



## PAINESVILLE TOWNSHIP ZONING RESOLUTION

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## SECTION VIII. TOWNSHIP ZONING COMMISSION AND AMENDMENTS TO ZONING RESOLUTION

(Adopted November 22, 1988 by Resolution 88-129, effective December 22, 1988)

- 8.01 There is hereby created a Township Zoning Commission, consisting of five (5) members whose qualifications, term, compensation, expenses, powers, authority and duties shall be as set forth in Ohio Revised Code Chapter 519 and any successors thereto. (Adopted May 28, 1992 by Resolution 92-44, effective June 27, 1992.)
- 8.02 The Board of Township Trustees may require that the owner or lessee of property filing an application to amend this Resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. Such fee shall be generally required for each application and shall be in accordance with a fee schedule adopted by the Board of Township Trustees at a regularly called meeting and attached to and made a part of this Resolution. No change or modification in the fee schedule as adopted by the Board of Township Trustees shall be made except by proper motion at a regular meeting of the Board of Township Trustees and approved by a majority vote.
- 8.03A. The Painesville Township Zoning Resolution may be amended by motion, resolution or application. Upon adoption of a motion, certification of a Resolution or filing of an application, 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 adoption of such motion, certification of such Resolution or filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in Painesville Township at least ten (10) days before the date of such hearing. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

Written notice of the hearing shall be mailed by the secretary of the Township Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted, to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

The published and mailed notices shall set forth the time, date and place of the public hearing, a summary of the proposed amendment and shall include all of the following:

1. The name of the zoning commission that will be conducting the public hearing on the proposed amendment;
  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 these properties, as they appear on the county auditor's tax list;
  4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
  5. The time and place where the motion, resolution, or application including texts and maps, if any, proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
  6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  7. Any other information requested by the zoning commission;
  8. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
- B. Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with texts and maps pertaining thereto 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

thereof and shall submit such recommendation to the Township Zoning Commission prior to the date set for public hearing.

- C. The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the texts and maps pertaining thereto and the recommendation of the Lake County Planning Commission thereon to the Board of Township Trustees.
- 8.04A. The Board of Township Trustees shall, upon receipt of such recommendation, 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 such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in Painesville Township, at least ten (10) days before the date of such hearing.
- B. The published notice shall set forth the time, date and place of the public hearing, a summary of the proposed amendment and shall include all of the following:
    - 1. The name of the board that will be conducting the public 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 and owners of these properties, as they appear on the County Auditor's tax list;
    - 4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such 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 (10) days prior to the public hearing;
    - 6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
    - 7. Any other information requested by the board.
  - C. Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modifications thereof. In the event the Board of Trustees denies or modifies the recommendation of the Township Commission, the majority vote of the Board of Township Trustees shall be required. (Revised March 5, 2013 by Resolution 2013-14).

- 8.05 Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the adoption of the amendment unless, within thirty (30) days after the adoption of the amendment, 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 thereof included in the zoning plan, equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

Each petition or part thereof shall meet the requirements of Ohio Revised Code Section 519.12 or any successors thereto and shall be governed by the rules specified in Ohio Revised Code Section 3501.38 or any successors thereto.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The

petition shall be certified by the Board of Elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

- 8.06 An application for an amendment to the Painesville Township Zoning Resolution or for the rezoning or reclassification of any property may not be filed more than once in any twelve (12) month period by any owner or lessee of property within the area proposed to be changed or affected by the amendment to the Zoning Resolution.

## SECTION IX. BOARD OF ZONING APPEALS

(Adopted November 18, 2014 by Resolution 2014-135, effective December 18, 2014)

9.01 BOARD OF ZONING APPEALS ESTABLISHED: The Board of Zoning Appeals is hereby created in accordance with ORC 519.13.

9.02 DUTIES AND POWERS: The Board of Zoning Appeals shall have the following duties and powers:

- A. 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 of the Revised Code, or of any resolution adopted pursuant thereto;
- B. 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. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution. If the board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514 of the Revised Code or activities that are related to making finished aggregate products, the board shall proceed in accordance with section 519.141 of the Revised Code.
- D. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (D) of this section and of the holder's right to a hearing before the board, within thirty days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by the holder's attorney, or by another representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, the board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

9.03 MEMBERSHIP

- A. Members: In accordance with ORC 519.13, Board of Zoning shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years and so arranged that the term of one member expires each year. Each member shall be a resident of the unincorporated, zoning areas of Painesville Township, Lake County, Ohio. Members shall be removable for the same causes and in the same manner as provided by section 519.04 of the Revised Code.
- B. Alternates: In accordance with ORC 519.13, the Board of Township Trustees may also appoint two alternates to serve one year terms from January 1 to December 31. Each alternate member shall be a resident of the unincorporated, zoned areas of Painesville Township, Lake County, Ohio. An alternate member shall take the place of an absent member and may vote on any matter on which the absent member is authorized to vote.
- C. Vacancies: Vacancies shall be filled by appointment by the Board of Township Trustees. The new member will finish the unexpired term and may be appointed to their own full term when the unexpired term is completed.
- D. Leadership: The Board of Zoning Appeals by majority vote of its members shall elect a chair and vice-chair who shall occupy such offices until their successors are duly elected at the annual

meeting of the Board of Zoning Appeals, which shall be their first meeting of the calendar year. The position of secretary of the Board of Zoning Appeals shall be fulfilled by the zoning secretary as appointed by the Board of Township Trustees.

#### 9.04 MEETING, PUBLIC HEARINGS AND RECORDS

- A. Meeting Schedule: The Board of Zoning Appeals, with consultation from the Board of Township Trustees, shall set their meeting schedule for the year at their annual meeting.
- B. Notice: Meetings and public hearings will be open to the general public. Meeting notice and meetings will be in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.
- C. Quorum: Three members of the Board of Zoning Appeals shall constitute a quorum.
- D. Call to order: Meetings and Public Hearings shall be held at the call of the Chair or by the Vice-Chair in their absence. If both officers are not present, then the Secretary may call the meeting to order and request a Chair Pro-tem be elected per Robert's Rules of Order.
- E. Agenda: The agenda for the Board of Zoning Appeals Meetings will be set by the Secretary of Board of Zoning Appeals in accordance to rules adopted by the Board of Zoning Appeals at their annual meeting.
- F. Public Comment: Rules for public comment for the Board of Zoning Appeals Meetings and Public Hearing will be set by the Board of Zoning Appeals at their annual meeting.
- G. Rules for the setting of the agenda and for public comments may be suspended by the Board of Zoning Appeals if, in their judgment, it would expedite the functioning of the Board of Zoning Appeals, or relieve unnecessary inconvenience or hardship.
- H. RECORDS: The Board of Zoning Appeals shall keep any records pertaining to appeals, conditional uses, variances and revoking of variances or conditional uses. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member or alternative member upon each question, or if absent or failing to vote, indication of such fact, and shall keep records of its examinations and other official actions, all of which is public record and be immediately filed at the Township Hall. Any minutes pertaining to executive session are exempt from these rules. Any communication between legal counsel and the Board of Zoning Appeals are exempt from these rules.

SECTION XIX. RECREATION PUBLIC/NON-PROFIT REC-1

(Adopted April 14, 1988 by Resolution 88-31, effective May 14, 1988)

19.01 The following uses and no others shall be deemed REC-1 and permitted in all REC-1 Districts (Recreation, Public/Non-Profit):

- A. Recreational facilities and activities carried on by a political subdivision, corporation or other entity not for profit, including, but not limited to:
  - 1. Amateur sports.
  - 2. Archery.
  - 3. Badminton, tennis and volleyball courts.
  - 4. Boating.
  - 5. Garden and horticulture display.
  - 6. Horseback riding.
  - 7. Picnicking and playground areas.
  - 8. Shuffleboard, croquet, and lawn bowling.
  - 9. Skating, ice and roller.
  - 10. Swimming.
  - 11. Similar uses not listed above with the approval by Resolution of the Board of Township Trustees.

19.02 Accessory Uses and Buildings

- A. Accessory uses to a REC-1 District shall be limited to uses that are clearly incidental and secondary to the main use of land, buildings and structures and shall include, but not be limited to, food and beverage service.
- B. No residences shall be maintained in any REC-1 District except for the sole and exclusive use of groundskeepers or caretakers and as accessory to main use. No commercial, business or industrial activity shall be carried on or engaged in, upon, in or about said residences.
- C. A residence in a REC-1 District shall be erected and maintained in accordance with requirements for R-1 Districts with regard to setback, side and rear yard clearances, dwelling area, and height.

19.03 All recreation uses permitted in this Resolution require the issuance of a Conditional Use Permit in accordance with the provisions of Section XII of this Resolution.

19.04 Parking

See Section XXIX of this Resolution.

19.05 Signs

See Section XXVIII of this Resolution.

19.06 Accessory Use Requirements.

Accessory uses, building and structures permitted in REC-1 Districts shall comply with the following regulations:

- A. Accessory Buildings. Accessory buildings with a floor area 200 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 200 square feet shall conform to all lot and yard clearances and site plan review and approval requirements of the zoning district in which the parcel or lot is located.

- 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 completely enclosed container. Such building, container, or dumpster shall comply with the following.
1. All commercial compactors, storage bins, refuse containers utilities or 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 foot 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 detail to unite screening structure with the building when property abuts a residential district.
  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 district 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.
- C. Fences and walls. Fences and wall may be erected in compliance with the requirements set forth in Section VI of the Zoning Resolution.



SECTION XX. RECREATION MARINE RELATED REC-2

(Adopted April 14, 1988 by Resolution 88-32, effective May 14, 1988)

20.01 The following uses and no others shall be deemed REC-2 and permitted in all REC-2 Districts (Recreation, Marine Related):

A. Recreational facilities and activities related to marinas adjacent to navigable waters and limited to:

1. Boat storage and slips for dockage.
2. Boat repair shops and paint shops.
3. Boat launching ramps and hoists.
4. Boat fueling facilities.
5. Restaurant.
6. Cocktail lounge.
7. Retail sale of such merchandise and for such service as is incident or necessary to a marina.

B. Residence for the sole and exclusive use of groundskeepers or caretakers only as accessory to main use. No commercial, business or industrial activity shall be carried on or engaged in, upon, in or about said residence.

C. A residence in a REC-2 District shall be erected and maintained in accordance with requirements for R-1 Districts with regard to setback, side and rear yard clearances, dwelling area, and height.

20.02 All recreation uses permitted in this Resolution require the issuance of a Conditional Use Permit in accordance with the provisions of Section XII of this Resolution.

20.03 Parking

See Section XXIX of this Resolution.

20.04 Signs

See Section XXVIII of this Resolution.

20.05 Accessory Use Requirements.

Accessory uses, building and structures permitted in REC-2 Districts shall comply with the following regulations:

A. Accessory Buildings. Accessory buildings with a floor area 200 square feet or less shall conform to all lots 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 200 square feet shall conform to all lot and yard clearances and site plan review and approval requirements of the zoning district in which the parcel or lot is located.

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 completely enclosed container. Such building, container, or dumpster shall comply with the following.

1. All commercial compactors, storage bins, refuse containers utilities or 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 foot 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 detail to unite screening structure with the building when property abuts a residential district.
  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 district 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.
- C. Fences and walls. Fences and wall may be erected in compliance with the requirements set forth in Section VI of the Zoning Resolution.

SECTION XXI. RECREATION COMMERCIAL REC-3

(Adopted April 14, 1988 by Resolution 88-33, effective May 14, 1988)

21.01 The following uses and no others shall be deemed REC-3 and permitted in all REC-3 Districts (Recreation, Commercial):

- A. Recreational facilities and activities carried on by any individual, partnership, corporation or other entity for profit, including, but not limited to:
  - 1. Baseball, softball, basketball, volleyball, football and soccer.
  - 2. Archery.
  - 3. Badminton, and tennis courts.
  - 4. Garden and horticulture display.
  - 5. Golf courses and related activities.
  - 6. Horseback riding.
  - 7. Lawn bowling, croquet and shuffleboard.
  - 8. Skating, ice and roller.
  - 9. Swimming.
  - 10. Similar outdoor uses not listed above with the approval by Resolution of the Board of Township Trustees.

21.02 Accessory Uses and Buildings

- A. Accessory uses to a REC-3 District shall be limited to uses that are clearly incidental and secondary to the main use of land, buildings and structures and shall include, but not be limited to:
  - 1. Retail sale of such merchandise and for such service as is incident or necessary to the main use.
  - 2. Any use customarily carried on as a part of or necessary to parks, playgrounds, golf courses, or other recreation areas or centers.
- B. No residences shall be maintained in any REC-3 District except for the sole and exclusive use of groundskeepers or caretakers and as accessory to main use. No commercial, business or industrial activity shall be carried on or engaged in, upon, in or about said residences.
- C. A residence in a REC-3 District shall be erected and maintained in accordance with requirements for R-1 Districts with regard to setback, side and rear yard clearances, dwelling area, and height.

21.03 All recreation uses permitted in this Resolution require the issuance of a Conditional Use Permit in accordance with the provisions of Section XII of this Resolution.

21.04 Parking - See Section XXIX of this Resolution.

21.05 Signs - See Section XXVIII of this Resolution.

21.06 Accessory Use Requirements.

Accessory uses, building and structures permitted in REC-3 Districts shall comply with the following regulations:

- A. Accessory Buildings. Accessory buildings with a floor area 200 square feet or less shall conform to all lots 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 200 square feet shall conform to all lot and yard clearances and site plan review and approval requirements of the zoning district in which the parcel or lot is located.

- 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 completely enclosed container. Such building, container, or dumpster shall comply with the following.
1. All commercial compactors, storage bins, refuse containers utilities or 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 foot 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 detail to unite screening structure with the building when property abuts a residential district.
  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 district 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.
- C. Fences and walls. Fences and wall may be erected in compliance with the requirements set forth in Section VI of the Zoning Resolution.

SECTION XXXIII. MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT (Adopted by Resolution 2006-53 June 6, 2006, effective July 6, 2006)

33.01 Purpose

- A. A Mixed Use Planned Unit Development (MUPUD) project proposal will be considered on the merits of the particular proposal in the context of the Township's Comprehensive Plan, the neighborhood in which the MUPUD is to be located, the adequacy of public facilities and ease of extending service and the compatibility of the project proposal and immediate surroundings.
- B. An MUPUD is a land development project planned as a comprehensive single entity departing from the strict application of zoning codes and subdivision regulations. It should be a creative approach to the development of compatible, high-quality resort, residential, leisure/recreational, commercial, and institutional uses. An MUPUD provides:
  - 1. flexibility in building sites;
  - 2. a variety of land uses and designs;
  - 3. optimum land planning;
  - 4. usable open space and recreational areas;
  - 5. provision of underground utilities where feasible;
  - 6. efficient circulation systems for vehicle and pedestrian travel; and
  - 7. an environment which is fully compatible with the surrounding areas.
- C. The MUPUD permits a combination and coordination of architectural styles, building forms and relationships. The purpose of these special provisions is to encourage a more integrated, better quality, project than is possible under conventional zoning provisions.
- D. MUPUD's encourage Developers to be innovative in design, to be efficient in land utilization, and to take full advantage of existing natural features.
- E. In the event of a conflict between the provisions of this Section and the other provisions contained in the Zoning Resolution, the provisions and regulations contained in this Section shall supersede such inconsistent provisions.

33.02 Location and Minimum Standards.

- A. No MUPUD shall be approved unless:
  - 1. The MUPUD covers an area of not less than four hundred (400) acres;
  - 2. All land in the MUPUD area is zoned in the MUPUD District classification;
  - 3. The MUPUD area has at least two hundred fifty (250) linear feet of frontage along the right-of-way sideline of a dedicated street or road;
  - 4. The MUPUD area has at least five hundred (500) linear feet of frontage on either Lake Erie or a river tributary to Lake Erie; and
  - 5. All land within the District is contiguous unless specifically otherwise approved by the Board of Township Trustees.
- B. An MUPUD may be approved in any district.

C. Specific Requirements.

1. The MUPUD area has an adequate source of potable water. All plans and specifications and construction of all water lines shall meet the approval of all regulatory agencies having jurisdiction.
2. The MUPUD area has an adequate source of sanitary sewer service. No occupancy of buildings within any phase of an MUPUD District shall be permitted until an adequate sanitary sewer disposal system to service such phase is available.
3. The Development Plan(s) provides for the following utilities and necessary appurtenances which shall be provided, constructed and installed in accordance with all applicable regulations that regulate, including but not limited to the following:
  - a. Gas lines.
  - b. Sanitary sewers and pumping stations.
  - c. Water lines.
  - d. Storm sewer and storm detention as required by county engineers.
  - e. Electrical lines and transformers.
  - f. Telephone.

33.03 All uses within a designated MUPUD District are governed by the provisions of this Section and the approved Development Plan of the project involved. MUPUD's may contain any use identified by the Developer in the approved Development Plan and as approved by both the Zoning Commission and the Board of Township Trustees along with conditions appropriate to such uses, if any. The following uses of buildings and land shall be classified as MUPUD uses and permitted in an MUPUD District as shown on an approved Development Plan:

- A. Residences, regardless of the form of ownership including without limitation rental, cooperative, or condominium ownership, including:
  1. Single Family Attached Dwelling Units with or without setback lines;
  2. Single Family Detached Dwelling Units with or without setback lines; and
  3. Multi-Family Dwelling Units.
- B. Home Occupations.
- C. Retail sales including without limitation grocery stores.
- D. Automobile and other vehicle rentals.
- E. Marinas, boat charter and rental facilities, and excursion and ferry boat docking facilities.
- F. Gasoline service stations.
- G. Personal services including without limitation beauty salons, barber shops, and spas.
- H. Offices including without limitation business offices, professional offices such as medical and dental offices, and financial institutions.
- I. Recreational facilities including without limitation golf courses, indoor and outdoor swimming pools, sports fields, gymnasias, and tennis courts.
- J. Restaurants, drive in restaurants, drive through restaurants, bars, and taverns.

- K. Hotels, motels, and other types of visitor/guest accommodations.
- L. All forms of resort/entertainment facilities.
- M. Executive conference and convention facilities.
- N. Art galleries, museums and interpretive centers.
- O. Wedding chapels.
- P. Sports Training Academy with or without dormitory rooms.
- Q. Day care facilities.
- R. Agriculture and the processing and sale of agricultural products including, without limitation, the use of land for farming, dairying, pasturage, agriculture, viticulture, horticulture, floriculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, the cultivation of grapes and the production and sale of wine.
- S. Kennels.
- T. Veterinary clinics.
- U. Hospitals, clinics, and other medical treatment and professional offices.
- V. Mixed use buildings containing any combination of permitted uses.
- W. Parking garages, parking lots, and associated facilities.
- X. Public and civic uses.
- Y. Accessory uses associated with the above.
- Z. Places of worship
- AA. Other specific uses as approved by the Board of Trustees.

33.04 Definitions (applicable to Section XXXIII only):

- A. **APARTMENT.** One or more rooms in a multi-family dwelling intended to be occupied by and providing living, sleeping, cooking, bathing and toilet facilities for one family and which is not a dormitory.
- B. **ATTACHED SINGLE FAMILY DWELLING UNITS.** Single family dwelling units which have individual heating and plumbing systems, which are located on separate tax parcels, which are physically attached one to another by common or adjoining vertical walls and which have direct access from the exterior and not from a hallway or other common area.
- C. **BUILDING.** A roofed and walled structure of a substantial nature constructed with a variety of exterior and interior materials, the interior space of which is generally heated and/or air conditioned with certain plumbing and electrical facilities.
- D. **BUILDING, HEIGHT.** The vertical distance from the grade to the highest point of the coping on a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip or gambrel roofs.
- E. **BUILDING SITE.** A parcel of land which is privately owned and may be occupied by one or more buildings or structures for the permitted uses.

- F. CONDOMINIUM DEVELOPMENT. This term shall be defined as contained in Ohio Revised Code Section 5311.01 or any successors thereto.
- G. DENSITY. The number of dwelling units in an MUPUD divided by the number of acres in the Development Area.
- H. DEVELOPMENT AREA. The total area within an MUPUD district including rights of way of new streets but excluding streets existing prior to the designation of the MUPUD.
- I. DEVELOPMENT PLAN. A preliminary Development Plan or Final Development Plan as approved by the Township pursuant to this Section.
- J. DEVELOPER. The owner or person or entity authorized by the owner of land which applies for the approval of an MUPUD and thereafter pursues the development of such land in accordance with the terms of this Section.
- K. DORMITORY. One or more rooms providing sleeping facilities and/or common areas for more than three related or unrelated occupants.
- L. DWELLING, MULTI-FAMILY. A building on one tax parcel containing at least two dwelling units with varying arrangements of entrances and party walls.
- M. DWELLING UNIT. A dwelling unit shall consist of one or more living rooms plus a separate kitchen and bathroom, designed or used as living quarters for one family or household. Hotel, motel, or dormitory rooms shall not be considered Dwelling Units regardless of whether kitchen facilities are provided.
- N. FAMILY One or more persons occupying a dwelling, living as a single housekeeping unit, related to each other by birth or marriage or adoption; or a group not exceeding four (4) persons unrelated by blood or marriage living as a single housekeeping unit, including domestic employees, as distinguished from a group occupying a boarding house, motel, hotel, lodging house.
- O. FLOOR AREA. The sum of the areas of several floors of a building measured from outside wall to outside wall. In residential structures it shall not include porches, decks, garages or carports.
- P. HOME OCCUPATION. An occupation conducted in a dwelling provided that:
1. No person other than family members of the family residing on the premises shall be engaged in such occupation;
  2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the home occupation;
  3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building;
  4. No home occupation shall be conducted in any accessory building;
  5. No sales, not clearly incidental to the home occupation being conducted by the resident family are permitted;
  6. No traffic shall be generated by such home occupation in greater volume than would normally be expected in residential neighborhoods and, any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard; and



7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the voltage off the premises.
- Q. **HOMEOWNERS ASSOCIATION.** Incorporated non-profit private organization(s) established in accordance with the laws of the State of Ohio for the purposes of accepting and operating common areas along with buildings and equipment located on it under recorded land agreements or deed restrictions; maintaining common property for the use and benefit of the members of said association or associations; providing various services for the common enjoyment of the residents within its jurisdiction; and cooperating with officials of the 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.
- R. **KENNEL.** A lot or premises on which four or more domesticated animals of the same type, more than four months of age are housed, groomed, boarded, trained, or which offers provisions for minor medical treatment.
- S. **OPEN SPACE.** Land area within the MUPUD District designated as such on an approved Development Plan whether or not open to the public and which may include without limitation wooded areas, lakes and streams, walkway systems (pedestrian paths), bike paths, natural sites, active and/or passive recreation areas and Recreational Facilities and structures customarily incidental thereto. Open Space shall otherwise be kept devoid of residential or commercial buildings.
- T. **PARKING GARAGE.** A structure which may have multiple levels above, below, at grade or a combination thereof constructed for the purpose of parking motor vehicles for the general public or residents, clients, employees, invitees, or other guests whether or not charges are made for individuals parking therein.
- U. **STREETS**
1. **ARTERIAL STREET.** A public street which is used primarily for moving fast or heavy traffic between larger or intensively developed areas.
  2. **COLLECTOR STREET.** Primary street serving residential and/or non-residential areas and carrying major traffic flow and serving loop, cul-de-sac or other secondary streets.
  3. **CUL-DE-SAC.** Secondary street terminating in a dead end space (the cul-de-sac) enabling vehicular traffic to turn around and service several individual Building Sites on the street or grouped around the dead end space.
  4. **LOOP STREET.** Secondary street in looped or half circular form with each end connected to a collector street and serving housing units located on both sides of the street.
  5. **PRIVATE STREET.** A street which is not dedicated and which is to be maintained by a homeowner's association.
  6. **SECONDARY STREET.** A street serving Building Sites and connected on each end to another Secondary Street or to a Collector Street or other connection to the public highway system.
- V. **STRUCTURE.** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. Fences, tennis

courts and playing fields with their associated nets and goals, and similar installations shall not be deemed structures.

### 33.05 Density and Lot Area

- A. Minimum lot areas and Densities of specific parcels and/or phases shall be as shown on any approved Development Plan(s); provided that such Development Plan(s) shall provide:
  - 1. Density not exceeding six (6) dwelling units per acre.
  - 2. If any parcel of land is developed to exceed six (6) dwelling units per acre on such parcel, the Development Plan(s) shall provide for Open Space within the MUPUD on which no building shall be built sufficient to maintain the overall density at not more than six (6) dwelling units per acre.
- B. Computation of lot area shall include no portion of any dedicated street right-of-way existing prior to platting.

### 33.06 Open Space

A minimum of twenty percent (20%) of the gross acreage within each MUPUD District shall be Open Space. Dedicated street rights-of-way of streets existing prior to the Application shall not be counted as Open Space. Areas designated as Open Space on an approved Development Plan may not thereafter be used for other purposes without the consent of the Zoning Commission.

### 33.07 Homeowners Association Common Areas

In the event that a homeowners association or associations established to own and maintain common areas, or any successor association or associations, shall at any time fail to maintain the common areas in reasonable order and condition, the Board of Painesville 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 such common areas in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within one hundred twenty (120) 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 Painesville 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 one hundred twenty (120) days or any extension thereof, the Board of Painesville Township Trustees, in order to preserve the taxable values of the properties within the MUPUD, and to prevent such common areas from becoming a public nuisance, may enter upon said common areas 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 areas. Before the expiration of said year, the Board of Painesville Township Trustees shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common areas, call a public hearing upon notice to such organization or to the residents of the area benefited by the common areas to be held by the Board of Painesville Township Trustees at which hearing, such organization or such residents shall show cause why such maintenance by the Board of Painesville Township Trustees shall not continue for a succeeding year. If the Board of Painesville Township Trustees shall determine such association or associations are not ready and able to maintain said common areas in reasonable condition, the Board of Painesville Township Trustees may, in its discretion, continue to maintain said common areas during the next succeeding year and thereafter, subject to a similar hearing and determination, in each year. The decision of the Board of Painesville 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 Painesville Township Trustees shall be assessed against the responsible homeowners association or associations. Such cost shall become a tax lien against said common areas. The Board of Painesville Township Trustees, at the time of entering upon said common areas for the purpose of maintenance, shall file a notice of such lien in the office of the Lake County Recorder, upon the properties affected by such lien.

33.08 Building space and set-back requirements

- A. No building in an MUPUD District shall be erected or located closer to the right-of-way of any public street than the lesser of:
  - 1. the distance shown on the approved Development Plan; or
  - 2. fifty (50) feet from the right-of-way sideline of any Arterial Street.
- B. The area between the set-back line and any Building shall be landscaped and maintained by the owner thereof.
- C. Side and Rear Yards
  - 1. Side and Rear Yard set-back lines within an MUPUD Area shall be as shown in the approved Development Plan (even zero lot lines spacing); provided that such set-back for a commercial use shall not be less than ten (10) feet if such commercial use is adjacent to a single family use.
  - 2. Side and Rear Yard set-back lines at the perimeter of an MUPUD Area shall be the lesser of: 1) ten (10) feet; or 2) the distance to the boundary line of any adjoining political subdivision.
- D. The minimum distance between buildings shall be as shown in the approved Development Plan; provided, however, that building separation shall be maintained in accordance with the requirements of the Fire Code, State or local Building Code and other applicable safety codes.
- E. In regards to structures which constitute dwelling units, any setback clearances set forth in this section as well as distances between dwelling units shall be determined by measurement from the nearest point of the foundation of said main structure to the nearest portion of the property line or other dwelling unit. No part of any dwelling unit, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback or required distance between dwelling units. In regards to structures other than dwelling units, all setbacks for such structures and required distances between such structures and dwellings in the section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling or other structure. (Adopted by Resolution 2015-67, effective July 22, 2015.)

33.09 Supplementary Regulations

- A. Parking
  - 1. Parking spaces shall be provided as shown on the approved Development Plan. The table set out in Appendix A is a guide to required numbers of parking spaces for independent uses; however, in MUPUD Districts, the Township Zoning Commission and Trustees may consider the unique features of the development and establish reasonable parking requirements. In mixed use areas, the Township Zoning Commission and Trustees may consider, among other factors, the hours of operation of uses, the overlap in parking demand by different adjacent uses, and the types of uses proposed, all as presented by the Developer.
  - 2. Design
    - a. A parking space shall consist of an area of not less than one hundred eighty (180) square feet exclusive of access driveways, aisles, ramps, columns, streets, alleys or private drive or roadways, useable for the parking of passenger vehicles or commercial vehicles under two (2) tons capacity.
    - b. The table set out in Appendix A is a guide to the design of off-street parking spaces and access driveways serving said individual parking spaces, subject to

modification for the particular situations of the uses which the parking spaces are designed to serve.

