of this Zoning Resolution. Except as specifically provided in this chapter, no nonconforming lot, building, structure or use shall be enlarged, expanded, extended or materially altered after the effective date of this Zoning Resolution. The addition or material alteration of signs as accessory structures to a nonconforming use shall be deemed an expansion or material alteration of such use. Nothing contained herein shall be construed as limiting the authority of the Board of Zoning Appeals to grant a variance from the provisions of this Zoning Resolution, under appropriate conditions and circumstances.

165.03 EXCEPTION FOR ZONING CERTIFICATES APPLIED FOR.

Section 165.02 shall not affect the validity of zoning certificates of applicants who have perfected applications and submitted plans and drawings prior to the effective date of this Zoning Resolution or any amendment thereto. However, such zoning certificates shall not be extended or renewed upon expiration, unless construction is commenced and continued to completion pursuant to terms and requirements of law existing at the time the application is submitted.

165.04 NONCONFORMING USE OF BUILDING AND LAND NOT AFFECTED BY ZONING.

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of the effective date of this resolution or any amendment thereto, may be continued, although such use does not conform with this resolution or amendment, but if any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of said land shall be in conformity with the provisions of this resolution or amendment thereto.

165.05 COMPLETION OF NONCONFORMING BUILDINGS OR STRUCTURES.

The construction of any dwelling, building or structure which commenced prior to the effective date of this resolution or amendment thereto, and for which a zoning certificate has been lawfully obtained, may be continued and completed, although such use does not conform with this resolution or amendment. Construction is hereby defined as the placing of construction materials in permanent position and fastened in a permanent manner. Construction must be completed within two (2) years of the effective date of this resolution or amendment thereto for the building or structure to be a lawful nonconforming use as provided in section 165.04 of this resolution. A building or structure shall be deemed complete for purposes of this section only upon issuance of an occupancy permit by the appropriate building authority.

165.06 RESTORATION OF NONCONFORMING USES.

On any nonconforming building or structure, or portion of a building or structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the square footage existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building, structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

165.07 RECONSTRUCTION, REPAIR AND REPLACEMENT OF NONCONFORMING BUILDINGS, STRUCTURES AND USES.

(a) If a building or structure occupied by a nonconforming use is damaged or partially destroyed by any cause, and the cost of repair or replacement exceeds sixty percent (60%) of the replacement cost of the building or structure on the date of such damage or destruction as determined by the zoning inspector, the right to maintain and continue to operate such nonconforming use shall terminate immediately.

(b) If a nonconforming building or structure is damaged, partially destroyed or otherwise becomes substandard pursuant to the applicable provisions of the county or state building code and the cost of repair, replacement or of bringing the building or structure into conformity with the building code exceeds sixty percent (60%) of the replacement cost of such building or structure on the date it is lawfully determined to be damaged, partially destroyed or substandard as determined by the zoning inspector, the right to repair or replace such nonconforming building or structure shall terminate immediately.

(c) Should a nonconforming building or structure or nonconforming portion of a building or structure be destroyed by any means, by sixty percent (60%) or more of the replacement value as determined by the zoning inspector on the date destroyed, it shall not be reconstructed except in conformity with the provisions of this resolution.

(d) In determining the cost of repair or replacement of any building or structure, the zoning inspector shall not consider the cost of the land or any items other than the building or structure itself. If the owner or lessee disputes the determination of the zoning inspector as set forth in paragraphs "a," "b," and "c" herein, he shall communicate this in writing within thirty (30) days from the date of receipt of the zoning inspector's determination and within thirty (30) days thereafter provide a written report of the damage assessment from a qualified inspector.

(e) The repair or replacement of a substandard, damaged or partially destroyed building or structure shall be completed within two (2) years of the date of such determination by the zoning inspector.

(f) Should a building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

165.08 EXTENSION OF NONCONFORMING BUILDINGS, STRUCTURES, AND USES.

A. No lawful nonconforming building or structure may be enlarged, altered or relocated in a way which increases its nonconformity, but any building, structure or portion thereof, may be altered or relocated to decrease its nonconformity.

B. No lawful nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time of the effective date of this resolution or any amendment thereto without the grant of a variance by the board of zoning appeals.

C. No lawful nonconforming uses shall be moved in whole or in part to any portion of the lot or property other than that occupied by such uses at the time of the effective date of this resolution or any amendment thereto.

D. No additional building or structure not conforming to the requirements of this resolution any amendment thereto shall be erected in connection with such nonconforming use of land.

E. No existing building or structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

F. Any nonconforming use may be extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the time of the effective date of this resolution or any amendment thereto, but no such use shall be extended to occupy any land outside such building or structure.

G. Any building or structure, or building or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use shall not thereafter be resumed.

165.09 SUBSTITUTION OF NONCONFORMING USES.

A nonconforming use may be substituted for a lawful nonconforming use provided that the board of zoning appeals finds such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, sign area, or in the number of persons using the property, and that the proposed use is equally or more appropriate to the district than the existing nonconforming use, and that to permit the proposed change in use is consistent with the objectives of this Zoning Resolution and will not adversely affect neighboring properties. In permitting such change, the Board may impose appropriate conditions and limitations relating to the use or to be made to structures used in conjunction with the nonconforming use.

165.10 NONCONFORMING LOTS OF RECORD IN ANY ZONING DISTRICT.

Except as may otherwise be provided in this Zoning Resolution and this section:

(a) In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area, lot width, or lot frontage less than the minimum prescribed herein, which meets all of the following:

1. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
2. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.
3. The amount of nonconformity has not been increased since it became nonconforming.
4. The building, structure, or use complies with all other regulations set forth herein, except minimum lot area, minimum lot width, and minimum lot frontage.

(b) Nonconforming lots of record may be consolidated so as to reduce any nonconformity regarding minimum lot area, minimum lot width, or minimum lot frontage. However, nonconforming lots of record shall not be subdivided so as to increase any nonconformity regarding minimum lot area, minimum lot width, or minimum lot frontage.

(c) The Zoning Inspector or the Board of Zoning Appeals may require the execution and recording of an affidavit pursuant to Ohio Revised Code Section 5301.252 so as to ensure that nonconforming lots of record are in conformity with the applicable provisions of this resolution, including setbacks from internal lot lines. A copy of such affidavit shall be submitted with an application for a zoning certificate.

165.11 REPAIRS AND MAINTENANCE.

The provisions of this chapter shall not be deemed to prohibit ordinary repairs and maintenance of buildings or structures devoted to a nonconforming use, nonconforming buildings or structures, or buildings or structures located on nonconforming lots of record provided that no change shall be made to any such buildings or structures which would increase any nonconformity.

165.12 EXCEPTIONS FOR NONCONFORMING SINGLE FAMILY DETACHED DWELLINGS ON CONFORMING LOTS IN R-5A AND R-3A ZONING DISTRICTS.

Notwithstanding the provisions of this chapter, single family detached dwellings in the R-5A and R-3A Zoning Districts, which were lawfully existing prior to September 6, 1978 which are situated on conforming lots of record and have a nonconforming single family detached dwelling may be rebuilt, repaired, altered, structurally altered, extended or enlarged, in the same manner and to the same extent as would have been permitted under the district regulations applicable to such dwellings in effect January 1, 1977.

165.13 CONDITIONAL USES CONSIDERED CONFORMING.

(a) Any use which is permitted as a conditional use in a district under the terms of this Zoning Resolution shall not be deemed a nonconforming use in such district.

(b) A use established lawfully as a conditional use that has been reclassified as a permitted use under the terms of this Zoning Resolution or any amendment thereto shall be considered lawfully existing and not be required to renew its conditional zoning certificate.

165.14 CONDITIONAL USES CONSIDERED NONCONFORMING.

The conditions applicable to a lawfully established nonconforming conditional use shall remain in effect, including all conditions imposed by the Board of Zoning Appeals, and the general standards and specific criteria in Section 117.13. However, a conditional use that is no longer allowed in accordance with the current Zoning Resolution in the affected zoning district is not required to renew its conditional zoning certificate. The owner may seek review of the conditions by the Board of Zoning Appeals and such conditions may be modified or expanded.

165.15 BUILDINGS AND STRUCTURES ON NONCONFORMING LOTS OF RECORD IN R-5A AND R-3A ZONING DISTRICTS.

(a) The applicable regulations for buildings and structures on a lawfully existing nonconforming lot of record, except as may otherwise be provided herein, currently located in a R-5A or R-3A zoning district regarding minimum yards (setbacks) shall be the regulations contained in the January 1, 1977 Zoning Resolution in Section 510.

(b) If the nonconforming lot was recorded prior to the February 20, 1948 Zoning Resolution, then the regulations regarding minimum yards (setbacks) in effect contained in the Zoning Resolution dated January 1, 1977 in Section 510 shall apply, except as may otherwise be specified herein.

(c) The regulations in effect contained in the Zoning Resolution dated February 20, 1958 in Section 510 regarding minimum yards (setbacks) shall apply to the Church and Walker Subdivisions and the area bounded by Cedar Street, Franklin Street, Pine Street, and former Arch Street now known as Chagrin Road.

(d) On lawful pre-existing nonconforming lots of record the maximum size for an accessory building shall be three hundred (300) square feet and the maximum height shall be fifteen (15) feet. **[Z-2006-1 – Effective 6/29/2006]**

(e) Maximum lot coverage shall be in accordance with the provisions set forth in Chapter 135.

165.16 AGREED JUDGMENT ENTRIES FOR LOTS OF RECORD.

If a lot of record that may be nonconforming with the applicable regulations contained in this resolution or any amendment thereto is located within an area included in an existing agreed judgment entry, then the development standards set forth in the entry shall apply.

CHAPTER 169

OFF-STREET PARKING AND LOADING FACILITIES

169.01 Single family residential driveways.
169.02 Compliance required.
169.03 Parking commercial motor vehicles on residential lots.
169.04 General requirements.
169.05 Design requirements.
169.06 Parking spaces required.
169.07 Off-street loading spaces.

169.01 SINGLE FAMILY RESIDENTIAL DRIVEWAYS.

Driveways for single family residential uses shall be excluded from the hard surface (concrete, asphalt, or pavers) requirements in this resolution; however, all other regulations pertaining to durability shall apply.

169.02 COMPLIANCE REQUIRED.

(a) No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless permanently maintained off-street parking and loading spaces shall be provided as required and in accordance with the provisions of this chapter.

(b) The required space provisions of this chapter, except where there is a change of use, shall not apply to any existing building or structure. Where the new use as changed involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this chapter.

(c) Whenever the use of a building or structure is changed or is increased in floor area, number of employees, seating capacity or otherwise so as to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of such change or increase.

169.03 PARKING COMMERCIAL MOTOR VEHICLES ON RESIDENTIAL LOTS.

No person shall park more than one (1) commercial motor vehicle on any lot zoned or used for dwelling purposes, except to make temporary delivery, pick-up or service calls.

"Commercial motor vehicle", as used herein, means any motor vehicle designed and used for carrying merchandise or freight, or used as a combination tractor-trailer or commercial tractor by drawing other vehicles whether independently or by carrying a portion of such other vehicle or its load, or both.

"Commercial motor vehicle" does not include any truck designed to carry a load one (1) ton or under, and which is used for transportation or purposes other than engaging in a business for profit.

169.04 GENERAL REQUIREMENTS.

(a) All off-street parking and loading/unloading spaces shall be located on the same lot as the use to be served, except the owners of two (2) or more separate uses may establish a joint parking area to provide the total number of required off-street parking and loading/unloading spaces if such proposal is approved by the Board of Zoning Appeals and shall be subject to such conditions as are imposed by the Board.

(b) Except as otherwise specifically required, all off-street parking and loading/unloading spaces together with access and circulation drives and aisles shall be surfaced with asphalt, concrete, or pavers. All such areas shall be graded and maintained so that water does not accumulate on such areas nor flow or drain onto adjacent public or private property. All surfaced areas shall be maintained free of chuck holes, litter, trash or other debris. Maintenance shall also include restriping, trimming and replanting of landscaping islands and perimeter yards or screening, servicing of drainage inlets and stormwater facilities, replacement of faded or missing signage, and repair or replacement of malfunctioning lighting.

(c) Buildings and uses required to be accessible to the physically disabled shall have designated spaces in accordance with the Americans with Disabilities Act (ADA).

(d) Exterior lighting in accordance with Section 161.12 shall be required if off-street parking space areas are to be used during non-daylight hours.

169.05 DESIGN REQUIREMENTS.

All off-street parking areas shall comply with the following requirements:

(a) All parking spaces, together with access and circulation drives shall be hard-surfaced with asphalt, concrete or a combination thereof meeting Ohio Department of Transportation construction and material specifications.

(b) All off-street parking spaces shall be striped to facilitate parking and movement into or out of such spaces.

(c) All street entrances and exits shall be clearly marked. Interior vehicular circulation utilizing access driveways and aisles shall comply with the following minimum standards (see Figure 1):

(1) For one-way traffic, the minimum width of access driveways and aisles shall be fourteen (14) feet.
(2) For two-way traffic, the minimum width of access driveways and aisles shall be twenty-four (24) feet.
(3) Off-street parking areas having more than one (1) driveway or aisle shall have directional signs or markings in each driveway or aisle.
(4) A parking space shall be a minimum of nine (9) feet in width and twenty feet (20) in length with a total area of one hundred and eighty (180) square feet.
(5) In parking areas where angled spaces are used, the length of the parking space shall be measured as the shorter of the two side lines of the parking space, generally the right side of the vehicle if pulled straight into the space. The width shall be measured perpendicular to this line, across the parking space.
(6) Loading/unloading space – See Section 169.07 (b).

(d) The erection of stop signs, yield signs, speed limit signs, one-way traffic signs and such other traffic control devices shall conform with all applicable Ohio Department of Transportation regulations.

(e) Outdoor lighting shall be provided as required by Section 161.12.

(f) Except as may otherwise be provided in this resolution, off-street parking spaces shall not be permitted within twenty (20) feet of any right-of-way line, nor within twenty-five (25) feet of the boundary abutting any residential district. The twenty/twenty-five (20/25) foot strip shall be suitably landscaped with natural planting. At the abutting boundary of a residential district, the landscaping shall be such as to adequately protect and visibly screen the residences from the parking areas.

(g) Bollards may be required by the zoning inspector to ensure public safety.

169.06 PARKING SPACES REQUIRED.

For purposes of this chapter, the following parking space requirements shall govern. Fractional numbers shall be increased to the next whole number. Off-street parking and loading spaces for permitted or conditional uses which are not listed herein shall be determined by the Board of Zoning Appeals on appeal from a decision of the Zoning Inspector. For mixed uses, the parking spaces required shall be the sum of the various specified uses computed separately.

Type of Use	Parking Spaces Required
Residential.	
Residential dwelling	Two (2) for each dwelling unit.
Home occupation	Two (2) in addition to the required two (2) for each dwelling unit.
Licensed Residential Care Facilities	One (1) for each staff member, plus one (1) for each four (4) beds. **[Adopted 6/27/1994- Z-1994-2]**
Community. Civic & Institutional.	
Museums, art galleries, libraries, places of worship, community centers and auditoriums	One (1) for each six (6) seats plus one (1) for each 2 employees plus one (1) for each 500 sq. ft. of gross floor area not used for seating. **[Adopted 10/26/1998 – Z-1998-3]**
Schools (public, parochial or private)	Two (2) for each classroom, plus one (1) for each ten (10) high school students plus one (1) for each two (2) business or trade school students.

Type of Use	Parking Spaces Required
Nursing homes, clinics and emergency care centers	One (1) for each bed plus one (1) for each 200 sq. ft. of examination, treatment or waiting rooms. **[Adopted 7/24/2001 – Z-2006-4]**
Veterinary hospitals	One (1) for each 200 sq. ft. of examination, treatment or waiting rooms.
Lodges or fraternal organizations	One (1) for each three (3) members.
Type B family day care homes	One (1) for each three (3) children on premises at any one (1) time plus one (1) for each provider, staff member or employee on duty at any one (1) time.
Recreational or Entertainment	
Indoor theaters	One (1) for each four (4) seats.
Outdoor pools; country, tennis and racquet clubs	One (1) for each five (5) persons capacity plus one (1) for each four (1) seats or one (1) for each thirty (30) sq. ft. of floor area used for seating purposes, whichever is greater.
Restaurants, dining rooms, taverns and night clubs	One (1) for each 200 sq. ft. of gross floor area excluding food preparation areas and restrooms or one (1) for each four (4) seats, whichever is greater.
Game rooms	One (1) for each 200 sq. ft. of game area.
Indoor Golf Driving Range	One space (1) for each two (2) employees on the largest shift and one space for each driving station. **[Adopted 1/27/1996 – Z-1995-4]**
Outdoor Miniature Golf Course	One (1) space for each hole. **[Adopted 3/16/1998 – Z-1997-8]**

Type of Use	Parking Spaces Required
Office, Business and Commercial,	
All offices	One (1) for each 250 sq. ft. of gross floor area.
Banks, financial institutions and loan companies	One (1) for each 250 sq. ft. of gross floor area.
Retail stores and all other specialty or sales businesses or personal service establishments permitted in the business or shopping center districts	One (1) for each 200 sq. ft. of gross floor area.
Farm markets or roadside stands	Minimum three (3) spaces.
Service station or repair garages	One (1) for each two (2) gasoline pumps plus two (2) for each service bay, plus one (1) for each employee in largest shift, with a minimum five (5) spaces.
Funeral homes	One (1) for each 75 sq. ft. of floor area used for assembly or service rooms.
Motels and hotels	One (1) for rental unit plus one (1) for each employee plus one (1) for each 150 square feet of conference or meeting area.
Industrial.	
All types of laboratories, warehouses, manufacturing, production, fabrication, printing or wholesale operations	One (1) for each two (2) employees on the largest shift for which the business or building is designed plus one (1) for each motor vehicle used in the business or maintained on the premises.

The Board of Zoning Appeals may determine, upon application for a conditional zoning certificate, that construction of a lesser number of spaces than the required number specified in the above schedule is appropriate for a proposed use. In making such determination, the Board shall nevertheless require that all the area needed to accommodate the additional number of parking spaces to make up the total requirement be reserved as landscaped open areas on the lot. Such reserved parking area shall be indicated on the map as required by Section 109.04 (b) (4) herein and shall comply with all yard and open space requirements. The reserved area shall be included in the determination of lot coverage as though the spaces were in use.

The Board of Zoning Appeals shall review and may determine, upon application for a zoning certificate for reasons stipulated in Section 109.03 (a) (1 & 2), when the parking spaces held in reserve are needed. The Board of Zoning Appeals may, as a condition, specify a time frame for periodic review of parking spaces held in reserve.

169.07 OFF-STREET LOADING SPACES.

(a) Each building or structure, lot or land used for business, office, commercial or industrial purposes shall provide off-street loading spaces in accordance with the following schedule:

Gross Floor Area (Square Feet)	Required No. Loading Spaces
up to 20,000	1
20,001 to 40,000	2
40,001 to 100,000	3
Each additional 60,000 over 100,000	1 additional

(b) An off-street loading/unloading space is an area designed and used for parking one (1) truck or delivery vehicle for bulk pickups and deliveries and which space has access to a public street. One off-street loading space shall be not less than twelve (12) feet in width and fifty (50) feet in length with a vertical height clearance of not less than fifteen (15) feet. All off-street loading spaces shall be located entirely outside the right of way of any public street or private access or circulation drive and such spaces shall not be used or included in computing required off-street parking spaces.

