

CHAPTER 135

R-5A RURAL OPEN RESIDENTIAL DISTRICT

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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 or detrimental impact 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 single family industrialized units affixed to a permanent foundation.

Single family detached manufactured homes shall be permanently sited on a lot and shall conform with all of the following regulations:

- (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 in Ohio R.C. 5119.34(B)(1)(b) 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 for the affected zoning district.

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, the applicable regulations for the affected zoning district, and such other conditions as may be determined by the Board of Zoning Appeals in accordance with Section 117.14.

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.

Cluster Development. See Section 135.04.

Residential Care Facilities. See Section 135.05.

Nursing Homes. See Section 135.06.

Cemeteries privately owned. See Section 135.08.

Private and parochial schools. See Section 135.07.

(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) Attached or detached private garages, carports, sheds, and storage buildings.

(c-2) Indoor and outdoor private recreational facilities and hard surface courts including, but not limited to, tennis courts, basketball courts, volleyball courts, pickleball courts, and skating rinks.

(c-3) Indoor or outdoor swimming pools for private use subject to the following regulations.

(1) Fences or walls: An outdoor pool shall be enclosed by a permanent fence or wall. The fence or wall shall be a minimum of four (4) feet in height completely enclosing the pool or the yard containing the pool. The fence or wall must be designed and constructed with appropriate materials to control access to the pool for the purpose of ensuring safety 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. The fence shall be constructed so as to prohibit the passage of a sphere larger than four (4) inches in diameter through any opening or part thereof. The fence shall have no horizontal members that would make it climbable. Above ground outdoor swimming pools, with a minimum perimeter height above grade of at least four (4) feet, do not require a fence or wall. However, an above ground pool shall be required to have an alternative means of controlling access to the pool as shown on the site plan. An outdoor pool shall not be filled with water and used until the fence or wall has been fully constructed, as well as all other components of the pool in accordance with the approved zoning certificate, and

inspected by the Zoning Inspector.

- (2) Minimum yards (setbacks): The minimum yards (setbacks) for an outdoor swimming pool and any accessory uses including a patio, deck, steps, cabana and pool house shall be in accordance with Section 135.03(b)(9) subparagraphs (i) and (j).
- (3) Maximum footprint: The maximum total footprint for a cabana and pool house shall be seven hundred and twenty (720) square feet.
- (4) Maximum height: The height of a cabana and pool house shall be twenty-one (21) feet.
- (5) Maximum lot coverage: The maximum lot coverage regulations in Section 135.03 (b)(8) shall apply.
- (6) Dwelling unit prohibited: A cabana or pool house shall not be used as a dwelling unit.
- (7) Hot tubs: A hot tub shall have a security cover to control access to it for the purpose of ensuring safety and shall comply with the minimum yards (setbacks) specified in subparagraph (2) herein.

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

(c-5) Ground mounted satellite dishes and antennas, and roof-mounted satellite dishes and 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.

(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 outdoor display of products shall be permitted.
- 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, including a unit that is part of a multifamily structure.
- i. A Home Occupation shall be owned and operated by the property owner, 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 owner 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.

- a. Home Occupations that attract customers or clients to the premises for retail sales or services.
- b. Home Occupations that involve short term rental of a dwelling. See Section 177.01 (kk).

(5) Home Occupations that comply with the above regulations shall only 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
- (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 right-of-way. See also Section 161.24.

| | <u>Feet (except as indicated)</u> |
|-------------------------|-----------------------------------|
| (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 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.

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

(9) A detached accessory building, which shall include a private garage, shed, or storage building, may be erected on a lot subject to the following regulations. Pergolas, gazebos, and soft-sided portable shelters, subject to the regulations in Section 161.21; and, the accessory uses for a swimming pool, subject to the regulations in Section 135.02 (c)(c-3), shall not be included in determining the maximum number of buildings per lot pursuant to subparagraph e. herein.

- a. Permitted uses:

- 1. Private garages: storage of motor vehicles, trailers, boats, recreational vehicles, tools, equipment, supplies, and other personal property owned by the occupants of a dwelling or a principal building on a lot.
- 2. Storage buildings or sheds: storage of tools, equipment, supplies, and other personal property owned by the occupants of a dwelling or the principal building on a lot.