3. Location - Off-street parking areas shall be located within the Development Area as shown on the approved Development Plan and shall be either on the same lot with the building or use they are intended to serve or shall be restricted so as to insure their availability for the building or use which they are intended to serve.
  4. Surfacing - All off-street parking surfaces, driveways, loading and service spaces in the MUPUD shall be of concrete or asphalt, unless otherwise specified in the approved Development Plan.
  5. Drainage - All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.
  6. Lighting, Screening and Striping - Any parking lot intended to be used during non-daylight hours shall be illuminated. Any lighting used to illuminate any off-street parking facilities shall be so arranged as to reflect away from adjoining properties.
  7. Setbacks - Parking areas shall be set back five (5) feet from the boundaries of the Development Area or the boundary of any adjoining political subdivision and from rights of way as shown on the approved Development Plan.
- B. Loading and Service Areas - In addition to the minimum number of parking spaces required in Section 01, all non-residential uses shall provide adequate loading and service areas in accordance with the approved Development Plan outside of public rights-of-way for vehicles delivering to, unloading or taking away from said premises, user goods, material, supplies, or waste in connection with said use. A loading space shall have a minimum width of twelve (12) feet and shall be located so as to minimize interference with on-site traffic movement.
- C. All Buildings or uses shall have paved private access driveways as shown on the approved Development Plan or in accordance with Lake County Subdivision Regulations; provided, however, that agricultural or other uses for which paved access is not appropriate may have other surfaces as shown on an approved Development Plan.
- D. Maximum Height of Buildings
1. No single family residential Building or structure or the enlargement of any single-family residential building or structure shall be erected or maintained which is in excess of the lesser of the height shown on the approved Development Plan or fifty (50) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.
  2. No Building or structure which is not a single family residential Building shall be erected or maintained which is in excess of the height shown on the approved Development Plan.
- E. Minimum Dwelling Area - Every Apartment unit shall contain a minimum of seven hundred fifty (750) square feet of floor area for units with one bedroom, nine hundred (900) square feet of floor area for Apartment units with two bedrooms, and nine hundred (900) square feet of floor area plus one hundred (100) square feet of floor area for each additional bedroom for units with more than two bedrooms.

The minimum dwelling area for all other dwelling units, shall be one thousand (1,000) square feet, except units with three or more bedrooms, which shall have a minimum of one thousand two hundred (1,200) square feet.

F. Drive and Buildings Identification

1. All buildings and units shall be identified by number on the exterior of each building, which number shall be clearly distinguishable from the access drive to said building.
2. All private drives 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 or suitable alternatives as approved by the Trustees for public streets and roads in Painesville Township. Naming of drives shall be consistent with the Lake County Subdivision Regulations as to duplication of names and names sounding the same.
3. A map clearly identifying the drives and buildings shall be provided to the Township Zoning Inspector prior to the issuance of the zoning certificate.

G. Storage of Equipment - No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises, and except that this provision shall not apply to parking of licensed operable cars or trucks owned and personally operated by the occupant or occupants of said premises.

H. Streets

1. The proposed MUPUD must not create traffic congestion nor overload existing roadway facilities. Points of ingress or egress must be designed to discourage through traffic on minor streets in the MUPUD. The internal traffic system must provide for safe and efficient flow, being sensitive to such items of convenience, safety, access to living units and non-residential facilities, separation of vehicular and pedestrian traffic and general attractiveness.
2. Pedestrian and bicycle circulation systems are encouraged. Where possible these paths should be segregated from vehicular traffic.
3. Streets within an MUPUD may be dedicated to public use or may be retained under private ownership. Standards of design and construction of private roadways may be modified, if deemed appropriate, by the Lake County Planning Commission. Right-of-way widths and street widths may be reduced, with Lake County Planning Commission approval, especially if the MUPUD plan provides adequate off-street parking facilities.
4. If future owners wish to dedicate private streets to public streets, it must be fully agreed to before acceptance by the Board of Township Trustees, that the owners will bear full expense of any action necessary to have the streets fully conform to the design requirements for public streets at the time of dedication and acceptance, with the exception of those standards which may have been waived for the MUPUD by the Lake County Planning Commission and accepted by Board of Township Trustees upon dedication.
5. All streets and cul-de-sacs, including private streets, shown on the approved Development Plan(s) must conform to specifications as set forth in the Lake County Subdivision Regulations, including, without limitation, that all cul-de-sacs have a paved diameter of no less than one hundred (100) feet and all walkways are designed to be constructed of suitable hard surface material. If the center of a cul-de-sac is landscaped, the exterior circumference shall be increased to provide easy turning for fire equipment, moving vans and school buses.
6. Each Collector Street shall be as shown on the approved Development Plan or in accordance with Lake County Subdivision Regulations with not less than twenty-four (24) feet of surfaced width.

I. Utilities

MUPUD's must provide underground utilities and appropriate easements for drainage, gas, sewer and water, cable TV, electric, telephone and street lighting systems unless otherwise approved by the Lake County Planning Commission. All utility "boxes" on private property shall be screened with planted materials so they are inconspicuous from view.

J. The Development Plan(s) may provide for varying lot widths to allow for a variety of structural designs.

K. The Development Plan(s) may provide for varying building setbacks to allow for a variety of structural designs; provided, however, that in no case shall the front setback be less than a distance of thirty (30) feet from the dedicated street right-of-way of any public street.

33.10 Pre-Application Conference - The Developer shall meet with a Painesville Township Trustee or Trustees, the Township Zoning Inspector, the Fire Chief, the Lake County Engineer or his representative, the Director of Storm Water Management or representative thereof, the Lake County Sanitary Engineer or its representative, a water authority representative and the Director of the Lake County Planning Commission or his representative prior to the submission of the Application and Preliminary Development 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 Lake County Subdivision Regulations, the drainage, sewer, and water systems and Zoning Regulation of Painesville Township, as well as allowing the Developer to submit the general outlines of the proposed MUPUD.

33.11 Preliminary Development Plan

A formal application for an MUPUD shall first be presented in the form of an Application, including a Preliminary Development Plan, and shall be filed with the Township Zoning Inspector, who shall transmit same, including all documents relating thereto, to the Painesville Township Zoning Commission.

The purpose of the Preliminary Development Plan is to establish a frame of reference for the Township to consider the merits of the proposed MUPUD and to afford a basis for determining whether or not the Township would approve the Application to subject the property to these MUPUD regulations.

The Preliminary Development Plan for an MUPUD shall be submitted in ten copies and shall include but not necessarily be limited to the following:

- A. 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 MUPUD District. If Developer is not owner or the lessee for a term of at least seventy-five (75) years, evidence of owner's permission or purchase agreement shall be submitted.
- B. 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 MUPUD sufficient to confirm the proposed development and indicating the gross area of the Development Area in acres.
- C. The proposed approximate topography at two (2) foot contour intervals of the proposed Development Area including property lines and street rights-of-way.
- D. The density proposed for the entire development and if the development is to be comprised of different residential uses, the density of each separate such use.
- E. A traffic impact evaluation which shall include:
  - 1. Existing and proposed vehicular traffic patterns.
  - 2. The estimate of traffic volumes to be generated.
  - 3. Any additional information requested by the Trustees.

- F. Generalized plan for all utilities to include all existing and proposed storm, sanitary sewers and water facilities.
- G. The proposed assignment of use and subdivisions of all land within the Development Area with each separate use or subdivision shown in acres.
- H. Such other reasonable information as the Zoning Commission and Board of Township Trustees may require.

### 33.12 Final Development Plan

After approval of the Preliminary Development Plan, the Developer shall submit a Final Development Plan for the development to the Township Zoning Inspector for approval prior to construction. The Developer may elect to proceed in phases in accordance with a plan (the "Phasing Plan") submitted by the Developer. The Final Development Plan or the Final Development Plan of the initial phase if the Developer has elected to proceed in phases, shall be submitted within twenty-four (24) months after approval of the Preliminary Development Plan.

- A. The Final Development Plan for the MUPUD or for each phase shall consist of the following:
  - 1. Valuable natural features to be retained as an asset of the MUPUD.
  - 2. A general landscaping plan to be followed by a detailed landscape plan before building permits are issued indicating spacing, sizes and specific types of landscaping materials with the final plans. Minimum environmental design criteria include the following:
    - a. Soil surveys if required by the Zoning Commission because topography, drainage or other unique land features dictate the need to indicate soil suitability related to proper land use.
    - b. Identification of all areas of special flood hazard to be preserved as permanent common area or public or private open space. Land subject to flooding and land otherwise uninhabitable shall not be platted for any use that may increase danger to health, life or property, or that may aggravate the flood hazard.
    - c. Trees, groves, waterways, scenic points, historic spots and other community assets and landmarks shall be preserved whenever possible.
    - d. Grading and erosion control shall comply with requirements as established by the County Engineer. Temporary and permanent methods and locations or erosion controls must be submitted for review and approval by the County Engineer prior to the issuance of building permits.
    - e. Proposed landscaping plan, including treatment of perimeter of the MUPUD, including materials and techniques to be used, such as fences, walks and shrubbery.
  - 3. A Master Sign Plan establishing the design criteria for signage within the MUPUD, in character with the scale, uses, and quality of the development.
  - 4. 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, to be followed by a recordable plat of any subdivisions in conformance with the requirements of the Lake County Subdivision Regulations.
  - 5. All the information required on the Preliminary Development Plan, the location and sizes of lots, location and proposed density of dwelling units, and non-residential building density within the MUPUD.
  - 6. A preliminary schedule for the development of all phases to be constructed in the MUPUD.

7. Engineering plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations, waste disposal facilities, final landscaping, 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 and the Lake County Stormwater Management Agency.
  8. Final forms of covenants running with the land, deed restrictions for both private and commonly owned land, easements, and by-laws for homeowners associations.
  9. Estimated cost of public improvements which are to be dedicated to the Township and which are to be constructed by the Developer other than through special assessment or tax increment or other similar financing mechanisms.
- B. Developer shall post with the Lake County Commissioners prior to the commencement of any private construction, a bond sufficient to insure completion of the dedicated roadways and related public facilities needed to serve the applicable phase and which are not previously constructed, other than improvements to be constructed through special assessment or tax increment or other similar financing mechanisms.
  - C. Final approval by the Township Trustees of each phase subject to modification or conditions shall be agreed to in writing before recording 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.
  - D. If the Final Development Plan or any phase thereof 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.

### 33.13 Re-approval.

If the Final Development Plan or the initial phase thereof is not submitted within the prescribed time, the Township Zoning Inspector shall notify the Developer that the Township Trustees will hold a public meeting to determine if the Preliminary Development Plan shall be re-approved. 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. 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. The Developer and the public shall be permitted to speak personally or through a representative, as to whether or not the Preliminary Development Plan should be re-approved. Within thirty (30) days from the date of the Trustees' decision, the Developer will be notified.

If the Township Trustees fail to act on the re-approval of the Preliminary Development Plan within sixty (60) days after failure of the Developer to submit a Final Development Plan or initial phase thereof, the Preliminary Development Plan shall be deemed re-approved.

### 33.14 Zoning Permits.

After the Final Development Plan or each phase thereof is approved by the Township Trustees, a zoning application accompanied by required fees for each Building shall be submitted to the Township Zoning Inspector.

The Developer may request from the Township Zoning Inspector minor modification of any approved Final Development Plan or phase thereof. If approved, the development may continue. Should any request for modification represent a substantial departure from the intent of prior approval of the approved Final Development Plan or phase thereof, said modification or amendment shall be subject to the approval of the Zoning Commission and the Board of Township Trustees. In the event the modification or amendment complies with the provisions, restrictions and guidelines set forth herein, it shall not require further public hearing.



The following shall be deemed to be substantial changes from the Final Development Plan and subject to the approval of the Zoning Commission and Trustees:

- A. A material change in the use or character of the development. A change in the location of uses without a change in density of residential uses or the intensity of non-residential uses shall not constitute a substantial change.
- B. An increase in the Density of the entire development of more than ten percent (10%).
- C. A reduction in approved Open Space of more than ten percent (10%).
- D. Any expansion of the Development Area to include land not included in the Preliminary Development Plan.

#### 33.15 Enforcement

- A. The Township Zoning Inspector shall review, once every twelve months, all zoning permits issued and all construction that has taken place within the Development Area.
  - 1. If the Township Zoning Inspector shall find that the ratio of construction of various types of residential units, non-residential structures, Open Space and/or recreational facilities substantially differs from the approved phasing program, he or she shall issue orders to the Developer to comply with the approved phasing program. Any such order may be appealed to the Board of Zoning Appeals. Upon violation of the order(s) or decision of the Board of Zoning Appeals, the Township Zoning Inspector may suspend the Developer from further construction until compliance is achieved.
  - 2. If the Township Zoning Inspector shall find that the Developer has failed to meet the approved development schedule for that particular phase, he or she shall forward this information to the Painesville Township Board of Trustees.
- B. The Township Trustees shall within thirty (30) days of receipt of information from the Township 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 with the approved Final Development Plan or any phase thereof after the hearing required, then such non-compliance shall be deemed a violation of the Zoning Resolution of Painesville 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 Painesville Township Resolution or the Ohio Revised Code 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.

- 1. Labor strikes beyond the control of the owner or Developer.
- 2. Force majeure including without limitation but not limited to floods, hurricanes and fire.
- 3. Unavailability of materials.

**APPENDIX A  
MUPUD PARKING GUIDELINES**

A. Residential

Building or Use	Number of Parking Spaces
Single family and attached single family dwelling unit with one bedroom	1 parking space inside a garage
Single family and attached single family dwelling unit with more than one bedroom	2 parking spaces 1 of which is inside a garage
Multi-family dwelling unit with one bedroom	1 parking space
Multifamily dwelling unit with more than one bedroom	2 parking spaces

B. Non-Residential

Building or Use	Minimum Parking Spaces
Church or public place of worship	1 per 5 seating capacity
Motel, hotel, tourist home	1 per guest room plus adequate employee space
Hospitals	1 per bed and staff space
Clinics, medical and dental buildings	1 per 250 sq. ft. of gross floor area
Theater, arena, stadium, gymnasium, auditorium, assembly hall	1 space per 4 seating capacity
Bowling alley	4 spaces for each alley
Private clubs, lodges	1 space for each 5 members
Nursing homes, homes for aged, children's homes, sanitariums, asylums	1 space for each 2 beds
Restaurants, bars, taverns	1 space per 200 sq. ft. gross floor area
Drive-in restaurants	1 space per 75 sq. ft. gross floor area
Banks, business or professional offices, public administration buildings	1 space per 250 sq. ft. gross floor area
Retail stores	1 space per 250 sq. ft. gross floor area
Planned shopping centers	1 space per 250 sq. ft. gross floor area
Kindergarten, child care	2 each per classroom but nursery school not less than 6 spaces
Elementary and Junior High Schools	2 each per classroom plus 1 for every 8 seats in assembly halls
High schools	2 each per classroom plus 1 for every 10 students
Business, trade or technical school	1 each per 2 students
College, University	1 each per 4 students
Libraries, museums, art galleries	1 space per 250 sq. ft. gross floor area

C. Design for Parking Spaces

Type of Parking Space	45° Angle	60° Angle	90° Angle (Perpendicular)	Parallel
Width of Parking Space	9'	9'	9'	9'
Length of Parking Space	20'	20'	20'	25'
Width of Driveway Aisle	15'	18'	25'	
Width of Access Driveway (1 Way Traffic)	17'	24'	24'	14'
Width of Access Driveway (2 Way Traffic)	24'	24'	24'	24'

Section XXXVII – ACCELERATED VARIANCE PROCEDURE FOR AMERICANS WITH DISABILITIES  
(Adopted June 3, 2014 by resolution 2014-66, effective July 3, 2014).

37.01 Definitions

- A. Disabled Person: an individual having (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such impairment.
- B. Reasonable Accommodation: an accommodation is reasonable if it is both efficacious and proportional to the cost of implementation. An accommodation is unreasonable; however, if it imposes undue financial or administrative burdens or requires a fundamental alteration in the nature of a program or rule. A zoning waiver is unreasonable if it is so at odds with the purpose behind the rule that it would be a fundamental and unreasonable change.

37.02 Accelerated Variance Procedure

- A. In the event a disabled person who is either the owner or tenant of a single family residential dwelling seeks either an area or use variance from the strict application of the zoning resolution, and the requested variance directly relates to a reasonable accommodation of the applicant's disability, the zoning inspector may immediately grant the variance subject to subsequent ratification or reversal by the Board of Zoning Appeals at its next regularly scheduled meeting.
- B. In the event the zoning inspector determines that the immediate granting of the requested variance is proper, the inspector shall immediately issue notice of his or her decision to all landowners required to be notified by law of the variance request. The notice to all such landowners shall inform them of the nature of the requested variance, of the zoning inspector's granting of such variance, and the date and time the matter will be heard by the Board of Zoning Appeals. The notice shall also inquire as to whether the adjoining landowners approve of or object to the requested variance and shall request a written response from said landowner within the seven days of receipt of said notice.

## SECTION XXXIX. MAIN CORRIDOR COMMERCIAL DESIGN GUIDELINES

### 39.01 Purpose and Intent

In accordance with Section 519.02 of the Ohio Revised Code, the Main Corridor Commercial Design Guidelines are established to create a unified, high-quality built environment to increase the financial benefits to the Township and its inhabitants. These guidelines will stimulate and protect economic activity in the B-1 and B-3 districts along Mentor Avenue, from the Mentor City corporation limit to the Painesville City corporation limit, and along North Ridge Rd. from the Painesville City Corporation limit to the Perry Township limit, ensuring the continued economic competitiveness and attractiveness of the Township's business districts.

These Design Guidelines have been generated for Painesville Township to provide architects, developers, contractors, owners, reviewing authorities, and other project participants with the tools necessary to maintain or enhance the quality of life of the townships commercial zoning districts. They accomplish this by establishing and preserving the integrity of the architectural characters' form, function, and overall appearance. It is Painesville Township's desire that structures are made up of Historic, New England and Western Reserve architectural styles the Design Guidelines goals are to preserve and enhance the character of the township and to guide architectural elements of design in alterations and new constructions to be coherent with that of the existing fabric of the neighborhood.

Design Guidelines are beneficial to the township and individual property owners. As good design enhances it is proven to stimulate economic and social growth. The entire district increases in value as a common identity is established within the urban fabric.

In implementing these guidelines users should also carefully consider the site's immediate surroundings, other applicable area plans and the function of the use. In cases in which special conditions exist that are not specifically addressed by the standards, the intent statement should serve as the basis for determining the appropriateness of the proposed design.

#### A. Objectives

The application of design standards and guidelines to commercially zoned properties will assist Painesville Township to implement its Comprehensive Plan and other specific plans for areas such as Mentor Avenue, North Ridge Rd. and other neighborhood business districts in a more effective manner. The main objectives of the guidelines, which will be used in guiding changes and development, and in reviewing plans for development and improvements, are as follows:

1. Assist the planning and design of quality developments and provide for increased opportunities and land use efficiency for redevelopment, new development, and business development expansion.
2. Protect property and private investment.
3. Encourage a viable and compatible mix of commercial, business, office, and residential uses in the Township.
4. Encourage the integration of mixed uses in designated areas through the development of two-to-three story buildings, continuous building forms placed parallel to the street, with minimum setbacks from the right-of-way, and an attractive and viable pedestrian-friendly environment.

5. Encourage creative planning and design in the arrangement and siting of buildings, parking areas, circulation and access, shared parking facilities and ingress/egress arrangements, and elimination of multiple curb cuts.
6. Make the policy of efficient traffic flow compatible with the policy of promoting an attractive and viable, pedestrian-friendly environment through the establishment of a safe, convenient, and attractive pedestrian network of paths and public places.
7. Allow the application of performance standards to development and redevelopment so as to mitigate any adverse impacts on adjacent areas and the business corridors.
8. Avoid piecemeal and fragmented development that detracts from the establishment of a viable business environment and strong neighborhood appearance and character that reflect plans or studies for the subject area.
9. Promote public health, safety and welfare.

## B. Content

The Guidelines are presented in five chapters:

- 39.02 : Architecture
- 39.03 : Signage
- 39.04 : Lighting
- 39.05 : Landscape

Each chapter starts with a set of goals that envision what the Township hopes to accomplish by adhering to the Guidelines. Individual chapters are divided into sections that deal with specific issues. For each issue the Guidelines provide planning objectives and specific design guidelines.

Photographs are used throughout the Guidelines to illustrate representative samples to make the Guidelines more reader-friendly. The Guidelines are not meant to stifle creativity; in all situations there may be many ways to achieve the Township's goals.

## C. Necessity

The guidelines are a catalog of recommendations meant to guide and establish the future character of Painesville Township. The guidelines are intended to guide the Painesville Township Planning and Zoning Department during the review process of applications from business or property owners for new buildings and structures as well as improvements and modifications to existing buildings and structures in the commercial districts. In many cases the Zoning Commission and Board of Zoning Appeals encourages compliance in order to facilitate the review of development projects.

## D. Application

The guidelines apply to all expansions, modifications and redevelopment of existing buildings as well as any new construction within the B-1 and B-3 zoning districts for those properties and uses having frontage on Mentor Avenue and North Ridge Rd. and those properties and business uses contiguous to properties having frontage on Mentor Avenue. Any scope of work which proposes to alter or change exterior materials, finishes or appearance are subject to these guidelines.

## E. Use of Guidelines

There are two main functions of the Guidelines. First, they will provide guidance to landowners and developers in the early stages of planning and design, to address the question of “What is the Township looking for?”

Secondly, it will be used as a benchmark by the Zoning staff, Zoning Commission, Board of Zoning Appeals, and peer reviewers to evaluate development proposals as part of the review processes to address the questions of “Does it meet the Township’s criteria?” and “What will it look like and how will it function?”

Implementation of the design guidelines relies heavily on the services of architects, civil engineers, land use planners and landscape architects working as consultants or developers. The Guidelines will be administered by staff through the review process. The Guidelines will be applied to development that requires site plan approval from the Zoning Commission or Board of Zoning Appeals, but are suggested for all developments in the community.

## F. Outcome

The Guidelines are not designed to produce immediate results. They provide a framework for the future. The process is intended to ensure that site plans and exterior building and structure modifications are reviewed efficiently by staff, the Zoning Commission and Board of Zoning Appeals, resulting in high quality development that contributes to the Township’s overall aesthetics and immediate environment of the subject site.

## 39.02 ARCHITECTURE

### A. Introduction

Painesville Township’s Design Guidelines establish standards for new, modified or renovated commercial buildings that will embrace future design. The guidelines are not intended to dictate building styles; rather they provide a guide that illustrates Painesville Township’s vision for its future.

#### 1. Architectural Goals

- Well-designed buildings that reinforce Painesville Township’s sense of place, and/or that of the surrounding area.
- Building designs that thoughtfully consider scale, form, orientation, height, setback, massing, materials, color, and architectural features.
- Buildings that present a ‘front door’ to the street and make a positive contribution to the streetscape.
- Buildings that are designed to address human scale, comfort, enjoyment, and safety of the users.
- Buildings that are designed as permanent, positive additions to the community, constructed of high quality, long lasting materials.
- Street corners that are treated as special places.
- Architecture that recognizes diversity of Painesville Township’s zoning districts and geographic areas.
- Sustainable design should be a key consideration in building design.

### B. General Architecture

#### 1. Principles and Objectives

The purpose of these guidelines is to encourage architecture that provides lasting value. Building design should be developed to a human scale through careful consideration of architectural forms, massing, detailing, number and use of materials, and color.

#### 2. Guidelines

- a. **Design.** New buildings and structures and modifications to existing buildings and structures should be

designed to fit the specific characteristics of their particular site and surrounding area. The architecture will be influenced by use of lasting materials, the specific needs of the intended users, the nature of the intended use, and other site-specific factors.

b. **Human Scale.** Buildings and site elements should be designed and detailed to human scale. Many architectural elements can add scale to a building – recessed openings, divided pane windows, building mounted light fixtures, projecting rooflines, covered walkways, and similar features – provided they are designed as integral parts of the overall structure.

c. **Freestanding Accessory Structures.** Where freestanding non-habitable structures are allowed (e.g., ATMs, storage units, recycling sheds, trash enclosures, utility buildings), they should meet the same design standards as the principal building(s) on the site. The design of freestanding structures should be coordinated with the principal building through repetition of architectural forms, materials, colors, and detailing.

## C. Renovations and Additions

### 1. Objectives

Renovations or additions offer an opportunity to add visual interest to existing buildings and to strengthen their relationship with the site and nearby structures. The Township expects high quality architectural and site design for all renovations, exterior facelifts and additions.

### 2. Guidelines

a. **Materials.** Where the existing building currently meets the design guidelines, proposed renovations should be designed to respect the proportions and details of the original building. Where the existing building does not meet the design guidelines, the owner is strongly encouraged to upgrade the most visible portions of the entire structure.

b. **Design.** Applications to the Zoning Commission or Board of Zoning Appeals that involve renovations and additions should show all improvements and how they relate to the existing structure.

c. **Architectural Features.** Renovations should retain any distinctive architectural features, which should be incorporated into the addition where possible.

d. **Addition Locations.** Efforts should be taken to provide building additions that provide a greater connection towards public roadways and help improve the pedestrian orientation of development.

## D. Façade Design

### 1. Objectives

All buildings and structures should present an inviting, human scale facade to the street, internal drives, parking areas, and surrounding neighborhoods. Entrances should be clearly visible from the street and reinforced through site and architectural features.

### 2. Guidelines

a. **Front Elevation.** The front facade (the facade facing streets) should be designed as the front of the building. The front elevation should contain a front door, and/or windows, and should incorporate human-scale detailing through the use of cornices, or other projections and details, structural or architectural bays, recessed windows or doors, material or material module changes, or color and/or texture differences so as to be easily recognized as the main access point. On corner lots, the main entrance should face the major street, or be located on the corner of the building. Building entrances should be visible from the street and provide unobstructed areas for pedestrians.

b. **Side & Rear Elevations.** Similar materials and detailing, to a lesser extent, should be used on all facades to ensure continuity and design completeness and to give the building scale and visual interest.

c. **Entrances.** Each building should have a clearly defined, highly visible customer entrance, which is visually obvious and should be emphasized through the use of such architectural treatments. Building entrances shall be located where a sidewalk exists to a roadway, and in the case of multitenant buildings, each separate space should have its own public entrance. The use of the following architectural elements is recommended to add scale to the building, provided that they are integral to the design:

- o Arches
- o Canopies and covered walkways or arcades

- o Differing colors
- o Gables and dormers
- o Outdoor sitting or dining areas
- o Overhanging rooflines to provide shelter for pedestrians
- o Recesses or projections in keeping with the scale of the building
- o Raised corniced parapets over entrances
- o Display windows that are visible from the sidewalk
- o Architectural details such as moldings which are integrated into the building design
- o Other features which are designed to add scale and visual interest to the facade.

d. **Integration into the Design.** Architectural details should be an integral part of the design of the structure, and not merely appendages.

e. **Blank Walls.** Facades should not extend for more than 35 horizontal feet in length without incorporating architectural features such as windows, cornices, porches, corners, projections, changes in color or graphical patterns, variety in texture or building materials or offsets. Projections used to break up the mass of the building should extend to the ground. Blank walls should not face roadways, residential areas, or other public viewpoints. Any side or rear wall longer than 30 feet should have a minimum of one articulation point.

f. **Site Design.** Signage, lighting, landscaping and other exterior elements should be designed to complement the facade, avoid visual or functional conflicts, maintain visibility, and create visual interest in ways that are compatible with the architectural character of the surrounding area.

g. **Ground Floors.** The horizontal length of the façade of the ground floor of buildings facing public streets should include awnings, transparent display windows, entry awnings, or other similar pedestrian friendly features, and weather protection elements should be complementary to the building's design. As an alternative, other architectural elements may be used to provide scale and visual interest to the front facade.

h. **Shutters.** Where shutters are used, they should be sized to fit the openings and provided for all windows on a given wall.

i. **Functional Elements.** All vents, downspouts, electrical conduits, service meters, HVAC equipment, service areas, loading docks, service connections, and other functional elements of the building should be treated as integral parts of the design. Meters, utility banks, HVAC equipment, and other exterior service elements should be contained in service closets, screened with walls or fences, or located out of view from the public. Building elevations should show the location and treatment of all functional elements. The designer is encouraged to locate as many of these functional elements as possible to the side or rear of the building.

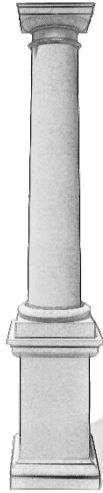
j. **Columns.** Where columns are used, they shall be painted white.



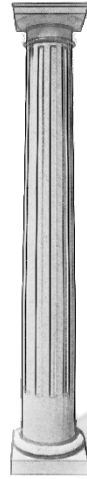
SUGGESTED COLUMN STYLES



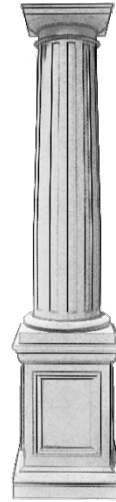
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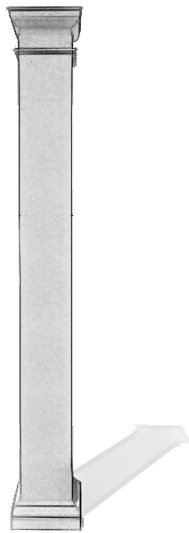
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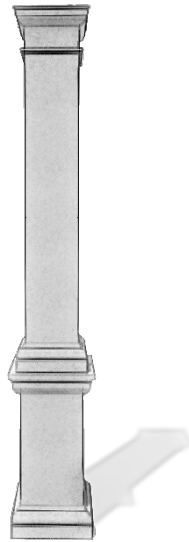
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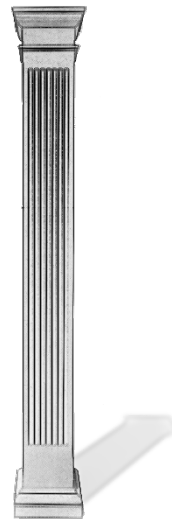
Round Fluted Raised



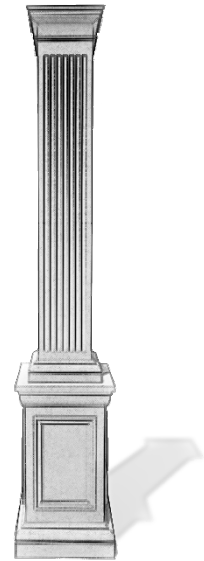
Square



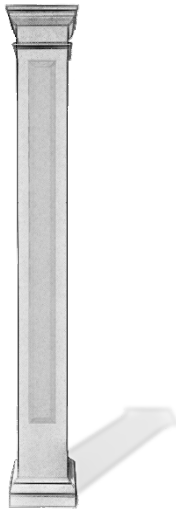
Square Raised



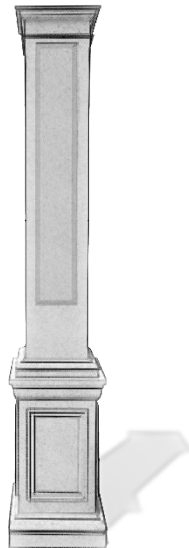
Square Fluted



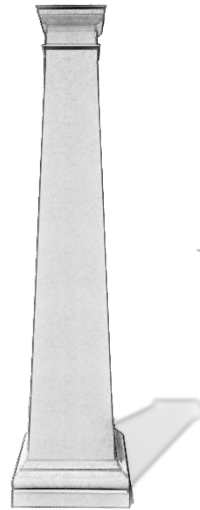
Square Fluted Raised



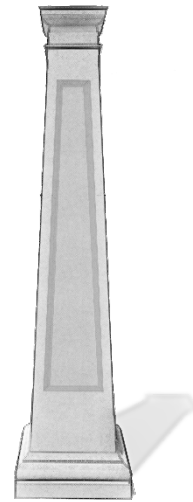
Square Paneled



Square Paneled Raised



Square Tapered



Square Paneled Taper

## E. Building Materials

### 1. Objectives

Building materials and design details reflect a building's style and character.