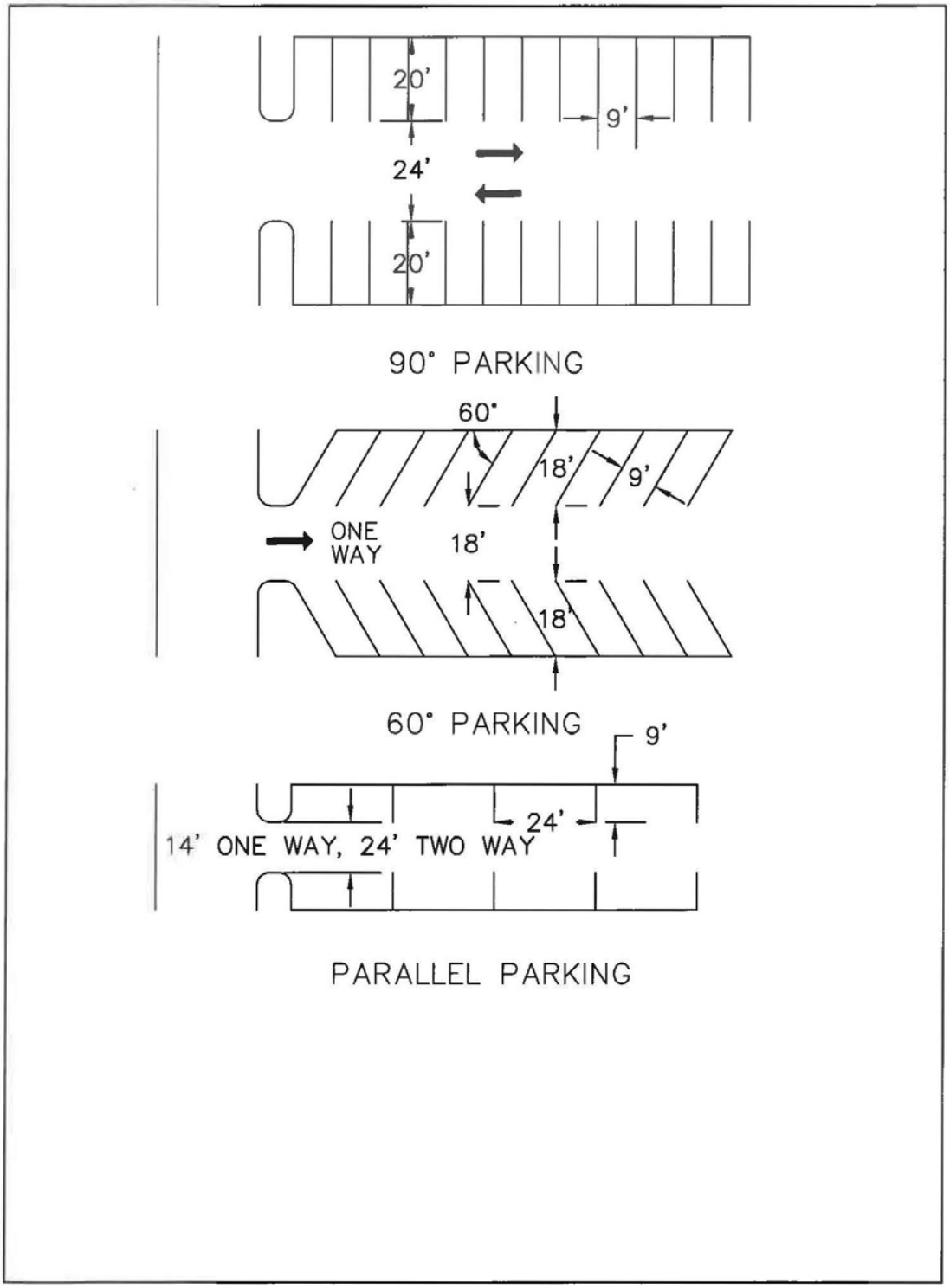

20'
9'
24'
20'
90° PARKING
60°
18'
9'
ONE WAY
18'
18'
60° PARKING
9'
24'
14' ONE WAY, 24' TWO WAY
PARALLEL PARKING

Figure 1

CHAPTER 173

SIGNS

173.01 Intent and purpose.
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173.01 INTENT AND PURPOSE.

Sign regulations, including provisions to control the type, design, size, location, illumination, and maintenance thereof, are hereby established to protect the public health, safety, convenience, comfort, prosperity and general welfare and to achieve the following purposes:

(a) To promote attractive residential districts and protect property values therein;

(b) To provide for reasonable and appropriate methods and conditions for advertising goods sold or services rendered in business districts; and

(c) To provide for appropriate and harmonious identification of uses and services within office, and industrial districts**;**

(d) To promote the public health, safety and general welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions;

(e) To protect public safety by requiring the removal or repair of damaged signs;

(f) To limit visual clutter in order to protect and preserve the aesthetic quality and physical appearance of the Township; and

(g) To establish conditions under which non-conforming signage must be brought into conformity.

173.02 NO LONGER USED. (Effective 1/11/2017 – Z-2016-1)

Sign definitions are located in Chapter 105.

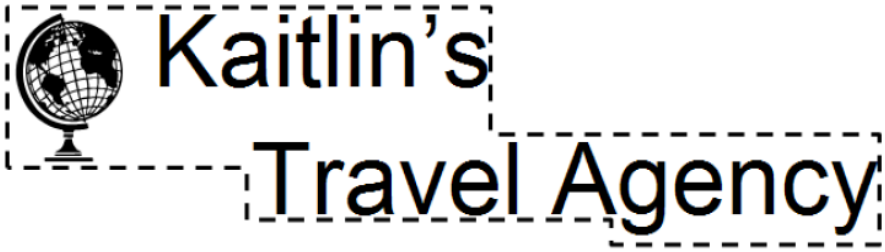
173.03 MEASUREMENT STANDARDS.

Measurement and computation of the area of signs permitted under this chapter shall be made in accordance with the following:

(a) The area of a sign shall be measured within a single continuous perimeter enclosing the extreme limits of text, graphics, and other devices used to attract attention, together with any frame as shown in figure 1, or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, but excluding the necessary supports or uprights on which such sign is placed. Channel letters or other sign elements placed on a wall surface without a frame or other background shall include an area sufficient to enclose all lettering and other projections, including the space between letters, words, and other sign elements as shown in the example in figure 2. The enclosed area may be adjusted using up to ten (10) straight, horizontal or vertical lines as shown in figure 2, to accommodate projections of single letters or other elements.

Figure 1: *Signs with a frame*

Figure 2: *Signs without a frame or background, i.e. channel letters - sign area enclosed by dashed line*



(b) The frontage of a store, office, service or manufacturing building shall be the number of lineal feet of the façade facing the principal street or of the façade containing the main entrance, as determined by the Zoning Inspector.

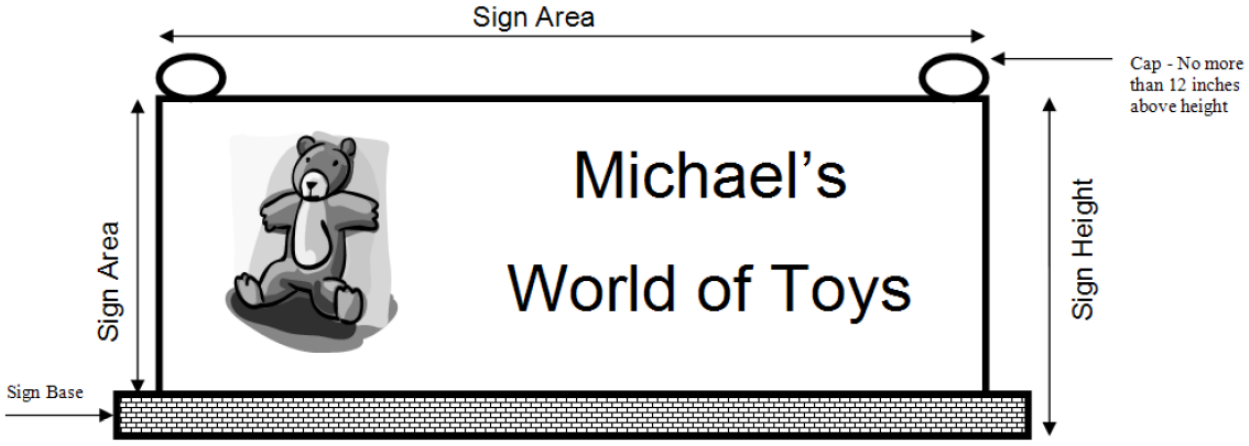
(c) The frontage of a lot not occupied by a building shall be the dimension of such lot abutting the principal street.

(d) Sign height shall be computed as the vertical distance from either:

(1) The finished grade at the base of the sign as shown in figure 3, or

(2) The centerline of road right-of way of the nearest road to which the sign is oriented and on which the lot has frontage to the highest component of the sign, including the support structure, as determined by the Zoning Inspector, provided however, that decorative caps or similar architectural elements not part of the sign face may extend up to twelve (12) inches above the designated height. For purposes of determining sign height, finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Figure 3: Sign Area and Height



173.04 GOVERNMENTAL SIGNS EXCLUDED.

For the purpose of this Zoning Resolution, "sign" does not include those erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

173.05 CERTIFICATE AND COMPLIANCE REQUIRED.

Except as specifically provided in this chapter, no sign shall be erected, constructed, reconstructed, enlarged, extended, moved or altered unless a zoning certificate has been issued therefore, as provided herein. All signs shall conform to the provisions of this chapter.

173.06 PRIOR ZONING CERTIFICATE REQUIRED.

Where the purpose of a sign is to direct attention to a use of land, or to a business or activity conducted thereon, no zoning certificate shall be issued for such sign until a zoning certificate has been issued permitting such use of land, business or activity. If such use of land, business or activity is to be conducted within a building or utilizes a structure for which a zoning certificate is required, no zoning certificate for a sign shall be issued, except for subdivision advertising signs, until a zoning certificate has been issued permitting construction of such building or structure and/or use thereof for its intended purpose.

173.07 SIGN ILLUMINATION.

(a) Residential Districts. Signs in residential zoning districts shall not be illuminated, except for street number signs, public school signs, conditionally permitted use signs, and permanent signs for entranceways to residential subdivisions.

(b) Nonresidential Districts. Signs in zoning districts not classified residential may be illuminated, subject to the conditions and limitations provided herein.

(c) Prohibited Illuminating Devices. Except as permitted for changeable copy signs all illuminated signs and sign lighting devices shall employ only light of constant intensity. No sign shall be illuminated by or contain any flashing, intermittent, rotating or moving lighting device. No strings of lights or other lighting devices, which are not part of a sign, shall be used to attract attention to a sign, or otherwise used to attract attention to a location, business or activity. The colors red or green, whether in direct illumination or reflection, shall not be used where such use may interfere with the sight lines of a traffic signal.

(d) Electrical Wiring.
Electrical wiring serving any sign shall be installed underground or on or within the structure to which the sign is attached.

(e) Illumination.
Illumination shall not be of excessive brightness and shall be shielded so as to prevent direct light or glare from being cast into any adjoining residential area or at vehicles traveling on a public right-of-way. Such lighting shall be shielded so as to prevent view of the light source from any adjoining residence or residential district and/or vehicles approaching on a public right-of-way from any direction.

173.08 PROHIBITIONS.

The following are prohibited in all zoning districts:

(a) Signs which project over or upon any sidewalk, pathway or street, whether public or private.

(b) Mobile, portable, or wheeled signs.

(c) Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other moving devices.

(d) Any sign in danger of falling or which is otherwise unsafe. Such signs shall be immediately repaired or removed, upon notice for such action by the Zoning Inspector to the owner or occupant of the premises on which the sign is located.

(e) Signs placed within the right-of-way of any public street or attached to utility poles, street signs, or traffic control poles except public signs, such as traffic control devices and directional signs.

(f) Signs located so as to obstruct sight distances for vehicles entering or exiting any property or traveling on a public street.

(g) Off-premises General Advertising signs except as provided in Section 173.16.

(h) Signs erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire lane, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.

(i) Signs erected or maintained on trees, or painted or drawn upon rocks or other natural features.

(j) Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign that is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise.

(k) Signs placed, inscribed or supported upon a roof or upon any structure that extends above the roof line of any building.

(l) Inflatable images.

(m) Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices, provided however, that changeable copy signs shall be permitted.

(n) Signs that employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention.

(o) Beacons or searchlights.

(p) High intensity strobe lights.

(q) Off-premises Directional Signs.

(r) Pole signs.

(s) Projecting signs.

(t) Nothing contained herein shall be construed to restrict or prohibit holiday decorations.

173.09 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A ZONING CERTIFICATE.

No Zoning Certificate shall be required for:

(a) Periodic repair, repainting, or maintenance which does not alter the sign including, but not limited to, the sign face, design, or structure.

(b) Changing the lettering, graphic, or information on a sign specifically approved as a changeable copy sign, whether automatic or manual.

(c) Legal notices, warnings, regulatory, informational, or directional signs erected by any public agency or public utility.

(d) Signs not exceeding three (3) square feet in area directing and guiding traffic and parking on private property, such as signs designating handicapped parking, reserved parking, visitor parking, and loading areas.

(e) Wall signs not exceeding three (3) square feet in area which cannot be seen from a public street or right-of-way or from adjacent properties.

(f) Signs identifying the address of the premises.

(g) Signs for farm markets or roadside stands, provided that such signs shall not exceed twenty-five (25) square feet of sign area per farm. The sign area of farm markets located within platted major subdivisions shall not exceed four (4) square feet.

(h) Temporary signs, except those set forth in other sections of this Chapter, may be erected only with the permission of the owner of the affected premises and shall be erected for no more than thirty (30) consecutive days. No temporary sign shall be posted on or erected in any place or in any manner which is destructive to property upon erection or removal. No temporary sign shall be located within a public road right-of-way nor shall any such sign be posted on a utility pole. The maximum area of a temporary sign shall be thirty-two (32) square feet per sign face and the maximum height shall be six (6) feet. There shall be no more than one (1) temporary sign erected on a lot. Temporary signs shall not be illuminated by any means, including reflecting light.

(i) Directional signs.

(j) Patio umbrellas displaying signage provided that such umbrellas are located in designated patio areas, must be closed when not in use during off season periods, and are not larger than necessary to accommodate the seating area for individual tables. The message area in total per umbrella shall not exceed six (6) square feet.

(k) Instructional signage, including but may not be limited to, hours of operation on or near doors, and warning and safety messages. Such signage shall be proportionate to the door or nearby area upon which they are placed.

173.10 RESIDENTIAL DISTRICT SIGNS REQUIRING A ZONING CERTIFICATE.

Upon issuance of a Zoning Certificate, as provided in Section 173.12 signs may be permitted in R-5A and R-3A residential zoning districts in accordance with the following provisions.

(a) Permanent Signs.

(1) A residential development containing more than ten (10) dwelling units may be permitted one (1) free-standing ground sign at each entrance to the development provided that such sign does not exceed twenty-five (25) square feet in area, does not exceed six (6) feet in height, is located at least twelve (12) feet from any street right-of-way or property line, and at least thirty-five (35) feet from any dwelling unit. In lieu of a standard two sided ground sign, a qualifying residential development which has decorative entrance walls may be permitted one (1) sign, not exceeding twenty-five (25) feet in area, mounted on the decorative wall on each side of the main entrance to the development.

(2) Approved home occupations, family home facilities, and family day-care facilities may be permitted one (1) sign, which may be either a wall or ground sign, for each lot or parcel, provided that such sign shall not exceed a maximum of four (4) square feet in area and six (6) feet in height, and shall be located at least twelve (12) feet from any street right-of-way and twenty-five (25) feet from any side lot line.

(3) Public schools, other nonresidential uses, and conditionally permitted uses may be permitted one (1) wall sign which shall not exceed one-half (1/2) square foot in area for each lineal foot of the building wall or façade which faces the principal street or contains the main entrance as determined by the Zoning Inspector and one (1) ground sign which shall not exceed twenty-five (25) square feet in area and six (6) feet in height. Such signs shall be located at least twelve (12) feet from any street right-of-way and twenty-five (25) feet from any residential property line. Such signs may be changeable copy provided that they comply with all of the requirements for changeable copy signs as set forth in Section 173.11(d) (2).

(b) Temporary Signs.

(1) A residential development containing more than ten (10) dwelling units may be permitted one (1) free-standing ground sign on each street abutting the development which may be displayed from the commencement of actual improvement construction until the latter occurrence of either of the following events:

a. Completion of the installation of streets and utility improvements within the subdivision; or

b. Transfer by the developer of eighty percent (80%) of the sublots within the subdivision, other than a bulk transfer of all or substantially all of the unsold lots in the subdivision to a successor or developer.

Each such sign shall not exceed thirty-two (32) square feet in area and six (6) feet in height. Zoning Certificates for such signs shall be valid for a period not to exceed one (1) year, shall terminate by its terms upon occurrence of the events listed above, and may be renewed if such events have not occurred at the expiration date. If a subdivision is developed in successive phases, the right to display a subdivision advertising sign shall be determined from time to time without reference to phases in which construction of subdivision improvements has not actually commenced.

(2) Non-residential uses permitted in residential districts shall be permitted a temporary sign announcing special events, provided that:

a. Only one (1) such sign shall be displayed on the property at any given time;
b. Such signs shall not exceed sixteen (16) square feet in area or four (4) feet in height;
c. Such signs shall be removed within seven (7) days of the completion or termination of the event;
d. Such signs do not violate the provisions of Section 173.08; and
e. No such sign shall be displayed for longer than thirty-seven (37) days.
f. Such signs shall not be illuminated by any means, including reflecting light.

No fee shall be charged for such signs, provided a Zoning Certificate is obtained prior to erection.

173.11 NONRESIDENTIAL DISTRICT SIGNS REQUIRING A ZONING CERTIFICATE.

Upon issuance of a zoning certificate for a sign, as provided in Section 173.12, signs may be permitted in CB, MUP, P-O, and LIR zoning districts, in accordance with the following provisions: **[Effective 7-8-2015 – Z-2015-1]**

(a) Permanent Signs. Subject to the restrictions and requirements set forth herein:

(1)Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall nor beyond any building corner. Such signs shall not extend above the height of the building nor more than twenty-two (22) feet above finished grade. Such signs may include provisions for changeable copy in conformance with Section 173.11(c) (2) hereof. One (1) wall sign for each business use or tenant within a building shall be permitted and shall not exceed 1.25 square feet in area for each lineal foot of the building wall or façade which faces the principal street or contains the main entrance as determined by the Zoning Inspector.

A wall sign may only be located on the portion of the building unit which corresponds to the interior dimensions of it and shall be centered thereon. Wall signs shall be placed at a uniform height across the building frontage. If the building has a sign band, wall signs shall be erected within that area.

(2)Window Signs. Window signs shall not obscure more than twenty-five percent (25%) of the glazed surface of any window. No more than ten (10) square feet of any window sign may be directly illuminated with internal or neon lighting or otherwise projected so as to create an illuminated image.

(3)Ground Signs.

a. Each use, parcel, building, or land under common ownership of record or control shall be limited to one (1) free-standing Ground Sign. Such signs shall not exceed fifty (50) square feet per face in area nor ten (10) feet in height. Where such signs have provisions for changeable copy messages in conformance with Section 173.11 (c) (2), the area of the sign may be increased to sixty-four (64) square feet per face. Ground Signs shall not be located less than five (5) feet from the lot line of another nonresidential lot and not less than twenty-five (25) feet from a residential district line. Ground Signs shall be located a minimum of twelve (12) feet from any road right-of-way.

b. Commercial Shopping Centers as defined in Section 105.02, in lieu of the signage permitted in Subsection a. hereof, and provided that a comprehensive and cohesive sign package is presented for the entire center, may be permitted one (1) free-standing ground sign which shall not exceed one-hundred (100) square feet per face nor twelve (12) feet in height. Such signs shall be setback a minimum of twenty (20) feet from any road right-of-way, ten (10) feet from the lot line of another nonresidential parcel, and twenty-five (25) feet from any residential district line. Such signs may have provisions for changeable copy in conformance with Section 173.11 (c) (2). Commercial Shopping Centers that apply this provision and which have frontage on two or more streets may have a second free-standing Ground Sign provided that the second

Ground Sign is located on a different street and does not exceed fifty (50) square feet per face in area nor ten (10) feet in height and is setback a minimum of fifteen (15) feet from any road right-of-way, five (5) feet from the lot line of another nonresidential parcel, and twenty-five (25) feet from any residential district line. The minimum separation between Commercial Shopping Center Ground Signs shall be two hundred (200) feet.

c. Large Commercial Shopping Centers as defined in Section 105.02 in lieu of the signage permitted in Subsection a. hereof, and provided that a comprehensive and cohesive sign package is presented for the entire center, may be permitted one (1) free-standing ground sign which shall not exceed two-hundred (200) square feet per face nor twenty-five (25) feet in height. Such signs shall be setback a minimum of twenty (20) feet from any road right-of-way, ten (10) feet from the lot line of another nonresidential parcel, and fifty (50) feet from any residential district line. Such signs may have provisions for changeable copy in conformance with Section 173.11 (c) (2). Large Commercial Shopping Centers that apply this provision and which have frontage on two or more streets may have a second free-standing Ground Sign provided that the second Ground Sign is located on a different street and does not exceed one-hundred (100) square feet per face in area nor twelve (12) feet in height and is setback a minimum of twenty (20) feet from any road right-of-way, ten (10) feet from the lot line of another nonresidential parcel, and twenty-five (25) feet from any residential district line. The minimum separation between Large Commercial Shopping Center Ground Signs shall be two hundred (200) feet.

d. Directional Signs for drive-through facilities, provided that such signs comply with the criteria set forth in Subsection (c) (5), special provisions applicable to nonresidential district signs, hereof.

