

# **CONCORD TOWNSHIP ZONING RESOLUTION**

**AS AMENDED THROUGH**

**May 6, 2022**

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**SECTION I – PURPOSE**

- 1.01 **PURPOSE:** For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of Concord Township finds it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches, percentage of lot area which may be occupied, setback building lines, size of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and the uses of land for trade, industry, residence, recreation and other purposes and for such purposes divides the unincorporated areas of the township into districts or zones. (5/1955)

**SECTION II – INTERPRETATION**

- 2.01 Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises. (6/1955)
- 2.02 All resolutions or parts of resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption as provided by law. (4/13/1982)
- 2.03 In their interpretation and application, the provisions of this 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 Resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern. (4/13/1982)
- 2.04 Each section, sub-section, provision, requirement, regulation or restriction established by this Resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect nor render invalid the Resolution or amendments thereto as a whole or any part thereto except the particular part so declared to be invalid. (6/1955)

### SECTION III – VIOLATIONS, ENFORCEMENT AND FEES

#### 3.01 Zoning Violation

It shall be unlawful to erect, construct, reconstruct, enlarge, locate, change, maintain or use any building or structure or to use any land in violation of any regulation or any provision of this Zoning Resolution or any amendment thereto. (6/1955; Amended 9/3/2010)

#### 3.02 Violation Complaints

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector or a member of the Board of Township Trustees who, in turn, shall inform the Zoning Inspector of such complaint. The Zoning Inspector shall record properly such complaint, immediately investigate and take action thereon as provided by this Resolution. (4/13/1982; Amended 9/3/2010)

#### 3.03 Enforcement Procedures; Action

- A. Initial Notification(s): If the Zoning Inspector finds that any provision of this Zoning Resolution is being violated, a written notice shall be sent to the landowner or responsible party for such violation. The notice shall indicate the nature of the violation and order such action that is necessary to correct the violation, and the time period allowed for correction. The notice shall also advise the responsible party the right to file an administrative appeal or request a variance from the Board of Zoning Appeals, in accordance with Section IX of the Zoning Resolution. Additional notices may be sent at the Zoning Inspector's discretion. After notification is served to the landowner or responsible party, no work shall proceed on any building or tract of land included in the violation, except to correct or comply with said violation.
- B. Final Notice: A final notice shall be sent to the responsible party upon failure to remedy the violation. Such notice shall advise the party responsible that any violations not corrected within a specified time period will be reported to the County Prosecutor or Township Legal Advisor for appropriate legal action. The notice shall again advise the responsible party the right to file an appeal or request a variance from the Board of Zoning Appeals, in accordance with Section IX of the Zoning Resolution.

(6/1955; Amended 9/3/2010)

#### 3.04 Fees

The Board of Township Trustees shall, by resolution, establish a schedule of fees (charges and expenses) and a collection procedure for Zoning Permits, Amendments, Appeals, Variances, Site Plan Review, Conditional Use Permits and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and included as an appendix to this Resolution, and may be altered or amended only by proper motion and majority vote of the Board of Township Trustees at a regularly scheduled meeting by the Board of Township Trustees. Fees shall not be changed more than once in each calendar year. Until all applicable fees and expenses have been paid in full, no action shall be taken on any application or appeal. (4/13/1982; Amended 9/3/2010)

**SECTION IV – PENALTY**

- 4.01 Except as otherwise provided in this Resolution, violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution, shall constitute a minor misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than the amount specified in Section 519.99 of the Ohio Revised Code for each offense and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The owner, tenant or occupant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing contained herein shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation. (4/13/1982; Amended 7/16/2010)

## SECTION V – DEFINITIONS

### 5.01 INTERPRETATION OF TERMS AND WORDS.

For the purposes of this Resolution, certain terms and words are hereby defined:

- A. Words used in the present tense shall include the future; words in the singular number shall include the plural number and the plural the singular, unless specifically stated otherwise. (6/17/64; Amended 4/15/2005)
- B. The word “shall” is mandatory and not directory; the word “may” is a permissive requirement; and the word “should” is a preferred requirement. (4/15/2005)
- C. The word “person” shall mean, in addition to an individual, a firm, corporation, association, organization, partnership, trust or any legal entity which may own and/or use land or buildings. (4/15/2005)
- D. Words, if not specifically defined herein, shall have their ordinary English meanings.

### 5.02 DEFINITIONS.

- A. For the purposes of this resolution, the following terms, whenever used in this Resolution, shall have the meaning herein indicated: (4/15/2005; Amended 1/6/2012)
  - 1. **ABUTTING:** Having a common border with, or being separated from such a common border by a right-of-way. (5/20/2000)
  - 2. **ACCESS DRIVE:** A paved strip which provides a vehicular connection between off-street parking spaces and a public street. (7/5/2019)
  - 3. **ADDITION:** Any construction which increases the size of a building such as a porch, deck, attached garage, attached carport, a new room or wing. (5/20/2000)
  - 4. **ADMINISTRATIVE, BUSINESS AND PROFESSIONAL OFFICES:** The use of offices and related spaces for such professional services as are provided by lawyers, architects, engineers, insurance, real estate, interior design, graphic design, travel agents and similar professions. (6/15/2007)
  - 5. **ADULT CARE FACILITY:** An adult family home or an adult group home. For the purposes of this chapter, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three (3) to sixteen (16) unrelated adults, at least three (3) of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public. “Adult care facility” does not include:
    - a. A facility operated by a hospice care program licensed under section 3712.04 of the Ohio Revised Code that is used exclusively for care of hospice patients;
    - b. A nursing home, residential care facility, or home for the aging as defined in Section 3721.01 of the Ohio Revised Code;
    - c. A community alternative home as defined in Section 3724.01 of the Ohio Revised Code;

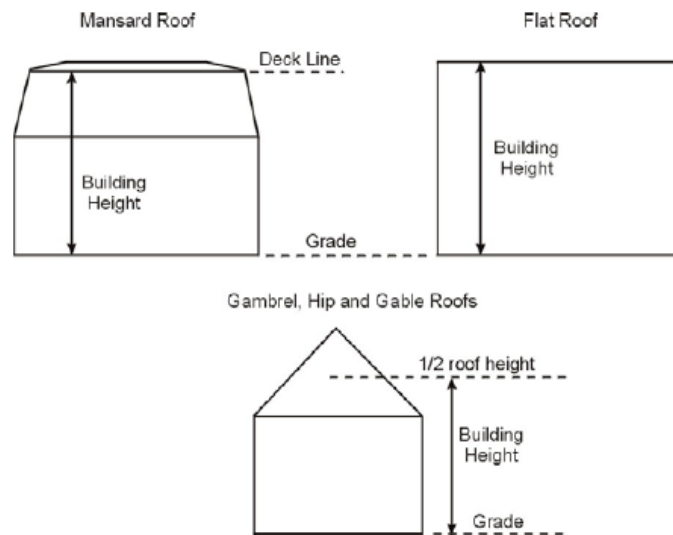
- d. An alcohol and drug addition program as defined in Section 3793.01 of the Ohio Revised Code. (6/2/2001)
6. ADULT DAY CARE FACILITY: An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint. (6/15/2007)
  7. ADULT FAMILY HOME: A residence or facility that provides accommodations and supervision for three (3) to five (5) unrelated adults at least three of whom require personal care services. (12/4/2015)
  8. ADULT GROUP HOME: A residence or facility that provides accommodations and supervision for six (6) to sixteen (16) unrelated adults at least three of whom require personal care services. (12/4/2015)
  9. AGRICULTURE: Farming; ranching; algaculture meaning the farming of algae; 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. (12/4/2015)
  10. AIR NAVIGATION FACILITY: Any facility used, available for use, or designed for use in aid of navigation of aircraft, including airports, landing fields, facilities for the servicing of aircraft or for the comfort and accommodations of air travelers, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid to the safe taking off, navigation, and landing of aircraft, or to the safe and efficient operation or maintenance of an airport or landing field, and any combination of such facilities. (3/3/2006)
  11. AIRCRAFT: A machine or device, such as an airplane, helicopter, glider, or dirigible, that is capable of atmospheric flight. (3/3/2006)
  12. AIRPORT: Any area of land designed and set aside for the landing and taking off of aircraft and for that purpose possessing one or more hard surfaced runways, and designed for the storing, repairing, and operation of aircraft, and utilized or to be utilized in the interest of the public for such purposes for which designs, plans, and specifications conform to the above requirements. (3/3/2006)
  13. AMUSEMENT ARCADE: A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained. (5/20/2000)
  14. ANTENNA SUPPORT STRUCTURE: Any building or structure other than a tower, upon which an antenna is mounted, which can be used for location of wireless telecommunications facilities. (12/17/2004)
  15. APPLICANT: Unless otherwise specified, an owner of a property or an agent for the owner, including a subdivider, developer, attorney, or similar representative, who has filed an application with the Zoning Inspector. (8/12/1975, amended 12/4/2015)



16. ARBOR: Arched open frameworks designed to offer shady resting places in a garden, often made of latticework, on which climbing plants can grow. See also "PERGOLA" and "TRELLIS". (4/1/2011)
17. AUTOMOTIVE RENTAL: The use of any building, land area or other premises for the rental of automobiles, vans, and/or single axle trucks or trailers. The minor care of vehicles may also be included as an accessory use. (6/15/2007)
18. AUTOMOTIVE REPAIR: A building or portion of a building in which major repairs are conducted. Major repairs include structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crank case pan; repairs to radiators requiring the removal thereof; or similar activities. (6/15/2007)
19. AUTOMOTIVE SERVICES (INCLUDING INSTANT OIL CHANGE): A building, or part of a building which is used for the routine maintenance and service, and the making of repairs to motor vehicles including instant oil changes, except that repairs described as major repairs in "Automotive Repair" shall not be permitted. Retail sale of lubricants and motor vehicle accessories may also be included as an accessory use. (6/15/2007)
20. AVIATION: A means of transportation by aircraft; operation of aircraft; the establishment, operation, maintenance, repair, and improvement of airports, landing fields, and other air navigation facilities; and all other activities connected therewith or incidental thereto. (3/3/2006)
21. BACK-LIGHTING: Illumination from behind (and usually above) and subject to produce high light along its edges and consequential separation between the subject and its background. (12/15/2006)
22. BASEMENT: A basement shall be that portion of a building located partly underground, but having less than one-half (1/2) its clear floor to ceiling height below the average grade of the adjoining ground, which shall be counted as a story. (6/17/1994)
23. BEACON LIGHTING: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move. (12/15/2006)
24. BED AND BREAKFAST: A facility that provides overnight accommodations and is operated primarily as a business even though the owner may live on the premises. Bed & Breakfast Inns must obtain all required commercial licenses, may have a commercial kitchen and a maximum of eight (8) guest rooms where compensation is paid by the guest for overnight stay. (6/15/2007)
25. BEST MANAGEMENT PRACTICES: That combination of conservation measures, structures or management practices that reduces or avoids adverse impacts of development on adjoining site's land, water or waterways, and waterbodies. (12/15/2006)
26. BINDERY: All finishing aspects of the printing industry such as the cutting, folding and the binding of books and brochures. (6/15/2007)
27. BREWERY, DISTILLERY OR WINERY: A facility that produces a quantity that exceeds the allowance for a "microbrewery", "microdistillery", or microwinery" establishment, as defined in this zoning resolution.

28. **BUFFER STRIP:** A strip of land where rear or side lines of property in one zoning district are contiguous with property of another zoning district. (1/25/1983)
29. **BUILDING:** Any structure, either temporary or permanent, that has a roof supported by walls or columns, and designed or intended for the enclosure, shelter, or protection of persons, animals, or property of any kind. (6/17/1964; Amended 4/1/2011, 7/5/2019)
30. **BUILDING, ACCESSORY:** A subordinate building detached from, but located on the same lot as the principal or main building, the use of which is incidental and accessory to that of the main building or use and which is constructed subsequent to the main use of the principal building or land. (7/5/2019)
31. **BUILDING, DETACHED:** A building having no party wall in common with another building. (10/30/1978)
32. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is located. (4/1/2011, Amended 7/5/2019)
33. **BUILDING HEIGHT:** The vertical distance from grade to the highest point of the roof surface on a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge line for gable, hip or gambrel roofs. See figure 1 below. (3/10/1981; Amended 3/19/2004)

Figure 1:



34. **BUILDING LINE:** A line that runs parallel and adjacent to the primary building façade, excluding steps and uncovered porches less than ten feet in width. (11/24/1980, amended 12/4/2015)
35. **BUSINESS SERVICES INCLUDING MAILING AND COPY CENTERS:** Establishments or places of business engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by individuals, offices, professionals, and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing, copying and mailing centers, computer related services or temporary labor services. (6/15/2007)
36. **CAMP/CAMPGROUND:** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational

- equipment, and which is primarily used for recreational purposes and retains an open air or natural character. (5/20/2000)
37. CANOPY: A roofed structure constructed of fabric or other material supported by a building or by support extending to the ground directly under the canopy and placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings. (4/1/2011)
38. CARPORT: Any parking space or spaces having a roof but not enclosed by walls and accessory to a dwelling unit or units. (4/1/2011)
39. CAR WASH: A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower or other mechanical devices and/or which may employ hand labor. (6/15/2007)
40. CELLAR: A cellar shall be that portion of the building located partly underground, but having more than one-half (1/2) its clear floor to ceiling height below the average grade of the adjoining ground. (6/17/1964)
41. CERTIFICATE OF ZONING COMPLIANCE: A certificate of compliance that demonstrates approval of a change in occupancy or use of a building or structure and demonstrates that the use is in compliance with this Zoning Resolution. See Section XII Certificate of Zoning Compliance. (12/4/2015)
42. CHILD DAY CARE CENTER: Any place other than a family day care home in which child day care is provided. Child day care administers to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place other than a child's own home. Child day care centers may be operated in conjunction with a business, school or religious facility, or as an independent land use. (6/15/2007)
43. CHURCH OR PLACE OF RELIGIOUS WORSHIP: An institution that people regularly attend to participate in or hold religious services, worship, meetings and other activities. The term "church" shall not have a secular connotation and shall include buildings in which the religious services of any denomination are held. (5/20/2000, Amended 3/9/2018)
44. CLUBS: Buildings and facilities, owned or operated by a corporation, association, person or persons, for a civic, social, educational, or recreational purpose, to which membership is required for participation and which are not primarily open to the public. (6/15/2007)
45. COLLECTOR'S VEHICLE: Any motor vehicle or agricultural tractor or tractor engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. (11/5/2004)
46. COLLOCATION: The use of a wireless telecommunications facility by more than one wireless telecommunications provider. (12/17/2004)
47. COMMERCIAL CENTER: A lot or lots and the building or buildings contained thereon within a Planned Unit Development used for the purpose of an occupation, employment, or enterprise carried on for profit by owner, lessee, or licensee, and engaged in the selling of goods or

- merchandise to the general public for personal or household consumption, which is open to the public during regular hours and which has display areas that are designed and laid out to attract the general public. (7/6/2002)
48. **COMMERCIAL MOTOR VEHICLE:** Any motor vehicle designed or used to transport persons, property, merchandise or freight primarily for profit with a maximum gross vehicle weight of 10,000 pounds. (4/1/2011, Amended 3/9/2018)
  49. **COMMON AREA:** Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, and may include complimentary structures and improvements. (6/19/2009)
  50. **COMMON OPEN SPACE:** A deed-restricted parcel or parcels of land or a combination of land and water within a PUD District required to be transferred to one or more non-profit homeowners associations, or political subdivisions, such as the Lake County Metroparks or the Lake County Soil and Water Conservation District, for the recreational and/or aesthetic use of the members of the association or associations, or to the Township. (12/4/2015)
  51. **COMMUNITY CENTER:** A building for social, educational, and recreational activities of a neighborhood or community provided such building is not operated for commercial gain. (5/20/2000; Amended 6/15/2007)
  52. **COMPREHENSIVE PLAN:** An official document adopted by a local government, setting forth a long-term general outline of projected development in advance of development. (1/25/1983)
  53. **CONSTRUCTION EQUIPMENT SALES AND RENTAL:** Establishments primarily engaged in the sale or rental of tools, tractors, construction equipment, yard care equipment, and similar industrial equipment. Included in this use type is the outdoor storage and display, maintenance, and servicing of such equipment. (6/15/2007)
  54. **CONTROLLED ACCESS HIGHWAY:** Every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at points only in such manner as may be determined by the public authority having jurisdiction over such street or highway. (12/17/1992)
  55. **DECK:** A platform, either freestanding or attached to a building, that is supported by pillars or posts. (4/1/2011)
  56. **DENSITY:** The maximum number of dwelling units per acre as specified in each residential use district. (3/9/1976)
  57. **DRIVE-THRU FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly between an employee of the business and the customer while the customer is located within a motor vehicle during the business transaction. The term "drive-thru" shall also include "drive-up" and "drive-in", but shall not include "car wash", "gas station", and "automotive services". (6/2/2001; Amended 6/15/2007, and 3/9/2018)
  58. **DRIVEWAY:** A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians unless approval has been granted for a shared driveway in which case, the driveway may serve multiple uses. (3/9/2018)
  59. **DRIVE, SHARED:** A driveway serving two (2) or more structures or parking areas which are on individual lots. (3/9/2018)

60. DWELLING: A building or portion thereof used exclusively for living and sleeping purposes, but not including hotels, motels, automobile house trailers, coach or mobile homes, tents or cabins.. (6/17/1964, Amended 7/5/2019)
61. DWELLING, ATTACHED SINGLE-FAMILY: Dwelling units which are structurally attached to one another, side by side, and erected as a single building, each dwelling unit separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages. (3/9/1976, Amended 7/5/2019)
62. DWELLING, DETACHED SINGLE FAMILY: A building consisting of one (1) dwelling unit only, designed to be used exclusively for occupancy by one (1) family situated on a parcel having a front, side and rear yard. (3/9/1976, Amended 7/5/2019)
63. DWELLING, MULTI-FAMILY: A building or portion thereof consisting of three (3) or more dwelling units where the units are separated by party walls with varying arrangement of entrances. (3/9/1976, Amended 7/5/2019)
64. DWELLING, ROW OR TOWNHOUSE TYPE: As used in the Capital District, a building or portion thereof containing dwelling units that are two or three stories, attached to similar dwelling units by one or two of its side walls extending from foundation or base of first floor to roof, and having exposed front and rear walls which are used for access, light, and ventilation. (7/5/2019)
65. DWELLING, SINGLE FAMILY CLUSTER: A building consisting of one (1) dwelling unit detached from any other dwelling units by open space or common area from ground to sky, which is grouped with other dwellings on a site. (7/18/2008, Amended 7/5/2019)
66. DWELLING, TWO-FAMILY: A building consisting of two dwelling units, arranged, intended or designed to be occupied by two families only. The dwelling units may either be attached side by side or one above the other. (6/17/1964, Amended 12/4/2015, 7/5/2019)
67. DWELLING UNIT: Consists of one or more rooms, including a bathroom and kitchen facilities, which are arranged, designed or used as living quarters for one (1) family. (10/30/1978)
68. EXPANSION: An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures. (7/5/2019)
69. FAMILY: A family shall be deemed any number of individuals living together in a dwelling unit as a single housekeeping unit, including domestic employees. (6/17/1994)
70. FAMILY DAY CARE HOME, TYPE "B": In accordance with ORC 5104.054, a Type "B" family day care home is a permanent residence of the provider where childcare is provided for 1 to 6 children and where no more than three children are under two years of age. For the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the day care home shall be counted. Type "B" family day-care homes are permitted as an accessory use in residential districts, and do not require a zoning permit. (6/15/2007)
71. FEE SIMPLE: A private property land right, whereby a property owner unconditionally owns a specified piece of land. (9/17/2004)
72. FENCE: A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement, concealment, or for decorative purposes. (4/1/2011)

73. FINANCIAL INSTITUTIONS: Those institutions engaged in receiving, exchanging, lending and safeguarding monies. (6/15/2007)
74. FLAG: Any piece of cloth, paper or plastic, having distinctive size, color, shape and design used as a symbol or standard for any nation, state, community or other established governmental, religious, charitable or non-commercial organization. (7/7/1994, amended 12/4/2015)
75. FLOOR AREA, GROSS - The sum of the gross horizontal area of the floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment, and enclosed porches. (10/17/2008)
76. FLOOR AREA, DWELLING UNIT: The area of a dwelling unit devoted to living purposes, including stairways, halls, and closets, but excluding cellars, porches, utility rooms, garages, breezeways, terraces, attics or partial stories. (6/17/1964, Amended 7/5/2019)
77. FLOOR AREA, USABLE - For the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for the use to serve patrons, clients, or customers, and all that area devoted to employee workspace. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors of the building measured from the interior faces of the exterior walls. (10/17/2008)
78. FOOD BANK: A place where food is contributed and made available to those in need. (6/15/2007)
79. FOOT-CANDLE: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. (12/15/2006)
80. FRONTAGE: The side of a lot abutting upon a dedicated road right-of-way and ordinarily regarded as the front of a lot, but not considered the ordinary side line of a corner lot. The minimum required frontage on a dedicated road right-of-way shall be contiguous and uninterrupted. (5/20/2000; Amended 6/2/2001)
81. FULL CUT-OFF LIGHTING: Full cut-off lighting directs light down and to the sides as needed and provides more control of light. Reduces glare and provides more even illumination. Reduces light trespass onto neighboring properties. (12/15/2006)
82. FULL-SHIELDED OR FULL CUT-OFF TYPE FIXTURE: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture. (12/15/2006)
83. FUNERAL SERVICES: A building or part thereof used for human funeral services and which may include: space for embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns and other related supplies, the storage of funeral vehicles, and other related uses, excluding crematories. (6/15/2007)
84. GARAGE, PRIVATE: A detached accessory building or portion of the principal building designed to store motor vehicles and other normal household accessories of the residents of the principal building with no facilities for mechanical service repair of a commercial or public nature. (4/1/2011)

85. GARDEN OR NURSERY RETAIL SALES (NON-WHOLESALE): Land, building, structure, or combination thereof used for the storage, and display of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. (6/15/2007)
86. GAS STATIONS: Any establishment that supplies motor fuel, oil, and propane at retail to the customer, and may include facilities for the sale of other retail products, minor accessories, and services for motor vehicles. (6/15/2007)
87. GAZEBO: A freestanding structure with a solid, pitched roof design and open sides, which may be screened, and is intended for recreational activities. A gazebo typically contains more than four sides. (4/1/2011)
88. GENERAL BUILDING CONTRACTORS: An individual or company engaged in the construction or remodeling of buildings. Such establishments include areas for office use, fabricating shops and/or interior storage areas. This definition includes, but is not limited to, builders or general contractors specializing in HVAC, painting, plumbing, electrical, or roofing. (6/15/2007)
89. GLARE: Direct light that causes annoyance, discomfort or loss in visual performance and visibility. (12/15/2006)
90. GOVERNMENT AND PUBLIC USE: a building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, state, county, or other recognized public entity. Such use may include, but is not limited to, township offices, fire stations, public works, libraries, post offices, and other uses not defined separately within this Resolution. Government and public use shall not include schools or other educational facilities as defined elsewhere in this Resolution. (7/5/2019)
91. GREENHOUSE: A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants. (4/1/2011)
92. GREEN SPACE: A designated area with a canopy cover of existing mature trees or, if necessary, planted with additional selected hardwoods. Trees planted in this space are required to be a variety of the type (i.e. Maples, Oak, Beech, Elms, Conifers, etc.) that can achieve, as a goal, a 50% canopy cover. (12/15/2006)
93. GREENWAY OR GREENBELT: Open space within or around any residential development intended for such uses as common recreational space, walkways and buffer space from adjoining developments. (3/9/1976)
94. HISTORICAL MOTOR VEHICLE: Any motor vehicle that is over 25 years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation. (11/5/2004)
95. HOME: An institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907 of the Revised Code. (2/15/2013)
96. HOME FOR THE AGING: A home that provides services as a residential care facility and a nursing home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment. The part of the unit of a home for the aging that provides services only as a residential care facility is licensed

as a residential care facility. The part or unit that may provide skilled nursing care beyond the extent authorized by section 3721.011 of the Ohio Revised Code is licensed as a nursing home. (12/15/2001)

97. HOME OCCUPATION: An occupation, profession, activity, or use that is clearly a customary, incidental and secondary use to that of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. Such accessory use shall not occupy more than twenty-five percent (25%) of the floor area of the principal structure, shall not offer for sale any article except as grown or produced on the premises by members of the immediate family and shall not employ more than one (1) person who is not a member of the immediate family. Such accessory use shall include, but not be limited to the following:
- a. An office or studio in the residence of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher or other member of a recognized profession.
  - b. Real estate or insurance sales office.
  - c. Customary home occupations such as handicrafts, dressmaking, laundering, home cooking, beauty parlor and barber shop. Such home occupations shall not include mechanical or electrical repair shops, or manufacturing of any kind. (5/20/2000)
98. HOSPICE CARE FACILITY: A facility operated by a Hospice Care Program licensed under section 3712.04 of the Revised Code that is used exclusively for the care of hospice patients. (See definition for "Hospice Care Program"). (6/19/2009)
99. HOSPICE CARE PROGRAM: Means a coordinated program of home, outpatient, and inpatient care and services that is operated by a person or public agency and that provides the following care and services to hospice patients, including services as indicated below to hospice patients' families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to section 3712.06 of the Revised Code, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement (From: Ohio Revised Code Section 3712.01 (A)).
- a. Nursing care by or under the supervision of a registered nurse;
  - b. Physical, occupational, or speech or language therapy, unless waived by the department of health pursuant to rules adopted under division (A) of section 3712.03 of the Revised Code;
  - c. Medical social services by a social worker under the direction of a physician;
  - d. Services of a home health aid;
  - e. Medical supplies, including drugs and biologicals, and the use of medical appliances;
  - f. Physician's services;
  - g. Short-term inpatient care, including both palliative and respite care and procedures;
  - h. Counseling for hospice patients and hospice patients' families;
  - i. Services of volunteers under the direction of the provider of the hospice care program;
  - j. Bereavement services for hospice patients' families.

(All of item 97; Hospice Care Program – 6/19/2009)



100. HOSPITAL: An institution providing health care services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities and other similar facilities. (6/15/2007)
101. HOT TUB: A permanent or semi-permanent structure located either above grade or below grade, designed to contain at least two (2) feet of water at any one point with a diameter less than six (6) feet and electrical connections, but not including temporary metal, plastic, fiberglass or inflatable structures intended to be used as pools by children. See also "SWIMMING POOL, PERMANENT". (4/1/2011)
102. HOTEL/MOTEL: A building with a minimum of nine (9) rooms in which lodging is provided and offered to the public for compensation at a daily rate, and which may include facilities for meetings, banquet rooms, restaurants and recreational facilities as incidental uses. (6/15/2007)
103. HOUSE TRAILER: Means a large trailer fitted for use as a mobile home. (11/24/1980)
104. ILLUMINANCE: The quantity of light arriving at a surface divided by the area of that surface. Measured in foot-candles. (12/15/2006)
105. INDOOR COMMERCIAL RECREATION: An establishment engaged in providing activities for the general public indoors by means of games or sports for a fee including but, not limited to, bowling alleys, space for competition such as indoor basketball courts and indoor soccer fields, and arcade activities. (6/15/2007, Amended 7/5/2019)
106. INNOVATIVE SITE/ PD: A planned development located within the Capital District as provided in this Resolution. (2/6/15)
107. JUNK MOTOR VEHICLE: A motor vehicle that meets all of the following criteria: (1) Three model years 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. A collector's vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three criteria. (11/5/2004)
108. LANDSCAPE SERVICES: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. (6/15/2007)
109. LATTICE TOWER: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top. (12/17/2004)
110. LAUNDROMAT: An establishment providing home type washing, drying, dry cleaning or ironing machines for hire to be used by customers on the premises. (6/17/1964)
111. LIBRARY/MUSEUM: A room or building for exhibiting, or an institution in charge of a collection of books, digital media, and artistic, historical, or scientific objects. (6/15/2007)
112. LIGHT TRESPASS: Light (emitted by a lighting fixture) that falls outside the boundaries of the property on which the fixture is installed, where it is neither wanted nor needed. (12/15/2006)
113. LOADING SPACE: An off-street space on the same lot with a building, or a group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials. (3/9/2018)
114. LOT: A parcel of land legally recorded in the Recorder's Office of Lake County, Ohio, and fronting upon an officially dedicated and accepted public street or road, occupied or intended

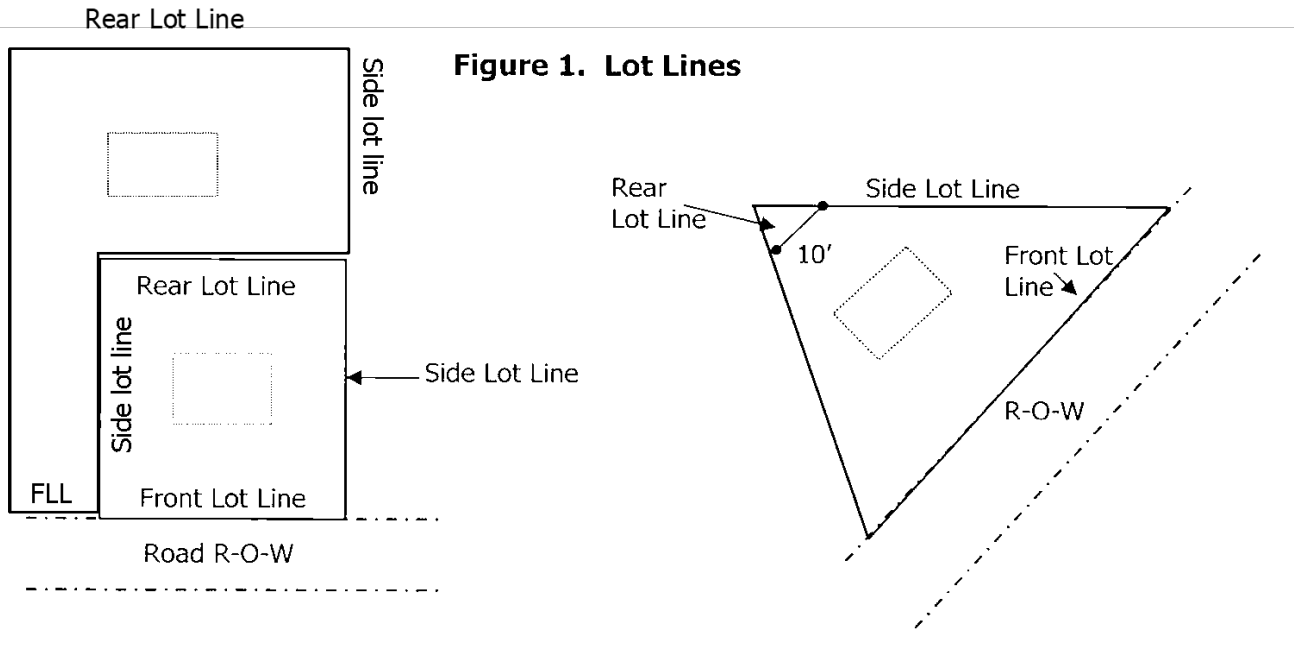
to be occupied by a principal use or structure together with any accessory structures or uses and such accessways, parking area, yards and open spaces as required in this Resolution. (6/17/1964, amended 12/4/2015)

115. LOT AREA: The total area within the lot lines of a lot, exclusive of any portion of the right-of-way of any public road or street. (6/17/1964, amended 12/4/2015)

116. LOT DEPTH: The horizontal distance between the front lot line and the rear lot line. (5/20/2000)

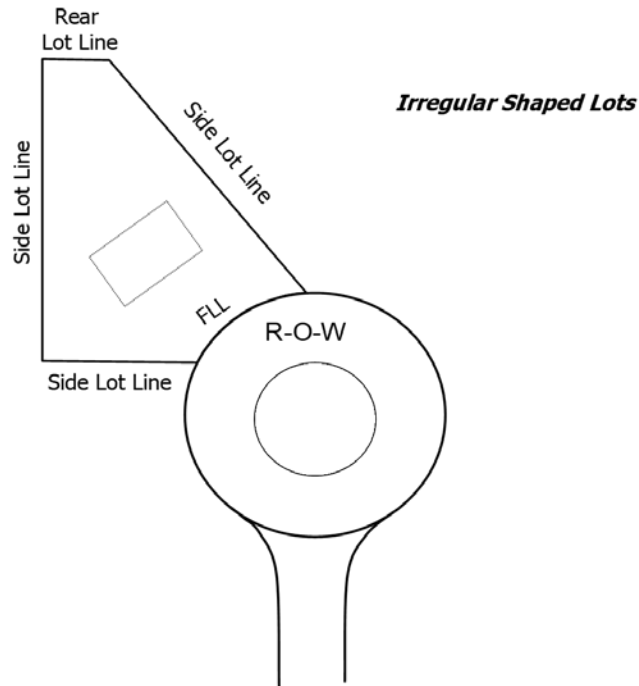
117. LOT LINE: The parcel line bounding the lot. Lot line is synonymous with “property line” (See Figure 1). (4/15/2005, amended 12/4/2015)

- a. LOT LINE, FRONT: The lot line separating a lot from the road right-of-way on which the lot fronts. In the case of a corner lot, the front lot line shall be determined by the road upon which the major entrance of the building fronts or faces. (4/15/2005)
- b. LOT LINE, REAR: The lot line opposite and most distant from the front lot line; or for triangular shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In the case of a lot having more than four (4) lot lines, the lot line farthest from and/or opposite to the front lot line is the rear lot line. (4/15/2005)
- c. LOT LINE, SIDE: Any lot line other than a front or rear lot line. (4/15/2005)



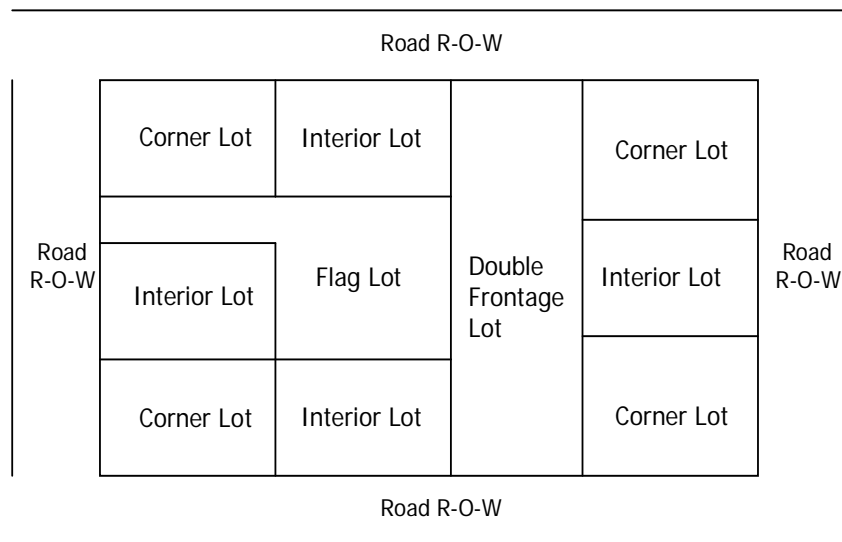
**Standard Lot and Flag Lot**

**Triangular Shaped Lot**



118. LOT TYPES (See Figure 2) (4/15/2005):

- a. CORNER LOT: A lot abutting on and at the intersection of two (2) or more rights-of-way. (5/20/2000)
- b. DOUBLE FRONTAGE LOT: A lot, other than a corner lot, with frontage on more than one road rights-of-way. (4/15/2005)
- c. FLAG LOT: A lot utilizing a strip of land to provide access to or legal frontage on a dedicated road right-of-way, but where the majority of the area of the lot is situated immediately behind one or more lots relative to the road right-of-way to which the flag lot has access or frontage. The pole portion or flag stem of such a lot is not considered a building site. (4/15/2005)
- d. INTERIOR LOT: A lot bounded by a road right-of-way on only one (1) side. (5/20/2000)

**Figure 2. Lot Types**

119. **LOT WIDTH:** The horizontal distance between side lot lines measured at the two points where the building line intersects the side lot lines. (5/20/2000, amended 12/4/2015)
120. **LUMBER AND BUILDING MATERIAL DEALER:** An establishment for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood. (6/15/2007)
121. **MANUFACTURING, HEAVY:** The initial processing or treatment of raw material or manufacturing of products that require additional processing, fabrication, or assembly. Such operations are primarily major and extensive in character; require large sites, open storage and service area, having potential to produce noise, dust, glare, odors or vibration. (6/15/2007)
122. **MANUFACTURING, LIGHT:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of products. Such operations are, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust. Operation and storage occur primarily within enclosed structures and generate minimal industrial traffic or nuisances. (6/15/2007)
123. **MEDICAL AND DENTAL OFFICE:** An establishment where healthy, sick, ailing, infirm, or injured persons are seen by appointment for wellness check-ups, examination and treatment on an outpatient basis by one or more physicians, dentists, or other medical personnel and where patients are not lodged overnight. (6/15/2007)
124. **MEETING/BANQUET FACILITY:** A building or group of rooms which are rented by individuals or groups to accommodate private functions including but not limited to, banquets, weddings, anniversaries and other similar functions. Such use may or may not include: 1) kitchen facilities for the preparation of catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities. (6/15/2007)
125. **MEMBERSHIP SPORTS/FITNESS CLUB:** An indoor facility including uses such as game courts, exercise equipment, indoor and/or outdoor swimming pools, locker rooms, whirlpools, hot tubs and/or saunas, restaurant or snack bar, pro-shop and training facilities. (6/15/2007)

126. MICROBREWERY: A small scale facility that produces a limited amount of beer, or ale and which possesses the appropriate liquor permit from the State of Ohio The maximum brewing capacity shall not exceed 15,000 barrels per year (as defined by the Brewer's Association). (2/6/2015, Amended 3/9/2018, 7/16/2021)
127. MICRODISTILLERY: A small scale facility that produces a limited amount of beverage grade alcohol, and which possesses the appropriate permit from the State of Ohio. The maximum brewing capacity shall not exceed 25,000 proof gallons per year (as defined by the American Distilling Institute). (2/6/2015, Amended 3/9/2018, 7/16/2021)
128. MICROWINERY: A small scale facility that produces a limited amount of wine that is produced from fruit or fruit juices sourced off property for on and/or off-premises retail sale, and on-premises consumption. The maximum production capacity shall not exceed 10,000 cases per year, or a volume equivalent (i.e. 90,000 liters). (3/9/2018, amended 7/16/2021)
129. MOBILE HOME: A non-self propelled vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, designed for year-round living in one place, whether resting on wheels, jacks, blocks, or other temporary foundation and used or constructed as to permit its being used as a conveyance upon public streets and highways. (11/24/1980)
130. MONOPOLE: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation. (12/17/2004)
131. MOTOR VEHICLE: Any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. (11/5/2004)
132. MOTOR VEHICLE DEALER, (NEW/PRE-OWNED): An establishment engaged in activities such as displaying, offering for sale and selling new motor vehicles at retail, and which may also include operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, offering for sale and selling used or pre-owned motor vehicles at retail, but only as incidental to the sale of new motor vehicles and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. See also "New Motor Vehicle." (6/15/2007)
133. NEW MOTOR VEHICLE: A motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacture, distributor or dealer to an ultimate purchaser. (6/15/2007)
134. NOISE: Any sound which annoys or disturbs persons of normal sensibilities or which causes or tends to cause an adverse psychological or physiological effect on persons. (12/15/2006)
135. NOISE DISTURBANCE: Any sound which endangers or injures the safety or health of humans or animals; annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property. (12/15/2006)
136. NON-CONFORMING USE: A building, structure, sign or use of land existing at the time of enactment of this Resolution which does not conform to the regulations of the district or zone in which it is situated. (1/25/1983)
137. NUISANCE: Any action which endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property. (5/20/2000)

138. NURSING HOME: A nursing home means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care. (From: Ohio Revised Code Section 3721.01(A)(6)) (5/20/2000)
139. OPEN SPACE: Land area within any district devoid of buildings, parking structures or accessory structures, etc. but land which consists of wooded areas, lakes and streams, walkway systems (pedestrian paths), bike paths, greenways and natural site amenities. The functions of open space are active recreation, passive recreation and preservation of environmental amenities for collective enjoyment. (3/9/1976)
140. OUTDOOR DISPLAY: The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area. (6/15/2007)
141. OUTDOOR RECREATION: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, provided such facilities are not operated for commercial gain. These shall include, but are not limited to, baseball diamonds, soccer and football fields, and picnic shelters. (6/19/2009)
142. OUTDOOR STORAGE: Limited storage of equipment, material, machinery or vehicles outside enclosed buildings for more than twenty-four hours, and related to the principal use of the building or lot, except for merchandise placed in an area for outdoor display. (6/15/2007)
143. OUTSIDE DINING: A dining area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and which is located outside the walls of the subject building, and may or may not be enclosed by a separate wall or fence. (6/15/2007)
144. PARCEL: A distinct portion or tract of land as is recorded and distinguished in the Lake County Ohio Auditor's Property Tax Maps. See also definition of "lot". (12/4/2015)
145. PARKING AISLE: The driveway or access drive by which a car enters and departs a parking space. (3/9/2018)
146. PARKING AREA: Any improved ground surface area, except public right-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, but not limited to driving, parking, loading, unloading, storage or display. (3/9/2018)
147. PARKING LOT: A facility, surface level or otherwise, providing vehicular parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles. (3/9/2018)
148. PARKING SPACE: A designated parking area designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto. (3/9/2018)
149. PARKING, SHARED: Parking areas that serve two (2) or more land uses, either on the same site or nearby sites. (3/9/2018)
150. PARTY WALL: A common wall separating two dwelling units for at least twenty percent (20%) of its length. (3/9/1976)
151. PAVILION: A freestanding, open air structure with a solid roof supported by columns or posts and containing four sides, which shall not be enclosed with any material. (4/1/2011)

152. PERGOLA: A structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. Used to offer shade and often covered with climbing plants. Pergolas are similar to arbors, but are typically designed with more substantial architecture. See also "ARBOR" and "TRELLIS". (4/1/2011)
153. PERSON: An individual, proprietorship, partnership, corporation, association or other legal entity. (6/20/1996)
154. PERSONAL CARE SERVICES: Services including, but not limited to the following:
- a. Assisting residents with activities of daily living;
  - b. Assisting residents with self-administration of medicine, in accordance with rules adopted by the public health council pursuant to this chapter;
  - c. Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted by the public health council pursuant to this chapter;
  - d. Personal care serviced shall not include skilled nursing care as defined in Section 3721.01 of the Ohio Revised Code. An adult care facility need not provide more than one (1) of the personal care services listed above to be considered providing personal care services. (From: Ohio Revised Code Section 3721.01(A)(5)(a) and 3721.01(A)(5)(b)). (5/20/2000)
155. PERSONAL SERVICES: Any enterprise conducted for gain that primarily offers services to the general public such as shoe repair, watch repair, barbershop, salons, dry cleaners, photography studios or similar activities. (6/15/2007)
156. PLANNED UNIT DEVELOPMENT DISTRICT: A preplanned community within Concord Township containing various housing and comparable commercial uses, as permitted within this Zoning Resolution, constructed according to a predetermined and approved plan, and providing for the clustering of housing to preserve common open space for scenic beauty and recreation for the use of all residents and owners in the Planned Unit Development. (3/9/1976)
157. PREMISES: A parcel of land and the structures situated thereon. (7/7/1994)
158. PRINTING: Commercial printing operation involving a process that is considered printing, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic and screen process printing. (6/15/2007)
159. PROJECT AREA: The area of tract(s) of land which are included in a proposed development to meet the minimum standards for a planned residential development or multi-family development. The term "project area" shall also mean "development area". (7/5/2019)
160. PROJECT BOUNDARY: The boundary defining the tract(s) of land which are included in a proposed development to meet the minimum required project area for a planned residential development or multi-family development. The term "project boundary" shall also mean "development boundary". (7/8/2019)
161. PUBLISHING: Activity of preparing and producing material for publication: the trade, profession or activity of preparing and producing material in printed or electronic form for distribution to the public. (6/15/2007)
162. RECESSED CEILING FIXTURE: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling. (12/15/2006)

163. RECREATIONAL VEHICLE: A vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses, and non-road legal motorized personal transportation devices and watercraft, and the trailers used to transport them. Recreational vehicles may include, but are not limited to the following: (11/24/1980; Amended 1/22/1998; and 3/9/2018)
- a. "Travel Trailer"- A non-self-propelled recreational vehicle and includes a tent type fold-out camping trailer, and designed to be used as a temporary dwelling for travel, recreational and vacation uses. (11/24/1980)
  - b. "Motor Home"- A self-propelled recreational vehicle designed to be used as a temporary dwelling for travel, recreational and vacation use. (11/24/1980)
  - c. "Truck Camper"- A non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling. (11/24/1980)
  - d. "Boats" and "Boat Trailers" shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway. (11/24/1980)
  - e. Snowmobiles and trailers used to transport them, personal watercraft devices and trailers used to transport them, and all-terrain vehicles (ATV's) and trailers used to transport them. (1/22/1998)
164. RELIGIOUS WORSHIP PLACE: See "CHURCH OR PLACE OF RELIGIOUS WORSHIP". (5/20/2000)
165. RENTAL SERVICES INCLUDING ELECTRONIC/FURNITURE AND PARTY SUPPLIES: An establishment offering electronics, appliances, furniture, party supplies and similar goods and equipment on a rental or rent-to-own basis. (6/15/2007)
166. RESEARCH AND DEVELOPMENT LAB: A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be produced on a prototype basis as necessary for testing, evaluation and test marketing. (6/15/2007)
167. RESIDENTIAL CARE FACILITY: A home 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 skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code. (From Ohio Revised Code Section 3721.01(A)(7)). (5/20/2000; Amended 12/15/2001)
168. RESIDENTIAL CONSERVATION DEVELOPMENT: A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, in order to conserve open space and existing natural resources. (9/17/2004)



169. RESIDENTIAL DISTRICT: Any property or portion thereof located within Concord Township that has been established as an R-1, R-2, R-3, R-4, R-6, or R-8 zoning district, according to the terms set forth in this Resolution. (6/20/1996, amended 12/4/2015)
170. RESTAURANT (COUNTER SERVICE): A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed. (1/5/2007)
171. RESTAURANT (TABLE SERVICE): A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building. (8/22/1978; Amended 9/17/1998, 3/18/1999 and 1/5/2007)
172. RETAIL ESTABLISHMENT: An establishment engaged in the selling of goods or merchandise within an enclosed building to the general public for personal or household consumption , which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public. (6/15/2007)
173. REZONING/ZONING MAP AMENDMENT: An amendment to or a change in the Zoning Resolution which reclassifies a parcel (or parcels) of land to a different zoning designation. (5/20/2000)
174. RIGHT-OF-WAY: A strip of land taken, dedicated or otherwise regarded as an irrevocable right-of-passage for use as a public way. (2/28/1978; Amended 5/20/2000)
175. RIPARIAN SETBACKS: See Section 17 of this Resolution for definitions. (7/15/2016)
176. SCHOOL: A public or private facility that provides a curriculum of elementary and/or secondary academic instruction, including pre-schools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational high schools, special education schools, colleges, junior colleges, universities, continuing education facilities, and high-tech/vocational post-secondary education facilities. (5/20/2000; Amended 6/15/2000; and 3/9/2018)
177. SEASONAL AGRICULTURAL PRODUCTS: Seasonal agricultural products are those products raised or grown on-premises through agricultural use, including farming, dairying, pasturage, apicultural, horticulture, floriculture, viticulture, and animal and poultry husbandry, and sold in its natural state during limited periods during the year. (4/7/1994)
178. SETBACK LINE: Is the line parallel to and measured from a lot line which, together with the lot line, encloses the area which no building or structure shall be constructed, except as otherwise provided in this resolution. (11/24/1980, amended 12/4/2015)
179. SIGN: See Section XXX of this Resolution for sign definitions. (12/4/2015)
180. SITE: A parcel of land intended or suitable for development; or upon on which a building has been previously built. (5/20/2000)
181. SITE PLAN: A drawing to appropriate scale, disclosing all proposed uses for a development including location, extent and characteristics. A site plan shall include lot lines, streets, buildings (along with setbacks and yard clearances), structures, utilities and grading. (5/20/2000)

182. **SKILLED NURSING CARE:** Procedures that require technical skilled 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:
- a. Irrigation, catheterization, application of dressings, and supervision of special diets;
  - b. Objective observation of changes in a patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;
  - c. Special procedures contributing to rehabilitation;
  - d. 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;
  - e. Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration. (From Ohio Revised Code Section 3721.01(A)(4). (5/20/2000)
183. **SOUND:** An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency. (12/15/2006)
184. **STAFF:** A rod, pole, stick or other such similar support. (7/7/1994)
185. **STORY -** That portion of a building, other than a basement, 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 floor and the ceiling above the floor of such story. (10/17/2008)
186. **STORY, HALF -** A story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than two feet above the floor of such story. (10/17/2008)
187. **STREET, PRIVATE:** A right-of-way that has not been dedicated for public use. (3/9/2018)
188. **STREET, PUBLIC:** A publically dedicated or owned right-of-way constructed to Lake County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties. (3/9/2018)
189. **STREET TYPES:**
- a. **Access Street** – minor street emptying into a collector or other primary street and connecting with a cul-de-sac, or other street facility.
  - b. **Alley** – minor street used primarily for vehicular and/or pedestrian service access to the back or side of properties abutting another street. (3/9/2018)
  - c. **Arterial Street** – a major street or highway primarily for through traffic, carrying large volumes of traffic and usually on a continuous route.
  - d. **Circle Street** – minor street in a circular or curved form, each street end connecting with another street and having housing units only on the outside of the curve.

- e. Collector Street – a primary street serving residential, commercial or industrial areas and carrying traffic flow from loop, circle, cul-de-sac or other minor streets generally to other areas of the community and to arterial streets.
  - f. Cul-de-sac – minor street terminating in a dead end space enabling automobile traffic to turn around and serving several properties grouped around the turnaround. (Amended 3/9/2018)
  - g. Loop Street – minor street in a looped or half circular form with each end connected to a collector street and serving properties located on both sides of the street. (All portions 3/9/1976; Amended 6/15/2007; and 3/9/2018)
190. STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration. (6717/1964, amended 5/20/2000)
  191. STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Structures include, but are not limited to, buildings, decks, fences, garages, signs, walls, gazebos, sheds, pools, and movable structures that may be on blocks, skids, or similar support. Structures do not include trailers or other vehicles whether on wheels or other supports. (6/17/1964; Amended 5/20/2000 and 4/1/2011)
  192. STUDIOS FOR INSTRUCTION: A building or a portion of a building that is used or intended to be used for nonacademic group instructional purposes including, but not limited to, art, crafts, dance and other wellness activities. (6/15/2007)
  193. SWIMMING POOL, CLUB: For the purposes of this Zoning Resolution, a pool operated by a private club incorporated as a nonprofit organization to maintain and operate a swimming pool for the exclusive of residents, occupants and guests of the residential development or area within which the pool is located. (4/1/2011)
  194. SWIMMING POOL, PERMANENT: An artificial tank or structure, either in-ground or above-ground, intended for recreational swimming purposes and not located within an enclosed building, with a diameter greater than six feet and designed to contain greater than two (2) feet of water at any point. Permanent swimming pools, as regulated in Section XXXI of this Zoning Resolution, shall be erected and maintained on a property year-round. See also “HOT TUB” and “TEMPORARY SWIMMING POOL”. (3/18/1969; Amended 4/1/2011)
  195. SWIMMING POOL, PRIVATE: For the purposes of this Zoning Resolution, a pool maintained by an individual on a lot as an accessory use to a dwelling for the sole use of the members of the private dwelling and any guests, without charge for admission and not operated for profit. See also “SWIMMING POOL, PERMANENT” and “SWIMMING POOL, TEMPORARY”. (4/1/2011)
  196. SWIMMING POOL, TEMPORARY: An above ground tank or structure designed for swimming purposes but, which are not permanently installed and are only permitted to be erected on a property within a designated time frame, as specified in Section XXXI of this Zoning Resolution. Temporary pools shall include, but shall not but limited to, inflatable, blow-up, plastic structures intended to be used as pools by children. (4/1/2011)

197. **TASTING ROOM:** A facility or portion of a facility supporting a microbrewery, microdistillery, or urban winery where the public may sample products produced on-premises and which may have ancillary related retail sales. (3/9/2018)
198. **TELECOMMUNICATION:** The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems. (12/17/2004)
199. **TEMPORARY OUTDOOR STORAGE UNIT:** A storage unit or container intended for the purpose of storing or keeping household goods and other personal property to be filled, refilled, and/or emptied while located outdoors on a residential property, and later removed from the property for storage off-site. (4/1/2011)
200. **THEATER:** A building, or portion thereof, devoted to showing motion pictures or live performances. (6/15/2007)
201. **TREE MITIGATION:** A planned community process to replant mature trees (6" caliper width or greater) that are destroyed in the new development construction process. Trees can be replanted on owner's property or in designated community areas. (12/15/2006)
202. **TREE PROTECTION AREA:** An area in which all trees and vegetation growth is undisturbed unless recommended by an approved Arborist or Urban Forester. Specific protection of this area is required during land clearing, site preparation, and construction on adjoining areas. (12/15/2006, Amended 7/5/2019)
203. **TRELLIS:** Open latticework structure, often two-dimensional, either free-standing or laid against a building. Primarily used to support climbing plants. See also "ARBOR" and "PERGOLA". (4/1/2011)
204. **UNRELATED INDIVIDUAL:** One who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as a child of an aunt or uncle. (From: Ohio Revised Code Section 3721.01(A)(2). (5/20/2000)
205. **UPLIGHTING:** Any light source that distributes illumination above a 90-degree horizontal plane. (12/15/2006)
206. **URGENT CARE/MEDICAL CLINIC:** A facility for examining and treating human patients with medical problems on an outpatient basis, including ambulatory care or similar medical service. (6/15/2007)
207. **USE:** The purpose for which land or a building is designed, arranged, or intended, or for which either land or a building is or may be occupied or maintained. (6/17/1964 and 4/9/1979, 7/5/2019)
208. **USE, ACCESSORY:** A use of land incidental to the principal use of a lot or building located on the same lot. (7/5/2019)
209. **USE, CONDITIONAL:** A specific use provided for in this Zoning Resolution which is not otherwise permitted in any district but which may be permitted by the Board of Zoning Appeals under conditions set forth in this Zoning Resolution in accordance with Section 519.14 Ohio Revised Code. (1/25/1983)
210. **USE, PRINCIPAL:** The primary or main use or activity of a building on a lot. (7/5/2019)

211. USE DISTRICT: A section or sections of the township for which regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein. (6/17/1994)
212. UTILITY AND COMMUNICATION SERVICE: A facility that provides for proper service of electricity, gas, steam, telephone, cable, water, sewer, telegraphy, or internet. (6/15/2007)
213. UTILITY TRAILER: Any towed vehicle, open or enclosed, specifically designed for the purposes of transporting equipment, tools, supplies, materials or goods of a similar nature that will not permit human habitation for travel, recreation, vacations or other transient purposes. A utility trailer is primarily designed for personal use and not commercial use. (7/5/2019)
214. VARIANCE: Is a modification of the strict terms of the Zoning Resolution where such modification will not be contrary to the public interest; and, where owing to conditions peculiar to the property, and not created by any action of the applicant, a literal enforcement of the Zoning Resolution would create unnecessary and undue hardship. (1/25/1983)
215. VEHICLES: Any device for transporting persons or things on wheels or runners, including motorized bicycles, but does not mean vehicles that are operated exclusively on rails or tracks from overhead electric trolley wires and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions. (11/5/2004; Amended 6/15/2007)
216. VETERINARY SERVICES: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. (6/15/2007)
217. WAITING SPACE OR LANE: A lane or area that is specifically designated for vehicles to “wait” in while utilizing drive-up or drive-thru facilities at uses that may include, but are not limited to, car washes, restaurants, and financial institutions. (3/9/2018)
218. WALL: see “FENCE” (4/1/2011)
219. WAREHOUSE: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. (6/15/2007)
220. WAREHOUSING (ACCESSORY): The storage of a raw material, in-process or finished product and/or necessary equipment or material as an accessory use, in relation to the primary activity of a manufacturing establishment. (2/20/1997; Amended 6/15/2007)
221. WHOLESALE BUSINESS: An establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. (6/15/2007)
222. WIRELESS TELECOMMUNICATIONS ANTENNA: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission (FCC) are transmitted or received. (12/17/2004)
223. WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed. (12/17/2004)

224. WIRELESS TELECOMMUNICATIONS FACILITY: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines. (12/17/2004)
225. WIRELESS TELECOMMUNICATIONS TOWER: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed, and lattice construction steel structures. (12/17/2004)
226. YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as elsewhere specified in this Resolution. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the building shall be used. (6/1959; Amended 6/15/2007)
227. YARD, FRONT: The area of a lot extending across the full width of a front lot line at the road right-of-way between the side lot lines, and from the front lot line to the front wall of the principal building. (5/20/2000)
228. YARD, REAR: The area of a lot extending across the full width of the lot between the side lot lines, and extending between the rear lot line and the nearest line of the principal building. (5/20/2000)
229. YARD, SIDE: The area of a lot between the side lot line and the nearest line of the principal building and extending from the front yard to the rear yard. (5/20/2000)
230. ZONING PERMIT: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses. See Section XI Zoning Permit. (1/25/1983)

## SECTION VI – GENERAL REQUIREMENTS

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| <p>6.01 Exemptions.</p> <p>6.02 Prohibited Uses.</p> <p>6.03 Compliance Required.</p> | <p>6.04 Second Principal Building on Lot.</p> <p>6.05 Performance Standards.</p> |
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### 6.01 EXEMPTIONS.