## 2. Guidelines

a. **Materials.** Buildings should be constructed of high-quality materials and the use of variety of materials is encouraged. Acceptable primary materials include brick, clapboards and shingles (wood, fiberglass, metal), and stone or simulated stone. Contemporary secondary or supporting materials with the same visual characteristics as traditional materials (e.g., cement plank clapboards) are acceptable if properly detailed with surface textures and trim at openings, corners, and changes in material and in context with the primary materials. Painted medium density overlay (MDO) plywood is acceptable when used as a secondary material in combination with traditional materials to give it scale. Long-term maintenance needs should be a consideration in the selection of all building materials.

b. **Materials Discouraged.** Highly reflective or processed materials (e.g., sheet metal or plastic panels, brushed aluminum, bronzed glass), stucco or synthetic stucco, adobe, concrete block, T-111, untreated plywood, particle board, tilt-up concrete panels, and multicolored brick (incorporating occasional white bricks in a random pattern) are discouraged as the primary facade material.

c. **Colors.** Facade colors should be low reflectance. The use of high intensity, high reflectance, chrome, metallic or fluorescent colors, or black is discouraged as the primary color. Suggested color themes are proposed based on the desired for a coherent composition. Accent colors are to be used sparingly to highlight important information related to a buildings program.

d. **Trim.** Where trim is used, it should be painted or stained to complement the building's primary color.

e. **Window Trim.** Window trims shall be painted white.

f. **Shutters.** Where shutters are used, they shall be painted white or back to complement Painesville Township's historic style of architecture.

g. **Detailing.** Arbitrary changes in materials or embellishments that are not in keeping with the rest of the building are discouraged.

h. **EIFS (Exterior Insulation and Finish System).** EIFS is an exterior wall covering that insulates and provides weather protection in a selection of shapes, colors, and textures that can replicate almost any architectural style or finish material, or stand by itself as an architectural finish. In some instances, and with proper maintenance, EIFS may be an acceptable secondary material in building design.

SUGGESTED COLOR THEMES

Theme I

R: 61 G: 61 B: 67	R: 107 G: 111 B: 114	R: 146 G: 147 B: 148	R: 194 G: 196 B: 194
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Theme II

R: 88 G: 83 B: 86	R: 113 G: 108 B: 107	R: 149 G: 137 B: 126	R: 188 G: 176 B: 160
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Theme III

R: 78 G: 78 B: 78	R: 113 G: 108 B: 107	R: 109 G: 106 B: 96	R: 187 G: 184 B: 173
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Theme IV

R: 99 G: 120 B: 133	R: 165 G: 180 B: 186	R: 115 G: 112 B: 105	R: 176 G: 172 B: 163
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Theme V

R: 51 G: 63 B: 75	R: 166 G: 165 B: 161	R: 166 G: 162 B: 150	R: 220 G: 213 B: 193
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## Theme VI

R: 114 G: 88 B: 87	R: 156 G: 142 B: 131	R: 202 G: 202 B: 200	R: 225 G: 218 B: 210
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## Theme VII

R: 149 G: 151 B: 150	R: 208 G: 208 B: 205	R: 149 G: 137 B: 126	R: 214 G: 211 B: 203
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## Accent Colors I

R: 140 G: 41 B: 44	R: 209 G: 179 B: 117	R: 79 G: 109 B: 136	R: 72 G: 122 B: 130
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## F. Awnings & Canopies

### 1. Objectives

When properly installed and maintained, awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings are used, they should complement the design, materials, and color of the building.

### 2. Guidelines

- a. **Location.** Where awnings are used, both fixed or retractable, they should be an integral element of the architecture. Awnings should be located directly over windows or doors to provide protection from the elements, and maintained in working condition.
- b. **Materials.** Awnings and canopies should not be made of highly reflective materials. Their colors should complement the facade of the building.
- c. **Design Elements.** Graphics used on awnings for identification or advertising should be designed as an integral part of the signage for the property, and be coordinated with other sign elements in terms of typeface, color, and spacing.

## G. Roofs

### 1. Objectives

Rooflines can add visual interest to the streetscape and establish a sense of continuity between adjacent buildings. When used properly, rooflines can reduce the mass of large structures, emphasize entrances, and provide shade and shelter for the pedestrian.

### 2. Guidelines

- a. **Preferred Materials.** Composite asphalt shingles and standing-seam non-glare metal are preferred for visible roofing. High gloss roofing materials are prohibited.
- b. **Roof Colors.** Roofing materials should complement the color and texture of the building's facade. Roof colors should be muted earth tones or a color that is darker than the facade. Stripes and patterns on the roof are strongly discouraged.
- c. **Roof Pitch.** Prominent roofs should have a minimum pitch of 4/12 (ratio of rise to run), unless demonstrated to the Zoning Commission or Board of Zoning Appeals' satisfaction that this is not practicable from an engineering or technical standpoint.
- d. **Flat Roofs.** Flat roofs, though discouraged, are permitted except that where any non-architectural roofing materials (e.g. tar and paper) are utilized, such roofing shall be concealed with parapet walls that have 3-dimensional cornice treatments or similar screening methods. All roof-based equipment shall be located on the rear of elevations so as to have minimal visual impact from a public street or surrounding residential uses.
- e. **Rooflines.** Where appropriate, eaves and roof overhangs should be incorporated into the design of the roof to provide a distinct shadow line.
- f. **Roof-Mounted Equipment.** Mechanical, HVAC, and other equipment mounted on rooftops should be screened from public view or grouped in a location where visibility is limited. Screening for roof-mounted equipment should be designed as an integral part of the architecture to complement the building's mass and appearance.
- g. **Projections.** The use of cupolas, dormers, chimneys, and other roof projections is encouraged, provided they are designed as integral parts of the structure and do not appear to be floating or pasted on.

## H. Street Corners

### 1. Objectives

Buildings located on corners are particularly important because they help define the character of two streets. These high-visibility locations should be emphasized by quality architecture and site development.

### 2. Guidelines

- a. **Siting on Corner Lots.** A building on the corner of two public streets should be located as close to the intersection as allowed by the Painesville Township Zoning Resolution or adopted Plan. No parking, vehicular travel ways, or service areas should be located between the building and property lines along both streets.
- b. **Corner Buildings.** Buildings on corners should be articulated to add mass and visual prominence to the street corner.
- c. **Entrance.** The main entrance to the building may be located on the major street or on the corner and designed to be visible from both streets. The architectural treatment of the corner should emphasize its prominent position. This can be accomplished by greater massing, unique detailing, lighting, etc.
- d. **Focal Points.** Corner locations offer opportunities to create dynamic focal points in the streetscape. These can take the form of distinctive architectural elements, signs, sculpture, lighting, or landscaping. Where they are used, focal points should be visually related to the building as a whole, providing an accent without overwhelming it.

## I. Linear Commercial Buildings

### 1. Objectives

Linear commercial buildings (e.g., strip shopping centers, multi-tenant offices, and commercial buildings) should be designed with facade and roofline elements that reduce their scale and add architectural interest.

### 2. Guidelines

a. **Design.** Buildings with multiple storefronts (e.g., strip shopping centers, one story office buildings) should be visually unified through the use of complementary architectural forms, similar materials and colors, consistent details, and coordinated signage. Variations in the front setbacks, especially those projecting towards the street, are strongly encouraged to add visual interest, and create spaces for common entries.

b. **Scale.** Linear structures should include architectural elements designed to provide shelter, encourage pedestrian movement, and visually unite the building. These can include covered walkways, open colonnades, and similar features.

c. **Entrances.** Pedestrian entrances to each building should be clearly delineated to convey a sense of individuality. This can be accomplished by architectural detailing, roofline breaks, landscaping, lighting, or a combination of these elements. Where covered walkways are used, they should extend the full length of the facade.

d. **Roof Lines.** Variations in rooflines, detailing, and building heights should be included to break up the scale of connected linear buildings.

e. **Focal Points.** Linear commercial buildings should include a focal point – such as raised entrance way, clock tower, or other architectural elements – to add visual interest, help reduce the scale of the building, and highlight the entrance.

f. **Pedestrian Access.** Where a multi-tenant building greater than two hundred (200) feet wide separates two public areas, pedestrian access should be provided through the building(s). The pedestrian pass-through must stay open, regardless of whether businesses are open or closed.

## J. Service Stations and Convenience Stores

### 1. Objectives

Service stations and convenience stores that sell gasoline should be designed with facade and roofline elements that reduce their scale and add architectural interest to the building.

### 2. Guidelines

a. **Orientation.** Service stations and convenience stores should be sited to face the street.

b. **Canopies.** Where canopies are used over gasoline pumps, they should be integrated into the design of the building. Canopies should complement the main structure through consistency in roof pitch, architectural detailing, materials, and color. Pitched roofs with fascia trim are preferred for canopies. Bands of bold color on the canopy and backlighting inside the canopy are discouraged.

c. **Pedestrian Circulation.** Connections to the public sidewalk should be included in the site plan to encourage pedestrian use. Access routes leading to or from service stations and convenience stores should minimize conflicts with pedestrian circulation.

## K. Drive-Throughs

### 1. Objectives

Drive-throughs (for restaurants, pharmacies, banks, and similar uses) should be subordinate to the design of the main building. Drive-throughs require careful consideration of architectural design and circulation planning to integrate them into the streetscape.

### 2. Guidelines

a. **Drive-Throughs.** Where drive-throughs are allowed, they should be incorporated into the design of the building through their scale, color, detailing, massing, and other architectural treatments. Drive-through operations and other automobile-oriented facilities should be designed with facade and roofline elements through roof pitch, architectural detailing, materials, and color, which reduce their scale and add architectural interest. Bands of bold

color on the canopy and backlighting inside the canopy are discouraged.

b. **Location.** Drive-throughs should be located at the side or rear of the building and avoid facing public or private roadways. Where drive-throughs are located at the rear, consideration should be given to making the site as visible as possible to ensure the safety of the patrons.

## L. Multi Story / “Big Box” Buildings

### 1. Objectives

Large scale multi story or “big box” buildings that are typically built of masonry or concrete block materials should include architectural variations and details that provide variety in materials, forms and colors. Architectural design should add to community character, while providing flexibility to avoid rigid uniformity of design. All elements including the scale and mass of buildings, materials, colors, roof styles, door and window openings, and details should promote a cohesive design aesthetic. Building masses should respond to a human scale with materials and details that provide visual interest at the street and sidewalk level. Buildings should be reduced in apparent mass or articulated to avoid large monolithic shapes.

### 2. Guidelines

- a. **Materials.** Buildings should be constructed of high quality materials that relate to the color, form, and texture of the proposed structure as well as nearby structures.
- b. **Building Mass, Forms, and Pedestrian Scale.** Variations in facade elements should reduce perceived mass and scale. Variations in color, materials, and/or texture, and a facade composition that uses rhythms and patterns of windows, columns, and other architectural features are encouraged. Buildings should have features and patterns that provide visual interest at the scale of the pedestrian, which reduces apparent mass and that relate to local architectural character.
- c. **Design Elements.** Moldings and trim should be incorporated into the façade. Building entrances shall contrast with the surrounding wall planes by changing materials and color from the primary facade. Any wall within a Public Zone should incorporate significant architectural treatments and features to diminish the building mass.
- d. **Roof Lines and Roof Elements.** Roofs should contribute to the unified appearance of each development and should be considered as seen from ground level, other adjacent buildings and public roadways. Roof lines include the main building as well as entrances, arcades, and porches. Avoid roof/parapet lines running in continuous planes absent variations in height, vertical planes (jogs), or materials. All mechanical, electrical, and electronic equipment attached to or mounted on the building roof should be set back from the edge of roof and screened from public view. Screening material should be compatible with materials and colors.

## 39.03 SIGNAGE

### A. Background

Signs play a central role in providing information and way finding. They inform motorists, bicyclists, and pedestrians, while having a direct effect on the overall appearance of the roadway. These Guidelines are intended to supplement, illustrate and amplify the provisions of the Painesville Township Zoning Resolution, and those found in adopted plans for areas of the Township.

### 1. Signage Goals

- Provide basic, legible information with attractive, highly legible signage.
- Create distinctive signage that is compatible with quality architecture and site design.
- Reduce visual clutter along roadways in Painesville Township.
- Protect the investment of commercial interests throughout Painesville Township by establishing a quality benchmark for future signage.
- Promote safety and way finding by ensuring adequate display of building/business address number.



## B. General Sign Principles

### 1. Objectives

Commercial establishments should be identified by attractive, legible signs that serve the needs of the individual business, complement the site and the architecture, and are legible to both the motorist and pedestrian.

### 2. Design Guidelines

- a. **Signage Plan.** Information on the location and design of signs should be submitted as part of the application. The applicant should resubmit the plan to the planning staff for review, if the building's tenant is unknown at the time of application.
- b. **Compatibility.** Signs should be designed to achieve a high level of visual compatibility with the building(s) and surroundings through the use of similar detailing, form, color, lighting, and materials.
- c. **Integration.** Signs should respect neighboring buildings. Shadowing or overpowering adjacent structures or signage is not appropriate.
- d. **Design.** The shape of the sign should complement the architectural features on the building. Simple geometric shapes are preferred for all signage. Signs should be detailed to complement the building.
- e. **Lettering Size.** In general, the minimum lettering size for identification signs should be six inches in height. Smaller letters are generally unreadable at high speeds and may require motorists to slow down to read them, potentially causing safety hazards.
- f. **Advertising Features.** Objects other than signs designed primarily to attract public attention are discouraged because they distract motorists and contribute to visual clutter. These include greater-than-life size models of food or other products, replicas of spokes-people associated with commercial products and rows of flags and banners.
- g. **Materials.** The composition of signs shall be made of durable materials that reflect those used on the principal structure. The use of painted plywood shall be discouraged.
- h. **Messages.** Signs used to identify businesses should be kept simple and direct in message and content and convey only the most essential information about the business.
- i. **Consolidation.** Pylon Signs with tenant panels should be encouraged for multi-unit developments. Efforts should be made to encourage groups of individual adjacent commercial property owners to imitate the multi-tenant model.

## C. Free-Standing Signage

### 1. Objectives

Signage that is not affixed to a facade shall be designed to complement the design of the building and in concert with the signage pattern and character of public and private development.

### 2. Design Guidelines

- a. **Size.** Signage is encouraged to be erected at lower heights, maintaining clearance above landscaping and parked automobiles, and below power lines and mature trees. Signs shall be limited to a maximum height of 6 feet, any sign over 3-1/2 feet shall not be permitted within 10 feet of driveway entrances.
- b. **Signage Support Structures.** The use of ground mounted signs is required. Pole signs are prohibited within the Main Corridor Commercial Design District. Support structure for such signs shall be of materials that are compatible with the sign and surrounding site, preferably constructed with a stone base.
- c. **Readerboards.** Where readerboards are part of a permanent sign, they should contain no more than three lines of text. Lettering height should be a maximum of 6". The readerboard should be fully integrated into the overall sign design by virtue of its form, scale, color, and detailing.



#### D. Building-Mounted Signs

##### 1. Objectives

Building-mounted signs used to identify commercial properties should be integrated into the design of the building.

##### 2. Design Guidelines

- a. **Design.** Facade-mounted signs should be designed as an integral element of the architecture. The shape and materials of the sign should complement the architectural features on the building.
- b. **Location.** Signs should not be mounted in locations that obscure architectural details on the building. Signage should be mounted on vertical surfaces without projecting above the fascia trim.
- c. **Signage Placement.** Signage on awnings, windows, and other facade elements shall be designed to complement and be consistent with the building architecture.



## E. Multi Tenant Properties

### 1. Objectives

Multi-tenant commercial properties should provide legible, attractive signs that help people identify the property without contributing to sign clutter. Entrance signs should stress the identity of the place and de-emphasize individual tenants that occupy it.

### 2. Design Guidelines

- a. **Hierarchy of Signs.** A hierarchy of signage should be established to facilitate wayfinding and minimize site clutter. Multi-tenant properties on major roadways should be identified by a simple identification sign in a highly visible location.
- b. **Identification Signs.** Multi-tenant buildings or multi-building sites should have one identification sign conveying an overall identity for the property. This sign should be located near the main entrance to reinforce circulation patterns and minimize visual clutter. Identification signs that also list multiple tenants should exhibit a logical hierarchy in the display of information (i.e., address, name of building/development, primary tenant, other tenants).
- c. **Informational & Directional Signs.** Entryway, informational and directional signs should be an integral design element of the development's character and architecture.
- d. **Compatibility.** The design of multi-tenant signs should be coordinated with the design of the principal building(s) in terms of color, materials, detailing, and style.
- e. **Color Consistency.** Multi-tenant signs should conform to a simple color and graphic palette in order to minimize the confusion and clutter of the sign. In general, multi-tenant signs should have no more than 3 colors.



## F. Externally Lit Signs

### 1. Objectives

Lighting for externally-lit signs should be designed as an integral part of the sign design. Lighting must not create glare that would distract motorists or pedestrians, nor should the degree of illumination disturb the surrounding residential areas or contribute to light pollution.

### 2. Design Guidelines

- a. **Light Level.** The illumination level on the vertical surface of the sign should be bright enough to provide a noticeable contrast with the surrounding building or landscape without causing undue glare or reflection.
- b. **Lighting.** Lighting fixtures should be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lights should not be aimed toward adjacent streets, sidewalks, or abutting properties. Ground-mounted lighting should be screened or partially buried to minimize the view of the light source.
- c. **Design.** Light fixtures and mounting devices should be selected to complement the color and design of the sign and the architecture. Concealed light sources are strongly encouraged.

## G. Internally-Lit Signs

### 1. Objectives

Internally-lit signs should not create glare that would distract motorists or pedestrians, nor should the degree of illumination disturb surrounding residential areas or contribute to light pollution.

### 2. Design Guidelines

- a. **Design.** Internally-lit signs should consist of light lettering and/or symbols set against a dark background to minimize the amount of light emanating from the sign. Internally-lit letters and symbols are preferred over whole panels that are internally lit.
- b. **Intensity.** Internally-lit signs should not act as light fixtures or cause glare on nearby pathways or roadways.
- c. **Maintenance.** Signs should be located where they can be easily maintained. Non-functioning bulbs should be replaced immediately.





## 39.04 LIGHTING

### A. Objectives

Outdoor lighting directly impacts the visual appearance of Painesville Township, as well as the Township's safety and security. The following lighting guidelines are designed to help balance the need for visibility and safety and enhance the visual quality of Painesville Township, while respecting the privacy of abutting properties. Lighting in commercial developments is a major determinant of night time activity. It should create a sense of safety, particularly for pedestrians, and should emphasize key features of the site. At the same time, it needs to balance the lighting needs of the different uses on the site and reinforce a unified image and identity for the project. Lighting plans should consider illumination levels and fixtures that accommodate safety and visibility needs, but are also respectful of neighbors and are compatible with nearby development. Light levels should not exceed the Illuminating Engineering Society of North America (IESNA) recommended minimum standards. These Guidelines are intended to supplement, illustrate, and amplify such provisions.

#### 1. Lighting Goals

- Provide appropriate levels of lighting to ensure visibility and safety in both pedestrian and vehicular areas while avoiding over-illumination.
- Promote wise energy consumption.
- Help to unify the quality of the visual environment through the selection of attractive, appropriately scaled fixtures.
- Avoid light fixtures or mountings that can cause distractions or hazards to motorists or pedestrians.
- Minimize reflected light from parking lots and large commercial users that contribute to skyglow.
- Avoid intrusions onto abutting properties, especially residential uses.
- Enhance noteworthy features such as monuments, sculpture, or architectural elements.

### B. General Lighting Principles

#### 1. Objectives

Exterior lighting should be designed to provide the minimum level of illumination necessary for security, safety, and visual appeal for both pedestrians and vehicles. Lighting should allow activity after sunset without adding to unnecessary sky glow. Functional, aesthetic, and safety goals should be met with fixtures that are designed as integral site elements.

#### 2. Design Guidelines

- Lighting Plan.** Lighting plans required for development plan review should be presented with the application to enable staff, the Zoning Commission, and/or Board of Zoning Appeals to properly understand and review the lighting design.
- Pole and Fixture Design.** The location and design of lighting should complement adjacent buildings, pedestrian amenities, and site elements. Poles and fixtures should be proportionate to the buildings and spaces they illuminate.
- Mounting Heights.** Light fixtures should be mounted at the lowest level allowing compliance with IESNA practices and the Painesville Township Zoning Resolution.
- Safety and Energy Conservation.** Illumination levels should not exceed the minimums to provide safe conditions as currently defined by the IESNA.
- Safety Considerations.** The design and placement of plantings, buffers, screen walls, fencing, and other landscape elements should be coordinated with the lighting plan to eliminate dark spots and potential hiding places.
- Feature Lighting.** Unique building or landscape features may be highlighted if the lighting does not create glare

or distraction.

g. **Light Pollution.** Lighting should not cause spillover onto neighboring properties or create dangerous conditions due to glare on adjacent roadways.

h. **Energy Saving Devices.** Wherever practicable, lighting design should include the installation of timers, photo sensors, and other energy saving devices to reduce the overall energy required for the development and eliminate unnecessary lighting.

### C. Driveways, Parking Lots, Outdoor Sales and Service Areas

#### 1. Objectives

Proposed lighting for driveways, parking lots, and outdoor sales and service areas should be designed to provide the minimum lighting necessary for traffic and pedestrian safety. Lighting should not cause glare or avoidable spillover onto adjacent properties. Poles and fixtures should be proportional in size to the roadways they are illuminating.

#### 2. Design Guidelines

a. **Illumination.** Driveway lighting should be designed to illuminate the roadway and sidewalk, with a concentration on roadways. Light fixtures should be selected and aimed to prevent glare and spillage onto abutting properties.

b. **Design.** The design and color of fixtures (poles and luminaries) used along driveways should complement the architecture, landscaping, and street furnishings of the site to be developed or redeveloped in terms of color, form, and style.

c. **Layout.** The alignment and spacing of fixtures in parking lots should follow a regular pattern that is coordinated with the orientation of buildings and other site elements.

d. **Location.** Light poles should be incorporated within raised planting areas wherever possible to avoid damage from vehicles and plows.

e. **Coordination with Planting Plan.** The lighting plan should be coordinated with the landscape plan to avoid obstructions from large trees, dark spots from shadows, or other conflicts as plantings mature.





## D. Pedestrian Spaces

### 1. Objectives

The lighting of pedestrian spaces should consider users' needs and safety. Light standards should adequately, but not excessively, illuminate not only the space occupied by people, but also the elements within those spaces such as stairs, walls, benches, curbs, and landscaping. Light fixtures should be oriented to pedestrian circulation so that pedestrian ways are emphasized and safety is enhanced.

### 2. Design Guidelines

- a. **Heights.** Mounting heights for pedestrian lighting should be appropriate for the project and the setting. Light bollard fixtures, 3-4 feet in height, and ornamental fixtures, up to 12 feet in height, are encouraged as pedestrian area lighting.
- b. **Luminaries.** Lamps should be high efficiency, housed in a luminaire that is classified by IESNA as a cutoff fixture. In general, illumination should not exceed 100 watts.
- c. **Decorative.** Ornamental and decorative lighting should be used to highlight significant design elements (e.g., gateways, plazas, major building entrances).
- d. **Scale.** Pedestrian circulation is encouraged and therefore pedestrian-oriented lighting is encouraged. Pedestrian area lighting should emphasize the location of pedestrian ways and be in character with the architectural and landscape design of the development.
- e. **Number of Fixtures.** For pedestrian circulation areas the use of a greater number of low fixtures is preferred over fewer taller fixtures. In either case, the layout should avoid major dark spots between fixtures.





## E. Building Facades & Landscape Lighting

### 1. Objectives

Facade lighting is a way of highlighting special architectural features and attractively landscaped areas, while adding depth and variety to developments at night. Lighting used to illuminate building facades and landscaping should be limited to areas where it enhances particular features in accordance with the overall lighting plan and does not disturb surrounding residential areas.

### 2. Design Guidelines

- a. **Location.** Lighting fixtures should be properly sited, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures should not be directed toward adjacent streets, sidewalks, or properties.
- b. **Mounting Heights.** The maximum light fixture height for building mounted light fixtures should be 15 feet on the facades facing public streets (the front lot line) and 20 feet on all other facades.

c. **Wall-Mounted Fixtures.** Facade-mounted lighting fixtures should include full face shielding: either solid panel or louvers that direct the light upward or downward.







## F. Service Stations, Convenience Stores, Service Areas & Canopy Lighting

### 1. Objectives

Lit canopies, architectural features, or devices used to illuminate gas stations, convenience stores, and drive-through elements of a building should facilitate the activities taking place in such locations without creating glare onto adjacent properties or roadways.

### 2. Design Guidelines

- a. **Canopy Luminaries.** Canopy-mounted light fixtures must comply with the Painesville Township Zoning Resolution so motorists cannot see the source of light. Drop fixtures are not permitted.
- b. **Fascia.** Lights should not be mounted on the sides (fascia) or top of the canopy. Sides and tops of canopies should not be illuminated.
- c. **Service Areas.** Fully shielded lighting fixtures should be used in all parking areas, in service and delivery areas.







## 39.05 LANDSCAPE

### A. Introduction

Landscaping should be an integral part of all site plan developments. Trees, shrubs, and other landscape elements can be used to accentuate buildings, create a sense of identity, reduce the amount of impervious surfaces, and provide human scale. Applicants should carefully evaluate the physical characteristics of each site and their own maintenance abilities when making the final selection to ensure that the plantings will survive and achieve maturity in their selected locations.

### LANDSCAPING GOALS

- Incorporate appropriate plantings that are in scale with their surroundings.
- Separate roadways from commercial development by attractive landscape planter strips.
- Incorporate plantings in parking lots to add aesthetic value, reduce their scale, provide canopy shade, reduce radiant heat from the surface, reduce headlight glare, and add seasonal interest.
- Preserve mature trees and other significant landscape features which help define the character of the community.
- Provide screening for less attractive parts of a site or incompatible land uses.
- Help define areas where pedestrians are safely separated from a road or drive pattern.
- Reinforce wayfinding by emphasizing entrances and circulation patterns.

### B. General Landscape Principles

#### 1. Objectives

Development in Painesville Township should be characterized by a rich variety of landscape materials that enhance human scale, complement the architecture, reinforce circulation paths, highlight entrances, provide canopy shade, and add seasonal interest.

#### 2. Design Guidelines

- Plans.** Landscape Plans should be prepared by a landscape architect registered in Ohio, or other qualified professional familiar with local growing conditions.
- Coordination with Site Features.** The landscape plan should show all utilities, signage, lighting, pedestrian circulation, and other site features that may influence the selection or location of plantings. The plan should be designed to avoid conflicts (both at the time of planting and in the future) between plantings and other site elements.
- Safety.** The selection of plant materials should consider public health so they will not create unsafe conditions, interfere with utilities or block sight lines for pedestrians, bicyclists, or motorists.
- Rocks.** Large rocks should be used very sparingly as landscape elements and only as accents in mass plantings. Rocks should not be used as substitutions for shrubs. Where used, they should be buried by a third to half of their depth.
- Variety.** Plant materials should exhibit some seasonal color and interesting texture to create a distinctive, yet low maintenance environment. Landscape plans should strike a balance between monoculture (the use of a single species) and excessive variety.
- Irrigation.** Underground irrigation is encouraged in front setbacks, public spaces, and other highly visible areas. It should be designed to prevent overflow or flooding onto walkways or parking lots.

## C. Tree Protection

### 1. Objectives

Mature trees along roadways in the Township and nearby areas are an important element of community character that also reflects Painesville Township's preservation initiatives. They provide significant shade, year-round visual interest, and comfort to pedestrians. Where practical, existing mature specimen trees should be preserved during development. Preserving large existing trees within the planting strip will decrease the number of new trees required.

### 2. Design Guidelines

- a. **Existing Trees/Plants.** The preservation of existing or unique trees or other significant plantings should be considered during the initial site inventory and development of the sketch plan. Transplanting and reusing trees and other plantings is strongly encouraged.
- b. **Tree Protection.** The landscape plan should show how existing trees and vegetation will be protected during construction. As a general rule, no construction activity should be allowed within the drip line (outer edge of the tree canopy). This includes grading, compaction, utility installation, stockpiling of construction material, or movement of vehicles.
- c. **Temporary Measures.** Barricades in the form of snow fencing or similar materials should be installed during construction to protect trees and their root zones.
- d. **Grade Changes.** Grading within the drip line in excess of a few inches should be avoided since it may cause irreparable damage to the root system and cause the tree to die.
- e. **Tree Walls/Wells.** Where grading is required near trees to be preserved, properly designed tree wells or walls may be used to ensure the long-term health of the tree.