(b) Temporary Signs.

(1) Commercial and industrial properties may be permitted one (1) free-standing ground sign on the site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign may be displayed from the commencement of actual construction until completion and issuance of an occupancy permit. No such sign shall exceed fifty (50) square feet in area or eight (8) feet in height. Zoning Certificates for such signs shall be valid for a period not to exceed one (1) year, shall terminate by its terms upon completion of construction, and may be renewed at the expiration date.

(2) A business use having an exterior store front or entrance may have a maximum of one (1) temporary sandwich board or A-frame sign. The sign shall be located within three (3) feet measured from the exterior store front or entrance to the interior side of the sign so as not to impede pedestrian traffic. The sign shall have a maximum height of three (3) feet and a maximum width of two (2) feet. The sign shall not be illuminated and shall be displayed only during the hours of operation of the affected business.

(c) Special Provisions Applicable to Nonresidential District Signs.

(1) Three Dimensional Figures or Objects. Three-dimensional figures or objects may be permitted to be used as a freestanding sign provided no more than one (1) such figure or object is located on the property. Such figures or objects shall be capable of being enclosed within a box six (6) feet wide by six (6) feet long by six (6) feet high. Any such object must be used in place of or integrated into an otherwise permitted identification sign, but in no case shall the height of the three dimensional sign exceed six (6) feet, measured from the uppermost portion of the figure or object. Any such object shall count towards the otherwise allowable number of signs permitted. Any such object shall be a single continuous figure and shall not be used to otherwise circumvent the regulations regarding the number of faces permitted.

(2) Changeable Copy Signs. Multiple message and variable message signs which are changed electronically shall conform to the following standards:

a. Each message or copy shall remain fixed for at least twelve (12) seconds. Messages shall not flash, include moving video displays or animation, or emit intermittent light.
b. Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.
c. Each such sign must be capable of regulating the digital display intensity and the light intensity level of the display must automatically adjust to natural ambient light conditions.
d. No such sign shall be of such intensity as to create a distraction or nuisance for motorists.
e. Displays shall not emulate traffic control devices.
f. Such signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.
g. The entire message shall change at once, without scrolling, animation, flashing, blinking or other movement or noise.
h. The changeable copy portion of any free-standing Ground Sign shall not exceed seventy-five percent (75%) of the total area of the sign.

(3) Landscaping. Landscaping comprised of flowers, shrubs, or small trees, shall be installed and maintained around the perimeter of each free-standing ground sign in an area equal to the area of the sign face, provided however, that the maximum amount of landscaping required around the base of any sign shall not exceed one hundred (100) square feet.

(4) Treatment of Ground Sign Bases. Sign bases for all permanent ground signs shall have a decorative brick or stone architectural appearance and the sign face or other skirting must extend upwards from the base of the sign such that no pole or similar support post is visible. Ground sign bases shall be a minimum average height of six (6) inches across the length of the base. No portion of the sign face may project past the base of the sign.

(5) Directional Signs for Drive-Through Facilities. Directional signs serving drive-through facilities shall conform to the following standards:

a. A maximum of two (2) such signs, consisting of a primary sign and a secondary sign, shall be permitted on any site.
b. The primary sign shall be a maximum of thirty-two (32) square feet per face with a maximum of three (3) faces.
c. The secondary sign shall be a maximum of twenty (20) square feet per face with a maximum of three (3) faces.
d. The maximum height of such signs shall be six (6) feet.
e. Such signs shall be setback a minimum of seventy-five (75) feet from any road right-of-way line or property line.

(6) Architectural Design Standards. The following architectural standards shall apply to signs in CB, MUP, P-O, and LIR zoning districts. **[Effective 12/26/2018 – Z-2018-1]**

a. Each free-standing ground sign shall be designed and constructed of such materials as to be compatible with the architectural treatment of the principal building located on the site as determined by the Zoning Inspector.
b. Wall signs shall be proportionate to the wall upon which they are placed and to other signage within the complex. The quantity of wall signs shall be limited to that required to provide a balanced architectural appearance to the building and other signage in the area.
c. Specific types and styles of signs, materials, and placements shall be used uniformly throughout all or a portion of each Commercial Shopping Center and each Large Commercial Shopping Center in order to create a consistent architectural appearance.

173.12 ZONING CERTIFICATES FOR SIGNS.

(a) Application. When a Zoning Certificate for a sign is required by this chapter, application therefor shall be made by the owner, lessee or occupant of the property upon which a sign is proposed, and shall be submitted as is required and provided for a Zoning Certificate in Section 109.04.

(b) Issuance. The Zoning Inspector shall issue a Zoning Certificate for a sign upon receipt of a completed application and the required fee, provided that the proposed sign conforms with the requirements of this chapter. A Zoning Certificate for a sign may be applied for and issued in conjunction with a Zoning Certificate for a use of land, but shall be administered as a separate Zoning Certificate. Any alteration from submitted drawings and the application after certificate issuance shall require a new application and the issuance of a new Zoning Certificate for a sign.

(c) Exceptions. Ordinary repair and maintenance of legally existing signs shall not require a Zoning Certificate, but must comply with other provisions of this Resolution. A Zoning Certificate shall be required when there is a change in use or when changes result in an increase in sign area, height, location, or place the sign into a different functional category. The complete removal of a sign, shall constitute a face change and shall require a Zoning Certificate if it is replaced with a new sign.

173.13 NONCONFORMING SIGNS.

Signs which legally existed prior to the effective date of this Resolution or any amendment thereto, but which do not conform with these regulations, may be maintained as a matter of right provided that such signs comply with the provisions hereof regarding safety, maintenance, and repair. Normal maintenance such as painting, cleaning, or minor repairs shall be permitted on all such nonconforming signs. Relocation or replacement of a non-conforming sign or any alteration in the size or structure of such sign, shall cause the sign to lose its status as legally nonconforming and said sign shall be immediately brought into compliance with this Resolution.

173.14 REMOVAL OF SIGNS.

The Zoning Inspector shall order the removal or modification of any sign erected without a Zoning Certificate or found to be noncompliant or in violation of these regulations. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice of such violation from the Zoning Inspector within thirty (30) days, remove or modify the sign or structure in a manner approved by the Zoning Inspector. If such sign is not removed or brought into compliance as directed in the notice of violation within thirty (30) days, the Zoning Inspector may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

173.15 VIOLATIONS AND REMEDIES.

If any sign is installed, erected, constructed, located or maintained in violation of the provisions of this chapter, the Zoning Inspector shall give written notice to the owner, lessee or occupant of the premises on which such sign is located ordering abatement of such violation. Failure to comply with the abatement order or any provision of this chapter shall be deemed a violation of this Zoning Resolution and punished as provided in Section 109.99.

173.16 BILLBOARDS.

a. Conditional Zoning Certificate Required.

A billboard is an off-premises outdoor advertising sign and shall be classified as a conditional use and shall be subject to the procedures and general conditions set forth in this resolution. No billboard shall be located, erected, constructed, reconstructed, enlarged or altered without first obtaining a conditional zoning certificate in accordance with this resolution. Alteration shall not include changing the content or elements of the sign face, or ordinary maintenance of structural components such as painting, and shall not require the issuance of a conditional zoning certificate.

A billboard shall be classified as a business use and may be allowed in any CB or LIR district or on lands used for agricultural purposes as defined in this resolution. Billboards shall be prohibited in all other zoning districts.

b. Conditions.

No application for a conditional zoning certificate shall be approved for a billboard and a conditional zoning certificate issued therefor unless it complies with all of the following conditions. Each billboard shall be subject to the issuance of a separate conditional zoning certificate.

1. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one (1) direction. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot.

2. A billboard shall be the principal use of the lot on which it is located.

3. The sign face area of a billboard shall be included in determining the maximum allowable signage on a lot for the zoning district in which it is located.

4. Billboards shall be spaced a minimum of three thousand (3,000) feet apart. Such spacing shall be measured in all directions from the nearest portion of the proposed billboard to the nearest portion of the next billboard, whether on the same side or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township, where the affected road extends beyond such boundaries.

5. A billboard shall be setback a minimum of three hundred (300) feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.

6. A billboard shall be setback a minimum of three hundred and fifty (350) feet from an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a day care center. The setback shall be measured from the nearest lot line to the nearest portion of a billboard.

7. A billboard shall be setback a minimum of three hundred (300) feet from any front lot line. The setback shall be measured from the front lot line to the nearest portion of the billboard.

8. A billboard shall be setback a minimum of three hundred (300) feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.

9. A billboard shall be setback a minimum of three hundred (300) feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.

10. A billboard shall be setback a minimum of one thousand (1,000) feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.

11. A billboard shall be setback a minimum of thirty (30) feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of the billboard.

12. The maximum height of a billboard shall be twenty-five (25) feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.

13. The maximum sign face of a billboard shall be two hundred (200) square feet.

14. No billboard shall be located on top of, cantilevered, or otherwise suspended from or attached to any building.

15. A billboard shall not project over a driveway.

16. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ lighting of a constant intensity. Flashing, rotating or oscillating lighting shall be prohibited. Illumination shall not interfere with the effectiveness or obscure an official traffic sign device or signal. Any illumination shall be demonstrated to be compliant with International Dark Sky Association standards.

17. A billboard shall not employ any elements which revolve, whirl, spin or otherwise make use of motion.

18. All wiring, fittings, and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. Proof of compliance with such codes shall be provided by the applicant.

19. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.

20. A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.

21. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Flood Insurance Rate Maps of Geauga County.

22. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.

23. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.

24. Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair.

CHAPTER 177

PROHIBITED USES

177.01 Prohibited uses specified.
177.02 Uses not specified.

177.01 PROHIBITED USES SPECIFIED.

Within the Township, no building, structure, land or premises or any part thereof shall be used for any of the following specified uses:

(a) Acid manufacture, including hydrochloric, nitric, sulfuric, sulphurous or hydrofluoric acid.

(b) Bronze, magnesium, iron, aluminum or other metallic powder manufacture or storage.

(c) Asbestos, cement, lime, gypsum or plaster of Paris manufacture or storage.

(d) Distillation of bones, coal or wood, or manufacture of any of the byproducts of such distillation, distillery.

(e) Refuse dump or landfill, open dumping, solid waste facilities, solid waste transfer facilities, construction and demolition debris facilities, and scrap tire collection facilities as defined in O.R.C. 3734.

(f) Manufacture, storage or sale of all explosives or fireworks, except otherwise specified in Chapter 185.

(g) Fat, grease, lard or tallow manufacturing or rendering.

(h) Fertilizer manufacture from phosphate or organic matter.

(i) Gelatin, glue or size manufacture.

(j) Incineration or reduction of dead animals, garbage, offal or refuse, except that produced on the premises and disposed of by private incinerators.

(k) Mineral insulation manufacture.

(l) Nitrating of cotton or other cellulose material.

(m) Rayon manufacture.

(n) Slaughtering of animals.

(o) Storage or processing hides.

(p) Junk yard, automobile graveyard or scrap metal processing facility, all as defined in Ohio R. C. 4737.05.

(q) Parking junk motor vehicles in the open of any premises. [**Definition moved to Chapter 105 – Z-2016-1 – Effective 1/11/2017]**

(r) Storage of junk in the open of any premises. **[Definition moved to Chapter 105 Z-2016-1 – Effective 1/11/2017]**

(s) Dumping, depositing, burial or storage of garbage, refuse, rubbish, litter or other waste material of any kind, except temporary storage of such materials is permitted in receptacles specifically designed for that purpose and which shall be kept covered, regularly emptied and cleanly maintained.

(t) Quarry or the excavation, extraction or mining of gravel, sand, earth or topsoil, if not 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.

(u) Storage, cleaning or renovation of animal hair.

(v) Structural steel fabrication.

(w) Commercial truck terminal, unless licensed by the Public Utilities Commission of Ohio.

(x) Commercial radio and television towers.

(y) Medical marijuana cultivators, processors, or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21. **[Z-2017-1 – Effective 5/24/2017]**

(z) Harboring, maintaining or controlling wild, dangerous or undomesticated animals. A "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.
(7) Is included in the definition of “dangerous wild animal” in accordance with O.R.C. Chapter 935.

(aa) Manufactured home parks. **[Z-2000-3 – Effective 7/26/2000]**

(bb) Open loop geothermal heating systems.

(cc) Basement as a dwelling unit.

(dd) Driveway entrances closer than one hundred (100) feet from an intersection are prohibited.

(ee) Mobile homes. **[Z-2000-3 – Effective 7/26/2000]**

(ff) The storage, burial, or incineration of hazardous waste as defined in O.A.C. 3745-51-03.

(gg) The storage, burial, or incineration of infectious waste as defined in O.A.C. 3745-27-01(I)(6) and O.R.C. Section 3734.01(R).

(hh) No use shall be permitted to be established which is hazardous, noxious, or offensive due to emission of odor, smoke, fumes, dust, noise, or vibration.

(ii) Indoor or outdoor shooting ranges as defined in O.R.C. 1533.83(B).

(jj) Commercial composting as defined in O.A.C. 3745-27-01(C)(2) and composting facilities as defined in O.A.C. 3745-27-01(C)(3).

(kk) Tattooing or body piercing service establishments as defined in O.R.C. 3730.01.

(ll) Short term rental of a dwelling, in whole or in part, involving transient occupancy for thirty (30) consecutive days or less by persons other than the owner for which the owner receives monetary compensation pursuant to a rental agreement shall be prohibited. **[Z-2020-1 – Effective 5/27/2020]**

177.02 USES NOT SPECIFIED.

Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefor, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Chapter 121 or a variance has been granted in accordance with Chapter 117.

CHAPTER 185

BLASTING

185.01	Purpose and scope.	185.05	Allowable limits; standards established.
185.02	General provisions.	185.06	Log required.
185.03	Zoning certificate required.	185.07	Insurance protection.
185.04	Seismologist requirements.		

185.01 PURPOSE AND SCOPE.

The purpose of these blasting regulations is to provide for the health, safety, and welfare of the general public during the use of explosives for blasting during excavation, drilling or any other reason.

185.02 GENERAL PROVISIONS.

Every person using explosives within Bainbridge Township shall comply with the regulations herein established and in addition, with the provisions of the applicable state and federal regulations as well as the Fire Prevention Code of the National Board of Fire Underwriters in the use of such explosives including their storage, transportation and safety practices. All such persons shall use every reasonable precaution to provide for the safety of all employees on the job and such other persons who may be regularly entitled to be upon or near the explosive site as well as to provide for the safety of the general public. Every employee shall observe the provisions hereof and no person shall use explosives for blasting purposes in a manner contrary to the provisions of this resolution.

185.03 ZONING CERTIFICATE REQUIRED.

(a) No person, firm or corporation acting as a contractor or blaster shall use and detonate explosives unless in possession of a valid zoning certificate to use explosives for blasting purposes and unless the requirements of this chapter have been observed and every reasonable precaution, including compliance with the Ohio Revised Code, and the NFPA (National Fire Protection Association) explosive material code current edition, is taken, to prevent accidents and damage to property or unreasonable disturbance. The blaster, the owner, the lessee, a contractor and a sub-contractor whose work involves the use of explosives shall comply with these rules and regulations and none shall be saved harmless herefrom because of errors of the other.

(b) Such zoning certificate shall be obtained from the Bainbridge Township Zoning Inspector and shall be issued at least ten (10) days in advance of the commencement of blasting operations. This certificate shall be valid for twenty-one (21) days from date of issuance.

(c) After the issuance of such certificate, the applicant shall file a "NOTICE OF INTENTION TO BLAST" with the Bainbridge Township Zoning Inspector, Police and Fire Departments seven (7) days prior to the commencement of such operations.

(d) Application.

The application for a certificate shall contain the following information:

(1) Name, address, age, occupation, business address of the applicant.

(2) Description of the dangerous ordnance for which a permit is requested.

(3) Description and address or addresses of the place or places where, and the manner in which, the dangerous ordnance is to be kept, carried and used.

(4) A statement of the purpose for which the dangerous ordnance is to be acquired, possessed, carried and used.

(5) The name of the certified seismologist required in 185.04(a).

(6) Such other information that the Zoning Inspector, Fire Chief, Police Chief, and Board of Trustees, might request.

(7) Upon investigation, the Zoning Inspector shall not issue a certificate unless all of the following requirements are met:

a. The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;
b. The applicant is age twenty-one (21) or over and the application is for explosives only;
c. The applicant clearly demonstrates sufficient competence to safely acquire, possess, carry or use the dangerous ordnance and provides that proper precautions will be taken to protect the security of the dangerous ordnance and insures the safety of persons and property;
d. The applicant attests that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

e. The applicant has submitted and completed an application satisfactory to the Zoning Inspector.

185.04 SEISMOLOGIST REQUIREMENTS.

(a) The blaster or contractor shall provide a certified seismologist. No person, firm or corporation shall detonate explosives within the boundaries of Bainbridge Township without arranging and having present the certified seismologist and Zoning Inspector at each and every blast to record the same.

(b) The certified seismologist shall record the following data:

(1) Identification of instrument used;
(2) Name of seismologist and zoning inspector;
(3) Name of interpreter;
(4) Distance of recording station from area of detonation;
(5) Recording station or location in structure;
(6) Maximum amplitudes for all components measured;
(7) Frequency of ground motion in cycles per second, if applicable;
(8) Maximum particle velocity for all components measured.

(c) Written notice of the exact time and place of the use of explosives shall be given to the Zoning Inspector, certified seismologist, Police Department, Fire Department and State Fire Marshal's office, at least forty-eight (48) hours prior to detonation. It will be the duty of the certified seismologist to attend all such detonations on the date and the time and place, when requested and to notify the applicant of any alternative date and time in the event of rescheduling. The seismologist shall issue written reports on each and every blasting event to the Zoning Inspector, and comment upon compliance with regulations and standards herein established.

(d) The applicant shall notify the property owners and or residents, within a radius of six hundred (600) feet, in writing, at least forty-eight (48) hours prior to time and date of blast. The Applicant shall notify all utilities involved and forward copies of all notifications to the Zoning Inspector.

185.05 ALLOWABLE LIMITS; STANDARDS ESTABLISHED.

(a) Blasting operations shall be conducted so that ground vibrations, measured at the nearest structure or building, do not exceed a peak particle velocity of two inches per second or its equivalent on any of the three mutually perpendicular planes of motion, i.e. vertical, longitudinal or transverse, and so that air blast over pressures do not exceed one hundred and thirty decibels (130db) peak linear. No blasting operation will be permitted within one hundred and fifty feet (150') of any building or

structure used for occupancy by persons. Such measurement from the nearest structure or building, as described above, shall not apply to quarries or to the blasting of contractor-owned structures whether owned or leased, or high tension lines and the supporting towers and appurtenances.

(b) If blasting is done in a congested area or in close proximity to a building or structure, the blast shall be covered before firing with a mat constructed so that it is capable of preventing debris from being thrown into the air.

(c) Blasting operations must be non-damaging to structures, persons or property.

(d) A record of the seismic wave pattern shall be kept by the certified seismologist for a minimum of three years after project completion, and the same shall be filed in the permanent records of Bainbridge Township.

(e) No blasting will be permitted unless the seismologist and Zoning Inspector are present.

(f) When the characteristics on environment of any specific blasting event have been determined to be extraordinarily hazardous by the Zoning Inspector, additional safety precautions may be required. The Applicant shall be advised of the nature of such extraordinary hazard and instructed as to what specific additional safety precautions are required.