- A. Public Utility or Railroad Exemption. This Resolution shall not apply to public utilities or railroads. (5/1955)
- B. Agricultural Uses.
1. Agricultural uses, and buildings or structures that are incidental to agricultural uses, located on lots with a lot area of five (5) acres or more, shall be exempt from the requirements of this Zoning Resolution and property owners shall not be required to obtain a zoning permit for such uses in accordance with ORC Section 519.21. (4/1/2011)
  2. For any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of 15 or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which 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, the Township shall require a zoning certificate for and shall comply with the following:
    - a. On lots one (1) acre or less and within a platted subdivision, only the raising of fruits, vegetables, or nursery stock for private use, consumption or incidental sale shall be permitted. An agricultural building shall be permitted in conjunction with such use, the size of which shall not exceed the maximum area permitted for accessory buildings in the district in which the building is located. All buildings shall also comply with the setback regulations set forth in the district in which the building(s) is located. (4/1/2011)
    - b. Buildings or structures incidental to the use of land for agricultural purposes on lots greater than one (1) acre, but not greater than five (5) acres, shall comply with the setback, height and size restrictions set forth in the district in which the building or structure is located, except as otherwise required for buildings housing animals in subsection C, below. (4/1/2011)
    - c. Dairying and animal and poultry husbandry may be permitted on lots greater than one (1) acre, but not greater than five (5) acres must comply with the following: (Amended 7/5/2019)

- i. Whenever one or more animals are kept outdoors on a lot for such agricultural uses, an accessory building for their shelter shall be constructed on the lot.
- ii. The area of the accessory building intended to provide shelter for one or more animals for such agricultural uses shall not exceed the maximum area permitted for accessory buildings in the district in which the building is located.
- iii. Such accessory building shall comply with the following minimum setback or clearance requirements: 70 feet from the street right-of-way; 25 feet from the side or rear property line; and 100 feet from any water well. (4/1/2011)
- d. A dwelling unit on the same lot with an agricultural use and all accessory buildings associated with the dwelling unit shall comply with the applicable district regulations. However, when the number of accessory buildings is limited in a Residential District due to lot size, one (1) agricultural building may be constructed in addition to one (1) permitted non-agricultural accessory building, provided the combined area of the two (2) accessory buildings does not exceed the maximum area allowed in the district in which such accessory buildings are proposed. (4/1/2011)
- e. The use of any land for a roadside stand or market where 50 percent 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 shall be regulated as follows:
  - i. Each property shall be permitted only one roadside stand or market.
  - ii. The area of the roadside stand shall not exceed 200 square feet.
  - iii. The roadside stand shall be located a minimum of 30 feet from any street right-of-way line and a minimum of 15 feet from any side lot line.
  - iv. Adequate parking shall be available so as not to create a traffic safety hazard.
  - v. Any signage advertising the sale shall be in conformance with the requirements set forth in Section XXX.
  - vi. The roadside stand shall be removed at the conclusion of the farm's seasonal sales and stored in an enclosed building or placed in the rear yard. (4/1/2011)

## 6.02 PROHIBITED USES.

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any District: (9/17/1964; Amended 12/17/1998 & 6/19/2009; 2/15/2013; 2/6/2015)

- A. Commercial amusement park. (6/17/1964)
- B. Distilling of bones, fat or glue; glue or gelatin manufacturing. (6/17/1964)
- C. Manufacturing or storage of explosives, gun powder or fireworks. (6/17/1964)



- D. Dumping, storing, burying, reducing, disposing of or burning of garbage, refuse, scrap, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of the premises, unless done at a place provided by the Township Trustees for such specific purpose. (6/17/1964)
- E. Junk yards, automobile graveyards, or places for a collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes, or for dismantling used vehicles. (6/17/1964)
- F. Race tracks. (6/17/1964)
- G. The maintenance of any premises or the permitting the use of any premises for the operation of two (2) or more motor vehicles, as defined in Section 4501.11 of the Revised Code of Ohio, which are participating in an attempt to outdistance each other over a selected course, intending thereby to include as a nuisance the racing of motor vehicles in any form, which practices are known by way of illustration rather than exclusion as drag racing, stock car racing and go-cart racing. (6/17/1964)
- H. Commercial slaughter houses. (All above 6/17/1964)
- I. Storage and Collection of Junk Motor Vehicles, Car Bodies, Appliances, Construction Materials and Equipment, and Temporary Structures on Property, as follows:
  - 1. No premises or portion thereof, in any use district, shall be used for the storage, collection, or accumulation of any junk motor vehicle as defined in this Resolution, for a period of more than 30 days, unless the vehicle is parked in a garage. (Amended 7/5/2019)
  - 2. No premises or portion thereof, in any use district, shall be used for the storage, collection or accumulation of bus bodies, car bodies, truck bodies, coaches, furniture or appliances or parts thereof.
  - 3. No premises or portion thereof in any district shall be used for the storage, collection or accumulation of construction or building materials, construction equipment or machinery except as otherwise permitted in the zoning regulations.
  - 4. No premises or portion thereof shall be used for placement of temporary structures except as incident to proposed construction thereon, maintenance of or repair of said premises. (7/23/1974; Revised 1/22/1998, 11/5/2004, 7/5/2019)
- J. Medical Marijuana Retail Dispensaries (ORC Section 3796.29) (Amended 5/6/2022)

### **6.03 COMPLIANCE REQUIRED.**

- A. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the use district in which the building or land is located. (6/17/1964)

- B. No space which for the purposes of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Resolution may, by reason of change of ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space requirement of or for any other building. (6/17/1964)

#### **6.04 SECOND PRINCIPAL BUILDING ON LOT.**

- A. A second principal building conforming to this Resolution may be constructed to the side or rear of an existing principal building on a lot, provided that each building is so located that the lot may be divided and the buildings on the resulting parcels, and the parcels themselves, will conform to the applicable requirements relating to frontage on a dedicated street or road, minimum lot area, front setback, side and rear yard clearance, and location of accessory buildings. (6/17/1964, amended 12/4/2015)
- B. As a condition of securing a Zoning Permit for a second building, the applicant shall undertake a promise that he will not convey any portion of said premises so as to create a condition violating any provision of this Resolution as existing at the time of his filing the application for the Zoning Permit, and further that if he makes such improper conveyance, he will forthwith make further conveyance or take other action to cure such violation, as may be directed by the Board of Zoning Appeals. (6/17/1964)
- C. In the event conveyance is made a part of premises and as a result of such conveyance any dwelling or building located upon said premises remaining or the premises conveyed violates the provisions of this Resolution or is less in conformity with this Resolution than before such conveyance, then said building or structure shall be moved or altered in such manner as to make it and the premises conveyed with it conform to this Resolution. Or if the same cannot be done said building shall be removed entirely from said premises. No division of premises and conveyance of part thereof, shall be made if such conveyance is of a building or structure surrounded by part of such premises and as a result of said division such conveyed premises and the structure thereon violates the Zoning Resolution either for the first time or to a greater extent than did said building and the original undivided premises. (6/17/1964)
- D. In the event two (2) or more principal buildings or structures are located on a single parcel which cannot be divided in such a way as to create two (2) or more parcels conforming to this Resolution, said single parcel shall be divided so as to secure maximum conformity of each of the constituent subdivisions thereof to the provisions of this Resolution; further provided that if the parcel is not so divided, any buildings or structures upon the constituent subdivisions of said parcel shall be removed, or moved to such location on the said subdivided parcel as to conform to the provisions of this Resolution, unless there be first secured from the Board of Zoning Appeals, on appeal thereto, permission to make such division under the variance powers possessed by said Board. (6/17/1964)

#### **6.05 PERFORMANCE STANDARDS.**

Any use established or changed, and any building or land developed, constructed or used in any

B-1, Restricted Retail; GB, Gateway Business; GH, Gateway Health District; B-2, General Business; THN, Town Hall Neighborhood, THC Town Hall Commons; BX, Business Interchange; S, Special Interchange; M, Manufacturing; RD-2, Research and Limited Industrial District; C, Capital, or AP, Airport District shall comply with the performance standards set forth herein for the district in which such use or building is to be located as a precedence to occupancy and use. If any existing use or building is extended, enlarged or reconstructed, the performance standards for the district involved shall apply to such extended, enlarged or reconstructed part or parts of such building or use as a precedence to further use. (All of Section 6.05: 6/2/2001; Amended 6/15/2007; 6/19/2009; 2/15/2013; 2/6/2015)

A. Dust and Smoke.

1. Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by appropriate landscaping, paving, oiling or any other acceptable treatment.
2. The emission of smoke, soot, fly ash, fumes and/or dust shall be controlled by precipitation devices, height of stack, rate of emission or any other manner so that the quantity deposited in any B-1, GB, GH, B2, BX, THN, THC, S, M, RD-2, C, or AP District shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values. (Amended 6/19/2009; 2/15/2013; 2/6/2015)

B. Fire and Explosive Hazards.

1. The storage, utilization and manufacture of materials, goods or products ranging from free to active burning is permitted, provided the materials or products shall be stored, utilized or produced within completely enclosed structures having incombustible exterior walls, and such structure shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.
2. Materials which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in B-1, GB, GH, B2, BX, THN, THC, S, M, AP, C, or RD-2 Districts except such materials as are used or required in emergency equipment or in secondary processes accessory to the main use. (Amended 6/19/2009; 2/15/2013; 2/6/2015)

C. Glare and Heat. Any operation or process which produces glare or heat contrary to the normal and expected conditions shall be performed within an enclosure in such manner as to not be visible outside the building. Such operations shall be performed so as to not create any hazards to abutting property. (Amended 6/19/2009)

D. Odorous Matter. The emission of odorous matter in such quantities as to produce a public nuisance or hazard outside the building is prohibited in any district. The emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be

detectable beyond the lot line in a B-1, GB, GH, B-2, BX, THN, THC, S, M, AP, C or RD-2 district. (Amended 6/19/2009; 2/15/2013; 2/6/2015)

- E. Toxic or Noxious Matter. The discharge of toxic or noxious matter across the lot lines wherein such a use is located is prohibited for any period of time and in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property and/or abutting property.
- F. Noise. The sound pressure level of any individual operation or operations on a lot in any GB, GH, B-2, BX, THN, THC, S, M, AP, C, or RD-2 district, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise of the nearest Residential or B-1, Restricted Retail district. (Amended 6/19/2009; 2/15/2013; 2/6/2015)
- G. Vibration. Operations creating intense earth-shaking vibrations shall be permitted only in the BX, S, M, AP, or RD-2 districts. Such operations shall be set back from and controlled in such a manner as to prevent transmission of vibrations which would be perceptible without the aid of instruments at the lot line of a BX or M district. (Amended 6/19/2009)
- H. Waste Materials. Liquid wastes shall not be discharged into an open reservoir, stream or other open public body of water, or a storm or sanitary sewer unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalines and other chemicals shall not exceed the amount permitted by other Federal, State or County codes.
- I. Radioactivity. No activities shall be permitted in a B-1, GB, GH, B-2, BX, THN, THC, S, M, C, or RD-2 District which emit dangerous radioactivity or which shall store, transfer or use radioactive material in a manner hazardous to human health. All activities shall be conducted in accordance with all applicable Federal, State and County codes. (Amended 6/19/2009; 2/15/2013; 2/6/2015)
- J. Electrical Disturbances. No establishment in a B-1, GB, GH, B-2, BX, THN, THC, S, M, C, or RD-2 District shall produce electrical or electronic disturbances perceptible beyond the property line of the establishment. (Amended 6/19/2009; 2/15/2013; 2/6/2015)
- K. Determination Methods. Upon receipt of any alleged performance standard violation, the Township Zoning Inspector, in conjunction with the Township Administrator, shall have the discretion to use any equipment normally available or obtainable without extraordinary expense to determine or evaluate any alleged offense under this section. If such equipment is unavailable, the Township may enlist the assistance of applicable agencies including but not limited to, the Ohio Environmental Protection Agency, the Ohio Department of Transportation, the United States Army Corps of Engineers, and/or any other recognized experts in their field. (6/2/2001)

**SECTION VII – NONCONFORMING USES**

- 7.01 **NONCONFORMING USE:** A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated. (5/25/1982)
- 7.02 A nonconforming use or building existing at the time this Resolution takes effect may be continued and no zoning permit shall be required. If any such nonconforming use or building is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district or zone. (5/1955)
- 7.03 Any building arranged, intended or designed for a nonconforming use, the construction of which has been started at the time of the passage of this Resolution, but not completed, may be completed and put to such nonconforming use, provided it is done within one (1) year after this Resolution takes effect, and further providing a statement by the owner and user of the premises is thereafter promptly filed with the Zoning Inspector, stating the nature and extent of such nonconforming use. (5/1955)
- 7.04 Any building or structure, existing as a nonconforming use at the time this Resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored to its nonconforming use providing the same is done within two (2) years from the date of said destruction. (5/1955)
- 7.05 A building or structure devoted to a nonconforming use at the time this Resolution takes effect may not be altered or enlarged so as to extend said nonconforming use more than ten percent (10%) in area. (5/1955)
- 7.06 A nonconforming use of land, which may be continued under the provisions of this section, shall not be extended or expanded more than ten percent (10%) over the ground area devoted to the use which existed at the time such use became nonconforming. (5/1955)
- 7.07 In the event the pre-existing nonconforming use consists of the placement upon the land of individual units such as cabins, trailers, motel, apartments, or rooms devoted to the use of transient paying guests the extent of such pre-existing use, which may be expanded not over ten percent (10%) under this Resolution, shall be measured by the number of units in existence and operation on the land at the time such use became a nonconforming use under this Resolution. (5/1955)
- 7.08 Any expansion of a nonconforming use shall only be undertaken or made after a Zoning Permit shall have been first obtained. (5/1955)
- 7.09 Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use for two (2) years or more, such use shall not thereafter be changed to a less restrictive use or a nonconforming use. (5/1955)
- 7.10 Any person or corporation claiming the right of operation or use as a pre-existing nonconforming use as described in this section shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes nonconforming due to this Resolution or amendments thereto. (5/1955)
- 7.11 Where a parcel or lot was separately owned, or was a lot of a subdivision duly recorded, and at the time of original enactment of this Resolution or any amendment thereto was smaller than required herein but is at the time of the application for a Zoning Permit the same size or larger than it was when this Resolution became effective, and the applicant is not the owner of adjacent premises

which when combined with said parcel or lot would be of sufficient size, a single family dwelling may be erected upon such parcel or lot and the minimum side yard clearance shall be reduced proportionately, based on the width of such parcel or lot in relation to a lot of minimum size under the requirements of this Resolution, but in no event to less than ten (10) feet. (5/1955)

**SECTION VIII – TOWNSHIP ZONING COMMISSION**

- 8.01 There is hereby created a Township Zoning Commission, an advisory board, consisting of five (5) members and two alternates. These members and alternates shall reside in the unincorporated area of Concord Township. The members shall be appointed by the Board of Township Trustees, for a term of five (5) years beginning April 1, and the terms of members shall be so arranged that the term of one member shall expire each year. The alternates shall be appointed by the Board of Township Trustees, for a term of two (2) years beginning April 1, and the terms of members shall be so arranged that the term of one member shall expire each year. A Zoning Commission Secretary shall be appointed by the Board of Township Trustees at the first meeting of each year to assist the Zoning Commission in their duties. Each member shall serve until his/her successor has been appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. Members shall be removable for the same causes and in the same manner as provided for by Section 519.04 of the Revised Code of Ohio. Members may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. Compensation shall be changed at a regular meeting of the Board of Township Trustees but no more than once in each calendar year. (4/13/1982; Amended 5/31/2013)
- 8.02 The Zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees, employ such executives, professional, technical, and other assistants as it deems necessary. (3/23/1976)
- 8.03 The Zoning Commission shall meet at least quarterly and shall act in an advisory capacity to the Board of Township Trustees in all matters properly brought before it. (3/23/1976; Amended 5/31/2013)
- 8.04 Amendments to the Concord Township Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution by the Township Trustees or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend the Concord Township Zoning Resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each application. The Township Trustees, upon the passage of such a resolution, shall certify it to the Zoning Commission. (3/23/1976; Amended 5/31/2013)
- 8.05 Upon the adoption of a motion by the Zoning Commission, the certification of a resolution by the Township Trustees to the Zoning Commission, or the filing of an application by property owners or lessees as described in Section 8.04 with the Commission, the Commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.
- A. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate

any such amendment. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

1. The name of the Zoning Commission that will be conducting the hearing;
  2. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
  3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
  4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
  5. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten days prior to the hearing;
  6. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
  7. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action;
  8. Any other information requested by the Zoning Commission.
- B. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and include all of the following:
1. The name of the Zoning Commission that will be conducting the hearing on the proposed amendment;
  2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
  3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
  4. The name of the person responsible for giving notice of the hearing by publication;
  5. A statement that, after the conclusion of the hearing, the matter will be submitted to the Township Trustees for its action;
  6. Any other information requested by the Commission.

Within five days after the adoption of the motion described in Section 8.04, the certification of the resolution described in Section 8.04, or the filing of the application described in Section 8.04, the Zoning Commission shall transmit a copy of it together with text and map pertaining to it to the Lake County Planning Commission.

The Lake County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the Zoning Commission. The recommendation shall be considered at the public hearing held by the



Zoning Commission on the proposed amendment. The Zoning Commission, within thirty days after the public hearing has closed, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the Lake County Planning Commission on it to the Township Trustees.

(Section 8.05 - 12/21/1989; Amended 5/31/2013)

8.06 The Board of Township Trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten days before the date of the hearing. (12/21/1989)

A. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing and include all of the following:

1. The name of the Board of Township Trustees that will be conducting the hearing;
2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
5. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;
6. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
7. Any other information requested by the Board.

(5/31/2013)

B. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

1. The name of the Board of Township Trustees that will be conducting the hearing on the proposed amendment.
2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
4. The name of the person responsible for giving notice of the hearing by publication;
5. Any other information requested by the Board.

(5/31/2013)

Within twenty days after its public hearing has closed, the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification of them. If the Board denies or modifies the Zoning Commission's recommendations, a majority vote of the Board shall be required. (Amended 5/31/2013)

- 8.07 The proposed amendment, if adopted by the Board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

The form of the petition provided for in this Section shall be substantially in conformity with Section 519.12 of the Revised Code of Ohio. (4/13/1982; Amended 5/31/2013)

- 8.08 Within five working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the Lake County Planning Commission.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the Lake County Planning Commission as required by this Section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals. (5/31/2013)

- 8.09 No application for the reclassification of any parcel from one (1) zoning classification to another zoning classification shall be considered by the Township Zoning Commission and the Township Trustees more than once every 90 days, if the request is for the same reclassification request that was considered within the previous 90 days. (5/2/1996; Amended 5/31/2013)

**SECTION IX – BOARD OF ZONING APPEALS**

- 9.01 There is hereby created a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years beginning April 1 and so arranged that the term of one member shall expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided for by Section 519.04 of the Revised Code of Ohio. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. Members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. Compensation shall be changed at a regular meeting of the Board of Township Trustees but no more than once in each calendar year. (4/13/1982)
- 9.02 The Board of Zoning Appeals may, within the limits of the monies appropriated by the Board of Township Trustees for such purpose, employ such executives, professional, technical, and other assistants as it deems necessary. (6/1959)
- 9.03 The Township Board of Zoning Appeals shall have the following powers:
- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Sections 519.02 to 519.25 inclusive of the Revised Code of Ohio or of any resolution adopted pursuant thereto.
  - B. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
  - C. To grant Conditional Use Permits for the use of land, buildings, or other structures; such condition, among other things, may require certain acts or forbearance of the applicant, or may be otherwise so conditioned as to secure observance and conformity to the letter or spirit of the Zoning Resolution.
  - D. To grant and exception in the following instances:
    - 1. Grant variances or interpret provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompany and made a part of this Resolution were the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
    - 2. Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities or where such regulation would impose an unreasonable hardship on the use of the lot, as contrasted with merely granting an advantage or a convenience.
    - 3. Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of a multiple dwelling.
    - 4. Permit a variation in the yard requirements of any districts where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to

an irregular shape of a lot, topographical or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare. (6/1959)

- 9.04 In exercising the above mentioned powers said Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may 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 all powers of the officer from whom the appeal is taken. (6/1959)
- 9.05 The Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. 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. The chairman, or in his absence the acting chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote shall indicate such fact. The Board of Zoning Appeals shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and be a public record. (6/1955)
- 9.06 Three (3) or more of members of the Board of Zoning Appeals at a meeting shall constitute a quorum, and the affirmative vote of three (3) or more members is required for a decision. (6/1959)
- 9.07 Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing, with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a Notice of Appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. (6/1959)
- 9.08 The party appealing to the Board of Zoning Appeals shall deposit with the Clerk of the Board a fee in accordance with a fee schedule adopted and made a part of this Resolution. If a verbatim record is desired by appellant, he shall furnish the court reporter and bear the expense of typing said report. (4/13/1982)
- 9.09 The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties of interest, file notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing any person may appear in person or by attorney. Any person adversely affected by decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Lake County on the grounds that such decision is unreasonable or unlawful. (6/1959)
- 9.10 A. The "parties of interest" who shall be notified of the hearing on appeal to the Board of Zoning Appeals shall include:
1. The applicant for the Zoning Permits,
  2. The person aggrieved who appealed to the Board,
  3. All owners of the property within, contiguous to, and directly across street from the premises to which the application for a Zoning Permit relates, and
  4. Such other individual or individuals as the Board shall determine.

- B. The notice to parties of interest herein required shall be satisfied by one (1) publication in a newspaper of general circulation in the county, and by personally delivering or sending by regular mail a notice to all owners of the property within, contiguous to, and directly across the street from such premises as such owners appear on the county auditor's current tax list or the treasurer's mailing list. The notice shall give the name of the appellant, the name of the owner of the premises involved, the road on which the premises are located, and time and place of hearing of the appeal. No decision of the Board of Zoning Appeals shall be invalidated if the required newspaper notice was duly given. (12/30/1988)

**SECTION X – ZONING INSPECTOR**

- 10.01 The position of Township Zoning Inspector is hereby created. The Zoning Inspector shall be appointed by the Board of Township Trustees and shall receive such compensation as the Township Trustees shall provide. (4/13/1982; Amended 7/16/2010)
- 10.02 It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law. (4/13/1982)
- 10.03 The Township Zoning Inspector shall:
- A. Upon application, issue Zoning Permits in appropriate cases where there has been compliance with the provisions of this Zoning Resolution.
  - B. Issue Certificates of Zoning Compliance upon inspection and determination that the use of a structure and/or land conforms to the approved plan and use filed with the Zoning Inspector, upon which a Zoning Permit was issued.
  - C. Maintain records of all applications for Zoning Permits, Certificates of Zoning Compliance, Applications for Appeal or Variance, Applications for Zoning Amendments, Application for Site Plan Review and Design Review, and Conditional Use Permits and the action taken thereon. The Zoning Inspector shall also allow for the public inspection of all official zoning records and provide copies upon request to any person.
  - D. Conduct routine inspection of the Township to identify zoning violations, and monitor the progress of construction projects to verify on-site compliance with zoning regulations.
  - E. Upon finding that any of the provisions of this Resolution are being violated, notify in writing the person responsible for such violation, ordering the action necessary to correct such violation, and keep an accurate record of the zoning enforcement procedures conducted for the violation.
  - F. Order discontinuance or removal of illegal uses of land, buildings or structures.
  - G. Maintain in current status the Zoning District Map, which shall be kept on permanent display in the Township.
  - H. Respond to questions and accept applications for appeals or variances, applications for amendments to the Zoning Resolution and Zoning District Map, conditional use permit applications, and applications for site plan review and/or design review.
  - I. Take any other action authorized by this Resolution or designated by the Township Trustees to ensure compliance with or to prevent violation of this Resolution.  
(4/13/1982; Amended 7/16/2010)
- 10.04 The Zoning Inspector may recommend to the Township Zoning Commission and the Board of Township Trustees amendments to the Zoning Resolution or Zoning Map, whenever public necessity or good zoning practices require such changes to be made. The formal initiation of zoning amendments shall be made in conformance with the procedures outlined in Section VIII of the Zoning Resolution. (4/13/1982; Amended 7/16/2010)
- 10.05 The Zoning Inspector is authorized to make inspections of properties and structures at any reasonable hour, for the purposes of enforcing this Resolution. Prior to entry to any property or structure, the Zoning Inspector shall attempt to obtain the permission of the owner/occupant, or

designated agent, to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor or Township Legal Advisor to secure a valid search warrant or other legal means prior to entry. (6/59; Amended 7/16/2010)

## SECTION XI – ZONING PERMIT

11.01 Zoning Permit Required	11.06 Expiration
11.02 Site Plan Review Required	11.07 Revocation
11.03 Permit Required Prior to Construction	11.08 Zoning Permit Not Required
11.04 Zoning Permit Review Procedure	11.09 Certificate of Zoning Compliance
11.05 Review Criteria	

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### 11.01 Zoning Permit Required

A Zoning Permit shall be required for any of the following: (Amended 6/15/2007; or as otherwise noted)

- A. Construction or structural alteration of any building or structure including, but not limited to, dwellings, commercial, industrial or institutional buildings; and accessory buildings;
- B. Change of use of an existing building, accessory building, or lot;
- C. Change in occupancy of a non-residential building or unit within a non-residential building; (Amended 9/3/2010, 3/9/2018, 7/5/2019)
- D. Any change of a nonconforming use to a different use, conforming or non-conforming, or the expansion or extension of a nonconforming use; (6/1959)
- E. Decks and porches; (7/16/2004)
- F. Fences;
- G. Retaining walls that require a building permit from the Lake County Building Department; (3/9/2018)
- H. Permanent and temporary signs, unless exempted in Section 30.14;
- I. Swimming pools;
- J. Other yard structures including but not limited to gazebos, and pavilions;
- K. Any multi-family development or non-residential development proposing to increase the amount of parking or otherwise alter the existing parking area; or (7/16/2004; Amended 3/9/2018)
- L. Any other structure or use not listed as determined by the Zoning Inspector or as otherwise required in this Resolution. (6/15/2007; Amended 3/9/2018)

### 11.02 Site Plan Review Required Prior to Issuance of a Zoning Permit (3/9/2018)

- A. Development that requires a zoning permit in the B-1, B-2, BX, GB, GH, THN, THC, RD-2, M, S, R-3, or C Districts or non-residential uses permitted in the Residential Use Districts



or the R-2, Planned Unit Development shall be subject to site plan review pursuant to Section XXXVI, Site Plan Review with the following exemptions that shall be reviewed by the Zoning Inspector through the zoning permit review process.

1. Tenant finishes and interior alterations;
2. Change in use or occupancy of an existing building;
3. Signage; and
4. Accessory buildings less than 1,500 square feet.

### **11.03 Permit Required Before Construction**

No construction, alteration, occupancy, use or change of use, as specified in this section, shall take place until a Zoning Permit has been issued by the Zoning Inspector. (6/1959)

### **11.04 Zoning Permit Review Procedure (3/9/2018)**

Written application for a Zoning Permit shall be made prior to submitting an application to the Lake County Building Department for a building permit.

- A. Step 1 – Application. The applicant shall submit the following to the Zoning Inspector:
  1. Zoning permit application, provided by the Township;
  2. A site plan (drawn to scale), construction plans, and specifications showing the size and the proposed location of the building, structure or use, and the location of adjacent buildings, structures, and roads, indicating setback distances and yards (6/17/1964); [See Concord Township Board of Trustees Resolution 1972-21 and 1976-11 for need of preparation by registered engineer or surveyor in certain cases.]
  3. Any other additional information as may be required by the Zoning Department to assure the fullest practicable presentation of the facts; and
  4. All required fees in accordance with a fee schedule adopted by the Township Trustees.
- B. Step 2 – Review. The Zoning Inspector shall review the application for conformance with the regulations in this Zoning Resolution.
- C. Step 3 – Decision.
  1. The Zoning Inspector shall review each completed application and either approve or disapprove the application within thirty (30) days of the application.
  2. If approved, the Zoning Inspector shall issue a zoning permit to the applicant. A copy of the application will be maintained for township records. A placard will also be issued and shall be posted at the property in a conspicuous place while the building, structure or use is being erected.
  3. If the Zoning Inspector disapproves an application, the inspector shall state in writing the reasons for the action taken.

4. If disapproved, the applicant may submit a revised application and site plan for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with Section IX, Board of Zoning Appeals.

#### **11.05 Review Criteria**

- A. All applications for a zoning permit shall demonstrate conformity with the regulations of this Zoning Resolution.
- B. No zoning permit shall be issued for a property that is in violation of any provision of this resolution until such violation is corrected or eliminated to the satisfaction of the Zoning Inspector unless said application is being made to bring the property into conformance with this Resolution. (3/9/2018)

#### **11.06 Expiration (3/9/2018)**

- A. A zoning permit shall expire one (1) year from the date of issuance unless construction, performance, or the change of use has commenced.
- B. A zoning permit shall expire two and one-half (2.5) years from the date of issuance unless construction or the change of use has been completed.
- C. Upon expiration of a zoning permit, a new zoning permit application, including all applicable fees, shall be required before construction or resumption of construction can begin.

#### **11.07 Revocation (3/9/2018)**

A zoning permit shall be automatically revoked if the actual use, construction or alteration does not conform to the terms of the application and permit granted thereon.

#### **11.08 Zoning Permit Not Required**

- A. A Zoning Permit shall not be required for a temporary removable structure as part of a construction project, nor for the construction of roads, sewers, service lines, pipe lines or driveways. For the purposes of this provision, such temporary removable structures shall be located on the same lot or site that is under construction, or adjacent to the site and under the same ownership, or shall be contiguous to a road, sewer or other utility under construction. (6/59; Amended 8/31/2012)
- B. A Zoning Permit shall not be required for agricultural buildings which are exempt from such permits according to the Ohio Revised Code. (Amended 3/9/2018)

#### **11.09 Certificate of Zoning Compliance**

A certificate of zoning compliance is required as set forth in Section XII of this Resolution. (3/9/2018)

**SECTION XII –CERTIFICATE OF ZONING COMPLIANCE**

- 12.01 In any district it shall be unlawful to use or permit the use of any building or premises, or both or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance has been issued therefore by the Zoning Inspector. (4/9/1979; Amended 6/24/1982; Amended 7/16/2010)
- 12.02 A Certificate of Zoning Compliance shall be issued by the Zoning Inspector as hereinafter provided for after personal inspection and determination that the use of the structure and/or land conforms to the approved plans and the use filed with the Zoning Inspector, and upon which a Zoning Permit was issued. (4/9/1979; Amended 6/24/1982; Amended 7/16/2010)
- 12.03 A Certificate of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto and no other use, arrangement, or construction. Any use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution and punishable as provided in Section IV of this Resolution. (4/9/1979; Amended 6/24/1982; Amended 7/16/2010)
- 12.04 The Certificate of Zoning Compliance shall be provided by the Township on a form adopted by the Township Trustees at a regularly scheduled meeting. (4/7/1979; Amended 6/24/1982; Amended 7/16/2010)
- 12.05 Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Resolution and is punishable under Section IV of this Resolution. (4/7/1979; Amended 6/24/1982; Amended 7/16/2010)

### SECTION XIII - CONDITIONAL USE PERMIT

- 13.01 Conditional Use Definition
- 13.02 Conditional Use Permit Definition
- 13.03 Purpose
- 13.04 Contents of the Application For A Conditional Use Permit
- 13.05 General Standards Applicable To All Conditional Uses
- 13.06 Surface Extraction Of Sand, Gravel, Or Other Earth Materials
- 13.07 Residential Care Facilities, Nursing Homes, Homes for the Aging, and Hospice Care Facility
- 13.08 Child or Adult Day Care Center
- 13.09 Church/Place of Religious Worship
- 13.10 School
- 13.11 College/University
- 13.12 Library, Museum and Community Center
- 13.13 Arboretum and Camp
- 13.14 Community Parks and Playgrounds
- 13.15 Neighborhood Parks
- 13.16 Adult Group Homes
- 13.17 Drive-thru Facilities
- 13.18 Wireless Telecommunication Facilities
- 13.19 Research and Development Labs
- 13.20 Restaurant (counter service)
- 13.21 Garden or Nursery Retail Sales (non-wholesale)
- 13.22 Veterinary Service
- 13.23 Funeral Services
- 13.24 Bed and Breakfast
- 13.25 Gas Stations
- 13.26 Car Wash
- 13.27 Motor Vehicle Dealers (new/pre-owned), including recreational & motorcycle
- 13.28 Automotive Services (including instant oil change)
- 13.29 Construction and Equipment Sales and Rental
- 13.30 Meeting/Banquet Facilities, Clubs
- 13.31 Hospital
- 13.32 Outdoor Storage and/or Display in association with a permitted or conditional use
- 13.33 Outside Dining
- 13.34 Retail in association with a permitted or conditional use
- 13.35 Microbrewery/Microdistillery/Urban Winery
- 13.36 Innovative Site/PD

13.01 A CONDITIONAL USE is a specifically listed use provided for in this Zoning Resolution which is not otherwise permitted in any zoning district but which may be permitted by the Board of Zoning Appeals under conditions set forth in this Zoning Resolution in accordance with Section 519.14 of the Revised Code of Ohio. (3/23/1976; Amended 5/20/2000)

13.02 A CONDITIONAL USE PERMIT is a permit granted by the Board of Zoning Appeals and issued by the Zoning Inspector for the use of land, buildings and other structures not otherwise permitted in any zoning district, under conditions and stipulations set forth in this Zoning Resolution.

A. In its consideration of an application for a Conditional Use Permit, the Board of Zoning Appeals

shall be governed by the rules of procedure prescribed by this Resolution, including Sections 9.04 through 9.10.

- B. The Conditional Use Permit issued pursuant to this Resolution shall be valid only to the applicant to whom the permit is issued and shall not be assigned or transferred unless such assignment or transfer has been approved by the Zoning Inspector.
- C. The Conditional Use Permit shall be deemed to authorize a particular conditional use or a specific parcel of land for which it was approved, and shall not be altered, expanded or modified in any respect except in accordance with the Conditional Use Permit approval procedures of this Resolution.
- D. The sections of this Resolution specified in Section 13.02 A above, shall apply to applications for Conditional Use Permits as well as to the procedures for applications for zoning appeals.

(All of Section 13.02 - 5/2/1982; Amended 6/15/2007)

- 13.03 PURPOSE: Certain types of principal uses are classified as conditional uses because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements, or potential for significant impact on a particular district. Consequently, the conditional use procedures call for a more flexible and equitable procedure for properly accommodating such activities in a community. The forces that influence decisions regarding the nature, magnitude and location of such land use activities are many and varied, depending on functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to a special, individual and limited zoning districts, it is important to provide controllable and reasonably flexible requirements for certain kinds of uses that will allow practical latitude for the investor, but that will, at the same time, maintain adequate provisions for the health, safety, convenience and general welfare of the Township's residents. (3/23/1976; Amended 5/20/2000)
- 13.04 CONTENTS OF THE APPLICATION FOR A CONDITIONAL USE PERMIT: An application for a Conditional Use Permit shall be filed with the Secretary of the Board of Zoning Appeals in accordance with procedures set forth in Section 519.15 of the Revised Code of Ohio and on forms provided by the Zoning Inspector by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information: (3/23/1976; Amended 5/20/2000)
- A. Name, address and telephone number(s) of the applicant.
  - B. Legal description of the property and the name of the owner(s) of record.
  - C. Description of existing use.
  - D. Zoning district classification.
  - E. Description of proposed conditional use.
  - F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and internal traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
  - G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general

compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

(All of Section 13.04 - 3/23/1976 except as noted)

- 13.05 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES: In addition to the specific requirements for conditionally permitted uses, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:
- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township Comprehensive Plan and/or the Zoning Resolution.
  - B. 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.
  - C. Will not be hazardous or disturbing to neighboring uses.
  - D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
  - E. 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 community.
  - F. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be hazardous to the general welfare of the community.
  - G. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation. (6/15/2007)
  - H. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards or congestion. (6/15/2007)
  - I. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.
  - J. Will not be detrimental to or endanger the public health, safety or general welfare. (5/20/2000)
  - K. Will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood. (5/20/2000)
  - L. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. (5/20/2000)

(All of Section 13.05 - 3/23/1976 except as noted)

- 13.06 SURFACE EXTRACTION OF SAND, GRAVEL, OR OTHER EARTH MATERIALS: Surface extraction of sand, gravel or other earth materials may be permitted only under a Conditional Use Permit considering the effect upon the surrounding land. Such extraction shall not be permitted by right. Such conditional use may be permitted under specific conditions and stipulations in any district or may be prohibited by the Board of Zoning Appeals after making a determination for conformance

with the following procedures and standards requirements:

- A. That said area proposed for extraction under this section shall comprise no less than fifty (50) contiguous acres.
- B. That this section does not apply to county subdivision regulations, excavation of basements or the construction of oil, water and gas wells in conjunction with structures otherwise permitted by this Resolution.
- C. That this section applies to the removal of overburden for the purpose of determining the location, quality or quantity of a mineral deposit.
- D. That for purposes of enforcing this section an operator is defined as any person or corporation engaged in surface mining or who removes or intends to remove sand, gravel, earth materials, minerals, incidental coal or overburden.
- E. That the permanent above ground structures shall conform as to location, size and appearance with the structures in the use district in which the extraction operation is located.
- F. That no sand, gravel or other earth materials shall be removed or extracted nearer than two hundred (200) feet of horizontal distance from any street or highway right-of-way, or from any R-1, R-2, R-3, R-4,, R-6 or R-8 district property lines. (Amended 12/17/1998; and 3/9/2018)
- G. That a green strip with a minimum depth of fifty (50) feet shall be planted with grass and landscaped with a year round vertical green combination of shrubs and trees so as to shield the extraction operation from any adjacent property. In the event that the terrain or other natural features serve the intended purpose of providing a visual screen year round, then no other planting screen and landscaping shall be required.
- H. That no sand, gravel or earth materials shall be removed or extracted nearer than fifty (50) feet of horizontal distance to any adjacent property lines in districts other than R-1, R-2, R-3, R-4,, R-6 and R-8. (Amended 12/17/1998; and 3/9/2018)
- I. That there shall be no processing or manufacturing of such sand, gravel and earth materials on the premises.
- J. That the area to be excavated shall be planted after the excavation has been completed with sufficient cover of grass, trees or shrubs to cover the land and prevent erosion.
- K. That the applicant for a Conditional Use Permit to extract sand, gravel or other earth materials shall file with the Board of Zoning Appeals, along with the Application for Conditional Use Permit, detailed plans and maps prepared by a registered engineer or surveyor which clearly show the following:
  - 1. The total property of which the excavated area is a part.
  - 2. The owner of the property as shown on the recorded plat.
  - 3. The location and owners of record of all properties within five hundred (500) feet of the applicant property. Names and location of roads and natural features within five hundred (500) feet of the applicant property.
  - 4. A geological survey to show that the depth of excavation will not unreasonably disturb the existing water table or drainage area of the land to be affected and adjacent lands within five hundred (500) feet of the applicant property.

5. The proposed final topography of the land after excavation has been completed, indicated by contour lines of no greater interval than two (2) feet, on a map with a scale of one inch equals two hundred feet.
  6. The drainage plan on, above, below, and away from the area of land to be affected, indicating the directional flow of water, constructed drainways, natural waterways used for drainage and the streams or tributaries receiving or to receive this drainage.
  7. A plan for reclamation showing the grass, both in amount and type, trees and shrubs and other ground cover to be planted in the excavated area.
  8. The dates that the land or any portion thereof will be restored in accordance with the plans submitted.
  9. The depth of such excavation below the natural grade.
  10. The amount of material to be removed in each phase and over the total duration of the operation.
  11. A work schedule setting forth the proposed time limits within which the operation will be commenced and completed, showing the daily hours of operation, proposed haul roads if over-the-road vehicles are employed, methods of traffic control, methods of maintenance to insure that public right-of-ways are kept undisturbed, clean and safe along or in the vicinity of the proposed haul roads from or to the land involved.
- L. The applicant for such a permit shall also file with the Zoning Inspector a bond payable to the Concord Township Trustees with sureties approved by the Trustees in the amount of one thousand (1,000) dollars per acre of any portion thereof of the land to be excavated and conditioned upon the applicant faithfully restoring the land to be excavated as the contour map submitted with the application indicates, and upon the applicant providing the drainage shown upon the map submitted with the application and upon the applicant planting grass, trees and shrubs as shown on the plan submitted with the application.

On each annual anniversary of the issuance of the Conditional Use Permit and the filing of the bond required herein and when the land has been restored in accordance with the application and plans, the permit holder shall file with the Zoning Inspector a report showing the amount of sand, gravel or other earth material removed and the depth and extent of the excavation. Such report shall further set forth that portion of the land that has been restored in accordance with the approved plan submitted with the application for the Conditional Use Permit. At such time as the Zoning Inspector finds that the land has been restored in accordance with the approved plan, submitted with the application for a permit, he shall recommend to the Trustees the release of the bond for each acre or portion thereof so restored.

The Township Trustees shall release the bond for each acre or portion thereof so restored.

- M. In the event that the land is not restored in accordance with the approved plans as determined by the Zoning Inspector, at the time stated in the permit or any extension thereof granted by the Board of Zoning Appeals for good cause shown, or if the applicant fails to file the annual report required in paragraph L. above, or if the applicant deviated from the plan approved by, or the conditions stipulated by the Board of Zoning Appeals, the Board of Township Trustees shall declare the conditions of the bond forfeited and proceed to cause the land to be restored in accordance with the approved plan submitted by the applicant charging such cost to the bond. In the event the cost of restoring the land under the conditions of this paragraph



exceeds the bond covering such restoration the additional cost shall be charged as a lien against the property.

- N. The Board of Zoning Appeals, in addition to the other powers granted to it by this Resolution, shall have the authority to allow the permanent impounding of water in such an excavation upon a finding that such a pond or lake will not be a health danger or safety hazard, and as a condition to allowing such a pond or lake may require that it be fenced or otherwise protected so that it will not become a nuisance.

(All of Section 13.06 - 3/23/1976 except as noted)

13.07 RESIDENTIAL CARE FACILITY, NURSING HOME, HOME FOR THE AGING, OR HOSPICE CARE FACILITY (as defined in the Ohio Revised Code) shall be permitted in an R-1 Residential District, an R-4 Residential District, a B-1, Restricted Retail District, B-2, General Business District, GH, Gateway Health District, or a THN, Town Hall Neighborhood District when granted as a Conditional Use subject to the following conditions: (Amended 6/19/2009; 2/15/2013)

- A. Land Requirements: A residential care facility, nursing home, home for the aging and/or hospice care facility shall be located on a parcel of land with the following minimum requirements: (Amended 6/19/2009)
1. R-1, Residential District: A parcel of at least five (5) acres in area and having a minimum of two hundred and fifty (250) feet of frontage on the right-of-way sideline of a dedicated road.
  2. R-4, Residential District: A parcel of at least ten (10) acres in area and having at least three hundred (300) feet of frontage on the right-of-way sideline of a dedicated road. (Amended 6/19/2009)
  3. B-1, Restricted Retail District; B-2, General Business District; GH, Gateway Health District; and THN, Town Hall Neighborhood District: A parcel of at least three (3) acres in area and having at least two hundred (200) feet of frontage on the right-of-way sideline of a dedicated road. (Amended 6/19/2009; 2/15/2013)
- B. Total Gross Floor Area: A residential care facility, nursing home, home for the aging and/or hospice care facility development shall not exceed the following maximum total gross floor area: (Amended 6/19/2009)
1. R-1, Residential District: Based on the following Calculation:  
Begin with the total acreage of the parcel. Then subtract one-half ( $\frac{1}{2}$ ) of the portion of the acreage determined to be Sensitive Lands as defined in this section from the total acreage of the parcel. The remaining acreage is then multiplied by 1.75 (the approximate number of homes that could be built per acre under the R-1 district guidelines). This multiplication results in the approximate total number of homes that could have been built on the site. The approximate total number of homes that could have been built is then multiplied by 3,000 (the approximate square footage of a new home, including garage) to determine the maximum gross square footage of a residential care facility, nursing home and/or home for the aging, or hospice care facility that could be built on the site. (Amended 6/19/2009)  
[Total Acreage -  $\frac{1}{2}$ /Acreage of Sensitive Lands x 1.75 x 3,000 = square footage that may be built]
  - a. For the purposes of this Section, "Sensitive Lands" shall be defined as follows:
    - i. Delineated wetlands;

- ii. Areas within the one-hundred (100) year flood plain;
  - iii. Gosport Soils.
- 2. R-4, Residential District: Based on the following Calculation:
 

Begin with the total acreage of the parcel. Then subtract one-half ( $\frac{1}{2}$ ) of the portion of the acreage determined to be Sensitive Lands as defined in this section from the total acreage of the parcel. The remaining acreage is then multiplied by 0.75 (the approximate number of homes that could be built per acre under the R-4 district guidelines). This multiplication results in the approximate total number of homes that could have been built on the site. The approximate total number of homes that could have been built is then multiplied by 3,000 (the approximate square footage of a new home, including garage) to determine the maximum gross square footage of a residential care facility, nursing home and/or home for the aging or hospice care facility that could be built on the site. (Amended 6/19/2009)

[Total Acreage -  $\frac{1}{2}$ /Acreage of Sensitive Lands x 0.75 x 3,000 = square footage that may be built]

  - a. For the purposes of this Section, "Sensitive Lands" shall be defined as follows: (Amended 6/19/2009)
    - i. Delineated wetlands;
    - ii. Areas within the one-hundred (100) year flood plain;
    - iii. Gosport Soils.
- 3. B-1, Restricted Retail District; B-2, General Business District; GH, Gateway Health District; and THN, Town Hall Neighborhood District: Shall not exceed thirty percent (30%) of the total lot area. (Amended 6/19/2009; 2/15/2013)
- C. Setbacks from Public Right-of-Way: No building or portion of a building shall be located closer to the right-of-way sideline of a dedicated road than the following: (6/19/2009)
  - 1. R-1 and R-4 Residential Districts: Sixty (60) feet. (6/19/2009)
  - 2. B-1, Restricted Retail District; B-2, General Business District; GH, Gateway Health District; and THN, Town Hall Neighborhood District: In compliance with the minimum front building setback established for the corresponding district, as set forth in Sect. 22.04. (6/19/2009; 2/15/2013)
- D. Setbacks from Adjoining Property Lines: No building or portion of a building shall be located closer to an adjoining property line than the following:
  - 1. R-1, Residential District: Sixty (60) feet from an adjoining property line.
  - 2. R-4, Residential District: Sixty (60) feet from an adjoining property line. (Amended 6/19/2009)
  - 3. B-1, Restricted Retail District; B-2, General Business District; GH, Gateway Health District; and THN, Town Hall Neighborhood District: Thirty (30) feet from an adjoining property line, except when abutting any residential district in which case no building shall be closer than fifty (50) feet to an abutting property line. (Amended 6/19/2009; 2/15/2013)
- E. Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood in order to lessen the impact on the residential neighborhood.
- F. All exterior lighting shall be directed toward the interior of the lot so as to minimize light

emission onto neighboring properties.

- G. All refuse areas shall be enclosed.
  - H. All signs shall conform to the zoning requirements for the district in which they are located in accordance with Section XXX of this Resolution.
  - I. Parking: Off-street parking shall comply with the standards in Section XXIX, except as specifically modified below. (Amended 3/9/2018)
    - 1. Parking Setbacks:
      - a. R-1, Residential District: No parking area shall be located closer than sixty (60) feet to an abutting property line.
      - b. R-4, Residential District: No parking area shall be located closer than sixty (60) feet to an abutting property line.
      - c. B-1, Restricted Retail District; B-2, General Business District; GH, Gateway Health District; and THN, Town Hall Neighborhood District: No parking area shall be located closer than ten (10) feet to an abutting side property line and twenty-five (25) feet from the rear property line, except when abutting any residential district in which case no parking area shall be closer than fifty (50) feet to an abutting property line. (Amended 6/19/2009; 2/15/2013)
      - d. No parking area in an R-1, R-4, B-1, B-2, GH or THN District shall be closer than twenty-five (25) feet to any public road right-of-way sideline. (Amended 6/19/2009; 2/15/2013)
  - J. No access drive shall be closer than ten (10) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways. (Amended 2/15/2013)
  - K. If not specifically addressed in this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.
  - L. Landscaping and Buffering: A residential care facility, nursing home, home for the aging, or hospice care facility shall provide landscaping in accordance with the Landscaping and Screening Requirements set forth in Section XXXVIII of the Zoning Resolution. (Amended 6/19/2009)
  - M. Safety/Inspection: (Amended 2/15/2013)
    - 1. A Residential Care Facility, Nursing Home, Home for the Aging or Hospice Care Facility shall comply with the requirements of the BOCA, National Fire Prevention Code and any amendments thereto and all other applicable safety codes. (Amended 6/19/2009)
    - 2. Inspection, for the purpose of fire safety, shall be conducted by the Concord Township Fire Department prior to occupancy by residents and periodic, unannounced inspections shall be conducted a minimum of one (1) time per year thereafter.
    - 3. Owners shall display proof of such inspection and compliance in a conspicuous place.
- (All of Section 13.07 - 12/15/2001, except as noted)

- 13.08 CHILD OR ADULT DAY CARE CENTER: A child day care center for seven (7) or more children or an adult day care shall be permitted in a B-1, Restricted Retail District; GB, Gateway Business District; GH, Gateway Health District; BX, Business Interchange District; B-2, General Business District; M, Manufacturing District; THC, Town Hall Commons District; THN, Town Hall Neighborhood District; RD-2, Research and Limited Industrial District; and C, Capital District when granted a Conditional

Use Permit as provided in Section 13.02 of this Resolution. The intent is to provide the community with an adequate supply of quality day care in a safe environment with minimal impact on adjoining properties. (4/21/1994; Amended 6/15/2007, 6/19/2009 & 1/6/2012; 2/15/2013; 2/6/2015)

A. General requirements:

1. The proposed child day care center shall secure a license to operate in accordance with Chapter 5104 of the Ohio Revised Code. Evidence of such license shall be presented to the Board of Zoning Appeals.
2. Lot size shall be a minimum of one (1) acre of land or the minimum lot size established for the corresponding district, whichever is greater. (Amended 1/6/2012)

B. Safety/inspections: (Amended 1/6/2012)

1. Child or adult day care centers shall comply with the requirements of the Council of American Building Officials (CABO) Code, the National Fire Prevention Association (NFPA) Code and all other applicable safety codes.
2. For the purpose of safety, the Concord Township Fire Department shall conduct an inspection prior to the initial operation of the child or adult day care center and semiannually there-after, or as deemed necessary by the Concord Township Fire Chief. All child and adult day care centers may also be subject to inspection by the State Fire Marshall's Office.
3. Where applicable, a food service license shall be obtained.
4. Owners shall display proof of such licenses, inspection and compliance in a conspicuous place.
5. A floor plan designating present location, exits and evacuation routes shall be posted in conspicuous places within the child or adult day care center.

C. Signs shall conform to the requirements of Section XXX of this Resolution.

D. Off-street parking shall comply with the requirements of Section XXIX of this Resolution. (4/21/1994; Amended 6/2/2001 and 6/15/2007; and 3/9/2018)

E. Vehicles used to transport clients on fieldtrips or similar activities shall be permitted to park overnight at the center, in compliance with the parking setbacks. (3/9/2018)

F. The location and design of the facility shall provide for the protection of the children and adults from the traffic, noise, and other hazards of the area and/or the arterial street location. (6/15/2007; Amended 1/6/2012)

G. The required outdoor activity area shall not be located closer than twenty (20) feet to any residential property. (6/15/2007)

H. All outdoor activity areas for child or adult day care centers shall be adequately enclosed by a fence at a height approved by the Board of Zoning Appeals. An entry gate shall be securely fastened. Such fences shall comply with all other applicable fence requirements set forth in Section 38.10 of the Landscape and Screening Requirements. (6/15/2007; Amended 1/6/2012)

I. For adult day cares, an on-site drop-off/pick-up area that will not impede traffic on or off the site shall be provided at the main entrance to the facility to ensure the safety of the adults.

(Amended 1/6/2012)

- J. When child or adult day care centers are conditionally permitted as an accessory use, the building setback and lot requirements for the main or principal permitted use of the property shall prevail, but remain in compliance with all other applicable requirements of this Section. (6/19/2009; Amended 1/6/2012)

(All Section 13.08 - 4/21/1994, except as noted)

13.09 CHURCH/PLACE OF RELIGIOUS WORSHIP: A church/place of religious worship shall be conditionally permitted in an R-1, Residential, or R-4, Residential District, B-1 Restricted Retail District, GB Gateway Business District, THC Town Hall Commons District, BX, Business Interchange District, and C, Capital District subject to compliance with the following conditions: (5/20/2000; Amended 6/15/2007 & 6/19/2009; 2/6/2015)

- A. A church/place of worship shall be located on a parcel containing at least two (2) acres of land and having a minimum lot width of two hundred (200) feet at the building setback line. For churches proposed in the B-1, GB, THC, BX or C Districts, the minimum lot area and width requirements set forth in the district regulations shall apply. (5/20/2000; Amended 6/15/2007 & 6/19/2009; 2/6/2015)
- B. Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood in order to lessen the impact on the residential neighborhood.
- C. No building or portion of a building shall be located closer than fifty (50) feet from any abutting property line or public right-of-way sideline. (Amended 6/19/2009)
- D. No parking area shall be located closer than fifty (50) feet from an abutting property line and twenty-five (25) feet to any public road right-of-way sideline. Parking areas shall also be screened in accordance with the Landscaping and Screening Requirements set forth in Section XXXVIII. (5/20/2000; Amended 6/15/2007 & 6/19/2009)
- E. No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
- F. All exterior lighting shall be directed toward the interior of the lot on which such use is proposed so as to minimize light emission onto neighboring properties. For churches proposed in the B-1, GB, THC, or BX Districts, the lighting requirements set forth in the district regulations shall apply. (5/20/2000; Amended 6/15/2007 & 6/19/2009)
- G. All refuse areas shall be enclosed. For churches proposed in the B-1, GB or BX Districts, the trash receptacle area requirements set forth in the district regulations shall apply. (5/20/2000; Amended 6/15/2007)
- H. All play areas shall be enclosed by a fence at least four (4) feet in height and shall have controlled access.
- I. No church/place of worship shall provide for boarding or lodging of any type except that a rectory, parsonage and/or convent may be located on the same site.
- J. If not specifically addressed within this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.