## D. Planting Strips

### 1. Objectives

Commercial development should be separated from the adjacent roads by landscaped planting strips. These areas should be designed to screen parking areas, separate land uses, and visually unify the Township's business districts.

### 2. Design Guidelines

- a. **Ground Covers.** Appropriate groundcover includes turf grass, ornamental grasses, perennials, low-growing evergreens and flowering shrubs. Planting other than turf grass should be spaced close enough to achieve full coverage within 3 years after installation.
- b. **Plant Masses.** Shrubs, perennials, annuals, and ornamental grasses used in planter strips should be installed in masses or 'drifts' that emphasize colors, forms, and textures.
- c. **Streetside Trees.** The required trees within planter strips may be installed in a linear fashion or informal groupings. Linear plantings may be appropriate along roadways to create a boulevard effect, using large spreading deciduous trees to define the edge of the travel way, provide shade and add scale, a sense of place, and orientation to commercial corridors.
- d. **Roadside Plantings.** Trees and other landscaping planted at intersections should preserve a clear area for sight lines to roadways and businesses.
- e. **Parking Lots.** Parking areas should be separated from the street by plantings, earth berms, walls, and/or other landscape elements to minimize headlight glare and the view of vehicles, while still allowing the public to see the building.



## E. Parking Lot Landscaping

### 1. Objectives

Landscaping in parking lots can be used to improve their appearance, reduce the scale and amount of paved areas, define edges, provide shade, reduce headlight glare, and add seasonal interest.

### 2. Design Guidelines

- a. **Trees in Parking Lots.** The interior area of any parking lot should be landscaped. The development plan should incorporate landscaped islands as a means of creating an attractive character; establish a sense of place, and to increase the value and marketability of the development.
- b. **Location of Trees.** Trees should be planted a minimum of three feet (3') from the end of parking lot islands.
- c. **Safety.** Trees in parking lots or those that abut walkways should be pruned above the paved surface to avoid becoming an obstacle. Shrubs and ornamental plantings in parking lot islands should not block visibility.
- d. **Entryways.** The design of entryways should provide for a substantial landscape treatment. A variety of plant materials should be used to establish an attractive landscape with year-round color and texture. In addition, other elements such as earth berms, decorative walls, low fencing, landscape lighting, sculptural elements, paving, water feature, and signage may be utilized based on an effective design and these themes should be carried through the development.

## F. Tree Selection & Planting

### 1. Objectives

Trees are used throughout Painesville Township, including those planted within the right of way, near buildings, and in parking lots. Trees should be sited to achieve full maturity and display their natural form.

### 2. Design Guidelines

- a. **Suitability.** Trees should be resistant to insect infestation, drought, disease, roadside salt, and auto emissions. All plant material should be suitable to Painesville Township's growing conditions.
- b. **Planting Locations.** Trees should be planted in locations where their root development and branching patterns will not interfere with window displays, signage, underground or overhead utilities, streets, and sidewalks.
- c. **Pedestrian Movement.** The lower branches of trees planted near pathways and sidewalks should minimize interference with pedestrian movement throughout the year.

## G. Shrubs & Ornamental Planting

### 1. Objectives

A variety of shrubs and ornamental plantings should be used throughout the community to add seasonal color, provide visual interest, help define spaces, screen undesirable elements, and emphasize circulation routes.

### 2. Design Guidelines

- a. **Variety in Plantings.** The use of flowering shrubs, evergreen shrubs, perennials, annuals, vines, ornamental grasses, and other plant material is highly recommended, in addition to street trees, evergreen trees, and ornamental trees.
- b. **Selection.** The selection of plantings should consider ultimate height and spread, maintenance, pest and disease tolerance, and their nuisance potential (severe thorns, excessive leaf litter, etc.).
- c. **Foundation & Wall Plantings.** Planting beds are recommended along exposed building edges, foundations and uninterrupted walls. Plantings should be installed a minimum of 18 inches from the wall to allow proper root zone development. Plantings should provide either a formal pattern or a naturalistic blend of heights, colors, and species.

## H. Landscape Maintenance

### 1. Objectives

Landscape plans should anticipate 3-8 years for shrubs to achieve maturity, and 15- 20+ years for trees. Proper maintenance should be provided to assure that the landscaping achieves its proper form and full height. Maintenance of all landscape elements should be considered in the development of the Site Plan.

### 2. Design Guidelines

a. **Replacement Planting.** If plant materials specified, including grass areas, do not survive or are damaged, they should be replaced in accordance with the approved planting plan and to provide the necessary landscape effect.

b. **Low Maintenance Materials.** The use of plant materials and landscape elements that require a low degree of maintenance is strongly encouraged.

Amended June 4, 2019 by Trustee Resolution 2019-066, effective July 4, 2019

Adopted August 8, 2017 by Trustee Resolution 2017-69, effective September 7, 2017

SECTION I. PURPOSE

(Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

For the purpose of promoting public health, safety, morals and welfare, to conserve and protect property and property values, and to secure the most appropriate use of land, all in accordance with a comprehensive plan, the Board of Trustees of Painesville Township finds it necessary and advisable to regulate, by this Resolution, the location, height, number of stories, size of buildings and structures, percentages of lot areas which may be occupied, setback building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of Painesville Township.

## SECTION II. INTERPRETATION

(Adopted November 22, 1988 by Resolution 88-129, effective December 22, 1988)

- 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.
- 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.
- 2.03 This Resolution shall become effective from and after the date of its approval and adoption as provided by law and shall be called the Painesville Township Zoning Resolution.
- 2.04 In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Whenever 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.
- 2.05 Each section, subsection, provision, requirement, regulation or restriction established by this Resolution or any amendment thereto is hereby declared to be independent. Should any section, subsection, provision, requirement, regulation or restriction be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- 2.06 Any reference to Trustees, Board of Trustees, Township Board of Trustees, and Board of Painesville Township Trustees shall refer to the Board of Trustees of Painesville Township. (Adopted May 7, 2013 by Resolution 2013-26 effective June 6, 2013).

### SECTION III. ENFORCEMENT

(Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

- 3.01 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 Resolution or any amendment thereto.
- 3.02 It shall be the duty of the Zoning Inspector or any authorized assistant hereafter appointed by the Board of Township Trustees, to enforce this Resolution. It shall be the duty of all officers and employees of the Township to assist the Zoning Inspector by reporting to him or her upon new construction, reconstruction, land use, or apparent violations.
- 3.03 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 in this Resolution.
- 3.04 In case any building or structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed or maintained or use of any land is, or is proposed to be used in violation of law or of this Resolution or any amendment thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, designated Legal Advisor of the Township, the Township Zoning Inspector or an adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
- 3.05 The Board of Township Trustees shall by resolution establish a schedule of fees and collection procedure for zoning certificates, amendments, appeals, variances, 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 be included as an appendix to this Resolution. The schedule of fees may be altered or amended only by proper and majority vote of the Board of Township Trustees at a regularly scheduled meeting. Fees shall not be changed more than once in each calendar year. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal.

SECTION IV. PENALTY  
(As amended effective July, 3, 2014)

- 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 unclassified 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, assist in or maintains such violation may 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.

Amended June 3, 2014 by Resolution 2014-66, effective July 3, 2014

Amended March 5, 2013 by Resolution 2013-14

Amended February 26, 1998 by Resolution 98-23

Adopted November 11, 1988 by Resolution 88-129, effective December 22, 1988

## SECTION V. DEFINITIONS

For the purpose of this Resolution, certain terms or words are hereby defined as follows:

- A. 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.
  - B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, unless specifically stated otherwise.
  - C. The word "shall" is mandatory; the word "may" is permissive.
  - D. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
  - E. The word "lot" includes the words plot or parcel.
- 
- 5.1 **ACCESSORY STRUCTURE:** A subordinate structure detached from but located on the same lot as the principal building.
  - 5.2 **ACCESSORY USE OR ACCESSORY BUILDING:** An accessory use or building is a subordinate use or building located on the same lot on which the main building or use is situated which is customarily incidental to the main use of such building or main use provided that the accessory use does not constitute or become a public or private nuisance, and that the use is not otherwise prohibited by this resolution.
  - 5.3 **ACTIVITIES OF DAILY LIVING** The set of main functions provided by an Assisted Living Facility such as assisting residents with the activities of dressing, eating, mobility, hygiene, bathing, toileting, using the telephone and shopping; assisting residents with self-administration of medication; preparing special diets other than complex therapeutic diets for residents pursuant to the instructions of a physician or a licensed dietician and will not include permanent skilled nursing care.
  - 5.4 **ADDITION:** Any construction which increases the size of a building such as a porch, deck, attached garage, attached carport, and new room or wing.
  - 5.5 **ADMINISTRATIVE, PROFESSIONAL, BUSINESS AND NON-PROFIT GENERAL 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.
  - 5.6 **ADULT:** An individual eighteen (18) years of age or older.
  - 5.7 **ADULT DAY CARE FACILITY:** An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to the elderly, and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require physical restraint.
  - 5.8 **ADULT ORIENTED BUSINESS:** See Section XXII, subsection 22.15.
  - 5.9 **AGRICULTURE:** The use of land for agricultural purposes, which includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are not secondary to, such husbandry or production.
  - 5.10 **ALTERATION:** Any change by addition or removal which alters a structure or building. However, the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered an alteration.

- 5.11 **AMUSEMENT OR GAME ROOM ARCADE:** A building, room, enclosure, premises, place or establishment which contains more than four (4) mechanical amusement devices including pinball machines, video games, or other similar player-operated amusement devices which require coins or tokens for the operation of said mechanical amusement devices.
- 5.12 **ANEMOMETER:** An instrument that measures the force and direction of the wind.
- 5.13 **ANTIQUÉ STORES:** Any building used for the sale of any old and authentic objects of personal property which was made, fabricated or manufactured sixty or more years earlier and which has a unique appeal and enhanced value mainly because of its age, and , in addition, may include the sale of any clothing article which was made, manufactured or fabricated twenty or more years earlier and because of the public demand has attained value in a recognized commercial market which is in excess of its original value. This does not include the sale of any used vehicles or secondhand merchandise stores.
- 5.14 **APARTMENT:** One or more rooms in a multi-family dwelling intended to be occupied by and providing living, sleeping, cooking, bathing and toilet facilities for one family.
- 5.15 **APARTMENT BUILDING:** A building containing no less than two (2) nor more than six (6) dwelling units or apartments attached side by side, each unit being physically attached to its adjoining unit by a party wall, and which may be serviced by common heating and plumbing systems.
- 5.16 **APPLICANT:** An applicant for a Zoning Permit or Conditional Use Permit issued by the Zoning Inspector or Board of Zoning Appeals in conformance with the provisions of this Resolution shall be the owner of record of the property or the owner's authorized agent. Signature by an authorized agent must be accompanied by documented proof of the agent's authority. The application will hold the owner responsible for the truth and exactness of all information supplied on the application as stated at the beginning of the Painesville Township Zoning Application for Zoning Permit.
- 5.17 **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
- 5.18 **ASSISTED LIVING FACILITY:** A Residential Care Facility (as licensed and governed by Ohio Department Of Health, see Ohio Administrative Code rules 3701-16-01 to 3701-16-18 effective November 1, 2018) that offers a residential community environment to those persons who, due to advancing age or physical or mental impairment, are not able to live in a totally independent manner but rather require or would benefit from a residency where assistance with activities of daily living is available as needed 24 hours per day, every day.
- 5.19 **AUTOMOTIVE REPAIR:** Automotive repair activities are limited to-passenger vehicles and lighter duty pickup trucks and vans which have less than a two (2) net ton payload capacity and are not equipped with any commercial accessories such as dump beds, winches or fifth-wheel styled trailer attachments. These activities include any Automotive Services in addition to the replacement of major external engine components, internal engine components or parts, differentials, drive-shafts and transmissions.
- 5.20 **AUTOMOTIVE SERVICES:** Routine maintenance activities performed on passenger vehicles and light duty pickup trucks and vans which have less than a two (2) net ton payload capacity and are not equipped with any commercial accessories such as dump beds, winches or fifth-wheel styled trailer attachments. Routine maintenance includes replacement of parts which are considered to be less durable than the main components of a vehicle such as wipers, fluids, filters, belts, hoses, batteries, tires, brakes and exhaust systems. Replacement/repair of window glass and interior cleaning and detailing are included. Replacement of major exterior engine components, interior engine parts, transmission parts, differentials and drive-shafts are considered to be Automotive Repair.
- 5.21 **AUTOMOBILE WRECKING:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. Not permitted in any district in Painesville Township.
- 5.22 **BANQUET HALL, MEETING/PARTY CENTER:** 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 kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public and outdoor gardens or reception facilities.



- 5.23 **BASEMENT:** A basement shall be the portion of a building located all or part below the ground and having at least 50% of its height below the average grade of the adjoining ground.
- 5.24 **BREEZEWAY:** A permanently roofed passageway connecting two buildings.
- 5.25 **BUFFER STRIP:** A designated strip of land, unoccupied by buildings, structures, parking areas, streets, or required yard setbacks, where rear or side lines of property in one zoning district are contiguous with property of another zoning district, designed and intended to provide protection and screening and which shall remain unoccupied by any structure. It is the intent and purpose to provide for a year round vertical screening of at least five feet in height which shall obscure the view of the property and must be permanently maintained. See Section 6.15.
- 5.26 **BUILDING:** A structure having a roof supported by walls, and designed, built or intended for the shelter or enclosure or protection of persons, animals, chattels, or property of any kind. Building roofs and walls are constructed with solid materials, such as metal or wood products. Building roofs may be covered with flexible shingle materials.
- 5.27 **BUILDING, DETACHED:** A building having no party wall common with another building.
- 5.28 **BUILDING HEIGHT:** Means the distance between average finished grade and the highest point of the main roof line of the building.
- 5.29 **BUILDING LINE:** The actual physical front line of the building on the property excluding steps and uncovered porches less than ten (10) feet in width.
- 5.30 **BUILDING, PRINCIPAL:** A building occupied by the main use or activity on the lot on which said building is located.
- 5.31 **BUSINESS SERVICES INCLUDING MAILING & COPY CENTER:** Establishments of places of business engage in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by individuals, office, professionals, and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, convenience printing, copying and mailing centers, computer related services.
- 5.32 **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.
- 5.33 **CARPORT:** Any parking space or spaces having a roof made of solid materials, such as wood or metal which may be covered with flexible shingle materials, but not enclosed by walls and accessory to a dwelling unit or units. Carports detached from the main dwelling unit will conform to zoning requirements for accessory structures and accessory buildings and will not be considered accessory structures, leisure.
- 5.34 **CAR WASH (Automatic):** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which shall use production line methods with a conveyor, blower or other mechanical devices which may employ hand labor excluding any self-service car washes
- 5.35 **CHILD DAY CARE FACILITY:** Any place other than a family day care home in which child 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 of blood, marriage, or adoption for any part of the twenty four (24) hour day in a place other than the child's own home. Child day care facility may be operated in conjunction with a business, school or religious facility, or as an independent land use. Any outdoor play area shall have approved fencing and landscaping. Said person or entity must be licensed under the Ohio Revised Code Section 5104.03 or any amendment thereto.
- 5.36 **CHURCH OR PLACE OF RELIGIOUS WORSHIP:** An institution that has been granted tax exempt status, which people regularly attend to participate in or hold religious services, worship, meetings or other related activities. The term "church" shall not have a secular connotation and shall include buildings in which service of any denomination are held.

- 5.37 CLEAR FALL ZONE: An area surrounding the wind turbine unit into which the turbine and/or its components might fall due to inclement weather, poor maintenance, faulty construction or any other condition.
- 5.38 COLLEGE, PRIVATE: College, technical college or university offering courses of instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors.
- 5.39 COLLEGE, PUBLIC: College, technical college or university established by law or chartered by the Ohio Board of Regents.
- 5.40 COMMERCIAL FOOD PREPARATION FACILITY: An establishment in which food is processed or prepared for human consumption but not consumed on premises excluding a slaughter house
- 5.41 COMMERCIAL MOTOR VEHICLE: A motor vehicle designed or used to transport persons, property, merchandise or freight primarily for profit.
- 5.42 COMMUNITY CENTER FACILITY: A building for social, educational and recreational activities of a neighborhood or community provided such building is not operated for commercial gain.
- 5.43 COMPREHENSIVE PLAN: An official document adopted by a local government, setting forth a long-term general outline of projected development in advance of development which document establishes the goals, objectives and policies of the community.
- 5.44 CONDITIONAL USE: 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 Resolution in accordance with Section 519.14 of the Ohio Revised Code.
- 5.45 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.
- 5.46 CONTRACTOR: A person or company that undertakes a contract to provide materials or labor to perform a service or do a job
- 5.47 CONTRACTOR, GENERAL: A General, Main or Prime Contractor is responsible for the day-to-day oversight of a construction site, management of vendors and trades, and the communication of information to all involved parties throughout the course of a building project.
- 5.48 CONTRACTOR, SPECIALTY: A person or company that undertakes a contract to provide materials and/or labor which are limited in scope to specified fields of expertise. This group may include subcontractors furnishing their specialty expertise under contract to a general contractor. Examples of Specialty Contractors include but are not limited to Landscaping, Yard Maintenance, Plumbing, Electrical, HVAC, Excavating, Roofing, Building, Carpentry, Masonry
- 5.49 CORNER LOT: A lot or platted parcel of land abutting on and at the intersection of two (2) or more dedicated road right-of-ways.
- 5.50 CUL-DE-SAC: A local street of relatively short length primarily for providing access to residential or other abutting property having one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- 5.51 DECIBEL: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sounds, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
- 5.52 DECK: A platform, either freestanding or attached to a building that is supported by pillars or posts. Decks which are directly attached to a dwelling, indirectly attached to a dwelling by means of an extension, walkway, bridge or similar device or decks with any portion of which located within ten (10) feet of a dwelling unit shall be considered to be an addition to the dwelling. Free-standing decks having no portions within ten (10) feet of a dwelling and not being connected to a dwelling in any manner shall be considered to be accessory structures. Decks which are considered to be accessory structures shall be required to maintain setback and clearance requirements as though they are accessory buildings; however, they are not to be considered to be accessory buildings unless and until a roof supported by walls is erected upon them.

- 5.53 DENSITY: The maximum number of dwelling units per acre as specified in each residential use district.
- 5.54 DISTRICT: Any portion of the Township for which zoning regulations govern the use of buildings and premises.
- 5.55 DRIVEWAY: A designated course over which traffic may traverse across the surface of land and/or water, or through tunnels constructed for the purpose of providing a course for traffic to traverse below the surface of land and/or water.
- 5.56 DRIVEWAY, ACCESS: An access driveway is a private driveway which shares a common border with the sideline of a dedicated road right-of-way, which common border is of a width considered to be adequate to support direct ingress and egress of traffic to and from and between private land and a dedicated roadway.
- 5.57 DRIVEWAY AISLE: A driveway aisle is that portion of a developed property whereby moving vehicles may directly access and vacate designated parking spaces.
- 5.58 DRIVEWAY, PRIVATE: A private driveway is a driveway which is owned by and maintained at the direction and expense of the owner of the property upon which the driveway is constructed.
- 5.59 DRIVEWAY, PUBLIC: A public driveway, also known as a road or street, is a driveway which has been accepted by a governmental entity and dedicated to be used by the public as a thoroughfare for vehicular traffic and which is maintained at the direction and expense of the governmental entity which has accepted and dedicated the driveway.
- 5.60 DWELLING: A building or portion thereof used for living and sleeping purposes and designed for residential occupancy including one family, two-family and multi-family dwellings but not including hotels, motels, tents, tourist cabins, or trailer coaches or mobile homes as defined by Ohio Revised Code Section 4501.01 and any amendments or successors thereto. Dwelling shall include any structures attached thereto, including but not limited to, garages, sunrooms, greenhouses, etc.
- 5.61 DWELLING ATTACHED SINGLE FAMILY DWELLING UNIT: A building consisting of no less than two (2) nor more than six (6) dwelling units side by side which are physically attached one to another by common or adjoining walls and having individual heating and plumbing systems.
- 5.62 DWELLING, DUPLEX: A building consisting of two dwelling units which shall be attached side by side, each unit having a separate entrance, and individual heating and plumbing systems. This is also called a two-family dwelling.
- 5.63 DWELLING, MULTIPLE-FAMILY: A building containing no less than two (2) nor more than six (6) dwelling units or apartments, each unit being attached to its adjoining unit by a party wall.
- 5.64 DWELLING, SINGLE FAMILY DETACHED: A building consisting of a single dwelling unit only, designed to be used exclusively for occupancy by one family and separated from other dwelling units by open space.
- 5.65 DWELLING UNIT: Consists of one or more rooms, in addition to a bathroom and kitchen facilities, which are arranged, designed or used as living quarters for one (1) family or household.
- 5.66 ELECTRONIC MESSAGE BOARD: Any sign that uses changing lights to form a sign message or messages wherein the sequences of messages and the rate of changing is electronically programmed and can be modified by electronic process.
- 5.67 ENCLOSED RETAIL: 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.
- 5.68 FAMILY: One or more persons occupying a dwelling, living as a single housekeeping unit, related to each other by birth or marriage or adoption; or a group not exceeding four (4) persons unrelated by blood or marriage living as a single housekeeping unit, including domestic employees, as distinguished from a group occupying a boarding house, motel, hotel, lodging house.

- 5.69 **FAST FOOD RESTAURANT:** Any business designed or developed to permit or facilitate the serving of meals or individual food items primarily from a food service counter, not normally providing menu ordering and food delivery to individual tables in a dining area separate from the primary food service counters; providing for no or a very short wait for the filling of food orders from stocks of previously prepared and cooked food items, and requiring payment for the food items prior to consumption of said items on or off the premise.
- 5.70 **FENCE OR WALL:** Any structure of any material or combination of materials, including a gate that is part of the structure, that is designed to enclose land, divide land, mark a boundary, create a barrier, limit access to or direct passage across land, provide screening, protect against a potential hazard, or serve a decorative purpose. In no case will living plants, such as hedges, shrubs, bushes or trees, be deemed or considered to be fences or walls regardless of how these may be arranged or located, and regardless of whether these may serve the same or similar purpose as a fence or wall. Terraces, steps and other similar improvements will not be deemed to be fences. Earthen berms that exceed four (4) feet in height above the natural grade will be deemed to be fences. The words "fence" or "wall" are used interchangeably. If a fence is installed within 6' of the property boundary, it must be permanently secured to the ground.
- 5.71 **FINANCIAL INSTITUTIONS AND BANKS:** Those institutions engaged in receiving, exchanging, lending and safeguarding monies.
- 5.72 **FIREARM:** Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.
- 5.73 **FLOOR AREA, RESIDENTIAL:** The area of a dwelling devoted to living purposes, including stairways, halls and closets, but excluding cellars, basements, decks, porches, garages, breezeways, terraces, attics, or partial stories.
- 5.74 **FRONTAGE:** That side of a lot abutting an accessible dedicated and improved public right-of-way measured at the front property line, and contiguous and uninterrupted to said public right-of-way, but not including limited access highways, thoroughfares, freeways, turnpikes, toll roads.
- 5.75 **FUNERAL SERVICE:** A building or part thereof used for human funeral service and which may include: space for embalming and other service 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.
- 5.76 **GARAGE, PRIVATE:** An accessory building for the care and storage of personal motor vehicles by the owner or tenant of such building.
- 5.77 **GARAGE, PUBLIC:** A principal building or structure, other than a private garage, used for the parking or temporary storage of motor vehicles.
- 5.78 **GAS FILLING STATION OR SERVICE STATION:** Any building or structure, or land used for the dispensing, sale, or offering for sale, at retail, of any automobile fuel stored only in underground tanks, oils or accessories, including lubrication of automobiles and replacement or installation of parts or accessories, but not including major repair work, body repair work or rebuilding.
- 5.79 **GATE:** A structure designed to allow access through a fence or a wall, but when closed, it performs the same function as a fence or a wall.
- 5.80 **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.
- 5.81 **GENERAL BUILDING CONTRACTORS:** An individual or company engaged in the construction or remodeling of buildings. Such establishments include areas for office use, fabricated 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.
- 5.82 **GREENHOUSE:** A building or structure constructed chiefly of glass, glasslike, translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

- 5.83 HEALTH CARE FACILITY: An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.
- 5.84 HEAVY TRUCK & EQUIPMENT SALES, LEASING, RENTAL AND REPAIR SERVICES: Any facility which sells, leases, rents repairs, or sells and installs attachments or accessories for heavy highway trucks, heavy off-road trucks, commercial outdoor equipment which loads, unloads, manipulates or transports materials and/or cargo may be referred to as a dealer of, rental center of, repair facility of, either heavy highway trucks or heavy off-road equipment.
- 5.85 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
- 5.86 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
- 5.87 HOTEL OR MOTEL: A building designed for occupancy as the temporary abiding place of individuals who are lodged with or without meals, in which there are more than six (6) guest rooms, and in which no provisions are made for cooking in any individual room or suite.
- 5.88 HOT TUB: A permanent or semi-permanent structure located either above grade or below grade, designed to contain at least two feet of water at any one point with a diameter less than six feet and electrical connections, but not including temporary metal, plastic, fiberglass or inflatable structures intended to be used as pools by children. Hot tubs will be permitted under the category of Swimming Pool and must demonstrate the ability to deny access when not in use.
- 5.89 INDUSTRIAL, 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, have potential to produce noise, dust, glare, odors or vibrations.
- 5.90 INDUSTRIAL, LIGHT: Research and development activities; the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and the 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 well maintained enclosed structures which obscures the storage from public view.
- 5.91 INGRESS / EGRESS GATE: A gate that is intended for use at a main vehicular entrance or exit to a private drive, development, parking lot, or similar location facility, building or portion thereof, and that is not generally intended for use by pedestrian traffic.
- 5.92 INSTITUTION: An organization having a social, educational or religious purpose such as a school, church, hospital, reformatory and the building housing such organization.
- 5.93 KENNEL: Any lot or premises on which four or more domesticated animals of the same type or species, more than four months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment for such animals.
- 5.94 LAUNDROMAT OR DRY CLEANERS: An establishment providing home type washing, drying, dry cleaning or ironing machines for hire to be used for customers on the premises.
- 5.95 LIBRARY (PUBLIC): A public facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.
- 5.96 LINE OF SIGHT SAFETY TRIANGLE, DRIVEWAY: A triangular-shaped area of land abutting a driveway and public or private road that is required to be kept free of obstructions that could impede the vision of a pedestrian or the driver of a motor vehicle exiting onto or driving on the public or private road from a driveway.

- 5.97 **LINE OF SIGHT SAFETY TRIANGLE, ROAD:** A triangular-shaped area of land abutting any public or private road that is required to be kept free of obstructions that could impede the vision of a pedestrian or the driver of a motor vehicle exiting onto or driving on the public or private road to a public or private road.
- 5.98 **LOADING SPACE:** (An off-street parking space with a minimum width of twelve (12) feet on the same lot with a building, or adjacent to a group of buildings on the same lot for the temporary parking of a vehicle while unloading or loading merchandise or materials
- 5.99 **LOT:** A parcel of land fronting upon an officially dedicated and accepted public street or road and meeting minimum requirements set forth in this Resolution. Said lot shall be occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces as are required by this Resolution.
- 5.100 **LOT OF RECORD:** A lot which is part of a subdivision filed with the Lake County Recorder or parcel described by metes and bounds and the description of which has been so recorded.
- 5.101 **MECHANICAL AMUSEMENT DEVICE:** A machine or device, other than a telephone or coin operated ride, which upon insertion of a coin or token, operates or may be operated for use as a game, amusement or contest of any description.
- 5.102 **MEDICAL & DENTAL OFFICE:** An establishment where healthy, sick, ailing, infirm, or injured persons are seen by appointment for wellness check-up, examinations and treatment on an outpatient basis by one or more physicians, dentists, or other medical personnel and where patients are not lodged overnight.
- 5.103 **MEGAWATT (MW):** A unit of power, equal to one million watts.
- 5.104 **MINI-STORAGE FACILITY:** A building or group of buildings of a controlled-access and fenced facility that contains varying sizes of individual, compartmentalized, and condoled-access stalls or lockers for the storage of customer's goods or wares.
- 5.105 **MONOPOLE:** A single piece tower placed on a concrete pad according to manufacturer's recommendations.
- 5.106 **MOTOR VEHICLE:** Every device propelled or drawn by power other than muscular power, by which person or property may be transported or drawn upon a highway, and which also includes "trailers" "noncommercial trailers" and "semitrailers" as defined in Ohio Revised Code sections 4501.01 (M), (N) and (P), as amended from time to time.
- 5.107 **MOTION PICTURE THEATERS:** A building, or portion thereof devoted to showing motion pictures or live performances such as dance or musical but excluding any adult oriented theaters as defined in Section XXII, subsection 22.15.
- 5.108 **MOTOR FREIGHT TRANSPORTATION FACILITY:** Terminals with the capability of handling a larger variety of goods involving various forms of transportation and providing multimodal shipping capabilities such as rail to truck and truck to air.
- 5.109 **MUSEUM:** A facility for exhibiting, or an institution in charge of a collection of books, artistic, historical or scientific objects arranged, intended, and designed to be used by members of the public for viewing with or without an admission charge and may include as an accessory use the sale of goods to the public as gifts or for their own use.
- 5.110 **NEW CAR AGENCY:** New car agency shall be defined as any person engaged in the business of selling at retail, displaying, offering for sale, and/or dealing in automobiles and/or trucks at an established place of business used exclusively for such purposes and pursuant to a contract or agreement entered into with the manufacturer of vehicles.
- 5.111 **NEW HOUSEHOLD FURNITURE/ELECTRONIC RENTAL OR LEASING AND SALES:** An establishment offering electronics, appliances, furniture, party supplies and similar goods and equipment on a rental or rent-to-own basis.