185.06 LOG REQUIRED.

A record of each explosive event shall be kept by the contractor or blaster upon forms furnished by the Applicant, a copy of which shall be filed with the Zoning Inspector, which shall include the following:

(a) Name of company;
(b) Blast location;
(c) Date and time of blast;
(d) Number of holes, diameter of holes, depth of holes spacings and burdens, delay intervals, total weight of explosives, maximum weight of explosives fired per day;
(e) Distance and direction to nearest structure neither owned or leased by person, firm or corporation conducting blastings except high-tension lines supporting towers or appurtenances;
(f) Weather conditions.

A log shall be filed with the Zoning Inspector, on the next business day after the final blasting event, of each day blasting occurs.

185.07 INSURANCE PROTECTION.

Any person or firm or corporation who desires to conduct blasting operations within Bainbridge Township shall post an effective certificate of public liability insurance with an accredited company authorized to do business in the State of Ohio in the amount of at least $1,000,000.00 which policy shall protect such person, firm or corporation, Bainbridge Township, its residents and the general public from any and all claims, damages and demands arising from each blasting operation.

CHAPTER 186

Wireless Telecommunications Towers and Facilities

186.01 Purpose.
186.02 Permitted uses.
186.03 Conditional uses.
186.04 Prohibited areas.
186.05 General regulations.
186.06 Fees.
186.07 Public utility exemption.
186.08 Additional information required.

186.01 PURPOSE.

A. It is the purpose of this section of the Bainbridge Township Zoning Resolution to regulate wireless communications antennas, towers and facilities in order to promote public health, safety, and general welfare of the community. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:

1. Protect residential districts and land uses from potential adverse impacts of wireless telecommunications towers and facilities;

2. Accommodate telecommunications towers and facilities as directed by the Federal Telecommunications Act of 1996, Public Law 104-104, to enhance telecommunications services and competition, and particularly wireless telecommunications service;

3. To promote collocation as an alternative to siting new telecommunications towers and appurtenances; and to maximize the use of existing and approved towers, and buildings to collocate new wireless telecommunications antenna(s). The Board of Zoning Appeals is encouraged to consider requests that promote collocation;

4. To consider the public health and safety issues surrounding telecommunications towers and appurtenances;

5. To protect adjacent properties from potential damage through careful siting of such structures; and,

6. To encourage, where possible, "stealth" applications for proposed telecommunications towers within the township. Monopole construction is preferred where possible.

B. This resolution shall not discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been duly filed. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. This resolution shall not regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

C. A "telecommunications tower" shall have the same meaning as in O.R.C. 519.211(B)(1).

186.02 PERMITTED USES.

A wireless telecommunication facility may be located in the following areas, under the following circumstances and requirements of this Chapter 186 and upon application for a zoning certificate and issuance of such certificate from the zoning inspector.

A. The erection, construction or replacement of a wireless telecommunication antenna(s) on a lawfully existing tower with the necessary equipment building may be a permitted use as a collocation on such existing wireless telecommunications tower and facility.

B. A wireless telecommunications tower facility may be located in Light Industrial Restricted (LIR) and Mixed Use Planned Unit Development districts. **[Adopted 6-8-2015 – Z-2015-1]**

C. A wireless telecommunications tower facility may be located within a recorded electric high tension power line easement. A tower located within such an easement shall not be subject to the standards set forth in 186.05 (C), and (P).

D. A wireless telecommunications tower facility may be located within the U.S. Route 422 right-of-way.

E. The owner of a tower permitted under this section shall respond within thirty (30) days to requests for collocation and allow collocation unless it is demonstrated to be technically nonfeasible.

186.03 CONDITIONAL USES.

A wireless telecommunications facility may be located in a Convenience Business District (CB), or, in a residential district currently used for nonresidential purposes (such as schools, churches, parks, township and county facilities) as a conditional use upon the approval of the Zoning Board of Appeals, provided the applicant demonstrates compliance with the following conditions.

A. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower or structure within the geographic area to be served, including the areas set forth in 186.02. With the zoning certificate application, the applicant shall list the location of every tower, building or structure and all the areas set forth in section 186.02 that could support the proposed antenna(s) so as to allow it to serve its intended function and demonstrate the location of every tower, building or structure and demonstrate that a technically suitable location is not reasonably available on an existing tower building or structure or a technically suitable location is not available in any area set forth in 186.02. If another tower, building or structure, or area set forth in 186.02 is technically suitable, the applicant must show that it has requested to collocate on the existing tower and the collocation was rejected by the owner of the tower, building or structure or that it has requested all property owners with technically suitable locations within a two (2)-mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in 186.02 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to request for collocation within thirty (30) days from the receipt of a written request for collocation. This request shall be in the form of a certified letter, return receipt requested, and copies shall be included with the application. If another telecommunications tower is technically suitable the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the Township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonable reciprocal terms and the offer was not accepted. In all cases, the Township shall use its best efforts to encourage collocation; and

B. As a condition of issuing a conditional zoning certificate to construct and operate a tower in the Township, the owner/operator of the telecommunications tower is required to allow collocation for a minimum of two (2) additional antenna platforms of equal loading capacity for two (2) additional unrelated owners/operators. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Zoning Inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this Subsection as well as all other applicable requirements, regulations and standards set forth in Chapter 186.

186.04 PROHIBITED AREAS.

Except as noted in 186.03, telecommunications facilities are prohibited in residential districts.

186.05 GENERAL REGULATIONS.

The regulations and conditions set forth in this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a telecommunications tower and all appurtenances. Except for otherwise provided in this Chapter, all wireless telecommunication tower facilities shall comply with the following regulations:

A. No telecommunications tower, equipment building, or appurtenant facility shall be located within a designated 100 year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.

B. No telecommunications tower, equipment building, or appurtenant facility shall be located within a jurisdictional wetland as specified by the Federal Government and its agencies.

C. A security fence not less than eight (8) feet in height shall fully enclose the base of the telecommunications tower, the equipment building, and appurtenant facilities including anchors for guy wires. Gates shall be locked at all times.

D. A report shall be prepared and submitted by a licensed professional engineer and shall provide proof of certification of compliance with all applicable federal, state, and county building regulations. The report shall include a detailed site plan; a detailed description of the telecommunications tower, equipment shelter, and appurtenances as well as the tower's capacity. The owner/operator shall demonstrate compliance with the ANSI/EIA 222-F manual verifying the design and construction specifications for the tower; shall demonstrate that the tower is the height necessary for its operation and at least two other companies' to allow co-

hosting; and shall verifying that radio frequency (electromagnetic) emissions are within compliance with the regulations of the Federal Communications Commission (FCC).

E. A telecommunications tower, equipment shelter, and appurtenances shall not be mounted on a building or structure listed on the National Register of Historic Places.

F. No advertising sign(s) shall be permitted anywhere on a telecommunications tower, equipment shelter, and appurtenances or on the site.

G. Warning signs and an emergency telephone number shall be posted on the site. The applicant shall also provide the fire department, the township police department, and the county emergency management agency with information on whom to contact, an address, and a telephone number in the event of an emergency.

H. A telecommunications tower, equipment shelter, and appurtenances shall have minimum lighting necessary for security reasons or as may be required by the Federal Aviation Administration (FAA) in accordance with Chapter 161.12.

I. The applicant shall submit a plan documenting how the telecommunications tower, equipment shelter, and appurtenances will be maintained on the site.

J. The driveway to the site shall be a minimum of ten (10) feet in width and shall be setback a minimum of two (2) feet from the side or rear lot line. There shall be a minimum of one (1) off-street parking space on the site.

K. A proposal for a new commercial wireless telecommunications service tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two mile search radius due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

4. Technical limitations including a violation of federal, state, or county regulations.

5. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

L. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

M. The owner of any tower erected under this section shall be required to accept collocation of any other antenna(s), except upon a showing of technological nonfeasibility, as delineated under sub-paragraph K (1)(2) (3) (4) or (5) herein.

N. There shall be no storage outside of the security fence of equipment or other items on the site.

O. If at any time the use of the telecommunications tower, equipment building, and appurtenances is discontinued for two (2) years or more, said facilities shall be deemed abandoned. The zoning inspector shall notify the applicant in writing by certified mail, return receipt requested and advise that the facility must be reactivated within 30 days or it must be dismantled and removed from the site at the cost of the owner or lessee. If reactivation or dismantling does not occur, the conditional zoning certificate for the site shall expire on the 91st day. During any period of discontinuance of said telecommunications facility, the owner/operator shall be responsible for the exterior maintenance of all equipment, appurtenances and landscaping. The subject property shall at all times be kept in good repair.

P. A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the security fence surrounding the wireless telecommunications facilities and the public rights-of-way and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The fifteen (15)-foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.

Q. The minimum distance between a telecommunication tower and buildings and air-supported structures where people reside or conduct business located off the lot the tower is located on shall be one hundred ten percent (110%) of the height of the tower.

R. The owner/operator of a wireless telecommunication tower shall notify the Township fire department by certified mail of the location and height of the proposed tower as a condition of the issuance of a zoning certificate.

S. After issuance of a zoning certificate to construct a wireless telecommunications facility, the applicant shall commence construction within one hundred eighty (180) days and shall complete construction within one (1) year or the zoning certificate shall expire.

T. Towers shall not be located between a principal structure and a public street, with the following exceptions:

a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

U. The maximum height of a telecommunications tower, antenna, and appurtenances shall be one hundred and ninety-five (195) feet.

V. Supports or anchors for any guy wires shall be setback a minimum of twenty (20) feet to the nearest lot line or road right-of-way.

W. The maximum size of an equipment shelter accessory to a telecommunications tower or antenna shall be two hundred and fifty (250) square feet per carrier. Maximum height shall be twelve (12) feet above ground.

X. A telecommunications tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in this Section of the zoning resolution.

186.06 FEES.

A. In addition to general application fees, the applicant for a wireless telecommunications tower and/or antenna facility shall be responsible for all expenses incurred by the Township or any technical and/ or engineering services deemed necessary by the Zoning Inspector, the Board of Zoning Appeals, or the Board of Township Trustees to perform the reviews and/or inspections set forth in this chapter.

186.07 PUBLIC UTILITY EXEMPTION.

A. Subject to R.C. 519.211(B)(4)(a) and set forth in Chapter 186 of this Resolution, the provisions of this Resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of a wireless telecommunications facility.

B. In the event a wireless telecommunications tower facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations of this Chapter 186 do not apply when the proposed location of the tower facility is in a non-residentially zoned area of the township. The proponent of such a tower facility must file a written application with the Zoning Inspector supported in writing, evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for the purpose of this exemption:

1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;

2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;

3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;

4. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;

5. Whether the good or service is vital;

6. Whether there is a lack of competition in the local marketplace for the good or service;

7. Whether there is regulation by a government authority and the extent of that regulation;

8. Whether the applicant possesses the power of eminent domain.

No single factor set forth above is controlling as to whether the applicant is a "public utility engaged in the provision of telecommunications services". Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances, some factors may be given more weight than others.

C. If the Zoning Inspector determines to deny the applicant such "public utility" status, the Inspector shall do so in writing, and state the reasons therefor. Such decision of denial by the Zoning Inspector shall not be a final decision by the Township on the issue. Any determination by the Zoning Inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the Board of Zoning Appeals pursuant to the procedures set forth in this Zoning Resolution. The decision of the Board of Zoning Appeals shall be the final decision of the Township on this issue.

D. In the event a wireless telecommunications tower facility is proposed to be located in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this Zoning Resolution if it meets all of the criteria in 1, 2, and 3 below as follows:

1. All requirements of Subsection 186.07 A through C are met;

2. The public utility provides both of the following by certified mail:

a. Written notice to each owner of property, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:

1. The public utility's intent to construct the tower; and
2. A description of the property sufficient to identify the proposed location; and
3. That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the

tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and

b. Written notice to the Board of Township Trustees of the information specified in Subsection D.2.a. of this section; and

3. If the Board of Township Trustees receives notice from a property owner under Subsection D.2. a. (3) of this Section within the time specified in that Subsection, or if a Trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under Subsection D.2.b. of this Section, the board shall request that the fiscal officer of the township send the person proposing to construct the tower written notice that the tower is subject to the regulations of this Zoning Resolution. The notice shall be sent no later than five (5) days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Zoning Resolution shall apply to the tower without exception. If the Board of Township Trustees, however, receives no notice under Subsection D.2.a. of this Section within the time prescribed by that Subsection or no Trustee has an objection as provided under this Subsection D.3. within the time prescribed by this Subsection, the applicant will be exempt from the regulations of this Zoning Resolution. **[Amended 2/28/98 – Z-1997-9] [Adopted 11/26/2018 – Z-2018-1]**

4. Any person who plans to construct a telecommunications tower within one hundred (100) feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner, in accordance with O.R.C. 519.211(E).

186.08 ADDITIONAL INFORMATION REQUIRED.

A. In addition to the information required elsewhere in this resolution, development applications for towers shall include a report from a qualified licensed professional engineer which:

1. describes the tower height and design including a cross section and elevation;
2. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
3. describes the tower's capacity, including the number and type of antennas that it can accommodate;

4. documents what steps the applicant will take to avoid interference with established public safety telecommunication;
5. includes an engineer's stamp and registration number; and,
6. includes other information necessary to evaluate the request.

CHAPTER 190

MUP Mixed Use Planned Unit Development District

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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
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A. Permitted Use Table

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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. 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 on the Township Zoning 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. Permitted Development in Subdivisions and on Lots of Record**.** Recorded sublots in a platted subdivision and single lots of record not within a platted and recorded subdivision with lawfully existing permitted commercial uses are to be regulated by and in conformity with any applicable approved and executed consent judgment entry or preexisting agreed upon development plan(s) and standards, in accordance with 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 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 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. Post Office or Parcel Service
23. Rendering Plants
24. Schools, Private
25. Schools, Public
26. Shooting / Archery Range, Indoor and outdoor
27. Small Wind Farms
28. Storage Yards
29. Tattoo Parlor
30. Vehicle Rentals and Sales
31. Warehousing and Logistics
32. Waste transfer stations
33. Warehousing and Logistics
34. 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*.

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*.

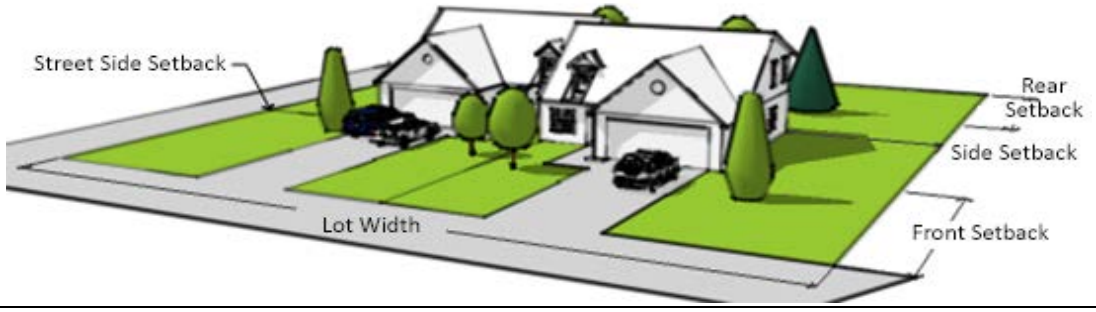
Table 3.1.202 Single-Family Detached Lot and Building Standards								
Zoning District and Development Type	Single-Family Detached Dwelling							
	Lot Area (Min – Max)	**Regulatory Lot Width[1]**	**Front Setback**	**Side Setback**	**Street Side Setback**	**Rear Setback**	**Max. Building Height[2]**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

TABLE NOTE:
[1] May be different from actual lot width. *See* Section 7.1.206, Lot Width.
[2] 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*.

Figure 3.1.203
Illustrative Twin Houses



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' [1]	50' [1]	55' [1]
Front Setback, Street Access to Garage	20'		
Side Setback [2]	5'		
Rear Setback	25'		
Maximum Height	35		
Maximum Lot Coverage Ratio	40%	45%	45%

TABLE NOTES:
[1] Per dwelling unit
[2] This setback does not apply to the sides of the house that share a common wall.

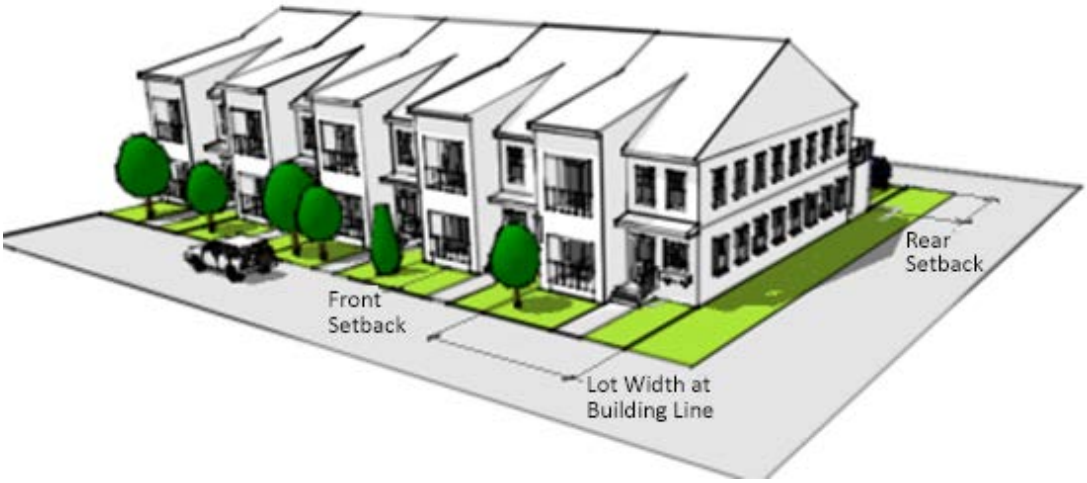
2. *Dwelling Bulk.* Dwellings shall have a minimum floor of living space in conformance with this Section. Measurements shall be made from the outside dimensions of the dwelling, exclusive of porches, garages, and basements.
   a. One to two bedrooms: 1,200 square feet.
   b. Each additional bedroom: 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*.

Figure 3.1.204
Illustrative Townhouses

Standard Townhouse



Weak Link Townhouse

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		
Lot Size Group	Small	Average	Large	Small	Average	Large
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[1]	20'			20'		
Minimum Rear Setback[2]	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:
[1] The building separation may be designated as common open space if it is linked to other common elements.
[2]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' [1]
Min. Front Setback[2]	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:
[1] Along arterials, the standards of Section 5.2.102, *Access Management*, may require a wider lot width.
[2] 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.*

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)[1]	Minimum Landscape Surface Ratio (LSR)[2]
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:

[1] 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*.

[2] *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 [1] (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'[2]	60'[3]	10'	35'
Office / Service	10,000 sf.	50,000 sf.	50'	15'	0'[2]	60'[3]	10'	48'
Vertical Mixed-Use	10,000 sf.	50,000 sf.	50'	15'	0'[2]	60'[3]	10'	48'
All Other Uses	10,000 sf.	50,000 sf.	50'	15'	0'[2]	60'[3]	10'	30'

TABLE NOTES:

[1] 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.

[2] 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.

[3] 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[1]	Maximum Percentage Any Type	Minimum Percentage Any Type[2]
Less than 25 - SMALL	1	100%	20%
25 to 50 – AVERAGE	2	75%	25%
More than 50 – LARGE	3	40%	20%

TABLE NOTE:
[1] 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.
[2] 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.

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.