- b. Enclosed: a private garage, storage building, or shed shall be completely enclosed with a roof, walls, and floor with doors for ingress/egress.
- c. Detached: a private garage, storage building, or shed shall be completely detached from any other permitted principal dwelling, building or structure or to another permitted accessory building or structure on a lot. Detached shall include the attachment of a private garage, storage building or shed to a permitted principal dwelling, building or structure or to another permitted accessory building or structure on a lot with non-living space. Non-living space shall include, but shall not be limited to, an enclosed or unenclosed breezeway or hallway with or without a roof.
- d. Foundation: a private garage, storage building, or shed shall be erected on a foundation affixed to the ground in accordance with the applicable Geauga County Building Code.
- e. Maximum total number of buildings per lot: two (2)
 - 1. Private garage or storage building: one (1).
 - 2. Shed: one (1).
- f. Maximum floor area, by exterior dimensions, based upon the building footprint of a private garage or storage building:
 - 1. Lot area 1 acre or less: 672 square feet.
 - 2. Lot area more than 1 acre to 2 acres: 896 square feet.
 - 3. Lot area more than 2 acres to 3 acres: 1,280 square feet.
 - 4. Lot area more than 3 acres to 5 acres: 1,600 square feet.
 - 5. Lot area more than 5 acres to 10 acres: 2,000 square feet.
 - 6. Lot area more than 10 acres: 2,500 square feet.
- g. Maximum floor area, by exterior dimensions, based upon the building footprint of a shed: 216 square feet.
- h. Maximum building height:
 - 1. Private garage or storage building: 28 feet.
 - 2. Shed: 16 feet.

- i. Minimum yards (setbacks), except within cluster residential developments per Section 135.04(k) and (l), measured in a straight line from the lot line to the nearest exterior foundation or wall. See also Section 161.24.
 - 1. Lot area 1 acre or less:
 - (a.) Minimum front yard: No private garage, storage building, or shed shall be located in front of a dwelling or a principal building on a lot.
 - (b.) Minimum front yard abutting a street on a corner lot: No private garage, storage building, or shed shall be located in front of a dwelling or a principal building on a lot.
 - (c.) Minimum side yard: 10 feet.
 - (d.) Minimum rear yard: 15 feet.
 - 2. Lot area more than 1 acre to less than 2 acres:
 - (a.) Minimum front yard: No private garage, storage building, or shed shall be located in front of a dwelling or a principal building on a lot.
 - (b.) Minimum front yard abutting a street on a corner lot: No private garage, storage building, or shed shall be located in front of a dwelling or a principal building on a lot.
 - (c.) Minimum side yard: 20 feet.
 - (d.) Minimum rear yard: 50 feet.
 - 3. Lot area 2 acres to less than 3 acres:
 - (a.) Minimum front yard: No private garage, storage building, or shed shall be located in front of a dwelling or a principal building on a lot.
 - (b.) Minimum front yard abutting a street on a corner lot: No private garage, storage building, or shed shall be located in front of a dwelling or a principal building on a lot.
 - (c.) Minimum side yard: 30 feet.
 - (d.) Minimum rear yard: 50 feet.

4. Lot area 3 acres or more:
 - (a.) Minimum front yard: 100 feet. No private garage, storage building, or shed shall be located in front of a dwelling or a principal building on a lot.
 - (b.) Minimum front yard abutting a street on a corner lot: 100 feet. Additionally, no private garage, storage building, or shed shall be located in front of a dwelling or a principal building on a lot.
 - (c.) Minimum side yard: 50 feet.
 - (d.) Minimum rear yard: 90 feet.

- j. Minimum riparian setback: see Chapter 160.

- k. Minimum distance between buildings: the minimum distance between a dwelling or principal building and a private garage, storage building, or shed, measured in a straight line from the foundation of a dwelling or principal building to the nearest foundation or exterior wall of a private garage, storage building, or shed shall be ten (10) feet.

- l. A private garage, storage building, or shed shall not be:
 1. Located over an existing or proposed on-site sewage treatment system and any appurtenant leach field, including a replacement area for such system, for which a permit has been approved by the Geauga County General Health District/Geauga Public Health.
 2. Located within a recorded easement held by a public or private entity, without the prior approval of such entity.
 3. Used for a dwelling unit.
 4. Used for a home occupation per Section 135.02(c-9).

- m. Maximum lot coverage: notwithstanding the regulations in Section 135.03(b)(9) subparagraphs (f) and (g), the maximum lot coverage regulations set forth in Section 135.03(b)(8) shall apply.

- n. Accessory building construction: see Section 161.05.

- o. Architectural projections: see Section 161.06.

(10) 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.

(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 basements.