- K. A child day care center shall be permitted as an accessory use and in compliance with any applicable regulations set forth under Section 13.08. (6/15/2007)
- L. A food bank shall be permitted as an accessory use. (6/15/2007)

(All of Section 13.09 - 5/20/2000 except as noted)

13.10 SCHOOL: A school shall be permitted in an R-1, Residential or R-4, Residential District and THC, Town Hall Commons District subject to compliance with the following conditions: (Amended 6/19/2009)

- A. A school shall be located on a parcel containing at least five (5) acres of land and a minimum lot width of three hundred (300) feet at the building setback line.
- B. Such uses shall be located on a major street or have direct access to a major street without having to go through a residential neighborhood in order to lessen the impact on the residential neighborhood.
- C. No building or portion of a building shall be located closer than fifty (50) feet from an abutting property line or public right-of-way sideline. (Amended 6/19/2009)
- D. No parking area shall be located closer than fifty (50) feet from an abutting property line and twenty-five (25) feet to any public road right-of-way sideline. Parking areas shall also be screened from abutting properties in accordance with the applicable Landscaping and Screening Requirements set forth in Section XXXVIII of this Resolution. (Amended 6/19/2009)
- E. No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
- F. All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.
- G. All refuse areas shall be enclosed.
- H. All play areas shall be enclosed by a fence at least four (4) feet in height and shall have controlled access.
- I. No school shall provide dormitory-type dwelling of a temporary or permanent nature. (5/20/2000; Amended 7/21/2001)
- J. If not specifically addressed within this Section, all buildings shall conform in all ways with the requirements of the zoning district in which they are located.

(All of Section 13.10 - 5/20/2000 except as noted)

13.11 COLLEGE/UNIVERSITY: A college/university shall be permitted in an R-1, Residential, or an R-4, Residential, district subject to compliance with the following conditions:

- A. A college/university shall be located on a parcel containing at least five (5) acres of land and having a minimum lot width of three hundred (300) feet at the building setback line. A college or university may also utilize space in a school in order to provide individual classes or individual programs off-campus.
- B. Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood in order to lessen the impact on the residential neighborhood.

- C. No building or portion of a building shall be closer than fifty (50) feet from any abutting property line.
- D. Off-street parking shall comply with the standards in Section XXIX, except as specifically modified below. (Amended 3/9/2018)
  - 1. No parking area shall be located closer than fifty (50) feet from an abutting property line.
  - 2. No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
- E. All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.
- F. All refuse areas shall be enclosed.
- G. All play areas shall be enclosed with a fence at least four (4) feet in height and shall have controlled access.
- H. No college/university shall provide dormitory dwelling of a temporary or permanent nature. (5/20/2000; Amended 7/21/2001)
- I. If not specifically addressed in this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.

(All of Section 13.11 - 5/20/2000 except as noted)

- 13.12 LIBRARY, MUSEUM AND COMMUNITY CENTER: A library, museum and/or community center shall be permitted in an R-1, Residential, and R-4, Residential Districts subject to compliance with the following conditions: (5/20/2000; Amended 6/15/2007)
- A. A library, museum, and/or community center shall be located on a parcel containing at least two (2) acres of land and having a minimum lot width of two hundred (200) feet at the building setback line.
  - B. Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood in order to lessen the impact on the residential neighborhood.
  - C. No building or portion of a building shall be closer than fifty (50) feet from any abutting property line.
  - D. Off-street parking shall comply with the standards in Section XXIX, except as specifically modified below. (Amended 3/9/2018)
    - 1. No parking area shall be located closer than fifty (50) feet from an abutting property line.
    - 2. No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
  - E. All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.
  - F. All refuse areas shall be enclosed.
  - G. All play areas shall be enclosed by a fence at least four (4) feet in height and shall have a controlled access point.

H. If not specifically addressed in this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.

(All of Section 13.12 - 5/20/2000 except as noted)

13.13 ARBORETUM AND CAMP: An arboretum or camp shall be permitted in an R-1, Residential, or an R-4, Residential district subject to compliance with the following conditions:

- A. No arboretum or camp shall be permitted on a parcel containing less than ten (10) acres of land and having a minimum lot width of five hundred (500) feet at the building setback line.
- B. Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood in order to lessen the impact on the residential neighborhood.
- C. No building or portion of a building shall be located closer than fifty (50) feet from any abutting property line.
- D. No parking area shall be located closer than fifty (50) feet from an abutting property line. Parking areas shall also be screened from abutting properties by a fence, mounding, planting or any combination thereof which provides for a year-round vertical screen at least four (4) feet in height as measured from the parking area surface. Parking areas and access drives shall be paved with an impervious material such as asphaltic concrete or asphalt.
- E. No access drive shall be located closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
- F. All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.
- G. All refuse areas shall be enclosed.
- H. If not specifically addressed in this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.
- I. All lodging and accommodations for a camp/campground shall be for temporary occupancy. (5/20/2000; Amended 7/21/2001)

(All of Section 13.13 – 5/20/2000 except as noted)

13.14 COMMUNITY PARKS AND PLAYGROUNDS: Community parks and playgrounds shall be permitted in an R-1, Residential, or an R-4, Residential, district subject to compliance with the following conditions:

- A. A community park or playground shall be located on a parcel containing at least five (5) acres of land and having a minimum lot width of three hundred (300) feet at the building setback line.
- B. No building or portion of a building shall be located closer than fifty (50) feet from any abutting property line.
- C. No parking area shall be located closer than fifty (50) feet from an abutting property line.
- D. No access drive shall be located closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
- E. All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.



- F. If not specifically addressed within this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.

(All of Section 13.14 - 5/20/2000 except as noted)

- 13.15 NEIGHBORHOOD PARKS: Neighborhood parks shall be permitted in an R-1, Residential, or an R-4, Residential, district subject to compliance with the following conditions:
- A. Neighborhood parks shall be located on a parcel having at least one quarter (1/4) acre of land and no more than one (1) acre of land. Neighborhood parks shall have a minimum lot width of at least seventy-five feet.
  - B. A neighborhood park shall have no parking areas.
  - C. A neighborhood park shall have no exterior lighting.
  - D. There shall be no building or structure in a neighborhood park.
  - E. Such neighborhood parks shall be low impact in nature.

(All of Section 13.15 - 5/20/2000 except as noted)

- 13.16 ADULT GROUP HOMES: Adult group homes shall be conditionally permitted in an R-1, Residential District; B-1, Restricted Retail District; OR B-2, General Business District and the R-4, Residential District subject to compliance with the following conditions:
- A. An Adult Group Home shall be located on a lot of at least one (1) acre in area in an R-1, Residential district; B-1, Restricted Retail district; or B-2, General Business District, and at least two (2) acres when located in an R-4, Residential district.
  - B. Signs shall conform with the provisions set forth in Section XXX of this Resolution. (Amended 3/9/2018)
  - C. Adult Group Homes shall maintain in all respects, the exterior appearance of a single-family home in the R-1, Residential district and the R-4, Residential district.
  - D. Adult Group Homes shall comply with all applicable licensing requirements, building code requirements, fire code requirements and health requirements.
  - E. If not specifically addressed in this Section, all buildings shall conform in all others ways to the requirements of the zoning district in which they are located.
  - F. Off-street parking areas shall be provided in accordance with Section XXIX of this Resolution. (Amended 3/9/2018)
  - G. All refuse areas shall be enclosed.
  - H. Safety/Inspection:
    1. An Adult Group Home shall comply with the requirements of the BOCA, National Fire Prevention Code and any amendments thereto and all other applicable safety codes.
    2. Inspection, for the purpose of fire safety, shall be conducted by the Concord Township Fire Department prior to occupancy by residents and periodic, unannounced inspections shall be conducted a minimum of one (1) time per year thereafter.
    3. Owners shall display proof of such inspection and compliance in a conspicuous place.

(All of Section 13.16 - 12/15/2001 except as noted)

- 13.17 DRIVE-THRU FACILITIES: Drive-thru lanes and all pertinent structures associated with a drive-thru facility including but not limited to speakers, windows, transaction sites, pneumatic tubes, lighting, cameras and overhangs shall be conditionally permitted in the BX, Business Interchange, GB, Gateway Business, and B-1, Restricted Retail in accordance with the following: (12/15/2001; Amended 6/15/2007; 2/6/2015)
- A. Shall only be permitted as accessory uses for the main uses of buildings and land as specified within the particular zoning classification or district.
  - B. All pertinent structures shall conform to all building setbacks as provided in the particular zoning classification or district in which it is to be located.
  - C. Drive-thru facilities shall provide the minimum number of waiting spaces as set forth in Section 29.09 of this Resolution. (Amended 3/9/2018)
  - D. Drive-thru facilities shall comply with the parking setback requirements set forth in Section XXIX, except in the R-2, Planned Unit Development District where such drive-thru facilities must be located a minimum of one hundred (100) feet from any dwelling unit located within the planned unit development. When such use abuts a residential district, landscaping and screening shall be provided in compliance with Section 38.09. (12/15/2001; Amended 6/15/2007)
  - E. Any lighting provided for a drive-thru facility shall comply with the lighting requirements set forth in Section 22.09 of the district regulations. (12/15/2001; Amended 6/15/2007)
  - F. Any speakers provided for a drive-thru facility should be set at a volume so as not to disturb abutting properties.
  - G. Drive-thru facilities shall be located on a lot so as to minimize interference with an establishment's pedestrian traffic and other parking areas.
  - H. Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses and on road traffic and to ensure compatibility with normal vehicular activity in the district. (6/15/2007)
  - I. Access drives shall be 200 feet from an intersection; one access drive per street frontage shall be permitted; and interconnecting circulation aisles between parcels shall be provided when practicable. (6/15/2007)
  - J. Such facilities should be located on a major street in an area least disruptive to pedestrian and vehicular traffic. (6/15/2007)
  - K. Waiting spaces for drive-through facilities shall not be the sole or primary site egress route. (6/15/2007; Amended 3/9/2018)
  - L. Waiting spaces shall not utilize parking or aisles required for access to parking. (6/15/2007; Amended 3/9/2018)
- (All of Section 13.17 - 12/15/2001 except as noted)

- 13.18 WIRELESS TELECOMMUNICATION FACILITIES: Wireless telecommunications facilities that include towers are not permitted in residential districts with the exception of placement on any property with an institutional use (e.g., church, park, library, municipal/government, hospital, school, utility) located in these districts, or within a multi-family dwelling district. However, antennae attached to

existing buildings or structures are permitted, as set forth herein. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone. Once those efforts have been exhausted, a wireless telecommunications facility may be located in a residential district subject to the following purposes, requirements or conditions:

A. Purpose: The purpose of this section is to regulate the placement, construction, and modification of towers and telecommunication facilities in areas zoned for residential use in order to protect health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the township. Specifically, the purposes of these regulations are:

1. To regulate the location of wireless telecommunication facilities in the township.
2. To protect residential areas and land uses from potential adverse impact of wireless telecommunications facilities.
3. To minimize adverse visual impact of wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
4. To promote and encourage collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support wireless telecommunications facilities.
6. To avoid potential damage to property caused by wireless telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined structurally unsound.
7. To ensure the wireless telecommunications facilities are compatible with surrounding land uses.

B. General Requirements:

1. Applications for a Conditional Use Permit shall be made to the Board of Zoning Appeals in accordance with the procedures outlined in Section 13.02 of this Resolution. All required information, as set forth in Section 13.04, shall be submitted at the time of application.
2. When the proposed wireless telecommunications facility is to include a new tower, a plot plan and supporting documentation shall be submitted in conformance with the following requirements:
  - a. The plot plan shall be at a scale no less than one inch equal to 100 feet;

- b. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated (if the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application);
  - c. A description of the design plan proposed by the applicant identifying the utilization of the most recent technological design as part of the design plan;
  - d. A landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.
  - e. The proposed location of the tower and equipment shelter, and all the buildings and uses within 300 feet of the proposed facility (aerials and/or renderings may augment the plot plan);
  - f. Information regarding the feasibility of collocation on an existing tower, or antenna support structure;
  - g. Information regarding the proposed service area for the facility and the necessity or demonstrated need for the proposed location. There shall be an explanation of why a tower at this proposal site is technically necessary;
  - h. A grid setting forth all wireless telecommunications antenna, towers and facilities, with the number of antennas on each, within a five mile radius of the proposed site, together with the name, address and telephone number of the owner/operator of the tower; and
  - i. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation (letter of intent) that the owner of the property will grant an easement or enter into a lease for the proposed facility and that the vehicular access is provided to the facility.
3. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Board of Zoning Appeals as a means of demonstrating the need for a new tower.
  4. A Conditional Use Permit must be approved by the Board of Zoning Appeals.
  5. After the 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. As a condition of issuance of the certificate, the Zoning Inspector shall require the

applicant and the owner of the property to certify that if construction is not commenced within the one hundred eighty (180) days or completed within one (1) year that the site will be available for another wireless telecommunications facility.

6. Security fencing of at least six (6) feet and no higher than eight (8) feet shall surround the tower, equipment shelter and any guy wires, either completely or individually as determined by the Board of Zoning Appeals. Barbed wire at the top of the fence is permitted.
7. The location of the tower and the equipment shelter shall comply with all natural resource protection standards set forth by the Zoning Resolution, including those for wetlands, floodplain and steep slopes, as applicable.
8. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
9. A buffer zone shall be established consisting of landscaping not less than fifteen (15) feet in depth between the wireless telecommunications facility and the public rights-of-way and any adjacent properties from which a direct view can be had. This buffer shall consist of a tight screen fence of evergreen hedge, or evergreen trees not less than six (6) feet in height, or of another year-round vegetative screen. This buffer zone shall be continually maintained and promptly restored, when necessary.
10. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
11. All towers shall be designed and certified by a registered design professional to withstand wind loads of 90 miles per hour with one-half (1/2) inch of icing and to accommodate at least two (2) providers.
12. No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. If lighting is required by FAA, white strobe lights shall not be permitted at night unless no other less bothersome, annoying, and disturbing alternative is permitted by the FAA. Security lighting around the equipment is permitted with a prior approval by the Board of Zoning Appeals.
13. Underground equipment shelters are encouraged and may be requested by the Board of Zoning Appeals.
14. The owner/operator of a wireless telecommunications facility shall notify the Fire Department whose jurisdiction the facility is located in by certified mail of the location and height of the proposed tower as a condition of issuance of a zoning certificate.
15. Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.

16. “No Trespassing” signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
  17. No advertising shall be permitted on the wireless telecommunications facility.
  18. Outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited (excluding the period of construction).
  19. All providers utilizing towers shall present a report to the township detailing when the use of the tower facility will be discontinued (including the date). If a facility goes unused for six (6) months, a designated township official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facilities owner/operator will then receive a notice instructing them to either reactivate the facility within six (6) months, or dismantle and remove the facility. If reactivation or dismantling does not occur, the township will remove or will contract to remove the facility and assess the owner/operator the costs.
  20. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
- C. Antenna Combined with a Nonresidential Use: An antenna may be attached to a nonresidential building or a structure that is a permitted use in the residential district; including, but not limited to, a church, a municipal or government building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:
1. The maximum height shall be 20 feet above the existing building or structure.
  2. If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:
    - a. The shelter shall comply with the minimum setback requirements for accessory buildings for the subject zoning district.
    - b. The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one, 750 total square feet.
    - c. A buffer zone shall be planted in accordance with Section 13.18 B. 9.
    - d. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation of the site’s principal use.
- D. Tower Located on a Multi-Family or Nonresidential Use Property: A tower to support an antenna may be constructed on a property zoned “R-3” for multi-family dwellings or with a nonresidential use that is a permitted use within the residential districts including, but not limited to, a church, hospital, school, municipal or government building, facility or structure, agricultural use and a utility use, subject to the following conditions:

1. The tower shall comply with the minimum setback requirements for the subject zoning district or use, except when abutting a single-family or two-family residential lot, in which case the minimum setback shall be 300 feet.
  2. Maximum height permitted:
    - a. Tower: 200 feet (including antenna)
    - b. Equipment Shelter: 20 feet
  3. The maximum size of the equipment shelter shall not exceed 300 square feet; if there is more than one, 750 total square feet.
  4. Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
  5. In order to locate a telecommunications facility on a property that is vacant or with an agricultural use, the tract shall be at least 2.5 acres.
  6. A buffer zone shall be planted in accordance with Section 13.18 B. 9.
- E. Located on a Residential Building: An antenna for a wireless telecommunications facility may be attached to a multi-family building in the R-3 District subject to the following conditions:
1. The maximum height shall be 20 feet above the existing building.
  2. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located in, or attached to, the building), the shelter shall comply with the following:
    - a. The shelter shall comply with the minimum setback requirements for accessory buildings for the subject zoning district.
    - b. The maximum size of the equipment shelter shall not exceed 300 square feet; if there is more than one, 750 total square feet.
    - c. A buffer zone shall be planted in accordance with Section 13.18 B. 9.
    - d. Vehicular access to the shelter shall, if at all possible, use the existing circulation system.
- F. Wireless Telecommunications Facility Located in Open Space: A wireless telecommunications facility is permitted on land that has been established as permanent open space or a park subject to the following conditions:

1. The open space shall be owned by the municipality, county, township, or state government, a homeowners association, charitable organization, or a private, non-profit organization.
  2. Maximum height permitted:
    - a. Tower: 200 feet (including antenna)
    - b. Equipment shelter: 20 feet
  3. The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one, 750 total square feet.
  4. The tower shall comply with the minimum setback requirements for the subject zoning district, except when abutting a single-family, duplex, or multi-family residential lot, in which case the minimum setback shall be 300 feet.
- G. Wireless telecommunication facilities proposed to be located in the B-1, GB, GH, THC, THN, B-2, B-X, M, RD-1, RD-2, or S Districts are excluded from the requirements set forth in Section 13.18. (Amended 2/15/2013)

(All of Section 13.18 - 12/17/2004, except as noted)

13.19 RESEARCH AND DEVELOPMENT LABS: Research and Development labs shall be conditionally permitted in the GB, Gateway Business District in compliance with the following:

- A. The proposed use shall have a lot area of not less than one acre.
- B. The proposed use shall have a street frontage of not less than 150 feet.

(All of Section 13.19 – 6/15/2007)

13.20 RESTAURANT (COUNTER SERVICE); RESTAURANT (TABLE SERVICE): Restaurant (Counter Service) shall be conditionally permitted in the BX, Business Interchange; GB, Gateway Business; GH, Gateway Health; B-1, Restricted Retail; THN, Town Hall Neighborhood; THC, Town Hall Commons; and C, Capital Districts. Restaurant (Table Service) shall be conditionally permitted in the THN, Town Hall Neighborhood and THC, Town Hall Commons Districts, both in compliance with the following: (Amended 6/19/2009; 2/15/2013; 2/6/2015)

- A. All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.
- B. The applicant shall demonstrate to the satisfaction of the Board of Zoning Appeals that the development will have minimal impact on traffic in adjacent residential districts.

(All of Section 13.20 – 6/15/2007, except as noted)

13.21 GARDEN OR NURSERY RETAIL SALES (NON-WHOLESALE): Garden or Nursery Retail sales (non-wholesale) shall be conditionally permitted in the BX, Business Interchange and B-1, Restricted Retail Districts in compliance with the following:



- A. Areas devoted to outdoor display shall comply with all building setbacks and yard regulations for the district in which they are located.
- B. The outdoor display area shall not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.
- C. Outdoor display areas shall be maintained in a neat and orderly fashion.

(All of Section 13.21 – 6/15/2007)

13.22 VETERINARY SERVICE: Veterinary Service shall be conditionally permitted in the BX, Business Interchange and B-1, Restricted Retail Districts in compliance with the following:

- A. There shall be no outside runs associated with the veterinary office.
- B. The boarding of animals shall be restricted to inside, short-term, overnight lodging only as necessary for animals receiving medical attention.
- C. Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.
- D. No animals shall be buried on the premises and incineration shall not create odors or smoke off the premises.

(All of Section 13.22 – 6/15/2007)

13.23 FUNERAL SERVICES: Funeral Services shall be conditionally permitted in the BX, Business Interchange, GB, Gateway Business and B-1, Restricted Retail Districts in compliance with the following:

- A. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking areas.
- B. Funeral service facilities shall not provide in-house cremation services.

(All of Section 13.23 – 6/15/2007)

13.24 BED AND BREAKFAST: Bed and Breakfast shall be conditionally permitted in the GB, Gateway Business, B-1, Restricted Retail, THC, Town Hall Commons, THN, Town Hall Neighborhood, and C, Capital Districts in compliance with the following: (Amended 6/19/2009; 2/6/2015)

- A. A maximum of eight (8) guestrooms shall be permitted and shall be located within the facility.
- B. Meals shall be provided only to guests taking lodging in the facility.
- C. Each guestroom should have direct access from within the room to a full bathroom containing a sink, toilet, and shower or bathtub.
- D. A floor plan designating present location, exits and evacuation routes shall be posted in conspicuous locations within the bed and breakfast.

(All of Section 13.24 – 6/15/2007 except as noted)

13.25 GAS STATIONS: Gas Stations shall be conditionally permitted in the GB, Gateway Business, B-1, Restricted Retail, and C, Capital Districts in compliance with the following: (Amended 2/6/2015)

- A. Fuel pumps may be erected in a front yard but not less than 50 feet from the public right-of-way, and any adjoining property line.
- B. Gasoline stations located on a corner lot shall have not less than 150 feet frontage on each of the two intersecting streets.
- C. Driveways to provide access to a gasoline pump, platforms and curbs shall be designed in accordance with regulations adopted by the Ohio Department of Transportation and the National Fire Protection Association.
- D. A canopy may be constructed over the pump island provided the canopy shall be no closer than 40 feet to the right-of-way, as measured from the perimeter of the roofline of the canopy.
- E. All activities provided at gasoline stations, except those required to be performed at a fuel pump, air dispenser, or self-serve automobile vacuum, shall be carried on entirely inside a building.
- F. On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per fronting street.
- G. The proposed use shall have a lot area of not less than one (1) acre.
- H. Such uses shall be located so as to front on at least one (1) street which is designed and used for major traffic movements within the Township.
- I. The Board of Zoning Appeals may limit the number of fuel pumps based on evaluation of site size, location, distance from residential uses, and traffic flow on, into and out of the site, traffic impacts within the surrounding area and any other relevant factors to the surrounding area. But, in no case shall there be less than four pumps.
- J. Off-street Parking areas shall be provided in accordance with Section XXIX of this Resolution. (Amended 3/9/2018)
- K. Waiting spaces shall be provided in accordance with Section 29.09 of this Resolution. (Amended 3/9/2018)
- L. Any accessory uses to the principal use must be reviewed and approved by the Board of Zoning Appeals prior to any construction or reconstruction related to such use.
- M. A loading space shall be provided on the site plan. (Amended 3/9/2018)

(All of Section 13.25 – 6/15/2007, except as noted)

- 13.26 CAR WASH: Car Washes shall be conditionally permitted in the BX, Business Interchange, GB, Gateway Business, B-1, Restricted Retail, and C, Capital Districts in compliance with the following: (6/15/2007, Amended 2/6/2015)
  - A. The area for the facility shall be located on the lot so as to utilize the maximum amount of the lot for the purpose of containing the waiting line of cars prior to the time the cars or other vehicles are actually serviced. (6/15/2007)
  - B. Off-street parking areas shall be provided in accordance with Section XXIX of this Resolution. (Amended 3/9/2018)
  - C. Waiting spaces shall be provided in accordance with Section 29.09 of this Resolution. (Amended 3/9/2018)
- 13.27 MOTOR VEHICLE DEALERS (NEW/PRE-OWNED), INCLUDING RECREATIONAL AND MOTORCYCLE DEALERS: Motor vehicle dealers (new/pre-owned), including recreational and motorcycle dealers shall be conditionally permitted in the BX, Business Interchange District in compliance with the

following:

- A. The display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks set forth in Section XXIX.
- B. All activities, including cleaning, servicing and repair shall be conducted within an enclosed building unless otherwise permitted by the Board of Zoning Appeals.
- C. The sale of pre-owned or used motor vehicles, including the display, offering for sale and dealing of pre-owned or used vehicles shall only be permitted as an accessory use to a new motor vehicle dealer, and such sale at retail, display, offering for sale and dealing of pre-owned or used vehicles shall be operated in conjunction with, on the same lot as, and under the same ownership and management of the new motor vehicle dealer.

(All of Section 13.27 – 6/15/2007)

13.28 AUTOMOTIVE SERVICES (INCLUDING INSTANT OIL CHANGE): Automotive Services (including instant oil change) shall be conditionally permitted in the GB, Gateway Business and B-1 Restricted Retail Districts in compliance with the following:

- A. All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere herein.
- B. The parking of employee vehicles and vehicles waiting to be serviced or returned to customers following service shall be parked in areas indicated for such parking on the approved site plan.
- C. Off-street parking areas shall be provided in accordance with Section XXIX of this Resolution. (Amended 3/9/2018)
- D. Waiting spaces shall be provided in accordance with Section 29.09 of this Resolution. (Amended 3/9/2018)

(All of Section 13.28 – 6/15/2007)

13.29 CONSTRUCTION AND EQUIPMENT SALES AND RENTAL: Construction and Equipment Sales and Rental shall be conditionally permitted in the B-X Business Interchange and B-2 General Business Districts in compliance with the following: (Amended 6/19/2009)

- A. Equipment storage areas shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
- B. The outdoor overnight parking and storage of any trucks and other equipment shall be enclosed by a wall or fence. Such fence shall comply with all applicable fence requirements set forth in Section 38.10 of the Landscape and Screening Requirements.
- C. Additional screening may be required by the Board of Zoning Appeals, if necessary, to adequately screen storage areas and materials from adjoining districts or public streets.
- D. Outdoor storage and display areas shall be prohibited in the front yard.
- E. Outdoor storage and display areas shall be maintained in a neat and orderly fashion.

(All of Section 13.29 – 6/15/2007 except as noted)

13.30 MEETING/ BANQUET FACILITIES, CLUBS: Meeting/Banquet Facilities and Clubs shall be conditionally permitted in the GB, Gateway Business and B-1, Restricted Retail Districts in

compliance with the following:

- A. The proposed use shall not generate excessive noise beyond the premises. In order to minimize the effects of noise, the Board of Zoning Appeals may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the district.
- B. The Board of Zoning Appeals may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.

(All of Section 13.30 – 6/15/2007)

13.31 HOSPITAL: Hospitals shall be conditionally permitted in the GB, Gateway Business District and GH, Gateway Health District in compliance with the following: (Amended 2/15/2013)

- A. Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street.
- B. Access drives shall be located no less than 100 feet from an intersection.
- C. Accessory uses, such as a pharmacy, gift shop, cafeteria and similar customarily related uses shall be allowed when conducted and entered from within the principal building.

(All of Section 13.31 – 6/15/2007, except as noted)

13.32 OUTDOOR STORAGE AND/OR DISPLAY IN ASSOCIATION WITH A PERMITTED OR CONDITIONAL USE: Outdoor storage and/or display in association with a permitted or conditional use shall be conditionally permitted in the RD-2, Research and Limited Industrial, BX, Business Interchange, GB, Gateway Business, GH, Gateway Health, B-1, Restricted Retail, and C, Capital Districts in compliance with the following: (Amended 2/15/2013; 2/6/2015)

- A. The outdoor storage of goods, supplies, equipment and vehicles used in the operation of the principal use shall comply with the following:
  - 1. Areas devoted to outdoor storage shall comply with all building setbacks and yard regulations for the district in which they are located, except as otherwise permitted for a specific use.
  - 2. The outdoor storage area shall not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.
  - 3. No signs shall be permitted in conjunction with outdoor storage areas except those otherwise in compliance with the sign regulations in Section XXX.
  - 4. Outdoor storage areas shall be maintained in a neat and orderly fashion.
  - 5. Any outdoor storage shall be directly related to the principal business conducted at that location.
  - 6. The outdoor storage of fleet vehicles associated with the operation of the principal use shall be located in a side or rear yard in compliance with the parking setbacks set forth in Section XXIX for the district in which it the lot is located.
- B. The outdoor display of goods for sale shall comply with the following:
  - 1. Areas devoted to outdoor display shall comply with all building setbacks and yard regulations for the district in which they are located, except as otherwise permitted for a

specific use.

2. The outdoor display area shall not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.
3. Outdoor display areas shall not cover more than 10 percent of the site area. This limitation shall not apply to motor vehicle dealers and automotive rental establishments.
4. No signs shall be permitted in conjunction with outdoor display areas except those otherwise in compliance with the sign regulations in Section XXX.
5. Outdoor display areas shall be maintained in a neat and orderly fashion.
6. The site plan submitted with an application for a conditional use permit shall indicate the types of merchandise to be displayed, and, if applicable, any seasonal changes of display.
7. Any outdoor display or sale of merchandise shall be directly related to the principal business conducted at that location.
8. No permanent outdoor display shall be permitted between the front wall of the principal building and the adjacent street.

(All of Section 13.32 – 6/15/2007, except as noted)

- 13.33 OUTSIDE DINING: Outside Dining shall be conditionally permitted in the BX Business Interchange, GB Gateway Business, B-1 Restricted Retail, THN Town Hall Neighborhood , THC Town Hall Commons, and C, Capital Districts in compliance with the following: (Amended 6/19/2009; 2/6/2015)
- A. All outdoor dining areas shall be contiguous to the principal building.
  - B. No outdoor dining areas shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.
  - C. No signs shall be permitted in conjunction with outdoor dining areas except those otherwise in compliance with the sign regulations in Section XXX.
  - D. The outdoor seating area shall be used in conjunction with, and under the same management and exclusive control of, the restaurant located on the same property.
  - E. The outdoor seating area shall not interfere with the public right-of-way.
  - F. One (1) parking space per 100 square feet of outdoor dining area shall be provided. (3/9/2018)
  - G. The proposed use shall not generate excessive noise beyond the premises. Speakers used in connection with outside dining areas should be set at a volume so as not to disturb abutting properties. In order to minimize any effects of the above, the Board of Zoning Appeals may impose additional noise reduction measures, including mounding, landscaping and sound barriers, to assure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district. (9/18/2009)
  - H. Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses. (9/18/2009)

(All of Section 13.33 – 6/15/2007 except as noted)

- 13.34 RETAIL IN ASSOCIATION WITH A PERMITTED OR CONDITIONAL USE shall be permitted in the RD-2, Research and Limited Industrial District and GH, Gateway Health District, provided the applicant establishes the retail to be an integral part of and accessory to the main use of the property and is

in compliance with the following: (Amended 2/15/2013)

- A. Such retail area shall be conducted and entered only from within the principal building.
- B. The floor area attributable to the retail area shall not exceed 25% of the total floor area of the principal building.
- C. Sufficient parking shall be provided to accommodate the retail space, in addition to the required parking for the principal use, in accordance with the space requirements outlined in Section XXIX of this Resolution.
- D. Signage proposed for the retail space shall conform to the applicable requirements set forth in Section XXX of this Resolution.
- E. Any other conditions that the Board of Zoning Appeals deems reasonable and necessary to carry out the purpose and intent of the RD-2 District.

(All of Section 13.34 - 1/6/2012, except as noted)

13.35 MICROBREWERY, MICRODISTILLERY, or URBAN WINERY shall be conditionally permitted in the C, Capital, B-1, Restricted Retail, GB, Gateway Business, or BX, Business Interchange District in compliance with the following: (Amended 3/9/2018)

- A. A microbrewery, microdistillery, or urban winery shall include a restaurant, bar, and/or tasting room associated with the microbrewery, microdistillery or urban winery located in the same building. The restaurant, bar, or tasting room shall constitute not less than twenty percent (20%) of the total floor area of the business.
- B. The application for a microbrewery, microdistillery, or urban winery shall include information addressing potential impacts at maximum production capacity of the use and impacts upon other uses in the area. Impacts to be addressed include, but are not limited to, truck traffic, odors, water demand, waste disposal, special events parking, and hours of all operations.

(All of Section 13.35 – 2/6/2015; Amended 3/9/2018)

13.36 INNOVATIVE SITE/PD shall be conditionally permitted in the C, Capital District in compliance with the following:

- A. Purpose. The Innovative Site/PD shall provide opportunities for owners of properties located within the C District to request site approval as planned developments. This shall be accomplished through design and review of creatively planned site developments which contribute to the objectives of the C District, to the value of the district and surrounding properties, and which include unique site features or values consistent with the standards below.
- B. Procedure. Any owner of property located within the C District may apply to the Board of Zoning Appeals for Innovative Site/PD as a conditional use. The applicant(s) shall submit the following information:
  1. A conditional use permit application as required at Section 13.04.
  2. A site plan as required in Section XXXVI.

3. Other documents and exhibits as necessary to describe the features of the proposed sites, use(s), or development and the manner in which they comply with the standards set below.
- C. Guidelines and Standards. In addition to the C District Standards set forth in Section 22.10, the following guidelines and standards shall be applied in designing an Innovative Site/PD and shall be used in the review of the site plan application in addition to the site plan requirements set forth in Section XXXVI. An Innovative Site/PD:
1. Shall contain a minimum of four (4) acres. Land shall be in one ownership, or if in several ownerships, the parcels shall be contiguous. The application shall be filed jointly by all owners of the contiguous parcels included in the proposed Innovative Site/PD.
  2. May include a mix of retail, service, office, and entertainment businesses together with complementary residential, cultural and civic uses as listed in the following table. Any conditionally permitted use proposed within the Innovative Site/PD at the time of application or after final site plan approval shall be reviewed by the Board of Zoning Appeals through the conditional use process set forth in section XIII.

<b>USE TABLE (Amended 7/5/2019)</b>	<b>Innovative Site/PD</b>
<b>Offices &amp; Professional Services</b>	
Urgent care/ medical clinic	P
Medical & dental office	P
Administrative, business & professional offices	P
<b>Retail &amp; Personal Services</b>	
Restaurant (table service)	P
Restaurant (counter service)	C
Retail establishments within an enclosed building	P
Personal services including but not limited to hair care, dry cleaning, shoe repair, photography studios, etc.	P
Bank, financial institutions	P
Bed and breakfast	C
Hotels/Motels	P
Business services including mailing and copy centers	P
Child or adult day care center	C
Microbrewery	C
Microdistillery	C

Entertainment/Recreation	
Membership sports/fitness club	P
Studios for instruction	P
Indoor commercial recreation	P
Theater	P
Meeting/banquet facilities, clubs	P
Community Facilities	
Library, museum	P
Community Center	P
Outdoor recreation	C
Church/place of worship	C
Government and Public Uses	P
Dwellings	
Row or Townhouse Dwelling	C
Dwelling units located above the first floor of commercial	C
Accessory Uses	
Outside dining	C
Drive thru facility in association with a permitted or conditional use	C
Child or adult day care	C
Restaurant/cafeteria or pharmacy in association with a permitted or conditional use when conducted and entered only from within the principal building	A
Meeting/banquet facilities (accessory)	A
Swimming pools, tennis courts (private)	A
Accessory Buildings	A
Off-street parking and loading areas	A
Fences, walls, decks, landscape features	A
Trash receptacles	A
Signs	A
Other permitted accessory uses as specified in Section 22.07.E.	A



<u>Notes to Table:</u>		
P=Permitted Uses	C=Conditional Use	A=Accessory Use

3. May promote a development which is unique in character as a result of a more compact, dense, and intensive form of development than is typical in Concord Township without harming the historic, existing community character;
4. Shall present a high quality of professionally-designed and coordinated buildings and/or public areas, pedestrian amenities, landscaping and other features.
5. May include one or more public spaces such as parks, plazas, and other community gathering areas developed with attractive amenities such as landscaping, water features, walking and seating amenities, and the like;
6. May create a location which is easily accessible by automobile but provides an environment attractive to, friendly for, and dominated by pedestrian activity;
7. Shall maximize the benefits of public investment in infrastructure, notably the extension of Capital Parkway and interconnection from Auburn Road to Crile Road through a new interchange at SR 44;
8. Shall contribute to increasing the Township’s non-residential tax base by creating a new, intensive and healthy business environment which attracts economic development through new investment or redevelopment;
9. May create the potential for unique housing opportunities located in the District, benefitting from and contributing to its diversity, viability and value.
10. Shall contribute to implementing the Town Center strategies set forth in the 2006 Auburn-Crile Business Corridor Study and the 2015 Comprehensive Plan Update. (Amended 7/5/2019)
11. Shall have no greater negative impacts on adjacent properties or public rights-of-way than a conventional development, shall not impede fire and police protection, and shall not compromise any other public interest, taking into account mitigating features or commitments included in the proposed development which may address such impacts.
12. May include flexible standards for building setbacks, or other features generally required in the District as outlined below:
  - a. Side and rear yard setbacks shall not be less than ten (10) feet.
  - b. Buildings on the same lot may be constructed with zero (0) foot separation where suitable provisions for access, safety, maintenance, and other functional considerations have been addressed.
  - c. Front setbacks may be reduced to five (5) feet where retail storefronts, restaurants, personal or business service uses, dwelling entries, and related uses abut public walkways in a comprehensively designed pedestrian-oriented environment.

- d. All other lot, yard, and building requirements not noted in this Section shall comply with the standards for the C District set forth in Table 22.04
13. Shall be consistent with the provisions of the Ohio Revised Code at 519.021 which states that, “the planned unit development shall further 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.”
- D. Standards for Dwellings within an Innovative Site/PD in the C District:
1. Housing may be proposed within an Innovative Site/PD when in conjunction with commercial uses allowed in Section 13.36(C)(2).
    - a. No more than thirty percent (30%) of the gross acreage of the Innovative Site/PD shall be used for dwellings.
    - b. When dwellings are proposed, the commercial structures shall be built first or concurrently with said dwellings.
    - c. Density shall not exceed six (6) dwelling units per acre on the allowed 30%, except when dwelling units are proposed to be located above commercial structures, in which case density may increase to eight (8) dwelling units per acre on the allowed thirty percent (30%). Said additional dwelling units shall be located above commercial structures.
    - d. Row or Townhouse Type Dwellings shall be attached in groups of three (3) to eight (8) dwelling units per building, with no other dwelling units located above or below, but may be located above one or two floors of commercial use. (Amended 7/5/2019)
  2. Housing shall be encouraged on sites which:
    - a. abut existing residential districts;
    - b. provide appropriate transitions between existing and proposed residential uses;
    - c. are located in functional proximity to amenities and surrounds which are supportive of the site as a residential location;
    - d. contribute to the viability of a redevelopment, that establishes a new use on a site together with a significant reinvestment in the site and its improvements;
    - e. do not dominate road frontages or major commercial facades; and
    - f. are located in the rear of deep lots which are less attractive for business use.
  3. The minimum floor area for a dwelling unit is 1,200 square feet. (7/5/2019)
  4. Every dwelling unit shall have a minimum of two (2) enclosed parking spaces. (7/5/2019)
  4. Where proposed housing abuts an existing residential district:
    - a. the proposed development shall provide and maintain buffering features (large

setbacks, landscaping, barriers, etc.) as required in Section 38.09; and

- b. the proposed development shall have direct access for the majority of its traffic to a major road and shall not impose significant traffic impacts on the abutting residential district.
5. Housing shall be developed and maintained with significant professionally designed open space for use by the residents which is a visually prominent feature of the development, accessible to all residents, high quality in design and construction, and includes facilities for outdoor seating and walking.

(All of Section 13.36 – 2/6/2015)

## SECTION XIV – USE DISTRICTS

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14.01 For the purpose of carrying out the provisions of this Resolution, the unincorporated area of Concord Township is hereby divided into the following use districts:

- R-1 Residential (7/13/1982)
- R-2 Planned Unit Development and Residential Conservation Development (11/12/1974, amended 12/4/2015)
- R-3 Residential (1/13/1986; Amended 6/18/1998, 12/4/2015)
- R-4 Residential (12/17/1998)
- R-6 Residential (4/2/1987)
- R-8 Rural Residential and Recreational District (3/20/1997)
- S Special Interchange (6/17/1964)
- B-1 Restricted Retail (6/17/1964)
- B-2 General Business (6/17/1964)
- GB Gateway Business (6/15/2007)
- GH Gateway Health (2/15/2013)
- BX Business Interchange (3/3/2001)
- THC Town Hall Commons (6/19/2009)
- THN Town Hall Neighborhood (6/19/2009)
- M Manufacturing (3/25/1963)
- RD-2 Research and Limited Industrial (9/10/1988)
- AP Airport District (3/3/2006)
- C Capital (2/6/2015)

14.02 The boundaries of designated districts are shown upon the Zoning Map attached to and made a part of this Resolution, which map and any amendments thereto are designed as the Zoning Map of Concord Township. (7/13/1982)

14.03 All streets, roads, and railroad right-of-way, if not otherwise specifically designated shall be deemed to be in the same zone as the property immediately abutting upon such street, road or railroad right-of-way. (12/4/2015)

**SECTION XV – RESIDENTIAL DISTRICTS**

15.01	Purposes.	Development Standards.
15.02	Use Regulations.	15.05 Minimum dwelling area.
15.03	Use Specific Standards.	15.06 Areas Zoned R-1, R-3, R-4, R-6, R-8
15.04	Area, Setback, and Other Site	

**15.01 PURPOSE.**

The R-1, Residential; R-3, Residential; R-4, Residential; R-6, Residential; and R-8, Rural Residential and Recreational Districts and their regulations are established in order to achieve, among others, the following:

- A. The purpose of the R-1 Residential District is to provide an area within the Township for housing and other compatible residential uses that are in close proximity to major state highways and interchanges of limited access highways, higher traffic roads, commercial concentrations and service areas, which are generally serviced by sanitary sewer and public water. Developments in this District tend to have a predominance of suburban residential character on gently rolling lands.
- B. The purpose of the R-3 Residential District is to provide for a limited amount of alternative housing types to the traditional single family dwellings in the Township. It is the intent of this District to allow for both multi-family and single family cluster dwellings in locations that meet the following criteria, in conformance with the Comprehensive Plan:
  - 1. As a transitional land use between areas currently zoned R-1 Residential and non-residential areas.
  - 2. In areas adjacent to major highways such as Interstate 90; and
  - 3. In locations that are currently zoned R-1 Residential and where low-density residential is not likely to develop because of locational or site conditions.

It is further intended that such Districts be located so as to minimize their impacts on existing low density residential developments, through the regulation of size, location and density of units and the application of appropriate landscaping and buffer areas, with adequate public services available to support the density.

- C. The purpose of the R-4 Residential District is to provide an area within the Township for housing and other compatible residential uses that are located further from major state highways and interchanges, situated on roads with lower traffic volumes, and generally located further from commercial areas. Areas tend to have a predominance of rural residential and agricultural character with significant areas of woodland, floodplain, and

steep slopes. Several of the Township's larger watercourses are located within the District, including the Grand River, Ellison Creek and Big Creek.

- D. The purpose of the R-6 Residential District is to preserve the green open areas which enhance the natural beauty existent in and inherent to the semi-rural residential character of Concord Township; to promote health, safety, comfort and general welfare while retaining and protecting the present favorable balance of the environment.
- E. The purpose of the R-8 Rural Residential and Recreational District is to permit the application of more recently developed planning techniques in the development of residential areas through the grouping of single family dwelling units to permit areas of land to be left open for more adaptive active and/or passive recreational use and to provide for the permanent preservation of areas of natural scenic beauty. The District promotes an orderly planned use of land while retaining the present favorable environmental balance through the protection and preservation of said land. Furthermore, the District creates a dual purpose for large parcels of land which can be associated with recreation facilities, and will allow the land to remain closer to its natural state, protect significant natural features and will effectively prevent land from over development.

#### **15.02 USE REGULATIONS.**

- A. Table of Uses Summary. Table 15.02-1 sets forth the uses allowed within all Residential zoning districts except for the R-2 District (See Section XVI of this resolution). The abbreviations used in the table are described as follows:
  - 1. Permitted Uses
    - a. A "P" in the cell indicates that a use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Resolution.
    - b. Permitted uses are approved administratively by the Zoning Inspector through the zoning certificate procedure (see Section XI Zoning Permit) unless otherwise indicated.
  - 2. Conditional Uses
    - a. A "C" in the cell indicates that a use may be permitted if approved through the conditional use review process (see Section XIII, Conditional Use Permit).
    - b. Conditional uses are reviewed by the Board of Zoning Appeals.
  - 3. Accessory Uses
    - a. An "A" in the cell indicates that a use is allowed by right in the respective zoning district.
    - b. Such uses shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use.

- c. Accessory uses, buildings or structures shall conform to the permit requirements in Section XI of the Zoning Resolution, unless specifically exempt.
- 4. Although a use may be indicated as a permitted, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all the standards and other regulations of this Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted use or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12.

<b>Table 15.02-1: Table of Uses</b>						
P = Permitted Use C = Conditional Use A = Accessory Use Blank Cell = Prohibited	<b>R-1</b>	<b>R-3</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>Use-Specific Standards See Section:</b>
<b>Residential Uses</b>						
Adult Family Home	P	P	P	P	P	
Adult Group Home	C		C			Section 13.16
Dwelling, Detached Single family	P		P	P	P	
Dwelling, Single family cluster		P				
Dwelling, Two-Family	P		P			
Dwelling, Multi-Family		P				
<b>Public and Institutional Uses</b>						
Arboretum	C		C			Section 13.13
Camp	C		C			Section 13.13
Church/place of worship	C		C			Section 13.09
Community center	C	C	C			Section 13.12
Community park, playground	C		C			Section 13.14
Golf course	P		P			
Government and Public Uses	P		P			
Home for the Aging	C		C			Section 13.07
Hospice Care Facility	C		C			Section 13.07

<b>Table 15.02-1: Table of Uses</b>						
P = Permitted Use C = Conditional Use A = Accessory Use Blank Cell = Prohibited	<b>R-1</b>	<b>R-3</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>Use-Specific Standards See Section:</b>
Library	C		C			Section 13.12
Museum	C		C			Section 13.12
Neighborhood park	C		C			Section 13.15
Nursing Home	C		C			Section 13.07
Residential Care Facility	C		C			Section 13.07
School, college, university	C		C			Section 13.10 and 13.11
<b>Accessory Uses</b>						
Accessory buildings including private garages, storage barns and sheds	A	A	A	A	A	Section 15.03(A)
Carport	A		A			Section 15.03(B)
Decks	A	A	A	A	A	Section 15.03(C)
Family Day Care Home, Type "B"	A	A	A	A	A	Section 15.03(D)
Fences	A	A	A	A	A	Section 15.03(E)
Gazebos or pavilions	A	A	A	A	A	Section 15.03(F)
Home Occupations	A	A	A	A	A	Section 15.03(G)
Other accessory structures not requiring a zoning permit	A	A	A	A	A	Section 15.03(H)
Off-street Parking	A	A	A	A	A	Section 15.03(I)
Signs	A	A	A	A	A	Section 15.03(J)
Swimming pools	A	A	A	A	A	Section 15.03(K)
<b>OTHER USES</b>						
Surface extraction of sand, gravel, or other earth materials	C		C			Section 13.06
(Amended 7/5/2019)						



**15.03 USE SPECIFIC STANDARDS.**

**A. General Requirements for Accessory Buildings.**

1. Shall not be constructed or used in violation of any use permitted in said District.
2. Shall not be constructed on vacant lots, and shall only be located on lots with a principal building.
3. Agricultural uses and buildings not exempt from these regulations, shall comply with the requirements set forth in Section 6.01(B)(2) of this Resolution.
4. Accessory buildings shall not be used as living quarters.
5. Any yard structure that is enclosed on at least three (3) sides and has a roof shall be regulated as an accessory building.
6. The maximum square footage for each accessory building and number of accessory buildings shall not exceed those set forth in Table 15.03-1 below unless otherwise specified.
7. In the R-3 District, each single family cluster dwelling is permitted one (1) accessory building not to exceed the square footage in Table 15.03-1. Any accessory building shall be located behind the dwelling in the rear yard.
8. The square footage of any accessory building on a lot shall not exceed the square footage of the principal building on the lot.
9. When calculating the square footage, the gross floor area shall be used.

<b>Table 15.03-1</b>		
	<b>Maximum SF</b>	<b>Number Permitted</b>
R-1, R-4, R-6, and R-8 districts – on lots less than 2 acres	1,024 SF	1
R-1, R-4, R-6, and R-8 districts – on lots 2 acres or greater	1,532 SF	No limit
R-3 District	200 SF	1

**B. Carport.**

1. Carports attached to the principal dwelling shall comply with the setback requirements for said principal dwelling.
2. Detached carports shall comply with setback requirements for accessory structures.
3. Carports are not included in the area and number calculations for permitted accessory buildings.

C. Decks.

Freestanding decks shall be permitted in compliance with the minimum front, side and rear yard clearance requirements for accessory buildings. Decks that are attached to the principal building are considered building additions and shall comply with the minimum front, side and rear yard clearance requirements for said building.

D. Family Day Care Home, Type "B".

A type "B" family day care home, whether certified or not certified by the Lake County Department of Job and Family Services, shall be considered to be a residential use of property for purposes this Resolution. In accordance with ORC 5104.054, a type "B" family day care home is a permanent residence of the provider where childcare is provided for one to six children and where no more than three children are under two years of age. For the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the day care home shall be counted. A type "B" family day-care home does not require a zoning permit.

E. Fences and Walls.

Fences and walls may be erected in compliance with the requirements set forth in Section XXXIV of this Resolution.

F. Gazebos or Pavilions.

1. Gazebos shall not be larger than 14 feet in diameter.
2. Pavilions shall not exceed 400 sq. ft.
3. Gazebos and pavilions shall not be included in the area and number calculations for accessory buildings.
4. Gazebos and pavilions shall not contain any enclosed areas.

G. Home Occupations.

1. Home occupations shall not involve any outward evidence of such use or change in outside appearance of the dwelling or principal building other than a sign as authorized in this Resolution.
2. Home occupations shall be conducted entirely within the dwelling unit or principal building, and shall not be permitted within an accessory building.
3. Home occupations shall not occupy more than twenty-five percent (25%) of the gross floor area of the principal building in which such use is located, including but not limited to, home office or occupation.
4. Home occupations shall not offer for sale any article except as may be produced or grown on the premises by members of the immediate family.

5. Home occupations shall not employ more than one (1) person who is not a member of the immediate family in any office, studio or other home occupation.
6. Home occupations shall be carried on in such a manner so as not to create a need for off-street parking in excess of what is customarily provided for the residential use.

H. Other Accessory Structures Not Requiring a Zoning Permit.

The following uses do not require a Zoning Permit and shall be permitted to encroach within required yards, unless specifically provided for in this section.

1. Gardens, wood piles or landscape materials
2. Uncovered patios, driveways and other paved areas, except that driveways shall not be located less than three (3) feet from any from any side property line.
3. Pergolas, trellises and arbors
4. Doghouses and children’s playhouses; however, a storage shed used as a children’s playhouse shall require a permit and conform to applicable regulations.
5. Mail boxes and newspaper tubes
6. Statuary, fountains or art objects
7. Basketball hoops provided they are installed outside of the right-of-way and any temporary road or cul-de-sac easements.
8. Swing sets, trampolines and similar recreational equipment
9. Flag poles
10. Freestanding air conditioning or heating units or backup generators
11. Bird baths
12. Fire pits, outdoor fireplaces and grills
13. Hot tubs

I. Off-Street Parking.

Off-street parking shall comply with Section XXIX of this Resolution. (Amended 3/9/2018)

J. Signs.

Signs shall be permitted in compliance with the applicable requirements for residential district signs as set forth in Section XXX this Resolution.

K. Swimming Pools.

1. A swimming pool shall conform to the applicable requirements as set forth in Section XXXI of this Resolution.

2. Pools shall have a side yard setback of 15 feet from each side lot line, 10 feet rear yard setback, and 50 feet front yard setback measured from the edge of the road right-of-way. If said pool is located in a district requiring greater setbacks for accessory structures, the greater setback shall apply.

L. Temporary Structures.

1. Temporary outdoor storage units, as defined in this Resolution, shall be subject to the following restrictions:
  - a. Not more than two (2) temporary outdoor storage units shall be permitted per address in a calendar year.
  - b. The maximum size of a temporary outdoor storage unit shall not exceed a dimension of 10'x10'x22'.
  - c. Only one (1) temporary outdoor storage unit shall be stored on a property at any given time, for a period up to 30 days. Extensions may be granted, but no unit shall receive more than two 30-day extensions (not to exceed a total of 90 days).
  - d. Temporary outdoor storage units are prohibited from being placed within the right-of-way, on the front lawn of a property, or in any temporary road or cul-de-sac easements. Units must be kept in the driveway, or on a paved surface, at the furthest accessible point from the street, or as otherwise approved by the Zoning Inspector.
  - e. A Temporary Outdoor Storage Unit Permit shall be obtained from the Zoning Office prior to locating the storage unit on the property. A plot plan or survey shall be provided at the time of application, depicting the proposed location of the unit. A \$100 deposit is also required per unit, which shall be forfeited if the unit is not removed within the specified time frame.
  - f. Any temporary outdoor storage unit found to be in violation of these requirements will be subject to the penalties set forth in this Resolution.
2. Temporary construction equipment, materials and dumpsters used in conjunction with construction work, maintenance or repair on site shall be permitted only during the actual progress of construction work on the property and shall immediately be removed upon completion of the work. No zoning permit shall be required.

**15.04 AREA, SETBACK, AND OTHER SITE DEVELOPMENT STANDARDS.**

A. Measurements, Computations, and Exceptions.

1. Lot Area Measurement
  - a. Lot area is the total area within the lot lines of a lot, exclusive of any portion of the right-of-way of any public road or street.

- b. No lot shall be reduced in area so that the lot area per dwelling unit, lot width, yards, building area, or other requirements of this resolution are met.
2. Setbacks and Yards
- a. Measurements
 

Setbacks refer to the open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as elsewhere specified in this Resolution.
  - b. Yards and Obstructions
 

Every part of a required yard shall be open to the sky and unobstructed except:

    - i. As otherwise provided in this section;
    - ii. For accessory buildings and structures as set forth in Section 15.03(H);
    - iii. The ordinary projections of chimneys, flues or bay windows;
    - iv. Steps and any uncovered porches less than ten (10) feet in width;
    - v. Appurtenances, such as skylights, sills, belt courses, cornices, and ornamental features attached to the principal building may project not more than 24 inches into a required yard.
    - vi. Wing walls attached to and made part of the principal building shall conform to the minimum setback requirements for said building.
  - c. Front Building Setback Line
 

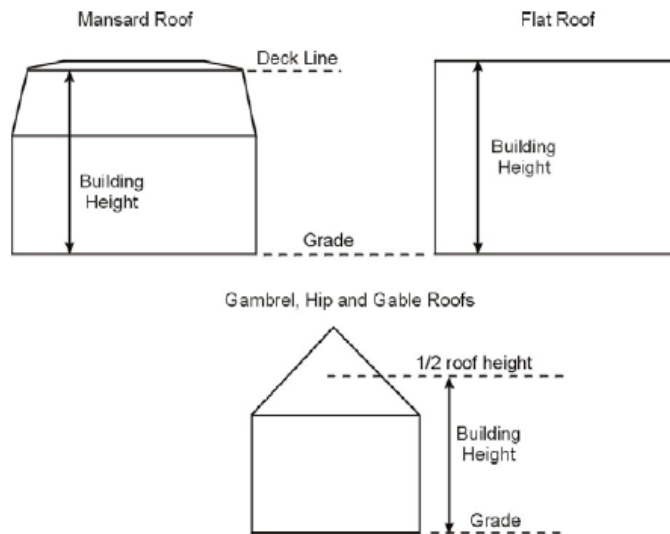
The required minimum front building setback line shall be measured from the front lot line. In cases where the front property boundary extends into a right-of-way easement, the front building setback shall be measured from the edge of the right-of-way to the building.
  - d. Corner lots
 

On corner lots, the required minimum front building setback shall be provided from each road or street.
  - e. Double frontage lots
 

Where a lot is considered a double frontage lot, the required minimum front building setback shall be provided from each road or street.
3. Lot Width and Frontage Measurements
- a. Frontage is the side of the lot abutting upon a dedicated road right-of-way and ordinarily regarded as the front of a lot, but not considered the ordinary side line of a corner lot.
  - b. Frontage is measured at the right-of-way sideline of a dedicated road and shall not be reduced in size from the right-of-way sideline of the dedicated road to the building setback line.
  - c. Lot width is the horizontal distance between side lot lines measured at the two points where the building line intersects the side lot lines.

4. Height Measurement and Exceptions

- a. Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.
- b. Where specified in feet, building height shall be measured as the vertical distance from the established grade at the base of the structure to to:
  - i. The highest point of a flat roof;
  - ii. The deck line of a mansard roof; or
  - iii. The mean height between the eaves and ridge on gable, hip, or gambrel roofs.



c. Exceptions to Height Limits

Permitted height exceptions include church spires, belfries, clock towers, wireless towers, scenery lofts, chimneys, radio and television aerials, cupolas or other mechanical appurtenances where erected upon and as an integral part of the building, but not intended for human occupancy.