Figure 3.3.102
Illustrative Measurement of Nonresidential Encroachments

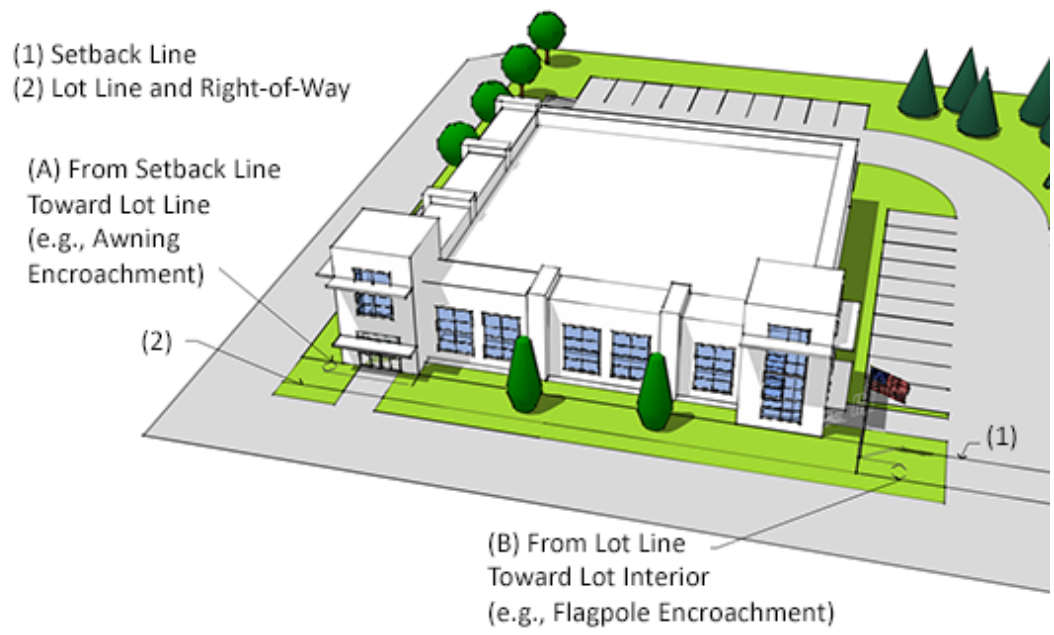


Table 3.3.102B
Permitted Encroachments into Required Setbacks

Location / Structure or Projection	Permitted Encroachments	
	(A) From Setback Line Toward Lot Line[1]	(B) From Lot Line Toward the Lot Interior[1]
TABLE NOTES: [1] Encroachments shall not cross into utility easements or onto abutting property that is not owned by the applicant. *See* subsection E. of this Section. [2] 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.		
All Setbacks		
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 structure is located no closer than 20 ft. from any lot line	

Table 3.3.102B Permitted Encroachments into Required Setbacks		
Location / Structure or Projection	**Permitted Encroachments**	
	(A) From Setback Line Toward Lot Line[1]	**(B) From Lot Line Toward the Lot Interior[1]**
Awnings and structurally supported canopies attached to a building without supports that extend to ground	5 ft.	N/A
Fences, hedges, and garden walls	N/A[2]	*See* Section 3.3.106, *Fences and Garden Walls*
Flagpoles	Allowed in all setbacks	
Statuary or art objects	Allowed in all setbacks	
Front Setback		
Balconies	4 ft.	N/A
Bus Shelters	N/A	10 ft.
First floor bay windows	3 ft.	N/A
Overhanding 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	
Side Setbacks		
Decks, less than four feet above grade	N/A	3 ft., subject to Section 3.3.105, *Balconies and Decks*
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	
Rear Setbacks		
Balconies, four feet or more above grade	12 ft.	5 ft., subject to Section 3.3.105, *Balconies and Decks*
Decks, less than four feet above grade	N/A	3 ft., subject to Section 3.3.105, *Balconies and Decks*, but 1 ft. if the adjacent lot is permanent open space
Overhanging eaves and gutters	2.5 ft.	1 ft.

Table 3.3.102B Permitted Encroachments into Required Setbacks		
	Permitted Encroachments	
Location / Structure or Projection	(A) From Setback Line Toward Lot Line[1]	(B) From Lot Line Toward the Lot Interior[1]
Rear-load garage in the MUP district	N/A	1 ft., or as allowed by the PUD Conditional Use 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.

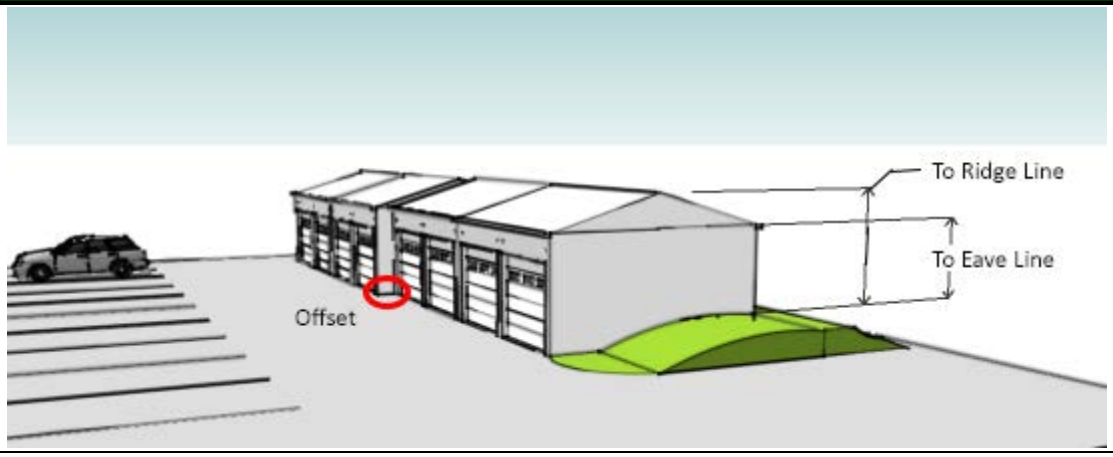
E. **Detached Garages.** Detached garages may be single-story buildings or two-story buildings that include second floor workshop/storage space. Detached garages are subject to the following standards:

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.

Figure 3.3.103
Perimeter Garage Walls



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	
Table Notes: [1] 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.[1], 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.[1]	0 ft.[1], 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.[1]	0 ft.[1]; 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

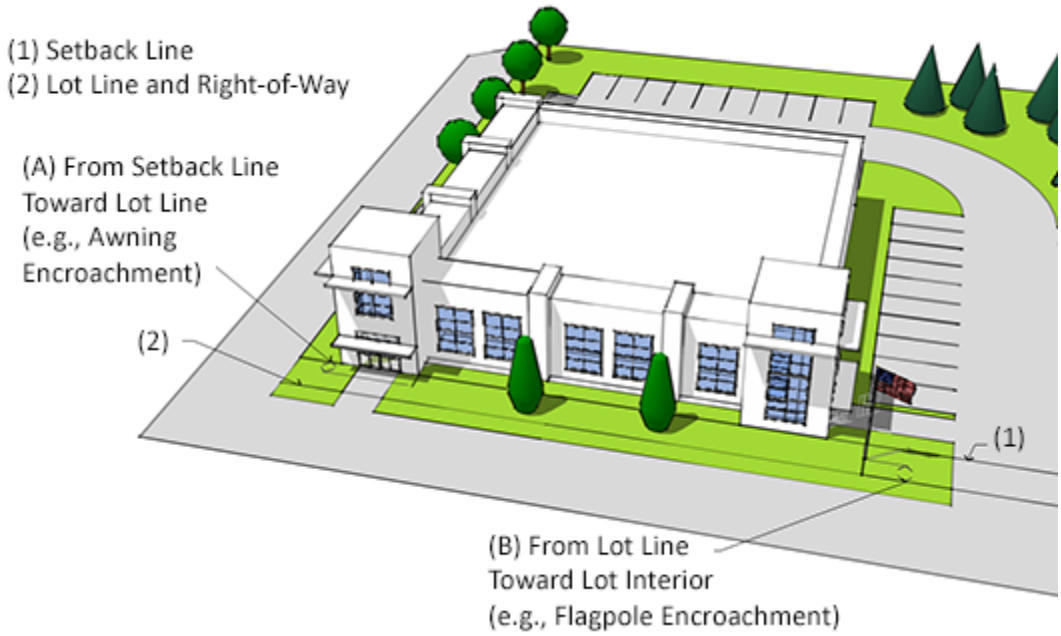
A**. Generally.** Set out in Table 3.3.202, *Permitted Encroachments into Required Setbacks* are projections that may be located outside of required setbacks (between the setback lines and the lot lines).

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.

Figure 3.3.202
Illustrative Measurement of Mixed-Use Encroachments



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
TABLE NOTES: [1] 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. [2] N/A means "not applicable," in that the limits from the other columns are sufficient to control the location of the encroachment.		
All Setbacks		

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**
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[2]	3 ft.
Flagpoles	N/A	5 ft.
Fences, hedges, and walls	N/A	*See* Section 3.3.204, *Fences, Hedges, and Walls*
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
Front Setbacks		
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.
Side Setbacks		
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.
Rear Setbacks		
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

Table 3.3.202 Permitted Encroachments into Required Setbacks		
	Permitted Encroachments	
Location / Projection	(A) From Setback Line Toward Lot Line	(B) From Lot Line Toward the Lot Interior
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.**

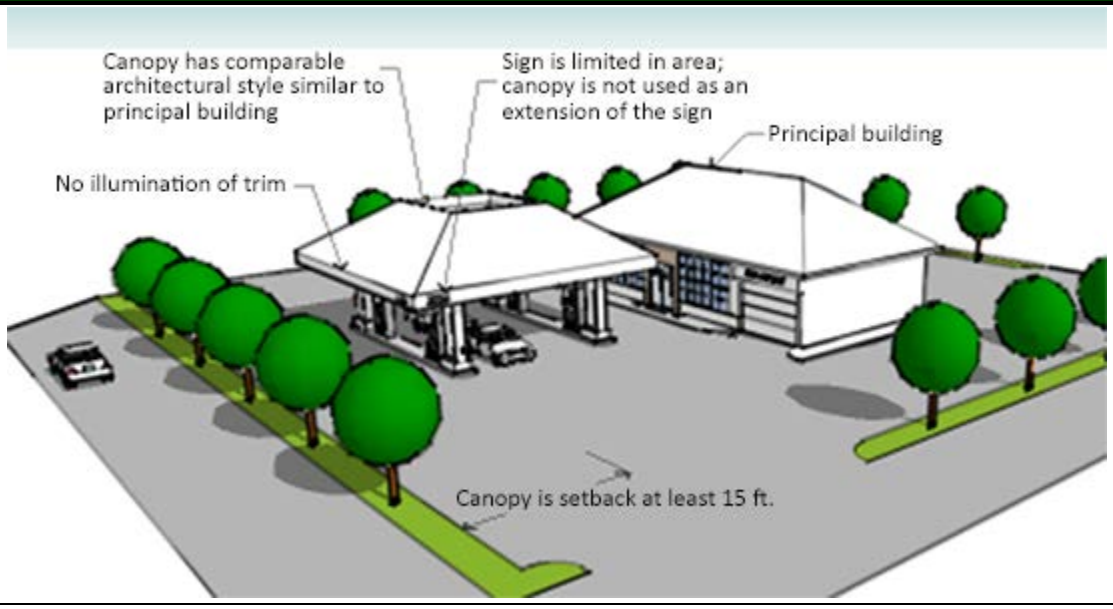
1. *Nonresidential Lots,* Storage buildings are permitted as accessory structures on nonresidential lots if it is demonstrated that:
   a. The cumulative floor area of storage and utility buildings does not exceed two percent of the maximum gross floor area permitted on the lot.
   b. The floor area 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

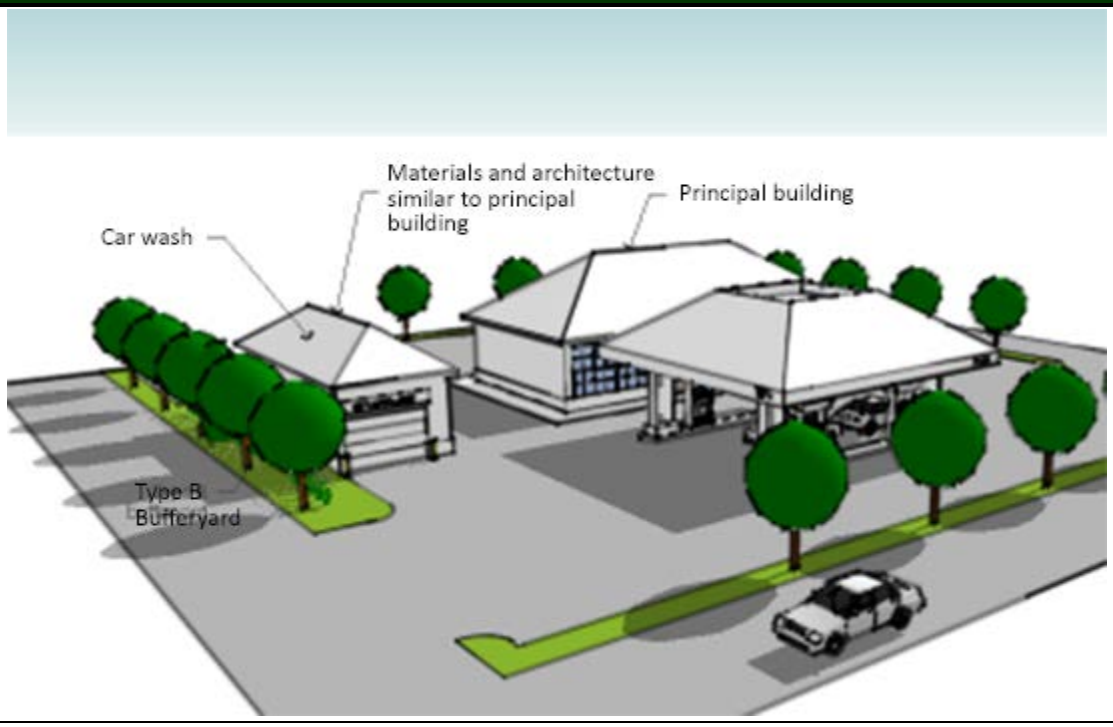
roofing as the principal building; and

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.

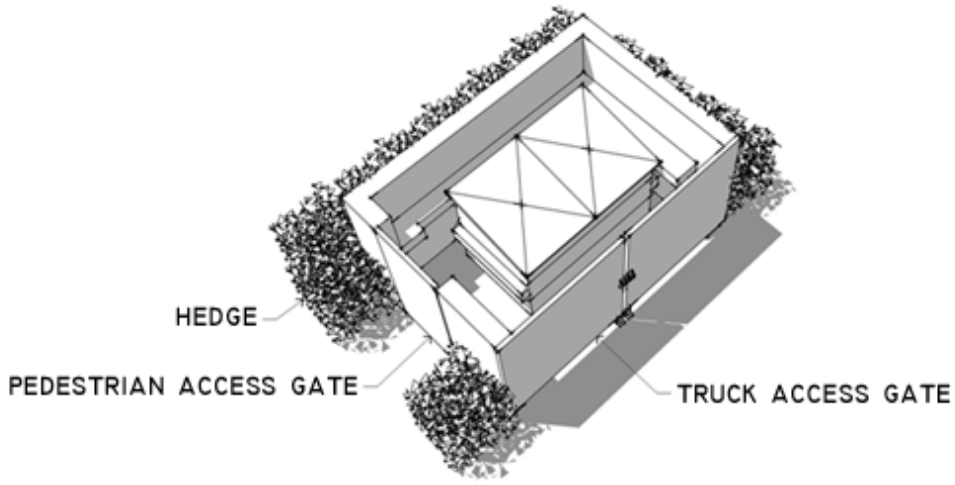
SEC. 3.3.205 LOADING, TRUCK ACCESS AND SOLID WASTE COLLECTION

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.

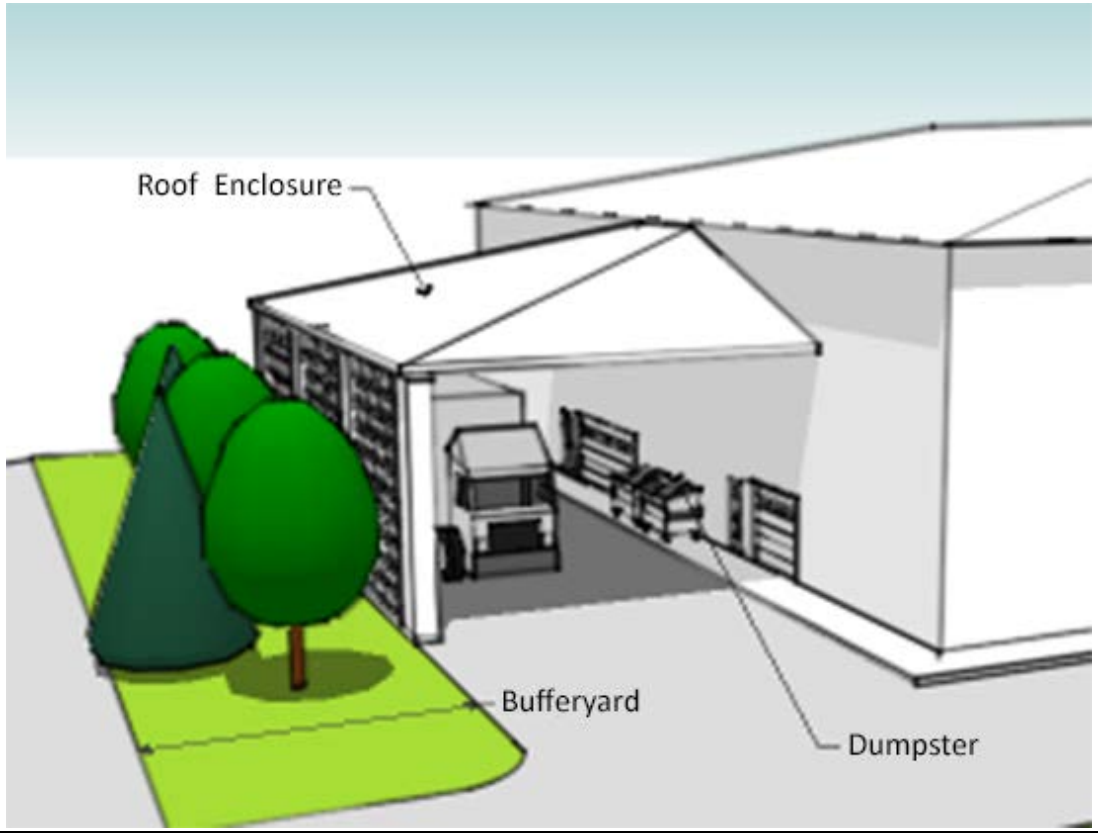
Figure 3.3.205A
Trash Enclosures



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.

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 Section4.1.207, *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[1]	
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%
TABLE NOTES: [1] Note that Section 3.3.208, *Uses in Open Space*, and Article 4.2, *Stormwater Management and Flood Damage Prevention*, 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 [1]
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*

TABLE NOTES
[1] 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[1]			*93.2*
2. Resources	**Acres of Resource (acres)**	**Open Space Ratio**	**Protected Land (acres)** [3]
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 or 6 above, whichever is greater.		*25%* [4]
8. Minimum Amount of Required Open Space	Minimum Open Space % multiplied by Gross Site Area		25 acres
TABLE NOTES: [1] 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.**

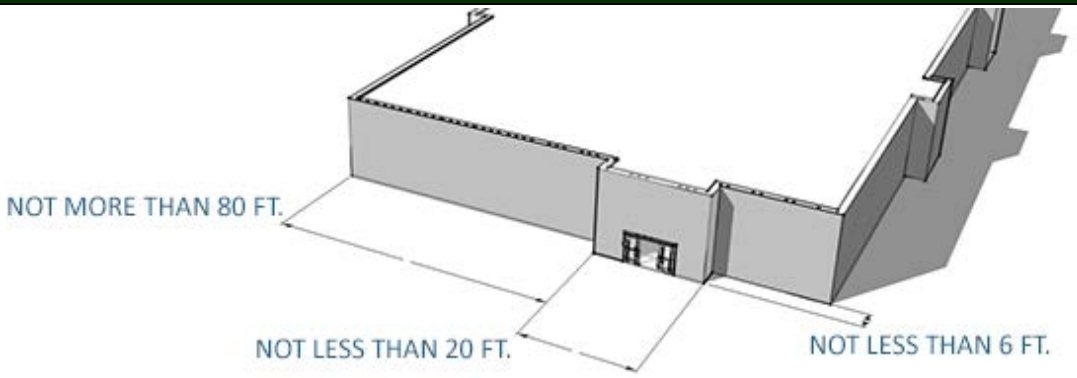
1. *Maximum Horizontal Dimension*. No building wall shall have an uninterrupted horizontal dimension of more than 80 feet for buildings with footprints 12,000 square feet and larger and no more than 40 percent of the façade length for buildings with footprints smaller than 12,000 square feet in area.
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:

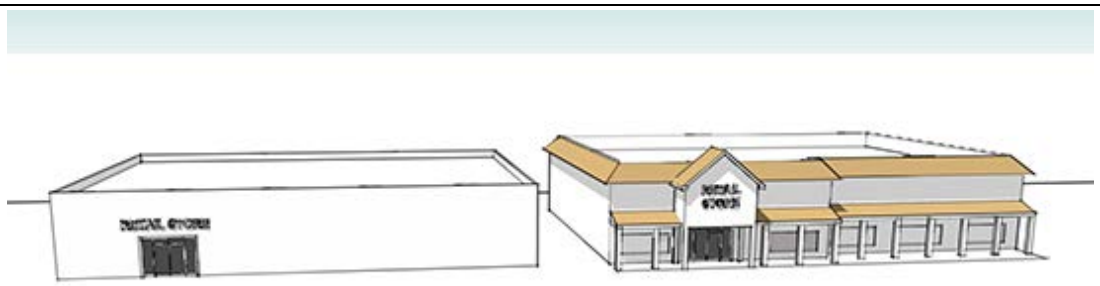
1. Canopies, porticos, arcades, or overhangs;
2. Recesses or projections;
3. Raised corniced parapets;
4. Over the door or peaked roof forms;
5. Arches;
6. Outdoor patios or plazas;
7. Display windows;
8. Obviously differentiating architectural details such as moldings that are integrated into the building 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.