- 5.112 **NON-CONFORMING USE:** A building, structure, or use of land existing prior to current zoning which does not conform to the current regulations of the district or zone in which it is situated.
- 5.113 **OUTDOOR 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 wall of the subject building, and shall be enclosed by a separate wall or fence.
- 5.114 **OUTDOOR STORAGE:** Open storage of materials in any required front setback or side setback adjacent to a street is prohibited in all industrial districts. All other outside storage in industrial district shall be located and screened so as not to be visible from any residential or recreational district.
- 5.115 **PARCEL:** A distinct portion or tract of land as is recorded and distinguished in the Lake County Ohio Auditor's Property Tax Maps and is identified by its unique Permanent Parcel Number.
- 5.116 **PARTY WALL:** A common wall separating two dwelling units for at least 25% of its length.
- 5.117 **PAVEMENT, ASPHALT:** This pavement type is ASPHALT CONCRETE which consists of mineral aggregate bound together with asphalt, laid in layers, and compacted. This pavement is commonly referred to as asphalt, blacktop, pavement, tarmac, bitumen macadam, or rolled asphalt. While hot-mix asphalt concrete is the typical type used in the Painesville Township area, other mixture formulations in this category include warm-mix asphalt concrete, cold-mix asphalt concrete, cut-back asphalt concrete, mastic asphalt concrete, or high-modulus asphalt concrete. Bituminous Surface Treatments and/or Chipseal applications do not qualify as asphalt pavement, nor does a bed of loose aggregate which has been sprayed with a coating of asphaltic or bituminous liquid derivatives.
- 5.118 **PAVEMENT, CONCRETE:** This pavement type is commonly referred to simply as CONCRETE, but is more correctly identified as PORTLAND CEMENT CONCRETE and is a mixture of Portland Cement, Coarse Aggregate, Sand and Water. Following the pouring of the cement slurry into formed areas, the mixture cures to the point where the water evaporates and the mixture hardens into a solid material, providing a surface capable of bearing weight according to predetermined engineered standards.
- 5.119 **PAVEMENT, PERVIOUS:** This pavement type is constructed in such a way as to allow some amount of water to penetrate the surface and leach into the ground underneath. This pavement type is suitable only for low-speed/low-impact traffic areas. Typically, the construction methodology consists of laying down 3 distinct layers of materials. Usually the bottom layer is sand, covered by a layer of gravel normally 6 or more inches in depth, followed by a surface layer of hard-surface formed materials such as flat stone, brick, concrete blocks or pre-cast concrete pavers which are dry-laid and typically have predetermined spaces between each of the hard-surface pavers.
- 5.120 **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.
- 5.121 **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".
- 5.122 **PERSONAL CARE 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 excluding any adult oriented services as defined in Section XXII.
- 5.123 **RECREATIONAL FACILITY:** An indoor facility including uses such as game courts, exercise equipment, indoor and/or outdoor swimming pools including locker rooms, whirlpools, hot tubs and/or saunas, restaurant or snack bar, pro-shop and training facilities.
- 5.124 **RECREATIONAL VEHICLE:** Means a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and being classed as follows:
- 5.125 "Travel Trailer" means 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.
- 5.126 "Motor Home" means a self-propelled recreational vehicle designed to be used as a temporary dwelling for travel, recreational and vacation use.

- 5.127 "Truck Camper" means 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.
- 5.128 "Boats" and "Boat Trailers" shall include boats, floats, and rafts, plus the normal equipment to transport the same on the highway.
- 5.129 RESTAURANT (SIT DOWN): A lot, premises, or building whereupon or in which food or beverages are cooked, prepared and offered for sale and where consumption is permitted on said lot, premises or building, whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns.
- 5.130 RIGHT-OF-WAY: Means the entire width between the boundary lines of every dedicated and accepted way open to the use of the public as a thoroughfare for the purpose of vehicular traffic.
- 5.131 SCHOOL, ELEMENTARY, PUBLIC AND PRIVATE: Offering of courses of academic instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors.
- 5.132 SCHOOL, SECONDARY, PRIVATE: Offering of courses of academic instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors.
- 5.133 SCHOOL, SECONDARY, PUBLIC: Schools for which minimum standards are prescribed by the State Board of Education pursuant to Ohio Revised Code Section 3303.07(D) or its successors.
- 5.134 SECONDHAND MERCHANDISE: Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment.
- 5.135 SET BACK LINE: Is the line established in this Resolution which defines the area between said line and the street or lot line on which no building may be constructed.
- 5.136 SHIPPING CONTAINER: A shipping container is a container with strength suitable to withstand shipment, storage, and handling. Shipping containers range from large reusable steel boxes used for intermodal shipments to the ubiquitous corrugated boxes. In the context of international shipping trade, "container" or "shipping container" is virtually synonymous with "intermodal freight container", a container designed to be moved from one mode of transport to another without unloading and reloading. Shipping containers, for the purposes of this Zoning Resolution, shall be considered to be Temporary Portable Storage Units and shall be subject to the requirements as stated in Section 6.18.
- 5.137 SIGN: Any structure, or natural object such as a tree, rock, bush and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, containing any advertisement, mark of identification or symbol attached to, painted or illuminated.
- 5.138 SIGN, OFF-PREMISE: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- 5.139 SIGN, ON-PREMISE: Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- 5.140 SIGN, POLITICAL: Any sign advocating any type of political action or concerning any candidate, issue, levy or any other matter to be voted upon in the next primary, general, or special election.
- 5.141 SIGN, NON-CONFORMING: Any sign existing prior to the passage of this Resolution and any amendment thereto which does not conform to one or more requirements of this Resolution and any amendment thereto.
- 5.142 SIGN FACE AREA: The area measured by the smallest square, rectangle, circle or combination thereof, which will encompass the entire advertising device including border, trim, cutout and extension.
- 5.143 SIGNS, GOVERNMENT: Are excluded from these regulations and means any sign erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.



- 5.144 **SMALL WIND PROJECT:** Any wind project less than 5MW which includes the wind turbine generator and anemometer.
- 5.145 **STREET:** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.
- 5.146 **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.
- 5.147 **SWIMMING POOL:** An artificial tank or structure, either in-ground or above ground, intended for recreational swimming purposes and designed to contain greater than (2) feet of water at any point.
- 5.148 **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 use of residents, occupants and guests of the residential development or area within which the pool is located.
- 5.149 **SWIMMING POOL, PRIVATE:** For the purpose 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.
- 5.150 **STUDIOS FOR INSTRUCTION:** A building or portion of a building that is used or intended to be used for classes in the arts (e.g. dance, painting, sculpting, singing) and other wellness activities excluding nude modeling studio.
- 5.151 **TEMPORARY PORTABLE STORAGE UNITS:** A temporary outdoor 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. Temporary Portable Storage Units include Shipping Containers, see Section 5.120.
- 5.152 **TENT:** A collapsible shelter of flexible materials, such as canvas or nylon fabrics, stretched and sustained by poles or other supports and used for purposes such as camping outdoors or as temporary buildings.
- 5.153 **TOWNHOUSE:** No less than two (2) nor more than six (6) dwelling units which are physically attached one to another by common or adjoining walls and having individual heating and plumbing systems.
- 5.154 **TRADESMAN:** A person who has been trained and has gained experience performing services under the auspices of a Specialty Contractor and who, either on a full or part time basis offers his/her services to the general public under either a formal or informal contractual basis.
- 5.155 **TRANSPORTATION SERVICES:** The use of land, buildings or structures for the purpose of storing, servicing repairing or loading of trucks, transport trailers or buses, but does not include motor vehicle service stations or transportation sale or rental outlets.
- 5.156 **TRELLIS:** Open latticework structure, often two-dimensional, either free-standing or against a building. Primarily used to support climbing plants. See also "ARBOR" and "PERGOLA".
- 5.157 **TRUCK, HEAVY:** A motorized vehicle manufactured in such a way as to transport cargo or a load capacity over two (2) net tons.
- 5.158 **TRUCK, LIGHT:** A motorized vehicle manufactured in such a way as to transport passengers, belongings and limited cargo up to a load capacity of two (2) net tons. Light trucks will typically not have attachments or accessories mounted on them such as dump beds, winches or fifth-wheel trailer attachments
- 5.159 **UNIVERSITY, PRIVATE:** College, technical college or university offering courses of instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors.
- 5.160 **UNIVERSITY, PUBLIC:** College, technical college or university established by law or chartered by the Ohio Board of Regents.

- 5.161 UNSIGHTLY; As used in this Resolution the word unsightly shall be taken to mean in a state of disrepair or decay by means of leaning by more than 5 degrees from vertical, having missing components or parts, holes or openings as a result of damage or decay.
- 5.162 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.
- 5.163 USE: The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained. The use of land shall include but not be limited to the occupancy of all buildings or structures situated upon any parcel of land and shall also include the use of land upon which no structures are situated.
- 5.164 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.
- 5.165 VARIANCE: 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.
- 5.166 VETERINARY SERVICE: A facility maintained by or for the use of a licensed veterinarian 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.
- 5.167 WADING POOL: An above ground tank or structure designed for wading and/or splashing purposes but which are not permanently installed. Wading pools shall include, but shall not be limited to, inflatable, blow-up, plastic structures intended to be used as pools by children.
- 5.168 WALL: See "FENCE".
- 5.169 WAREHOUSE: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.
- 5.170 ZONING CERTIFICATE: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Amended May 18, 2021 by Resolution 2021-058, effective June 17, 2021  
 Amended January 19, 2021 by Resolution 2021-014, effective February 18, 2021  
 Amended January 19, 2021 by Resolution 2021-013, effective February 18, 2021  
 Amended January 19, 2021 by Resolution 2021-012, effective February 18, 2021  
 Amended February 4, 2020 by Resolution 2020-014, effective March 5, 2020  
 Amended January 8, 2019 by Resolution 2019-10, effective February 7, 2019  
 Amended April 3, 2018 by Resolution 2018-40, effective May 3, 2018  
 Amended April 3, 2018 by Resolution 2018-39, effective May 3, 2018  
 Amended by Resolution 2017-106, effective December 14, 2017  
 Amended by Resolution 2017-105, effective December 14, 2017  
 Amended by Resolution 2015-67, effective July 22, 2015  
 Amended November 18, 2014 by Resolution 2014-135, effective December 18, 2014  
 Amended January 7, 2014 by Resolution 2014-04 effective February 6, 2014  
 Amended October 9, 2012 by Resolution 2012-88, effective November 9, 2012  
 Amended May 17, 2011 by Resolution, effective June 16, 2011  
 Amended October 5, 2010 by Resolution 2010-75, effective November 4, 2010  
 Amended August 4, 2009 by Resolution, effective September 3, 2009  
 Amended July 11, 2006 by Resolution 2006-58, effective August 10, 2006  
 Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002  
 Amended by Resolution 99-60 effective August 5, 1999

Amended by Resolution 95-47 effective July 22, 1995  
Amended by Resolution 90-84 effective September 6, 1990.  
Adopted July 13, 1989 by Resolution 89-91, effective August 21, 1989

## SECTION VI. GENERAL REQUIREMENT

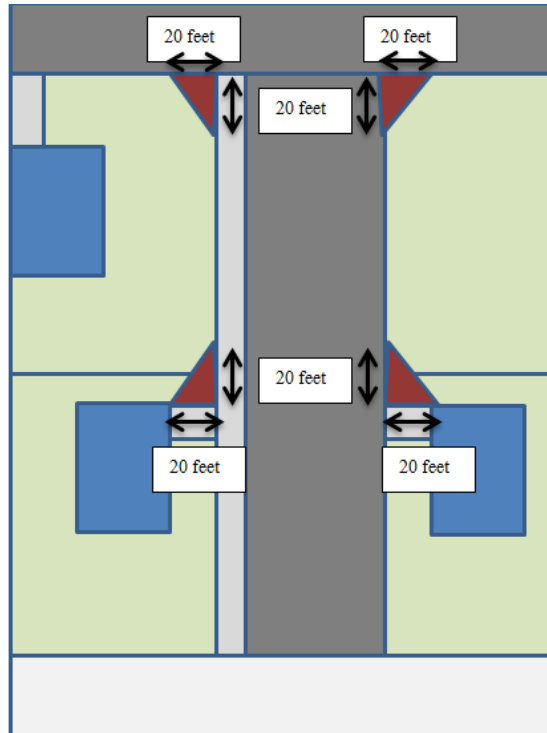
- 6.01 Rights of Way. All streets, roads, and railroad rights-of-way, if not otherwise specifically designated shall be deemed to be in the same zone as the property immediately abutting upon such street, road or railroad right-of-way.
- 6.02 Prohibited Uses. The following uses shall be deemed to constitute a nuisance and shall not be permitted in any district:
- A. Dismantling or distilling of bones, fat or glue; glue; glue or gelatin manufacturing.
  - B. Manufacturing or storing explosives, gunpowder, or fireworks, except that storing of explosives may be permitted in I-2 Districts under certificate granted by the Department of Industrial Relations, State of Ohio, in accordance with Sections 3743.01 to 3743.26 of the Revised Code of Ohio.
  - C. Dumping, storing, burying, reducing, disposing of or allowing to remain the following: garbage, refuse, rubbish, offal, or dead animals, and any other organic or inorganic debris, including but not limited to the debris which results or remains from the destruction by fire of a building or by deliberate demolition, except such as result from the normal use of premises, unless such dumping is done at a place zoned for such specific purpose.
  - D. Slaughter houses.
  - E. The maintenance of any premises or permitting the use of any premises for the operation of two or more motor vehicles, as defined in Section 4501.11 of the Revised Code of Ohio, which are participating in an attempt to out-distance each other over a selected course, intending hereby 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.
  - F. At no time shall anyone park unlicensed or inoperable vehicles or shall any landowner let an unlicensed or inoperable vehicle remain on land in any district other than those zoned for auto wrecking. The only exceptions to this section will be in the case of service stations engaged in towing and storing vehicles pending action by responsible parties, repair garages performing repairs, and dealers holding vehicles for resale. The above-mentioned exceptions must perform their services on the property normally used for their businesses. Any dismantling or reducing to scrap of vehicles shall take place only in a wrecking yard.
  - G. Dumping for the purposes of disposal in Painesville Township of hazardous and/or toxic substances. The EPA definition of hazardous and/or toxic substances shall apply.
  - H. Any use which is permitted as a use by right, as a conditional use, as a similar use with conditional use permit or any accessory use in any zoning district which is noxious, dangerous or offensive by reason of emission of odor, smoke, dust, gas, fumes, noise, flame or vibrations shall be prohibited.
  - I. It is prohibited in all zoning districts to place an accessory building or structure on a parcel which is otherwise vacant or devoid of a main building or structure. An exception is made for accessory buildings necessary for the furtherance of an agricultural use on parcels used exclusively for agricultural purposes.
  - J. Gambling, as defined in Ohio Revised Code Chapter 2915, in any district except for a licensed bingo operator holding a current license from the State of Ohio under Chapter 2915 of the Ohio Revised Code. Additional prohibited activities include business activities the primary purpose of which is the promotion of sweepstakes and/or prize winning activities, including, but not limited to, internet sweepstakes or cellular phone sweepstakes operations. Additional prohibitions include the promotion or use of video, mechanical, computer, electronic, or other machines which permit users to engage in games which mimic recognized gambling activities such as tic tac toe, blackjack, poker, slot machine, keno or other games normally associated with gambling activities and for which prizes may be awarded. This prohibition does not apply to any lottery or gambling sponsored by the State of Ohio or other governmental agency, or gambling engaged in by 501(C)(3) organizations in compliance with the provisions of the Ohio Revised Code.

- K. Discharge of a firearm in any district. This shall not apply to the discharge of a firearm on a farm or other agricultural parcel of land containing five acres or more, if the discharge is for the protection or furtherance of the farm or agricultural use, and is not recreational, random or practice firing. This prohibition shall not apply to licensed hunters, in season, who are observing all laws related to their license.
  - L. Commercial storage and distribution of propane and propane by-products in containers in excess of 10,000 gallon capacity.
  - M. Flexible materials such as fabrics excluding customary shingle materials are prohibited from being used on roofs or walls in any way other than as a temporary, meaning of less than six months duration, measure intended to protect a damaged portion of an existing roof or wall from further damage by the elements.
  - N. Shipping containers may not be placed on any property to be used as temporary or permanent accessory buildings or structures, or stacked, or joined, or configured in such manner as to be used as a main building or structure or any part thereof. Any prohibitions contained herein will not apply to shipping containers placed on properties not being used for residential purposes within the I-1 or I-2 zoning districts where an applicant has been issued a Zoning Certificate for a use which includes loading and/or unloading cargo from shipping containers being delivered to or picked up from said properties.
  - O. Tents are prohibited from being used as a temporary or permanent accessory building, or as a main structure or any part thereof, on any property.
  - P. No new dwelling or accessory building may be constructed within one hundred (150) feet of an existing gas or oil well or tanks or other gas or oil facilities, except for accessory buildings which are located on the parcel of land considered to be the production unit and which are accessory to the production unit. No structure of any kind may be built on legal easement areas for gas wells, tank batteries or gas transmission pipes. The creation of new lot lines or relocation of existing lot lines to within 150 feet of a gas or oil well or tanks or other gas or oil facilities is discouraged.
- 6.03 Non-Restricted Height: There shall be no restriction of the height of church spires, belfries, clock towers, radio and television towers (when used solely for receiving or transmitting for the benefit of the occupant of the property where located), flag poles, water and fire towers, chimneys, smokestacks, stage towers or scenery lofts, elevator bulkheads or other mechanical appurtenances where erected upon and as an integral part of a building. For purposes of this Resolution, satellite dish antennas are not considered as radio or television towers.
- 6.04 Conformation to Use District: 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.
- 6.05 No Duplicate Calculation of Open Space: Space attributed to one building or structure which has been used to calculate side yard, rear yard, front yard or any other open space requirement shall not, by reason of change of ownership or otherwise, be used to calculate side yard, rear yard, front yard or any other open space requirement of or for any other building or structure.
- 6.06 Two Main Buildings on One Lot: A building conforming to this Resolution may be constructed to the side or rear of an existing 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.
- 6.07 Moving or Removal of Building as Result of Division of Land: In the event conveyance is made of a part of premises and as a result of same, any building or structure located upon said premises remaining on the premises conveyed violates the requirements 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 a manner as to make it and the premises conveyed with it conform to this Resolution. Or if the same cannot be done, said building or structure 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 building or structure thereon violates this Resolution either for the first time or to a greater extent than did said building or structure and the undivided original premises.

- 6.08 Maximum Conformity Required: In the event two or more buildings or structures are located on a single parcel which cannot be divided in such a way as to create two or more parcels conforming to this Resolution, said single parcel shall be divided so as to secure maximum conformity of each of the resulting subdivisions thereof to the provisions of this Resolution; further provided, that if the parcel is not so divided, any buildings or structures upon said subdivision of said subdivided 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 is first secured from the Board of Zoning Appeals, on appeal thereto, permission to make such division under the variance powers possessed by said Board.
- 6.09 Corner Lot Setback Line: The setback line on a corner lot shall be in accordance with the road or street on which the building faces. To the extent possible, the side yard clearance on the side street shall conform to the setback line for an inside lot on said road or street, but in no event shall the side yard clearance be less than twenty (20) feet from the right-of-way sideline of the road or fifty (50) feet from the center of the traveled portion of the road, whichever is greater.
- 6.10 No building shall be erected unless the same fronts upon a duly dedicated road or street, unless the road, at the time this Resolution becomes effective, is an established private road or a subsequent extension thereof, or is a private road which has been approved as such in a development plan which has been approved by Resolution of the Board of Township Trustees.
- 6.11 Recreational vehicles shall not be deemed to constitute all or a part of a dwelling and shall not be used for residence purposes in any district.
- 6.12 Signs: All Districts - See Section 28
- 6.13 Line Of Sight Visibility: No tree, fence, shrub, or other physical obstruction higher than thirty-six (36) inches above the established curb grade shall be permitted within the Line of Sight Safety Triangle area as described in Section 6.13(A), 6.13(B), and as illustrated in Figure 6-1.
- A. Line of sight safety triangle driveways, if the driveway is within ten (10) feet of the property line of an adjacent corner lot, the triangle shape is formed by two perpendicular lines that are along the back of the sidewalk or the edge of the road pavement if a sidewalk does not exist and the driveway of the adjacent property. The perpendicular lines are connected by a diagonal line drawn between two points located twenty (20) feet from their point of intersection at the sidewalk and driveway or the road and driveway if a sidewalk does not exist. No tree, shrub, fence, or other physical obstructions higher than thirty-six (36) inches above the established grade shall be permitted within the line of sight safety triangle. See Figure 6-1 for reference.
  - B. Line of sight safety triangle roads, the triangle shape is formed at the intersection of two roadways (public or private) by two perpendicular lines along the back of the sidewalk or the edge of the road pavement if a sidewalk does not exist and the back of an intersecting sidewalk or the edge of the intersecting road if a sidewalk does not exist. The perpendicular lines are connected by a diagonal line drawn between two points located twenty (20) feet from their point of intersection. No tree, shrub, or other physical obstructions higher than 36 inches above the established grade shall be permitted within the line of sight safety triangle on private land and adjacent right-of-way if the line of sight safety triangle includes the right-of-way. See Figure 6-1 for reference.

**Figure 6-1**



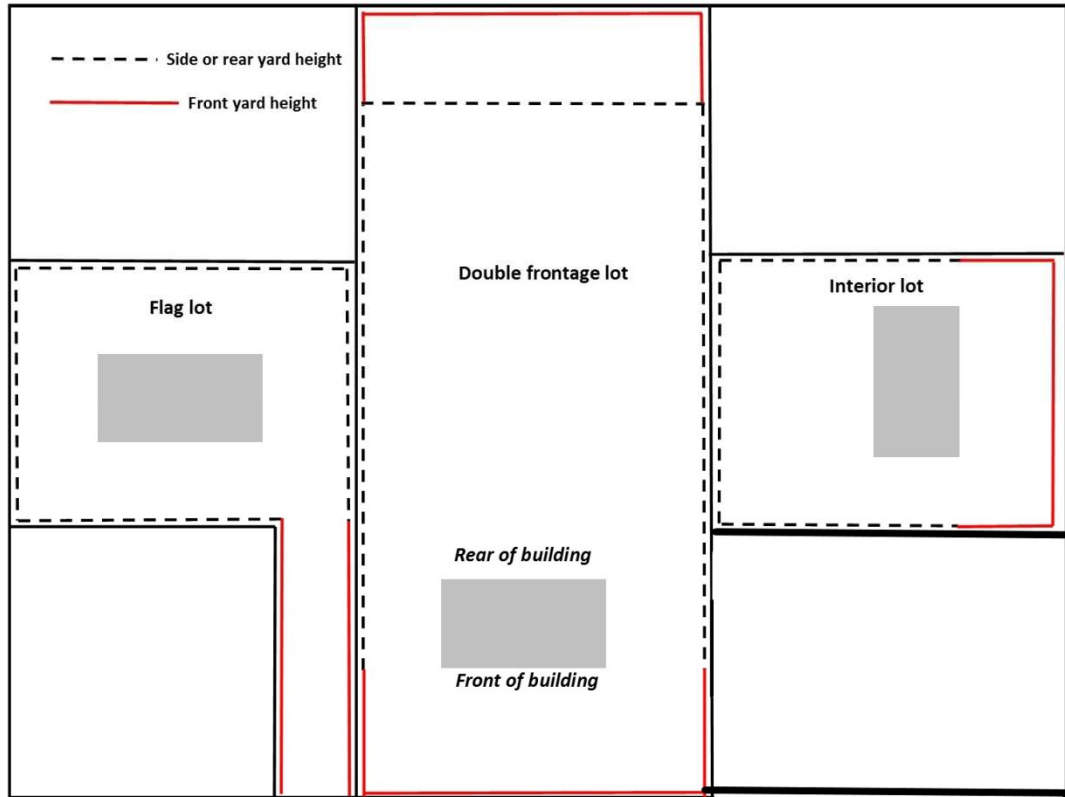
6.14 Fences

- A. Fences shall be permitted in all districts. Fences shall be maintained in good condition with no advertising thereon. Fences must be uniform in color and appearance.
- B. A Zoning Permit is required prior to erection, installation or construction of a fence in any zoning district. There shall be height restrictions on fences in all zoning districts as follows:
  - 1. Fences in the I-1, Light Industry & Manufacturing zoning district shall not exceed a height of eight (8) feet.
  - 2. Fences in the I-2, Heavy Industry zoning district shall not exceed a height of twelve (12) feet.
  - 3. Fences in all other zoning districts shall not exceed a height of six (6) feet with the following exception;
    - a. in cases where the Board of Zoning Appeals, in consideration of applications for a Conditional Use Permit involving outdoor dining and/or outdoor recreation, determines that fencing with a maximum height of eight (8) feet is most appropriate for the proposed use and so imposes that condition upon the permit, then a permit for fencing with a maximum height of eight (8) feet may be issued upon receipt of an application for same.
- C. Fences are subject to the following regulations:
  - 1. No portion of any fence shall be placed, erected, installed, constructed or maintained within a road right-of-way.
  - 2. Fences shall be permitted in front yards provided, however, no fences shall be erected, installed, constructed or maintained closer than twenty (20) feet to the edge of the travelled portion of the road but in no case shall be closer than five (5) feet to the edge of the road right-of-way;

3. Barbed wire-topped fences and electric fences shall be permitted only in the rear yards of Commercial and Industrial Districts.
  4. Prohibited Fences: No person shall erect or maintain:
    - a. Any fence with a charged electrical current except as provided in 6.13(C)(3).
    - b. A razor wire fence.
    - c. A fence composed of or containing any of the following materials:
      1. chicken wire, woven wire, welded wire other than chain-link
      2. pallets, drums, barrels and any non-traditional fencing materials
      3. barbed wire except as in 6.13(C)(3)
  5. Permitted Open Fence Materials.
    - a. Chain Link
    - b. Bollard & Chain
    - c. Open Picket
    - d. Smooth or Split Rail, Contemporary Rail
    - e. Wrought Iron style/design Fences
    - f. Open fence materials which the Zoning Inspector deems to be acceptable and within the spirit of these regulations.
  6. Permitted Solid Fence Materials
    - a. Board-on-board or alternating board-on-board
    - b. Solid picket
    - c. Stockade or palisade fences
    - d. Brick or stone wall fences
    - e. Pre-manufactured vinyl fencing to resemble wood forms
    - f. Solid fence materials which the Zoning Inspector deems to be acceptable and within the spirit of these regulations.
  7. No portion of fence, including, but not limited to, gates, posts, or panels shall be installed in such a way that would cause an encroachment, at any time, over parcel boundary lines. For example, no gate shall be permitted to be installed in such a manner that would require the gate to swing over parcel boundary lines in order to be opened.
- 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 measured from the finished grade as shown on the approved site plan or zoning permit application.
- E. Line of Sight Safety Areas and Corner Lots: 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. Fences may be permitted in front yards provided that they are no closer to the travelled portion of the roadway than twenty (20) feet however, no portion of any fence shall be closer than five (5) feet to any road right-of-way. The maximum fence height in front yards shall be no more than thirty-six (36) inches from the natural grade of the land and the fencing may not be installed on mounding. For properties which have a legal existing front setback less than or equal to the required minimum front setback, the front yard for fencing shall be the area between a line drawn parallel to the road right-of-way at a distance of five (5) feet from such right of way and the actual front setback of the house. For properties which have a legal existing front setback greater than the required minimum front setback, the front yard for fencing shall be the area between a line drawn parallel to the road right-of-way at a distance of five (5) feet from such right of way and the required minimum front setback. For corner lots, the front yard is the yard area between the wall of the house containing the front door and the roadway such wall faces. Fence height in both sideyards and the rear yard of corner lots may be erected to a maximum height of six (6) feet above the natural grade of the land. See figure 6-1 for permitted fence heights relative to interior, flag, and double frontage lots.

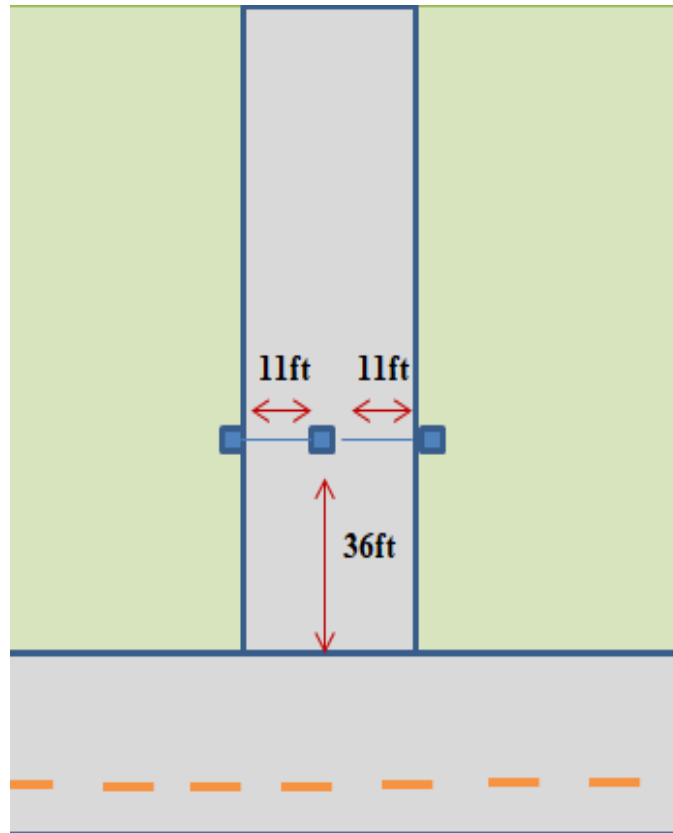


Figure 6-2



- F. Fences shall not be erected, constructed, altered or relocated until an application has been filed and a permit issued by the zoning inspector. Applications for fence permits shall include a plot plan showing the location of the fence and an accurate description of the fencing materials and support member materials while demonstrating compliance with 6.13(G)
- G. Any fence facing a residential or commercial use, or residential or commercial zoning district, shall be erected so that the finished or flat side of the fence faces the adjoining residential or commercial use or zone. No fence shall be erected which is unsightly or irregular in shape or design. Any application for a permit for a fence must contain a detailed drawing of the proposed fence and location.
- H. Ingress / Egress Gates: The minimum width of an ingress / egress gate must be an eleven (11) foot clear opening width for ingress and egress. The entry must be free of obstructions including card readers, telephone entry devices, or remote control devices. The vehicular gate must be setback a minimum of thirty-six (36) feet from the nearest paved edge of the connecting roadway. Please see figure 6-3 for reference.