5. Building Separation

- a. When one or more building is located on a lot, the separation between buildings shall not be less than the minimum distance set forth in Table 15.04A.
- b. Measurements involving a building or structure are made to the closest support element of the structure.

- c. When buildings with a different number of stories abut each other, the spacing requirement for the higher story building shall prevail.

B. Site Development Standards for Residential Zoning Districts.

- 1. Table 15.04-1 establishes the minimum site development standards.
- 2. No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained or any parcel of land divided unless the following yard and lot areas are provided and maintained in connection with such building or structure, unless otherwise noted.

<b>Table 15.04-1: Site Development Standards</b>					
	<b>R-1</b>	<b>R-3</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>
<b>Minimum Lot Area</b>					
Dwelling, Detached Single Family – no public sanitary sewer	0.75 acre		1 acre	2 acres	1 acre
Dwelling, Detached Single Family – with public sanitary sewer	22,000 SF		1 acre	2 acres	1 acre
Dwelling, Two-Family	1 acre		2 acres		
Minimum project area		10 acres			75 acres
<b>Minimum Lot Width</b>					
Minimum Lot Width	100 feet <sup>a</sup>	200 feet	100 feet <sup>a</sup>	150 feet	125 feet
<b>Minimum Lot Frontage</b>					
Minimum Lot Frontage	50 feet <sup>a</sup>	200 feet	50 feet <sup>a</sup>	50 feet <sup>a</sup>	50 feet
<b>Minimum Front Building Setback</b>					
Minimum Front Building Setback	50 feet	50 feet	50 feet	50 feet	50 feet
<b>Minimum Side Yard</b>					
Principal building - dwelling	15 feet	30 feet	15 feet	30 feet	10 feet
All other permitted principal uses	15 feet	30 feet	15 feet	30 feet	100 feet
Accessory structure	10 feet	10 feet	10 feet	30 feet	15 feet
<b>Minimum Rear Yard</b>					
Principal building - dwelling	40 feet	30 feet	40 feet	40 feet	30 feet
All other permitted principal uses	40 feet	30 feet	40 feet	40 feet	100 feet

<b>Table 15.04-1: Site Development Standards</b>					
	<b>R-1</b>	<b>R-3</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>
Accessory structure	10 feet	10 feet	10 feet	30 feet	10 feet
<b>Minimum Riparian Setback</b>					
See Section XVII of this Resolution for Regulations (7/15/2016)					
<b>Building Separation</b>					
Between one-story dwellings		10 feet			
Between one and one-half story dwellings		12 feet			
Between two story dwellings		15 feet			
Between multi-family dwellings		50 feet <sup>b</sup>			
<b>Height Specifications</b>					
Maximum Height: Principal Building	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum Height: Accessory Building or Structure	20 feet	18 feet	20 feet	35 feet	20 feet
<sup>a</sup> Where three (3) or more duplexes share contiguous common frontage, every third duplex shall be located upon a lot having a width of at least one hundred fifty (150) feet at the building setback line and having frontage of at least eighty-five (85) feet on the right-of-way sideline of a dedicated road. <sup>b</sup> Minimum distance between multi-family buildings is fifty (50) feet or two (2) times the height of the building, whichever is greater. (Amended 7/5/2019)					

C. R-3 Residential Development Standards.

1. Project Area

The minimum project area for a development in the R-3 shall be no less than set forth in Table 15.04-1. The entire tract of land to be developed shall be contiguous and shall be considered one lot.

2. Density (Amended 7/5/2019)

- a. Density shall not exceed eight (8) dwelling units per acre for multi-family dwellings.
- b. Each building used for multi-family dwellings shall consist of between three (3) and eight (8) units.
- c. Density shall not exceed six (6) dwelling units per acre for single family cluster dwellings.
- d. The maximum number of units permitted shall be calculated by:



- i. Deducting the following from the total project area: Any existing public right-of way within the project boundary; and any buffer strip areas required, as set forth in this chapter. (7/15/2016, Amended 7/5/2019)
    - ii. Multiplying the remaining area by the maximum density permitted in this Section.
  - e. Buffer strip
    - i. A minimum buffer strip of fifty (50) feet shall be provided along property lines when a project abuts an R-1 or R-4 District.
    - ii. The buffer strip shall be planted with grass and landscaped with the purpose of providing a year-round vertical green combination of shrubs and trees.
    - iii. Private roads shall not be located in any buffer strip.
    - iv. Accessory uses and structures shall not be located in the buffer strip.
    - v. If a buffer strip is required, the minimum required side and rear yard setbacks shall be measured from the edge of said buffer strip.
  - f. Private Streets
    - i. No private street shall be located closer than 20 feet to any boundary, property line or public right-of-way.
    - ii. All private streets shall be clearly identified by name and said name shall be displayed on an identification sign which shall be in conformance with the street identification signs for public streets and roads in the Township. Street signs shall also indicate the street is "Private". (Amended 7/5/2019)
    - iii. Naming of streets shall be consistent with the Lake County Subdivision Regulations as to duplication of names and names sounding the same.
    - iv. Detached single family cluster dwellings shall be setback a minimum of thirty-six (36) feet from the curb of any private street. (3/9/2018)
- 3. Sewage Disposal
 

A project in the R-3 shall be constructed only on a parcel of land serviced by public sanitary sewers and public water.
- 4. Approval Process
  - a. Prior to the construction, alteration, expansion or modification of a use in the R-3 District, a site plan shall be reviewed and approved according to the procedures set forth in Section XXXVI of this Resolution.
  - b. Upon approval of the final site plan, individual zoning permits shall be applied for in compliance with the approved plan.

D. R-8 Rural Residential and Recreational District Development Standards.

1. The minimum project area shall be no less than set forth in Table 15.04-1. All land shall be contiguous and shall not be divided by a public roadway prior to its development.
2. Density shall not exceed one (1) single family dwelling unit per three (3) acres of land.
3. Recreational Uses
  - a. Other principal uses permitted in conjunction with single family dwellings include: golf courses/country club, parks and recreation, tennis clubs, equestrian facilities, health spa/club, garden or botanical center, or ski club.
  - b. Accessory uses to the principal uses listed above may include: restaurants, lounges and snack bars; fitness centers and locker rooms; storage and maintenance buildings; equipment and maintenance buildings; driving ranges; tennis courts; greenhouses; and signs as permitted in Section XXX of this Resolution.
4. Open Space Requirements
  - a. A minimum of fifty percent (50%) of the acreage shall be preserved as open space. Such open space shall be well distributed throughout the development, and shall remain permanent open space.
  - b. In computing the amount of open space, dedicated road right(s)-of-way, impervious surfaces of all types including roof areas, and the individual lots for dwellings shall be excluded.
  - c. The developer shall submit to the Board of Trustees of Concord Township a perpetual maintenance plan for all common open space. Said plan shall set forth the responsibility for all maintenance of said area and describe the method of financing said maintenance program. The perpetual maintenance plan shall be reviewed and approved by the Board of Trustees of Concord Township prior to any approval.
5. Buffer
  - a. Any development along a county or state maintained road shall provide a permanent, undisturbed buffer strip of fifty (50) feet, as measured back from the road right-of-way sideline, the length of the frontage along said road.
  - b. Such buffer shall remain green and serve the purpose of providing a natural, vertical screen. If a natural vegetation screen is not present, one will be provided for through the planting of evergreen shrubs and trees.
  - c. To allow for the construction of internal public roadways, the buffer may be interrupted by a public road right-of-way at a rate not to exceed once for each

one thousand and four hundred (1,400) lineal feet of buffer along such county or state maintained road.

- d. There shall be no private drives allowed in the buffer area except for one (1) entrance and exit drive for a recreational facility.

**15.05 MINIMUM DWELLING UNIT FLOOR AREA.**

Each dwelling unit shall comply with the minimum dwelling unit floor area and enclosed parking spaces requirements, as set forth in Table 15.05-1. In addition, off-street parking shall comply with the regulations in Section XXIX of this Resolution. (Amended 3/9/2018)

<b>Table 15.05-1</b>		
<b>Dwelling Type</b>	<b>Minimum Floor Area per Dwelling Unit</b>	<b>Minimum Enclosed Parking Spaces per Dwelling Unit</b>
<b>Dwelling, Detached Single Family</b>		
1 story	1,200 SF	2
1 ½ story	1,400 SF	
2 story	1,600 SF	
<b>Dwelling, Single family cluster</b>		
1 story	1,200 SF	2 <sup>b</sup>
1 ½ story	1,400 SF	
2 story	1,600 SF	
<b>Dwelling, Two-Family</b>		
1 story (1 bedroom)	800 SF <sup>a</sup>	2
1 ½ story	1,150 SF	
2 story	1,300 SF	
<b>Dwelling, Multi-family</b>		
1 story (1 bedroom)	750 SF <sup>a</sup>	2 <sup>b</sup>
1 ½ story	1,000 SF	
2 story	1,200 SF	
<sup>a</sup> Each additional bedroom requires an additional 200 square feet minimum. <sup>b</sup> Enclosed parking spaces shall be attached to dwelling unit. (Amended 7/5/2019)		

**15.06 AREAS ZONED R-1, R-3, R-4, R-6, and R-8.**

Areas zoned R-1, R-3, R-4, R-6 and R-8 are on file in the Zoning Office at Concord Town Hall.

**SECTION XVI – R-2 PLANNED UNIT DEVELOPMENT DISTRICT AND  
RESIDENTIAL CONSERVATION DEVELOPMENT DISTRICT**

(All sections of Section XVI 2/9/1985 unless otherwise noted)

**Part I. Planned Unit Development District Option (Amended 9/17/2004)**

16.01 Purpose.	16.10 Specific Requirements.
16.02 General Guidelines.	16.11 Pre-application Conference.
16.03 Definitions.	16.12 Township Preliminary Plan.
16.04 General Requirements.	16.13 Approval.
16.05 Open Space.	16.14 Township Final Development Plan.
16.06 Density.	16.15 Zoning Permits.
16.07 Permitted Uses.	16.16 Modifications from an Approved Development Plan.
16.08 Commercial Standards.	16.17 Enforcement.
16.09 Parking.	16.18 Areas Zoned R-2 By Amendment.

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**16.01 PURPOSE.** The purpose of the R-2 Planned Unit Development District is to promote high standards of external appearance of buildings and grounds; to preserve and extend the charm and beauty existent in and inherent to the semi-rural, residential character of Concord Township; to promote health, safety, comfort and general welfare, and thus to provide the economic and social advantages resulting from an orderly planned use of large parcels of land while protecting and retaining the present favorable environmental balance. This District also allows for residential areas that provide a variety of housing types along with suitable and appropriate limited commercial development. The clustering of the residential units allows for large areas of land to be open for recreational uses intended to be enjoyed by all residents within the PUD. (Amended 12/4/2015)

**16.02 GENERAL GUIDELINES.** In determining whether or not to permit a Planned Unit Development District within an area of Concord Township, and in reviewing any plans for the development of such a district, the Zoning Commission and the Trustees of Concord Township shall take into consideration the effect the district and its development will have upon properties in the surrounding vicinity, population density, population trends, open spaces, traffic problems and their relation to public safety, the availability and provisions for essential services, particularly water and sewage disposal, the need for adequate open space to provide light and air and recreational facilities, topography, unique scenic and/or historic features of the particular parcel under consideration and their relationship to the preservation of the character of Concord Township, the health, safety and welfare of the community and citizens thereof in the township and the surrounding communities.

**16.03 DEFINITIONS.** Refer to Section V, Definitions, of this Resolution. (Amended 12/4/2015)

**16.04 GENERAL REQUIREMENTS.**

- A. The provisions of this Resolution shall apply only to a tract of land containing at least one hundred (100) acres under single ownership, and for which an application for Planned Unit Development is made as hereinafter provided.
- B. All land within the district shall be contiguous.

#### **16.05 OPEN SPACE.**

- A. A minimum of forty percent (40%) of the first one hundred (100) acres and twenty-five percent (25%) of the gross acreage over one hundred (100) acres within each PUD District shall be reserved as open space. Such open space shall be well distributed throughout the entire PUD District. In computing the amount of open space, dedicated right-of-way of all types, decks, and roofs shall be excluded. Recreational facilities or structures and their accessory uses located in open space and Common Open Space shall be considered open space as long as total impervious surfaces (paving, roofs, etc.) constitute no more than fifteen percent (15%) of the total open space.
- B. The minimum Common Open Space shall consist of twenty- five percent (25%) of the minimum open space required.
- C. At least fifty percent (50%) of the required Common Open Space shall have an overall finished grade not to exceed ten percent (10%).
- D. All Common Open Space land shown on a Final Development Plan for each phase shall, simultaneously with the recording of each such phase:
  - 1. Be transferred to a homeowners association or associations which shall be non-profit corporations established in accordance with the laws of the State of Ohio for the purpose of accepting said Common Open Space land and operating and maintaining it, along with buildings and equipment for recreational purposes for the exclusive use and benefit of the members of said association or associations, if any; and to cooperate with officials of township, municipal, county, state, and other public authority for the preservation and betterment of the interest of the members of the association including, without limitation, the dedication of drainage ways or granting easements thereto. Membership in said association or associations shall, by deed restriction, be mandatory for all owners of residential building sites within the PUD.
  - 2. The Developer may deed title to all Common Open Space and recreational facilities to a fiduciary which, for a fee, acts as trustee for the benefit of members of a homeowners association or associations. The trustee shall give easements across open space and right to use the facilities to members of the homeowners association or associations. Each owner shall receive a fee simple deed from the trustee, subject to the Trustee's right to charge and lien each property of its proportionate share of upkeep costs for the common facilities.
- E. Fees for preservation, improvement and maintenance of the Common Open Space shall be stated with adequate provision for collection.
- F. In the event that the homeowners association or associations established to own and maintain Common Open Space, or any successor association or associations, shall at any

time after establishment of the PUD fail to maintain the Common Open Space in reasonable order and condition, the Board of Concord Township Trustees may serve written notice upon such association or associations or upon the members thereof setting forth the manner in which the association or associations have failed to maintain the Common Open Space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within forty (40) days of the notice. At such hearing the Board of Concord Township Trustees may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof have not been corrected within thirty (30) days or any extension thereof, the Board of Concord Township Trustees, in order to preserve the taxable values of the properties within the PUD, and to prevent the Common Open Space from becoming a public nuisance, may enter upon said Common Open Space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the Common Open Space. Before the expiration of said year, the Board of Concord Township Trustees shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the Common Open Space, call a public hearing upon notice to such organization or to the residents of the PUD to be held by the Board of Concord Township Trustees. At which hearing such organization or the residents of the PUD shall show cause why such maintenance by the Board of Concord Township Trustees shall not continue for a succeeding year. If the Board of Concord Township Trustees shall determine such association or associations are not ready and able to maintain said Common Open Space in reasonable condition, the Board of Concord Township Trustees may, in its discretion, continue to maintain said Common Open Space during the next succeeding year and thereafter, subject to a similar hearing and determination, in each year. The decision of the Board of Concord Township Trustees in any case shall constitute a final administrative decision subject to review as provided by law.

The cost of such maintenance by the Board of Concord Township Trustees shall be assessed against the responsible homeowners association or associations. Such costs shall become a tax lien against said Common Open Space. The Board of Concord Township Trustees, at the time of entering upon said Common Open Space for the purpose of maintenance, shall file a notice of such lien in the office of Lake County Recorder, upon the properties affected by such lien within the PUD.

#### **16.06 DENSITY.**

- A. The density of land use within a PUD district shall be computed on a gross acreage basis. This density shall not exceed three (3) dwelling units per acre.
- B. Detached Single family dwellings shall constitute no less than thirty-five percent (35%) of the total number of dwelling units within the PUD. (Amended 7/5/19)

**16.07 PERMITTED USES:** Within a PUD District, the following principal uses are permitted subject to the area, size, density, and other provisions as set forth herein:

- A. Detached Single Family Dwellings (Amended 7/5/2019)
- B. Single Family Cluster Dwellings (Amended 7/5/2019)
- C. Two-family dwellings (Amended 7/5/2019)
- D. Attached single-family dwellings. Each building shall contain between three (3) and eight (8) dwelling units. (Amended 7/5/2019)
- E. Subject to the provisions set forth in Section XIII of this Zoning Resolution, a conditional use permit may be granted for a commercial center.
  - 1. A commercial center, or centers, within a Planned Unit Development shall be comprised of a lot, or lots, the total land area of which shall not exceed five percent (5%) of the gross acreage of the Planned Unit Development. (7/6/2002)
  - 2. The following uses shall be permitted in the commercial center of a PUD District, subject to the review and approval of a Site Plan Review application as required in Section XXXVI of this Resolution: (Amended 3/9/2018)
    - a. Antique shop
    - b. Art gallery and/or art supply store
    - c. Bank
    - d. Barber shop
    - e. Beauty shop
    - f. Card and book shop
    - g. Boutique
    - h. Children's shop
    - i. Clothing store
    - j. Convenience food store
    - k. Cycle shop
    - l. Drug store
    - m. Dry cleaner
    - n. Fabric shop
    - o. Florist
    - p. Garden shop
    - q. Gift shop
    - r. Gourmet shop
    - s. Hardware store
    - t. Health and food store
    - u. Photographic supplier

- v. Restaurant – counter service (drive-thru service is prohibited)
- w. Restaurant – table service (drive-thru service is prohibited)
- x. Shoe store
- y. Sport shop
- z. Wine and cheese shop
- aa. Professional offices
- bb. Athletic facility
- cc. Day care facility
- dd. Jewelry store

(Section 16.07 C. 2. Amended 1/5/2007)

- F. Public, private and semiprivate golf courses and related facilities and golf clubs.  
(12/16/1993; Amended 9/17/1998)
- G. Accessory uses including: (Amended 12/4/2015)
  - 1. Swimming pools as set forth in Section XXXI of this Resolution.
  - 2. Fences as set forth in Section XXXIV of this Resolution.
  - 3. Decks
  - 4. Each detached single family dwelling shall be permitted one (1) accessory building not to exceed 200 square feet.
  - 5. Gazebo or pavilions as set forth in Section 15.03(F) of this Resolution.
  - 6. Other accessory structures not requiring a zoning permit as set forth in Section 15.03(H) of this Resolution.

#### **16.08 COMMERCIAL STANDARDS.**

- A. Commercial buildings and establishments shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of potential traffic conflicts at intersections with thoroughfares.
- B. The plan of the project shall provide for the integrated and harmonious design of buildings and for properly arranging facilities for internal traffic circulation, landscaping, and any and all other features to make the project attractive from the standpoint of adjoining, surrounding, existing or planned development.
- C. All areas within a commercial area designed for future expansion or not intended for immediate improvement or development shall be maintained in a neat and orderly manner as specified by the Board of Concord Township Trustees.
- D. All parking shall conform to parking regulations set forth elsewhere in this Resolution.
- E. Signs - All signs shall be part of the architectural concept. Size, color, location, arrangement and lettering shall be harmonious and compatible with the building design.



All signs shall conform to sign regulations as set forth in Section XXX of the Concord Township Zoning Resolution.

**16.09 PARKING.** Off-street parking shall comply with Section XXIX of this Resolution, unless specifically modified below. (Amended 3/9/2018)

- A. The overnight parking of automobiles and other vehicles on private or public streets within a PUD is prohibited.
- B. All automobile parking lots shall be screened from adjoining dedicated streets by the planting of coniferous shrubbery or the construction of a decorative fence or a combination of the two. No parking lot shall be closer than ten (10) feet from the dedicated street right-of-way.
- C. Off-street parking spaces for each dwelling unit in a PUD shall be provided in accordance with the requirements in Appendix A of this section.
- D. Off-street parking shall be provided for all commercial buildings within a PUD District in accordance with the following schedule:
  - a. One space for each two hundred (200) square feet of gross floor space, but in no event less than six (6) spaces for each commercial building within a commercial area.
  - b. Community facilities shall have one (1) space per one hundred (100) square feet of gross building space.
  - c. The Board of Township Trustees shall apply the unit of measurement of the above schedule deemed to be the most similar to the proposed building use.

**16.10 SPECIFIC REQUIREMENTS.**

- A. The PUD District shall have an adequate source of potable water. All water lines constructed within the district shall be at the sole cost of the owner or developer and title thereto shall be assigned to the appropriate water utility upon completion thereof. All plans and specifications and construction of all water lines shall meet the approval of all regulatory agencies having jurisdiction.
- B. The developer of the land within a PUD District shall at his sole expense construct sanitary sewer lines approved by the regulatory agencies having jurisdiction to approve such lines. No occupancy of buildings within any phase of a PUD District shall be permitted until an adequate sanitary sewer disposal system to service such phase is available or a good and sufficient bond approved by the Township and County, equal to the estimated cost of the sewage system, has been deposited with appropriate authorities.
- C. The following utilities and necessary appurtenances shall be provided, constructed and installed underground within a PUD District:
  - 1. Gas lines, if any;
  - 2. Sanitary and storm sewer lines;
  - 3. Waterlines and pumping stations;

4. Electrical lines and transformers;
5. Telephone;
6. Cable television lines, if any.

All utility systems shall be located and designed in such a manner and method as to preserve the natural features of the land within the PUD District, such as streams, rock outcropping, topsoil, trees and shrubs and the same shall be incorporated into and with the landscaping of such lands.

Easements shall be provided for utilities where necessary and shall be of adequate width to facilitate the proposed usage.

D. HEIGHT:

1. The maximum height of buildings within a PUD District shall not exceed thirty-five (35) feet.
2. Accessory uses shall not exceed eighteen (18) feet in height.

E. STREETS:

1. All streets and cul de sacs, including private streets, shall conform to specifications as set forth in the Lake County Subdivision Regulations.
2. All cul de sacs must have a road diameter of no less than one hundred ten (110) feet to provide easy turning for fire equipment, moving vans and school buses.

F. All walkways shall be constructed of suitable hard surface material.

G. Lot widths may be varied to allow for a variety of structural designs. Building setbacks shall also be varied but in no case shall the front building setback be less than thirty (30) feet, as measured from the front lot line. In cases where the front property boundary extends into a right-of-way easement, the front building setback shall be measured from the edge of the right-of-way to the building.

1. On corner lots, the required minimum front building setback shall be provided from each lot line that abuts a road or street.
2. Where a lot is considered a double frontage lot, the required minimum front building setback shall be provided on all lot lines that abut a road or street.  
(Amended 12/4/2015)

H. Buildings, structures and uses shall be subject to riparian setbacks, as set forth in Section XVII of this Resolution. (7/15/2016)

I. No building within a PUD District shall be constructed nearer than one hundred (100) feet from the edge of pavement of a Limited Access Highway or fifty (50) feet from the right-of-way sideline, whichever is greater.

J. All sewage treatment or package plants shall be set back at least two hundred (200) feet from the nearest boundary line of the PUD District. Sewage treatment plants must have appropriate year-round fencing or screening for concealment.

- K. Final plats, deed restrictions and all pertinent papers or copies thereof or preliminary and final requirements herein are to be filed in the Township offices.
- L. No land shall be cleared of trees more than twenty (20) feet from the foundation of a proposed building except for commercial uses, required parking and necessary access. An exception to this requirement shall be granted in the case of those trees which, in the opinion of a landscape architect or consultant versed in arboriculture should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. An additional exception to accommodate required grading of the site may be made with the approval of the Zoning Inspector.
- M. Parking lots should be designed to minimize the amount of clearing required and to provide adequate site distances.
- N. Minimum square footage for each dwelling unit shall be provided in accordance with the requirements in Appendix B of this section.

**16.11 PRE-APPLICATION CONFERENCE.** The developer shall meet with the Zoning Inspector, Zoning Commission, the Township Trustees, the Fire Chief, the County Engineer or his representative, and the Director of the Lake County Planning Commission or his representative prior to the submission of the Preliminary Plan. The purpose of such meeting is to discuss early and informally the purpose and effect of this resolution and the criteria and standards contained herein, and to familiarize the developer with the current Subdivision Regulations, the drainage, sewer, and water systems and zoning regulations of Concord Township, as well as, allowing the developer to submit the general outlines of the proposed PUD.

**16.12 TOWNSHIP PRELIMINARY PLAN.** Formal application for approval of a PUD or RCD District shall first be presented in the form of a Preliminary Plan, and shall be filed with the Township Zoning Inspector. The Zoning Inspector, within two (2) business days after receipt of a completed application, shall transmit the same, including all documents relating thereto, and shall notify the Township Zoning Commission and Board of Concord Township Trustees in writing of such receipt and transmittal. The application shall also contain a request that the property contained in the preliminary plan be reclassified R-2 as provided in Section 16.13. (Amended 3/9/2018)

Copies of the Preliminary Plan shall be transmitted to the Lake County Planning Commission, the County Engineer and the Sanitary Engineer by the Township Zoning Inspector.

The purpose of the Preliminary Plan is to establish a frame of reference for the Township to consider the merits of a proposed PUD or Residential Conservation Development (RCD) (see Part II of Section XVI) and to afford a basis for determining whether or not the Township would rezone the property to a PUD or RCD District R-2.

A Preliminary Plan for a PUD or RCD shall be submitted in ten (10) copies and shall include but not necessarily be limited to the following:

- A. A written explanation of the general character of the project and the manner in which it is planned to take advantage of the flexibility of these regulations and a statement of the applicant's intention with regard to future selling, renting, leasing of all or any

portion of the PUD or RCD, and the rationale behind the assumptions and choices made by the applicant.

- B. A legal description of the property proposed to be developed with the application signed by the owner or owners of all land located within the proposed PUD or RCD District.
- C. A plat of survey, or a map, prepared by a registered engineer or land surveyor, either of which show a generalized plan of the proposed PUD or RCD sufficient to confirm the proposed development. Because maps frequently show distances inaccurately, the Board of Township Trustees, when approving a Preliminary Plan, shall not be bound by the locating of anything shown on a map if, when placed on a plat of survey, there is a conflict or difference.
- D. An existing conditions map including the approximate topography at two (2) foot contour intervals of the proposed development area and extending one hundred (100) feet outside of the proposed site, including property lines, street right-of-way, existing structures, structures to be removed, streams, wetlands, trees, and landscape features existing thereon and will include the gross area of the development area in acres and/or square feet. (Amended 12/17/2021)
- E. The density proposed for the entire development and if the development is to be comprised of different uses, the density of each separate use.
- F. A complete traffic impact evaluation which shall include:
  - 1. Existing and proposed vehicular traffic patterns.
  - 2. The potential location of parking and service areas within the commercial center, if any.
  - 3. The estimate of traffic volumes to be generated including existing and proposed major intersections which shall serve the proposed PUD or RCD and its immediate surrounding areas.
- G. Generalized plan for all utilities to include all existing and proposed storm and sanitary sewers and sewage treatment facilities. The plan shall include present water service facilities and highest or peak demand when the PUD or RCD is completed.
- H. The proposed assignment of use and subdivisions of all land including private and Common Open Space land with the gross area of each such use area in acres and/or square feet.
- I. General outline of deed restrictions, protective covenants, and other statements of devices to be used to control the use, development and maintenance of the land, and improvements including those areas which are to be commonly owned and maintained.
- J. A time schedule for construction and a cost projection for the development, including all public and private improvements in the development area. If the project is to be built in phases, a phasing plan and proposed implementation timeline shall be submitted and subject to approval. (Amended 3/9/2018)

- K. A population projection of the entire project and by specific phases.
- L. A market analysis indicating projected market for proposed project.
- M. An analysis for the area to be impacted, including watershed, drainage, sedimentation, erosion and soil capability. Sedimentation shall be controlled by seeding and mulching or other approved methods during construction.
- N. Proposed treatment of perimeter of the PUD or RCD including materials and techniques to be used such as fences, walks and shrubbery.
- O. Such other reasonable information as the Zoning Commission and Board of Township Trustees may require. The approval of the Preliminary Plan by the Board of Township Trustees shall not preclude their right to pass judgment on the specific location of buildings, structures or other improvements in approving a Final Development Plan. (Amended 9/17/2004)

### **16.13 APPROVAL.**

- A. Upon the filing of the proposed Preliminary Plan and request for rezoning to Planned Unit Development or Residential Conservation Development R-2, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the filing of said application and Preliminary Plan. Notice of the hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. (Amended 4/15/2005)

If the proposed rezoning intends to rezone or redistrict ten (10) or less parcels of land as written on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or re-districted to the address of such owners appearing on the county auditor's current tax list or the treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

- B. The published and mailed notice shall set forth the time and place of the public hearing, the nature of the proposed rezoning, and a statement that the matter will be referred to the County Planning Commission and to the Board of Township Trustees.
- C. Within five (5) days after the receipt of the proposed amendment, the Township Zoning Commission shall transfer a copy thereof together with the Preliminary Plan to the County Planning Commission.
- D. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission. The Township Zoning Commission shall within thirty (30) days after the hearing, recommend the approval or denial of the proposed amendment or the approval of some

modification thereof and submit such recommendation together with the request and Preliminary Plan and the recommendation of the County Planning Commission to the Board of Township Trustees.

- E. The Board of Township Trustees shall, upon receipt of such recommendations, set a time for a public hearing on such proposed amendment which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of the public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. (Amended 4/15/2005)
- F. Within twenty (20) days after such public hearing, the Board shall either adopt or deny the recommendations of the Zoning Commission or some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.
- G. If the application and preliminary development plan are approved by the Township Trustees, the developer of the land will file a copy of the plan, as approved, with the Fiscal Officer of the Township, Lake County Planning Commission and the Township Zoning Inspector. (Amended 9/17/2004, 3/9/2018)
- H. Whenever a preliminary development plan is approved simultaneously with a map amendment to a Planned Development District, the amendment and preliminary development plan become effective 30 days after such adoption. (3/9/2018)
- I. Whenever a preliminary development plan that includes a major subdivision, as defined by the Lake County Subdivision Regulations, is approved by the Township Trustees, the applicant shall initiate the subdivision approval process with Lake County Planning Commission. (3/9/2018)

**16.14 TOWNSHIP FINAL DEVELOPMENT PLAN.** After approval of the Township Preliminary Plan, the developer shall submit a final development plan for each phase of the development to the Board of Township Trustees for review and approval prior to any construction or development of the property. The initial phase final development plan for the approved development shall be submitted within twelve (12) months. If not submitted within the prescribed time, the Township Trustees shall notify the land developer that the Township Trustees will hold a public meeting to determine if the preliminary plan shall be reapproved. Said notice shall contain a brief statement setting forth the reason or reasons the hearing is being conducted and the date, place and time of the meeting. (Amended 3/9/2018)

Notice shall also be published in a newspaper of general circulation in the township setting forth the time, place and date of the hearing and a brief statement of the reason or reasons the hearing is being conducted.

Within fifteen (15) days from the date of the public hearing, the Trustees of the Township will notify the developer of the land of its decision. The land developer and the public shall be

permitted to speak personally or through a representative, as to whether or not the preliminary plan should be reapproved.

- A. The Final Development Plan of each phase shall consist of the following:
1. A proposed final plat in conformance with the requirements of the Lake County Subdivision Regulations.
  2. All the information required on the Preliminary Plan, the location and sizes of lots; location and proposed density of dwelling units, non-residential building intensity, and land use considered for adjacent property.
  3. A schedule for the development of phase to be constructed, descriptions and renderings of the design principles of the buildings and streetscapes, tabulation of number of acres in the proposed phase for various uses, number of housing phase proposed by type; estimated residential population by type of housing, estimate of non-residential population, anticipated timing for each phase and public improvements for each phase of the development. (Amended 3/9/2018)
  4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations, waste disposal facilities, street improvements within and outside the project, and nature and extent of earth work required for site preparation and development in conformance with the Lake County Subdivision Regulations.
  5. Final forms of covenants running with the land, deed restrictions for both private and commonly owned land, easements, and by-laws for homeowners associations.
  6. Estimated cost of entire phase as well as estimated costs for each use area including both private and public improvements.
  7. Developer shall post with the Lake County Commissioners prior to the commencement of any construction, a bond sufficient to insure completion of the dedicated roadways and related public facilities.
  8. Final approval of each phase subject to modification or conditions shall be agreed to in writing before a final subdivision plat is recorded, where applicable, and formal acceptance by the Township Trustees. Said approval in writing shall be filed with the Township Zoning Inspector together with the plan for each phase as approved. (Amended 3/9/2018)
- B. If any phase of the final development plan contains land that is to be subdivided or a condominium development or any other use of the land that requires the recordation of a plat or plan pursuant to the Revised Code of the State of Ohio or the Lake County Subdivision Regulations, the developer shall provide the Board of Township Trustees a copy of the plat or plan in its final form which plat or plan shall have been approved by all governmental departments required to approve the same in accordance with the Code of the State of Ohio or the Lake County Subdivision Regulations. (Amended 9/17/2004)

**16.15 ZONING PERMITS.** After the final development plan for each phase is approved by the Township Trustees, and any required final subdivision plat is recorded, the Zoning Inspector shall issue zoning permits that comply with the approved final development plan, in accordance with the procedures set forth in Section XI, Zoning Permits. (Amended 3/9/2018)

**16.16 MODIFICATIONS FROM AN APPROVED DEVELOPMENT PLAN.**

- A. The applicant may request from the Zoning Inspector minor modifications of any approved development plan. Upon determination that alterations to the plan are necessary, the applicant shall notify the Zoning Inspector, and provide a written request itemizing the proposed changes.
- B. If the changes are classified as minor, the Zoning Inspector shall review and make a decision on the proposed changes. If the modifications are classified as major, said modifications shall be subject to the procedure set forth in Section 16.14.
- C. The proposed modifications shall be classified as minor or major modifications based on the following:
  1. Major modifications shall include changes to the approved plan that involve:
    - a. A change in the use or character of the development.
    - b. An increase in overall coverage of structures.
    - c. An increase in the density.
    - d. An increase in traffic circulation and public utility usage.
    - e. A reduction in approved open space.
    - f. A reduction of off-street parking and loading space.
    - g. A reduction in required pavement widths.
    - h. A reduction of the required minimum acreage to qualify as a PUD not caused by development of any portion or phase of the approved plan.
  2. Minor modifications shall include anything not classified as a major modification above. (Amended 3/9/2018)

**16.17 ENFORCEMENT.**

- A. The Zoning Inspector shall review at least once every twelve (12) months, all zoning permits issued and all construction that has taken place within the development area.
  1. If the Zoning Inspector shall find that the ratio of construction of various types of residential units, nonresidential structures, open space and/or recreational facilities substantially differs from the approved phasing program, he shall issue orders to the developer to comply with the approved phasing program. Upon violation of the subsection, the Zoning Inspector may suspend the Developer from further construction until compliance is achieved.



2. If the Zoning Inspector shall find that the Developer of the PUD District has failed to meet the approved development schedule for that particular phase, he shall forward this information to the Concord Township Board of Trustees.
- B. The Township Trustees shall within thirty (30) days of receipt of information from the Zoning Inspector conduct a public hearing giving fifteen (15) days notice previously thereto, to the owner or developer for the purpose of determining whether or not the land in the development area shall be considered for rezoning and the approved plan and any approval phase be voided, or whether for good cause shown by the owner or developer, that developer may correct the violations within a prescribed time as set by the Trustees. In the event that the developer does not comply, the approved plan or any phase thereof after the hearing required in 16.17(B), the such non-compliance shall be deemed a violation of the Zoning Resolution of Concord Township and the Township may proceed in an action in law or equity in addition to the remedies set forth in this section as provided by the Concord Township Resolution or the Revised Code of the State of Ohio to enforce the provision of this district classification.

Notwithstanding anything contained in this subsection, the following shall not be deemed to be failure to meet the approved development schedule: labor strikes beyond the control of the owner or developer and force majeure including but not limited to floods, hurricanes and fire.

**16.18 AREAS ZONED R-2 BY AMENDMENT.** On file in the Zoning Office, Concord Town Hall.

**Part II. Residential Conservation Development District Option**  
 (All Part II of Section XVI 9/17/2004 unless otherwise noted)

16.19 Purpose.	16.27 Dwelling Unit Requirements.
16.20 General Guidelines/Applicability.	16.28 Pre-Application and Township Sketch Plan Requirements.
16.21 Definitions.	16.29 Township Preliminary and Final Development Plan Review Procedures.
16.22 Minimum Development Area.	16.30 Zoning Permit.
16.23 Uses Permitted.	16.31 Modifications.
16.24 Permitted Density and Open Space.	16.32 Conflict.
16.25 Development and Site Planning Standards.	
16.26 Street, Driveway and Walkway Requirements.	

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**16.19 PURPOSE.** The primary objective of Residential Conservation Development (RCD) District zoning is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads, as provided under ORC § 519.021 for planned unit developments. Such flexibility is intended to maximize the protection and conservation of natural resource areas and their functions, while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property. (Amended 12/17/2021)

These regulations are intended to achieve the following corollary purposes:

- A. To maximize protection of the community's natural resources, and their functions while maintaining the character of the community. This is to be achieved by:
  - 1. Avoiding development on, and destruction of, sensitive natural resource areas;
  - 2. Reducing the quantity and improving the quality of storm water runoff from expected development;
  - 3. Maintaining and conserving natural characteristics such as woods, hedgerows, natural vegetation, meadows, slopes, floodplains, wetlands, and riparian corridors; and
  - 4. Reducing the conversion of natural areas to landscaped areas for lawns and the use of invasive vegetation.
- B. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- C. To establish a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application.

- D. To ensure that the proposed conservation development reflects the objectives of the Township's Comprehensive Plan.

**16.20 GENERAL GUIDELINES/APPLICABILITY.** A proposed RCD District shall be reviewed and approved in conformance with the Zoning Amendment procedures outlined in Section VIII of the Concord Township Zoning Resolution, and the provisions set forth under Part II of Section XVI. In determining whether or not to permit an RCD District within an area of Concord Township, and in reviewing any plans for the development of such a district, the Zoning Commission and the Trustees of Concord Township shall take into consideration the health, safety and welfare of the community, and the citizens in the Township and the surrounding communities and the following: (Amended 12/17/2021)

- A. The effect the district and its development will have upon properties in the vicinity, population density, population trends, and surrounding open spaces;
- B. Traffic patterns and their relation to public safety, with assistance from the Lake County Engineer;
- C. The availability and provisions for essential services, particularly water and sewage disposal;
- D. The need for adequate open space to provide light and air; and
- E. The topography and unique scenic and/or historic features of the particular parcel or parcels under consideration and their relationship to the preservation of the character of Concord Township.

**16.21 DEFINITIONS.** Refer to Section V, Definitions, of the Concord Township Zoning Resolution.

**16.22 MINIMUM PROJECT AREA.**

- A. The minimum project area for a proposed Residential Conservation Development District shall be twenty (20) acres. Existing right-of-ways, unless extinguished at the time of development, shall be excluded from calculation of acreage of proposed RCD. (Amended 1/20/2006, 7/5/2019, 12/17/2021)
- B. The area or tract of land proposed to be developed as an RCD District shall be in one ownership, or if in several ownerships, the parcels shall be contiguous. The application shall be filed jointly by all owners of the contiguous parcels included in the proposed boundaries of the RCD District.

**16.23 USES PERMITTED.**

- A. Permitted Principal Uses: Detached single family dwellings (7/5/2019)
- B. Accessory Uses: Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of buildings and land in an RCD district. Accessory uses shall include, but shall not be limited to: (Amended 12/4/2015)

1. Swimming pools within private yards. See Section XXXI of this Resolution for requirements.
2. Customary home occupations such as handicrafts, dressmaking, laundering, home cooking, beauty parlor, barbershop; such home occupations shall not include mechanical or electrical repair shops, or manufacturing of any kind.
3. An office or studio in the residence of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher or other member of a recognized profession.
4. A builder's sales office in model homes.
5. Accessory Building.  
Each single family dwelling is permitted up to one (1) accessory building not to exceed 200 square feet.
6. Fences as set forth in Section XXXIV of this Resolution.
7. Decks.  
Freestanding decks shall be permitted in compliance with the minimum riparian setbacks, and front, side and rear yard clearance requirements for accessory structures. Decks that are attached to the principal building are considered building additions and shall comply with the minimum riparian setbacks, and front, side and rear yard clearance requirements for said building. (Amended 12/17/2021)
8. Gazebo or Pavilions.  
As set forth in Section 15.03(F) of this Resolution.
9. Other accessory structures not requiring a zoning permit.  
As set forth in Section 15.03(H) of this Resolution.

**16.24 PERMITTED DENSITY AND OPEN SPACE REQUIREMENTS.** (Amended 1/20/2006; 9/1/2006; December 17, 2021)

- A. Open Space: Open space, as utilized in Section XVI, Part II, is defined as a portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be used as community open space or preserved as green space. Open space areas shall be provided within a proposed RCD District development. (12/17/2021)
- B. Open Space Minimum Requirements. A minimum of 30% of the project area shall be set aside as open space. (12/17/2021)
- C. Open Space Design Criteria: The location, size, and shape of lands set aside for open space areas shall be reviewed and approved by the Township. The open space areas proposed within the development shall comply with the following:

- a. Open space shall be designed and located to conserve significant natural resources, including streams, wetlands, forest tracts, wildlife corridors, and areas adjacent to other open space and protected areas when possible, in addition to historical and cultural elements located on the site. (Amended 12/17/2021)
- b. Any area designated as open space shall be preserved in its natural state for the enjoyment of residents of the proposed development. Any existing trails or paths can be preserved. Additional passive recreational opportunities are possible with prior approval from the Township that encourage the connection of natural and open space areas. (Amended 12/17/2021)
- c. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered part of the open space include:
  - i. Public road rights-of-way;
  - ii. Parking areas, access ways and driveways;
  - iii. Required setbacks between buildings, parking areas, and project boundaries;
  - iv. Required setbacks between buildings and streets;
  - v. Private yards;
  - vi. Utility easements; (12/17/2021)
  - vii. A minimum of 15 feet between buildings and the open space areas; and
  - viii. Other small fragmented or isolated open space areas that:
    - 1. Have a dimension less than 25 feet in any direction for proposed project areas currently located in the R-1 District;
    - 2. Have a dimension less than 50 feet in any direction for proposed project areas currently located in the R-4 District; and
    - 3. Are less than one (1) acre in total area.
 (Amended 1/20/06)
- d. Stormwater infrastructure shall not be located in the open space, and does not contribute to the minimum open space requirements. (12/17/2021)
- e. Any area within the designated open space is to be preserved in its natural state. However, land that is disturbed during construction or otherwise not preserved in its natural state, shall be restored with vegetation that is compatible with the natural characteristics of the site. An environmental restoration plan shall be provided to the Township with the preliminary development plan, and shall be prepared in accordance with Section 16.24(F) of this Resolution. (Amended 5/6/2022)
- f. Open space areas may be provided abutting the road right-of-way in order to break up the continuous row of houses, and to provide easy access to the open space for the residents. (12/17/2021)

- g. The open space areas shall be clearly shown on the Preliminary Plan.
- D. Prohibition of Further Subdivision of Open Space. Any open space designated within a residential conservation development shall be prohibited from further subdivision or development.
- E. Ownership and Maintenance of Open Space. Subject to such permanent restrictions as set forth in Section 16.24 D above, designated open space areas in a residential conservation development may be owned by an association, a land trust or other conservation organization recognized by the Township. It is strongly desired that the open space is protected with a conservation easement held by a conservation organization. It shall further be the responsibility of such association, land trust or organization to ensure that the designated open space is maintained and preserved in its natural state. (Amended 12/17/2021)
- F. Environmental Restoration Plan. Any proposed open space areas that include previously disturbed lands, such as old farm fields, shall provide an Environmental Restoration and Seasonal Maintenance Plan. The plan shall be submitted with the Preliminary Development Plan for the entire project for approval. Environmental Restoration plans shall include and comply with the following:
  - 1. Plan shall seek to replicate, expand or enhance adjacent natural cover utilizing only native species and minimal cultivars of native species.
  - 2. Plan shall be created by, or in consultation with, an accredited professional or appropriate organization, i.e. a certified forester for reforestation projects, for the type of restoration. The plan shall be drawn at a scale appropriate for evaluation, and include the following:
    - a. An explanation of why the selected restoration habitat or natural cover type is appropriate for this project.
    - b. The long term seasonal maintenance plan of the proposed open space.
    - c. Plans shall utilize the ODNR Division of Natural Areas and Preserve's Ohio Native Plants species lists for plant selection. (Amended 5/6/2022)

## **16.25 DEVELOPMENT AND SITE PLANNING STANDARDS.**

- A. Water and Sewer Requirements. Central water and sewer systems and/or facilities shall be provided within any proposed residential conservation development, and shall meet the approval of all regulatory agencies having jurisdiction.
- B. Minimum Lot Area. Each fee simple lot for a proposed single-family dwelling shall meet the following minimum lot area requirements:
  - a. .25 acres for proposed RCDs currently located in the R-1 District. (9/1/2006)
  - b. .50 acres for proposed RCDs currently located in the R-4 District. (9/1/2006)
- C. Minimum Lot Width. Lot widths may be varied to allow for a variety of structural designs. (Amended 9/1/2006)

D. Minimum Building Setbacks and Yard Clearances. The following minimum building setbacks and yard clearances shall be required. (Amended 12/4/2015, 7/15/2016)

	Dwellings	Accessory Structures*
Minimum Front Building Setback	30 ft.	30 ft.
Minimum Side Yard	10 ft.	10 ft.
Minimum Rear Yard	30 ft.	10 ft.
Minimum Riparian Setback	See Section XVII	
* See Section XXXI for swimming pool setback requirements.		

1. The required minimum front building setback shall be measured from the front lot line. In cases where the front property boundary extends into a right-of-way easement, the front building setback shall be measured from the edge of the right-of-way to the building.
2. On corner lots, the required minimum front building setback shall be provided from each lot line that abuts a road or street.
3. Where a lot is considered a double frontage lot, the required minimum front building setback shall be provided from each lot line that abuts a road or street.
4. Dwelling setbacks may be varied, but shall be no less than required in this Resolution.
5. Where a new street intersects or extends an existing street, front building setbacks for dwellings on lots contiguous to the intersection shall be at least 40 ft. Where a proposed RCD is adjacent to a preexisting R-1 or R-4 lot, front building setbacks for dwellings on lots contiguous to the preexisting R-1 or R-4 lot shall be at least 40 ft.

E. Perimeter Building Regulations. (12/17/2021)

1. For projects currently zoned R-4, no dwelling shall be located within 100 feet of the perimeter of the RCD project boundary when adjacent to property not zoned R-2, RCD.
2. For projects currently zoned R-1, no dwelling shall be located within 50 feet of the perimeter of the RCD project boundary when adjacent to property not zoned R-2, RCD.

F. Maximum Height Permitted. The maximum height permitted for buildings located in the RCD District shall be in accordance with the height restrictions set forth in Section 16.10 D, as applicable.

G. Parking Requirements. The minimum number of parking spaces provided for each dwelling unit shall be in accordance with the requirements set forth in Appendix A for single-family detached dwelling units.

H. Riparian Setbacks. See Section XVII of this Resolution.

**16.26 STREET, DRIVE AND WALKWAY REQUIREMENTS.**

- A. All street, drive and walkway improvements shall conform to the specifications set forth in the Lake County Subdivision Regulations as well as the design standards set forth by the Lake County Engineers, and all applicable Township Resolutions.
- B. Cul-de-sacs are permitted to include decorative plantings in the center of the circular turn around, including stormwater infrastructure. (12/17/2021)
- C. Right-of-ways should curved when possible, following the natural contours of the land. (12/17/2021)

**16.27 DWELLING UNIT REQUIREMENTS.**

- A. The minimum square footage provided for each dwelling unit shall be in accordance with the standards set forth in Appendix B for detached single-family dwellings.
- B. Dwellings should be oriented to appreciate the topography and natural features of the land. (12/17/2021)

**16.28 PRE-APPLICATION CONFERENCE AND TOWNSHIP SKETCH PLAN REQUIRED.**

- A. Prior to the submission of a Township Preliminary Plan, the developer shall submit a Sketch Plan of the proposed conservation development for consideration by the Zoning Commission and Board of Trustees at a mutually agreed upon time by the Commission and Trustees. The Township may also elect to invite a representative from the Lake County Planning Commission, County Engineer, Storm Water Management Department, Soil and Water Conservation District, and other applicable County agencies for their review and comment. (Amended 12/17/2021)
  - 1. The purpose of the sketch plan is to present to the Township the initial plans of the proposed development as it conforms to the purpose and intent of the RCD District as well as the criteria and standards contained within.
  - 2. The Sketch Plan shall include the following: (12/17/2021)
    - a. Scale of the plan, north arrow and date;
    - b. Boundary of the development indicated by a heavy line and the approximate acreage;
    - c. Location, width, and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, corporation lines, school district boundaries, lot, tract, township, county and state, and meets and bounds property lines;
    - d. Zoning districts;
    - e. Existing and proposed changes in contours with intervals of not more than five (5) feet where slope exceeds ten (10) percent and not more than two



(2) feet where slope is ten (10) percent or less. Areas with slopes of fifteen (15) percent or greater shall be indicated on the plan;

- f. Drainage channels, streams, lakes, ponds, wetlands of any type, location of floodways, floodplains, and any other potentially hazardous areas and other water courses and basins;
  - g. Wooded areas;
  - h. Location of any other environmentally sensitive areas;
  - i. Proposed impacts to wetlands or streams;
  - j. Power transmission poles and lines, water lines, sewer lines, and any other significant items;
  - k. USDA soil designations and boundaries;
  - l. Topographic features within and adjacent to the development for a minimum distance of 200 feet;
  - m. Type of water supply and wastewater disposal proposed shall be noted;
  - n. Indicate known and/or suspected cemeteries, historical or archeological sites.
- B. Upon their review, the Zoning Commission and Trustees shall provide the applicant with feedback on the Sketch Plan. Such feedback shall not be deemed a subsequent approval or denial of the Township's preliminary and final development plans submitted, but shall be the basis for proceeding with the Township's preliminary plan application and submission requirements.

#### **16.29 TOWNSHIP PRELIMINARY AND FINAL DEVELOPMENT PLAN REVIEW PROCEDURES.**

- A. Any proposed RCD District shall be reviewed and approved in accordance with the procedures set forth in Sections 16.12 through 16.14 of Part I of Section XVI.
- B. Upon approval by the Township Trustees of the Township Preliminary Development Plan, such plan shall be the basis for proceeding with the subdivision review process with the Lake County Planning Commission, as set forth in the Lake County Subdivision Regulations. The County's preliminary plan and final plat approval shall be based on the approved Township Preliminary Development Plan. Final Development Plan approval at the Township level, as set forth in Section 16.14, shall occur simultaneously with the approval of the final plat by the County as required in the Lake County Subdivision Regulations. (Amended 3/9/2018)
- C. Upon the submission of each phase of the final development plan to the Township, a review of the final form of covenants, deed restrictions and/or by-laws associated with the development shall be completed by the Township's Legal Advisor. An additional fee will be assessed to the applicant for such legal review. The fee shall be in accordance with the amount established under Appendix I, Zoning Fee Schedule, of this Resolution. (1/20/2006; Amended 9/1/2006)

**16.30 ZONING PERMIT.**

Upon approval of the final development plan by the Township, and the final plat by the Lake County Planning Commission, and the recording of said final plat, the Zoning Inspector shall issue zoning permits that comply with the approved final development plan in accordance with the procedures set forth in Section XI, Zoning Permits. (Amended 3/9/2018)

**16.31 MODIFICATIONS.**

Any proposed modifications to an approved development plan shall be in accordance with Section 16.16. (Amended 3/9/2018)

**16.32 CONFLICT.**

Whenever there is a conflict or difference between the provisions of Part II, Section XVI of the Concord Township Zoning Resolution and the provisions of other sections of this Resolution, the provisions set forth in Part II, Section XVI shall prevail.

APPENDIX A – MINIMUM PARKING REQUIREMENTS FOR  
SECTION XVI - PLANNED UNIT DEVELOPMENT DISTRICT R-2

DWELLING TYPE	ATTACHED GARAGE	UNENCLOSED OFF-STREET PARKING	DETACHED GARAGE SPACES	TOTAL MINIMUM
DWELLING, DETACHED SINGLE FAMILY				
or	2 cars	(plus) 1 car		3 cars
DWELLING, SINGLE FAMILY CLUSTER				
DWELLING, ATTACHED SINGLE-FAMILY		2 spaces per unit minimum, ½ additional space for 2 or more bedrooms;	(or) 2 spaces per unit minimum, ½ additional space for 2 or more bedrooms	2 cars (plus)
DWELLING, TWO-FAMILY		1 space per unit minimum plus 1 additional space for 3 or more bedrooms	(or) 2 spaces per unit minimum, ½ additional space for 2 or more bedrooms	2 cars (plus)

Refer to Section 16.09-C.

Note: When calculating parking spaces, the parking spaces will be rounded off to the next highest number. Public and private parking shall not be used in calculating the minimum Parking Requirements.

APPENDIX B – MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR DWELLING UNITS FOR  
SECTION XVI - PLANNED UNIT DEVELOPMENT DISTRICT R-2

<b>DWELLING TYPE</b>	<b>1 STORY</b>	<b>1 ½ STORY</b>	<b>2 STORY</b>
DWELLING, DETACHED SINGLE FAMILY  OR DWELLING, SINGLE FAMILY CLUSTER	1,200 sq. ft.	1,400 sq. ft. total	1,600 sq. ft. total
DWELLING, ATTACHED SINGLE- FAMILY	1 bedroom: 750 sq. ft. 2 bedrooms: 850 sq. ft. 3 bedrooms: 1200 sq. ft.	1,000 sq. ft. total	1,200 sq. ft. total
DWELLING, TWO-FAMILY	1 bedroom: 800 sq. ft. 2 bedrooms: 1000 sq. ft. 3 bedrooms: 1200 sq. ft.	1,150 sq. ft. total	1,300 sq. ft. total

(Amended 7/5/2019)

## SECTION XVII – RIPARIAN SETBACKS

(All Sections 7/15/2016)

17.01 Purpose and Intent.	17.05 Applications and Site Plans.
17.02 Definitions.	17.06 Uses Permitted.
17.03 Applicability.	17.07 Uses Prohibited.
17.04 Establishment of Designated Watercourses.	17.08 Variances within Riparian Setbacks.
	17.09 Inspection of Riparian Setbacks.

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### 17.01 PURPOSE AND INTENT.

- A. It is hereby determined that the system of headwaters, rivers, streams, and other natural watercourses within Concord Township contributes to the health, safety, and general welfare of the residents of Concord. The specific purpose and intent of these regulations is to regulate uses and developments within riparian setbacks that would impair the ability of riparian and wetland areas to:
1. Benefit the community by minimizing encroachment on designated watercourses thereby minimizing the need for costly engineering solutions or other invasive measures that may be necessary to protect persons, buildings, structures, and uses as well as to reduce the damage to real property and threats to overall public health and safety within the affected watershed.
  2. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
  3. Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from watercourse banks.
  4. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.
  5. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.
  6. Preserve the scenic beauty of the environment in order to maintain the character of Concord Township, the quality of life of the residents, and the corresponding property values.
- B. The following regulations have been enacted to protect and enhance these functions of riparian areas by providing reasonable controls governing buildings, structures, uses and related soil disturbing activities within a riparian setback along designated watercourses in Concord Township.

## 17.02 DEFINITIONS.

For the purpose of these regulations, the following terms shall have the meanings as provided herein.

- A. CLASS III PRIMARY HEADWATER HABITAT STREAM: The highest quality primary headwater stream classification, as described in the most current version of the *Ohio EPA, Field Evaluation Manual for Ohio's Primary Headwater Habitat Streams*.
- B. COMMUNITY: Concord Township, Lake County, Ohio.
- C. DAMAGED OR DISEASED TREES: 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.
- D. DESIGNATED WATERCOURSE: A watercourse within Concord Township that is in conformity with the criteria set forth in these regulations.
- E. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with overall responsibility for administering the National Flood Insurance Program.
- F. IMPERVIOUS COVER: Any paved, hardened, or structural surface regardless of its composition including but not limited to buildings, roads, driveways, parking lots, loading/unloading areas, decks, patios, and swimming pools.
- G. LAND DEVELOPMENT ACTIVITY: Any changes to the surface area of a lot including (but not limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.
- H. ONE HUNDRED YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the Federal Emergency Management Agency maps of the township.
- I. OHIO ENVIRONMENTAL PROTECTION AGENCY: Referred throughout these regulations as the "Ohio EPA."
- J. ORDINARY HIGH WATER MARK: The point of the bank to which the presence and action of surface water is so continuous as to leave a district 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 and bank of a watercourse.
- K. RIPARIAN AREA: Naturally vegetated and adjacent to designated 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 these regulations.