Figure 5.1.102B
Illustrative Blank Wall Treatments

The retail store on the left side of the illustration below has no architectural detailing to relieve the appearance of its blank wall. The retail store on the right side of the illustration below has an arcade, a change of materials and colors, an entry feature, an offset, and display cases, all of which help to provide visual interest and relieve the appearance of a blank wall.



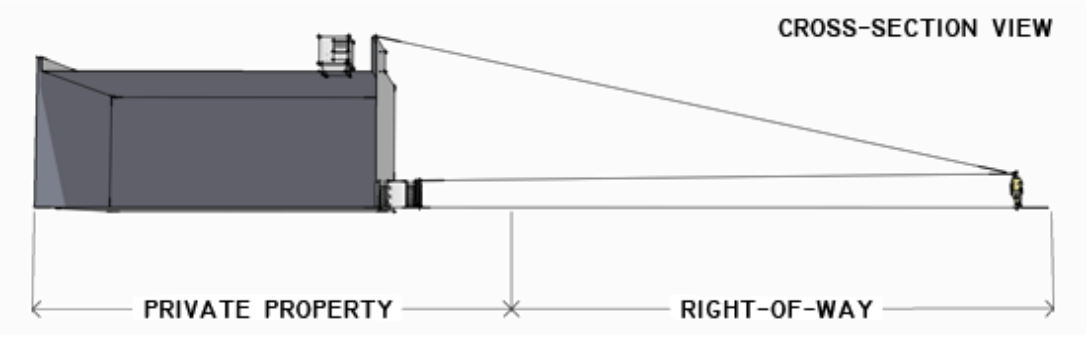
SEC. 5.1.103 MECHANICAL EQUIPMENT

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*).

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*.

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%

Table 5.2.204A Mixed-Use and Shared Parking					
	Weekday			Weekend	
Use	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.)
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.					
	Weekday			Weekend	
Use	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
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
COLUMN TOTALS	118	350	285	295	238
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;

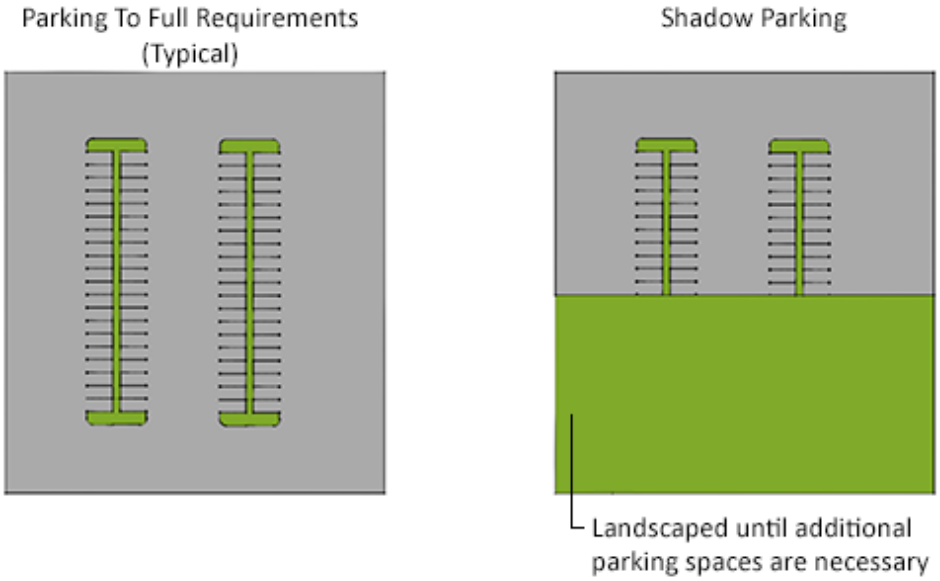
ii. Allocation of maintenance responsibilities;

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.

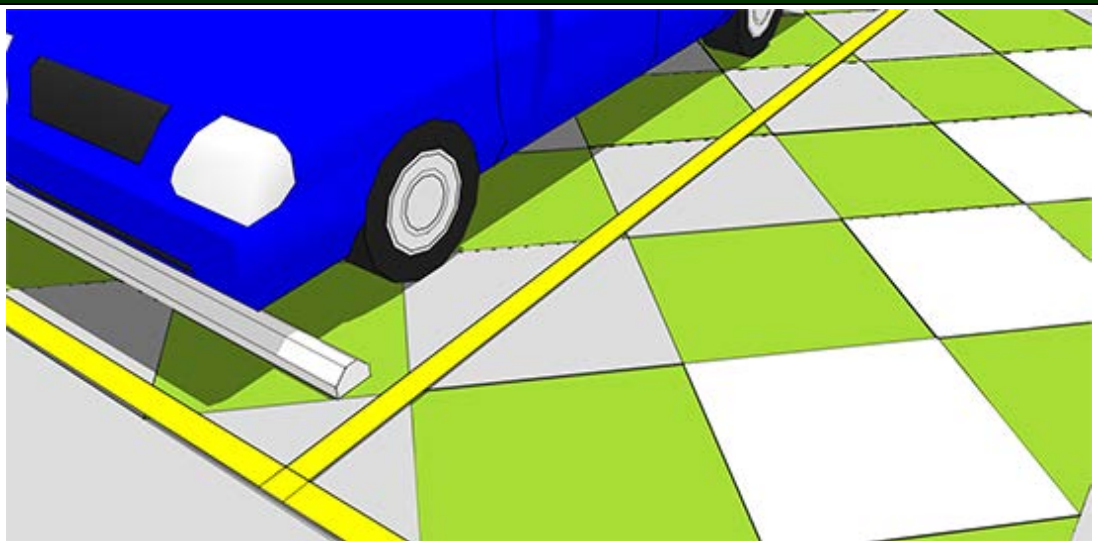
b. Deferred parking areas shall not count towards the minimum landscape surface ratio (LSR) minimums set out in Section 3.1.302, *Mixed-Use Intensity Standards*.

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, *Illustrative Stacking Requirements*)
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.

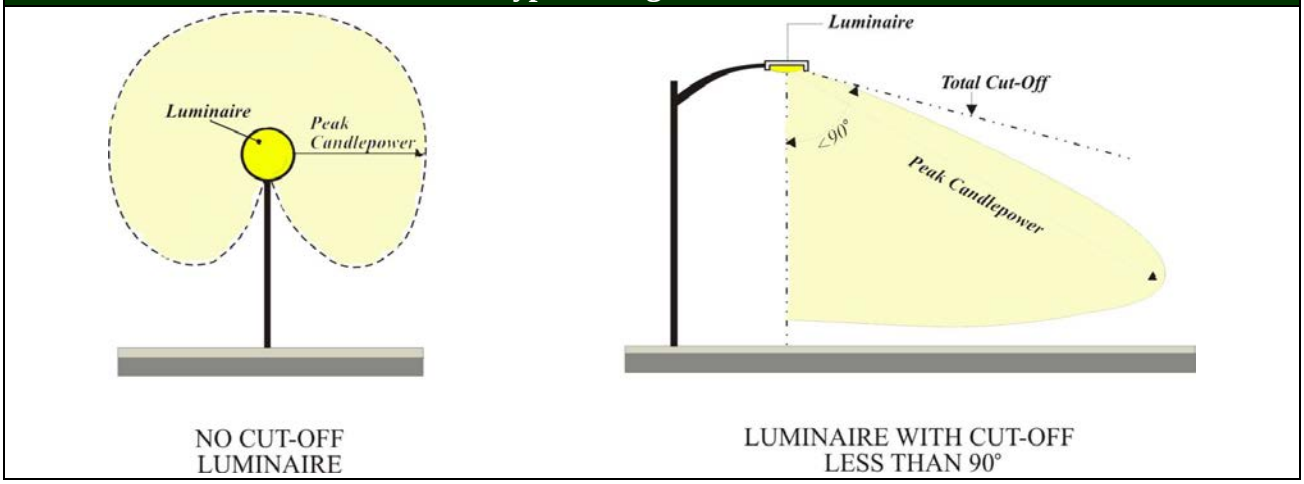
SEC. 5.2.302 GENERAL OUTDOOR LIGHTING REQUIREMENTS

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).

Figure 5.2.302
Types of Light Fixtures



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. [Adopted 11/26/2018 – Z-2018-1]**
1. Outdoor lighting shall be deflected, shaded, and focused away from adjacent properties and shall not be a nuisance to such properties, nor hazardous to motor vehicles on abutting rights-of-way;
2. The maximum illumination at a perimeter property line abutting or directly across a road from residential zoning districts or residential uses shall be two-tenths foot-candles. On abutting nonresidential properties, zoning districts, or public roads, the maximum illumination at the property line shall be one (1) foot-candle in parking lots, and one-half (0.5) foot candle in landscape areas.
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.

Figure 5.4.301A
Street Trees

Street Tree Lawns

Street Tree Grates

Street Trees in Cul-de-sacs

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.

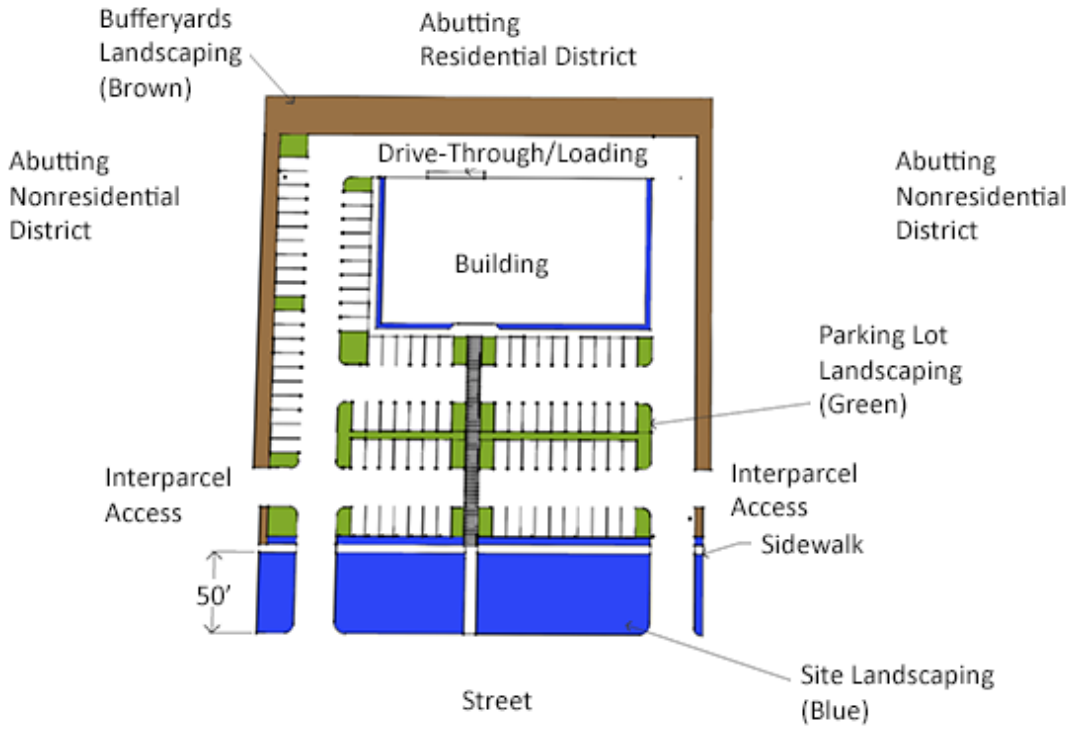
SEC. 5.4.302 Intentionally left blank

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).

Figure 5.4.303A
Nonresidential, Mixed-Use, and Multi-Family Landscape Areas



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. [1]	0 ft.	

TABLE NOTES:
Where planting areas are required, they may be crossed with sidewalks to provide access to the building or buildings.
1 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.

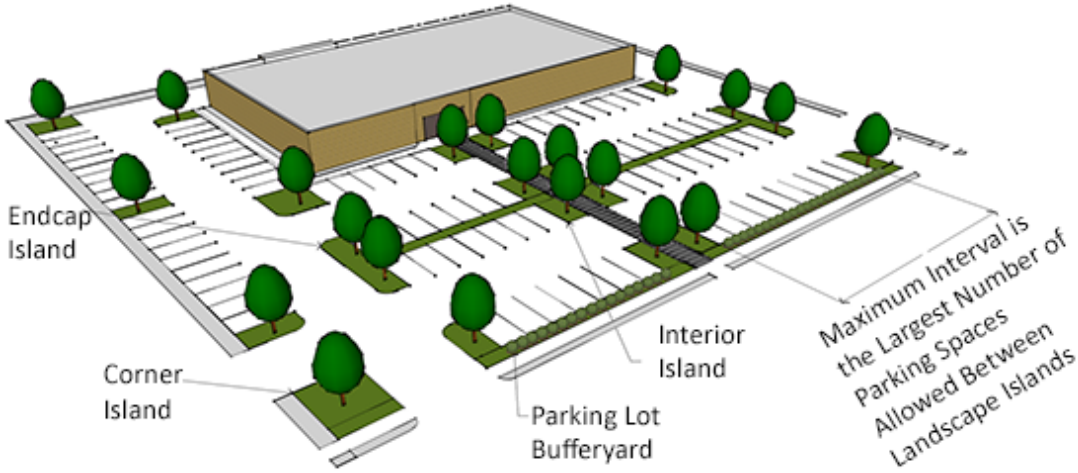
2. *Parking Lot Planting Locations*. As illustrated in Figure 5.4.303B, *Parking Lot Landscape Areas*, parking lot landscape areas are required as follows:

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.

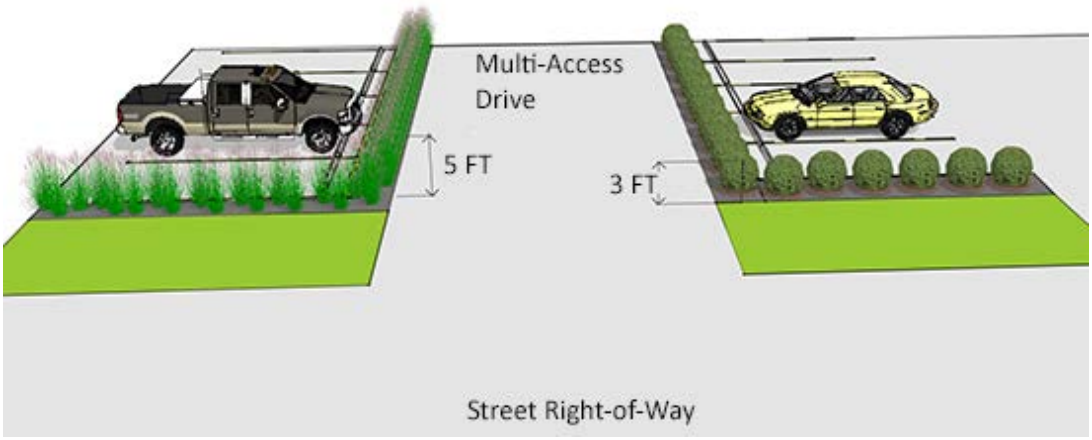
c. At the corners of parking lots, planted in corner islands, which is the area defined by the extension of the edges of intersecting parking rows.

Figure 5.4.303B
Parking Lot Landscape Areas



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*.

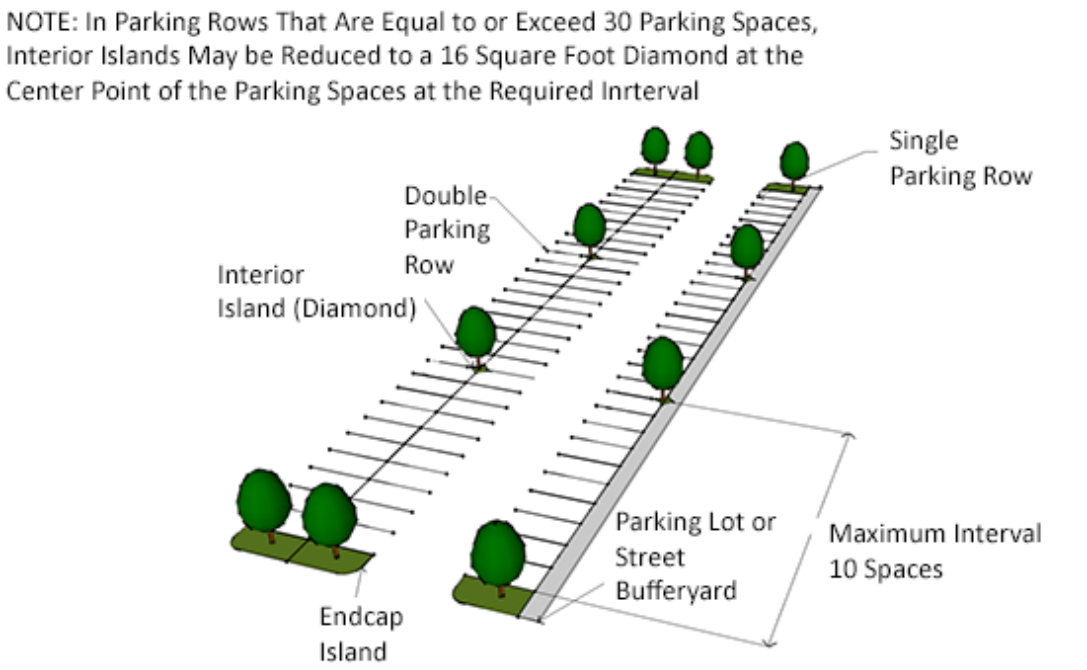
Figure 5.4.303C
Illustrative Composition of Parking Lot Screening



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.

Figure 5.4.303D
Large Parking Row Reduced Planting Island



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.