Figure 6-3



- 6.15 Outside Storage: Open storage of materials in any required front setback or side setback adjacent to a street is prohibited in all industrial districts. All other outside storage in industrial districts shall be located and screened so as not to be visible from any residential or recreational district.
- 6.16 Buffer Strips: Whenever this resolution requires a buffer strip between zoning classifications (e.g. residential and commercial/residential and industrial), it is the intent and purpose to provide for a year round screening of at least five feet in height which would obscure the view of the property from the adjacent residential or recreational property. The landscape plan for any required plan must be submitted with the zoning application for approval by the zoning inspector. Storm water retention or detention is permitted in a portion of the buffer area so long as the retention or detention area is screened from view and occupies a maximum of 25% of the buffer area.
- 6.17 Outdoor Lighting: All Districts
- A. Exterior lighting of buildings and/or parking and driveway areas shall be positioned so as not to emit light onto neighboring properties or road right-of-ways.
- B. Lighting shall be directed and/or shielded downward or in such a manner as to prevent distraction and glare. Such lighting control measures shall be taken to avoid negative impacts of misdirected light upon persons on public or adjoining private properties.
- 6.18 Permit Requirements: Accessory uses, buildings or structures shall conform to the permit requirements outlined in Section XI of the Zoning Resolution.

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 and other paved areas.
3. Swimming pools, temporary.
4. Accessory structures of twenty-five (25) square feet or less.
5. Mail boxes and newspaper tubes.
6. Statuary, fountains or art objects.
7. Basketball hoops 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. Fences or walls which are 4' or less in height and incorporated as part of a landscaping bed, and are no closer to any property line than 6'.

#### 6.19 Temporary Structures

1. Temporary Portable 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 per permitted per address in a calendar year.
  - b. Only one (1) temporary outdoor storage unit shall be stored on a property at any given time, for a period not to exceed 30 days.
  - c. No flammable or explosive materials may be stored in the temporary outdoor storage units.
  - d. No temporary outdoor storage units shall be used to store materials related to an off premises business or a home occupation.
  - e. Temporary outdoor storage units are prohibited from being placed within the right-of-way, in any temporary road or cul-de-sac easements, or on the front lawn of a property. 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.
  - f. A Temporary Outdoor Storage Unit Permit shall be obtained from the Zoning Office prior to locating the 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 \$50 deposit is also required, which shall be forfeited if the unit is not removed within the specified time frame.

#### 6.20 Donation Bins (Clothing Recycling Bins/Drop Boxes-Paper Recycling Bins)

##### **Definitions:**

Clothing Donation Bins/Drop Boxes – A closed metal or wooden container having an opening through which new or used clothing, shoes, purses, belts and other wearing apparel can be deposited and stored until pickup by the authorized registrant.

Paper Recycling Bins – A closed metal container used to hold newspapers, catalogs, magazines, junk mail and other household paper including phone books and cardboard before they are transported to recycling centers. Recycling bins are designed to be easily recognizable and are generally marked with slogans promoting recycling on a green and yellow background.

##### **Requirements:**





1. Non-residential, commercial and community service premises devoted to non-profit purposes and/or religious organizations are permitted to have clothing donation bins/drop boxes and paper recycling bins.

2. The clothing and/or paper recycling bin(s) shall be located so as to not interfere with pedestrian and vehicular circulation, required setbacks, landscaping, parking or any other requirements that may be imposed as part of the plan approval for the premises and all bins shall be placed on a concrete or pavement surface.
3. The clothing donation bins/drop boxes shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for retrieval of the contents. Each bin shall not cover an area in excess of five (5) feet by five (5) feet nor be more than six (6) feet in height.
4. The paper recycling bins shall have either heavy plastic or metal lids so that they can be accessed easily by those depositing materials or retrieving the contents and which lids must remain closed when the contents are not being accessed. Each bin shall not be larger than six (6) feet by six (6) feet.
5. The clothing bins/drop boxes and/or paper recycling bins must be regularly emptied of their contents so that they do not overflow or have their contents strewn around the adjoining area. Articles intended for deposit in the receptacles which are strewn around the adjoining area shall constitute a zoning violation.
6. A zoning permit will be required for each clothing donation bin/drop box and paper recycling bin. The zoning certificate will only be granted when it is determined by the Zoning Inspector that:
  - a) The bins(s) are for use by a duly registered non-profit organization,
  - b) The proper type of bin is being used as described in this section,
  - c) The bins are properly located on the site,
  - d) A letter of permission from the property owner is submitted with the application,
  - e) The name, address and phone number of the non-profit or religious organization is displayed prominently on each bin and
  - f) No more than three (3) zoning certificates will be issued per parcel of property and no zoning certificate will be issued for containers proposed to be placed on an otherwise vacant parcel.
7. If any bin(s) are placed without a zoning permit or an inspection reveals that such bin(s) are not in compliance with this section, enforcement and penalties will take place as provided in the Resolution.

6.21 Lot/parcel shapes and measurements

**FOR PURPOSES OF THESE ILLUSTRATIONS, THE TERMS “LOT” AND “PARCEL” ARE USED INTERCHANGEABLY BUT WILL HAVE THE SAME MEANING AS “PARCEL”**

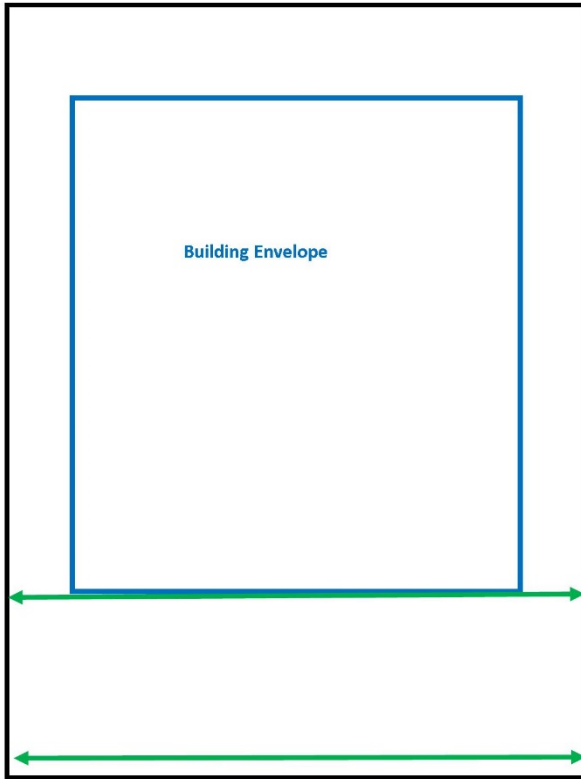
The figures are color coded as follows:

- Lot/Parcel Boundary Lines : Black 
- Building Envelope Lines : Blue 
- Measurement Lines : Green Arrows 
- Reconfigured/Artificial/Extended Lines : Red  including dotted/dashed

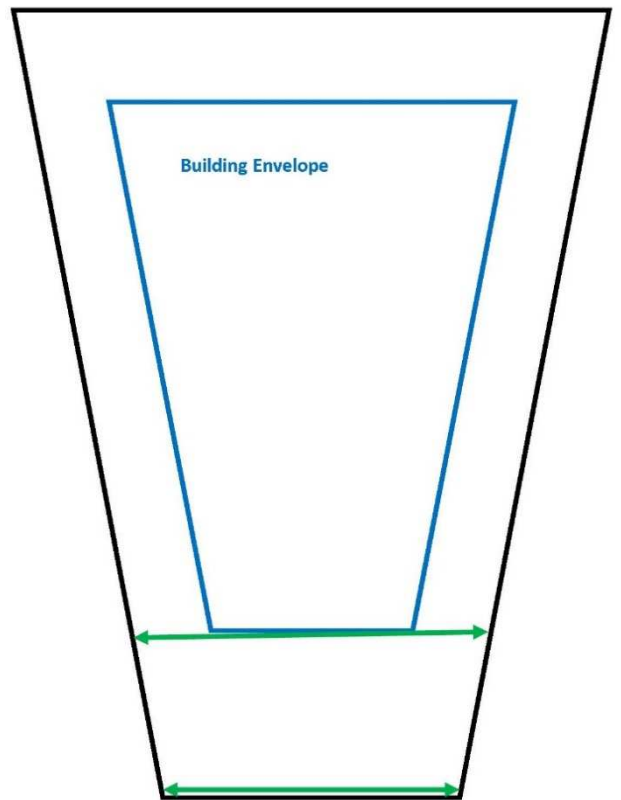
**(A) Regular Rectangle-** *a four-sided shape formed by four straight lines. All four interior angles are 90 degrees each, the sides are parallel and of equal length to each other and the front-rear lines are parallel and of equal length to each other*

All Setback and Clearance lines are parallel to the relative property lines and each point on the setback/clearance lines is the specified minimum distance from the relative property line. Lot width is measured from sideline to sideline parallel to the right-of-way and perpendicular to both sidelines.

Lot width is measured between sidelines parallel to street r-o-w and perpendicular to both sidelines

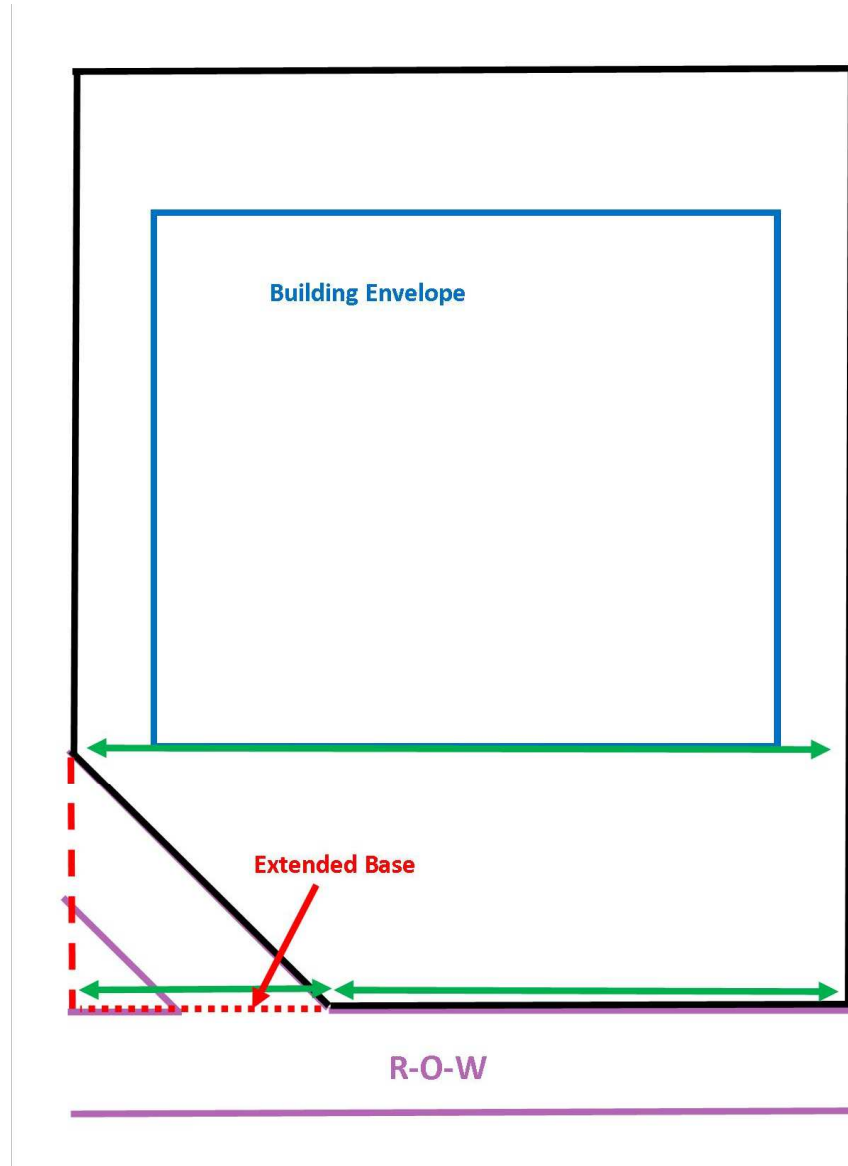


**(B) Irregular Quadrilateral-** a four-sided shape formed by four straight lines and having at least two interior angles which are not equal to 90 degrees All Setback and Clearance lines are parallel to the relative property lines and each point on the setback/clearance lines is the specified minimum distance from the relative property line. Lot width is measured from sideline to sideline parallel to the right-of-way. Lot width is measured between the sidelines parallel to street r-o-w



**(C) Pentagon-** a shape formed by five or more straight lines and having at least two interior angles which are not equal to 90 degrees.

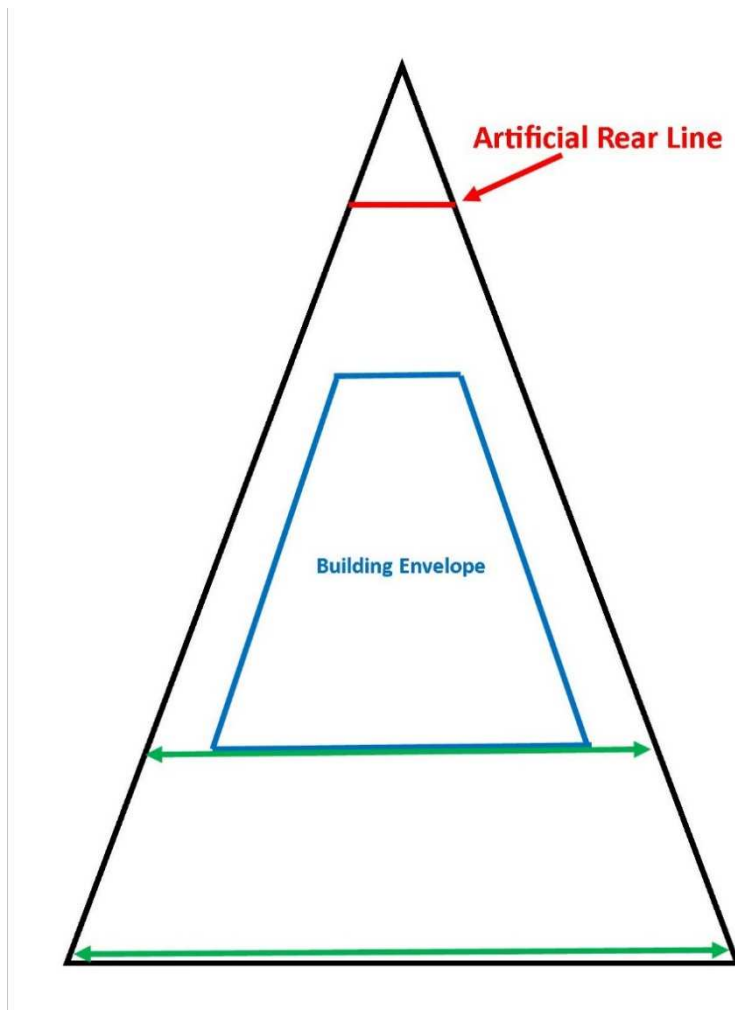
All Setback and Clearance lines are parallel to the relative property lines and each point on the setback/clearance lines is the specified minimum distance from the relative property line. If the parcel boundary at the r-o-w is a single straight line, then the lot width at the r-o-w is measured from sideline to sideline parallel to the right-of-way. If the parcel boundary at the r-o-w is a series of two straight lines at an angle to each other, then the sideline which is shorter in length according to the orientation of the parcel shall be *extended* to an intersection point with an *extension* of the r-o-w sideline of the road which intersects with the longer of the two sidelines. The resultant *imaginary/artificial* line will form the “base” for the parcel orientation layout. The lot width at the setback line then will be measured in parallel to such “base.”



**(D) Triangle-** a three-sided shape formed by three straight lines.

The parcel boundary at the r-o-w forms the base and a measurement of the length of that base will be the lot width at the r-o-w. The sidelines will be the two remaining line segments. The sideline clearance lines are parallel to the relative property lines and each point on the clearance lines is the specified minimum distance from the relative

property sideline. Since there is no *true* rear line but only a point, an *artificial* rear line will be created by inserting a line which is parallel to the road r-o-w which intersects the two sidelines at a point no closer than 10 feet to the point. That *artificial* rear line will serve as an actual rear line in establishing the rear clearance line which will be parallel to such line and each point on the clearance line will be the specified minimum distance from the *artificial* rear property line. The front setback line shall be established as a line parallel to the right-of-way line at a distance of the required front setback minimum distance as measured in perpendicular manner from the right-of-way to a point on each sideline.

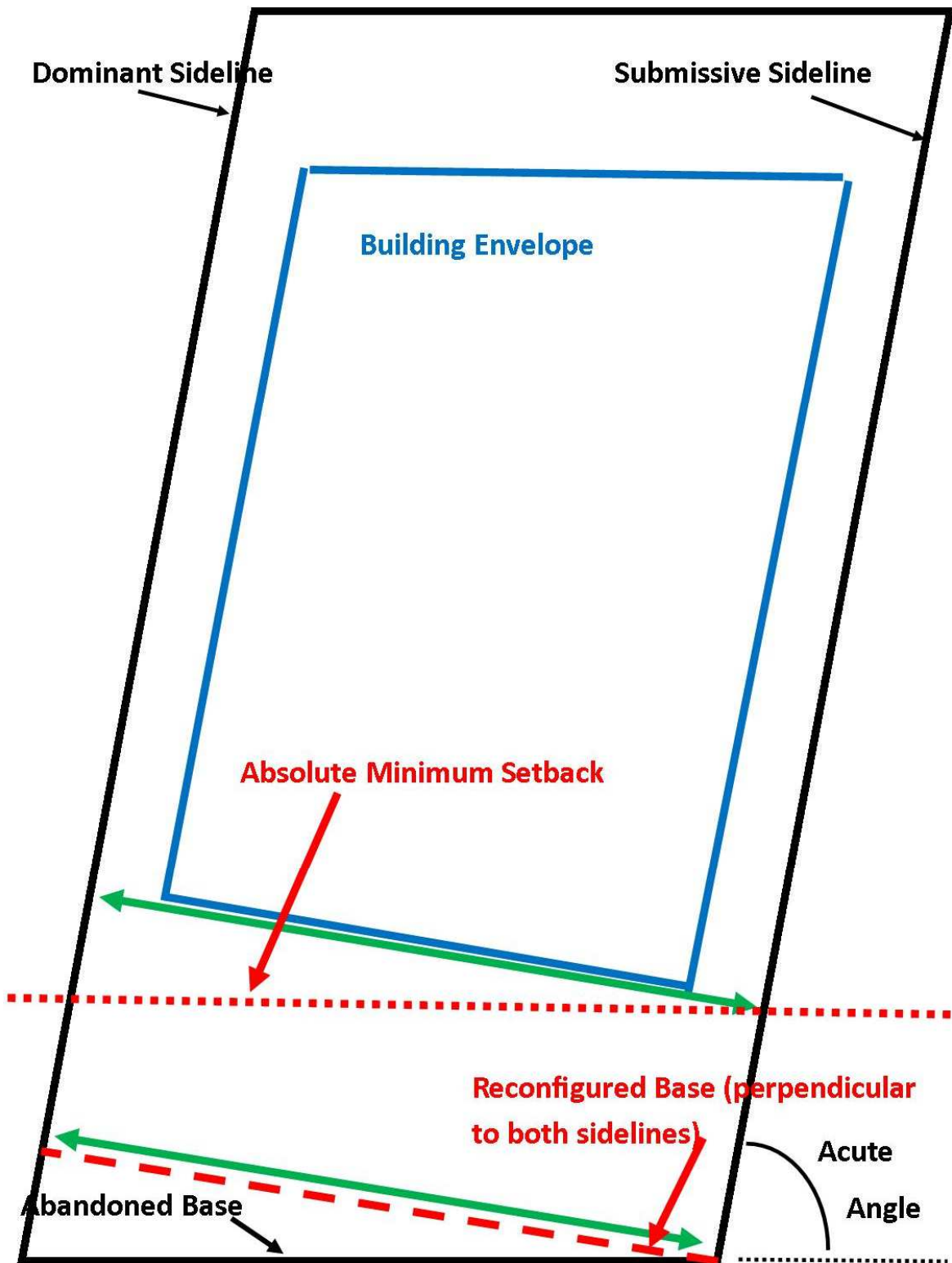


**(E) Parallelogram Quadrilateral** – a four-sided shape formed by a straight line base at the r-o-w with two sidelines parallel to each other and forming identical angles at their intersections with the base.

The parcel boundary at the r-o-w forms the base of the shape. The distance between the intersection points of the sidelines with the base must meet the minimum lot width at the r-o-w sideline requirement. The intersection of the sidelines with the base creates two angles per sideline, *dominant/submissive* or *obtuse/acute*. For reference, a regular rectangle would create equal angles of *90/90 degrees* or *right/right*. In order to measure lot widths at setback lines on parcels of this shape, an *artificial* setback base line must be created by attaching a line to the intersection of the submissive line with the base at the right-of-way which is perpendicular to the submissive sideline and *extend* it to a point on the dominant sideline which forces the line to be perpendicular to both sidelines. The *actual* minimum required setback line may be created by measuring and marking the minimum required distance from the *artificial* base along each sideline away from the right-of-way. In dealing with parcels of this shape, certain other adjustments must be made, dependent upon the angles formed by the intersection of the sidelines with the r-o-w base. A guiding principle is that if a ball were created with a diameter equal to the minimum required lot width at the right-of-way sideline of a road, and the ball were to be placed between the sidelines with its diameter lining up with the r-o-w base, and the ball was to then roll away from the r-o-w along the submissive sideline, the ball should never cross over the

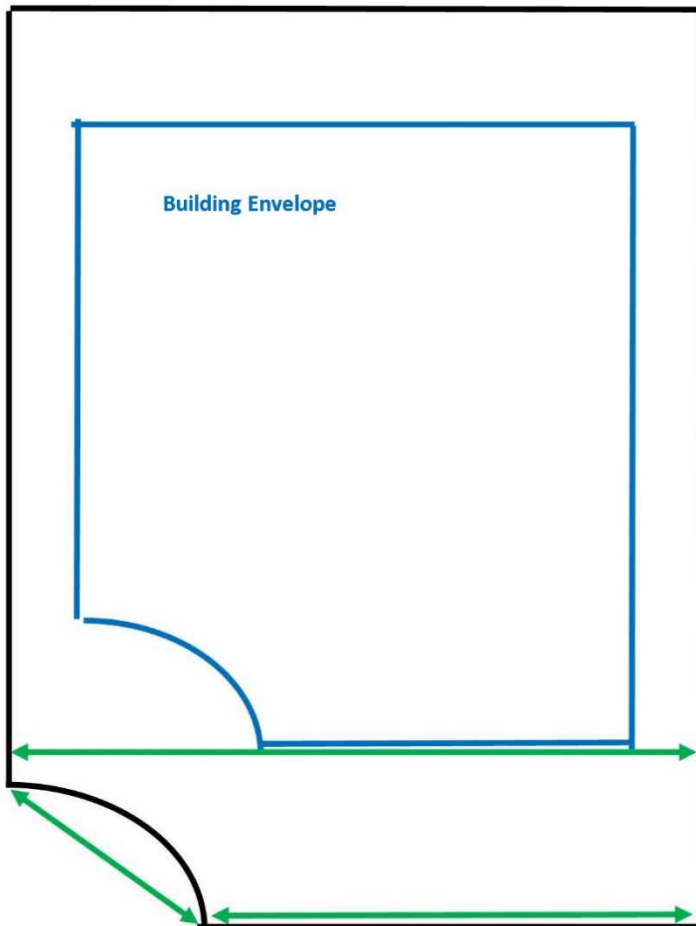
dominant sideline. In order to accomplish that, any increase in the obtuse angle of the dominant sideline or decrease in the acute angle of the submissive sideline will necessitate an increase in the width of the parcel at the *actual* right-of-way sideline. See chart LWPQ-1 for an illustration of the calculations for a minimum lot width of 75 feet. The orientation of buildings on such parcels will be based upon the *artificial* setback base line but in no case will any building be permitted to encroach within the minimum required setback from an actual road right-of-way as measured in perpendicular fashion from the actual road right-of-way.





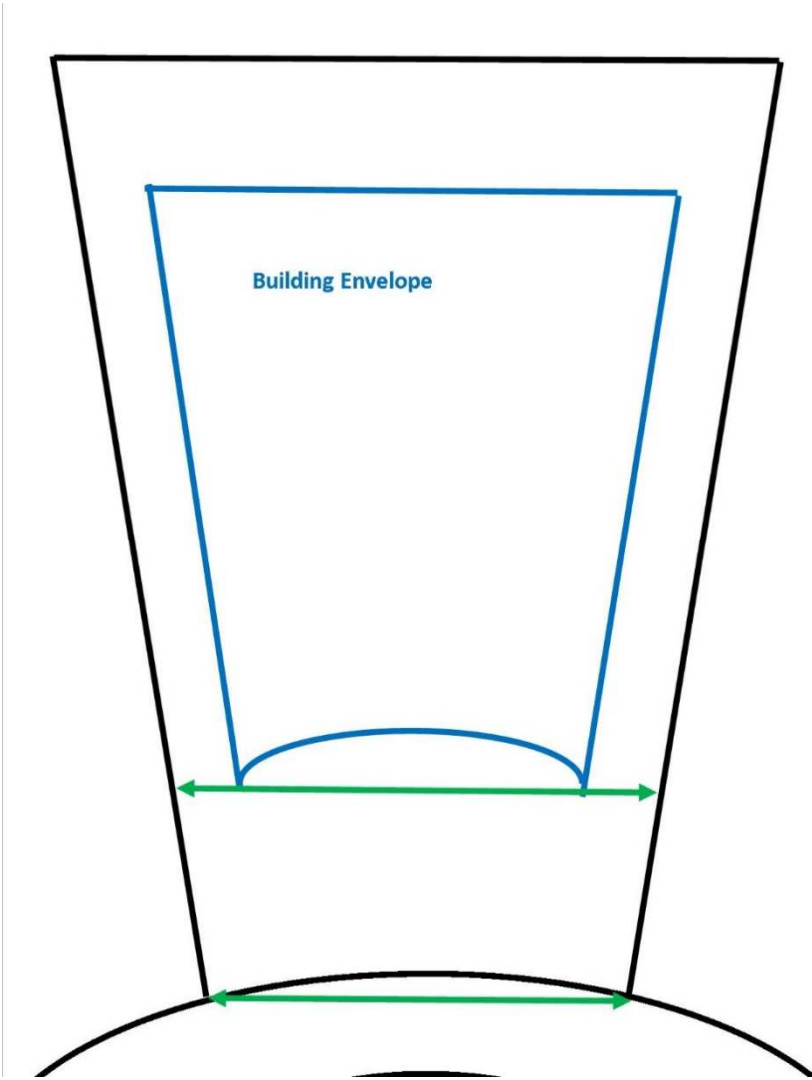
**(F) Lots with frontage on multiple curves or curve/straight combination-** *curves themselves may be measured by arc length, otherwise known as chords. Many lots may have their entire frontage on a curve or their frontage may be a series of curves, with or without any straight line segments.*

The lengths of straight line segments along a road right-of-way will be added together with any arc lengths (chords) of any curves along the r-o-w to arrive at a computation of the lot width at the r-o-w. The setback line will be established at the required minimum distance from each point on the right-of-way and the lot width at such setback line will be measured by adding together the lengths of all straight line segments and arc lengths (chords) to arrive at a total.