- L. RIPARIAN SETBACK: The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in these regulations.
- M. SOIL AND WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as Lake County SWCD.
- N. SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, 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.
- O. WATERCOURSE: Any brook, channel, creek, river, or stream having banks, a defined bed and bank, and a definite direction of flow, either continuously or intermittently flowing.
- P. WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 CFR 232, as amended).
- Q. WETLANDS, CATEGORY 1: A low quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA.
- R. WETLANDS, CATEGORY 2: A medium quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA.
- S. WETLANDS, CATEGORY 3: A high quality wetlands classification as defined in Ohio Administrative Code (O.A.C.) Rule 3745-1-54(C) of the Ohio EPA.

### **17.03 APPLICABILITY.**

- A. These regulations shall only apply when soil disturbing activities regulated by this resolution are those proposed in, or within 50 feet of, a riparian setback as set forth in these regulations.
- B. These regulations shall apply to all zoning districts within Concord Township.
- C. These regulations shall apply to all buildings, structures, uses, and related soil disturbing activities on lands containing a designated watercourse as defined in this regulation, except as otherwise provided herein.
- D. No zoning permit or conditional zoning permit shall be issued by Concord Township without full compliance with the terms of these regulations.

- E. The use of any building, structure, use or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Section VII, Nonconforming Uses.
- F. 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 Section VII, Nonconforming Uses.

#### **17.04 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS.**

- A. Designated watercourses shall include those watercourses meeting any one (1) of the following criteria:
  - 1. All watercourses draining an area equal to or greater than one (1.0) square mile, OR
  - 2. All watercourses draining an area less than one (1.0) square mile and having a defined bed and bank. In determining if a watercourse is a designated watercourse, Concord Township may consult with a representative of the Lake County SWCD or other technical experts as necessary.
- B. Riparian setbacks on designated watercourses shall be established as follows:
  - 1. A minimum of one hundred twenty (120) feet on each side of all designated watercourses draining an area equal to and greater than twenty (20) square miles.
  - 2. A minimum of seventy-five (75) feet on each side of all designated watercourses draining an area equal to or greater than one (1.0) square mile and up to twenty (20) square miles.
  - 3. A minimum of fifty (50) feet on each side of all watercourses determined to be a Class III Primary Headwater Habitat Stream.
  - 4. A minimum of twenty-five (25) feet on each side of all watercourses draining an area less than one (1.0) square mile and having a defined bed and bank as determined by Concord Township in Section 17.03 of this regulation.
- C. Riparian Setback Guide Map. Concord Township shall create a guide map identifying designated watercourses and their riparian setbacks. Said guide map is made part of this regulation and the most current copy shall be maintained for public inspection in the Zoning Department. The following shall apply to the Riparian Setback Guide Map:
  - 1. It shall be used as a reference document and the information contained therein shall be believed to be accurate.
  - 2. It shall be a guide only.
  - 3. Nothing herein shall prevent Concord Township from amending the Riparian Setback Guide Map from time to time as may be necessary.



4. If any discrepancy is found between the Riparian Setback Guide Map and this regulation, the criteria set forth in Section 17.04 (A) and (B) shall prevail.
- D. The following regulations 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.
  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 minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to the outer edge of the 100-year floodplain as delineated on the flood hazard boundary map(s) by FEMA.
  4. Where a wetland is identified within a minimum riparian setback, the minimum riparian setback width shall be extended to the outermost boundary of the wetland, plus the following additional setbacks based upon the particular wetland category:
    - a. An additional minimum setback of fifty (50) feet extending beyond the outermost boundary of a category 3 wetlands.
    - b. An additional minimum setback of thirty (30) feet extending beyond the outermost boundary of a category 2 wetlands.
    - c. No additional setback shall be required beyond the outermost boundary of a category 1 wetlands.
  5. Upon receipt of any applications for a Zoning Permit, the Township may consult with any governmental agency or other professionals to determine if wetlands exist within a riparian setback. Any costs associated with the Township's review may be assessed to the applicant.
  6. If wetlands are identified with the riparian setback as a result of the Zoning Inspector's review, conducted pursuant to 17.04(D)(5), the applicant may, at their own expense, present a professionally prepared site plan that includes a wetlands delineation for consideration by the Township. Said delineation shall use delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation.

#### **17.05 APPLICATIONS AND SITE PLANS.**

- A. When making an application for a zoning permit or a conditional use permit for a building, structure, or use regulated by this resolution and proposing soil disturbing activities regulated herein, or within ten (10) feet of, a riparian setback, the applicant shall be responsible for identifying riparian setbacks as required by these regulations and shall

indicate such setbacks on all site plans submitted to the zoning inspector.

- B. The zoning inspector may, in reviewing the site plan, consult with the Lake County SWCD or other such experts.
- C. If land development or soil disturbing activities will occur within ten (10) feet of the outer boundary of the applicable riparian setback as specified in this regulation, the riparian setback shall be required to be clearly identified by the applicant on site with construction fencing as shown on the site plan. Such identification shall be completed prior to the initiation of any soil disturbing activities and shall be maintained on the lot until the completion of such development or soil disturbing activities.

#### **17.06 USES PERMITTED IN RIPARIAN SETBACKS.**

- A. **Permitted Building, Structures and Uses Within a Riparian Setback Without a Zoning Permit.** The following buildings, structures, uses and related soil disturbing activities may be permitted within a riparian setback without a zoning permit.
  - 1. Recreational Activity. Hiking, fishing, hunting, picnicking, picnic tables, trails, walkways, and paths for non-motorized vehicles constructed of pervious materials.
  - 2. Removal of Damaged or Diseased Trees. Damaged or diseased trees and other associated debris may be removed in accordance with any and all other Federal, State, or local laws or regulations.
  - 3. Revegetation and/or Reforestation. Riparian setbacks may be revegetated and/or reforested with native, noninvasive plant species in accordance with any and all other Federal, State, or local laws or regulations.
  - 4. Maintenance and Repairs. Maintenance and repair on lawfully existing buildings, structures, and uses; 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 systems.
  - 5. Maintenance and Cultivation of Lawns and Landscaping. The maintenance of existing, and cultivation of new, lawns, landscaping, shrubbery, and trees.
  - 6. Open Space. Passive open space to preserve the riparian setback area in its natural state.
- B. **Permitted Building, Structures and Uses Within a Riparian Setback With a Zoning Permit.** The following buildings, structures, uses and related soil disturbing activities may be permitted within a riparian setback, subject to the approval of an application for a

zoning permit by the zoning inspector and in accordance with the following regulations and such other applicable regulations contained in this zoning resolution.

1. Signs.
2. Fences and walls.
3. Crossings. Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian setbacks and mitigate any necessary disturbances. Such crossings shall only be undertaken upon approval and consultation with the Lake County SWCD. Any costs associated with the review of the Crossing plan may be assessed to the Applicant.

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:

- a. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
  - b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
  - c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.
4. Streambank Stabilization Projects. Streambank stabilization projects along designated watercourses may be allowed, subject to other regulations contained in this resolution and the regulations enforced by the Lake 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, 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:
- a. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
  - b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or,
  - c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

### **17.07 USES PROHIBITED IN RIPARIAN SETBACKS.**

Any building, structure, use or related soil disturbing activity not authorized under these regulations shall be prohibited in riparian setbacks. By way of example, the following uses are specifically prohibited, however, prohibited uses are not limited to those examples listed here:

- A. Construction. There shall be no buildings or structures of any kind, except as otherwise permitted under this Resolution.
- B. Roads or Driveways. There shall be no roads or driveways, except as permitted under this Resolution.
- C. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles. There shall be no parking spaces, parking lots, or loading/unloading spaces for vehicles of any kind.
- D. New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian setbacks shall not be used for the disposal or treatment of sewage, except as necessary to repair or replace an existing home sewage disposal system and in accordance with recommendations of the Lake County General Health District.
- E. Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soils, spoils, trash, debris, liquid or solid materials, except for noncommercial composting or uncontaminated natural materials and except as permitted under this Resolution.

### **17.08 VARIANCES WITHIN RIPARIAN SETBACKS.**

- A. The Board of Zoning Appeals may grant a variance to these regulations as provided herein. In granting a variance, the following conditions shall apply:
  - 1. In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the BZA shall consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.
  - 2. Variances shall be void if not implemented within one (1) year of the date of issuance.
- B. In making a determination under Section 17.08 (A) of this regulation, the BZA may consider the following:
  - 1. The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain.

2. The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback. This determination shall be based on sufficient technical and scientific data.
  3. The degree of hardship, with respect to the use of a property or the degree of practical difficulty with respect to maintaining the riparian setback as established in this regulation, placed on the landowner by this regulation and the availability of alternatives to the proposed structure or use.
  4. Soil-disturbing activities permitted in the riparian setback through variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices necessary to minimize erosion and control sediment.
  5. The presence of significant impervious cover in the riparian setback compromises its benefits to Concord Township.
  6. Variances should not be granted for asphalt or concrete paving in the riparian setback, but may be granted for gravel driveways when necessary.
  7. Whether a property, otherwise buildable under the regulations of Concord Township will be made unbuildable because of this regulation.
- C. In order to maintain the riparian setback to the maximum extent practicable, the Board of Zoning Appeals may consider granting variances to other area or setback requirements imposed on a property by this Resolution provided the Applicant makes the necessary application. These may include, but are not limited to, parking requirements, requirements for the shape, size, or design of buildings, or front building setbacks, rear yard clearances, or side yard clearances.
- D. In granting a variance under these regulations, the Board of Zoning Appeals, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of these regulations and to mitigate any necessary impacts in the riparian setbacks permitted by variance. In determining appropriate mitigation, the BZA may consult with the Lake County Engineer or other agencies including Lake County SWCD.

#### **17.09 INSPECTION OF RIPARIAN SETBACKS.**

The identification of riparian setbacks shall be inspected by the zoning inspector.

- A. The owner shall notify the zoning inspector at least five (5) working days prior to the initiation of any construction, land development or soil disturbing activities on a lot.
- B. The zoning inspector and/or its agents, with prior notice and the authorization of the owner, may enter the affected property from time to time with any necessary representatives or affiliates to conduct on-site inspections to ensure compliance with these regulations.

**Existing Section XVIII repealed, effective 12/4/15. See Section XV.**

**Section XIX repealed, effective 12/4/2015.**

**Existing Section XX repealed, effective 12/4/15. See Section XV.**



**Existing Section XXI repealed, effective 12/4/15. See Section XV.**

**SECTION XXII – Commercial and Industrial District Regulations**

(All Sections 6/15/2007, except as noted)

22.01 Purpose.	22.07 Accessory use requirements.
22.02 Use regulations.	22.08 Landscaping and screening requirements
22.03 Table of uses.	22.09 Supplemental requirements.
22.04 Lot, yard and building requirements.	22.10 Capital District Standards.
22.05 Off-street parking regulations.	22.11 Performance Standards
22.06 Design standards for the GB, BX, THC, THN, and C Districts.	22.12 Site plan review.

**22.01 PURPOSE.**

The Gateway Business (GB), Gateway Health (GH), Restricted Retail (B-1), Town Hall Commons (THC) Town Hall Neighborhood (THN), General Business (B-2), Business Interchange (BX), Manufacturing (M), Research and Limited Industrial (RD-2), the Special (S), and the Capital (C) Districts and their regulations are established in order to achieve, among others, the following purposes: (Amended 6/19/2009; 2/15/2013; 2/6/2015)

- A. To provide in appropriate and convenient districts, sufficient areas for various business activities, the exchange of goods and services, and the production of goods to serve the community and surrounding areas;
- B. To protect residential neighborhoods adjacent to commercial and industrial uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
- C. To ensure that proposed developments protect the unique natural features that define the character of Concord Township and are appropriate and compatible with their surroundings, in accordance with the intent, objectives and development criteria of the Districts;
- D. To provide a Gateway Business (GB) District that offers a balance of personal services, office and retail uses along a major thoroughfare while supporting surrounding businesses and local residents. The design of this area will encourage grouping of establishments located in a unified site, providing adequate off-street parking as well as efficient and safe methods of handling vehicular and pedestrian traffic.
- E. To provide a Gateway Health (GH) District along the Auburn Road corridor that will centralize medical and dental uses, office, research, and laboratory facilities with supporting service uses such as residential care facilities, day care centers, and fitness clubs, while meeting the growing demands of health care, medical research and related service industries. (2/15/2013)

- F. To provide a Restricted Retail (B-1) District to accommodate the sale of convenience retail goods and personal services that primarily serves the residents of Concord Township. Business nodes shall be located around key road intersections.
- G. To provide a Town Hall Commons (THC) District that will preserve and enhance the historic center of the Township at the Concord-Hambden/Ravenna Road crossroads area through a mixture of community facilities, business, and recreational uses that serves as a gathering place for the community. (6/19/2009)
- H. To provide a Town Hall Neighborhood (THN) District that will compliment the historic center of the Township at the Concord-Hambden/Ravenna Road crossroads with selective community oriented business and residential uses while promoting emerging land use patterns. (6/19/2009)
- I. To provide a General Business (B-2) District that provides an opportunity for non-intrusive trade business services and wholesale business that service a regional marketplace. (6/19/2009)
- J. To provide a Business Interchange (BX) District that offers a variety of general commercial, service and light manufacturing uses. This district is intended to accommodate businesses in the community that cannot be practically provided for in a neighborhood business district development.
- K. To provide a Manufacturing (M) District that accommodates the development of light manufacturing enterprises which shall operate in a clean and quiet manner. (6/19/2009)
- L. To provide a Research and Limited Industrial (RD-2) District that encourages and accommodates a growing number of businesses, light manufacturing, management headquarters, research and development operations, executive offices, and supporting services. Facilities should be grouped together in order to provide common amenities, such as adequate and convenient parking, services, utilities and a park-like, harmonious atmosphere. (Amended 1/6/2012)
- M. To provide a Special Interchange (S) District that maximizes the geographic characteristics of the land for hotel and hospitality related businesses. (6/19/2009)
- N. To provide a Capital (C) District to:
  1. Promote coordinated development on properties with access to and impacted by the Capital Parkway Extension and its new intersections with the intent of maximizing the economic value and function of all properties in the district.
  2. To ensure efficient use and function of the new Capital Extension infrastructure, including reduction of curb cuts and coordination of joint access among lots.
  3. To promote uses and development compatible with and supportive of the planned Town Center within the District.
  4. To require site improvements which promote consistent and high quality function and appearance of the District.
  5. To establish an area in which unique site developments which provide special benefits to the District may be

approved as Innovative Site/Planned Developments consistent with the provisions of the Ohio Revised Code. (2/6/2015)

- O. To establish design standards in certain areas that will integrate proposed developments into the surrounding environment and avoid large blank walls typical of big box buildings.

## **22.02 USE REGULATIONS.**

- A. A use listed in Section 22.03 shall be permitted by right as a permitted use in a district when denoted by the letter “P”, provided that all the requirements of Section XXXVI, Site Plan Review, and other applicable requirements of this Zoning Resolution and other township resolutions have been met.
- B. A use listed in Section 22.03 shall be permitted as a conditional use in a district when denoted by the letter “C”, provided the Board of Zoning Appeals first makes the determination that the requirements and procedures of Section XIII, Conditional Use Permits, and Section XXXVI, Site Plan Review, of the Zoning Resolution have been met.
- C. A use listed in Section 22.03 shall be permitted as an accessory use in a district when denoted by the letter “A”. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Zoning Resolution.
- D. Although a use may be indicated as a permitted, conditional or accessory use in a particular business, commercial or industrial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted use or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12.

**22.03 TABLE OF USES.**  
 (Amended 6/19/2009; 1/6/2012; 2/15/2013; 2/6/2015; 3/9/2018, 7/5/2019)

	RD-2	BX	GB	GH	B-1	B-2	M	S	THN	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Neighborhood	Town Hall Commons	Capital
<b>Office &amp; Professional Services</b>											
Urgent care/ medical clinic			P	P	P						P
Medical & dental office	P	P	P	P	P	P	P		P	P	P
Administrative, business & professional offices	P	P	P	P	P	P	P		P	P	P
Research and development labs	P		C	P			P				P
<b>Retail &amp; Personal Services</b>											
Restaurant (table service)		P	P	P	P				C	C	P
Restaurant (counter service)		C	C	C	C				C	C	C
Retail establishments within an enclosed building		P	P		P						P
Personal services including but not limited to hair care, dry cleaning, shoe repair, photography studios, etc.		P	P		P	P			P	P	P
Garden or nursery retail sales (non-wholesale)		C			C						
Bank, financial institutions		P	P		P						P
Veterinary services		C			C	C					
Funeral services		C	C		C	C					
Bed and breakfast			C		C				C	C	C
Hotels/Motels	P	P	P	P				P			P

	RD-2	BX	GB	GH	B-1	B-2	M	S	THN	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Neighborhood	Town Hall Commons	Capital
Business services including mailing and copy centers		P	P		P	P			P	P	P
Rental services including electronic, furniture and party supplies		P									
Child or adult day care center	C	C	C	C	C	C	C		C	C	C
Microbrewery		C	C		C						C
Microdistillery		C	C		C						C
Microwinery		C	C		C						C
<b>Automotive &amp; Transportation</b>											
Gas stations		P	C		C						C
Car wash		C	C		C						C
Motor vehicle dealers (new/pre-owned), including recreational vehicle and motorcycle dealers		C									
Automotive rental		P									
Automotive services (including instant oil changes)		P	C		C						
Automotive repair	P	P				P					
<b>Manufacturing &amp; Limited Industrial</b>											
Light manufacturing	P	P					P				
Brewery/Distillery/ Winery	P										
<b>Distribution &amp; Wholesale</b>											
Wholesale business	P	P				P					
Warehouse facilities	P	P									

	RD-2	BX	GB	GH	B-1	B-2	M	S	THN	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Neighborhood	Town Hall Commons	Capital
<b>Trade Business Services</b>											
Publishing/printing/bindery	P	P				P	P				
Landscaping services		P				P					
Lumber and building material dealers		P				P					
General building contractors		P				P					
Construction and equipment sales and rental (including misc. yard care equipment)		C				C					
<b>Entertainment/Recreation</b>											
Membership sports/fitness club	P	P		P	P			P			P
Studios for instruction		P			P						P
Indoor commercial recreation		P			P			P			P
Theater		P	P		P						P
Meeting/banquet facilities, clubs	P	P	C		C			P			P
<b>Community Facilities</b>											
Library, Museum			P		P					P	P
Community Center										P	P
School										C	
Outdoor recreation										P	C
Church/place of worship		C	C		C					C	C
Hospital			C	C							
Residential care facility, nursing home, and home for the aging				C	C	C			C		
Adult group home					C	C					

	RD-2	BX	GB	GH	B-1	B-2	M	S	THN	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Neighborhood	Town Hall Commons	Capital
Hospice care facility (used for care of hospice patients only)				C	C	C			C		
Government and Public Uses		P	P	P	P	P	P	P	P	P	P
<b>Other</b>											
Utility and communication services		P				P					
Surface extraction of sand, gravel or other earth materials	C	C	C	C	C	C	C	C	C	C	C
<b>Innovative Site/PD</b>											
Innovative Site/PD – see section 13.36 for special standards and uses											C
<b>Accessory Uses</b>											
Outdoor storage and/or display in association with a permitted or conditional use	C	C	C	C	C	A	A				C
Outside dining		C	C		C				C	C	C
Drive-thru facility in association with a permitted or conditional use		C	C		C						
Retail in association with a permitted or conditional use when conducted and entered only from within the principal building	C			C							
Warehousing	A	A				A	A				
Child or adult day care	C	C	C		C	C	C	C	C	C	C
Restaurant/cafeteria or pharmacy in association with a	A		A	A	A		A	A	A	A	A



	RD-2	BX	GB	GH	B-1	B-2	M	S	THN	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Neighborhood	Town Hall Commons	Capital
permitted or conditional use when conducted and entered only from within the principal building											
Meeting/banquet facilities (accessory)		A	A		A	A		A			A
Outdoor recreation								A	A	A	
Golf courses & related facilities (private)								A			
Swimming pools, tennis courts (private)								A	A		A
Personal services including but not limited to hair care, dry cleaning, shoe repair, photography studios, etc.								A			
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A
Off-street parking and loading areas	A	A	A	A	A	A	A	A	A	A	A
Fences, walls, decks, landscape features	A	A	A	A	A	A	A	A	A	A	A
Trash receptacles	A	A	A	A	A	A	A	A	A	A	A
Signs	A	A	A	A	A	A	A	A	A	A	A
Other permitted accessory uses as specified in Section 22.07.E.	A	A	A	A	A	A	A	A	A	A	A
<p><u>Notes to Table:</u></p> <p>P=Permitted Uses                      C=Conditional Use                      A=Accessory Use</p> <p>Blank cell means the use is not permitted in the district.</p>											

## 22.04 LOT, YARD AND BUILDING REQUIREMENTS.

The minimum lot and building requirements for uses in the commercial and industrial districts set forth in Section XXII are specified in Table 22.04. (Amended 6/19/2009)

- A. Minimum Lot Area. The area of the lot shall not be less than the dimensions set forth in Table 22.04.
- B. Minimum Lot Frontage/Width. The minimum lot frontage shall be the same as the minimum lot width, except for lots fronting on cul-de-sacs as set forth in Table 22.04.
- C. Minimum Lot Width for Corner Lots. Corner lots shall have the same minimum lot width required for both street frontages.
- D. Building Setbacks and Yard Clearances. All buildings and structures shall be located on a lot so as not to obstruct or otherwise encroach upon the minimum front, side and rear yard setback or clearance requirements established in Table 22.04, measured from the appropriate lot line. In cases where the front property boundary extends into a right-of-way easement, the front building setback shall be measured from the edge of the right-of-way to the building.
  - 1. For corner lots, the minimum front building setback shall be required for both street frontages.
  - 2. Where a lot is considered a double frontage lot, the required minimum front building setback shall be provided from each road or street, unless otherwise specified.  
(Amended 12/4/2015)
- E. Riparian Setbacks. Buildings, structures and uses are subject to the regulations as set forth in Section XVII of this Resolution. (Amended 7/15/2016)
- F. Building Separation. When more than one building is located on a lot, the separation between buildings shall not be less than the minimum distance set forth in Table 22.04, and shall further comply with the applicable requirements set forth in the Ohio Building and Fire Codes.
- G. Maximum Impervious Surface.
  - 1. The impervious surface on a lot shall comply with the maximum percentage of the total lot area set forth in Table 22.04.
  - 2. The percentage shall be calculated by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot. Impervious surfaces include, but are not

limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

- H. **Building Height.** The height of principal and accessory buildings shall not exceed the maximum heights established in Table 22.04. Church spires, belfries, clock towers, wireless towers, scenery lofts or other mechanical appurtenances may exceed these height restrictions when erected upon and as an integral part of such building. (10/12/1982; Amended 3/19/2004)
- I. **Roof mechanicals.** All mechanical appurtenances on the roof top and all visible equipment mounted on the side of a building shall be shielded from public view and adjoining developments. The shielding shall be integrated into the architecture of the building in terms of massing, materials and details. The shielding for the mechanical appurtenances on the roof shall be part of the roof form. (12/15/2006)

**Table 22.04.** (Amended 6/19/2009; 2/15/2013; 2/6/2015; 7/15/2016; 3/9/2018)

	RD-2	BX	GB	GH	B-1	B-2	S	M	THN	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Special Interchange	Manufacturing	Town Hall Neighborhood	Town Hall Commons	Capital
<b>Lot Requirements</b>											
Minimum Lot Area	3 ac	1 ac	.5 ac	1 ac	.5 ac	1 ac	5 ac	2 ac	.75 ac	.75 ac	1 ac
Minimum Lot Frontage/ Lot Width <sup>a</sup>	200 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft
<b>Minimum Front Building Setback Line</b>											
Lots Fronting Auburn Road	150 ft	75 ft	75 ft	75 ft	75 ft	75 ft	75 ft	150 ft	N/A	N/A	40 ft
Lots Fronting All Other Streets	100 ft	50 ft	40 ft	100 ft	50 ft	50 ft	50 ft	150 ft	50 ft	50 ft	40 ft <sup>c</sup>
<b>Minimum Side Yard Clearance (each side)</b>											
Abutting Residential District <sup>b</sup>	100 ft	70 ft	50 ft	50 ft	50 ft	50 ft	75 ft	200 ft	50 ft	50 ft	50 ft
Abutting Non-residential District	50 ft	20 ft	20 ft	20 ft	20 ft	20 ft	75 ft	50 ft	20 ft	20 ft	20 ft
<b>Minimum Rear Yard Clearance</b>											
Abutting Residential District	100 ft <sup>b</sup>	70 ft <sup>b</sup>	50 ft <sup>b</sup>	50 ft <sup>b</sup>	50 ft <sup>b</sup>	50 ft <sup>b</sup>	75 ft <sup>b</sup>	200 ft <sup>b</sup>	50 ft <sup>b</sup>	50 ft <sup>b</sup>	50 ft <sup>b</sup>
Abutting Non-residential District	50 ft	20 ft	20 ft	20 ft	20 ft	20 ft	75 ft	50 ft	20 ft	20 ft	20 ft

	RD-2	BX	GB	GH	B-1	B-2	S	M	THN	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Special Interchange	Manufacturing	Town Hall Neighborhood	Town Hall Commons	Capital
<b>Minimum Building Separation</b>	20 ft	20 ft	15 ft	20 ft	15 ft	20 ft	20 ft	20 ft	20 ft	20 ft	15 ft
<b>Maximum Impervious Surface</b>	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
<b>Minimum Riparian Setbacks</b>											
See Section XVII of this Resolution for Regulations.											
<b>Maximum Building Height</b>											
<b>Principal Building</b>	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	60 ft
<b>Accessory Building</b>	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
<u>Notes to Table:</u>											
<p><sup>a</sup> Lots located in the BX, GB, GH, B-1, B-2, S, M, THN, C and THC Districts and around the perimeter of a cul-de-sac shall have a minimum frontage at the street right-of-way line of 60 ft. and width of 100 ft. at the building setback line. Lots located in the RD-2 District and around the perimeter of a cul-de-sac shall have a minimum frontage at the street right-of-way line of 85 ft. and width of 200 ft. at the building setback line. (Amended 6/19/2009; 2/15/2013; 2/6/2015)</p> <p><sup>b</sup> Clearance requirements include the minimum buffer strip requirement for properties abutting residential districts, as set forth in Section 38.09 of the Landscaping and Screening Requirements, and shall not be additional footage.</p> <p><sup>c</sup> Relocation of Crile Road will result in several lots with "double frontage." Rear setback standards shall be applied to the Old Crile Road frontage of these lots. (2/6/2015)</p>											

**22.05 OFF-STREET PARKING REGULATIONS.**

Off-street parking areas shall conform to the off-street parking requirements specified in Section XXIX of the Zoning Resolution.

**22.06 DESIGN STANDARDS FOR THE GB, GH, BX, THC, THN, and C DISTRICTS.**

Design standards are established for the Gateway Business (GB), Gateway Health (GH), Business Interchange (BX), Town Hall Commons (THC), Town Hall Neighborhood (THN), and Capital (C) Districts to ensure that new development or redevelopment complies with the purposes of this Section. All uses proposed in the GB, GH, BX, THC, THN, and C Districts regulated in this Section shall comply with the design requirements set forth in Section XXXVII of the Zoning Resolution. (Amended 6/19/2009; 2/15/2013; 2/6/2015)

**22.07 ACCESSORY USE REQUIREMENTS.**

Accessory uses, buildings and structures permitted in commercial and industrial districts set forth in Section XXII shall comply with the following regulations: (Amended 6/19/2009)

- A. Accessory Buildings. Accessory buildings with a floor area 1,500 square feet or less shall conform to all lot and yard requirements for principal buildings of the corresponding zoning district and be subject to the approval of the Zoning Inspector. Accessory buildings with a floor area greater than 1,500 square feet shall conform to all lot and yard regulations and site plan review and approval requirements of the zoning district in which the parcel or lot is located. (Amended 10/17/08)
- B. Trash Receptacles. All solid waste resulting from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings or in a completely enclosed container. Such building, container or dumpster shall comply with the following:
1. All commercial compactors, storage bins, refuse containers, utilities and mechanical equipment shall be contained wholly within enclosed buildings, or enclosed by three solid walls and one gated wall of such nature and height (2 ft. height exceeding enclosed containers) as to conceal completely all operations thereof from grade level.
  2. Gates and doors shall be kept closed at all times and only opened when containers are being used or emptied or serviced.
  3. All receptacle areas shall be designed and constructed with screening as an integral part of the associated building architecture and using the building massing, materials, and architectural details to unite screening structure with the building when property abuts a residential property.
  4. Loading, unloading, opening, closing, or operation of trash containers shall not take place in such a manner as to cause a noise disturbance across a residential real property boundary between the hours of 7:00 p.m. and 6:00 a.m. The actual pick-up time/haul away for trash containers and commercial trash/waste containers shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m. The actual operation of trash compactors shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m., including delivery and loading operations.
- (9/14/1982; Amended 12/15/2006)
- C. Fences and Walls. Fences and walls may be erected in compliance with the requirements set forth in Section XXXVIII of the Zoning Resolution.
- D. Signs. Signs shall conform to the regulations specified in Section XXX of the Zoning Resolution.
- E. Other Permitted Accessory Uses. In addition to the accessory uses set forth in Section 22.03, the following items shall be considered permitted accessory structures within the commercial and industrial districts set forth in Section XXII. The following structures do

not require a zoning permit, but shall not be located on a lot where they will impair vehicular or pedestrian traffic movement or visibility both on and off the property. (Amended 6/19/2009)

1. Mailboxes or newspaper tubes.
2. Flag poles.
3. Statuary or art objects.
4. Charity boxes.
5. Public phone facilities.

## **22.08 LANDSCAPING AND SCREENING REQUIREMENTS.**

Visual screening and landscape buffers shall be provided for all lots in the commercial and industrial districts set forth in Section XXII in accordance with the landscaping requirements set forth in Section XXXVIII of the Zoning Resolution. (Amended 6/19/2009)

## **22.09 SUPPLEMENTAL REQUIREMENTS.**

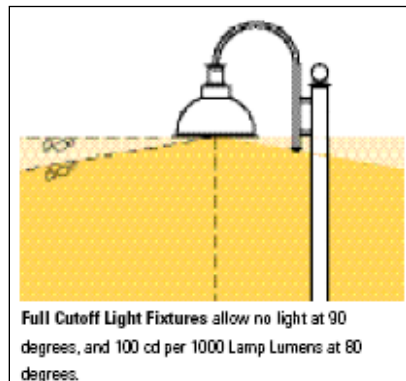
- A. Delivery and Loading Areas: Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. Delivery and loading areas shall be substantially set back from a residential use or residentially zoned property that is adjacent to that site, and wherever site conditions permit, loading docks and vehicle loading doors shall be located on facades that are not visible from public rights-of-ways. The delivery and loading areas shall be enclosed so that they are not visible to adjacent residential properties. The enclosure shall screen the noise and activity at the loading dock. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 7:00 p.m. and 6:00 a.m. shall not take place in such a manner as to cause a noise disturbance across a residential real property boundary. Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area between 7:00 p.m. and 6:00 a.m. with motor and/or refrigerators/generators running. (12/15/2006; 3/9/2018)
- B. Outdoor Grilling Adjacent to Residential Areas: No person shall kindle or maintain a fire for the commercial preparation of food in any type of outdoor or portable grill in the rear of the building, adjacent to any residential area. (12/15/2006).
- C. Lighting:
  1. Exterior lighting of buildings and/or parking areas shall be positioned so as not to emit light onto neighboring properties or road right-of-ways, but shall shine directly onto buildings, or be directed downward onto parking areas, access drives and pedestrian walkways. (12/15/2006)

2. All lighting shall be shielded from adjoining residential properties in such a manner as to prevent distraction and glare. Light pollution control measures shall be taken to avoid negative impact of misdirected light. Business that utilizes canopy lighting shall use recessed ceiling fixtures with the bottom of the lenses flush with the canopy in addition to meeting other lighting guidelines. No lights shall be oriented towards residential areas. Building-mounted light fixtures and free standing light fixtures should be in proportion with the building and shall not exceed the building height. Pole and building-mounted light fixtures shall not exceed the height of the building as follows: (12/15/2006)

<u>Height of Building</u>	<u>Height of Fixture</u>
< - 50'	fixture 14ft.
50 -100'	fixture 25 ft.
100 – 150'	fixture 35ft.

3. Light Trespass. Light trespass over a commercial or industrial property line when adjoining residential properties shall be limited to no more than 0.5 foot-candles at the property line and one quarter foot candle ten feet over the property line. Lighting levels are based on initial lamp lumens and 1.0 maintenance factor. Fully shielded light source (full cut off) shall be used, as illustrated in Figure 1. They are shielded so that light emitted from a fixture, directly or indirectly, is projected below a horizontal plane through the lowest point of the fixture where light is emitted. (12/15/2006)

**Figure 1.**



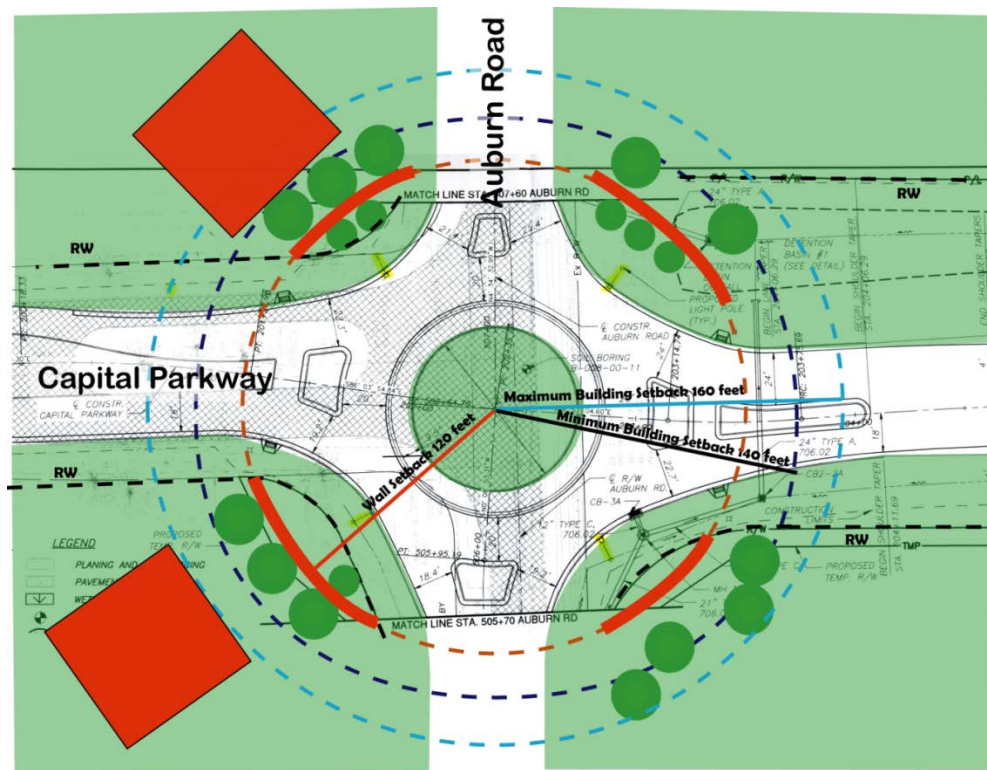
4. Uplighting is not permitted, except for use on flagpoles. (12/15/2006)

The IESNA Lighting Handbook, ninth edition or later, is recommended to be used as reference for lighting. It provides explanations of concepts, techniques, applications, procedures, and systems. Specific “lighting measurements” methods and calculations are found in Chapter 2 and Chapter 9 (ninth edition). “Levels of Trespass” explanations are found in Chapter 21. (12/15/2006)

**22.10 Capital District Standards (2/6/2015)**

- A. Minimum lot area shall be not less than 1.0 acre, except as otherwise approved in an Innovative Site/PD, refer to Section 13.36.
- B. Minimum setbacks shall be as provided in Table 22.04.
- C. Maximum Setbacks and Wall Orientation for “Concord Circle” Frontages. It is the intent of these regulations to require that every lot having frontage on Concord Circle include building and landscape features which complement the circular design of the roundabout and contribute to the sense of place of the Circle. It shall also be the intent of these regulations to encourage creativity in site design in addressing this objective. See Figure 1.

**Figure 1: Concord Circle**



- D. At a minimum, the following shall be constructed on each Circle frontage lot:
  - 1. A wall of brick, stone, stucco, or similar masonry material reflecting the building architecture or as otherwise approved in the Site Plan shall be constructed in an arc located 120 feet from the center of and concentric with the Concord Circle, and extending between the two points of contact of the arc with the lot lines/public rights-of-way. The wall shall be at least three (3) feet and not more than six (6) feet high.

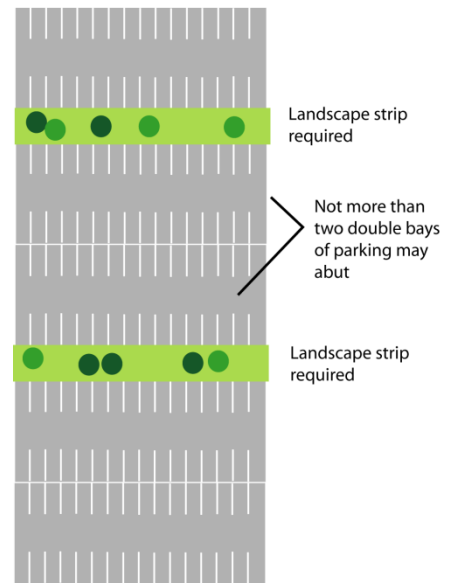


2. Professionally designed landscaping, including at least 50% low evergreen shrubs (2-5 feet mature height) in the area between the wall and the right-of-way and larger evergreen shrubs and ornamental trees in the area behind the wall.
- E. The reviewing board may approve a landscape design in lieu of the above provided that the landscape design features contribute to the intent of the design of the Circle as described above.
- F. The reviewing board may also approve a landscape design in lieu of the above if the façade or façades of the building on the lot are oriented toward the Circle and include design features which contribute to the design of the Circle.
1. Preferred design features include a building wall tangent to a radius of the Circle and located not less than one hundred forty (140) feet and not more than one hundred sixty (160) feet from the center point of the Circle.
  2. Every façade oriented toward or visible from the Circle shall, for purposes of site plan and design review, be treated as a front façade and loading or storage facilities shall not be permitted in these facades.
- G. Building Design
1. Maximum Height. Buildings in this district shall be as provided in Table 22.04 except as approved in an Innovative Site/PD.
  2. Maximum Commercial Floor Area. The total floor area of a single retail business or single service business shall not exceed 50,000 square feet unless approved in an Innovative Site/PD.
  3. Facades. The provisions of Section XXXVII Design Standards shall apply in the Capital District.
- H. Front Yard Parking. Parking located in the front yard shall comply with the following standards:
1. Not more than two rows of parking spaces (two rows of parking accessed by a single aisle) shall be located in the front yard.
  2. Parking and aisles shall be located at least twenty (20) feet from the public right-of-way.
  3. Front yard parking and aisles shall be screened with a low wall, three (3) feet in height above the grade of the nearest part of the parking lot, faced with stone, concrete, stucco, or similar masonry material reflecting the building architecture or as otherwise approved in the Site Plan. The screening wall shall be located not more than ten (10) feet from the side of the parking lot closest to the public right-of-way.

The wall shall be continuous except for breaks approved in the Site Plan for such purposes as surface drainage, planter sign locations, or driver sight lines. Breaks in the wall may also be permitted if filled with evergreen landscaping or other substantial features such as large rocks.

4. Parking shall not be permitted in the front yard(s) of a corner lot.
5. For every ten (10) parking spaces located wholly or partially within the front yard, at least one (1) tree and three (3) shrubs shall be planted and maintained in the front yard as approved in the site plan. This landscaping requirement shall be in addition to the basic yard and parking lot landscaping required for all parking lots in Section XXXVIII, Landscape and Screening Requirements.
6. A conforming location for an identification sign on the lot (whether a sign is requested or not) shall be identified with the plan for front yard parking, screening wall, and landscaping to ensure that a suitable site is available for any potential sign without conflict with other approved site improvements.
7. General Parking Standards. All parking shall comply with the following standards in addition to those in Section XXIX Parking of this resolution:

- a. Landscaped islands and peninsulas shall be dispersed throughout the lot so that no more than ten (10) side-by-side parking spaces abut in a row.
- b. No more than two (2) parallel double bays of parking shall abut. A landscape strip at least twenty (20) feet wide shall be required to separate additional abutting bays. Features such as walkways and storm water management facilities are encouraged in these areas.
- c. Vehicles, trailers, movable signs, and other objects, equipment or structures owned or otherwise controlled by the site owner, lessee, or tenant of the site shall not be parked, placed, or stored in any location closer to the public right-of-way than 100 feet or than the rear line of the building, whichever is furthest from the right-of-way.



I. Landscaping and Lighting

1. Road Frontage Landscaping. Landscaping shall be installed in road frontage areas as provided in Section 38.06 except that earth mounding shall not be required where screening walls are installed as provided in Section 22.10H3.
2. Maintenance of Unimproved Areas. When any part of a lot has been improved with a building, parking, drives, or other surface improvements, then the owner shall

maintain all unimproved parts of the lot by regular mowing and removal of litter and dumped materials. Unimproved areas shall not be used for storage of equipment or any other objects or materials unless approved for a defined period of time in the zoning permit. Where a large portion of a lot, specifically identified on the zoning permit, is intended to remain unimproved for an undetermined period of time, only mowing of frontage areas and areas abutting other improved lots, and litter/dumping/waste removal may be required.

3. **Maintenance of Landscaping Required.** The owner of a lot shall be required to maintain all landscaping approved in a site plan so long as the approved building or use continues on the lot. The meaning of “maintain” includes but is not limited to: periodic addition of fresh mulch to original mulched areas; replacement of trees, shrubs, and other plant material which becomes diseased, damaged, or dies; continuous removal of weeds and trash; continuous mowing of grass areas; and similar activities typical of active and responsible maintenance of landscaped areas. The requirement to maintain is a condition of the issuance of any zoning permit.
  4. **Maintenance of Watercourses and Storm Water Facilities Required.** The owner of a lot shall be required to maintain all natural and man-made watercourses and storm water facilities as approved in a site plan so long as the approved building or use continues on the lot. The meaning of “maintain” includes but is not limited to: continuous removal of weeds and trash; continuous mowing of grass areas; and similar activities typical of active and responsible maintenance of such areas. The requirement to maintain is a condition of the issuance of any zoning permit.
  5. **Lighting.** Lighting shall comply with the standards in Section XXXVII Design Standards.
- J. **Pedestrian Facilities.** It shall be the intent of these standards to promote and support pedestrian movement within and between sites and to and from public rights-of-way. Site plans shall include pedestrian facilities complying with these standards, except as otherwise approved in Site Plan Review.
1. **Public Sidewalk.** Property owners may be required to construct or participate in the cost of construction of sidewalks in the public right-of-way as provided in the Ohio Revised Code.
  2. **Connection to Public Sidewalk.** A sidewalk shall be installed on each lot connecting the front or main entry of every business or use on the lot with the existing or future location of a sidewalk in the public right-of-way.
  3. **Connection with Parking.** Sidewalks shall be installed connecting every parking lot with the business or use which it serves.

4. Sidewalks within Parking Lots. Sidewalks shall be constructed within or abutting all parking lots in locations which ensure that all parking spaces are not more than 80 feet from a sidewalk.
  5. Sidewalks shall be constructed of concrete. Sidewalk crossings of drives and aisles shall be stamped or patterned concrete.
  6. Sidewalks shall be constructed to connect the front or main entrance(s) of the businesses or uses on each lot to locations on the side or rear lot lines of the lot where connecting sidewalks have been approved in site plans or constructed on the abutting lot(s). If no connecting sidewalk has been approved or constructed, then sidewalks shall be constructed in the locations most suitable for future connecting sidewalks on the abutting lots. Sidewalk construction may be deferred as a condition of the zoning permit until sidewalks on abutting lots are approved or constructed.
- K. Signs. Signs shall be permitted in accordance with Section XXX of this Resolution. (Amended 12/4/2015)
- L. Loading Facilities, Waste Storage in the Capital District. Wherever site conditions permit, loading docks, vehicle loading doors, and waste facilities shall be located on facades which are not visible from public rights-of-way, including State Route 44. Where site conditions make such locations necessary, visual screening shall be installed in the form of walls, fences, and landscaping including shrubs and trees.
- M. Entry Drives. Drives providing access from public roads shall extend at least fifty (50) feet from the public road right-of-way line without any curb cut from the drive (i.e., turns onto other drives, parking lots or parking spaces). The intent shall be to prevent slowing or turning movements within the drive in close proximity to the point of access with the public right-of-way.
- N. Refer to Section 13.36 Innovative Site/PD for specific conditions for developing an Innovative Site/PD within the Capital District.

#### **22.11 PERFORMANCE STANDARDS.**

The uses set forth in Section 22.03, shall comply with the performance standards outlined in Section 6.05 of the Zoning Resolution, as applicable. (Amended 12/4/2015)

#### **22.12 SITE PLAN REVIEW.**

Prior to the construction, alteration, expansion or modification of a use in the commercial and industrial districts set forth in Section XXII, a site plan for such activity shall be reviewed and approved according to the site plan review procedures set forth in Section XXXVI of the Zoning Resolution. (Amended 6/19/2009)

**SECTION XXIII – SEXUALLY ORIENTED BUSINESS REGULATIONS**

23.01	Applicability.	23.09	Suspension.
23.02	Purpose and Intent.	23.10	Revocation.
23.03	Findings.	23.11	Appeal rights.
23.04	Definitions.	23.12	Transfer of license.
23.05	License required.	23.13	Additional regulations concerning the operation of a sexually oriented business.
23.06	Application for license.	23.14	Additional regulations concerning location restrictions and yard requirements for sexually oriented businesses.
23.07	Issuance of a license.	23.15	Severability clause.
23.08	Expiration and renewal of license.		

**23.01 APPLICABILITY**

A sexually oriented business shall be permitted in an AP, Airport District, as provided for in Section XXIII of the Concord Township Zoning Resolution.

**23.02 PURPOSE AND INTENT**

Pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the purpose, intent and supporting findings in enacting the provisions of these sections of the Resolution are based on the following:

- A. Adult entertainment establishments require special supervision from the public safety agencies of Concord Township in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of Concord Township.
- B. The Concord Township Board of Trustees finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
- C. The concern over sexually transmitted diseases is a legitimate health concern of Concord Township that demands reasonable regulation of adult entertainment establishments by Concord Township in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.

- D. Minimal regulations enacted by Concord Township are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- E. There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.
- F. The Concord Township Board of Trustees desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the Concord Township Board of Trustees seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.
- G. The Concord Township Board of Trustees has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of Concord Township and that expanded regulation of adult entertainment establishments is necessary.
- H. It is not the intent of the Concord Township Board of Trustees in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral sections of the Concord Township Zoning Resolution that address the secondary effects of adult entertainment establishments.
- I. It is not the intent of the Concord Township Board of Trustees to condone or legitimize the distribution of obscene material, and the Concord Township Board of Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.
- J. It is the intent of the Concord Township Board of Trustees in enacting these sections of the Resolution to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of Concord Township and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within Concord Township. The sections of this Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the Concord Township Board of Trustees in enacting these sections of the Resolution to restrict or deny, or authorize the restriction or denial of, access by adults to sexually

oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the Concord Township Board of Trustees in enacting these sections of the Resolution to condone or legitimize the distribution or exhibition of obscene material.

### 23.03 FINDINGS

Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover

County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; *729, Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the Concord Township Board of Trustees' independent review of the same) the Concord Township Board of Trustees finds:

- A. Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.
- B. Certain employees of adult entertainment establishments, as defined in the Resolution as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- C. Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under Section 2907.25 of the Revised Code.
- D. Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions.
- E. Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments.
- F. Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.



- G. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.
- H. A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.
- I. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.
- J. The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.
- K. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
- L. The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
- M. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- N. Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- O. The findings noted in Section 23.03 (A) to (N) of this section raise substantial governmental concerns.
- P. Adult entertainment establishments have operational characteristics that require or mandate and subject them to reasonable government regulation in order to protect those substantial governmental concerns.
- Q. The enactment of these sections of the Resolution will promote the general welfare, health, morals, and safety of the citizens of this Township.

**23.04 DEFINITIONS**

For purposes of these sections of the Resolution, the following terms whenever used in this Resolution, shall have the meaning herein indicated:

- A. ADULT BOOKSTORE, ADULT CABARET, ADULT MOTION PICTURE THEATER, ADULT VIDEO STORE, CHARACTERIZED BY," NUDE, NUDITY, STATE OF NUDITY, SEMINUDE,

STATE OF SEMINUDITY, SEXUAL DEVICE, SEXUAL DEVICE SHOP, SEXUAL ENCOUNTER CENTER, SPECIFIED ANATOMICAL AREAS, and SPECIFIED SEXUAL ACTIVITY have the same meanings as in Section 2907.40 of the Ohio Revised Code; and

- B. ADULT ARCADE, ADULT ENTERTAINMENT, ADULT ENTERTAINMENT ESTABLISHMENT, ADULT NOVELTY STORE, ADULT THEATER, DISTINGUISHED OR CHARACTERIZED BY THEIR EMPHASIS UPON, NUDE OR SEMINUDE MODEL STUDIO, REGULARLY FEATURES, REGULARLY SHOWN, and SEXUAL ENCOUNTER ESTABLISHMENT have the same meanings as in Section 2907.39 of the Ohio Revised Code.
- C. EMPLOYEE means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.
- D. IMMEDIATE FAMILY means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.
- E. LICENSE means a license to act or operate a sexually oriented business, issued pursuant to these sections of the Resolution.
- F. LICENSEE means a person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the sexually oriented business. With respect to an Employee license issued under these sections of the Resolution, licensee means an employee as defined by Section 23.04, sub-section C above, in whose name a license has been issued authorizing employment at sexually oriented business.
- G. OPERATE means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "Cause to be Operated" shall mean to cause to function or to put or keep in operation.
- H. OPERATOR means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.
- I. PATRON means any individual on the premises of a sexually oriented business, except for any of the following:
  - 1. An operator or an employee of the sexually oriented business;

2. An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;
  3. A public employee or a volunteer firefighter emergency medical services worker acting within the scope of the public employee's or volunteer's duties as a public employee or volunteer's duties as a public employee or volunteer.
- J. PERSON means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- K. PREMISES means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.
- L. SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section 23.04, sub-sections A and B of this Resolution, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.
- M. SPECIFIED CRIMINAL ACTIVITY means any of the following offenses:
1. Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country for which:
    - a. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
    - b. less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
  2. The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.
- N. TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business shall mean any of the following:
1. The sale, lease, or sublease of the business;

2. The transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

### **23.05 LICENSE REQUIRED**

- A. No person shall operate a sexually oriented business as defined by Section 23.04, sub-section L without a valid sexually oriented business license issued by Concord Township pursuant to these sections of the Resolution.
- B. Any person who violates sub-section A above shall be guilty of a second degree misdemeanor for a first offense, and a first degree misdemeanor for a second offense.

### **23.06 APPLICATION FOR LICENSE**

- A. An original or renewal application for a sexually oriented business license shall be submitted to the Concord Township Board of Trustees or its designee on a form provided by the Concord Township Board of Trustees. Concord Township's application may require and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable the Township to determine whether the applicant meets the qualifications established in these sections of the Resolution.
- B. A filing fee shall be paid at the time of filing the application, as set forth in Appendix I, Zoning Fee Schedule, of the Concord Township Zoning Resolution.
- C. An application for a sexually oriented business license shall identify and be signed by the following persons:
  1. If the business entity is owned by an individual, that individual.
  2. If the business entity is owned by a corporation, each Officer or Director of the corporation, any individual owning or controlling more than fifty (50) percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed sexually oriented business.
  3. If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited

partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed sexually oriented business.

- D. An application for a sexually oriented business license must designate one or more individuals who are to be principally responsible for the operation of the proposed sexually oriented business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed sexually oriented business on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under these sections of the Resolution, and shall be considered a licensee if a license is granted.
- E. An application for a sexually oriented business license shall be completed according to the instructions on the application form, which shall require the following:

1. If the applicant is:
  - a. an individual, state the legal name and any aliases of such individual; or
  - b. a partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or
  - c. a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or
  - d. a corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all Officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.
2. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
3. State whether any applicant has been convicted of a specified criminal activity as defined in these sections of the Resolution, and if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction.
4. State whether any applicant has had a previous license under these sections of the Resolution or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, or fifty (50) percent or greater owner of a corporation licensed under these sections of the Resolution whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
5. State whether any applicant holds any other licenses under these sections of the Resolution or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.

6. State the location of the proposed sexually oriented business, including a legal description of the property (i.e., permanent parcel number), street address, and telephone number(s), if any.
7. State the mailing address and residential address of each applicant and each person signing the application.
8. Submit a recent photograph of each applicant who is a natural person, taken by the Ohio Bureau of Motor Vehicles or other appropriate agency that clearly shows the applicant's face.
9. Submit the fingerprints of each applicant who is a natural person, recorded by the Lake County Sheriff's Department or other appropriate agency.
10. For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed sexually oriented business.
11. State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.
12. Submit proof that each applicant who is a natural person is at least eighteen (18) years old.
13. Submit a sketch or diagram showing the configuration of the premises of the sexually oriented business. The diagram shall also designate the place at which the adult business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
14. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that Concord Township can determine whether the Resolution's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Resolution's licensing and permitting requirements.
15. The information gathered pursuant to the above provisions constitute protected private information and are exempt from Ohio's Public Records Act in accordance

with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

**23.07 ISSUANCE OF A LICENSE**

- A. Upon receipt of an application for a sexually oriented business license, the Concord Township Planning and Zoning Director or its designee shall promptly request that the Lake County Sheriff’s Department review the information provided in the application concerning the criminal background of the applicant(s) and that the Lake County Sheriff’s Department shall transmit the results of its investigation in writing to the Concord Township Planning and Zoning Director or its designee within five (5) days of the completion of its investigation.
- B. Within five (5) days of receipt of an application for a sexually oriented business, the Concord Township Planning and Zoning Director or its designee shall notify the Concord Township Fire Chief of such application. In making such notification, the Concord Township Planning and Zoning Director or its designee shall request that the Fire Chief promptly inspect the premises for which the sexually oriented business license is sought to assess compliance with the regulations under their respective jurisdictions.
- C. The Fire Chief shall provide to the Concord Township Planning and Zoning Director or its designee a written certification of whether the premises are in compliance with the Concord Township Fire Regulations within ten (10) days of receipt of notice of the application.
- D. The Concord Township Planning and Zoning Director or its designee shall commence the inspection of the premises for which a sexually oriented business license is sought promptly upon receipt of the application, and shall complete, within ten (10) days after receipt of the application, a written certification of whether the premises are in compliance with the Concord Township Zoning Resolution, and the provisions of this Resolution related to physical characteristics of the premises, and whether Concord Township has received notice from any State of Ohio or Lake County agency of the premises being in violation of any applicable state building or property codes.
- E. Within twenty-one (21) days after receipt of a completed sexually oriented business license application, the Concord Township Planning and Zoning Director or its designee shall approve or deny the issuance of a license. The Concord Township Planning and Zoning Director or its designee shall approve the issuance of a license to an applicant unless he/she determines that one or more of the following findings is true:
  - 1. An applicant who is a natural person is under eighteen (18) years of age.