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[1]
		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

Table 5.4.401 Bufferyard Classifications						
Type (Opacity)	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall or Fence[1]
		Large Trees	Small Trees	Evergreen Trees	Shrubs	
Type C (50%)	25'	4	3	5	20	N/A
Type D (65%)	40'	4	5	5	25	N/A
Option 2: Landscape with Berm, Wall, or Fence[2]						
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.
[1] A berm, wall, or fence is not required for landscape only bufferyards.
[2] 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

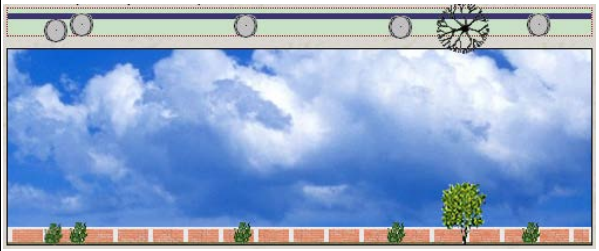
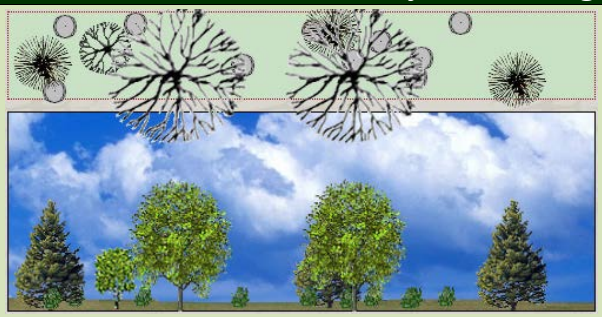
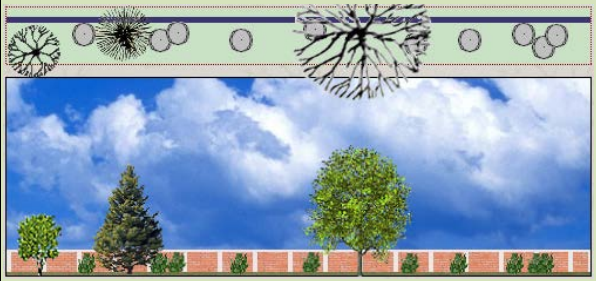
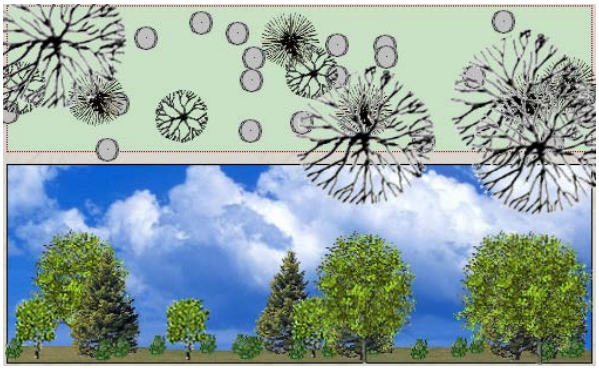
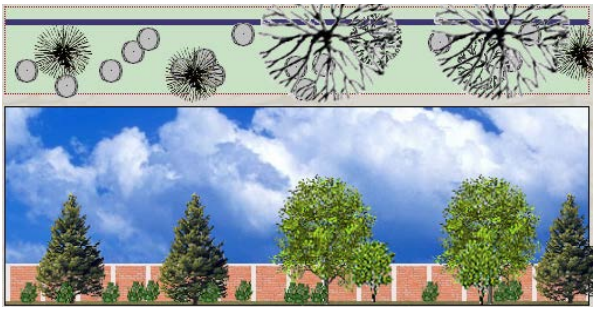
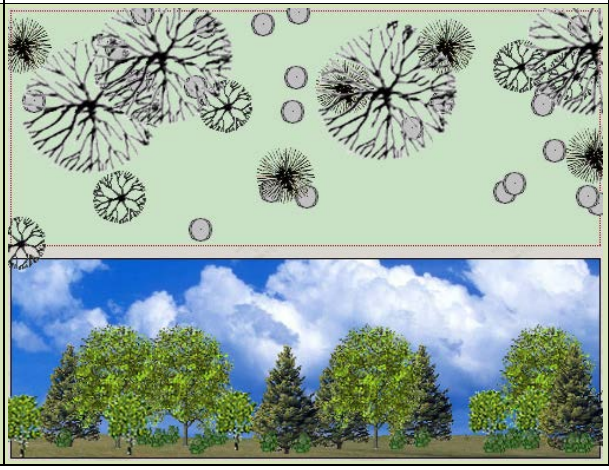
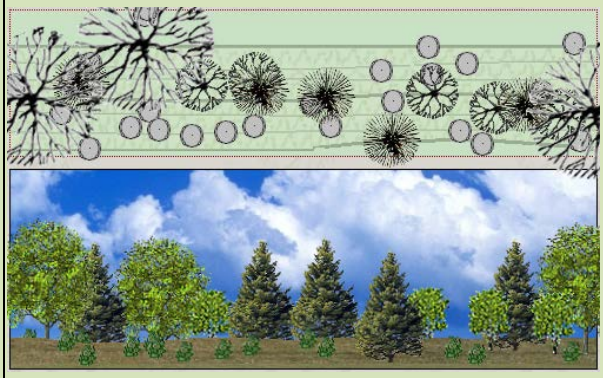
Bufferyard Type	Landscape Only Bufferyard	Landscape with Berm, Wall, or Fence Bufferyard
Type A		

Figure 5.4.401
Illustrative Bufferyard Plantings Per 100 Lineal Feet

Type B		
Type C		
Type D		

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 Developmen*t (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 boarders 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
N/A	Not Applicable

Table 7.1.101 Acronyms	
Acronym	**Meaning**
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

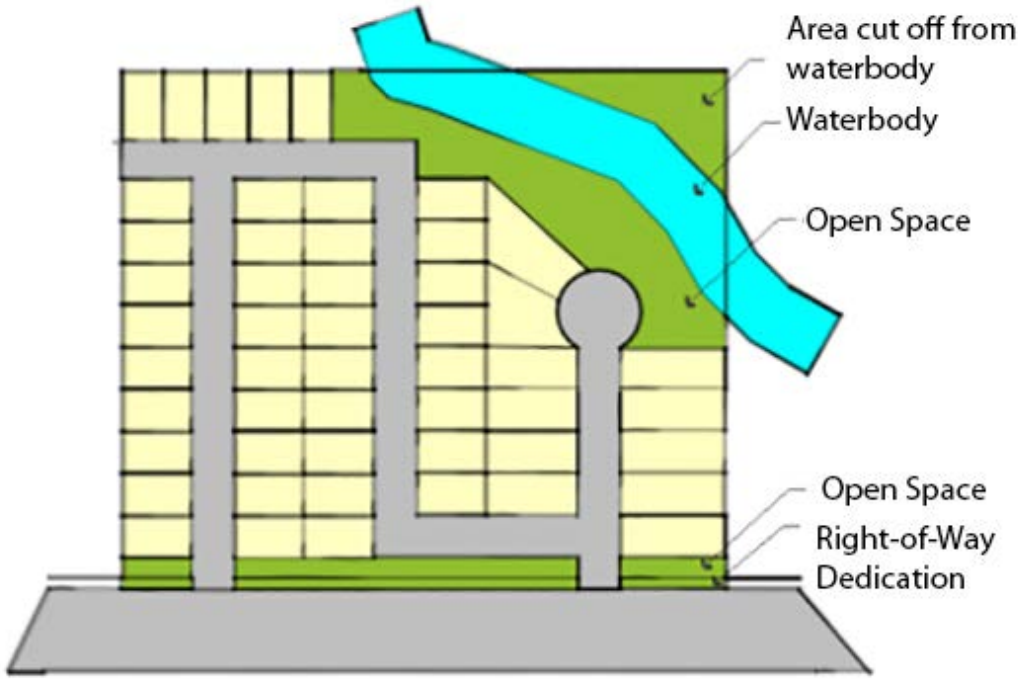
A. **Generally.** Density is measured in two ways: gross density and net density. *See* Figure

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
A. **Total Land Area** = 636,315 sq. ft. or 14.6 acres B. **Less Area Cut Off By Waterbody** = 19,936 sq. ft. C. **Less Right-Of-Way Dedication** = 12,900 sq. ft. D. **Equals Base Site Area**[1] = 603,479 sq. ft. or 13.9 acres E. **Units** = 51 F. **Gross Density** = 3.67 units per acre (Step 5 divided by Step 4)	A. **Total Land Area** = 636,315 sq. ft. or 14.6 acres B. **Less Area Cut Off By Waterbody** = 19,936 sq. ft. C. **Less Right-Of-Way Dedication** = 12,900 sq. ft. D. **Equals Base Site Area** = 603,479 sq. ft. or 13.9 acres E. **Less Open Space** = 80,599 sq. ft. F. **Buildable Area**[1] = 522,880 sq. ft. or 12.0 acres G. **Units** = 51 H. **Net Density** = 4.25 units per acre (Step 7 divided by Step 6)

Figure 7.1.201
Illustrative Density Calculations

Table Notes:
[1] Calculations for Base Site Area are included for illustrative purposes. More specific calculations for Base Site Area are found in Section 4.1.205, *Base Site Area*.

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

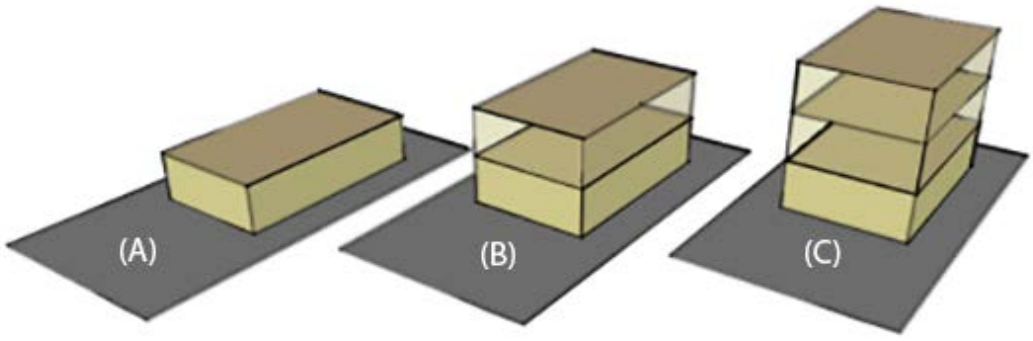
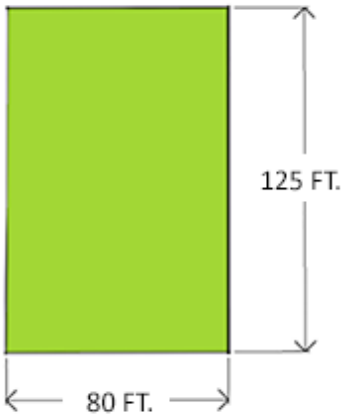


Figure 7.1.203 Illustrative Intensity Calculations		
(A)	**(B)**	
1,500 sf. of Floor Area / 5,000 sf. Lot Area = 0.3 FAR	3,000 sf. of Floor Area / 5,000 sf. of Lot Area = 0.6 FAR	4,500 sf. of Floor Area / 5,000 sf. of Lot Area = 0.9 FAR

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	
Example: The example below is a rectangular lot. 80 ft. wide x 125 ft. deep = 10,000 sq. ft. lot area	

SEC. 7.1.205 LOT COVERAGE

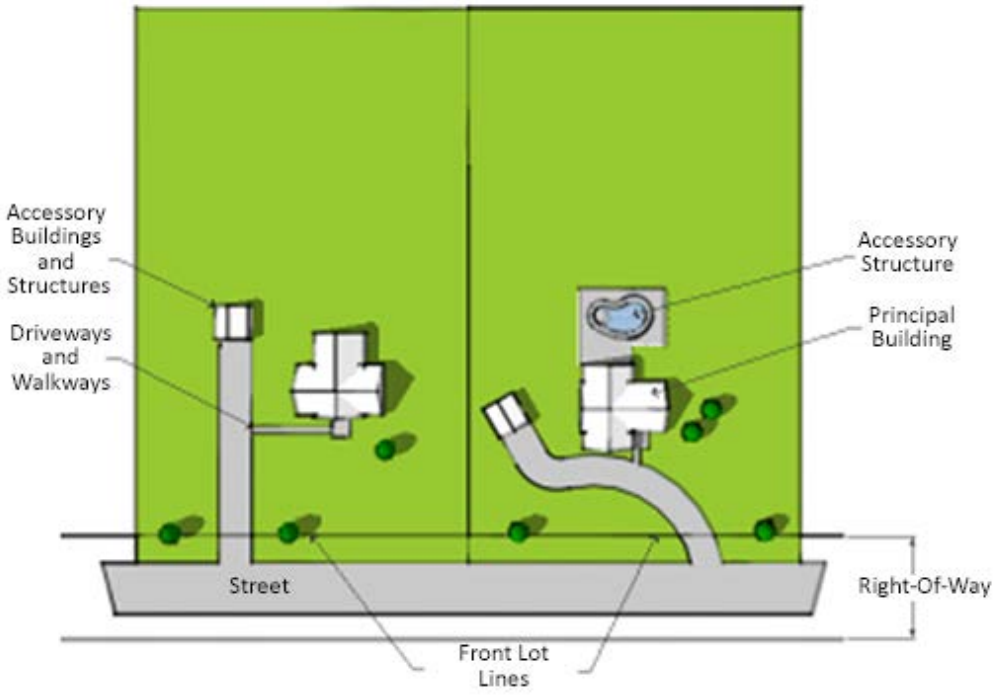
A. **Lot Coverage.** The measurements of lot coverage are as follows. (*see* definition of lot coverage)

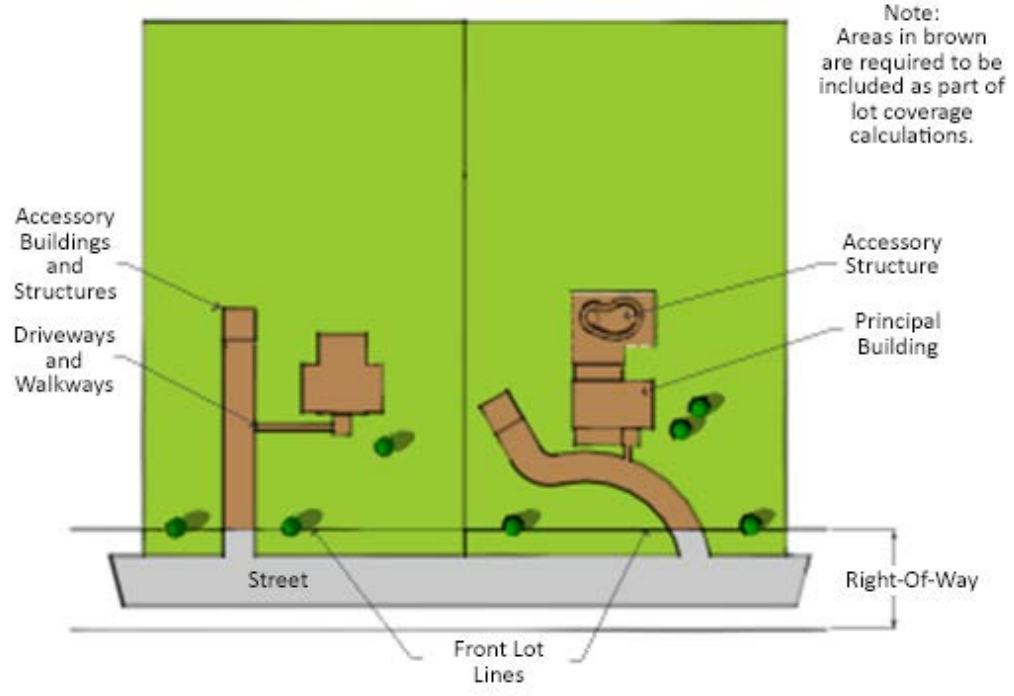
1. Measurements for buildings and structures are taken on a horizontal plane at the main grade level of the principal building or structure and all accessory buildings and structures. All dimensions are measured between the exterior faces of walls.
2. Measurements for driveways, walkways, parking lots, 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

Figure 7.1.205
Lot Coverage Ratio Illustration

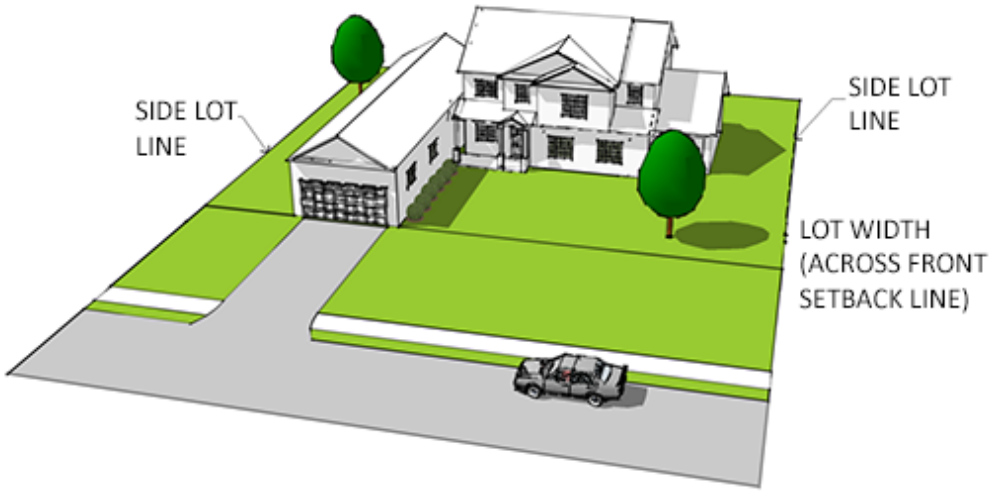




SEC. 7.1.206 LOT WIDTH

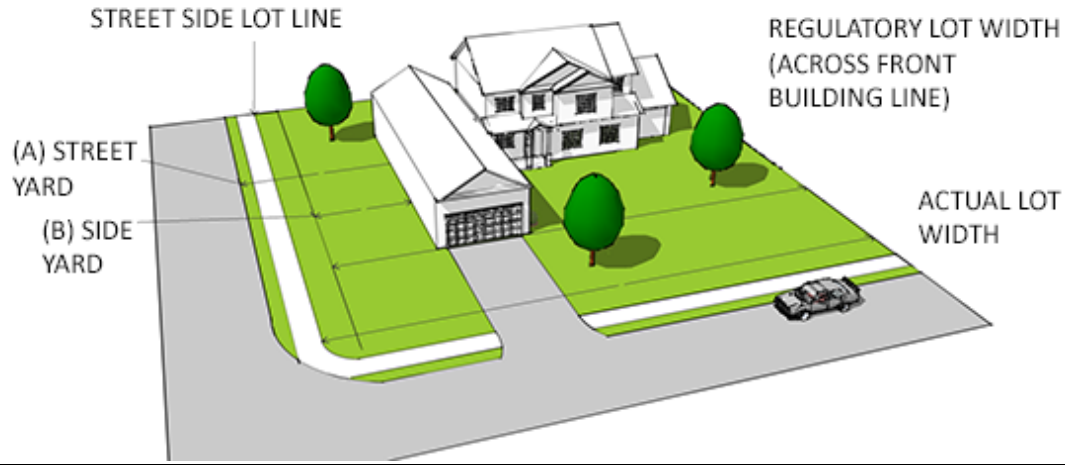
A. **Generally.** Lot width is the distance from one side lot line to the opposite side lot line at the front setback line. *See* Figure 7.1.206A, *Measurement of Lot Width; Standard Lots*.