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

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

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

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

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

(h) Such other applicable buildings, structures, and uses as set forth in Chapter 161.

(i) Water Management and Sediment Control Facilities in accordance with Chapter 159.

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| 135.04 CONDITIONS FOR CLUSTER DEVELOPMENT AS A CONDITIONAL USE. |
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(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 affected 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 and water facilities shall meet all Geauga County and Ohio Environmental Protection Agency regulations.
- (d) The minimum land area for a cluster development shall be fifteen (15) acres under the same ownership of record.
- (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, 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. Maximum lot coverage shall be in accordance with Section 135.03 (b)(8).
- (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 public or private road(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. Appropriate county construction standards shall apply to all roads whether public or private 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. The riparian setback regulations in Chapter 160 shall apply.
- (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, except the minimum side yard for a corner lot adjacent to a road shall be the same as the required front yard.

- (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 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

- (r) A conditional zoning certificate issued for an approved cluster development plan shall not be subject to renewal unless otherwise specified by the Board of Zoning Appeals.

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| 135.05 CONDITIONS FOR RESIDENTIAL CARE FACILITIES AS DEFINED IN 105.02 AS A CONDITIONAL USE. |
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- (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 (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 Resolution 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 current 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, Sections 101.02, and 131.04 of this Zoning Resolution.
 - (2) The minimum lot size exclusive of the area in the road right-of-way, 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 frontage, width, 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.
- (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 Sections 141.03(i) and 161.22.

- (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 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 a part of the plan where feasible 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.

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 and 134.04 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 current 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, exclusive of the area in the road right-of-way, for a nursing home shall be five (5) acres in a R-5A District; and a minimum of three (3) acres in a 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 drawings showing the exterior building elevations, 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 applicable zoning requirements imposed by this 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 frontage, width, 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.
- (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 Sections 141.03(i) and 161.22 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 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 feasible and as approved by the Geauga County Soil and Water Conservation District.
- (21) The Applicant shall submit an exterior lighting plan, in accordance with Section 161.12, 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.

135.07 CONDITIONS FOR PRIVATE AND PAROCHIAL SCHOOLS.

The following specific criteria and requirements for private and parochial schools, when allowed in the zoning district as a conditional use, are mandatory, in addition to the provisions of Section 117.12 and the general criteria and specific criteria set forth in Section 117.13(a) and (b):

- (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 six (6) feet in height, and maintained in good condition.
- (2) 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 a 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.
- (3) 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 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.

- (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 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.
- (6) Each school shall provide a location, as determined by the Board of Zoning Appeals, for school bus or transit service drop off and shall provide for the ability of the school bus or vehicle 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.
- (7) 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.
- (8) The applicant shall provide written certification from the applicable governmental agency that a public water supply is available to the school 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.

- (9) Minimum Lot Frontage and Width. A lot shall have a minimum frontage and width of two hundred fifty feet (250’).
- (10) Each school shall have at least one dedicated building entrance solely for school use.
- (11) A private or parochial school shall comply with all other applicable requirements imposed by this Resolution for the zoning district in which it is located.

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| 135.08 CONDITIONS FOR PRIVATE CEMETERIES. |
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Conditions for private cemeteries, as defined in Section 105.02. A private cemetery shall comply with the applicable provisions of Sections 117.12 and 117.13 of this Resolution and the following conditions. The conditions herein shall not apply to a family cemetery as defined in ORC 4762.02 (D).

- (1) Internal driveways for ingress/egress shall be set back a minimum of two (2) feet from side and rear lot lines. Such driveways shall be a minimum of twelve (12) feet in width and shall be constructed with an aggregate, asphalt or concrete surface.
- (2) Equipment, tools, and equipment incidental to the cemetery use shall be stored within a fully enclosed building. The minimum building setback shall be in accordance with the affected zoning district. The maximum building height shall be sixteen (16) feet and the maximum floor area based upon exterior dimensions, shall be 896 square feet based upon the building footprint. There shall be no more than one such enclosed building on a lot.
- (3) Exterior storage of landscaping or other materials shall be set back from all lot lines in accordance with the minimum requirements for the affected zoning district.
- (4) All lot lines shall be set back a minimum of two hundred feet (200’) from any potable water well.
- (5) A private cemetery shall comply with all other applicable regulations for the affected zoning district, including minimum lot area, frontage, and width.
- (6) A private cemetery shall be in conformity with applicable laws and regulations set forth in O.R.C. Chapters 1721, 3705, and 4767.