2. An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).
  3. An applicant has, within the preceding twelve (12) months, been denied a sexually oriented business license by any jurisdiction or has had a license to operate a sexually oriented business revoked by any jurisdiction.
  4. An applicant has been convicted of a specified criminal activity as defined in this Resolution.
  5. The proposed sexually oriented business would violate or fail to be in compliance with any provisions of the Concord Township Zoning Resolution, or state statute or regulation.
  6. The application and investigation fee required by this Resolution has not been paid.
  7. An applicant is in violation of or not in compliance with any provision of this Resolution, except as provided in Section 23.07, sub-section F of this section.
- F. If the Concord Township Planning and Zoning Director, or its designee determines that one or both of the following findings is true, the license issued pursuant to this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:
1. The results of inspections of the premises by the Fire Chief or its designee indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions.
  2. An applicant is overdue in payment to the Township of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business, which are not the subject of a pending appeal or other legal challenge.
- G. A sexually oriented business license shall state on its face the name of the applicant, the expiration date, and the address of the licensed sexually oriented business. All sexually oriented business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.
- H. The Concord Township Planning and Zoning Director or its designee shall advise the applicant in writing within three (3) days of the Concord Township's Planning and Zoning Director's decision of the reasons for any license denial. If Concord Township

finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

### **23.08 EXPIRATION AND RENEWAL OF LICENSE**

- A. Each license issued pursuant to this Resolution shall expire two years from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety (90) days and no less than twenty-one (21) days before the expiration date. If application is made less than twenty-one (21) days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.
- B. An application for renewal of a sexually oriented business license shall be submitted to the Concord Township Planning and Zoning Director or its designee on a form provided by the Concord Township Planning and Zoning Director. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Resolution. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an initial sexually oriented business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.
- C. The Concord Township Planning and Zoning Director or its designee shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under this Resolution.
- D. The Concord Township Planning and Zoning Director or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any denial of a license renewal.
- E. An application for renewal of an employee license shall be submitted to the Concord Township Planning and Zoning Director or its designee on a form provided by the Concord Township Planning and Zoning Director. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Resolution. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or requires revision to reflect any change in circumstances or conditions.
- F. When Concord Township denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. However, if

Concord Township finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one year period.

**23.09 SUSPENSION**

- A. Concord Township shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee:
  - 1. Has violated or is not in compliance with any section of this Resolution; or
  - 2. Has knowingly allowed an employee to violate or fail to comply with any section of this Resolution.
- B. Concord Township shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent has refused to allow, or has prohibited or has interfered with, an inspection of the licensed sexually oriented business premises as authorized by Section 23.07, sub-sections A and B of this Resolution or any other reasonable inspection.
- C. The Concord Township Planning and Zoning Director or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any suspension.

**23.10 REVOCATION**

- A. Concord Township shall revoke a sexually oriented business license or employee license if a cause of suspension under this Resolution occurs and the license has been suspended two times within the preceding twelve (12) months.
- B. Concord Township shall revoke a sexually oriented business license if it determines that:
  - 1. A licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
  - 2. The licensee(s) failed to comply with any requirement stated in the license, pursuant to this Resolution, to correct specified deficiencies within 120 days;
  - 3. A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises ;
  - 4. A licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;

5. A licensee knowingly operated the sexually oriented business during a period of time when the licensee’s license was suspended;
  6. A licensee has knowingly allowed any act of specified sexual activity, as defined in this Resolution, to occur in or on the licensed premises;
  7. A licensee has been convicted of a specified criminal activity, as defined in this Resolution, during the term of the license; or
  8. A licensee is delinquent in payment to the Township, County, or State for any taxes or fees that were assessed or imposed in relation to any business.
- C. The Concord Township Planning and Zoning Director or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any revocation.
  - D. When the Concord Township Planning and Zoning Director revokes a license pursuant to sub-sections A or B 3-7, above, the licensee shall not be issued another license for one (1) year from the date the revocation became effective.
  - E. When the Concord Township Planning and Zoning Director revokes a license pursuant to sub-sections B 1 or B 8. above, the applicant may be granted a license if the basis for the revocation has been corrected or abated and at least thirty (30) days have elapsed since the date the revocation became effective.

**23.11 APPEAL RIGHTS**

- A. Any denial, suspension, or revocation of a license under this Resolution may be appealed to the Concord Township Board of Zoning Appeals by written notice within ten (10) days of such denial, suspension, or revocation. Unless the applicant requests a longer period, the Concord Township Board of Zoning Appeals **must** hold a hearing on the appeal within twenty-one (21) days and must issue a decision affirming or reversing the denial, suspension, or revocation within five (5) days after the hearing. During the time between the date of the denial, suspension, or revocation of a license and the date of the Concord Township Board of Zoning Appeals’ decision affirming or reversing the denial, suspension, or revocation, the status quo of the license holder or applicant shall be maintained.
- B. In the event that the Concord Township Board of Zoning Appeals denies, suspends, or revokes a new or renewal license under this Resolution, or any action taken on an appeal that is provided by the sections of this Resolution, the applicant may pursue an appeal to the Lake County Court of Common Pleas pursuant to Revised Code Chapter 2506. The failure of the Concord Township Board of Zoning Appeals to render a decision on the application within the time prescribed in Section 23.11, sub-section A above shall be considered an affirmance of the denial, suspension, or revocation of the license and the applicant may pursue an appeal to the Lake County

Court of Common Pleas pursuant to Revised Code Chapter 2506. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z. J. Gifts D-4* (2004), 541 U.S. 774.

- C. Any licensee lawfully operating a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Resolution, so that the status quo of the licensee is maintained during the pendency of an appeal to the Concord Township Board of Trustees of a decision rendered under this Resolution and during the entire time required for the court to rule on the appeal pursuant to sub-section B above.
- D. Any licensee lawfully acting as an employee in a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Resolution, so that the status quo of the licensee is maintained during the pendency of an appeal to the Township Board of Trustees of a decision rendered under this Resolution and during the entire time required for the court to rule on the appeal pursuant to sub-section B above.
- E. In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending thirty (30) days before the expiration date of any license, the licensee may file a renewal license application with the Concord Township Planning and Zoning Director or its designee pursuant to this Resolution. In the event that an application for renewal of a license is denied and the applicant seeks judicial review of that denial, Concord Township has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension or revocation of a license.
- F. If, during the pendency of any appeal pursued under sub-section B. above, there are additional denials of a renewal license application or suspensions or revocations of that license, Concord Township has the right to consolidate the appeal pursued under Section 23.11, sub-section B above for the additional denials, suspensions or revocations with any pending appeal for that same licensee.

### **23.12 TRANSFER OF LICENSE**

- A. A sexually oriented business license is not transferable from one licensee to another or from one location to another. Any purported transfer of a sexually oriented business license shall automatically and immediately revoke that license.
- B. An employee license is not transferable from one licensee to another, but the use of the license by the individual to whom it was issued may be transferred from one licensed sexually oriented business to another such licensed establishment during

the term of the license, provided that the licensee gives written notice of such transfer to the Concord Township Planning and Zoning Director or its designee within fifteen (15) days of such transfer.

### **23.13 ADDITIONAL REGULATIONS CONCERNING THE OPERATION OF A SEXUALLY ORIENTED BUSINESS**

#### **A. Sexual Activity, Live Entertainment and Performances:**

1. No person shall, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.
2. Any employee appearing on the premises of a sexually oriented business in a state semi-nudity, as defined by this Resolution, must be on a stage that is at least twenty-four (24) inches from the floor, and at a distance at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.
3. All live entertainment and performances in a sexually oriented business must take place on a stage that is at least twenty-four (24) inches from the floor and a distance of at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.
4. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by the operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
5. No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a nude or semi-nude condition unless the employee, while nude or semi-nude, shall be and remain at least one (1) foot from all patrons.

6. Employees in a sexually oriented business shall maintain a minimum distance of five (5) feet from areas on the business premises occupied by patrons for a minimum of fifteen (15) minutes after the employee appears in a nude or semi-nude condition within view of any patron. This regulation is not intended to prohibit ingress or egress from the premises. It is intended to control illicit sexual contact and reduce the incidents of prostitution occurring in the establishments.
  7. No patron who is not a member of the employee's immediate family shall knowingly touch an employee while that employee is nude or seminude or touch the clothing of any employee while that employee is nude or semi-nude.
  8. No employee who regularly appears nude or seminude on the premises of a sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or allow the patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.
  9. The provisions of sub-sections A 1–8 shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to employees.
  10. In addition, sub-sections A 1–8 shall not apply to live performances in which the patron and employee are separated by an impenetrable barrier such as, but not limited too, glass or Plexiglas.
- B. Minors Prohibited. No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.
- C. Hours of Operation. No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually oriented business that holds a liquor permit pursuant to Chapter 4303 of the Revised Code may remain open until the hour specified in that permit if it does not conduct, offer, or allow sexually oriented business activity in which the performers appear nude.

**23.14 ADDITIONAL REGULATIONS CONCERNING LOCATION RESTRICTIONS AND YARD REQUIREMENTS FOR SEXUALLY ORIENTED BUSINESSES**

- A. General Requirements.

1. All sexually oriented businesses shall comply with the AP, Airport District regulations applicable to all properties within the District unless as otherwise modified or excluded by the sections of this Resolution.
  2. No sexually oriented business shall be located within one thousand (1,000) linear feet of another sexually oriented business.
  3. No sexually oriented business shall be located within one thousand (1,000) linear feet of any religious institution, day care center, public or private school, or playground.
  4. No sexually oriented business shall be located within three hundred (300) linear feet of a park.
  5. No sexually oriented business shall be located within three hundred (300) linear feet of any R-1, R-2, R-3, R-4, R-5, R-6 or R-8 Residential District nor within three hundred (300) linear feet of any residential district in a political subdivision abutting a Township boundary. (Amended 12/17/1998)
  6. The above distances shall be measured from the nearest wall of the proposed principal building to any adjacent lot line.
- B. Signs. All signs related to a sexually oriented business shall conform to the requirements of Section 30.02 and Section 30.04 of the Concord Township Zoning Resolution.
- C. Parking. One (1) parking space shall be provided for every eight (8) seats of fixed seating capacity, and an additional one (1) parking space for every one hundred (100) square feet of gross floor area defined as including stage and patron assembly areas and excluding the eight (8) fixed seating areas already included for purposes of the required parking in this subsection. All other parking considerations shall conform to the applicable requirements of Section XXIX of this Resolution.
- D. Landscaping. A minimum buffer strip of fifty (50) feet shall be provided when a sexually oriented business abuts an R-1 or R-4 District. The buffer strip shall be planted with grass and landscaped with the purpose of providing a year- round vertical green combination of shrub and trees between the sexually oriented business and any R-1 or R-4 District. Private roads shall not be located in any buffer strip. No required buffer strip shall be included in any density calculations required by this Resolution.
- E. Site Plan Review. All sexually oriented businesses are expressly excluded from the requirements of site plan review and approval under Section XXXVI of this Resolution.

**23.15 SEVERABILITY CLAUSE**



If any section, sub-section, paragraph or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

**Section XXIV repealed, effective 6/15/2007. See new Section XXII.**

**Existing Section XXV Repealed, Effective 6/19/2009.**

**Existing Section XXVI Repealed, Effective 6/19/2009.**

**Existing Section XXVII Repealed, Effective 6/19/2009.**

**Existing Section XXVIII Repealed, Effective 6/15/2007. See new Section XXII.**

**SECTION XXIX – OFF-STREET PARKING**

29.01 Purpose	29.06 Design Standards for Parking Lots
29.02 Applicability	29.07 Access Drive Regulations
29.03 General Standards Applicable to All Parking Areas	29.08 Bicycle Parking
29.04 Off-Street Parking Requirements	29.09 Waiting Space Requirements for Drive-thru Facilities
29.05 Alternative Parking Options	29.10 Parking in Residential Districts

**29.01 Purpose**

The off-street parking regulations contained herein are promulgated in order to achieve the following:

- A. To relieve congestion on public streets so that they can be utilized more fully for the movement of vehicular and pedestrian traffic.
- B. To promote the safety and convenience of pedestrians, guests, shoppers and employees by segregating parking areas from public right-of-ways thereby lessening congestion.
- C. To promote the general convenience, welfare and prosperity of residential, institutional, service, commercial and industrial developments, which depend upon off-street parking and loading facilities. (6/2/2001)
- D. To incorporate stormwater quality and quantity controls into parking area design at the earliest possible stage in the development process. (3/9/2018)
- E. To minimize the creation of excess impervious coverage. (3/9/2018)
- F. To encourage shared parking facilities where appropriate. (3/9/2018)
- G. To encourage stormwater management practices in parking areas including pervious pavements, bioretention, and other practices that integrate stormwater management into parking and landscaping areas. (3/9/2018)

**29.02 Applicability**

- A. All parking areas (e.g., parking spaces, loading spaces, waiting spaces, driveways, etc.) shall be provided in conformance with the regulations of this article prior to occupying or using any building, structure, land, or portion thereof. (3/9/2018)
- B. New and Expanded Use. The requirements of this section shall apply to the following:
  - 1. A zoning permit or site plan review application for the construction of a new building;

2. For an alteration, addition, or change or use of an existing building that would expand the square footage of a use or would require additional parking, loading or waiting spaces, based on the requirements of this article; or
  3. Where an expansion of a parking area is proposed.
- C. Existing Uses.  
The requirements of this article shall not apply to buildings and uses legally in existence on the effective date of this zoning resolution unless modified in the manner stated in Section 29.02(B): New and Expanded Uses. Furthermore, any parking areas now serving such existing buildings or uses shall not be reduced below the requirements established in this article in the future. (3/9/2018)
- D. Maintenance.  
1. The duty to provide and maintain all off-street parking, loading, or other parking areas shall be the joint responsibility of the owner, operator, and lessee of the use for which the parking areas are required. (3/9/2018)
- E. Plan Review.  
For any off-street parking, loading, or parking area required under this article a plan shall be submitted with the application for a zoning permit and/or as required in Section XXXVI, Site Plan Review. (3/9/2018)

### **29.03 General Standards Applicable to all Parking Areas**

- A. Maintenance.  
1. All parking areas shall be maintained free from litter, junk, or rubbish.  
2. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.  
3. The owner shall, at his own expense, maintain all paved surfaces in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place.
- B. Storage.  
All parking areas for nonresidential uses shall not be used for the continuous storage of a vehicle for more than 48 hours, except as otherwise permitted in this Resolution.
- C. Landscaping.  
Landscaping for parking areas shall be as established in Section XXXVIII, Landscape and Screening Requirements.
- D. Fire Code.  
All parking and loading plans shall conform to all requirements set forth in the fire code as adopted by Concord Township and as approved by the township's fire department.



E. Drainage.

All parking areas shall be graded, drained and provided with adequate drainage and storm water management facilities so that the adjacent properties and rights-of-way are not subject to flooding by water run-off from the proposed parking areas.

F. Surfacing.

1. All parking areas shall be graded and paved with an asphalt, concrete, concrete paver, and/or concrete permeable paver systems unless otherwise provided in this resolution.
2. Single-family homes or duplexes may improve parking areas with gravel or brick in lieu of asphalt or concrete.
3. All residential uses may have driveways and parking areas constructed of 100% porous pavers or porous pavement systems.
4. All nonresidential uses may utilize porous pavement for up to 100% of its parking area, upon approval by the Lake County Stormwater Management Department. Nonresidential uses may use structural lawns or pervious pavers for up to 50% of its parking area.
5. Only 25% of an area paved with pavers or other porous pavement systems shall count toward the maximum impervious surface coverage standards.

G. Lighting.

Any parking lot intended to be used during non-daylight hours shall provide lighting. Lighting shall be in accordance with Section 22.09 (C) of this Resolution.

H. Striping.

The individual parking spaces and loading spaces shall be striped according to the approved layout of the parking area. Parking areas having more than one (1) aisle or driveway shall have directional signs or markings indicating direction(s) of traffic flow. (3/9/2018)

## 29.04 Off-Street Parking Requirements

A. Units of Measure. The following rules shall apply when computing parking spaces:

1. Multiple Uses

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use. (Amended 3/9/2018)

2. Fractions

When a measurement of the required number of spaces results in a fractional number, the number shall be rounded up to the next higher whole number. (6/2/2001)

3. Area Measurements  
Where floor area is designated as the standard for determining parking space requirements, usable floor area of all floors shall be used, unless specifically noted otherwise. (Amended 10/17/2008)
4. Seating Capacity  
Where seating capacity is the standard for determining number of spaces, the capacity shall mean the number of seating units installed or indicated, or one (1) seat for each twenty-four (24) lineal inches of benches or pews. If fixed seats are not indicated, the number of spaces shall be determined as being one (1) seat for each twenty (20) square feet of floor area of the assembly room.
5. Employees  
Where employees are the standard for determining number of parking spaces, employees shall mean the maximum number of employees on any two (2) successive shifts, unless specified otherwise.
6. Waiting Spaces  
Vehicle waiting spaces that are required for drive thru facilities shall not count toward the off-street parking requirements of this section.

B. Required Number of Parking Spaces

1. Table 29.04-A defines the minimum number of parking spaces required for each use within Concord Township.
2. Applicants may propose fewer parking spaces than provided in this section through the use of shared parking or off-site parking as established in Section 29.05 Alternative Parking Options. (Amended 3/9/2018)

<b>TABLE 29.04-A: MINIMUM OFF-STREET PARKING STANDARDS</b>	
<b>USE</b>	<b>REQUIRED NUMBER OF PARKING SPACES</b>
<b>Residential Uses</b>	
Single Family Dwelling (Attached or Detached)	Two (2) enclosed spaces and a minimum of five hundred (500) square feet of unenclosed parking area per dwelling unit. (8/27/1974; Amended 6/2/2001)
Single Family Cluster Dwelling	Four (4) spaces per dwelling unit, of which two (2) spaces shall be enclosed. (3/9/2018)
Two-Family Dwelling	Four (4) spaces per dwelling unit, of which two (2) spaces shall be enclosed. (8/27/1974; Amended 6/2/2001)
Multi-Family Dwelling	Four (4) spaces per dwelling unit, of which two (2) spaces shall be enclosed. Plus guest parking at a ratio of 1 space for every 5 dwelling units. (1/13/1986; Amended 6/18/1998 & 6/2/2001 & 3/9/2018)

<b>TABLE 29.04-A: MINIMUM OFF-STREET PARKING STANDARDS</b>	
<b>USE</b>	<b>REQUIRED NUMBER OF PARKING SPACES</b>
<b>Educational/Community Facilities</b>	
Child or Adult Day Care Centers	One (1) space for every employee on maximum shift, plus one (1) space per five (5) persons enrolled at center capacity. (6/2/2001; Amended 6/15/2007)
Church/Place of Worship	One (1) space for every three (3) seats. (6/17/1964; Amended 6/2/2001 and 6/15/2007)
Library, Museum	One (1) space for every 250 square feet of usable floor area and one (1) space for every employee on maximum shift. (6/2/2001; Amended 6/15/2007 and 10/17/2008)
Community Center	One (1) space for every 100 square feet of usable floor area and one (1) space for every two (2) seats at maximum facility capacity.(6/2/2001; Amended 6/15/2007 and 10/17/2008)
Government and Public Use	One (1) space per motor vehicle operated in connection with such use, plus one (1) parking space for every employee on maximum shift, and a sufficient number of spaces to serve all the users and visitors of the site. (6/19/2009)
Outdoor Recreation (Unless otherwise specified in this Section)	Minimum of one (1) parking space per four (4) seats of spectator seating; however, if no spectator seating is provided for the use, a parking area shall still be provided on the site, with a sufficient number of spaces to serve all users of the site. (6/19/2009)
Residential Care Facility, Nursing Home; Home for the Aging, and Hospice Care Facility	One (1) space for every four (4) beds, plus one (1) space for every employee on maximum shift. (8/27/1974; Amended 6/2/2001 & 6/19/2009)
Schools: Elementary, Middle or Junior High	One (1) space per classroom and ten (10) additional spaces for staff with one (1) additional space for every five (5) seats in the largest assembly room. (6/2/2001)
Schools: Senior High	Five (5) spaces per classroom and one (1) space for every four (4) seats in the largest assembly room. If a high school stadium is located on the property, then one (1) additional parking space for every ten (10) stadium seats shall be provided. (6/2/2001)
<b>Commercial Recreational</b>	
Auditoriums, Stadiums, and Other Places of Public Assembly	One (1) space for every four (4) persons of seating capacity. (6/17/1964; Amended 6/2/2001)

<b>TABLE 29.04-A: MINIMUM OFF-STREET PARKING STANDARDS</b>	
<b>USE</b>	<b>REQUIRED NUMBER OF PARKING SPACES</b>
Studios for Instruction	One and one-half (1.5) spaces per student at maximum capacity, plus one (1) space for every employee on maximum shift. (6/2/2001; Amended 6/15/2007)
Golf Course/Clubhouse	Six (6) spaces per green plus one (1) space for every three (3) persons based on the maximum anticipated capacity of all non-golf related facilities capable of simultaneous use including pool, restaurant, banquet facility, and health/recreational facilities. Plus one (1) space for every employee on maximum shift. (6/2/2001; Amended 6/15/2007)
Health/Recreational Facility or Membership Sports/Fitness Club	One (1) space for every 250 square feet of exercise area, locker room. (6/2/2001; Amended 6/15/2007)
Indoor Movie Theaters	One (1) space for every three (3) seats. (6/2/2001; Amended 6/15/2007)
Meeting/Banquet Facilities and Clubs	One (1) space for every three (3) persons of seating capacity, plus one (1) space for every employee on maximum shift. (6/2/2001; Amended 6/15/2007)
Swimming Pools, Public (for Private Pools, see Clubhouse)	One (1) space for every fifty (50) square feet of defined active recreation area including water, lawn deck and bath house. (6/2/2001; Amended 6/15/2007)
Tennis Courts	Four (4) spaces per court. (6/2/2001)
<b>Office and Professional Services:</b>	
Business, Professional and Administrative Offices and Services (except medical and dental)	One (1) space for every three hundred fifty (350) square feet of usable floor area. (6/17/1964; Amended 6/2/2001 and 10/17/2008)
Dental, Medical and Clinical Offices	One (1) space for every 200 square feet of usable floor area. (6/17/1964; Amended 6/2/2001, 6/15/2007 and 10/17/2008)
Banks, Credit Unions and other Financial Services	One (1) space for every 300 square feet of usable floor area, plus one (1) space for every employee on maximum shift. (6/17/1964; Amended 6/2/2001, 6/15/2007 and 10/17/2008)
Funeral Home	One (1) space for every fifty (50) square feet of parlor or viewing room area. (6/2/2001)

<b>TABLE 29.04-A: MINIMUM OFF-STREET PARKING STANDARDS</b>	
<b>USE</b>	<b>REQUIRED NUMBER OF PARKING SPACES</b>
Hospitals	One (1) space for every two (2) beds and one (1) space for every employee on maximum shift. (8/27/1974; Amended 6/2/2001 and 6/15/2007)
Veterinary Clinics and Hospitals	One (1) space for every four hundred (400) square feet of usable floor area and one (1) space for every two (2) employees. (6/2/2001 and 10/17/2008)
<b>Retail and Personal Service:</b>	
Retail and Personal Service Uses, Unless Specified Below	One (1) space for every two hundred and fifty (250) square feet of usable floor area. (8/27/1974; Amended 6/2/2001 and 10/17/2008)
Restaurant, Counter Service	One (1) space for every 75 square feet of usable floor area, plus one (1) space for every three (3) employees, with a minimum of six (6) spaces. (6/15/2007)
Restaurant, Table Service	One (1) space for every 75 square feet of usable floor area, plus one (1) space for every employee on maximum shift, plus ten (10) spaces. (6/17/1964; Amended 6/2/2001, 6/15/2007 and 10/17/2008)
Convenience Store	One (1) space for every one hundred (100) square feet of usable floor area. (6/2/2001 and 10/17/2008)
Furniture, Appliance, Building Supply, Showrooms (Plumbing, Electrical, Decorators and Related Trades), Nursery and Garden Supply	One (1) space for every four hundred (400) square feet of usable floor area or display area. (6/17/1964; Amended 6/2/2001 & 10/17/2008)
Hotels and Motels	One (1) space per room, plus seventy-five percent (75%) of the normal spaces required for accessory uses such as restaurants and meeting/banquet facilities. Plus one (1) space for every employee on maximum shift. (6/17/1964; Amended 6/2/2001 and 6/15/2007)
Bed and Breakfast	One (1) space per room plus one (1) space for every employee on maximum shift. (6/15/2007)
Gas Station	One (1) space for every employee on maximum shift, plus eight (8) spaces for customers. (6/2/2001; Amended 6/15/2007)
Car Wash	One (1) space for every employee on maximum shift. (6/15/2007)
Automotive Services/Repair (For Instant Oil Changes, see below)	One (1) space for every employee on maximum shift, eight (8) spaces for customers and one space for every service bay. (6/15/2007)

<b>TABLE 29.04-A: MINIMUM OFF-STREET PARKING STANDARDS</b>	
<b>USE</b>	<b>REQUIRED NUMBER OF PARKING SPACES</b>
Instant Oil Change	One (1) space for every employee on maximum shift. (6/15/2007)
Automobile, Motorcycle, Boat and Recreational Vehicle Sales and Service	One (1) space for every four hundred (400) square feet of enclosed sales area, one space for every six hundred (600) square feet of outdoor sales area, one (1) space for every service bay, and one (1) space for every employee on maximum shift. (6/2/2001; Amended 6/15/2007)
Microbrewery, Microdistillery, or Urban Winery	One (1) space for every seventy-five (75) square feet of usable for area in a bar, restaurant, or tasting room use, plus one (1) space for every employee on maximum shift, plus one (1) space for every four hundred (400) square feet of gross floor area of production area. (3/9/2018)
<b>Manufacturing/Warehousing:</b>	
Manufacturing	One (1) space for every four hundred (400) square feet of gross floor area. (6/2/2001)
Research Laboratory and Testing Labs	One (1) space for every five hundred (500) square feet of gross floor area. (6/2/2001)
Warehousing	One (1) space for every one thousand (1000) square feet of gross floor area. (6/2/2001)

**C. Location of Parking Spaces**

1. Parking spaces required for dwelling units shall be located on the same lot as the dwelling unit served.
2. Required guest parking in a multi-family development shall be equally distributed throughout the development.
3. Parking spaces required for purposes other than dwelling units, shall be located within 500 feet of the use, as measured along lines of public access to the property, and shall be located on the same lot or parcel as the use served, unless approved otherwise.

**D. Accessible Parking Space Requirements**

Any parking area to be used by the general public shall provide accessible parking spaces as required by all applicable state and federal laws, and shall include all necessary markings, striping, and signage. (3/9/2018)

**29.05 Alternative Parking Options**

The following are methods of accommodating parking as an alternative to constructing the required number of parking spaces on an individual lot.

A. Deferred Construction of Required Parking (Amended 3/9/2018)

If the number of required parking spaces is substantially larger than the number anticipated by the applicant and as proven in their Development Plan Parking Demand Study, and the applicant provides sufficient evidence to the Zoning Inspector and the Zoning Commission that supports the reduced parking needs, a site plan may be approved with a lesser number of parking spaces provided it complies with the following standards.

1. The total number of parking spaces constructed shall not be less than seventy percent (70%) of the total number required under Section 29.04 of this Resolution.
2. The area designated as a deferred parking area, or future parking area shall be considered an impervious surface for the purpose of calculating the impervious coverage as set forth in Section 22.04.
3. The deferred parking area shall be calculated into the storm water calculations as if the entire parking area was constructed.
4. The deferred parking area shall be landscaped and maintained with regular mowing and removal of litter and dumped materials.
5. The site plan shall denote the location and layout of that portion of the parking area that currently not deemed required. The plan shall indicate that the “deferred” parking spaces and associated landscaping will be constructed according to this resolution in the event that the Zoning Inspector, in conjunction with the Zoning Commission, makes a finding, at any time, that all or any portion of this parking is necessary.
6. The owner shall initiate construction of the approved “future” parking area, as identified on the approved plan, within three (3) months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Zoning Inspector, identifying that such parking is determined to be necessary. The owner may appeal the Zoning Inspector’s decision as provided in Section IX of this Zoning Resolution. (Amended 3/9/2018)

B. Shared or Off-Site Parking

The Township may approve a site plan with a reduction in the number of parking spaces required if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations, in compliance with the following standards.

1. In a mixed use project, when it is determined that because of varying peak demands, the uses can be adequately accommodated with a lesser number of parking spaces than what would be required based on the sum of the various uses computed separately, a site plan may be approved with a reduction in the required spaces.

2. When the required parking spaces for a proposed use can be accommodated on an adjacent or nearby site, arrangements can be made between the businesses and other property owners that are not normally open, used or operated during the same hours to share parking facilities in order to meet their parking requirements.
3. No shared or off-site parking shall be located more than three hundred (300) feet from the primary entrance of the use served, measured along the shortest legal, practical walking route.
4. Shared or off-site parking shall not account for more than fifty (50) percent of the required parking spaces as set forth in Section 29.04.
5. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. A parking demand study may be required to be submitted, providing information including but not limited to the following:
  - a. The type and hours of operation and parking demand, for each land use.
  - b. A site plan displaying shared use spaces in a lot and walking distances to the used sharing the lot.
  - c. A description of the character of land use and parking patterns of adjacent land uses.
  - d. An estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.
6. Any change in use of the activities served by a shared or off-site parking facility will be deemed an amendment to the shared or off-site parking facility plan and will require BZA review and approval.
7. In the event that a shared or off-site parking area is not under the same ownership as the principal use served, a written and signed parking agreement shall be required. All shared or off-site parking plans and agreements shall be recorded in the office of the Lake County Recorder and a copy of the recorded document shall be provided to the township prior to any zoning permit being issued. (Amended 3/9/2018)

### **29.06 Design Standards for Parking Lots**

Unless otherwise specified, the standards of this section shall apply to all parking lots or parking areas serving non-residential uses and multi-family developments.

- A. Location. All driveways and open off-street parking areas shall comply with the following:
  1. All motor vehicles shall be parked in a driveway, open off-street parking space, or garage.



2. All parking spaces shall be connected to a public street or an approved private street by a driveway.
3. Required guest parking in a multi-family development shall be equally distributed throughout the development.
4. All required off-street parking spaces shall have direct access to an aisle or driveway without the need to move any other vehicle.
5. All off-street parking lots shall be set back a minimum of twenty-five (25) feet from any public road right-of-way.
6. Off-street parking lots shall be set back a minimum of ten (10) feet from any rear lot line when adjacent to other nonresidential districts and 50 feet when adjacent to a residential district.
7. All off-street parking lots shall be set back a minimum of ten (10) feet from side lot lines (where shared parking is not utilized) when adjacent to other nonresidential districts and 50 feet when adjacent to a residential district.
8. For non-residential uses in the R-1 and R-4 District, off-street parking lots shall be set back a minimum of twenty (20) feet from side and rear lot lines, and 25 feet from a public road right-of-way, unless stated otherwise in Section 13 of this Resolution.

(3/9/2018)

**B. Parking Space Dimensions**

1. All parking areas and parking spaces shall conform to the minimum standards set forth in Table 29.06-1.

<b>TABLE 29.06-1: PARKING AREA DIMENSIONS</b>		
<b>Angle of Parking</b>	<b>Standard Parking Space</b>	
<b>Degrees</b>	<b>Width (ft.)</b>	<b>Length (ft.)</b>
0 (parallel)	9	25
45 to 89	9	19
90 (perpendicular)	9	18

**C. Parking Lot Aisle Widths**

1. Two-way parking aisle widths shall be a minimum of 22 feet.
2. One-way parking aisle widths shall have the following minimum widths based on the configuration of the adjacent parking spaces:
  - a. 45 degree      13 feet
  - b. 60 degree      18 feet

- c. 90 degree      22 feet
- d. Parallel        14 feet

D. **Bioretention and Interior Landscaping.** In addition to the parking lot perimeter landscaping and screening requirements set forth in Section XXXVIII, surface parking lots shall include landscaping to cover not less than 10% of the parking area. This landscaping requirement may include bioretention cells for stormwater management where suitable and appropriate. The layout of the interior landscaped areas shall meet the following requirements:

1. Bioretention for stormwater management shall be allowed upon review and approval of by the Lake County Stormwater Management Department.
2. Bioretention cells shall be arranged between or adjacent to rows and/or aisles of parking stalls to provide the maximum stormwater management benefit. Where parking lot dimensions, slopes, or other constraints make landscape strips between rows of parking unfeasible, interior landscaping shall be arranged in areas at the end of rows of parking or between spaces within rows.
3. Curb cuts to allow stormwater through are only permitted in locations adjacent to bioretention and/or landscape areas designed to receive stormwater. Curb cuts need to be part of the larger stormwater management design.
4. Bioretention cells shall be designed and clearly signed so that they are not used for snow piling or any other above ground storage area(s). (3/9/2018)

### 29.07 Access Drive Regulations

Unless otherwise specified, the standards of this section shall apply to all access drives serving non-residential uses and multi-family developments.

#### A. Location.

1. Access drives shall be located in such a manner as to interfere as little as possible with the use of adjacent property and flow of traffic on adjacent streets.
2. Access drives are considered part of the parking lot, and shall comply with parking lot setbacks. (7/5/2019)
3. Access drives on corner lots shall be located as far from the street intersection as practicable. (3/9/2018)

B. **Shared Drives.** In order to promote the health and safety of Township residents by reducing the number of vehicular accesses, a system of shared driveways and cross access easements shall be established and required to the maximum extent practicable, as determined by the Township. Where a shared drive incorporates or abuts a county or state agency owned road, the Lake County Engineer's Office and/or ODOT shall be consulted and required to approve. The system of shared driveways shall incorporate

the following:

1. A design speed of 10 miles per hour and a maximum width of 28 feet to accommodate two-way travel aisles designated for automobiles, service vehicles, and loading vehicles.
2. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
3. A unified access and circulation plan for coordinated or shared parking areas.
4. An easement with the deed recorded by all participating property owners allowing cross access to and from other properties served by the shared driveways. (3/9/2018)

C. Width.

1. The minimum width of one lane access drives shall not be less than 12 feet as measured at the right-of-way.
2. The minimum width of two lane access drives shall not be less than 22 feet as measured at the right-of-way.

**Section 29.08 Bicycle Parking**

- A. Applicants are encouraged to provide bicycle racks and facilities on non-residential sites, including commercial and public uses.
- B. One bicycle parking space should be provided for every 10 car parking spaces. Spaces may be spread throughout the parcel to best serve the use(s). (3/9/2018)

**Section 29.09 Waiting Space Requirements for Drive-thru Facilities**

- A. The number of required waiting spaces shall be provided for as set forth in Table 29.09-A.

<b>TABLE 29.09-A: WAITING SPACE REQUIREMENTS</b>		
<b>Use</b>	<b>Minimum Waiting Spaces</b>	<b>Measured From</b>
Car Wash	Ten (10) waiting spaces if single lane Three (3) waiting spaces per bay if more than one lane	Outside of washing bay
Instant Oil Change	Three (3) waiting spaces per bay	Outside of bay
Fuel or Gas pump island	Two (2) waiting spaces per fuel pump	Pump island
Bank, Financial Institution	Five (5) waiting spaces per lane	Teller or Window

<b>TABLE 29.09-A: WAITING SPACE REQUIREMENTS</b>		
<b>Use</b>	<b>Minimum Waiting Spaces</b>	<b>Measured From</b>
Restaurant	Ten (10) waiting spaces per lane	Pick-up window
All other uses not specified	Single drive-thru lane: 10 waiting spaces	
	For Multiple drive-thru lanes: 5 waiting spaces per transaction site	

- B. Waiting spaces shall be a minimum of ten (10) feet by twenty (20) feet in size.
- C. Waiting spaces shall be in addition to the off-street parking space requirements.
- D. Waiting space lanes shall not block or interfere with access to parking lot spaces, and shall function independent of parking aisles.
- E. Waiting spaces shall not be located within any road right-of-way. (3/9/2018)

**29.10 Parking in Residential Districts**

A. Driveways and Parking Areas Serving Single Family Homes and Two-Family Dwellings.

- 1. Driveways and parking areas shall be constructed in compliance with Section 29.03, General Standards Applicable to All Parking Areas.
- 2. Driveways, including parking areas, shall be setback a minimum of three (3) feet from side lot lines.
- 3. Parking areas are measured outside the road right-of-way.
- 4. Driveways and parking areas shall not exceed forty (40) percent of the front yard.
- 5. Any vehicle parked or stored outdoors on lot containing less than two (2) acres of land, shall be on a driveway or parking area.
- 6. For all lots, parking or storing any vehicle on the grass inside of a road right-of-way or temporary easement is prohibited.
- 7. For all other grasses areas, vehicle parking is prohibited for any period of time exceeding 48 hours.

(Amended 3/9/2018)

B. Recreational Vehicles & Utility Trailers. Owners of recreational vehicles and/or utility trailers, as defined in this Resolution, may park or store such vehicle or trailer in any residential district subject to the following: (Amended 4/1/2011, 7/5/2019)

- 1. Not more than one (1) recreational vehicle or utility trailer shall be parked or stored outdoors on a lot comprising less than one (1) acre. (Amended 7/5/2019)

2. Recreational vehicles stored or parked on a trailer intended for road transportation of the recreational vehicle shall be deemed to be one recreational vehicle. (For example, a boat on its trailer shall be deemed on recreational vehicle. (7/5/2019)
  3. A recreational vehicle shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this vehicle be used for living or housekeeping purposes, or as an office or other business use.
  4. If the recreational vehicle or utility trailer is parked or stored outside, it shall be parked or stored behind the building setback line of the lot or in the side or rear yards on a paved or gravel surface. The building setback line shall mean the line established by the Concord Township Zoning Resolution which defines the area between said line and the street or lot line, on which no building may be constructed. (Amended 7/5/2019)
  5. Recreational vehicles stored outside on any property shall be adequately screened from view from adjacent property with the use of walls, fencing or natural screening, which shall be equally effective in winter or summer.
  6. Recreational vehicles or utility trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight (48) hours, as long as such parking for loading or unloading purposes does not obstruct the view of driveway vehicular and pedestrian traffic of adjoining or abutting properties. (Amended 7/5/2019)
- C. Construction Trailers. Construction trailers may be used as a temporary business office during construction projects as long as they are located at least twenty-five (25) feet from a public road right of-way and at least fifty (50) feet from any abutting property line. Such trailer used as a business office shall be removed when a model home has been completed, if it is a residential project, and shall be removed immediately upon completion if it is a commercial or industrial project. At no time shall such trailers be used for dwelling purposes. (11/24/1980; Amended 12/17/1998 & 6/2/2001 & 4/1/2011)
- D. Commercial Vehicles. The parking or storage of a commercial motor vehicle and related trailer, as defined herein, shall comply with the following: (11/24/1980; Amended 6/2/2001 & 4/1/2011)
1. No more than two (2) commercial motor vehicles, used on a regular basis by the resident for the resident's occupation, shall be parked or stored on a lot in a residential district. (4/1/2011)
  2. The gross vehicle weight of each commercial motor vehicle shall not exceed 10,000 lbs. (4/1/2011)

3. No maintenance, service or extended running of the commercial motor vehicle shall be conducted on a residential lot. (4/1/2011)
  4. All other commercial motor vehicles shall only be allowed in residential districts for the purposes of making deliveries and/or pick-ups or service calls, or for the loading or unloading of persons. (11/24/1980; Amended 6/2/2001 & 4/1/2011)
  5. Commercial motor vehicles strictly used for agricultural purposes, located on a lot where the agricultural use is taking place, shall be exempt from the requirements outlined above. (4/1/2011)
- E. Display of Vehicles/Recreational Vehicles for Sale. The display of motor vehicles being offered for sale including, but not limited to, cars or recreational vehicles, such as a boat or camper, shall be limited to not more than two (2) items per calendar year. Only one (1) vehicle shall be offered at any given time. The item being offered for sale shall be displayed in the driveway or other paved or gravel surface on the property and shall be titled to the occupant. The parking of such vehicle in the right-of-way, or in temporary road easements, shall be prohibited. (4/1/2011)
- F. Construction Equipment/Vehicle. No construction equipment/vehicle (including but not limited to backhoes, bulldozers, trenches) shall be parked on a lot in a residential district for more than thirty (30) days. (7/5/2019)

**SECTION XXX – SIGNS**

(All Sections 3/21/14, except as noted)

30.01	Purposes.	30.09	Temporary Signs.
30.02	Definitions.	30.10	Signs Exempt from Regulation.
30.03	General Computations.	30.11	Prohibited Signs.
30.04	Permanent Signs in Residential Districts.	30.12	Design and Illumination Criteria.
30.05	Permanent Signs in Commercial, Manufacturing and Research Districts.	30.13	Construction and Maintenance Standards for all Signs.
30.06	Large Campuses.	30.14	Administrative Procedures.
30.07	Electronic Message Centers.	30.15	Regulations for Nonconforming Signs.
30.08	Commercial Banners	30.16	Permit Conditions and Inspections.
		30.17	Penalty.

**30.01 PURPOSES.**

In the interest of promoting the general health, safety and welfare of the residents of the Township, these regulations are herein established to provide for the use, location, size, height and design of signs, in order to ensure that all signs are appropriate to, and compatible with, the character of the associated uses and of the surrounding area. More specifically, the purposes of these regulations are to:

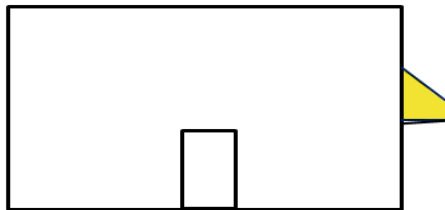
- A. Enhance and protect the physical appearance of the community.
- B. Promote and maintain attractive, high value residential, retail, commercial and industrial districts, and preserve the scenic and natural beauty of designated areas.
- C. Provide necessary, yet reasonable and appropriate, signage for all residential, institutional and business uses in the community.
- D. Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment, and to avoid confusion or hazardous conflict between traffic control signs and devices, and any other permitted sign.
- E. Provide review procedures that enable and ensure the comprehensive evaluation of a sign's appropriateness to the site, building and surroundings, adherence to these purposes, and consistent enforcement of this Section's regulations. Establish and enforce a reasonable procedure for the eventual removal of legally non-conforming signs.
- F. Prohibit all signs not expressly permitted by this Section.

**30.02 DEFINITIONS.**

For the purposes of these regulations, a sign shall include any visual communication display, object device, graphic structure or part designed or intended to convey information or attract attention or to announce or promote to the public in a written or pictorial form an object, product, service, place, activity, person, institution, business, or organization. Architectural features as defined below, are not considered signs and are exempt from these regulations. Signs shall further be defined by physical characteristics or function, based on the following definitions:

**A. Physical Characteristics.**

1. **Abandoned Sign:** Any sign that no longer identifies or advertises a business, lessee, service, owner, product, or activity currently existing on the property for which the sign is intended to refer.
2. **Agricultural Sign:** Any sign advertising the sale of a product related to agriculture as set forth in Section 519.01 of the Ohio Revised Code.
3. **Animated or Flashing Sign:** Any sign which uses continuous, or nearly continuous movement such as blinking, flashing or fluttering or have a changing light intensity, brightness or color, except changeable copy signs as defined below.
4. **Architectural Feature:** Any element applied to a building or site that serves a functional and/or design purpose, is not an integral part of the sign, and is compatible with the architecture of the building or other site features. Example features include, but are not limited to, landscape, building or structural forms, graphic stripes, and architectural techniques.
5. **Art, Works of:** A sculpture, painting, mural, fountain or similar object that is situated on public or private property and is intended primarily for aesthetic purposes and/or for the enjoyment of the general public.
6. **Awning Sign:** Any sign painted or printed on, or attached to the soffit or facade of any awning, canopy, or other fabric, plastic, or similar structural protective cover over a door entrance or window.



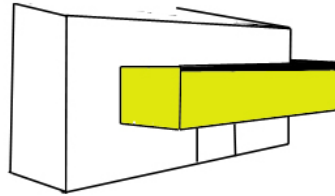
7. **Banner:** A large piece of cloth, paper, or plastic, usually rectangular in shape, which is attached at its corners to buildings or structures, or other such similar



support, used for signaling, identification and/or advertising and are considered temporary signs.

8. **Banner, Commercial:** A banner of lightweight fabric or similar material with no enclosing framework, that is mounted to buildings or structures at one or more edges and is in compliance with Section 30.08. Commercial banners do not include banners or flags representing a nation, state or other officially recognized public body or institution, or otherwise advance any legitimate public purpose.
9. **Billboard:** Any sign intended to attract attention, or for identification or advertising purposes for merchandise, equipment, products, vehicles or other items which are not available for purchase on the premise of the sign.
10. **Building Marker:** Letters, words, or insignia cut into the building surface, or otherwise permanently mounted on the building at the time the building was constructed, to convey a memorial, the name of the building, address, date of construction, or clearly similar message.
11. **Electronic Message Board:** Any electronic message board where the letters, characters or graphics may be replaced periodically, mechanically or electronically, in compliance with this Section.
12. **Festoons:** Any string of ribbons, tinsel, small flags, pinwheels, or similar devices intended to make use of motion to attract attention.
13. **Flag:** Any piece of cloth, paper or plastic, having distinctive size, color, shape and design used as a symbol or standard for any nation, state, community or other established governmental, religious, charitable, or non-commercial organization.
14. **Freestanding Sign:** Any permanent or temporary sign affixed to, placed on, or supported by the ground and not attached to a building or similar structure.
15. **Gateway Sign:** Any sign at any entrance to a development and specifically intended to identify the name of a neighborhood, subdivision, apartment, or condominium.
16. **Illuminated Sign:** Any sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
17. **Inflatable Sign:** Any sign that is intended to be expanded by air or other gas for its proper display or support.

18. Institutional Use: A nonprofit or quasi-public use, such as a religious institution, library, public or private school, charitable organization, or government owned or operated structure/land used for public purposes.
19. Marquee Sign: Any sign attached to or supported by a permanent roof-like structure or canopy of rigid materials supported by and extending from the main façade of a building.



20. Nonconforming Sign: Any sign which was erected legally, but no longer complies with subsequently enacted sign restrictions and regulations.
21. Off-Premises Sign: Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
22. On-Premises Sign: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
23. Pennant: A long, tapering piece of cloth, paper or plastic, usually triangular in shape, which is attached to a staff of some type and used for signaling, identification and/or advertising. (12/4/2015)
24. Permanent Sign: Any sign designated for use for an indefinite period of time. Permanent signs may be permanently freestanding or attached to buildings or other structures.
25. Political Sign: Any sign advocating political action or concerning any candidate, issue, levy or any other non-commercial matter.
26. Portable Sign: Any sign designed to be transported, including, but not limited to:
  - a. Signs with wheels, either attached or removed on site;
  - b. Signs with transportable chassis or support constructed without wheels;

- c. Signs designed to be transported by trailer on wheels or manually;
  - d. Any other sign clearly intended to be relocated, in its entirety, easily and without significant expense.
27. **Project Construction Sign:** Any temporary sign as defined below identifying a project while it is under construction and typically includes the architect, contractor, subcontractor, and/or material supplier participating in construction, and/or government officials, agencies or non-profit groups that are sponsoring the project, on the property on which the sign is located.
  28. **Project Contractor Sign:** Any sign on residential property which identifies the person or firm that is performing repairs and/or renovations to an existing dwelling.
  29. **Projecting Sign:** Any wall sign which projects perpendicular from the exterior wall of a building.
  30. **Religious Artifact:** A religious object that was made by people in the past.
  31. **Roof Sign:** Any sign which is displayed above the eaves of the building when the roof is pitched or above the height of a building with a flat roof.
  32. **Rotating Sign:** Any sign in which any parts or elements revolve, rotate, whirl, or spin to make use of motion to attract attention.
  33. **Sandwich Board Sign:** A temporary ground sign constructed in such a manner as to form an "A" or a tent-like shape, designed to announce or inform a pedestrian or passerby along a sidewalk or walkway directly in front of the business.
  34. **Special Event Sign:** Any temporary sign or banner, as defined herein, designed and placed to draw attention to a special event or promotion of limited duration.
  35. **Visibility Area:** The area created by the intersection of property lines at the corner of two (2) abutting streets, or one (1) abutting street and one (1) driveway, and a line connecting (two) 2 points that are along the lines of the intersecting streets or driveway twenty (20) feet from the point of intersection. (See illustration in Section 30.13 A.)

36. Wall Sign: Any sign affixed or attached parallel to, or painted on, the surface of a wall, marquees, awnings or other vertical or nearly vertical surface of a structure, and not extending more than eighteen (18) inches from the wall or surface on which it is placed. Such signs may include but are not limited to marquees and awnings.
37. Window Sign: Any sign which is installed on the inside of a window, or within two (2) feet of the inside of the window, and is intended to be viewed from outside the building. Signs that are inside the building, and not attached to the window, and are not intended to be legible beyond five (5) feet from the building are not considered window signs.

B. Function.

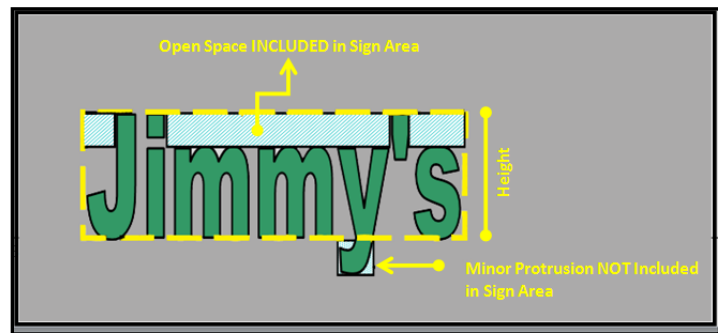
1. Directional Sign: Any permanent or temporary instructional sign located outside of the public right-of-way, directing or guiding vehicular traffic onto or off the property and/or towards parking or other identified locations on the property.
2. Identification Sign: Any sign or sign structure whose purpose is to identify the name or address of a structure, facility, resident, business, institution, subdivision, or development and commercial activities related thereto. Identification signs may include graphic symbols or logos.
3. Instructional Sign: Any sign clearly intended for the purpose of providing instructional information and which is not in a location and does not possess design characteristics that constitute or serve to attract attention beyond the perimeter of the site.
4. Temporary Sign: Any sign which is designed to be used only for a limited period of time and is not, nor intended to be, permanently attached to a building, structure or the ground.

### 30.03 GENERAL COMPUTATIONS.

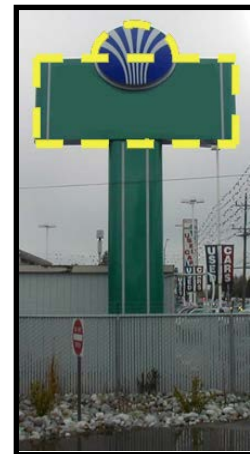
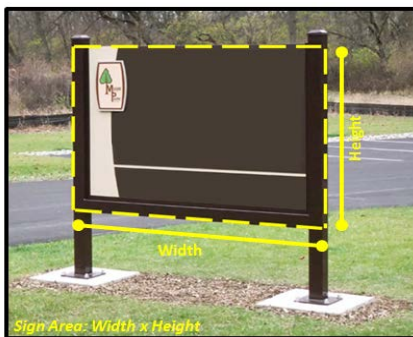
The following are the general measurement standards to determine sign area, sign height, sign setback, window area, and building frontages:

- A. Wall Sign Area. Sign area shall include the face of all the display areas of the sign, *including* the frame and *excluding* the structural support as specified herein. Architectural features as defined in Section 30.02 are not considered signs and are exempt from these regulations.
  1. Any wall sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area shall include the display portion, background and any structural frames.

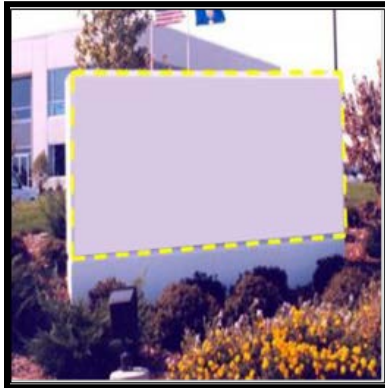
2. Any wall sign comprised of individual letters, figures, emblems, logos or elements, or an irregularly shaped freestanding sign, the area of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.) or a combination of not more than three (3) regular geometric shapes, which form or approximate the perimeter of all the elements in the display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining the geometric form, or combination of forms, which comprise the entire display area, including the space between the elements.
  
3. Up to five (5%) percent of the permitted sign area may be considered minor protrusions and extend outside the maximum limitation of three (3) regular geometric shapes, and are, therefore, exempt from being included as part of the sign area.



- B. Freestanding Sign Area. Sign area shall include the face of all the display areas of the sign, including the frame and excluding the structural support as specified herein. In determining the area of freestanding signs, the structural frames shall be included as part of the maximum permitted sign area with the following exemptions:



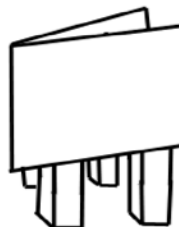
1. The sign's structure when determined to be the minimum necessary size and mass to structurally support the sign.
2. The portion of a solid sign base, up to a maximum height of three (3) feet that is anticipated to be substantially screened by landscaping at the time of installation.
- 3.



4. Architectural features, as defined in Section 30.02.
5. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, are joined, are parallel or are within thirty (30) degrees of being parallel to each other and are at no point separated by a distance that exceeds three (3) feet, the sign area shall be computed by the measurement of one of the faces.
6. Any sign that has two (2) display faces that do not comply with the provision in Section 30.03(B)(4) above, or has more than two (2) display surfaces, then the total area of all of the display surfaces that are visible from any single location should not exceed the maximum permissible area for the sign.

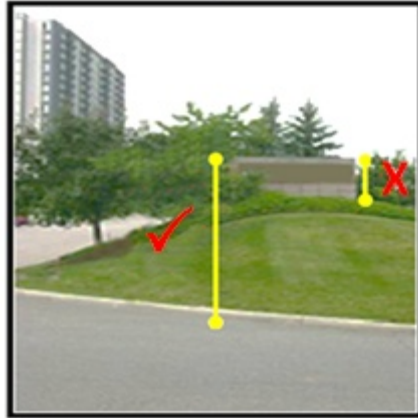


Two (2) Display Faces Back to Back



Two (2) Display Faces at 30° Angle

- C. Sign Height. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the top most elements of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest street, drive or parking area, whichever is the highest grade reference.



- D. Sign Setback. The required setbacks for any freestanding sign shall apply to all elements of the sign, including its frame and base.
- E. Window Sign Area. The window area of a building shall be the total glass area of windows on any ground floor building frontage. Any glass areas separated by more than four (4) inches of mullions or building façade elements shall be considered two (2) separate windows.



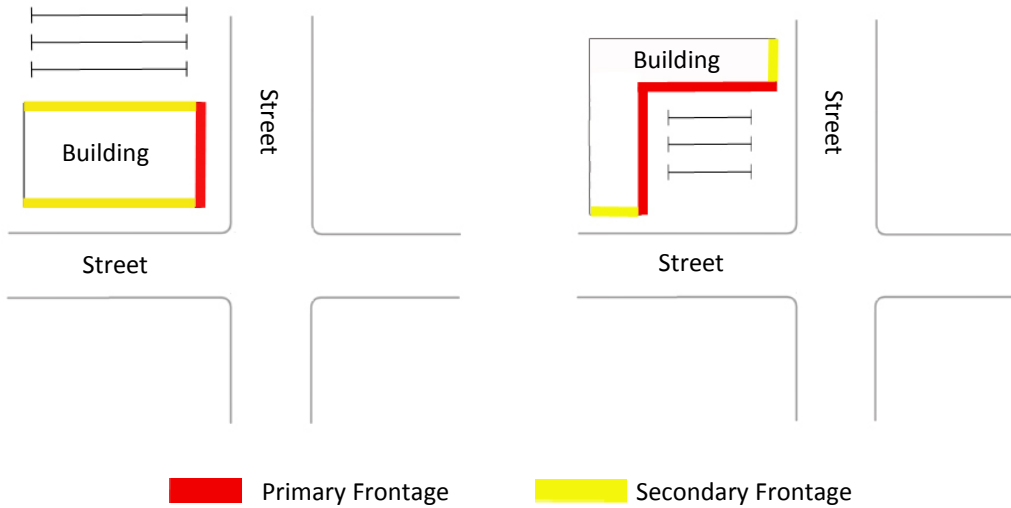
F. Building Frontage.

1. Primary Frontage. The length of the building wall that faces the public street or the length of the wall that contains the main entrance to the use therein shall be considered the primary building frontage. The building frontage shall be measured along the length of the front wall between the exterior faces of the exterior side wall.



2. Secondary Frontage. A site/building will be considered to have a secondary frontage(s) when any of the following site/building characteristics are present:
  - a. The subject site is a corner lot;
  - b. The primary parking area is not located adjacent to a public street;
  - c. The building/unit has walls with ingress and egress that do not face the public street.
3. Only one outside wall of any business shall be considered its primary frontage. For signs in commercial and manufacturing and research districts, in no case shall a building elevation abutting and facing a residential district be considered a secondary frontage and signs shall not be permitted on any such secondary building frontage.
4. Multi-Tenant Buildings. For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
5. Irregular Wall Surface. In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length.





**30.04 PERMANENT SIGNS IN RESIDENTIAL DISTRICTS.**

The following shall apply to any permanent sign in residential districts.