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.*

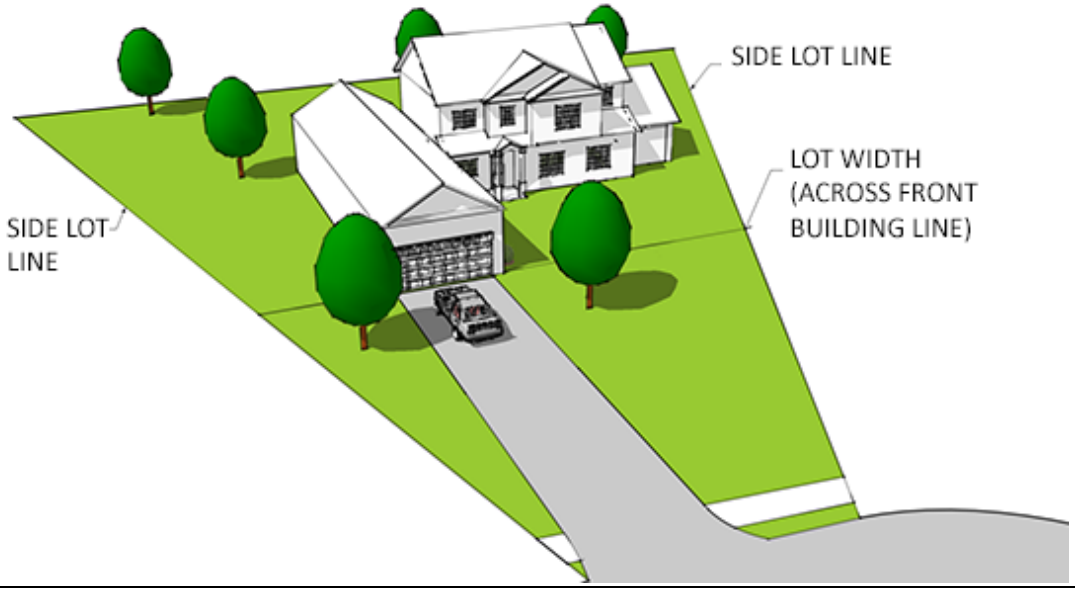
Figure 7.1.206B
Measurement of Lot Width; Corner Lots



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

Total Area of Parcel Proposed for Development: 12 acres

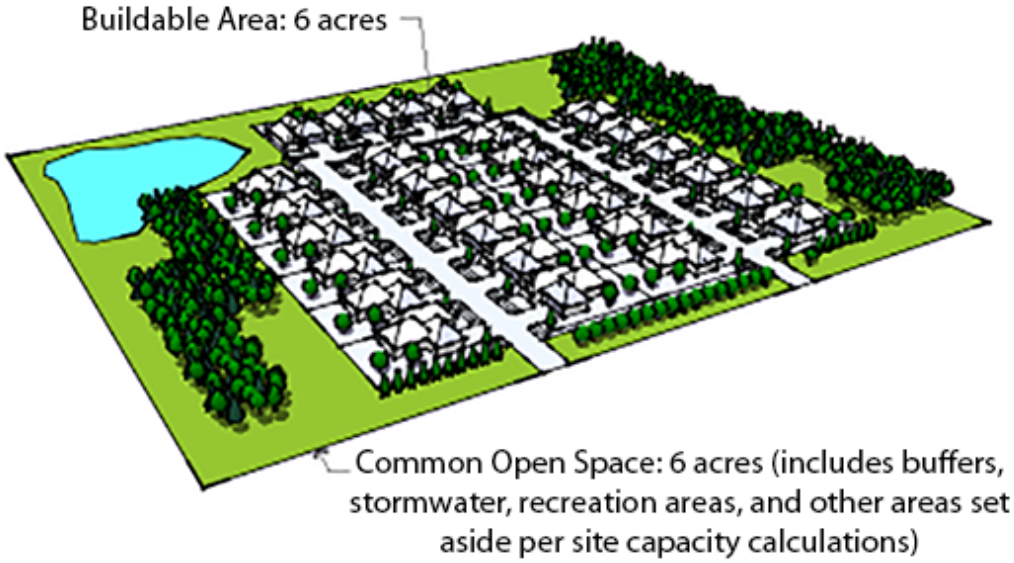
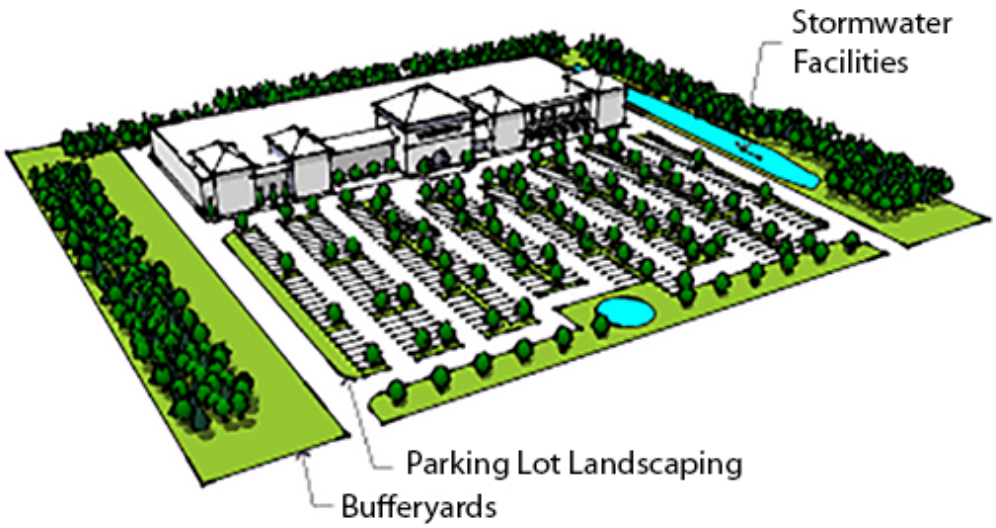


Figure 7.1.207B
Illustrative Measurement of Landscape Surface Ratio (OSR)

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

Total Area of Parcel Proposed for Development: 12 acres

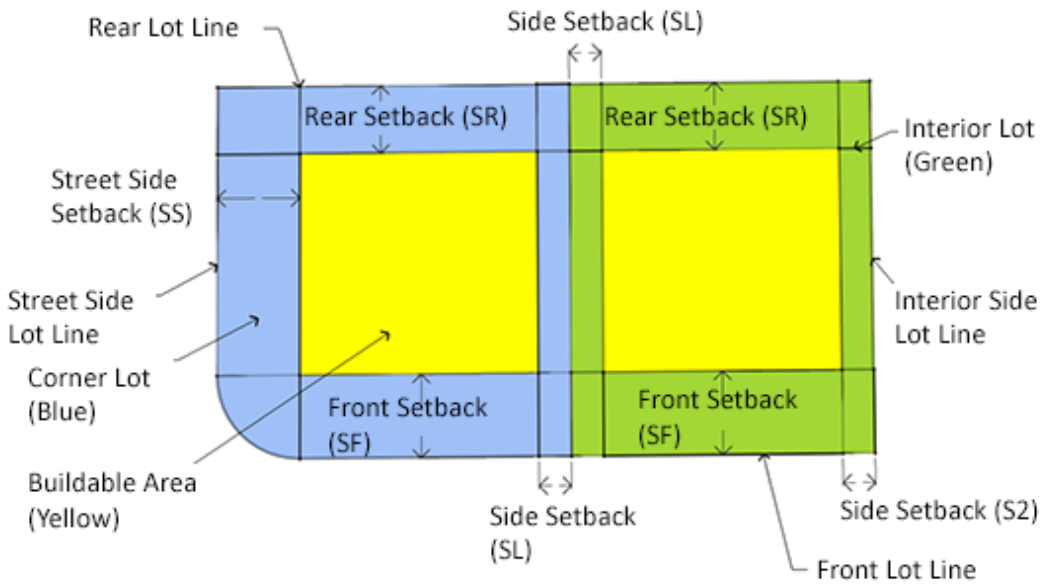


SEC. 7.1.208 SETBACKS

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*.

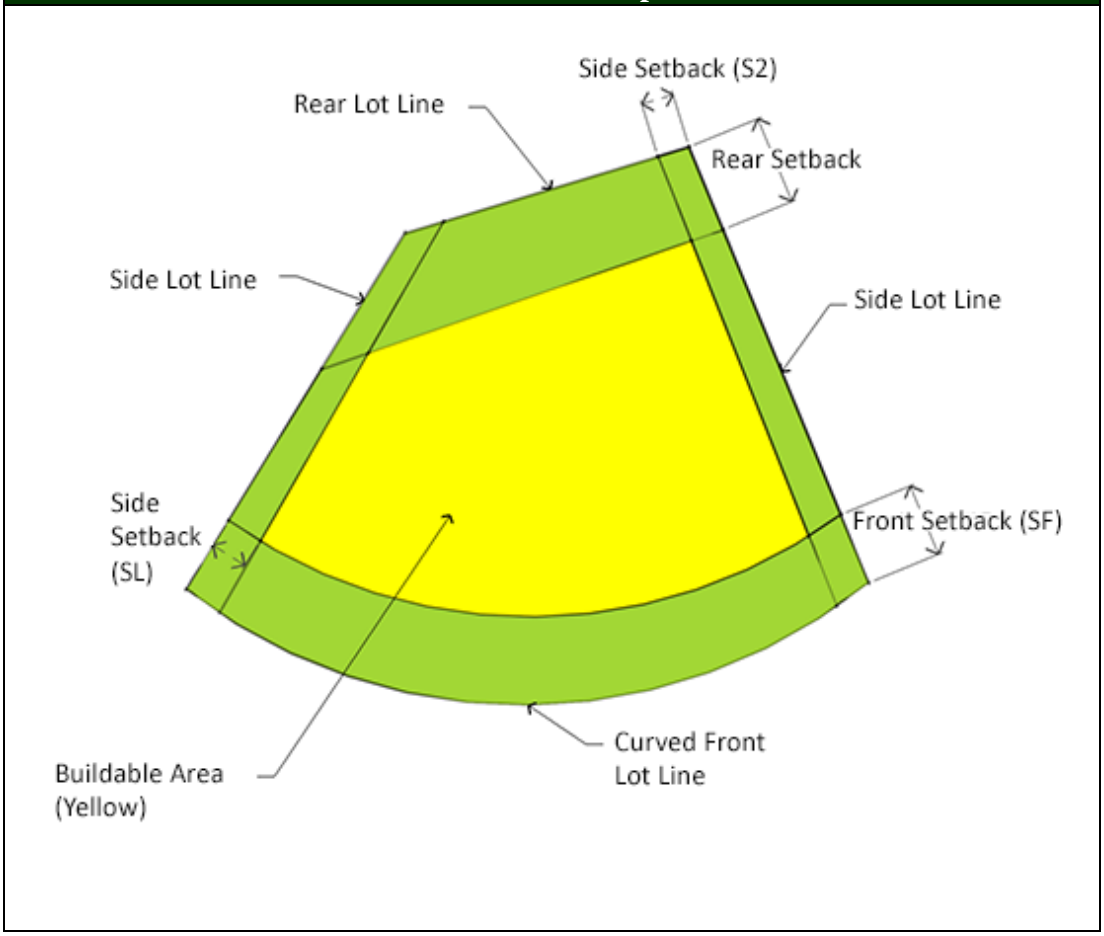
Figure 7.1.208A
Setbacks on Standard Lots

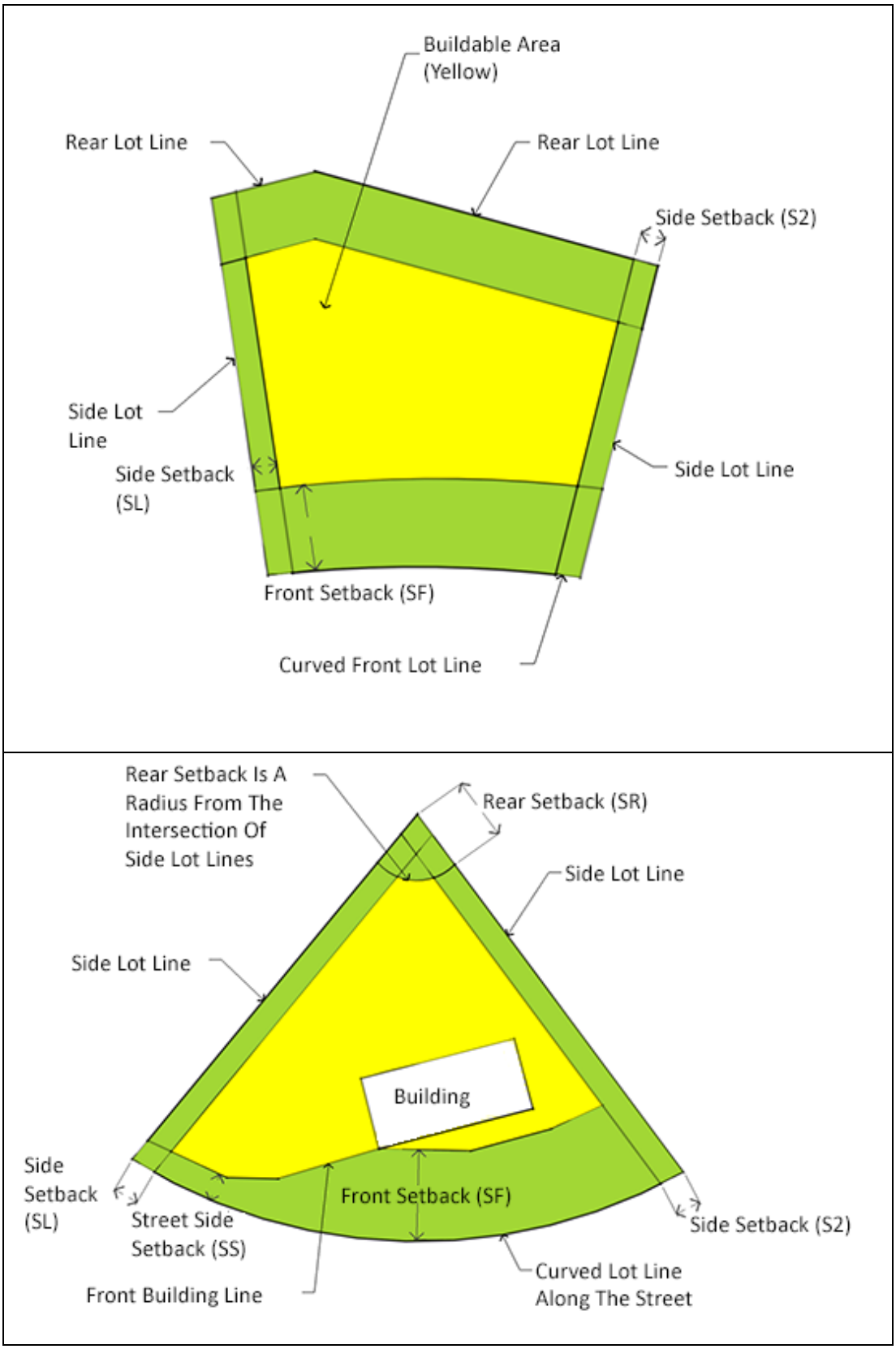


B. **Odd-Shaped Lots.** Setbacks are measured from lot lines towards the center of the lot, as follows, and as depicted in Figure 7.1.208B, *Setbacks on Odd-Shaped Lots*:

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




Buildable Area
(Yellow)
Rear Lot Line
Rear Lot Line
Side Setback (S2)
Side Lot
Line
Side Setback
(SL)
Side Lot Line
Front Setback (SF)
Curved Front Lot Line
Rear Setback Is A
Radius From The
Intersection Of
Side Lot Lines
Rear Setback (SR)
Side Lot Line
Side Lot Line
Building
Side
Setback
(SL)
Street Side
Setback (SS)
Front Setback (SF)
Side Setback (S2)
Front Building Line
Curved Lot Line
Along The Street

Appendices

Appendix A – Use Table

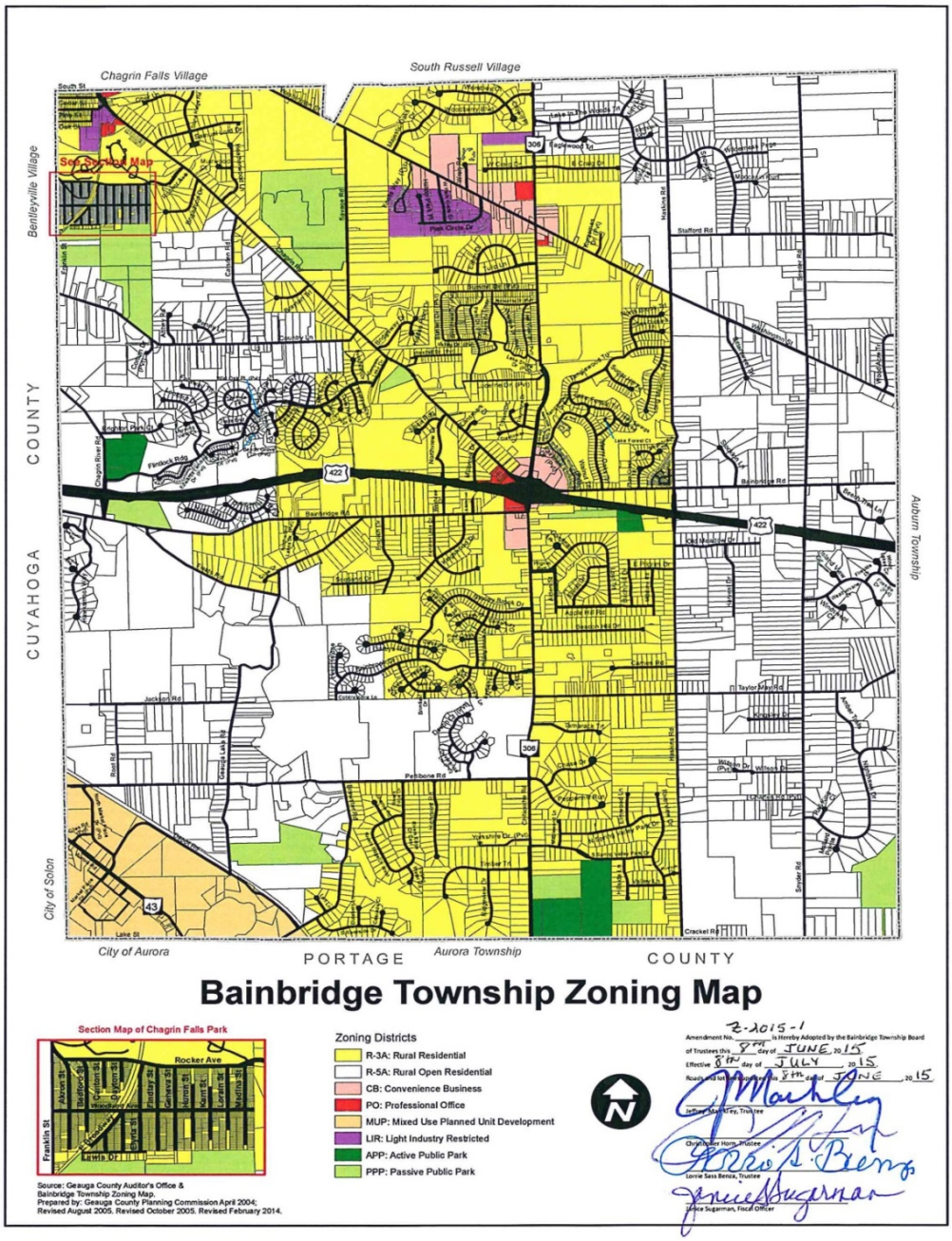
List of Uses by Allowance Type: C=Conditional, (-) =Not Permitted, P=Permitted Use, PR=Permitted with Regulations Use

Use	Use Allowance
Helistop	**C**
Planned Unit Development	**C**
Adult Oriented Business	**-**
Animal Veterinary Services, Large Animals	**-**
Cemetery	**-**
College/University/Vocational School	**-**
Farm Supplies and Services	**-**
Funeral Home	**-**
Golf Course/Driving Range/Club	**-**
Heavy Retail	**-**
Library	**-**
Light Industry and Wholesale	**-**
Manufactured Home	**-**
Outdoor Public Recreation, Active	**-**
Outdoor Public Recreation, Passive	**-**
Pawn Shop	**-**
Post Office or Parcel Service	**-**
Schools, Private	**-**
Schools, Public	**-**
Shooting/Archery Range, Indoor	**-**
Small Wind Farm	**-**
Storage Yard	**-**
Tattoo Parlor	**-**
Vehicle Rentals and Sales	**-**

Warehousing and Logistics	**-**
Adult Long-Term Care Facility	**P**
Child Day-Care Center	**P**
Child Family Day-Care Home Type B	**P**
Commercial Amusement, Indoor	**P**
General Office	**P**
Hospitals/Medical Clinics/Medical Labs/Urgent Care	**P**
Medical Office	**P**
Motion Picture Production Studio	**P**
Overnight Accommodations (hotels, motels; commercial inns	**P**
Public Services	**P**
Recreation and Fitness, Indoor	**P**
Recreation and Fitness, Outdoor	**P**
Restaurant	**P**
Retail Sales and Services	**P**
Single-Family Detached	**P**
Twin	**P**
Agriculture Uses	**PR**
Amusement or Water Park	**PR**
Animal Boarding Facilities, Small Animals	**PR**
Animal Grooming Facilities	**PR**
Animal Veterinary Services, Small Animals	**PR**
Commercial Amusement, Outdoor	**PR**
Drive-In/Drive-Through Facilities	**PR**
Farm Market	**PR**
Fueling Stations, Vehicle Wash, and Light Vehicle Service	**PR**
Home Occupation	**PR**
Live/Work Townhome	**PR**
Mixed-Use	**PR**
Multi-Family	**PR**

Non-Stealth Freestanding WTF	**PR**
Nursery or Greenhouse, Retail	**PR**
Pet Stores	**PR**
Place of Public Assembly (places of worship, meeting halls, and fraternal organizations)	**PR**
Public Safety	**PR**
Research and Testing Laboratory	**PR**
Self-service storage facility	**PR**
Stealth Attached WTF	**PR**
Stealth Freestanding WTF	**PR**
Townhome	**PR**

Appendix B



Bainbridge Township Zoning Map