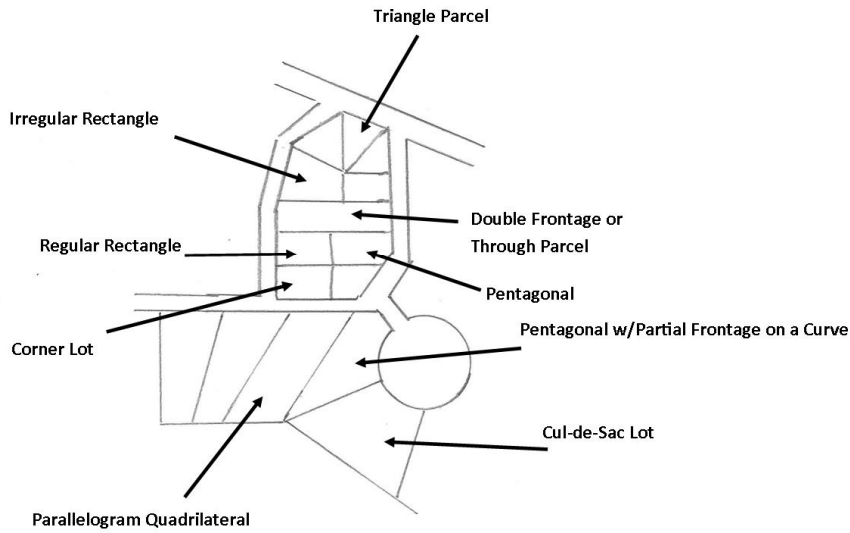


**(G) Parcels with total frontage on the vehicular turnaround portion of circular cul-de-sacs –** *such parcels may be found more frequently in residential zoning districts but may occur in other districts as well.*

A circular cul-de-sac has an established radius which extends from the center of the circle to the right-of-way line. The arc formed at the right-of-way by intersection of the two sidelines with the arc, will be measured by the arc length, otherwise known as the chord. The setback line will be established by marking off the required minimum setback distance from each point on the arc formed at the r-o-w. The required minimum lot width must be met by the arc length (chord) at such setback line. The corresponding arc length to be required at the r-o-w will then be calculated using the central angle revealed during the computation of the lot width at the setback line.



(H) LOT TYPE ILLUSTRATOR



**(J) CHART LWPQ-1 (75 foot minimum)**

angle A	angle B	angle C	side a	side b	side c	sin A	sin B	sin C
89.0000	1.0000	90.0000	75.0000	1.3053	75.0150	0.9998	0.0174	1.0000
88.0000	2.0000	90.0000	75.0000	2.6191	75.0450	0.9994	0.0349	1.0000
87.0000	3.0000	90.0000	75.0000	3.9280	75.1051	0.9986	0.0523	1.0000
86.0000	4.0000	90.0000	75.0000	5.2476	75.1804	0.9976	0.0698	1.0000
85.0000	5.0000	90.0000	75.0000	6.5649	75.2861	0.9962	0.0872	1.0000
84.0000	6.0000	90.0000	75.0000	7.8808	75.4148	0.9945	0.1045	1.0000
83.0000	7.0000	90.0000	75.0000	9.2107	75.5591	0.9926	0.1219	1.0000
82.0000	8.0000	90.0000	75.0000	10.5423	75.7346	0.9903	0.1392	1.0000
81.0000	9.0000	90.0000	75.0000	11.8761	75.9340	0.9877	0.1564	1.0000
80.0000	10.0000	90.0000	75.0000	13.2210	76.1576	0.9848	0.1736	1.0000
79.0000	11.0000	90.0000	75.0000	14.5782	76.4059	0.9816	0.1908	1.0000
78.0000	12.0000	90.0000	75.0000	15.9416	76.6793	0.9781	0.2079	1.0000
77.0000	13.0000	90.0000	75.0000	17.3107	76.9704	0.9744	0.2249	1.0000

76.0000	14.0000	90.0000	75.0000	18.6978	77.2957	0.9703	0.2419	1.0000
75.0000	15.0000	90.0000	75.0000	20.0952	77.6478	0.9659	0.2588	1.0000
74.0000	16.0000	90.0000	75.0000	21.5021	78.0193	0.9613	0.2756	1.0000
73.0000	17.0000	90.0000	75.0000	22.9321	78.4273	0.9563	0.2924	1.0000
72.0000	18.0000	90.0000	75.0000	24.3665	78.8561	0.9511	0.3090	1.0000
71.0000	19.0000	90.0000	75.0000	25.8276	79.3231	0.9455	0.3256	1.0000
70.0000	20.0000	90.0000	75.0000	27.2959	79.8127	0.9397	0.3420	1.0000
69.0000	21.0000	90.0000	75.0000	28.7918	80.3342	0.9336	0.3584	1.0000
68.0000	22.0000	90.0000	75.0000	30.3009	80.8887	0.9272	0.3746	1.0000
67.0000	23.0000	90.0000	75.0000	31.8332	81.4775	0.9205	0.3907	1.0000
66.0000	24.0000	90.0000	75.0000	33.3908	82.1018	0.9135	0.4067	1.0000
65.0000	25.0000	90.0000	75.0000	34.9719	82.7541	0.9063	0.4226	1.0000
64.0000	26.0000	90.0000	75.0000	36.5821	83.4446	0.8988	0.4384	1.0000
63.0000	27.0000	90.0000	75.0000	38.2155	84.1751	0.8910	0.4540	1.0000
62.0000	28.0000	90.0000	75.0000	39.8828	84.9473	0.8829	0.4695	1.0000
61.0000	29.0000	90.0000	75.0000	41.5733	85.7535	0.8746	0.4848	1.0000
60.0000	30.0000	90.0000	75.0000	43.3025	86.6051	0.8660	0.5000	1.0000
59.0000	31.0000	90.0000	75.0000	45.0648	87.5044	0.8571	0.5150	1.0000
58.0000	32.0000	90.0000	75.0000	46.8662	88.4434	0.8480	0.5299	1.0000
57.0000	33.0000	90.0000	75.0000	48.7004	89.4241	0.8387	0.5446	1.0000
56.0000	34.0000	90.0000	75.0000	50.5911	90.4704	0.8290	0.5592	1.0000
55.0000	35.0000	90.0000	75.0000	52.5211	91.5639	0.8191	0.5736	1.0000
54.0000	36.0000	90.0000	75.0000	54.4932	92.7070	0.8090	0.5878	1.0000
53.0000	37.0000	90.0000	75.0000	56.5177	93.9144	0.7986	0.6018	1.0000
52.0000	38.0000	90.0000	75.0000	58.6009	95.1777	0.7880	0.6157	1.0000
51.0000	39.0000	90.0000	75.0000	60.7276	96.5003	0.7772	0.6293	1.0000
50.0000	40.0000	90.0000	75.0000	62.9373	97.9112	0.7660	0.6428	1.0000
49.0000	41.0000	90.0000	75.0000	65.2014	99.3772	0.7547	0.6561	1.0000
48.0000	42.0000	90.0000	75.0000	67.5313	100.9285	0.7431	0.6691	1.0000
47.0000	43.0000	90.0000	75.0000	69.9344	102.5431	0.7314	0.6820	1.0000
46.0000	44.0000	90.0000	75.0000	72.4350	104.2680	0.7193	0.6947	1.0000
45.0000	45.0000	90.0000	75.0000	75.0000	106.0670	0.7071	0.7071	1.0000
44.0000	46.0000	90.0000	75.0000	77.6558	107.9603	0.6947	0.7193	1.0000
43.0000	47.0000	90.0000	75.0000	80.4326	109.9707	0.6820	0.7314	1.0000
42.0000	48.0000	90.0000	75.0000	83.2947	112.0909	0.6691	0.7431	1.0000
41.0000	49.0000	90.0000	75.0000	86.2711	114.3118	0.6561	0.7547	1.0000
40.0000	50.0000	90.0000	75.0000	89.3746	116.6770	0.6428	0.7660	1.0000
39.0000	51.0000	90.0000	75.0000	92.6267	119.1800	0.6293	0.7772	1.0000
38.0000	52.0000	90.0000	75.0000	95.9883	121.8126	0.6157	0.7880	1.0000
37.0000	53.0000	90.0000	75.0000	99.5264	124.6261	0.6018	0.7986	1.0000
36.0000	54.0000	90.0000	75.0000	103.2239	127.5944	0.5878	0.8090	1.0000
35.0000	55.0000	90.0000	75.0000	107.0999	130.7531	0.5736	0.8191	1.0000
34.0000	56.0000	90.0000	75.0000	111.1856	134.1202	0.5592	0.8290	1.0000

33.0000	57.0000	90.0000	75.0000	115.5022	137.7158	0.5446	0.8387	1.0000
32.0000	58.0000	90.0000	75.0000	120.0226	141.5361	0.5299	0.8480	1.0000
31.0000	59.0000	90.0000	75.0000	124.8204	145.6311	0.5150	0.8571	1.0000
30.0000	60.0000	90.0000	75.0000	129.9000	150.0000	0.5000	0.8660	1.0000
29.0000	61.0000	90.0000	75.0000	135.3032	154.7030	0.4848	0.8746	1.0000
28.0000	62.0000	90.0000	75.0000	141.0383	159.7444	0.4695	0.8829	1.0000
27.0000	63.0000	90.0000	75.0000	147.1916	165.1982	0.4540	0.8910	1.0000
26.0000	64.0000	90.0000	75.0000	153.7637	171.0766	0.4384	0.8988	1.0000
25.0000	65.0000	90.0000	75.0000	160.8436	177.4728	0.4226	0.9063	1.0000
24.0000	66.0000	90.0000	75.0000	168.4596	184.4111	0.4067	0.9135	1.0000
23.0000	67.0000	90.0000	75.0000	176.7021	191.9631	0.3907	0.9205	1.0000
22.0000	68.0000	90.0000	75.0000	185.6380	200.2136	0.3746	0.9272	1.0000
21.0000	69.0000	90.0000	75.0000	195.3683	209.2634	0.3584	0.9336	1.0000
20.0000	70.0000	90.0000	75.0000	206.0746	219.2982	0.3420	0.9397	1.0000
19.0000	71.0000	90.0000	75.0000	217.7902	230.3440	0.3256	0.9455	1.0000
18.0000	72.0000	90.0000	75.0000	230.8495	242.7184	0.3090	0.9511	1.0000
17.0000	73.0000	90.0000	75.0000	245.2890	256.4979	0.2924	0.9563	1.0000
16.0000	74.0000	90.0000	75.0000	261.6020	272.1335	0.2756	0.9613	1.0000
15.0000	75.0000	90.0000	75.0000	279.9169	289.7991	0.2588	0.9659	1.0000
14.0000	76.0000	90.0000	75.0000	300.8371	310.0455	0.2419	0.9703	1.0000
13.0000	77.0000	90.0000	75.0000	324.9444	333.4815	0.2249	0.9744	1.0000
12.0000	78.0000	90.0000	75.0000	352.8499	360.7504	0.2079	0.9781	1.0000
11.0000	79.0000	90.0000	75.0000	385.8491	393.0818	0.1908	0.9816	1.0000
10.0000	80.0000	90.0000	75.0000	425.4608	432.0276	0.1736	0.9848	1.0000
9.0000	81.0000	90.0000	75.0000	473.6413	479.5396	0.1564	0.9877	1.0000
8.0000	82.0000	90.0000	75.0000	533.5668	538.7931	0.1392	0.9903	1.0000
7.0000	83.0000	90.0000	75.0000	610.7055	615.2584	0.1219	0.9926	1.0000
6.0000	84.0000	90.0000	75.0000	713.7560	717.7033	0.1045	0.9945	1.0000
5.0000	85.0000	90.0000	75.0000	856.8234	860.0917	0.0872	0.9962	1.0000
4.0000	86.0000	90.0000	75.0000	1071.9198	1074.4986	0.0698	0.9976	1.0000
3.0000	87.0000	90.0000	75.0000	1432.0268	1434.0344	0.0523	0.9986	1.0000
2.0000	88.0000	90.0000	75.0000	2147.7077	2148.9971	0.0349	0.9994	1.0000
1.0000	89.0000	90.0000	75.0000	4309.4828	4310.3448	0.0174	0.9998	1.0000
0.0000	90.0000	90.0000	75.0000	#DIV/0!	#DIV/0!	0.0000	1.0000	1.0000

**(K) Chart LWPQ-2 (100 foot minimum)**

angle A	angle B	angle C	side a	side b	side c	sin A	sin B	sin C
89.0000	1.0000	90.0000	100.0000	1.7403	100.0200	0.9998	0.0174	1.0000
88.0000	2.0000	90.0000	100.0000	3.4921	100.0600	0.9994	0.0349	1.0000
87.0000	3.0000	90.0000	100.0000	5.2373	100.1402	0.9986	0.0523	1.0000
86.0000	4.0000	90.0000	100.0000	6.9968	100.2406	0.9976	0.0698	1.0000
85.0000	5.0000	90.0000	100.0000	8.7533	100.3814	0.9962	0.0872	1.0000

84.0000	6.0000	90.0000	100.0000	10.5078	100.5530	0.9945	0.1045	1.0000
83.0000	7.0000	90.0000	100.0000	12.2809	100.7455	0.9926	0.1219	1.0000
82.0000	8.0000	90.0000	100.0000	14.0563	100.9795	0.9903	0.1392	1.0000
81.0000	9.0000	90.0000	100.0000	15.8348	101.2453	0.9877	0.1564	1.0000
80.0000	10.0000	90.0000	100.0000	17.6279	101.5435	0.9848	0.1736	1.0000
79.0000	11.0000	90.0000	100.0000	19.4377	101.8745	0.9816	0.1908	1.0000
78.0000	12.0000	90.0000	100.0000	21.2555	102.2390	0.9781	0.2079	1.0000
77.0000	13.0000	90.0000	100.0000	23.0809	102.6273	0.9744	0.2249	1.0000
76.0000	14.0000	90.0000	100.0000	24.9304	103.0609	0.9703	0.2419	1.0000
75.0000	15.0000	90.0000	100.0000	26.7937	103.5304	0.9659	0.2588	1.0000
74.0000	16.0000	90.0000	100.0000	28.6695	104.0258	0.9613	0.2756	1.0000
73.0000	17.0000	90.0000	100.0000	30.5762	104.5697	0.9563	0.2924	1.0000
72.0000	18.0000	90.0000	100.0000	32.4887	105.1414	0.9511	0.3090	1.0000
71.0000	19.0000	90.0000	100.0000	34.4368	105.7641	0.9455	0.3256	1.0000
70.0000	20.0000	90.0000	100.0000	36.3946	106.4169	0.9397	0.3420	1.0000
69.0000	21.0000	90.0000	100.0000	38.3890	107.1123	0.9336	0.3584	1.0000
68.0000	22.0000	90.0000	100.0000	40.4012	107.8516	0.9272	0.3746	1.0000
67.0000	23.0000	90.0000	100.0000	42.4443	108.6366	0.9205	0.3907	1.0000
66.0000	24.0000	90.0000	100.0000	44.5211	109.4691	0.9135	0.4067	1.0000
65.0000	25.0000	90.0000	100.0000	46.6292	110.3387	0.9063	0.4226	1.0000
64.0000	26.0000	90.0000	100.0000	48.7761	111.2595	0.8988	0.4384	1.0000
63.0000	27.0000	90.0000	100.0000	50.9540	112.2334	0.8910	0.4540	1.0000
62.0000	28.0000	90.0000	100.0000	53.1770	113.2631	0.8829	0.4695	1.0000
61.0000	29.0000	90.0000	100.0000	55.4311	114.3380	0.8746	0.4848	1.0000
60.0000	30.0000	90.0000	100.0000	57.7367	115.4734	0.8660	0.5000	1.0000
59.0000	31.0000	90.0000	100.0000	60.0863	116.6725	0.8571	0.5150	1.0000
58.0000	32.0000	90.0000	100.0000	62.4882	117.9245	0.8480	0.5299	1.0000
57.0000	33.0000	90.0000	100.0000	64.9338	119.2321	0.8387	0.5446	1.0000
56.0000	34.0000	90.0000	100.0000	67.4548	120.6273	0.8290	0.5592	1.0000
55.0000	35.0000	90.0000	100.0000	70.0281	122.0852	0.8191	0.5736	1.0000
54.0000	36.0000	90.0000	100.0000	72.6576	123.6094	0.8090	0.5878	1.0000
53.0000	37.0000	90.0000	100.0000	75.3569	125.2191	0.7986	0.6018	1.0000
52.0000	38.0000	90.0000	100.0000	78.1345	126.9036	0.7880	0.6157	1.0000
51.0000	39.0000	90.0000	100.0000	80.9701	128.6670	0.7772	0.6293	1.0000
50.0000	40.0000	90.0000	100.0000	83.9164	130.5483	0.7660	0.6428	1.0000
49.0000	41.0000	90.0000	100.0000	86.9352	132.5030	0.7547	0.6561	1.0000
48.0000	42.0000	90.0000	100.0000	90.0417	134.5714	0.7431	0.6691	1.0000
47.0000	43.0000	90.0000	100.0000	93.2458	136.7241	0.7314	0.6820	1.0000
46.0000	44.0000	90.0000	100.0000	96.5800	139.0241	0.7193	0.6947	1.0000
45.0000	45.0000	90.0000	100.0000	100.0000	141.4227	0.7071	0.7071	1.0000
44.0000	46.0000	90.0000	100.0000	103.5411	143.9470	0.6947	0.7193	1.0000
43.0000	47.0000	90.0000	100.0000	107.2434	146.6276	0.6820	0.7314	1.0000
42.0000	48.0000	90.0000	100.0000	111.0596	149.4545	0.6691	0.7431	1.0000

41.0000	49.0000	90.0000	100.0000	115.0282	152.4158	0.6561	0.7547	1.0000
40.0000	50.0000	90.0000	100.0000	119.1661	155.5694	0.6428	0.7660	1.0000
39.0000	51.0000	90.0000	100.0000	123.5023	158.9067	0.6293	0.7772	1.0000
38.0000	52.0000	90.0000	100.0000	127.9844	162.4168	0.6157	0.7880	1.0000
37.0000	53.0000	90.0000	100.0000	132.7019	166.1682	0.6018	0.7986	1.0000
36.0000	54.0000	90.0000	100.0000	137.6318	170.1259	0.5878	0.8090	1.0000
35.0000	55.0000	90.0000	100.0000	142.7999	174.3375	0.5736	0.8191	1.0000
34.0000	56.0000	90.0000	100.0000	148.2475	178.8269	0.5592	0.8290	1.0000
33.0000	57.0000	90.0000	100.0000	154.0029	183.6210	0.5446	0.8387	1.0000
32.0000	58.0000	90.0000	100.0000	160.0302	188.7149	0.5299	0.8480	1.0000
31.0000	59.0000	90.0000	100.0000	166.4272	194.1748	0.5150	0.8571	1.0000
30.0000	60.0000	90.0000	100.0000	173.2000	200.0000	0.5000	0.8660	1.0000
29.0000	61.0000	90.0000	100.0000	180.4043	206.2706	0.4848	0.8746	1.0000
28.0000	62.0000	90.0000	100.0000	188.0511	212.9925	0.4695	0.8829	1.0000
27.0000	63.0000	90.0000	100.0000	196.2555	220.2643	0.4540	0.8910	1.0000
26.0000	64.0000	90.0000	100.0000	205.0182	228.1022	0.4384	0.8988	1.0000
25.0000	65.0000	90.0000	100.0000	214.4581	236.6304	0.4226	0.9063	1.0000
24.0000	66.0000	90.0000	100.0000	224.6127	245.8815	0.4067	0.9135	1.0000
23.0000	67.0000	90.0000	100.0000	235.6028	255.9509	0.3907	0.9205	1.0000
22.0000	68.0000	90.0000	100.0000	247.5174	266.9514	0.3746	0.9272	1.0000
21.0000	69.0000	90.0000	100.0000	260.4911	279.0179	0.3584	0.9336	1.0000
20.0000	70.0000	90.0000	100.0000	274.7661	292.3977	0.3420	0.9397	1.0000
19.0000	71.0000	90.0000	100.0000	290.3870	307.1253	0.3256	0.9455	1.0000
18.0000	72.0000	90.0000	100.0000	307.7994	323.6246	0.3090	0.9511	1.0000
17.0000	73.0000	90.0000	100.0000	327.0520	341.9973	0.2924	0.9563	1.0000
16.0000	74.0000	90.0000	100.0000	348.8026	362.8447	0.2756	0.9613	1.0000
15.0000	75.0000	90.0000	100.0000	373.2226	386.3988	0.2588	0.9659	1.0000
14.0000	76.0000	90.0000	100.0000	401.1162	413.3940	0.2419	0.9703	1.0000
13.0000	77.0000	90.0000	100.0000	433.2592	444.6421	0.2249	0.9744	1.0000
12.0000	78.0000	90.0000	100.0000	470.4666	481.0005	0.2079	0.9781	1.0000
11.0000	79.0000	90.0000	100.0000	514.4654	524.1090	0.1908	0.9816	1.0000
10.0000	80.0000	90.0000	100.0000	567.2811	576.0369	0.1736	0.9848	1.0000
9.0000	81.0000	90.0000	100.0000	631.5217	639.3862	0.1564	0.9877	1.0000
8.0000	82.0000	90.0000	100.0000	711.4224	718.3908	0.1392	0.9903	1.0000
7.0000	83.0000	90.0000	100.0000	814.2740	820.3445	0.1219	0.9926	1.0000
6.0000	84.0000	90.0000	100.0000	951.6746	956.9378	0.1045	0.9945	1.0000
5.0000	85.0000	90.0000	100.0000	1142.4312	1146.7890	0.0872	0.9962	1.0000
4.0000	86.0000	90.0000	100.0000	1429.2264	1432.6648	0.0698	0.9976	1.0000
3.0000	87.0000	90.0000	100.0000	1909.3690	1912.0459	0.0523	0.9986	1.0000
2.0000	88.0000	90.0000	100.0000	2863.6103	2865.3295	0.0349	0.9994	1.0000
1.0000	89.0000	90.0000	100.0000	5745.9770	5747.1264	0.0174	0.9998	1.0000
0.0000	90.0000	90.0000	100.0000	#DIV/0!	#DIV/0!	0.0000	1.0000	1.0000



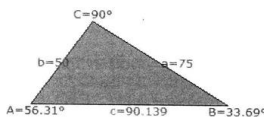
**(L) Guide For Use of Charts LWPQ-1 and LWPQ-2**

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**GUIDE FOR USE OF CHART LWPQ-1**

**Right Scalene Triangle**

Side a = 75  
Side b = 50  
Side c =  $90.13878 = 25\sqrt{13}$   
Angle  $\angle A = 56.31^\circ = 56^\circ 18' 36'' = 0.98279$  rad  
Angle  $\angle B = 33.69^\circ = 33^\circ 41' 24'' = 0.588$  rad  
Angle  $\angle C = 90^\circ = 1.5708$  rad =  $\pi/2$



1. Angle A is the acute angle formed by the intersection of the submissive sideline with the actual right-of-way line
2. Notice that side a is a constant lot width measured perpendicular to each sideline and represents the reconfigured right-of-way
3. The shaded area of the triangle is basically a dead zone

Amended May 18, 2021 by Resolution 2021-058, effective June 17, 2021  
Amended January 19, 2021 by Resolution 2021-013, effective February 18, 2021  
Amended February 04, 2020 by Resolution 2020-013, effective March 05, 2020  
Amended January 8, 2019 by Resolution 2019-07, effective February 7, 2019  
Amended April 3, 2018 by Resolution 2018-40, effective May 3, 2018  
Amended September 19, 2017 by Resolution 2017-81, effective October 19, 2017  
Amended April 21, 2015 by Resolution 2015-41, effective May 21, 2015  
Amended January 7, 2014 by Resolution 2014-04 effective February 6, 2014  
Amended June 3, 2014 by Resolution 2014-66, effective July 3, 2014  
Amended March 5, 2013 by Resolution 2013-14  
Amended January 3, 2012 by Resolution 2012-04, effective February 3, 2012  
Amended May 17, 2011 by Resolution, effective June 16, 2011  
Amended August 4, 2009 by Resolution, effective September 3, 2009  
Amended July 11, 2006 by Resolution 2006-58, effective August 10, 2006  
Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002  
Amended by Resolution 2002-21, February 19, 2002  
Adopted November 22, 1988 by Resolution 88-129, effective December 22, 1988

## SECTION VII. NON-CONFORMING USES

(Adopted November 22, 1988 by Resolution 88-129 effective December 22, 1988)

- 7.01 The lawful use of any land, building or structure existing or lawful at the time of adoption of this Resolution or any amendment thereto, may be continued, although such use does not conform to this Resolution or amendment. If any such non-conforming use is discontinued for two (2) years or more, any subsequent use of said land, building or structure shall be in conformity with this Resolution or amendment. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- 7.02 Any building or structure arranged, intended or designed for a specific non-conforming use, construction of which upon the site has been started but not completed at the time of passage of this Resolution, may be completed and put to such non-conforming use, providing it is done within one year after this Resolution takes effect. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- 7.03 Any building or structure existing as a non-conforming use at the time this Resolution takes effect, which is destroyed by fire or the elements, may, upon securing a zoning certificate therefore, be reconstructed and restored as previously existing, providing the same is done within two (2) years from the date of said destruction, and such non-conforming use is recommenced promptly thereafter. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- 7.04 A non-conforming 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 that ground area devoted to the use which existed at the time such use became non-conforming.
- In the event the pre-existing non-conforming 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 non-conforming use shall be measured by the number of units in existence and operation on the land at the time such use became a non-conforming use under this Resolution.
- 7.05 A building or structure devoted to a non-conforming use at the time this Resolution takes effect shall not be altered or enlarged so as to extend said non-conforming use more than ten percent (10%) in main floor area. No building or structure devoted to a non-conforming use shall be altered so as to violate to a greater degree the requirements of this Resolution relating to location on the premises, placement of accessory building, parking, drives, play yards, or any other provisions of this Resolution.
- 7.06 Any expansion of a non-conforming use shall only be undertaken or made after a zoning certificate shall have been first obtained.
- 7.07 Where a parcel or lot was separately owned, or was a lot of a subdivision duly recorded, and at the time of the 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 certificate 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 result in a lot of minimum 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.
- 7.08 Any person or corporation claiming the right of operation or use as a pre-existing non-conforming use as described in this Resolution shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes non-conforming due to this Resolution or any amendments thereto.

SECTION X. ZONING INSPECTOR

(Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

10.01 There is hereby created the position of Township Zoning Inspector, whose qualifications, term, compensation, expenses, powers, authority and duties shall be as set forth in Ohio Revised Code Chapter 519 and any amendments thereto.

SECTION XI. ZONING CERTIFICATE

- 11.01 A Zoning Certificate shall be required for any of the following:
- A. Construction or structural alteration of any building including accessory buildings or structures.
  - B. Change of use of land, buildings or structures to a use of a different classification.
  - C. The expansion or extension of a non-conforming use.
  - D. Any change of a non-conforming use to a different use whether non-conforming or conforming.
  - E. Use of land by any individual or entity, including a use where a previously existing use has changed ownership. This provision shall not apply where the owner of a business previously existing has changed the form of ownership of the business, but has maintained control of the new entity. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002) This provision shall not apply to changes in ownership of properties being used for residential purposes when the residential use is a conforming use or a continuation of a legal non-conforming use. (Adopted September 19, 2017 by Resolution 2017-79, effective October 19, 2017).
  - F. Construction or reconstruction of parking lots, including pedestrian walkways and interior landscaping, which may or not involve a change in the square footage of the parking area, in Zoning Districts B-1, B-2, B-3, I-1, I-2, CS, REC-1, REC-2, REC-3.
  - G. The demolition and/or removal of any existing building or structure from a premises in any zoning district for which no Zoning Certificate has been issued for replacement of the demised structure shall require a Zoning Certificate for Demolition.
- 11.02 A Zoning Certificate shall be obtained before any construction, alteration, use or change of use as specified in this Section shall take place. This shall specifically include personal, commercial or other use of any industrial warehouse by an individual or entity, with the exception of the use of units exclusively for personal self-storage in buildings where a zoning certificate has been issued indicating that the use of the property is to provide personal self-storage facilities. Issuance of a Zoning Certificate for property located in Commercial and Industrial Districts is conditional upon approval and inspection of the property by the Painesville Township Fire Department for compliance with all applicable fire and safety codes. In the event the property owner or applicant fails to comply with said requirements, the Zoning Inspector may revoke the Zoning Certificate.
- 11.03 A. No Zoning Certificate shall be required for the use of any land for agricultural purposes or for the use, construction or structural alteration of any building or structure incident thereto, except agricultural structures built in platted subdivisions and in accordance with the provisions of Ohio Revised Code Section 519.21 and Section 31 of this Resolution.
- B. No Zoning Certificate shall 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.
- 11.04 Written application for a Zoning Certificate for the construction of a new building or structure, or for the alteration of an existing building or structure, shall be made prior to the application for a building permit. Said Zoning Certificate shall be issued within ten (10) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. A Zoning Certificate shall expire one (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such certificates with the following exception:
- A. The completion date of each phase of a development done in stages shall be stated on the application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for such stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.

- 11.05 Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector prior to the initiation of any work or action on said request. Said Zoning Certificate shall be issued within ten (10) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Certificates shall expire one (1) year after issuance unless the work or action has been substantially begun and thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such certificate with the following exception:
- A. The completion date of each phase of a development done in stages shall be stated on the Application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for said stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.
- 11.06 The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question attesting that the use, alteration, or construction is in conformance with the provisions of this Resolution.
- 11.07
- A. An applicant for a Zoning Certificate shall file an application for Zoning Certificate, which is provided by the Township, setting forth, among other things:
1. The dimensions of any proposed building or structure;
  2. The use to which any building, structure or land is proposed to be put.
- B. An Application for Zoning Certificate shall be accompanied by and have as a part thereof a plot plan showing, among other things:
1. Location of proposed building or structure;
  2. Location of adjacent buildings, structures or roads;
  3. Setbacks and yard clearances for current and proposed buildings and structures.
- C. Each Application for a Zoning Certificate shall be accompanied by a fee in accordance with a fee schedule adopted by the Board of Township Trustees and amended from time to time.
- 11.08
- A. The Zoning Inspector may refuse to issue a Zoning Certificate in the event the applicant fails to supply information reasonably required of him.
- B. A Zoning Certificate shall be revocable if, among other things, the actual use, construction or alteration does not conform to the terms of the application and the Zoning Certificate issued thereon.
- 11.09
- A. The Board of Township Trustees shall adopt a fee schedule for Zoning Certificates. Said fee schedule shall be made a part of this Resolution. No change or modification in the fee schedule as adopted by the Board of Township Trustees shall be made unless said change or modification is proposed by proper motion at a regular meeting of the Board of Township Trustees and adopted by a majority vote.
- B. All fees received by the Zoning Inspector shall forthwith be deposited with the Township Clerk who shall credit such fees to the credit of the General Fund of Painesville Township.
- C. If the Zoning Certificate applied for shall be refused, the fee shall be non-refundable.