**A. Maximum Number and Sign Area for Permanent Signs in Residential Districts.**

Sign Type	<i>R-1, R-4, R-6, R-8</i>	<i>R-2</i>	<i>R-3</i>
	Single Family Residential Districts	Planned Unit Development	Multi-Family Residential Districts
1. Dwelling, Detached Single Family, Dwelling, Two-Family and Dwelling, Attached Single Family <sup>(a)(b)</sup>			
a. One (1) Sign Per Dwelling Unit	3 SF <sup>(d)</sup>	3 SF <sup>(d)</sup>	3 SF <sup>(d)</sup>
b. Two (2) Additional Signs Per Dwelling Unit <sup>(c)</sup>	1.5 SF each <sup>(d)</sup>	1.5 SF each <sup>(d)</sup>	1.5 SF each <sup>(d)</sup>
2. Dwellings, Multi-Family			3 SF <sup>(e)</sup>
3. Gateway Signs	25 SF each	25 SF each	25 SF each
4. Institutional and Other Non-Residential Uses <sup>(b)</sup>			
a. Wall Sign	1 SF/LF	-	1 SF/LF
b. Freestanding Sign	50 SF	-	50 SF
5. Instructional Signs: Multi-Family, Institutional & Other Non-Residential Uses	See Section 30.04 (C)(3)		
<sup>(a)</sup> Includes, also, Dwellings, single family cluster. <sup>(b)</sup> See Section 30.04(C) for supplemental requirements. <sup>(c)</sup> One (1) additional sign is permitted, not exceeding one-and-one-half (1 ½) square feet, every one-hundred (100) feet of frontage on a public right of way after the first one-hundred (100) feet. <sup>(d)</sup> These signs may be either wall or freestanding. <sup>(e)</sup> Each building entrance may have one (1) wall sign up to the maximum area specified.			
<i>Note: SF = Square Feet      LF = Linear Feet</i>			

**B. Maximum Height for Permanent Freestanding Signs in Residential Districts.**

Sign Type	<i>R-1, R-4, R-6, R-8</i>	<i>R-2</i>	<i>R-3</i>
	Single Family Residential Districts	Planned Unit Development	Multi-Family Residential Districts
1. Dwelling, Detached Single Family, Dwelling, Two-Family and Dwelling, Attached Single-Family <sup>(a)</sup>	6 FT	6 FT	6 FT
2. Gateway Sign	8 FT	8 FT	8 FT
3. Institutional and Other Non-Residential Uses	8 FT	8 FT	8 FT
4. Instructional Signs: Multi-Family, Institutional & Other Non-Residential Uses	See Section 30.04(C)(3), below		
<sup>(a)</sup> Includes, also, dwellings, single family cluster.			
Note: SF = Square Feet LF = Linear Feet			

**C. Supplemental Requirements for Permanent Signs in Residential Districts.** In addition to the provisions above, the following for permanent signs in residential districts shall also apply:

1. Wall Signs.
  - a. An institutional and other non-residential uses may have multiple wall signs which may be placed on the wall, awning(s), or canopy(ies), provided that the total area of all such signs shall not exceed the maximum permitted area specified in Section 30.04(A).
  - b. Awning and marquee signs shall have a minimum clearance of fourteen (14) feet over any vehicular use area and eight (8) feet over any pedestrian use area.
  
2. Freestanding Signs.
  - a. Such signs shall be setback a minimum of ten (10) feet from the street right-of-way line and a minimum of twenty-five (25) feet from any adjoining property line.
  - b. Freestanding signs shall not have gaps, cut-outs, or penetrations but instead should be a solid face or area without openings. Freestanding signs that require internal support members or posts shall not have them exposed or visible whatsoever from external view at a height greater than two (2) feet above grade. (7/5/2019)
  - c. Freestanding signs shall either (i) rest and be affixed to a solid base for its support, or, (ii) if it has support members or posts exposed or visible from external view (but in no case to exceed a height of two (2) feet above grade in accordance with subsection (2)(b) above) then, it shall have low growth vegetation planted and continuously maintained around its base of sufficient height to conceal from view the support members or posts. (7/5/2019)

- d. Where site conditions permit, freestanding signs shall be erected in areas which permit the creation of a landscaped setting around such sign or sign support.
  - e. Gateway signs: Up to two (2) gateway signs are permitted at each entrance to the development and such signs may be located on easements established for such signs or with permission of the property owner documented in a manner acceptable to the Township Legal Advisor.
3. Instructional Signs for Multi-Family Uses, Institutional & other Non-Residential Uses. Signs that are clearly intended for instructional purposes do not need to be included in the maximum areas permitted provided such sign is not larger than necessary to serve the intended instructional purpose and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of advertising or promotion.
4. Agricultural Signs. One (1) sign is permitted per property that is less than five (5) acres and is not entitled to an agricultural exemption under the Ohio Revised Code, to identify the agricultural use on site. Such sign shall not exceed eight (8) square feet in area and eight (8) feet in height.

**30.05 PERMANENT SIGNS IN COMMERCIAL, MANUFACTURING AND RESEARCH DISTRICTS.**

The following shall apply to any permanent sign in non-residential districts.

**A. Maximum Sign Area for Permanent Signs in Commercial, Manufacturing and Research Districts.**

Sign Type	<i>S, B-1, B-2, R-2, GH, GB, BX, C</i>	<i>THC, THN</i>	<i>M, RD-2</i>	<i>AP</i>
	Business Districts	Town Hall Districts	Manufacturing & Industrial Districts	Airport District
1. Wall Signs <sup>(a)</sup>				
a. Primary Frontage	1.5 SF/LF	1.5 SF/LF	1.5 SF/LF	1.5 SF/LF
b. Secondary Frontage(s) <sup>(a)</sup>	.75 SF/LF	.75 SF/LF	.75 SF/LF	.75 SF/LF
c. Projecting Signs <sup>(b)</sup>	8 SF	8 SF	8 SF	8 SF
d. Awning/Canopy/ Marquee Signs	Included as part of wall sign allowance			
e. Bonus for Large Setbacks <sup>(a)</sup>	.5 SF	.5 SF	.5 SF	.5 SF
2. Freestanding Signs <sup>(c)</sup>				
a. Basic Allowance	60 SF	40 SF	40 SF	60 SF
b. Basic Allowance for Lots Along Rt-44 & Crile Rd <sup>(c)</sup>	80 SF	80 SF	80 SF	-
c. Basic Allowance for Sites Adjacent to I-90 <sup>(c)</sup>	120 SF	120 SF	120 SF	-
d. Directional Signs <sup>(d)</sup>	3 SF	3 SF	3 SF	3 SF
3. Instructional Signs	See Section 30.05(E)			
4. Window Signs <sup>(e)</sup>	50% of Window Area	10% of Window Area	10% of Window Area	10% of Window Area
<p><sup>(a)</sup> See Section 30.05(C) for supplemental requirements.</p> <p><sup>(b)</sup> Projecting signs greater than eight (8) square feet may be considered only when the additional sign area is deducted from the wall sign allowance.</p> <p><sup>(c)</sup> See Section 30.05(D) for supplemental requirements.</p> <p><sup>(d)</sup> The maximum allowance is two (2) signs for each point of ingress and egress.</p> <p><sup>(e)</sup> Maximum allowance includes both permanent <i>and</i> temporary signs <i>combined</i>.</p> <p><i>Note: SF = Square Feet      LF = Linear Feet</i></p>				

**B. Maximum Height for Permanent Signs in Commercial, Manufacturing and Research Districts. (Amended 7/5/2019)**

Sign Type	<i>S, B-1, B-2, R-2, GH, GB, BX, C</i>	<i>THC, THN</i>	<i>M, RD-2</i>	AP
	Business Districts	Town Hall Districts	Manufacturing & Industrial Districts	Airport District
1. Freestanding Signs	12 FT	8 FT	8 FT	8 FT
2. Instructional Signs	See Section 30.05(E), below			
3. Directional Signs	4 FT	4 FT	4 FT	4 FT

<sup>(a)</sup> See Section 30.05(D) for supplemental requirements.  
*Note: FT = Feet*

**C. Supplemental Requirements for Permanent Wall Signs in Commercial, Manufacturing and Research Districts.**

1. A business may have multiple wall signs which may be placed on the wall, awning(s), or canopy(ies) provided that the total area of all such signs shall not exceed the maximum permitted area specified in Section 30.05(A).
2. Awning and marquee signs shall have a minimum clearance of fourteen (14) feet over any vehicular use area and eight (8) feet over any pedestrian use area.
3. The maximum permitted area for all wall signs shall include awning/canopy and marquee signs, as well as projecting signs greater than eight (8) square feet.
4. Bonus Areas Permitted for Secondary Frontage. For buildings with secondary frontage(s) as set forth in Section 30.03(F), the total permitted area of all identification wall signs for each such secondary frontage area shall not exceed fifty (50) percent of the total sign area that would otherwise be permitted for the primary frontage under Section 30.05 (A).

At the owner’s discretion, the sign area permitted for the primary frontage may be *shifted* to a secondary frontage, provided that the resulting total area on any secondary frontage does not exceed the maximum area which would have been permitted on that elevation if it had qualified as the primary frontage. Such signs may be distributed on a maximum of three (3) walls.

5. Bonus Areas Permitted for Large Building Setback. Where a building frontage exceeds a setback of two-hundred (200) feet from a facing public street or interstate highway, the total area of all wall signs permitted for that frontage may be increased by one-half (.5) square foot of sign area per linear foot of such frontage.

6. Projecting Signs.
  - a. A projecting sign less than eight (8) square feet is permitted in addition to the allowances for wall signs.
  - b. Projecting signs shall have a minimum clearance of fourteen (14) feet over any vehicular use area and eight (8) feet over any pedestrian use area.
  - c. The area of any projecting sign greater than eight (8) square feet shall be included in the total allowable sign area for all wall signs and shall complement the building design and purposes of this Section. In no instance shall any such sign be permitted to project over any public right-of-way.
7. Notwithstanding any other requirement of this Section, a minimum of thirty (30) total square feet of wall signs may be permitted.

D. Supplemental Requirements for Permanent Freestanding Signs in Commercial, Manufacturing and Research Districts.

1. Setback Requirements. Freestanding signs shall be setback a minimum of ten (10) feet from the street right-of-way line and setback a minimum of twenty-five (25) feet from an adjoining property line. For lots abutting a controlled access highway, refer to subsection (2) below.
2. Signs Along Controlled Access Highways.
  - a. Signs proposed along S.R. 44 or Interstate 90 shall be setback not more than 20 feet from the property line abutting the highway, and as permitted by the public authority having jurisdiction over such street or highway. Such signs shall also be setback a minimum of 25 feet from any other adjoining property line.
  - b. A freestanding sign proposed on a lot fronting along such highway shall be permitted in lieu of the freestanding sign fronting on a local street for the lot. One freestanding sign may be permitted for each such frontage only if the minimum distance between sign locations is 150 feet, and in compliance with the area requirements outlined in Section 30.05 A.
3. Visibility. No freestanding sign shall be placed in a manner that would obstruct any sight line necessary to protect the safety of any vehicular or pedestrian traffic. See Section 30.13 (A) for supplemental requirements.
4. Freestanding signs shall not have gaps, cut-outs, or penetrations but instead should be a solid face or area without openings. Freestanding signs that require internal support members or posts shall not have them exposed or visible

whatsoever from external view at a height greater than two (2) feet above grade. (7/5/2019)

5. Freestanding signs shall either (i) rest and be affixed to a solid base for its support, or, (ii) if it has support members or posts exposed or visible from external view (but in no case to exceed a height of two (2) feet above grade in accordance with subsection (4) above) then, it shall have low growth vegetation planted and continuously maintained around its base of sufficient height to conceal from view the support members or posts. (7/5/2019)
6. Multi-Tenant Facilities. When a freestanding sign is erected on a site that has more than one tenant, it is the property owner's responsibility to determine the portion of the total allowable sign area that will be devoted to identification of the development, the building, anchor tenant(s), all tenants, or some combination thereof.
7. Bonus Sign Corner Lot. One (1) additional freestanding sign shall be permitted for a corner lot only in compliance with all of the following:
  - a. The area of each freestanding identification sign complies with this Section, and the total area of both freestanding signs does not exceed one-hundred-seventy-five (175%) percent of the maximum area permitted for a single sign; and
  - b. The second freestanding sign is located in a manner clearly intended to provide identification along the secondary street.
8. Bonus Signs and Area for Large lots. The area and number of freestanding signs on large lots may be increased according to the following:
  - a. The allowable area of any freestanding sign face may be increased by five (5) square feet of area for every twenty (20) linear feet of lot frontage greater than two-hundred (200) linear feet.
  - b. The allowable area pursuant to this section may be distributed among more than one freestanding sign, provided that each such sign is no less than two-hundred-fifty (250) linear feet from any other such sign.
  - c. Notwithstanding any provision of this section, the area of any freestanding sign face shall not exceed one-hundred (100) square feet.
9. Landscaping. Where site conditions permit, freestanding signs shall be erected in areas which permit the creation of a landscaped setting around such sign or sign support.

- E. Instructional Signs. Signs clearly intended for instructional purposes, do not need to be included in the maximum areas permitted provided such sign is not larger than necessary to serve the intended instructional purpose and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of advertising or promotion.

### 30.06 LARGE CAMPUSES.

- A. Classification & Review Criteria. A property or location may be classified as a large campus by the Zoning Inspector when it is greater than ten (10) acres; has or is expected to have multiple buildings and/or an industrial or commercial project on public or private streets; and a portion of the buildings are not likely to have visibility from a main thoroughfare. Because of the project's size, the unique arrangement of the buildings and site circulation, and the sign limitations pursuant to this Chapter, the total amount of signs permitted – size, number and location - may not be sufficient to reasonably meet the needs of the uses in the development and provide sufficient way-finding for employees, visitors, and customers.

Therefore, for such large campuses, the Zoning Commission may consider the approval of additional wall and/or freestanding signs when it determines that such signs:

1. Provide needed educational and/or instructive messages to further safe and efficient pedestrian and vehicular circulation;
2. Have no greater impact on adjacent properties and/or a public street(s) (beyond the boundaries of the specific development for which the signs are intended) with respect to such considerations as visibility and advertising/marketing intrusions;
3. Improve the proper relationship existing between buildings, thoroughfares, service roads, driveways, and parking areas;
4. Result in a more harmonious and proportionate grouping of signs in relationship to both the total number of permitted signs on the property or development, and to adjacent properties, development and streets;
5. Are of such size and scale to be appropriate for the size of the building and the portion of the building (panel, fascia, wall, etc.) and/or lot on which the sign(s) will be placed;
6. Are the minimum additional sign area(s) or number of signs necessary to assure legibility to the intended viewers that are typically the motorists coming to and traveling within the large campus and, thereby, minimize potential traffic hazards and congestion;



7. Ensure optimal fire and police protection; and
8. Do not compromise any other public interest.

In industrial and town center locations, the application of this Section may permit signs within the public right of way when recommended by the Zoning Commission and approved by the Board of Trustees.

**B. Zoning Commission Review.**

1. Any application requiring review by the Zoning Commission shall be received by the Zoning Inspector a minimum of fourteen (14) days prior to the next scheduled regular or special meeting of the Zoning Commission. If the application is not received at least fourteen (14) days in advance, consideration of the application shall be deferred to the following scheduled meeting of the Zoning Commission but not later than forty-five (45) days from the time the application is submitted.
2. The Zoning Commission shall review a sign application for full compliance with all applicable provisions of this Section, and shall approve, disapprove, or approve with suggested modifications pursuant to Section 30.14 (E).
3. Upon the approval of an application by the Zoning Commission, the Zoning Inspector shall issue a sign permit within three (3) business days, provided that the proposed sign complies with all other applicable regulations.
4. Upon the disapproval of an application by the Zoning Commission, the Zoning Commission shall convey its reasons for disapproval to the applicant, in writing, within five (5) days. Such notification may also include suggested modifications, which, if incorporated by the applicant, could bring the sign into compliance with this Section. Applications so modified may be resubmitted for review at the next scheduled Zoning Commission meeting.

**30.07 ELECTRONIC MESSAGE CENTERS.**

**A. Electronic Message Centers in Institutional, Commercial, Manufacturing and Research Districts.** One (1) freestanding changeable copy or electronic message center sign shall be permitted per project or development and in compliance with the following:

1. The interval of change of any messages on an electronic message center shall occur no less than once every eight (8) seconds.
2. Electronic message centers are not to exceed fifty (50%) percent of the total allowable sign face area for allowable freestanding signs.
3. Animation, movement, or continuous scrolling of messages is prohibited and the change of image on an electronic message center must be instantaneous.

- B. Illumination Criteria. In addition to the requirements set forth in Section 30.12(B), electronic message center signs shall comply with the following:
1. Any electronic message center shall be programmed or set in a manner such that the display will turn dark and emit no light in case of a malfunction.
  2. Any electronic message center shall be equipped with photosensitive equipment that is programmed to automatically adjust the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
  3. Maximum brightness levels for electronic message center shall not exceed five-thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours, and one-hundred-fifty (150) nits when measured from the sign's face at its maximum brightness between dusk and dawn.

### **30.08 COMMERCIAL BANNERS**

Commercial banners may be installed on properties in residential districts that are legally developed with non-residential uses and on all properties in commercial and industrial districts. Such banners shall comply with the following:

- A. Banners shall be only be installed on light poles, utility poles, or other poles that are approved by the Township to be constructed on the property as part of an approved development plan, or such poles legally existed prior to the adoption of this provision.
- B. Banners shall be rectilinear in shape and not more than twenty-four (24) inches wide and not more than forty-eight (48) inches in height.
- C. Banners shall be the same size and dimensions on a single zoning lot.
- D. Not more than two (2) banners shall be permitted per pole, provided that the banners are placed side by side, and each banner conforms to the maximum size restrictions outlined in subsection B above.
- E. Banners shall not be installed or extend in any manner above the height of the approved pole on which the banner is erected.
- F. Banners shall be anchored with a ridged frame at both the top and bottom of said banner.
- G. The bottom of the banner shall be a minimum of ten (10) feet from the ground and a maximum of twenty (20) feet from the ground.
- H. Banners shall not be lighted except by site or building lighting that is otherwise approved by the Township.

### 30.09 TEMPORARY SIGNS.

A. Temporary Signs in All Districts. The following shall apply to any temporary sign in both residential, commercial, manufacturing and research districts:

1. Freestanding Project Construction Signs. One (1) project construction sign not to exceed thirty-two (32) square feet and not located closer than ten (10) feet from any right-of-way shall be permitted per project or development, except that for projects with frontage or access on more than one street shall be permitted one (1) sign per street frontage, when the frontage equals or exceeds 300 feet. The sign shall be erected and maintained on a lot only during the period of time that the building project is under construction. A project construction sign shall be removed within fourteen (14) days of commencement of the intended use or within two (2) days of the erection of a permanent identification sign, whichever comes first.
2. Freestanding Project Contractor Signs. One (1) freestanding contractor sign shall be permitted per property during repairs and/or renovations of any existing structure provided such sign does not exceed a total area of four (4) square feet and a maximum height of three-and-one-half (3.5) feet. Any such sign shall be removed within two (2) days of the completion of on-site work.
3. Political and Real Estate Signs. Each residential dwelling unit, each residentially zoned vacant property, and each non-residential property, whether developed or vacant, shall be permitted to erect temporary political signs and /or signs advertising the sale and rental of property or land either in a window or as a freestanding sign. Additionally, one (1) off-site directional sign shall be permitted in conjunction with the sale or leasing of property with the permission of the off-site property owner or authorized representative.

B. Temporary Signs in Residential Districts. The following shall apply to any temporary sign in residential districts:

1. Each residential unit shall be permitted one (1) temporary sign promoting a garage sale or other similar household sale, provided such permitted sign is located on the property on which such sale will occur, for a period not to exceed seventy-two (72) hours, and no more than three (3) times in any twelve (12) month period. In addition, one (1) off-site directional sign shall be permitted with the permission of the off-site property owner or authorized representative.
2. Any lot less than five (5) acres that is not entitled to an agricultural exemption under the Ohio Revised Code is permitted one (1) temporary freestanding sign, not more than twelve (12) square feet in area and eight (8) feet in height for the

purpose of advertising agricultural uses on a lot in which the use is being conducted. Such sign shall be removed at the conclusion of seasonal sales.

3. Temporary freestanding signs shall be located no closer than ten (10) feet from a public right-of-way or a side lot line.
- C. Temporary Special Event Signs for Non-Residential Uses in Residential Districts and all Uses in Commercial, Manufacturing and Research Districts:
1. One (1) temporary freestanding special event sign or banner shall be permitted for such use for a period not to exceed forty-five (45) days in a twelve (12) month period. This time period may be used for a single event or divided into smaller time increments for more than one event over the course of the 12 months, provided the total number of days used does not exceed 45 days in a 12-month period. Such signs shall be located no closer than ten (10) feet from any street right-of-way line. For a property with multiple tenants, each tenant is also permitted one (1) temporary sign and shall comply with the above time provision.
  2. In addition to the signs permitted in subsection 1 above, two (2) additional signs may be permitted on the lot of the special event for a period of not more than four (4) days during the time of the event, such as fairs, carnivals, auctions and similar activities. In addition, not more than two (2) off-site directional signs shall be permitted with the permission of the off-site property owner or authorized representative, only during the time frame of the special event activities.
- D. Sandwich Board Signs: Sandwich board or similar types of temporary signs are permitted in all commercial and industrial zoning districts provided such signs are placed in a manner so as to touch the face of the building and/or tenant store erecting or placing the sign outside of the business. Such sign may have no more than two display surfaces, shall not exceed three (3) feet in height and two (2) feet in width and shall be placed indoors at the close of business each day.

### **30.10 SIGNS EXEMPT FROM REGULATION**

The following signs shall be exempt from regulation under this Zoning Resolution:

- A. Any sign erected by a public authority, or by a public service organization granted permission by a public authority, within a public right-of-way, or on private property when required by law, and intended to control traffic, direct, identify or inform the public, or provide a needed public service as determined by the rules and regulations of the sponsoring public authority.
- B. Works of art and religious artifacts that do not include a commercial message.
- C. Temporary lights, decorations or displays celebrating the occasion of patriotic or religious holidays, or other publicly celebrated holidays.

- D. Flags as defined in Section 30.02.
- E. Building markers as defined in Section 30.02.

### **30.11 PROHIBITED SIGNS.**

All signs not expressly permitted in this Section or exempt from regulation pursuant to Section 30.09, are prohibited in the Township. Such signs include but are not limited to the following:

- A. Abandoned signs as defined in Section 30.02.
- B. Animated, flashing, rotating, or inflatable signs and festoons as defined in Section 30.02, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those specifically exempt from regulation in Section 30.10, or special event signs or banners permitted in Section 30.09(C).
- C. Billboards/off-premises signs as defined in Section 30.02.
- D. Roof signs as defined in Section 30.02.
- E. Portable signs as defined in Section 30.02.
- F. Signs on vehicles or trailers which are determined to be clearly temporary, and placed in locations not normally expected for such vehicles, with the primary purpose of attracting attention or providing advertising in addition to that permitted for legal wall and/or freestanding signs on the site.
- G. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control, direction signals, or safety signs.
- H. Signs located on trees, utility poles, public benches or any other form of public property, or within any public right-of-way.

### **30.12 DESIGN AND ILLUMINATION CRITERIA.**

In addition to ensuring compliance with the numerical standards and other requirements of this Section, the Zoning Inspector shall consider the proposed general design arrangement and placement of the sign as well as the appropriateness of the proposed sign in relationship to other signs and other structures, both on the premises and in the surrounding areas, and shall only approve signs which are consistent with the intent, purposes, standards and criteria of these sign regulations. Specific standards for determining the appropriateness of the sign and sign illumination shall include, but are not limited to, the following:

- A. Design Criteria.

1. The lettering shall be the minimum size necessary so they can be easily read from the intended vantage point, but not overly large or out of scale with the building or site.
2. The number of items, letters, symbols and shapes shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and ensure legibility.
3. The ratio between the size of the message and the size of the background shall permit easy recognition of the message.
4. Signs shall be designed and placed to complement the building and adjacent buildings and to enhance their architecture.
5. Signs shall have a simple shape, sufficient contrast between the text and background, with a limited number, and harmonious use, of colors and materials.
6. Signs, if seen in a series, shall have a continuity of design, with the style of design generally consistent throughout the building or block.
7. The size and shape of a sign shall be in proportion to the size and shape of the space the sign will occupy.
  - a. A sign composed of a background panel or individual letters or elements, should not exceed approximately seventy (70%) percent of the height, length or area of the portion of a building façade which can readily accommodate a sign within an open area framed by architectural elements and/or façade dimensions.
  - b. The lettering within a sign panel shall not exceed seventy (70%) percent of the height, width or area of the sign panel.

B. Illumination Criteria.

1. Single Family and Multi-Family Residential Uses.
  - a. No sign shall be internally illuminated in any single-family lot, except for addresses or signs 1 ½ square feet or less in size.
  - b. The brightness or intensity of any internally illuminated sign in a multi-family district shall be limited to lettering only.
  - c. The illumination shall comply with all requirements provided in Section 30.12(C), below.

2. All Other Districts and Institutional Uses in Residential Districts. Either internal or external illumination shall be permitted, only in accordance with all of the following:

- a. Light sources shall be shielded from all adjacent buildings and streets.
- b. Lights shall not be of such brightness as to cause glare that is hazardous to pedestrians or motorists, or to cause reasonable objection from adjacent residential districts.
- c. No exposed incandescent or fluorescent lamp shall be permitted.

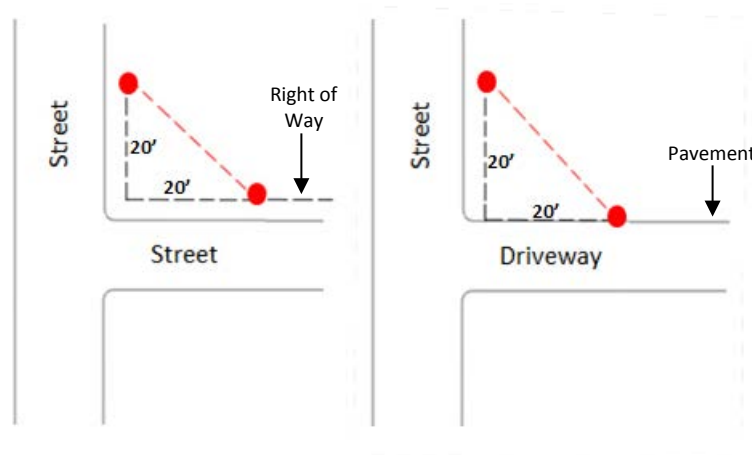
C. Signs shall not be lighted to obstruct traffic control or any other public regulation or information signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices. These regulations shall not apply to permitted holiday display lighting.

**30.13 CONSTRUCTION AND MAINTENANCE STANDARDS FOR ALL SIGNS.**

All signs shall be constructed and maintained in accordance with the following:

A. Construction Standards. The construction, erection, safety and maintenance of all signs shall comply with the Ohio Basic Building Code, the Ohio Revised Code, and all of the following:

- 1. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrians and shall not visually or structurally interfere with vehicular traffic and related traffic management signals, signs, and other markings.
- 2. Signs shall not be located within a visibility area as defined in Section 30.02 and illustrated below.



3. No sign shall be suspended by non-rigid attachments that would allow the sign to move significantly because of wind.
4. All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
5. Signs shall be fabricated with materials which are of good quality and durability, and are complimentary to the site and/or building(s) which they represent.
6. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
7. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned.
8. Signs shall be structurally designed to withstand wind pressure of thirty (30) pounds per square foot in any direction.
9. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of all applicable electrical codes and building codes. All power to illuminated signs must be underground from the power source wherever possible.

B. Maintenance Standards.

1. The property owner shall maintain the sign in a condition fit for the intended use and any state and/or local building code regulations.
2. The property owner of any on site or off site sign shall be liable to maintain the sign in compliance with the Township Zoning Resolution and all applicable laws and regulations.
3. Every sign is to be kept in a safe and secure condition, and in a neat and orderly condition at all times, and to prevent rust, corrosion, rotting, or other deterioration in the physical appearance of such sign.
4. Each sign shall contain the current name, address and telephone number of a firm or person responsible for erecting the sign. Such information shall be placed on the frame or other supports and shall only be large enough to be read by a person standing on the ground, sidewalk or parking lot nearest the sign.
5. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, re-lettering or repainting, the



same may be done without a permit or any payment of fees provided that all of the following conditions are met:

- a. There is no alteration or remodeling to the structure or the mounting of the sign itself.
- b. There is no enlargement or increase in any of the dimensions of the sign or its structure.
- c. The sign is accessory to a legally permitted, conditional or nonconforming use.

**30.14 ADMINISTRATIVE PROCEDURES.**

No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this Section have been met.

- A. Sign Permit Requirements. The following table lists those signs that require a permit and those exempt from permit.

Sign Type	Zoning Permit Required	No Zoning Permit Required
<b>Permanent Signs:</b>		
Single Family Dwellings in Residential Districts		
Signs greater than 1 ½ square feet	X	
Signs 1 ½ square feet or less		X
All Other Uses in Residential Districts (including non-exempt agricultural)	X	
Commercial, Manufacturing and Research Districts	X	
Instructional Signs in all Districts		X
Window Signs		X
Commercial Banners	X	
<b>Temporary Signs:</b>		
Single or Two Family Lots in Residential Districts		X
Project Construction Signs, Project Contractor Signs, Real Estate or Political Signs		X
Special Event Signs in all Districts (including non-exempt agricultural)	(a)	
Sandwich Board Signs		X
Window Signs in all Districts		X
<sup>(a)</sup> See Section 30.14(C) for Special Event Sign Permit requirements.		

- B. Application Requirements for Zoning Permit. An application for a sign permit shall be made to the Zoning Inspector or his/her designee, and shall include two copies; one

depicting the actual colors of the proposed sign(s) and building, and one letter-sized copy suitable for reproduction. Specifically, the application shall include all of the following:

1. Name, address and signature of the property owner or his/her legal agent.
  2. Street address or location of the property proposed for the requested sign(s).
  3. A complete site plan or photograph showing the location of the sign, its relationship to the building, the locations, areas and dimensions of all existing signs on the site, the adjacent parcels and the parking lots, drives and sidewalks.
  4. Detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, and materials of the sign and the frame or structure.
  5. Construction, erection and fastening details as applicable.
  6. The fee in accordance with a fee schedule adopted by the Board of Trustees. See Appendix 1 of this Zoning Resolution for the Fee Schedule.
  7. A presentation of the proposed sign or signs which best illustrates how it or they would be experienced by the public if approved and erected.
- C. Special Event Sign Permit. A temporary Special Events Permit shall be required for signs related to special events, in lieu of a Zoning Permit. An applicant for a temporary special sign permit shall file an application, provided by the Township, setting forth the name, address and telephone number of the person responsible for such sign. The application shall also set forth the location and dates of display. A fee deposit, established by the Board of Trustees, shall be placed with Concord Township which shall be forfeited if the sign is not removed within the forty-eight (48) hour time limit specified in Section 30.09(C). Such signs not removed within the forty-eight (48) hour time limit specified shall be removed by the Township Zoning Inspector. See Appendix 1 of this Zoning Resolution for the Fee Schedule.
- D. Panel and Face Replacement. A replacement of a sign panel or sign face for the same tenant that is within the size and height of the initial approval does not require an additional permit provided that the proposed changes are otherwise in compliance with these regulations and the initial permit.
- E. Review and Approval.
1. The Zoning Inspector shall review a submitted application to assure full compliance with the requirements of this Section. If the applicant is in full compliance, the Zoning Inspector shall issue a permit for the erection, alteration, or relocation of the sign within thirty (30) days of receipt of such application.

2. If the Zoning Inspector determines that the application is not in full compliance, the application shall be disapproved by the Zoning Department and returned to the applicant with written notation indicating the section or sections with which the application does not comply.
3. If the Zoning Inspector determines that the application is subject to supplemental regulations for large campuses set forth in Section 30.06, the application shall be brought before the Zoning Commission for review and approval of any sign or required signage program. In order for such review to be conducted by the Zoning Commission the applicant shall submit:
  - a. A site plan of the entire large campus development illustrating the size and location of existing buildings; the parking, site circulation, access drives, and adjacent streets; and the location of all proposed signs;
  - b. Building elevations and/or photographs illustrating the location of the proposed sign(s) on the buildings;
  - c. A description of each proposed signs including: size, design, materials, colors, and proposed lighting; and
  - d. An explanation of the need for the signs, as proposed.

### **30.15 REGULATIONS FOR NONCONFORMING SIGNS.**

- A. Nonconforming signs shall be maintained in good condition pursuant to this Section.
- B. A nonconforming sign shall not be altered, modified or reconstructed except as follows:
  1. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
  2. When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation; or
  3. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel or repainting a sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to Section 30.15(B)(1), above.
- C. Alteration and Removal of Nonconforming Signs. A nonconforming sign shall be removed upon verification that any of the following conditions have been met:
  1. Damage or deterioration has resulted in a loss of more than fifty (50%) percent of the value of such non-conforming sign; or

2. The use to which such non-conforming sign refers has been abandoned for more than ninety (90) consecutive days.

### **30.16 PERMIT CONDITIONS AND INSPECTIONS.**

- A. A permit issued by the Zoning Inspector shall become invalid if work is not commenced within three-hundred-sixty-five (365) days of issuance.
- B. No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs requiring permits, without a valid County registration and all required state and federal licenses.
- C. Each sign erected, hung or suspended pursuant to a permit issued by the Zoning Inspector shall be inspected by such Inspector to determine whether said sign is constructed, erected, hung or suspended in accordance with the application and permit and the provisions thereof.
- D. If the Zoning Inspector finds any sign to be in an unsafe or dangerous condition so as to constitute a hazard to the safety of persons or property, the Zoning Inspector shall notify the Lake County Building Inspector of such unsafe and dangerous conditions. If the Zoning Inspector finds that the sign is not erected and maintained in accordance with the provisions of the application for permit under which the same was erected, the Inspector shall order the sign removed. A written notice of the findings and order of the Zoning Inspector shall be furnished to the owner or agent(s) in charge of the sign thereof. If the order of the Zoning Inspector for the removal of any sign is not complied with by the owner, occupant or their agent(s) within fifteen (15) days, the Zoning Inspector is hereby authorized to cause the sign to be removed and any expenses incurred therefore shall be charged to the owner of the sign. The authority of the Zoning Inspector with respect to the inspection of signs shall apply to all signs whether the same were erected after the enactment of this section or prior thereto.

### **30.17 PENALTY**

Any person, firm, corporation, their agent(s) or employees(s) thereof violating any of the provisions of Section 30 of this Resolution or who fail or refuse to obey a lawful order of the Zoning Inspector issued pursuant to this Section shall be guilty of a minor misdemeanor and shall be subject to a fine, established by the Board of Trustees, for each offense. A separate offense shall be deemed to have been committed each day during which a violation continues. See Appendix 1 of this Zoning Resolution for the Fee Schedule.

**SECTION XXXI – SWIMMING POOLS**  
(Amended 12/4/2015)

31.01 Applicability

31.03 Location

31.02 Permit Required

31.04 Construction and Maintenance

**31.01 APPLICABILITY**

- A. A private swimming pool, including temporary pools and permanent pools, both in-ground and above-ground, as defined in Section V, may be a permitted accessory use to a private dwelling in any district.
- B. A club swimming pool may be a permitted accessory use to multi-family dwellings or other residential project in the R-2 or R-3 Districts for the exclusive use of tenants, occupants and guests and not operated as the principal use for specific profit thereof, which shall be located on the same lot as the buildings served. (Amended 7/5/2019)

**31.02 PERMIT REQUIRED**

A Zoning Permit shall be required for a swimming pool in all districts, except as otherwise noted in this Section.

**31.03 LOCATION**

The following setbacks shall apply to swimming pools, however, if located in a use district with more restrictive setbacks for accessory structures, the more restrictive shall apply.

- A. Private swimming pools, either temporary or permanent, shall be at least fifteen (15) feet from any side and ten (10) feet from the rear yard line and fifty (50) feet from the road right-of-way of the lot upon which it is situated.
- B. Club swimming pools shall be at least thirty (30) feet from any side or rear yard line of the lot upon which it is situated and at least thirty (30) feet from any other building or structure.

**31.04 CONSTRUCTION AND MAINTENANCE**

The property owner(s) of any swimming pool shall be liable to maintain the pool in compliance with the Township Zoning Resolution and all applicable laws and regulations. Every pool is to be kept in a safe and secure condition at all times, and maintained in a condition fit for the intended use.

A. Temporary Pool, Above-Ground

- 1. Temporary pools with a height (4) feet or less, including inflatable type or plastic self-erected structures, shall only be erected on a property, whether containing water or not, from May 1<sup>st</sup> through September 30<sup>th</sup> of the same calendar year.
- 2. A Zoning Permit shall not be required for temporary pools; however, if a temporary pool is left up beyond the aforementioned dates or does not meet the applicable requirements of this section, it will be subject to the regulations for permanent pools.

B. Permanent Pool, Above-Ground or In-Ground:

1. Permanent pools, both in-ground and above-ground, shall be enclosed on the property by a fence, not less than four (4) feet in height, as measured from grade at the base of the wall, to prevent access to the pool except through a controlled point.
2. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized access.
3. A fence enclosure is not required for above-ground pools if the pool has non-climbable vertical sides not less than 4 feet in height, as measured from grade at the base of the wall, and any access steps or ladders are removed when the pool is not in use. The fence requirements are further outlined in Section XXXIV of this Resolution.
4. A swimming pool cover is not considered to be a suitable alternative to the enclosure requirements set forth herein.
5. Temporary fencing shall be erected during the installation of an in-ground pool, which shall be not less than 48 inches in height and shall completely enclose the excavation area. Such temporary fencing shall remain in place until completion of the permanent enclosure.

## SECTION XXXII – GAS AND OIL REGULATIONS

- 32.01 **PURPOSE:** Concord Township is known to be the location of gas and oil reserves. This section sets forth requirements to insure that any operation incidental to exploration, production or storage of gas and oil takes place in a manner not endangering public health, safety and welfare and consistent with zoning and land use regulation in the Township. In the event of conflict between these regulations and Ohio Revised Code Chapter 1509, the Ohio Administrative Code, and applicable Federal Regulations, the most stringent regulations shall apply.
- 32.02 **DEFINITIONS:** The following definitions apply only to Section XXXII of the Concord Township Zoning Resolution:
- A. "Well" means any borehole, whether drilled or bored, within the Township, for production, extraction or injection of any gas or liquid mineral, excluding portable water to be used as such, but including natural or artificial brines and oil field waters.
  - B. "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.
  - C. "Gas" means all natural gas and all other fluid hydrocarbons not defined above as oil, including condensate.
  - D. "Waste" includes: (1) physical waste, as such term is generally understood in the oil and gas industry; (2) inefficient storing of oil or gas; (3) locating, drilling, equipping, operating or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled, or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; and (4) other underground or surface waste in the production or storage of oil, gas or condensate, however caused.
  - E. "Owner" means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom either for himself or for others.
  - F. "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.
  - G. "Drilling unit" means the minimum acreage on which one (1) well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.
  - H. "Tract" mean a single, individually taxed parcel of land appearing on the tax list.
  - I. "Brine" means all saline geological formation water resulting, obtained or produced in connection with the exploration, drilling, or production of oil & gas.
- 32.03 **FILING REQUIREMENTS:** Not less than seven (7) days prior to any drilling operation, the driller shall file and deposit with the Zoning Inspector:
- A. A plat, drawn to scale, showing the location of:
    1. Ingress and egress points;
    2. The well;
    3. All known wells within 1,000 feet;

4. Storage tanks;
  5. Separator units;
  6. Power shut-offs;
  7. Transmission lines;
  8. Oil flow shut-offs;
  9. Permanent and temporary pits;
  10. Access roads;
  11. All dikes and swales for erosion control and spill prevention.
- B. A list of emergency telephone numbers of all parties responsible for any work on the tract.
  - C. A copy of the state permit.
  - D. A copy of the state-approved brine and waste disposal plan. The plan shall include a description of the method of disposal of brine, frac-water, sludge and any other oil field wastes, the name, address and telephone number of the person, corporation or firm other than the owner disposing of the waste, the location of the disposal sites being used and the name, address and telephone number of the owner of the disposal site and proof of liability insurance carried by the person, corporation or firm disposing of the waste and a copy of registration certificate required of brine transporters by the State of Ohio, ODNR, Division of Oil and Gas.
  - E. A copy of the Spill Prevention, Control, and Counter-measure Plan (SPCC) as required by Title 40 Code of Federal Regulations, part 112.
  - F. A schedule of the proposed drilling operation.
  - G. Proof of liability insurance for all operations related to drilling, production, storage and transmission of all products, byproducts and wastes.
  - H. A bond for overweight vehicles in the amount of Five Thousand Dollars (\$5,000.00) and in the form of a bank check or money order made payable to Concord Township to be held and disposed of as herein provided.
  - I. A copy of certified test results from the Lake County Health Department of private water supplies that are located within a 1,000 foot radius of the drilling site.
- 32.04 **MINIMUM DISTANCES:** No gas well, oil well, storage tank or separator unit shall be placed within three hundred (300) feet of any building except storage sheds at the drilling site, or within five hundred (500) feet of any known source of water.
- 32.05 **PLACING OF EQUIPMENT:** No equipment shall be placed within one hundred (100) feet of any property line unless both properties are part of the same drilling unit. In no case shall any equipment be placed directly on the property line.
- 32.06 **CLEARING:** The immediate areas surrounding all permanent production facilities shall be kept mowed and cleared of combustible materials for a distance of fifteen (15) feet in all directions and shall be enclosed by a chain link fence not less than six (6) feet in height topped with a double outward strand of barbed wire.
- 32.07 **SHUT-OFF VALVES:** All shut-off valves shall be painted the same conspicuous color for ease of identification in emergencies.



- 32.08 **BURIAL OF LINES:** All gas and oil lines shall be buried at a minimum depth of thirty (30) inches. The location of such lines shall be drawn on a map and a copy deposited with the Township Zoning Inspector and Township Fire Department.
- 32.09 **FLARING:** All non-commercial shows of natural gas shall be flared through a flow line at least sixty (60) feet long into a separate flare pit. The flare pit shall contain a smudge pot which shall remain lit at all times. The flow line shall be directed away from all inhabited structures. No gas shall be flared into storage and/or brine pits or into any lined drilling pits.
- 32.10 **ACCESS ROADS:** Prior to the beginning of drilling, all access roads shall be paved with slag, gravel, crushed stone or other suitable material and shall be a minimum of ten (10) feet wide. All access roads shall be clearly marked and shall have a paved turnaround of sufficient size for rescue vehicles used by the Township. All access roads shall be kept in repair and maintained at all times and shall be kept plowed and free of snow to allow access by safety vehicles.
- Where access roads cross natural or man-made drainage channels, culverts shall be installed. Culverts shall be sized according to the drainage area and approved prior to installations by the Township Road Supervisor.
- 32.11 **LOCKS:** All gates, storage tank manholes, discharge valves, fill valves, shut-off valves and fence gates shall be locked. All locks at a given well shall utilize a master key. A master key marked with the well number shall be provided to the Zoning Inspector, the Fire Chief and the Lake County Sheriff. The owner shall provide a master key for each of its wells located in the Township.
- 32.12 **SIGNS:** Prior to the beginning of drilling, a permanent, weatherproof sign shall be posted and maintained at the site at all times. Said sign shall use letters and numerals at least five (5) inches in height and shall show:
- A. Access street name, number, or both;
  - B. Owner;
  - C. Lease name;
  - D. Well number;
  - E. Permit number;
  - F. All emergency telephone numbers as required by Subsection 32.03 and all local emergency numbers including, but not limited to, Concord Township Fire Department, Lake County Sheriff, etc.
- 32.13 **PARKING:** All truck loading and parking areas shall be located outside of any road right-of-way.
- 32.14 **STORAGE PITS AND LINERS:** All cuttings and fluids produced during drilling operation must be contained in storage pits. Cuttings and fluid storage pits shall be either equipped with a baffle to deflect cuttings or constructed to submerge cuttings as they enter the pit in order to preserve the integrity of the pit liner during the entire drilling process. All gas and oil production storage and brine storage pits shall be surrounded by perimeter dikes to prevent contamination of surface or ground water. All gas and oil production storage and brine storage pits shall be liquid tight and constructed and maintained so as to prevent escape of any produced brines or wastes. All storage pits shall have at least two (2) layers of liners. Such liners shall be reinforced, a minimum of six (6) millimeters thick, single piece and defect free. Each liner shall be separated by a minimum two (2) inch layer of clay. The liners shall be laid in opposite directions to assure their integrity. Dikes surrounding storage facilities shall have a capacity three (3) times that of the storage vessel. Said perimeter dikes shall be constructed in accordance with the specifications outlined in Exhibit "A".

- 32.15 **DIVERSITY SWALES:** In locations where dikes may be damaged by storm runoff, a diversity swale shall be constructed to prevent damage to the containment dikes. Said diversity swale shall be constructed in accordance with the specifications outlined in Exhibit "B".
- 32.16 **SUBSURFACE DRAINAGE:** If, during construction of any temporary or permanent pit or containment dike, a subsurface drainage system is encountered, said subsurface drainage system shall be removed to a distance of twenty (20) feet from the pit or containment dike and shall be plugged at that point.
- 32.17 **STORAGE TANKS:** If a well is located on a steep slope or in a flood plain, storage tanks shall be used; no open storage pits shall be used. All tanks shall be adequately and permanently anchored to resist slippage or flotation. All tanks shall be liquid tight.
- 32.18 **POLLUTION OF WATER AND DISPOSAL OF WASTES:** No person shall conduct any well drilling, production or transmission operation that contaminates or pollutes the land surface or any surface or subsurface water. No saltwater (brine), sludge, frac-water or any other oil field wastes shall be deposited or discharged in the Township for any purpose. No person shall vary or change the waste disposal plan or method initially submitted without prior approval of the Zoning Inspector. The owner shall maintain a record at the drill site of the name, address and telephone number of the person, corporation or firm disposing of the waste, the location of the disposal sites being used, and the name, address, and telephone number of the owner of the disposal site, the method of disposal being used and the date, time and license plate number of the last vehicle to have left the drill site hauling waste.
- 32.19 **PLATS:** The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawn to scale of all transmission lines within one thousand (1,000) feet of the well. All transmission lines, buried or above ground, shall be marked with permanent markers. All lines crossing public highways shall be marked with permanent markers at each side of the right-of-way.
- 32.20 **DAMAGE TO TOWNSHIP ROADS:** Prior to drilling, the Concord Township Road Supervisor and a representative of the owner shall inspect all township roads in the vicinity of the drilling site and over which the owner expects to move equipment and/or vehicles. Upon the completion of drilling, any and all damage to township roads shall be assessed by the Road Supervisor and a representative of the owner and the estimated cost of repairs, if any, shall be deducted from bond deposited with the Zoning Inspector.
- At the end of each 24-hour period during drilling operations, the driller shall keep all township roads in the vicinity of the drilling site and over which the driller expects to move equipment and/or vehicles, free from accumulations of mud.
- In the event that the amount of the bond exceeds the estimated cost of repairs required, the remainder of the bond shall be returned to the owner.
- 32.21 **CLEANING OF PITS AND DISPOSAL OF LINERS:** All gas and oil production liquid wastes, including but not limited to brine, sludge, frac-water and/or all fluids contained in gas and oil production storage and brine storage pits and all pit liners shall be removed and disposed of as soon as practical after the completion of the drilling operation or within two (2) weeks after completion of the drilling operation, which is sooner. None such wastes shall be disposed of or deposited in Concord Township for any purpose.
- 32.22 **LIGHTNING RODS:** Each permanent production structure, including but not limited to separator units and storage tanks shall be equipped with properly grounded lightning rods.

- 32.23 ZONING INSPECTION: The Concord Township Zoning Inspector may inspect oil and gas wells and storage facilities at any time to insure compliance with local zoning regulations.
- 32.24 FIRE INSPECTION: The Chief Fire Prevention Officer of Concord Township may inspect oil and gas wells and storage facilities at any time to insure compliance with local fire regulations.

**SECTION XXXIII – SATELLITE RECEIVING ANTENNAS – DISH TYPE**

(All Section XXXIII 8/25/1986, except as noted)

- 33.01 DISH TYPE SATELLITE: Receiving antennas shall be permitted as accessory uses in all zoning districts.
- 33.02 PERMIT REQUIRED:
- A. In order to comply with FCC Regulations (including 47CFR1.4000 as in effect on September 15, 1997), no person, firm or corporation shall erect a dish-type satellite antenna that is designed to receive direct broadcast satellite service or an antenna designed to receive video programming services via multi-point distribution services, including multi-channel, multi-point distribution services, instructional television fixed services, and local multi-point distribution services in Concord Township without a Zoning Permit and no installation or erection shall commence before a Zoning Permit is issued, except that antennas one (1) meter (39.37 inches) or less in diameter in residential districts, and two (2) meters (78.74 inches) or less in diameter in commercial or industrial districts shall not require a Zoning Permit or fee. (8/25/1986; Amended 3/23/2002)
  - B. An application for a Zoning Permit shall include, among other information:
    - 1. A plot plan of the location of the proposed dish type satellite antenna and all other buildings or structures on the subject lot.
    - 2. Shall indicate the owner or owners of said lot, the occupancy of the premises, and the contractor or other person who will do the construction or erection.
    - 3. Where applicable, the drawing shall include the location and height of structures on adjacent properties which may interfere with the line-of-sight function of the dish antenna.
  - C. A part owner, occupant, renter or contractor shall have the written permission of the owner of the lot or parcel of land on which erection of a dish type satellite antenna is proposed.
- 33.03 INSPECTION OF INSTALLATION: The Zoning Inspector shall be responsible for the inspection of the dish satellite antenna both before and after installations.
- 33.04 MOUNTING REGULATIONS:
- A. Ground mounted:
    - 1. Residential:
      - a. No dish satellite antenna shall be erected or located on any lot between the road right-of-way and the building setback line.
      - b. No dish satellite antenna shall be erected or located within fifteen (15) feet of any side yard lot line or ten (10) feet of any rear yard lot line.
      - c. A dish satellite antenna shall be erected or located on a corner lot in accordance with Section 6.11 of this Resolution (50 feet from the side line of the street right-of-way, or 80 feet from the centerline thereof, whichever is greater).
      - d. No dish satellite antenna erected or located shall exceed fifteen (15) feet in height.
      - e. All ground mounts in residential districts shall be screened from neighboring properties; consistent with line-of-sight requirements, by a solid wall type fence or year round vegetative screen at least six (6) feet in height.

- f. On corner lots, neither antennas nor screening shall be placed in such a way that visibility of or from the intersection is obstructed.
  - g. If line-of-sight location necessitates location in a front yard, by decision of the Zoning Board of Appeals and in accordance with the process provided for in Section IX of this Resolution, it shall be of open mesh (screen) design, shall be painted to blend with the background and shall be screened in accordance with Section 33.04-A-1-e.
2. Business, interchange and manufacturing districts:
- a. A dish satellite antenna may be placed anywhere on the lot or building provided that such installation complies with the minimum setback, side and rear yard requirements for the applicable zoning district as set forth in other sections of this Resolution.
  - b. All ground mounts abutting residential districts shall be screened from said residential property consistent with line-of-sight requirements, by a solid wall type fence or year round vegetative screen at least six (6) feet in height.
  - c. On corner lots, neither antennas nor screening shall be placed in such a way that visibility of or from the intersection is obstructed.
  - d. Shall not exceed fifteen (15) feet in height.
- B. Roof mounted:
- 1. Residential districts:
    - a. Dish satellite antennas shall be limited in size to one (1) meter (39.37 inches) or less measured diagonally across the receiving device. (8/25/1986; Amended 3/23/2002)
  - 2. Business, interchange and manufacturing districts: May be roof mounted provided that:
    - a. Any antenna which exceeds two (2) meters (78.74 inches) in diameter shall be of open mesh (screen) design. (8/25/1986; Amended 3/23/2002)
    - b. Shall be painted to blend with the background.
    - c. Shall not exceed the height of the roof by more than fifteen (15) feet and shall be set back an equal distance from the nearest roof edge.
- 33.05 INSTALLATION: All dish antennas shall meet or exceed manufacturers' installation specifications. Installers shall certify that all manufacturers' specifications have been met or exceeded.
- All antennas shall be adequately grounded for protection against a lightning strike.
- 33.06 FEE: The fee required for a dish satellite antenna permit shall be set by the Township Trustees by proper motion at a regular meeting of the Board of Township Trustees and unanimously adopted.
- 33.07 PROHIBITIONS:
- A. No person, firm or corporation shall erect or maintain a dish antenna unless in compliance with the provisions of this section.
  - B. In a residential district, no graphic representations of any type shall be permitted on dish antennas.
  - C. In business and manufacturing zones, only the company name or logo shall be permitted as graphics on the dish antenna reflector

D. No dish antenna shall be mounted on a tree, chimney or other structural appurtenance.

33.08 JOINT OWNERSHIP AND OPERATION: Any dish antenna used to receive signals for use on more than one (1) property shall be located on one (1) of the parcels served, and shall comply with all requirements set forth in this section. The application for a permit to construct shall bear the names of all of the owners.

**SECTION XXXIV – FENCES**  
(Amended 12/4/2015)

- |                               |                                      |
|-------------------------------|--------------------------------------|
| 34.01 Applicability.          | 34.04 Location and Height Standards. |
| 34.02 Zoning Permit Required. | 34.05 Construction, Maintenance, and |
| 34.03 Decorative Fencing.     | Repair.                              |

**34.01 APPLICABILITY.**

Fences may be permitted for residential uses in the R-1, R-2, R-3, R-4, R-6 and R-8 residential use Districts in accordance with this Section. Fences proposed for non-residential uses within residential Districts or in the B-1, B-2, BX, C, GB, GH, M, THC, THN, RD-2, or S districts, shall be subject to the fence requirements set forth in Section XXXVIII of the Zoning Resolution.

**34.02 ZONING PERMIT REQUIRED.**

The construction of fences shall require a zoning permit except as otherwise indicated herein. Fences for agricultural uses are exempt from these regulations. (Amended 3/9/2018)

**34.03 DECORATIVE FENCING.**

Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length, but which comply with the height, yard and maintenance requirements set forth in this Section, shall not require a zoning permit.

**34.04 LOCATION AND HEIGHT STANDARDS.**

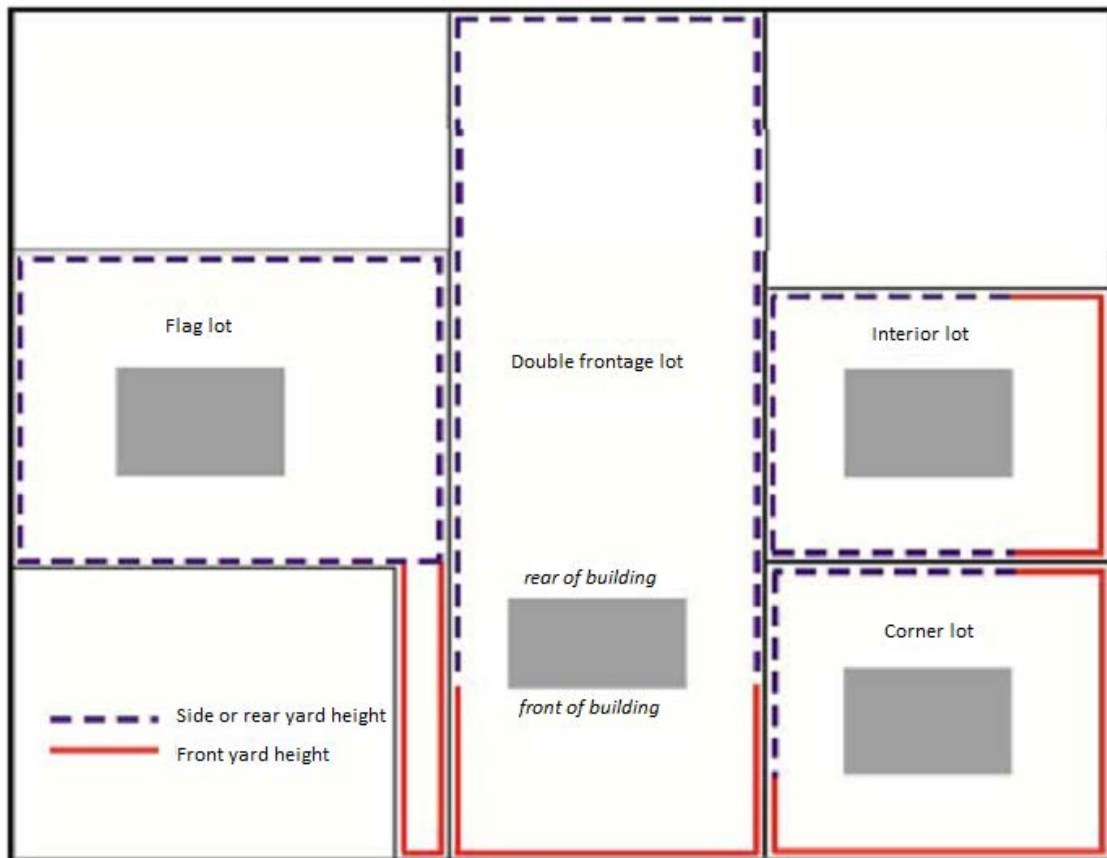
Fences and walls shall be permitted in any required yard, or along the edge of any yard except as otherwise provided herein. Fences and walls shall not be located within the road right-of-way.

A. Front Yards

1. Fences and walls located in any front yard shall not exceed a height of four (4) feet, except as otherwise indicated below.
2. See Figure 34.05-1 for an illustration of where the maximum side and rear yard height of fences applies to interior, corner, flag and double frontage lots.

B. Side and Rear Yards

1. Fences and walls located in the side or rear yards up to the front edge of the building shall not exceed a height of eight (8) feet, except as otherwise indicated below.
2. Fences and walls located in side or rear yards that abut a controlled access highway shall not exceed eight (8) feet.
3. See Figure 34.05-1 for an illustration of where the maximum side and rear yard height of fences applies to interior, corner, flag and double frontage lots.

**Figure 34.05-1**

### 34.05 CONSTRUCTION, MAINTENANCE AND REPAIR.

- A. The height of the fence shall be measured from the finished grade. The posts and all other supporting portions of the fence shall not exceed the maximum height permitted by more than four (4) inches.
- B. The smooth finished side of the fence shall be the side that faces outward from the yard being fenced, and any horizontal, diagonal, or supporting members shall be on the interior side of the fence.
- C. When erected near a property or lot line, the entire fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting or having erected said fence.
- D. Fences that are composed of or include any of the following are prohibited in any use district: a charged electrical current, razor wire, chicken wire, pallets, barbed wire, or guard rail.
- E. Open fences permitted in any use district, unless otherwise indicated are: chain link, bollard and chain, open picket, smooth rail, split rail, or contemporary rail, and wrought iron style/design fences.



- F. Solid fences permitted in any use district include: board on board or alternating board on board fences, solid picket fences, stockade or palisade fences, or brick or stone wall fences.
- G. Every fence is to be kept in a safe and secure condition, and in a neat and orderly condition at all times, and to prevent rust, corrosion, rotting, or other deterioration in the physical appearance of such fence.

**SECTION XXXV – AIRPORT DISTRICT AP**

(All Sections 3/3/2006)

**35.01 PURPOSE:**

An Airport District and its regulations are established in order to achieve, among others, the following purposes:

- A. To provide an Airport District at the location on the Zoning Map by permitting such uses which are appropriate and necessary to the optimum and safe operation of the airport facility, or which provide related and suitable retail and services to the Airport District. (Amended 1/6/2012)
- B. To permit as conditional uses certain additional types of principal uses which have the potential to enhance the Airport District, but which require additional development controls and requirements; and
- C. To maintain and protect the surrounding area, and protect it in the best interest of the community.

**35.02 PERMITTED USES:**

The following land uses shall be allowed in the Airport District:

- A. Runways and landing pads
- B. Aircraft hangars and tiedowns
- C. Aircraft-related wholesale and retail
- D. Aircraft sales and service
- E. Aircraft training and instruction
- F. Sales, service and manufacturing of aircraft, engines, parts, accessories, avionics, instruments, navigation, guidance, aeronautical systems.
- G. Fuel handling facilities
- H. Emergency medical flight services
- I. General offices for uses listed above
- J. Agricultural activities
- K. Sexually oriented business, in conformance with the licensing and other requirements of Section XXIII of this Resolution. (1/6/2012)

**35.03 ACCESSORY USES:**

- A. Warehousing and Storage related to permitted uses.
- B. Fire, Police, Security and service departments.
- C. Service establishments including postal and overnight mail and package delivery services.
- D. Aviation related businesses including, but not limited to photography, insurance, paint and upholstery shops, publications, building systems, weather services.
- E. Residence for airport caretaker or security officer.
- F. Lunchrooms or cafeterias in association with a permitted use and located in the same building as the permitted use.

## 35.04 CONDITIONALLY PERMITTED USES:

The following land uses should be permitted in the Airport District through the conditional use permitting process with public input and a determination that the proposed use is consistent with applicable land use regulations and the character of the neighborhood:

A. Restaurants

## 35.05 NUISANCES:

The above uses shall be permitted only providing such use is not injurious, dangerous or offensive by reason of emission of odor, dust, smoke gas, fumes, flame or vibration.

## 35.06 LOT WIDTH:

A 100 ft. minimum contiguous frontage on the right-of-way sideline of a dedicated road shall be required in an AP District.

## 35.07 SETBACK BUILDING LINE:

Any building or structure shall be erected or located at least eighty (80) feet from the centerline of any road or street upon which it fronts or fifty (50) feet from the right-of-way sideline of said road, whichever is greater.

## 35.08 SIDE AND REAR LOT CLEARANCES:

Side and rear lot clearances for any structure shall be thirty (30) feet from property lines or buffer strip.

## 35.09 RIPARIAN SETBACKS:

See Section XVII of this Resolution for Requirements. (Amended 7/15/2016)

## 35.10 BUFFER STRIP: A minimum buffer strip of fifty (50) feet shall be required when said AP District abuts an R-1, R-2, R-3 or R-4 District.

## 35.11 HEIGHT REQUIREMENTS: The height requirements of any building or structure shall not exceed 40 feet, except that the necessary control tower and beacon light may be built to a height not to exceed seventy-five (75) feet above the established airport elevation above sea level. Federal Aviation Administration (FAA) and the Ohio Department of Transportation, Division of Aviation guidelines and height limitations shall supersede the height regulations of this Zoning Resolution.

## 35.12 ACCESSORY USE REGULATIONS:

- A. Off-street parking shall conform to the minimum parking setback requirements specified in Section 29.12.
- B. Signs shall be in compliance with regulations in Section XXX.
- C. Waste receptacles. All solid waste products resulting from any permitted use, conditionally permitted use or permitted accessory use shall either be disposed of or

stored in buildings or completely enclosed containers. Such building, container or dumpster may be located in a side or rear yard and shall comply with the minimum parking setbacks and shall be concealed by a fence or shrubbery.

35.13 PARKING REQUIREMENTS:

Parking shall be regulated according to Section XXIX pertaining to individual uses of structures, with hangars treated as warehousing for space computation.

**SECTION XXXVI – SITE PLAN REVIEW**  
 (All Sections 6/15/2007, except as noted)

- |  |  |
|--|--|
| 36.01 Purpose and Intent.                                | 36.06 Zoning Commission Review Criteria. |
| 36.02 Site Plan Review Required.                         | 36.07 Zoning Commission Action.          |
| 36.03 Informal Review Process.                           | 36.08 Significance of an Approved Plan.  |
| 36.04 Site Plan Application and Submission Requirements. | 36.09 Expiration of Plan Approval.       |
| 36.05 Site Plan Review Approval Process.                 | 36.10 Deviations From Approved Plan.     |

**36.01 Purpose and Intent**

The purpose of the site plan review requirements is to ensure and maintain development practices and patterns to protect the public health and safety of the community and to properly advance the long term community vision and planning goals set forth in the Township Comprehensive Plan. Establishing these regulations will create a planning process to achieve the following:

- A. Promotion of an integrated approach toward site design/development with emphasis upon building design, landscaping, layout, environmental constraints and existing zoning parameters;
- B. Provide assurance that a single development and/or one built in phases will be completed in accordance with an approved plan;
- C. Ensure sites are properly designed for traffic circulation and emergency access;
- D. Promote the public health and safety for the residents of Concord Township.

**36.02 Site Plan Review Required**

- A. The review and approval of a site plan by the Zoning Commission is required for the following, unless stated otherwise:
  - 1. Any use or development involving the new construction, reconstruction or expansion of structures in the B-1, B-2, BX, GB, GH, THN, THC, RD-2, M, S, R-3, or C Use Districts; or
  - 2. New construction, reconstruction or expansion of non-residential uses in the Residential Use Districts;
  - 3. Any existing or previously approved development that proposes to modify a use or site, including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site’s circulation (Amended 6/19/2009; 2/15/2013; 2/6/2015; 3/9/2018)

- B. No construction activity, as defined herein, shall commence for any application until the site plan review application has been submitted and approved in accordance with these regulations, and the Zoning Inspector has issued the zoning permit.

### **36.03 Informal Review Process**

It is recommended that, prior to incurring any expense associated with preparing and submitting a detailed site plan application for consideration, the prospective applicant meets for an informal review with the Zoning Inspector or his/her designated representative. At the discretion of the Zoning Inspector, proposed projects may be subject to an informal review at a regularly scheduled Zoning Commission meeting.

- A. The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained within. This may include any potential variance requests that need to be filed with the Board of Zoning Appeals.
- B. To aid in the discussion, the potential applicant should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, location of buildings, and parking areas, internal circulation patterns, proposed size of buildings and uses to be included in the development.
- C. Requests for informal review process that are made at least ten (10) days prior to the next meeting of the Zoning Commission will be placed on the agenda of the next regularly scheduled meeting. The applicant is encouraged to pre-schedule the meeting with the Zoning Inspector.
- D. No action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations discussed at the informal review meeting shall be relied upon by the applicant to indicate any potential and subsequent approval or disapproval of the plan.
- E. At the discretion of the Township, other agencies with appropriate technical advice may attend the meeting.

### **36.04 Site Plan Application and Submission Requirements**

The applicant shall prepare and submit fifteen (15) copies of the application and site plan, along with an electronic copy and all applicable fees to the Zoning Inspector. The application shall be signed by the applicant and by the owner, a group of owners acting jointly, or an authorized agent acting on behalf of the land owner(s). Additional fees may be incurred by the applicant for the cost of plan review by professional consultants, when deemed appropriate by the Township. The application shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary, and are waived in writing by the Zoning Inspector. (Amended 3/9/2018)

- A. Letter of description and justification. Letter should include description of existing and proposed use(s) and building(s), with details that might be considered important such

as, type of business, customer traffic, external effects and other pertinent information, and the reason why the proposed site plan is in the public interest.

- B. Legal Description. An accurate legal description prepared by or certified by a registered surveyor of the state. (3/9/2018)
- C. Letter of approved variance(s). Variances must be granted prior to the application for site plan approval. If applicable, correspondence from the Township Board of Zoning Appeals is required to confirm the details of the granted variance.
- D. Site Plan with the following information. The plan must be prepared, signed and sealed by an Ohio licensed professional engineer, land surveyor or architect and shall include the following:
  - 1. Proposed name of development, date, north arrow and plan scale.
  - 2. Name, address, telephone number of the owner(s) or authorized agent developer, surveyor, engineer and other consultants.
  - 3. Clearly identified boundary lines, corner pins and dimensions of the subject parcel, including land survey data and parcel numbers, right-of-way lines and right-of-way names.
  - 4. Zoning and land use of subject site and adjacent parcels.
  - 5. Location, size or width of all existing and proposed streets, private or public, including their names and rights of way and driveways, within and adjacent to the site.
  - 6. A detailed Parking and Loading Plan showing layout, location and design of parking and loading areas for all proposed uses, including number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks, and lane improvements on existing public roads. (Amended 3/9/2018)
  - 7. A conforming location for an identification sign on the lot (whether a sign is requested or not) shall be identified with the plan for front yard parking, screening wall, and landscaping to ensure that a suitable site is available for any potential sign without conflict with other approved site improvements. (3/9/2018)
  - 8. Existing and proposed sanitary facilities within and adjacent to the site, indicating pipe size, grades, invert elevations and locations of manholes
  - 9. Existing and proposed water facilities within and adjacent to the site, including line sizes and locations and hydrant locations.
  - 10. Storm water management provisions in accordance with all regulatory agencies.
  - 11. Location and elevations of existing hydrologic features, including natural or man-made surface drainage ways, flood plains and wetlands.

12. The location of all designated watercourses, and the limits, with dimensions, of the riparian setback as set forth in Section XVII of this Resolution. (7/15/2016)
13. The location and dimensions of any existing and proposed buildings, structures, or uses in relationship to all designated watercourses. (7/15/2016)
14. Wooded areas, soils of local importance, and known and/or suspected cemeteries, historical or archeological sites.
15. Widths, locations, uses and grantees of all existing and proposed easements and utility lines. Location of all other utilities including but not limited to natural gas, cable TV, electric and telephone.
16. Location and size of existing and proposed freestanding identification, advertising and traffic control devices.
17. Location of all existing and proposed structures, building heights and dimensions, uses, gross floor area, location of entrances, and loading points on and within 100' of the site.
18. Dimensions of all building setbacks and building spacing.
19. Location of mechanical equipment, trash enclosures, backflow devices, and services areas.
20. Existing and proposed topographic contours at one foot intervals within 100 ft. of the proposed site.
21. The following data block must also be included on the site plan:
  - Land area within property lines: (acres, square feet)
  - Gross floor area: (square feet)
  - Proposed streets:
  - Number of buildings:
  - Number of stories:
  - Maximum height of buildings
  - Impervious surface area: (% square feet) (7/15/2016)
  - Present zoning:
  - Proposed uses:
  - Building setbacks (front, side and rear)
  - Building spacing
  - Permitted maximum sign area: (square feet)
  - Proposed sign area
  - Parking area (square feet)
  - Parking spaces required:
  - Parking spaces provided:
  - Handicap parking required:
  - Handicap parking provided:
  - Interior parking lot landscaping required:



- Interior parking lot landscaping provided:
  - Loading spaces required:
  - Loading spaces provided:
- (Show parking calculations below the data block)

- D. A Landscape Plan identifying the following and in accordance with Section XXXVIII, Landscaping & Screening Requirements, of the Zoning Resolution:
1. Outline of all buildings, light poles, fire hydrants, and impervious surface areas.
  2. Location of all existing and proposed landscaping, fences and walls, and other screening features with cross-sections.
  3. Species, size and condition of all new trees, shrubs, plants, sod and ground cover.
  4. Area calculations for all areas used towards landscaping and buffer areas.
  5. Legend showing all plant materials, species and common names, sizes, and symbol used on plan, including exact area of coverage.
  6. Contour lines at one foot intervals, indicating the location of berms, mounds, detention/retention areas and swales.
  7. Phasing lines, if the landscaping is to be installed in more than one season.
  8. Irrigation system plans (if applicable).
- E. Lighting plan showing photometrics and fixture details in compliance with Section 22.09 (C), Lighting of this Resolution.
- F. Building elevations, showing all sides, for each building(s) on the site, which accurately reflects the conditions as they will appear upon completion of the development.
- G. Written verification from appropriate agency that sufficient water and sanitary sewer capacity exists to accommodate the proposed development. If an on-site sewage disposal system is proposed, correspondence from the Lake County General Health District and/or Ohio EPA is required.
- H. Deed restrictions, protective covenants, easements, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon. (Amended 3/9/2018)
- I. Proposed timetable and schedule for the development of the site.
- J. Any other items required by the Zoning Commission or Zoning Inspector to assist in a complete and proper review of the proposed site plan, including but not limited to a traffic impact study.

**36.05 Site Plan Review Approval Process**

- A. Review for Completeness: The Zoning Inspector or his/her designated representative shall, within ten (10) days of receiving the site plan application, review the application to determine the accuracy and compliance with the applicable regulations and submission requirements. When the application is deemed sufficient and the fee has been paid, the

Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be placed on the agenda of the Zoning Commission.

- B. Plan Distribution. The Zoning Inspector may distribute the application to the following for review and comment.
1. Regulatory agencies that have statutory authority to subsequently review and approve any aspect of the development.
  2. Other agencies which, at the discretion of the Township, may have appropriate technical advice.
  3. Appropriate local Township officials and departments.
  4. Appropriate professional consultants retained by the Township.
- All reports, comments or expert opinions shall be returned to the Zoning Inspector.
- C. Transmission to the Zoning Commission: The site plan review application and all reports or comments prepared by the individuals in Section 36.06.B above shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission.

### **36.06 Zoning Commission Review Criteria:**

In reviewing site plans, the Zoning Commission shall determine that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

- A. The site plan shows a proper relationship exists between thoroughfares, service roads, driveways and parking areas, and the requirements of the Zoning Resolution.
- B. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
- C. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Zoning Resolution.
- D. All development features, including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- E. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement and parking areas.
- F. Stormwater and water quality measures shall be integrated in the design of parking lots and roof water run off to assure that the runoff water quality is maintained or improved. Incorporation of Best Management Practices (B.M.P.) such as rain gardens and or bio retention basins shall be used. (9/24/1974; Amended 12/15/2006)
- G. Grading, surface drainage and sediment control provisions will comply with all applicable agency regulations and requirements including the Lake County Soil and Water Conservation District, Stormwater Management Department and the Lake County Engineer.

- H. The design and construction standards of all private streets and any public improvements will comply with the provisions of all applicable agencies including the Lake County Engineer and Lake County Utilities Department.
- I. Maximum possible privacy for adjacent residential properties shall be provided through good building design and landscaping according to the requirements set forth in the Zoning Resolution.
- J. Where applicable, design of buildings shall be developed in accordance with the Concord Township Design Standards, as set forth in Section XXXVII of this Resolution. On all site plans, consideration shall be given to the relationship of adjacent development in terms of building height, mass, texture, lines and patterns, compatible integration and character.
- K. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.
- L. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation.
- M. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards or congestion.
- N. Lighting shall be designed as to create neither a hazard nor a nuisance to adjacent properties and uses.
- O. Trash storage and other outdoor storage areas shall be screened from adjacent streets and property in accordance with Sections XXII and XXXVIII of the Zoning Resolution, as applicable.
- P. If the proposed development is to be carried out in phases, each phase shall have adequate provision for vehicular and pedestrian access, parking, landscaping, and seeding of applicable open space areas and other improvements to serve the development. 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 adjoining property.

### **36.07 Zoning Commission Action**

- A. The Zoning Commission shall act within sixty (60) days from the date the application was determined to be complete, or an extended period as mutually agreed upon by the applicant and Zoning Commission. The Zoning Commission shall either:
  - 1. Approve the site plan as submitted; or
  - 2. Conditionally approve the site plan subject to the inclusion of specific conditions not originally included in the plan as submitted. Such conditions may include, but not be limited to, improvements to the general lot layout, open space arrangement or on-site control of access to streets.
    - a. The Zoning Inspector shall issue a letter to the applicant within 7 days specifically stating the conditions placed upon the application. Or,

3. Deny the site plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Commission shall identify the deficiencies and suggest modifications to the site plan that, if made, may bring the site plan into compliance.
  - a. The Zoning Inspector shall issue a letter to the applicant within 7 days specifically stating the decision of the Zoning Commission.
  - b. A modified site plan may be resubmitted, in accordance with Section 36.04, for consideration by the Zoning Commission at a regularly scheduled meeting. The Zoning Inspector shall transmit such plans to the Zoning Commission, which shall be reviewed in accordance with the criteria set forth in Section 36.07.
  
- B. Upon conditional approval of a site plan, the applicant shall prepare and submit to the Zoning Inspector two (2) copies of a final site plan. The final site plan shall include any modifications required by the Zoning Commission during the site plan approval procedures. (Amended 3/9/2018)
  
- C. Once the Zoning Inspector has determined that the final site plan is in compliance with the Zoning Commission’s approval, the Zoning Inspector shall issue a zoning permit(s) for the proposed use(s), according to the procedures set forth in Section XI, Zoning Permit. (Amended 7/16/2010; 3/9/2018)

**36.08 Significance of an Approved Plan**

An approved site plan shall constitute a binding commitment of the specific elements approved for development. Upon approval of the Zoning Inspector, the approved site plan may be transferred to another person, entity, or group of individuals who shall be subject to all requirements set forth in the approved site plan. All construction and development under any zoning permit shall be in accordance with the approved site plan. Any departure or deviation not in accordance with Section 36.11 of this Resolution shall be a violation of this Zoning Resolution. (3/9/2018)

**36.09 Expiration of Plan Approval**

- A. If the applicant fails to submit a final site plan to the Zoning Inspector within two (2) years of the approval date by the Zoning Commission, then the site plan approval shall expire and the applicant shall be required to resubmit the site plan review application in accordance with Section XXXVI.
  
- B. An approved final site plan shall remain valid for a period of two (2) years. If, at the end of that time, construction of the development has not commenced, then approval of the site plan shall expire and be of no effect unless resubmitted and re-approved in accordance with this Section. (Amended 7/16/2010; 3/9/2018)

- C. For phased developments, the Zoning Commission may approve a phased final site plan schedule as part of the site plan review approval process. (3/9/2018)

**36.10 Deviations From Approved Plan**

Any deviations or alterations from the approved site plan by the Concord Township Zoning Commission are prohibited.

- A. Upon determination that alterations to the approved plan are necessary, the applicant shall immediately notify the Zoning Inspector, and provide a written request, itemizing the proposed changes. (Amended 3/9/2018)
- B. If the changes are classified as minor, the Zoning Inspector shall review and make a decision on the proposed changes. If the changes are classified as major, the Zoning Commission shall review and make a decision on the proposed changes in a public meeting. (3/9/2018)
- C. The proposed modifications shall be classified as minor or major modifications based on the following:
  - 1. Major Modifications shall include, but are not limited to, changes to the approved plan that involve:
    - a. A change of use or density to a more intense use or density than permitted by the approved final site plan or changes to the location or amount of land designated for a specific land use or open space;
    - b. A reduction of more than five percent in the number of parking spaces;
    - c. Any change that will increase demand on any on- or off-site infrastructure including modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations.
  - 2. Minor Modifications shall include anything not classified as a major modification above.  
(3/9/2018)

**SECTION XXXVII – DESIGN STANDARDS**  
(All Sections 6/15/2007; except as noted)

37.01 Title.	37.04 Review Process.
37.02 Purpose and Intent.	37.05 Building Design Elements.
37.03 Requirement.	37.06 Lighting

**37.01 Title**

Design Standards

**37.02 Purpose and Intent**

In accordance with Section 519.02 of the Ohio Revised Code, the Design Standards are established to create a unified, high quality built environment for the business corridor(s) in Concord Township.

**37.03 Requirement**

All site plans submitted for the GB, Gateway Business District; GH, Gateway Health District; BX, Business Interchange District; THN, Town Hall Neighborhood District; THC, Town Hall Commons, and C, Capital District are subject to design review and shall meet the requirements set forth in this section of the Zoning Resolution. An application for Design Review shall be submitted for review and approval simultaneously with the Site Plan Review application. (Amended 6/19/2009; 2/15/2013; 2/6/2015; 3/9/2018)

- A. Architectural elevations for all sides of the primary structure, accessory structures and associated facilities are required to be submitted with the application. This includes but is not limited to any proposed or existing buildings, signs, trash enclosures, fences, and lighting. (Amended 3/9/2018)
- B. For projects proposed in the THN and THC Districts, the basic building elements shall be consistent and compatible with Western Reserve architecture, as described in the *Quick Guide to Greek Revival (basics of the Western Reserve style)* available in the Concord Township Zoning Office. (6/19/2009)

**37.04 Review Process**

Design Standards will be reviewed by the Zoning Commission during the Site Plan Review process as described in Section XXXVI of the Concord Township Zoning Resolution, or as otherwise required in this Zoning Resolution.

**37.05 Building Design Elements**

- A. General. Any building elevation of any structure facing a public roadway shall be considered a front side of façade for design purposes.

Styles and patterns of the development and/or buildings, signage, and accessory structures shall be compatible with the character of the area, or within the same development, through compliance with the following design standards:

1. All buildings and accessory structures, shall utilize a consistent architectural style, distinguished by variations within the selected style.
  2. The side and rear portions of buildings shall be as visually attractive as the front through the design of roof lines, architectural and accent features.
  3. Vending machines, trash areas, and other site accessories shall be integrated into the overall design of the plan. Vending machines shall be prohibited outside of the building. Trash dumpsters shall be enclosed, in accordance with Section 22.07.
- B. Architectural Features. Overall building design shall incorporate recesses, off-sets, arches, colonnades, columns, pilasters, detailed trim, brick bands, and contrasting courses of material, cornices or porches to vary facades.
- C. Facade Elements.
1. Minimum Wall Articulation. Building walls shall be a minimum of thirty (30) feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration patterns. In order to add architectural interest and variety, and avoid a single, long massive wall with no relation to human scale, the following standards shall apply.
    - a. No wall that faces a street or connecting walkway shall have a blank uninterrupted length exceeding thirty (30) feet without including at least two (2) of the following: change in plane, change in texture or masonry pattern, windows or equivalent elements that subdivides the wall into human-scale proportions. All elements must repeat at intervals less than or equal to thirty (30) feet.
    - b. Side or rear walls that face walkways shall include false windows and door openings defined by frames, sills or lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.
    - c. All sides of buildings and accessory buildings shall include materials and design characteristics that are consistent with those used on the façade.
  2. Façade Base Treatment. The facade must have a recognizable base using design patterns similar, but not limited to:

- a. Thicker walls, ledges or sills.
  - b. Integrally textured elements such as stone, stucco or other masonry feature.
  - c. Integrally colored and patterned elements such as smooth finished stone.
  - d. Lighter or darker colored elements, mullions or panels.
- D. Side and Rear Walls. In addition to the other requirements, building design shall incorporate four-sided wall architecture with the intent of providing a continuous building pattern on all sides of the development regardless of orientation or development. As such, the side and rear building walls shall incorporate the same building materials, proportionality and texture as the front façade.
- E. Long Walls. Walls exceeding 100' in length as measured and visible from a road right-of-way should include at least one change in wall plane, such as projections or recesses extending at least 20% of the entire length of the façade, in one design element or a combination of elements, projections or recessions. (Amended 6/19/2009)
- F. Building Entrance. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico to provide shelter from weather elements.

Entrances shall combine different colors, textures and architectural elements to emphasize entrance points and break the monotony of large vertical surfaces.

- G. Building Roofs. The continuous plane of a roofline shall be no greater than 100 feet. Rooflines can be varied with cantilevers, gables, parapets, and/or cornice lines. Pitched roofs are preferred in the Capital District and the IS/PD district. (Revised 7/5/2019)

Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights-of-way. Mechanical equipment screening techniques shall incorporate the same design standards, proportionality and texture as the front façade.

- H. Height. Buildings shall have the appearance of being at least two (2) stories in height. This can be accomplished through the use of pitched roofs, dormer windows or other architectural elements.
- I. Building Color. Building colors must be low-reflecting, muted and earth-toned. Roof colors must be muted and compatible with dominant building color.



- J. Windows. The use of black or reflective glass on any side of the building shall be limited, and subject to the approval of the Zoning Commission.

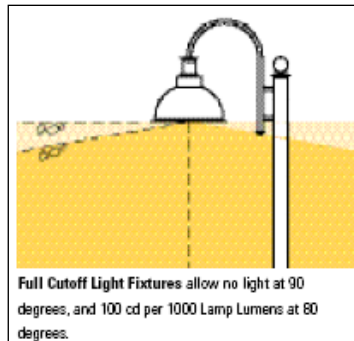
**37.06 Lighting**

- A. Exterior lighting of buildings and/or parking areas shall be positioned so as not to emit light onto neighboring properties or road right-of-ways, but shall shine directly onto buildings, or be directed downward onto parking areas, access drives and pedestrian walkways.
- B. Light pollution control measures shall be taken to avoid negative impact of misdirected light. Business that utilizes canopy lighting shall use recessed ceiling fixtures with the bottom of the lenses flush with the canopy in addition to meeting other lighting guidelines. Building, mounted light fixtures and freestanding light fixtures should be in proportion with the building and shall not exceed the building height. Pole and building mounted light fixtures shall not exceed the height of building as follows:

Height of Building	Height of Fixture
< - 50'	fixture 14ft.
50 - 100'	fixture 25 ft.
100 – 150'	fixture 35ft.

- C. Light Trespass. Light trespass over a commercial or industrial property line when adjoining residential properties shall be limited to no more than 0.5 foot-candles at the property line and one quarter foot candle ten feet over the property line. Lighting levels are based on initial lamp lumens and 1.0 maintenance factor. Fully shielded light source (full cut off) shall be used, as illustrated in Figure 1. They are shielded so that light emitted from fixture, directly or indirectly, is projected below a horizontal plane through the lowest point of the fixture where light is emitted.

**Figure 1.**



- D. Uplighting is not permitted, except for use on flagpoles.
  
- E. The IESNA Lighting Handbook, ninth edition or later, is recommended to be used as reference for lighting. It provides explanations of concepts, techniques, applications, procedures, and systems. Specific “lighting measurements” methods and calculations are found in Chapter 2 and Chapter 9 (ninth edition). “Levels of Trespass” explanations are found in Chapter 21.

(All of Section 37.06 effective 12/15/2006)

**SECTION XXXVIII - LANDSCAPE AND SCREENING REQUIREMENTS**

(All Sections 6/15/2007, except as noted)

- |   |   |
|---|---|
| 38.01 Purpose.                                    | 38.08 Landscaping and screening for service structures and yards. |
| 38.02 Applicability.                              | 38.09 Landscaping and screening adjacent to residential areas.    |
| 38.03 General requirements.                       | 38.10 Fences.   |
| 38.04 Building landscaping and yard requirements. | 38.11 Landscaping material standards.                             |
| 38.05 Interior parking lot guidelines.            | 38.12 Recommended vegetation list.                                |
| 38.06 Landscaping along road frontage.            |   |
| 38.07 Perimeter parking lot guidelines.           |   |

**38.01 Purpose**

The purpose of this Section and its regulations is to help protect and preserve important natural and environmental variables, and their functions, of a site while enhancing the overall character and appearance of the built environment. Specific objectives include:

- A. Minimize potential noise, glare and visual clutter of outdoor storage, service areas, and parking and loading areas by obscuring the view with landscaping and screening.
- B. Provide protection from soil erosion.
- C. Soften the appearance of building masses and break up and reduce the impact of large parking areas.
- D. Remove, reduce, lessen or absorb the impact between one use or zone and another.

**38.02 Applicability**

- A. The following landscape and screening regulations shall apply to all non-residential uses and developments, and multi-family developments, and planned developments. A landscape plan is required to be submitted in accordance with the following:
  - 1. New construction, reconstruction or expansion of structures in the B-1, B-2, BX, GB, GH, RD-2, M, S, THN, THC, R-3, or C Use Districts.
  - 2. New construction, reconstruction or expansion of non-residential uses permitted in the Residential Districts.(Amended 6/19/2009; 2/15/2013; 2/6/2015; 3/9/2018)
- B. The Landscape Plan shall be submitted as part of the Site Plan Review requirements set forth in Section XXXVI.
- C. No site plan required in this Resolution shall receive final approval unless a landscaping plan meeting the requirements of this Section has been approved. (3/9/2018)
- D. The landscape plan shall be prepared by an Ohio Registered Landscape Architect. (3/9/2018)

- E. Existing landscape material on the property that is in satisfactory condition, may be used to satisfy any landscaping requirement in whole or in part.
- F. Where this section and other areas of the Resolution conflict one another, the provisions in Section XXXVIII shall apply.
- G. Additional landscaping standards for the C District are required in Section 22.10 of this resolution. (2/6/2015)

### **38.03 General Requirements**

- A. The proposed location of buildings, off-street parking areas, and other earth disturbing activities shall be accomplished with the desire to minimize the removal of individual trees having a trunk diameter of six inches (6") or greater as measured four and one half feet (4 ½ ') above ground level.
- B. The proposed site shall demonstrate consideration toward placing structures and off-street parking areas to avoid the destruction of heavily wooded areas, outstanding trees species and riparian areas.
- C. Landscape materials shall be arranged to create varied and attractive views and complement the architectural features of the principle structure on the site.
- D. The owner of a lot shall be required to maintain all landscaping approved in a site plan so long as the approved building or use continues on the lot. The meaning of "maintain" includes but is not limited to: replacement of trees, shrubs, and other plant material which becomes diseased, damaged, or dies; removal of weeds and trash; mowing of grass; and similar activities typical of active and responsible maintenance of landscaped areas. Any landscape or screening material approved in the site plan that dies or is destroyed shall be replaced within 60 days, or if replacement within 60 days is impossible or impractical, then when soil conditions permit. (Amended 3/9/2018)
- E. Landscape Plans shall be implemented within 120 days of project or phase completion or when soil conditions permit. (12/15/2006)
- F. In areas where general planting will not prosper, other materials such as fences, walls, pavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
- G. Every effort shall be made during construction to preserve existing healthy trees and shrubs on the site. Preservation of trees and vegetation of special significance due to size, age, habitat, or historical significance is highly encouraged. A mature tree, tree mass or woodland should remain on the site providing it does not pose any undue threat to the health, safety and welfare by its location with respect to any proposed improvements to the site. Consultation/review by a certified Arborist, Urban Forester or similar expert shall be used, if needed, at the expense of the property owner. (1/22/1974; Amended 12/15/2006)

### 38.04 Building Landscaping and Yard Requirements

- A. General Requirement: A minimum five foot (5') planting area shall be provided between all building walls and paved areas except at service areas, mechanical equipment areas and primary pedestrian access points to the structure. Open structures such as porches, canopies, balconies, platforms, carports, covered patios and walkways and similar architectural projections shall be considered parts of the building to which they are attached. In any instance, at least half (½) of the building front shall be landscaped.
- B. Planted Side and Rear Yards: Side and rear yards shall be landscaped in accordance with the side and rear yard clearance requirements established in the zoning district in which the proposal is located.
- C. Areas outside the requirements in Section 38.04 A, and areas not paved, shall be landscaped with live ground cover or lawn, which shall be maintained in good and healthy condition at all times.

### 38.05 Interior Parking Lot Landscaping Guidelines

Interior parking guidelines are intended to define major circulation aisles and driving lanes and provide visual and climatic relief from broad expanses of pavement.

- A. Any open parking lot that contains more than six thousand square feet (6,000 sq. ft.) of area or twenty (20) or more vehicular parking spaces shall provide interior parking lot landscaping in addition to any other required perimeter landscaping. (Amended 3/9/2018)
- B. The amount of this interior parking lot landscaping shall be a minimum of ten percent (10%) of the interior parking area. The interior parking area includes the area within the parking spaces, and parking aisles. (Amended 3/9/2018, 7/5/2019)
- C. Landscaped areas shall be evenly dispersed throughout the parking area in islands or peninsulas. Each island or peninsula shall be not less than one 150 square feet in size. The design shall not impede internal vehicular traffic circulation. Each island shall be a minimum of five feet (5') in any horizontal direction. (Amended 3/9/2018)
- D. Within landscaped islands or peninsulas, one major shade tree shall be provided for every ten (10) parking spaces. Required trees placed in islands shall be placed in a space containing at least 150 square feet of pervious area per tree to allow for adequate root aeration and expansion.
- E. Each tree, at the time of installation, shall have a clear trunk height of at least six feet (6') and a minimum caliper of two inches (2").
- F. Remaining areas shall be vegetated with shrubs, ground cover or turf grass or similar low level plant material not to exceed two feet (2') in height at maturity. (Amended 3/9/2018)

- G. As permitted in Section 29.06 (D), any interior landscaping island where bioretention cells are proposed, the minimum required landscaping area shall be provided however, the plant material requirements are waived for that particular island. Plant material provided must align with the bioretention design. (3/9/2018)

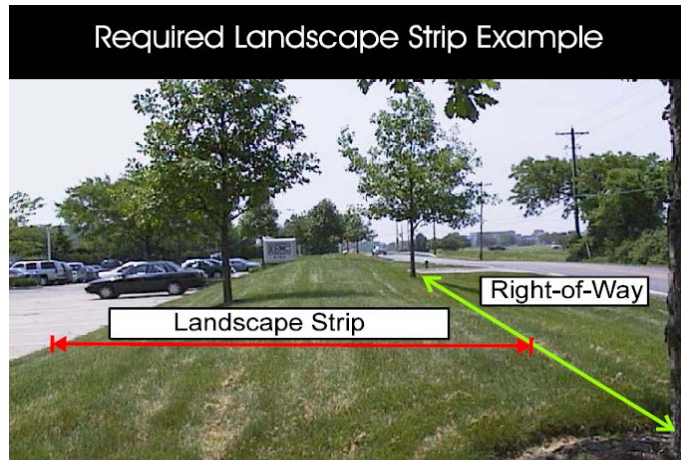
### **38.06 Landscaping Along Road Frontage**

A landscape strip along the street frontage shall be provided in accordance with the following requirements. The landscape strip is measured from the right-of-way line to the parking lot. (See Figure 1)

- A. The landscape strip shall be provided along the full width of the lot and shall be mounded in accordance with the requirements of Section 38.06 F and remain unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, pedestrian walks and driveways (generally perpendicular to the right-of-way line).
- B. Within this landscape strip, there shall be at least one (1), two-inch (2") caliper deciduous tree or small flowering trees with creative placement for every 35 feet of road frontage, along with random shrub plantings. A recommend five (5) shrubs should be randomly staggered for every 35 feet of road frontage.
- C. Landscape mounds shall have an elevation at least two feet (2') higher than the finished elevation of the parking lot. (Amended 10/17/2008)
- D. Earth mounds and decorative landscape treatments shall not block adequate safe distances at driveway locations and intersections.
- E. The width of the landscape strip shall be no less than twenty-five feet (25'). Corner lots shall have a landscape strip of required width on both frontages.
- F. Mounds shall block or screen the view of adjacent off-street parking areas and shall be constructed with plant materials to prevent erosion. Slopes on earthen mounds shall be no greater than 3:1 with a minimum crown width of at least two feet (2') to create a generally flat crest.
  1. The transition between existing grade and the slope of the mound should be gradual with contouring intended to make the mound appear as part of natural landscape. Gradual slope variation within the mound will encourage a more natural appearance.
  2. Where applicable, trees should be planted on the shallower portion of the slope.
  3. It is recommended the top twelve inches (12") of the mound consist solely of high quality topsoil.
  4. In lieu of the mounding requirements set forth in this section, the applicant may propose using storm water best management practices, such as bioretention areas or enhanced swales with native plantings to minimize the site impact on the storm water system and are consistent with the intent of these regulations. (Amended 10/17/2008)

- G. The grading plan and landscape plan shall evaluate the site and ensure that underground utilities, surface water and groundwater flow, and mature trees are not adversely affected by the landscape strip.
- H. If existing landscaping or woodlands exist along the frontage and is consistent with the intent of these regulations, the applicant may preserve a 25 ft. wide strip in lieu of the landscape requirements outlined above.

**Figure 1.**



**38.07 Perimeter Parking Lot Guidelines**

Landscaping around the perimeter of parking lots shall be provided in accordance with the following requirements:

- A. Landscape areas shall be in accordance with the side and rear yard setbacks established in the zoning district in which the proposal is located. Perimeter screening shall effectively conceal parking areas and interior driveways from adjoining residential properties with the use of earth mounds, a planting strip, hedges, fencing or similar landscaping feature for visual separation from adjoining property. (Amended 3/9/2018)
- B. In areas where common or shared interior access points between businesses are proposed, the perimeter landscaping requirement for that area shall be waived.

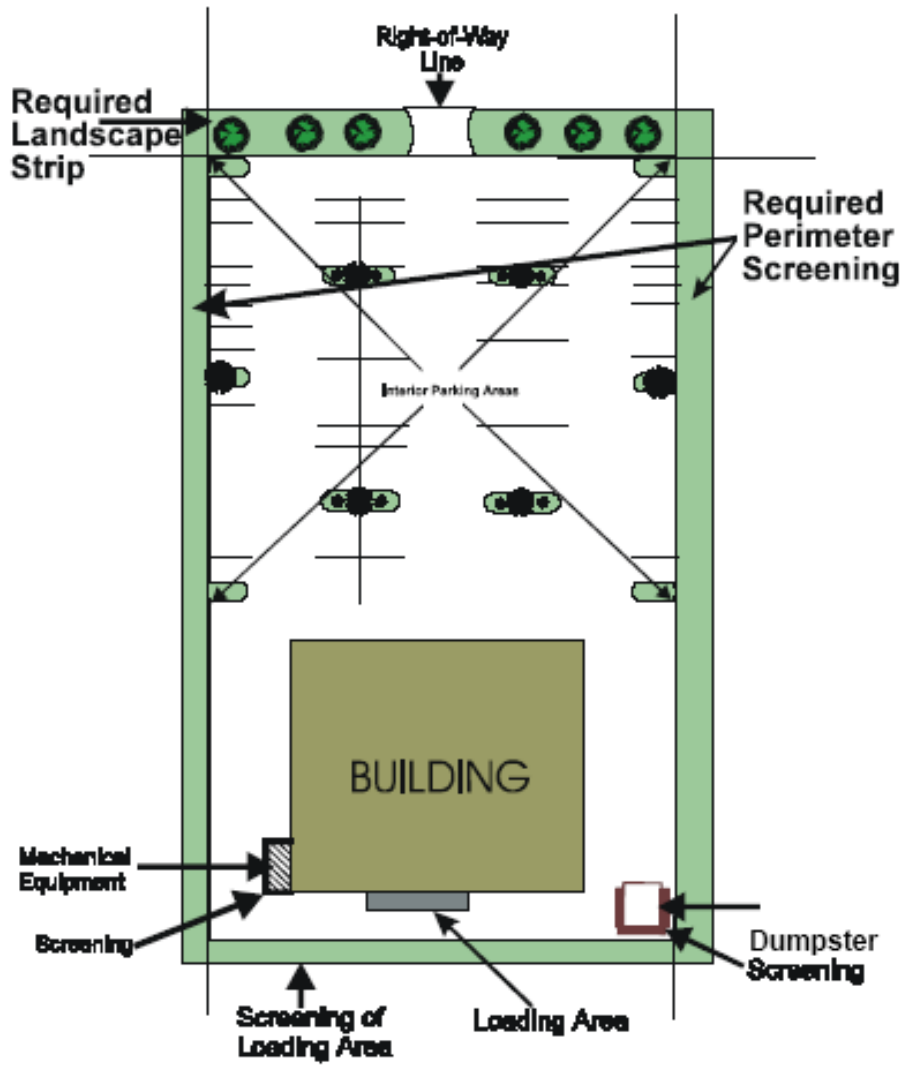
**38.08 Landscaping/Screening for Service Structures and Yards**

- A. Service structures include, but are not limited to, loading/unloading docks, propane tanks, electrical transformers, and other equipment or elements providing service to the building or site.

1. Screening shall include a continuous planting, hedge, fence or similar feature that will enclose any service structure on all sides. Fences shall be designed in accordance with Section 38.10.
  2. Screening established with plant materials shall provide seventy-five percent (75%) opacity with two years (2) of planting and shall be equally effective in the winter and summer.
  3. All other types of screening shall completely screen service structures. Construction materials and design features shall be consistent with the primary structure on site.
  4. The minimum height of screening material shall be two foot (2') more than the height of the enclosed structure, but shall not exceed ten feet (10').
  5. If a service structure is designed to be removed or emptied mechanically on a regular basis, a curb to contain the placement of the structure is required.
- B. Screening of service yards, outdoor storage areas, and other places which tend to be unsightly, shall be accomplished by use of walls, fencing, planting or a combination of these. Screening shall be equally effective in winter or summer. (1/22/1974; Amended 6/15/2007)
- C. Figure 2 generally illustrates the overall landscaping and screening requirements set forth in the preceding sections.



Figure 2- Overall Landscaping & Screening Requirements



### 38.09 Landscaping/Screening Adjacent to Residential Areas

A. A minimum buffer strip of fifty (50) feet is required when the B-1, GB, GH, THN, THC, B-2, BX, S, RD-2, M, and C Districts abuts any residential district. This fifty (50) foot buffer area shall be included in the side and rear yard clearance requirements, as established in Section 22.04 of the district regulations and shall not be additional footage. (12/15/2006; Amended 6/15/2007; 6/19/2009; 2/15/2013; 2/6/2015, 7/5/2019)

1. The 50 ft. required buffer area will be considered a protected "Green Space". The "Green Space" is a canopy cover with existing mature trees or, if necessary, planted with additional selected hardwoods. If soil and environmental conditions require other types of trees or plan, Best Management Practices shall be utilized as recommended by a certified Arborist, Urban Forester or other expert. Trees planted are required to be a variety of the type (i.e. Maples, Oak, Beech, Elms, Conifers, etc.) that can achieve, as a goal, a 50% canopy cover. (12/15/2006)
2. Mature trees, tree masses, or woodlands existing in the required buffer "Green Space" shall be designated "Tree Protection Area" on all plans including landscaping and site plans. All "tree protection areas" shall be unmistakably delineated in the field so that it is obvious to all equipment operators and other construction personnel. A temporary physical barrier such as a snow fence shall be erected a minimum of one foot outside the drip line on all sides of individual trees, trees masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent the disturbance to or compaction of soil inside the barrier, and shall remain until construction is complete. The barrier shall be shown on all plans including the landscape plan. (12/15/2006)
3. The following practices are not permitted and considered harmful in a "tree protection area": grading or trenching; placing backfill near trees; driving or parking equipment in "tree save" areas; dumping of trash; storage of construction materials and supplies. (12/15/2006)
4. Protected "Green Space" is not allowed to be used for water retention, retention basins, storage, out buildings, or dumping of any type. (12/15/2006)
5. "Green space" maintenance, proper pruning, proper clearing of dead trees, control of grape vine and other invasive plants/vegetation is required to take place annually by the property owner (minimum requirement). Consultation/review by a certified Arborist, Urban Forester or similar expert shall be used, if needed, at the expense of the property owner. (12/15/2006)

B. The site shall be planned to accomplish a desirable transition with the street scape, and to provide for adequate planting, pedestrian movement and parking areas. In order to minimize run-off and provide adequate open space, sites shall have a minimum pervious area of 30%. Storm water and water quality measures shall be integrated in the design of parking lots and roof water run off to assure that the runoff water quality

is maintained or improved. Incorporation of Best Management Practices (B.M.P.) such as rain gardens and or bio retention basins shall be used. (9/24/1974; Amended 12/15/2006)

- C. When a commercial or nonresidential use project is proposed within the GH, Gateway Health District or THN, Town Hall Neighborhood District that abuts a residential care facility, nursing home, home for the aging or hospice care facility within the same district, additional landscaping/screening shall be provided between the project boundaries that shall be no less than 20 feet in width and include the use of earth mounds, a planting strip, hedges, fencing or similar landscaping features, which provides visual separation and a year round vertical screen. This landscaping/screening area shall be in addition to the required minimum side and rear clearance requirements established within these districts. (6/19/2009; Amended 2/15/2013)

### **38.10 Fences**

Proposed fences or walls in the B-1, B-2, BX, GB, GH, THN, THC, RD-2, S, M, or C Districts or non-residential uses permitted in the Residential Districts shall be reviewed as part of the site plan review process for a proposed development, as set forth in Section XXXVI. However, when a fence or wall is proposed for properties with an approved site plan and/or when no other new construction, additions or site alterations are proposed, a zoning permit shall be obtained from the Zoning Inspector prior to the construction or erection of a fence. Plan approval is subject to the provisions of this section and Section XI, Zoning Permits, of the Concord Township Zoning Resolution. (Amended 6/19/2009; 2/15/2013; 2/6/2015; 12/4/2015)

- A. Fences and walls shall be permitted in any required yard, or along the edge of any yard except as otherwise specified herein.
- B. Permitted Fences
1. Permitted Fences Solid fences. Permitted solid fences are board on board or alternating board on board fences, solid picket fences, stockade or palisade fences, or brick or stone wall fences.
    - a. Solid fences shall be permitted in all zoning districts.
    - b. Solid fences shall be permitted in all required yards.
  2. Open fences. Permitted open fences are chain link fences, bollard and chain fences, open picket fences, smooth rail, split rail, or contemporary rail fences, and wrought iron style/design fences.
    - a. Chain link fences shall be prohibited in the B-1, GB, GH, THN, THC, and C Districts. (Amended 6/19/2009; 2/15/2013; 2/6/2015)
    - b. Chain link shall be permitted in side and rear yards in the BX, B-2, M, S, or RD-2 districts or nonresidential uses permitted in other Residential Districts.

- c. Other open fences as defined above shall be permitted in all yards of the B-1, GB, GH, THN, THC, BX, B-2, M, S, RD-2, and C zoning districts or nonresidential uses permitted in other Residential Districts. (Amended 6/19/2009; 2/15/2013; 2/6/2015; 12/4/2015)

C. Prohibited Fences. No person shall erect or maintain:

- 1. Any fence with a charged electrical current.
- 2. A razor wire fence.
- 3. A fence composed of or containing any of the following materials:
  - a. Chicken wire
  - b. Pallets
  - c. Barbed wire

D. The posts and all other supporting portions of the fence shall not exceed the maximum height of the fence by more than four (4) inches. The maximum height of the fence shall be measure from the finished grade as shown on the approved site plan or zoning permit application.

E. Line of Sight Safety Areas. A fence or wall shall not be located so as to adversely affect the vision of operators of motor vehicles driving on public streets or emerging from alleys or driveways intersecting public streets. A fence or structure at such an intersection shall not be erected or maintained more than thirty-six (36) inches higher than the pavement or curb level in any district (within the required setback lines) or within twenty-five (25) feet of the curb or pavement line, whichever is greater.

F. Maximum Fence Height. (10/17/2008)

Use District	Yard		
	Front	Side	Rear
B-1, GB, GH, THN, THC, and C	4 ft	8 ft*	8 ft*
BX, B-2, RD-2, S, M, and nonresidential uses in Residential Districts	4 ft	8 ft	8 ft
<p><u>Note to Table:</u> *Except when such yard abuts a public right-of-way, then the maximum fence height shall not exceed 4 ft.</p>			

(Amended 6/19/2009; 2/15/2013; 2/6/2015)

G. Fences may be placed on a property line outside of the public right-of-way.

- H. All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening. Fence gates placed at a driveway entrance or walkway in the front yard shall be subject to all fence requirements.
- I. The posts and all other supporting portions of fences shall be placed on the side of the fence facing the interior of the property of the owner installing the fence unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.
- J. Maintenance. All fences shall be maintained in accordance with the following:
  1. The property owner shall maintain the fence in a condition fit for the intended use and any local regulations.
  2. The property owner of any fence shall be liable to maintain the fence in compliance with the Township Zoning Resolution and all applicable laws and regulations.
  3. Every fence is to be kept in a safe and secure condition, and in a neat and orderly condition at all times, and to prevent rust, corrosion, rotting, or other deterioration in the physical appearance of such fence.
- K. In-ground swimming pools shall be fully enclosed by an approved fence not less than six (6) feet in height to prevent any access to the pool except through a controlled access point. Above-ground swimming pools shall be enclosed by either a fence or pool wall not less than six (6) feet in height to prevent access to the pool except through a controlled access point.

### **38.11 Landscaping Material Standards**

- A. Evergreen shrubs. Plants shall be no less than 24 inches in height.
- B. Deciduous shrubs. Plants shall be no less than 30 inches in height.
- C. Conifers (evergreen trees). Each tree, at the time of installation, shall no less than six feet (6') as measured from the top of the soil ball.
- D. Deciduous trees. Each tree, at the time of installation, shall have a clear trunk height of at least six feet (6') and a minimum caliper of two (2) inches as measured at six (6) inches above the crown of the roots (if bare root) or from the top of the soil ball.

### **38.12 Recommended Vegetation List**

- A. Artificial plants shall not be used to meet landscaping requirements, and all plant materials used to comply with provisions of this Section, shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

- B. The applicant shall also be responsible for ensuring landscape materials are not included in the Ohio Department of Natural Resource's list of invasive species or noxious weeds list.
- C. Native plantings are encouraged and should be incorporated as much as possible into the Landscape Plan. (3/9/2018)



# Concord Township,

Lake County, Ohio

7229 Ravenna Road  
 Concord Township, OH 44077  
 (440)354-7505 or 354-7506  
 www.concordtwp.com

## Appendix I - Zoning Fee Schedule

RESIDENTIAL USE APPLICATIONS	FEES
New Dwelling Unit	\$400 - single family detached; \$700 - two-family duplex; \$400 + \$200 per unit - multi-family/townhouse
Addition to a Dwelling Unit	\$100
Deck/Porch	\$100
Structural Alterations not involving expansion or substantial reconstruction	\$50
Accessory Building or Structure not otherwise provided for herein and requiring a zoning permit, including gazebos, pavilions, detached carports, and dish-type satellite antenna	\$100
Swimming Pool	\$100
Fence or wall	\$50
Parking Lot Alterations, not requiring Site Plan Review	\$100
Temporary Outdoor Storage Unit	\$100 deposit
COMMERCIAL, INDUSTRIAL, NON-RESIDENTIAL USE APPLICATIONS	
Construction or Reconstruction of a Main Building	\$350 Fee + \$0.07/sq. ft.
Addition to a Main Building	\$350 Fee + \$0.07/sq. ft.
Alterations to a Main Building, not involving building footprint expansion or substantial reconstruction (Includes tenant finishes and/or interior buildout)	\$250
Accessory Building or Structure not otherwise provided for herein and requiring a zoning permit, including fences, and dumpster enclosures	\$100
Change of Use/Occupancy (Tenant Changes) in an existing building, not involving building construction or additions (not a change in zoning classification)	\$100
Parking Lot Alterations, not requiring Site Plan Review	\$100
Extraction of sand, gravel or other earth materials	\$750
SIGN PERMIT APPLICATIONS	
<ul style="list-style-type: none"> <li>• Wall Sign</li> <li>• Freestanding Sign</li> <li>• Gateway Sign</li> <li>• Sign Panel or Sign Face Replacement</li> <li>• Commercial Banner</li> <li>• All other signs requiring a zoning permit, and not listed herein</li> <li>• Temporary Special Event Sign</li> </ul>	\$200 \$300 \$200 \$100 \$100 \$50 \$25 deposit

<b>ZONING COMMISSION APPLICATIONS<sup>(1) (2)</sup></b>	
Site Plan Review	\$500
Amended Site Plan Review, upon alteration of an approved site plan	\$500
Zoning Amendment (Map or Text)	\$1,000
R-2, Planned Unit Development (PUD) / Residential Conservation Development (RCD) Application & Zoning Map Amendment	\$1,000
Innovative Site/PD Overlay District Application	\$1,000
Major Modifications of approved Final Development Plan for PUD, RCD and/or IS/PD	\$500
Large Campus Designation (per Section 30.06)	\$500
<b>BOARD OF ZONING APPEALS APPLICATIONS<sup>(1) (2)</sup></b>	
Variance (Residential Uses/Non-Residential Uses)	\$300/\$600
Appeal of Zoning Inspector's Decision (Residential Uses/Non-Residential Uses)	\$300/\$600
Conditional Use Permit (Residential Uses/Non-Residential Uses)	\$300/\$600
Special Meeting with BZA, at the request of the applicant (other than a regularly scheduled monthly meeting date)	\$600
<b>WIRELESS TELECOMMUNICATIONS FACILITIES APPLICATIONS</b>	
New Tower or Facility in a Residential District (Zoning Permit fee following CUP Approval)	\$1,000
Co-location on an existing tower (Zoning permit fee following CUP Approval)	\$500
<b>MISCELLANEOUS</b>	
Concord Township Zoning Resolution, Comprehensive Plan or Business Corridor Study	\$25
Concord Twp. Zoning Map	\$2
Copy Charges	\$0.25 each – Color \$0.05 each – Black and white
<p><b>Notes to Table:</b></p> <p><sup>(1)</sup> All fees shall be paid at the time of application submittal. Fees are not refundable after legal notices sent and posted. Continuances, at the request of the applicant or as a result of insufficient documentation provided by the applicant, shall require a new fee, as outlined above.</p> <p><sup>(2)</sup> Final zoning permit fees still apply, subsequent to board approval, as applicable and outlined above.</p> <p>(January 1, 1998; Amended 6/15/2007, 5/5/2010, 11/2/2011 and 4/1/2017)</p>	