#### 11.10 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 Painesville Township.

#### 11.11 Requirement

- A. A site plan is required to be submitted for any use or development involving the new construction, reconstruction or expansion of structures in the B-1, B-2, B-3, I-1, I-2, R-3, R-4, CS and Recreation Districts. This includes 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.
- B. If a Conditional Use Permit is required, this section and Section XII, Conditional Use Permit, of the Zoning Resolution must be followed and reviewed by the Board of Zoning Appeals. Conditional Use Permit applications proposed in the B-1, B-2, B-3, I-1, I-2, Recreation and CS Districts will be subject to design review.
- C. If any aspects of the proposed project do not conform to the requirements as contained in this Resolution, then variance(s) must be obtained from the Board of Zoning Appeals. Any approval of the Site Plan prior to the decision of the Board of Zoning Appeals on a variance appeal(s) shall be conditioned upon the subsequent granting of any variance(s) or Conditional Use Permit(s) which are required. In any case where the Zoning Commission issues a conditioned approval of the application for Site Plan Review and the Board of Zoning Appeals either (1) denies a variance request or conditional use permit or (2) continues the public hearing while expressing a reluctance to approve the request as submitted or (3) approves a modified request, then the Zoning Commission retains jurisdiction over the Site Plan Review. The Zoning Commission shall be relieved of such jurisdiction only upon withdrawal of the application by the applicant.
- D. No construction activity as defined herein shall commence for any application until the site plan has been submitted and approved in accordance with these regulations and the zoning permit is issued.

#### 11.12 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.

- 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. 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.
- D. At the discretion of the Township, other agencies with appropriate technical advice may attend the meeting.

#### 11.13 Site Plan Application and Submission Requirements

All applications shall be submitted to the Zoning Inspector. The application shall be filed by the owner, a group of owners acting jointly, or an authorized agent acting on behalf of the land owner(s). Each application will be accompanied by the required application fee in accordance with the current Painesville Township fee schedule. Additional fees may be incurred by the applicant for the cost of plan review by professional consultants, when deemed appropriate by the Township. The Site Plan Review Application shall include the number of copies as instructed by the Zoning Inspector of the following:

- 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. Letter of BZA approvals: A written disclosure of any Conditional Use Permits and/or variances, including any details and/or conditions imposed, which have been granted prior to the Site Plan Review date shall be provided to the Reviewing Board or Commission. Any variances or Conditional Use Permits which will be required but are not yet issued as of the Review Date, may be included by the Reviewing Board or Commission as Conditions to consummate an approval.
- C. All applicants shall furnish Site Plan Drawing Sets which include all information indicated by numbers 1-24 as listed below. Should an applicant be of the position that any one or more of the 24 items are not applicable, the applicant shall submit as part of the application a list of those items along with a reasonable defense as to why each particular item on such list is not applicable or is unnecessary for the project. The Zoning Commission has the discretion to find the defense of any one of the item(s) not provided to be either acceptable or unacceptable. The plan must be prepared, signed and sealed by an Ohio licensed professional engineer, land surveyor or architect and shall include the following:
  - 1. Title, date, north arrow and scale.
  - 2. Name, address, telephone and fax numbers of the owner 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 roadways and driveways, curb cuts, parking areas, pedestrian paths, road rights-of-way, and public transit stops within the site. Include location of parking spaces for disabled drivers. Traffic flow map indicating ingress/egress patterns and internal circulation routes. Statement whether or not bicycle parking will be provided. If yes, provide location and description of equipment. Appendix 11-A, incorporated herein, contains required guidelines for bicycle parking.
  - 6. Existing and proposed sanitary facilities indicating pipe size, grades, invert elevations and locations of manholes.
  - 7. Existing and proposed water facilities including line sizes and locations and hydrant locations.
  - 8. Storm water management provisions in accordance with all regulatory agencies.
  - 9. Location and elevations of existing hydrologic features, including natural or man-made surface drainage ways, flood plains and wetlands.

10. Wooded areas, soils of local importance, and known and/or suspected cemeteries, historical or archeological sites.
11. 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.
12. Location and size of existing and proposed freestanding identification, advertising and traffic control devices.
13. Location of all existing and proposed structures, building heights and dimensions, uses, gross floor area, location of entrances, and loading points within 100' of site. Include architectural renderings and elevation drawings of dominant building(s) on the site in accordance with Section XXXIV- Design Standards and, if applicable, Section XXXIX- Main Corridor Commercial Design Guidelines, which accurately reflects the conditions as they will appear upon completion of the development.
14. Dimensions of all building setbacks and building spacing.
15. A Landscaping Plan identifying the following and in accordance with Section XXXV, Landscaping & Screening Requirements and, if applicable, Section XXXIX- Main Corridor Commercial Design Guidelines of the Zoning Resolution:
  - a. Outline of all buildings and impervious surface areas.
  - b. Location of all existing and proposed landscaping, fences and walls, and other screening features with cross-sections.
  - c. Species, size and condition of all new trees, shrubs, plants, sod and ground cover.
  - d. Area calculations for all areas used towards landscaping and buffer areas.
  - e. Legend showing all plant materials, species and common names, sizes, and symbol used on plan, including exact area of coverage.
  - f. Contour lines at one foot intervals, indicating the location of berms, mounds, detention/retention areas and swales.
  - g. Phasing lines, if the landscaping is to be installed in more than one season.
  - h. Irrigation system plans (if applicable).
16. Location of mechanical equipment, trash enclosures, backflow devices, and services areas.
17. Existing and proposed topographic contours at one foot intervals within 100 ft. of the proposed site.
18. Vicinity map.
19. 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
  - Total building coverage area: (% square feet)
  - Hard surface area: (% square feet)
  - 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)

20. 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.
21. Proposed landscaping and screening plans indicating the location and nature of existing and proposed vegetation, landscaping and screening elements. Design should be in accordance with parking and buffer requirements set forth in the Township Zoning Resolution.
22. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon.
23. Proposed timetable and schedule for the development of the site.
24. Any other items required by the Zoning Inspector to assist in a complete and proper review of the proposed site plan, including but not limited to a traffic impact study.

#### 11.14 Approval Process

- A. Review for Completeness: The Zoning Inspector or his/her designated representative shall, within ten (10) business 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 reviewed by the Zoning Commission, Board of Zoning Appeals for Conditional Use Permits, Fire Department, and Planning Commission Staff.

Once an application is officially accepted, it shall be placed on the agenda for a regular meeting date of the Zoning Commission which shall occur no less than 28 days from the date of acceptance of the application.

- B. Plan Distribution: The Zoning Inspector may distribute the application to the following for review and comment:
  1. Regulatory agencies that have the 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 application and all reports or comments prepared by the individuals in Section 11.14(B) above shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission or Board of Zoning Appeals.

- D. Zoning Commission Review Criteria: In reviewing the site plan, the Zoning Commission shall determine that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

1. The site plan shows a proper relationship exists between thoroughfares, service roads, driveways and parking areas, and the requirements of the Zoning Resolution.

2. 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.
3. 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.
4. 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.
5. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement and parking areas. 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.
6. 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.
7. 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.
8. 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.
9. On-site circulation shall be designed to provide for adequate fire and police protection and safe and efficient pedestrian and vehicular circulation.
10. 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.
11. Lighting shall be designed as to create neither a hazard nor a nuisance to adjacent properties and uses.
12. Trash storage and other outdoor storage areas shall be screened from adjacent streets and property in accordance with either Sections XXII and XXXV of the Zoning Resolution, or with Sections XXII and XXXIX of the Zoning Resolution, as applicable.
13. 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.

E. Zoning Commission Action:

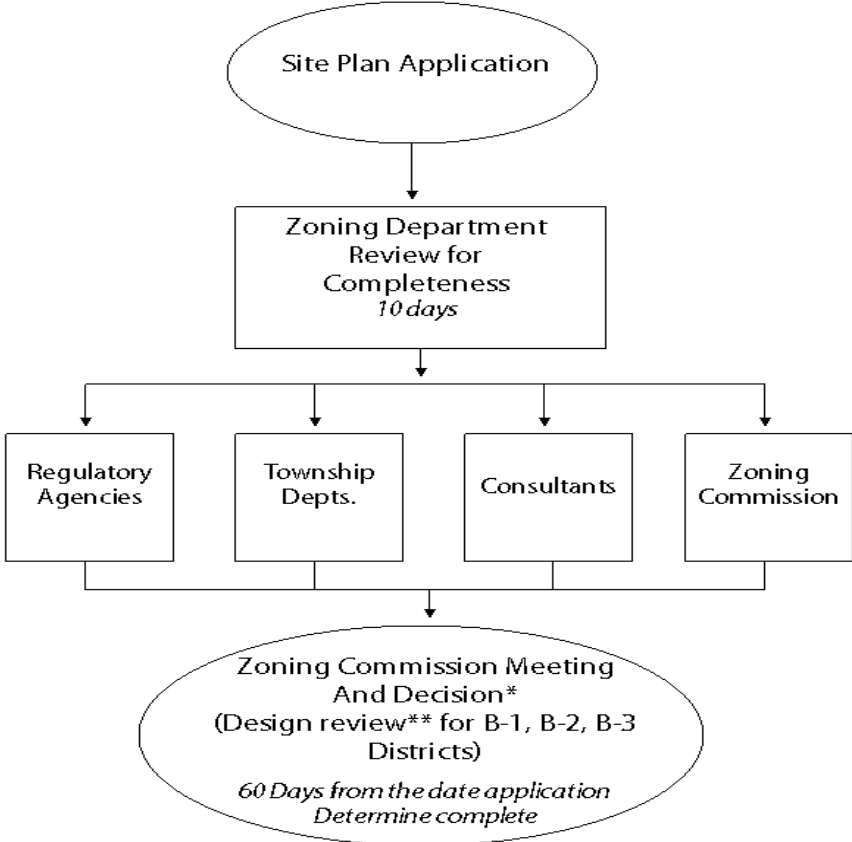
1. Zoning Commission shall either:
  - a. Approve the site plan as submitted; or
  - b. Conditionally approve the site plan subject to the inclusion of specific conditions not originally included in the plan as submitted. Such conditions may include, but not be limited to, improvements to the general lot layout, open space arrangement or on-site control of access to streets.

The Zoning Inspector shall issue a letter to the application within 10 days specifically stating the conditions placed upon the application. Or,

- c. 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.
    1. The Zoning Inspector shall issue a letter to the applicant within 10 days specifically stating the decision of the Zoning Commission.
    2. A modified site plan may be resubmitted for consideration by the Zoning Commission at a regularly scheduled meeting. The Zoning Inspector shall transmit such plan to the Zoning Commission Secretary for review in accordance with the criteria set forth in Section 11.14 D.
  2. Upon conditional approval of the site plan, the developer shall prepare and submit to the Zoning Inspector a final site plan. The final site plan shall include any modifications required by the Zoning Commission during the site plan approval procedures. The Zoning Permit will not be issued until conditions placed on the site plan by the Zoning Commission are met and included by the applicant in the final site plan.
  3. Upon approval of the site plan, the Zoning Inspector shall issue a Zoning Permit for the proposed use.
  4. 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.
- F. Expiration of Plan Approval: An approved site plan shall remain valid for a period of twelve (12) months following the date of the issuance of the Zoning Permit, unless the Zoning Commission authorizes a longer period at the time of approval. 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. Construction is deemed to have commenced when all necessary excavation and piers or footings of one or more principal buildings included in the site plan, or relevant phase thereof have been completed.
- G. Deviation From Plan: Any deviations or alterations from the approved site plan by the Painesville Township Zoning Commission are prohibited. Upon determination that alterations to the approved plan are necessary, the applicant shall immediately notify the Zoning Inspector who shall make a determination whether or not the applicant shall resubmit the site plan and newly determined alterations to the Zoning Commission for the purpose of amending the approval.

Note: A flow chart is provided on the following page as a summary of the site plan review procedures set forth in Section XI. In the event there is a conflict between the procedures set forth in Sections 11.01 through 11.06 and the following chart, the procedures in Sections 11.01 through 11.06 shall apply.

**Flow Chart for Site Plan Review**



\* Proposed Conditional Uses to be reviewed by the Board of Zoning Appeals.  
\*\* The Design Guidelines will be reviewed by the Zoning Commission

\*Proposed Conditional Uses to be reviewed by the Board of Zoning Appeals.

**APPENDIX 11-A  
BICYCLE PARKING DESIGN STANDARDS**

- Purpose and Intent

- It is hereby determined that by developing reasonable standards for bicycle parking, Painesville Township seeks to contribute to the general health, safety and welfare of its residents.
- The specific purposes of implementing design standards as set forth herein are intended to:
  - support and encourage “buy local” initiatives by providing safe and convenient bicycle parking;
  - create a visually appealing and unifying element throughout the Township’s business corridor; and
  - promote the Township as a bicycle friendly community that encourages cycling as a healthy form of transportation and therefore reducing motor vehicle traffic, pollution, and wear on Township roads.

- **Definitions**







- “Bicycle Parking Space”: A physical space that is a minimum of 2.5 feet in width by 6 feet in length with a vertical clearance of at least 7 feet.
- “Bicycle Rack”: A stationary device consistent with industry standards that:
  - is capable of supporting two (2) or more bicycles in a stable position;
  - permits the securing of the bicycle frame and one wheel with a standard u-shaped lock; and
  - is of a character and color that adds aesthetically to the immediate environment.

- **Design Standards**

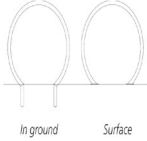


- Preferred Designs
  - **Custom/Logo/Art Bike Racks** (collectively, “Custom Bike Racks”): Painesville Township recognizes custom bike racks as a visually unifying design element that enhances the streetscape and creates a sense of community. Any bicycle rack that meets the criteria in this section will be subject to approval by the Zoning Inspector and/or Zoning Commission. (*See examples below*)



- **Standard Bicycle Racks.** Inverted ‘U’ type and loop type racks are encouraged. However, all racks must:
  - be made of steel or other likewise durable material;
  - be U-lock compatible;
  - support the bicycle upright by its frame in two places, allowing both the frame and one or both wheels to be secured;
  - be a minimum of 36" tall from base to top of rack, no less than 2 feet in length with a sufficient gap near the bottom for pedal clearance;
  - comply with Americans with Disabilities Act (ADA);
  - not include sharp edges; and
  - be child proof – so that a child cannot put their head through a space and become trapped.

Acceptable Designs	Unacceptable Designs
	
	
	

- Location.** Each bicycle parking space shall be:
  - within fifty (50) feet of a buildings entrance or at least as close as the nearest non-handicapped automobile parking space;
  - located in a highly visible and well lit space;
  - positioned to minimize interference with pedestrian paths or vehicle rights-of-way; and
  - positioned no less than thirty-six (36) inches in all directions from any obstruction.
- Installation.**
  - Bicycle racks must be installed on a solid surface using any of the following methods:

In ground	Surface mount	Free-standing/rail mount
The rack is placed directly into concrete or asphalt.	The rack must be anchored into a solid surface (concrete, asphalt or other durable material as may be approved by the Zoning Inspector) using Tamper proof bolts.	The rack must be so large and/or heavy that it cannot be easily removed.
		

(Amended August 18, 2020 by Resolution 2020-076, effective September 17, 2020)  
 (Amended January 8, 2019 by Resolution 2019-09, effective February 7, 2019)  
 (Amended September 19, 2017 by Resolution 2017-79, effective October 19, 2017)  
 (Amended August 8, 2017 by Resolution 2017-70, effective September 7, 2017)  
 (Amended October 4, 2016 by Trustee Resolution 2016-114, effective November 3, 2016)  
 (Amended December 21, 2010 by Resolution 2010-98, effective January 20, 2011)  
 (Amended August 4, 2009 by Resolution, effective September 3, 2009)  
 (Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002)  
 (Adopted November 22, 1988 by Resolution 88-129, effective December 22, 1988.)

SECTION XI. ZONING CERTIFICATE

- 11.01 A Zoning Certificate shall be required for any of the following:
- A. Construction or structural alteration of any building including accessory buildings or structures.
  - B. Change of use of land, buildings or structures to a use of a different classification.
  - C. The expansion or extension of a non-conforming use.
  - D. Any change of a non-conforming use to a different use whether non-conforming or conforming.
  - E. Use of land by any individual or entity, including a use where a previously existing use has changed ownership. This provision shall not apply where the owner of a business previously existing has changed the form of ownership of the business, but has maintained control of the new entity. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002) This provision shall not apply to changes in ownership of properties being used for residential purposes when the residential use is a conforming use or a continuation of a legal non-conforming use. (Adopted September 19, 2017 by Resolution 2017-79, effective October 19, 2017).
  - F. Construction or reconstruction of parking lots, including pedestrian walkways and interior landscaping, which may or not involve a change in the square footage of the parking area, in Zoning Districts B-1, B-2, B-3, I-1, I-2, CS, REC-1, REC-2, REC-3.
  - G. The demolition and/or removal of any existing building or structure from a premises in any zoning district for which no Zoning Certificate has been issued for replacement of the demised structure shall require a Zoning Certificate for Demolition.
- 11.02 A Zoning Certificate shall be obtained before any construction, alteration, use or change of use as specified in this Section shall take place. This shall specifically include personal, commercial or other use of any industrial warehouse by an individual or entity, with the exception of the use of units exclusively for personal self-storage in buildings where a zoning certificate has been issued indicating that the use of the property is to provide personal self-storage facilities. Issuance of a Zoning Certificate for property located in Commercial and Industrial Districts is conditional upon approval and inspection of the property by the Painesville Township Fire Department for compliance with all applicable fire and safety codes. In the event the property owner or applicant fails to comply with said requirements, the Zoning Inspector may revoke the Zoning Certificate.
- 11.03 A. No Zoning Certificate shall be required for the use of any land for agricultural purposes or for the use, construction or structural alteration of any building or structure incident thereto, except agricultural structures built in platted subdivisions and in accordance with the provisions of Ohio Revised Code Section 519.21 and Section 31 of this Resolution.
- B. No Zoning Certificate shall 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.
- 11.04 Written application for a Zoning Certificate for the construction of a new building or structure, or for the alteration of an existing building or structure, shall be made prior to the application for a building permit. Said Zoning Certificate shall be issued within ten (10) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. A Zoning Certificate shall expire one (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such certificates with the following exception:
- A. The completion date of each phase of a development done in stages shall be stated on the application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for such stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.

- 11.05 Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector prior to the initiation of any work or action on said request. Said Zoning Certificate shall be issued within ten (10) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Certificates shall expire one (1) year after issuance unless the work or action has been substantially begun and thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such certificate with the following exception:
- A. The completion date of each phase of a development done in stages shall be stated on the Application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for said stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.
- 11.06 The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question attesting that the use, alteration, or construction is in conformance with the provisions of this Resolution.
- 11.07
- A. An applicant for a Zoning Certificate shall file an application for Zoning Certificate, which is provided by the Township, setting forth, among other things:
1. The dimensions of any proposed building or structure;
  2. The use to which any building, structure or land is proposed to be put.
- B. An Application for Zoning Certificate shall be accompanied by and have as a part thereof a plot plan showing, among other things:
1. Location of proposed building or structure;
  2. Location of adjacent buildings, structures or roads;
  3. Setbacks and yard clearances for current and proposed buildings and structures.
- C. Each Application for a Zoning Certificate shall be accompanied by a fee in accordance with a fee schedule adopted by the Board of Township Trustees and amended from time to time.
- 11.08
- A. The Zoning Inspector may refuse to issue a Zoning Certificate in the event the applicant fails to supply information reasonably required of him.
- B. A Zoning Certificate shall be revocable if, among other things, the actual use, construction or alteration does not conform to the terms of the application and the Zoning Certificate issued thereon.
- 11.09
- A. The Board of Township Trustees shall adopt a fee schedule for Zoning Certificates. Said fee schedule shall be made a part of this Resolution. No change or modification in the fee schedule as adopted by the Board of Township Trustees shall be made unless said change or modification is proposed by proper motion at a regular meeting of the Board of Township Trustees and adopted by a majority vote.
- B. All fees received by the Zoning Inspector shall forthwith be deposited with the Township Clerk who shall credit such fees to the credit of the General Fund of Painesville Township.
- C. If the Zoning Certificate applied for shall be refused, the fee shall be non-refundable.



#### 11.10 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 Painesville Township.

#### 11.11 Requirement

- A. A site plan is required to be submitted for any use or development involving the new construction, reconstruction or expansion of structures in the B-1, B-2, B-3, I-1, I-2, R-3, R-4, CS and Recreation Districts. This includes 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.
- B. If a Conditional Use Permit is required, this section and Section XII, Conditional Use Permit, of the Zoning Resolution must be followed and reviewed by the Board of Zoning Appeals. Conditional Use Permit applications proposed in the B-1, B-2, B-3, I-1, I-2, Recreation and CS Districts will be subject to design review.
- C. If any aspects of the proposed project do not conform to the requirements as contained in this Resolution, then variance(s) must be obtained from the Board of Zoning Appeals. Any approval of the Site Plan prior to the decision of the Board of Zoning Appeals on a variance appeal(s) shall be conditioned upon the subsequent granting of any variance(s) or Conditional Use Permit(s) which are required. In any case where the Zoning Commission issues a conditioned approval of the application for Site Plan Review and the Board of Zoning Appeals either (1) denies a variance request or conditional use permit or (2) continues the public hearing while expressing a reluctance to approve the request as submitted or (3) approves a modified request, then the Zoning Commission retains jurisdiction over the Site Plan Review. The Zoning Commission shall be relieved of such jurisdiction only upon withdrawal of the application by the applicant.
- D. No construction activity as defined herein shall commence for any application until the site plan has been submitted and approved in accordance with these regulations and the zoning permit is issued.

#### 11.12 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.

- 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. 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.
- D. At the discretion of the Township, other agencies with appropriate technical advice may attend the meeting.

#### 11.13 Site Plan Application and Submission Requirements

All applications shall be submitted to the Zoning Inspector. The application shall be filed by the owner, a group of owners acting jointly, or an authorized agent acting on behalf of the land owner(s). Each application will be accompanied by the required application fee in accordance with the current Painesville Township fee schedule. Additional fees may be incurred by the applicant for the cost of plan review by professional consultants, when deemed appropriate by the Township. The Site Plan Review Application shall include the number of copies as instructed by the Zoning Inspector of the following:

- 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. Letter of BZA approvals: A written disclosure of any Conditional Use Permits and/or variances, including any details and/or conditions imposed, which have been granted prior to the Site Plan Review date shall be provided to the Reviewing Board or Commission. Any variances or Conditional Use Permits which will be required but are not yet issued as of the Review Date, may be included by the Reviewing Board or Commission as Conditions to consummate an approval.
- C. All applicants shall furnish Site Plan Drawing Sets which include all information indicated by numbers 1-24 as listed below. Should an applicant be of the position that any one or more of the 24 items are not applicable, the applicant shall submit as part of the application a list of those items along with a reasonable defense as to why each particular item on such list is not applicable or is unnecessary for the project. The Zoning Commission has the discretion to find the defense of any one of the item(s) not provided to be either acceptable or unacceptable. The plan must be prepared, signed and sealed by an Ohio licensed professional engineer, land surveyor or architect and shall include the following:
  - 1. Title, date, north arrow and scale.
  - 2. Name, address, telephone and fax numbers of the owner 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 roadways and driveways, curb cuts, parking areas, pedestrian paths, road rights-of-way, and public transit stops within the site. Include location of parking spaces for disabled drivers. Traffic flow map indicating ingress/egress patterns and internal circulation routes. Statement whether or not bicycle parking will be provided. If yes, provide location and description of equipment. Appendix 11-A, incorporated herein, contains required guidelines for bicycle parking.
  - 6. Existing and proposed sanitary facilities indicating pipe size, grades, invert elevations and locations of manholes.
  - 7. Existing and proposed water facilities including line sizes and locations and hydrant locations.
  - 8. Storm water management provisions in accordance with all regulatory agencies.
  - 9. Location and elevations of existing hydrologic features, including natural or man-made surface drainage ways, flood plains and wetlands.

10. Wooded areas, soils of local importance, and known and/or suspected cemeteries, historical or archeological sites.
11. 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.
12. Location and size of existing and proposed freestanding identification, advertising and traffic control devices.
13. Location of all existing and proposed structures, building heights and dimensions, uses, gross floor area, location of entrances, and loading points within 100' of site. Include architectural renderings and elevation drawings of dominant building(s) on the site in accordance with Section XXXIV- Design Standards and, if applicable, Section XXXIX- Main Corridor Commercial Design Guidelines, which accurately reflects the conditions as they will appear upon completion of the development.
14. Dimensions of all building setbacks and building spacing.
15. A Landscaping Plan identifying the following and in accordance with Section XXXV, Landscaping & Screening Requirements and, if applicable, Section XXXIX- Main Corridor Commercial Design Guidelines of the Zoning Resolution:
  - a. Outline of all buildings and impervious surface areas.
  - b. Location of all existing and proposed landscaping, fences and walls, and other screening features with cross-sections.
  - c. Species, size and condition of all new trees, shrubs, plants, sod and ground cover.
  - d. Area calculations for all areas used towards landscaping and buffer areas.
  - e. Legend showing all plant materials, species and common names, sizes, and symbol used on plan, including exact area of coverage.
  - f. Contour lines at one foot intervals, indicating the location of berms, mounds, detention/retention areas and swales.
  - g. Phasing lines, if the landscaping is to be installed in more than one season.
  - h. Irrigation system plans (if applicable).
16. Location of mechanical equipment, trash enclosures, backflow devices, and services areas.
17. Existing and proposed topographic contours at one foot intervals within 100 ft. of the proposed site.
18. Vicinity map.
19. 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
  - Total building coverage area: (% square feet)
  - Hard surface area: (% square feet)
  - 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)

20. 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.
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- D. Zoning Commission Review Criteria: In reviewing the site plan, the Zoning Commission shall determine that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

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3. 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.
4. 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.
5. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement and parking areas. 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.
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11. Lighting shall be designed as to create neither a hazard nor a nuisance to adjacent properties and uses.
12. Trash storage and other outdoor storage areas shall be screened from adjacent streets and property in accordance with either Sections XXII and XXXV of the Zoning Resolution, or with Sections XXII and XXXIX of the Zoning Resolution, as applicable.
13. 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.

E. Zoning Commission Action:

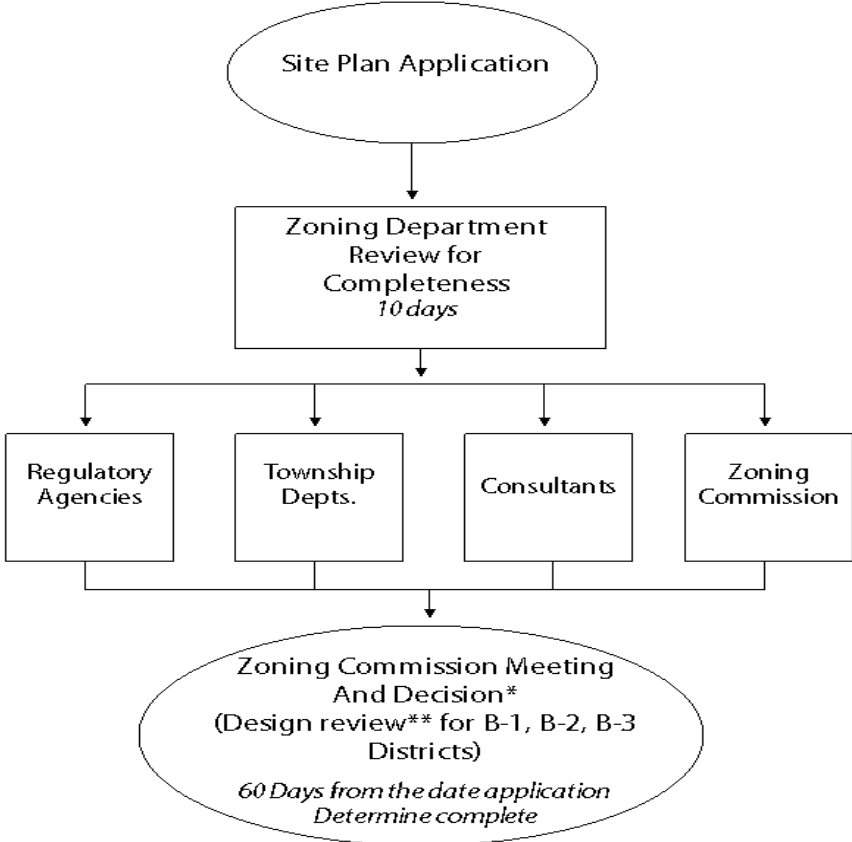
1. Zoning Commission shall either:
  - a. Approve the site plan as submitted; or
  - b. Conditionally approve the site plan subject to the inclusion of specific conditions not originally included in the plan as submitted. Such conditions may include, but not be limited to, improvements to the general lot layout, open space arrangement or on-site control of access to streets.

The Zoning Inspector shall issue a letter to the application within 10 days specifically stating the conditions placed upon the application. Or,

- c. 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.
    1. The Zoning Inspector shall issue a letter to the applicant within 10 days specifically stating the decision of the Zoning Commission.
    2. A modified site plan may be resubmitted for consideration by the Zoning Commission at a regularly scheduled meeting. The Zoning Inspector shall transmit such plan to the Zoning Commission Secretary for review in accordance with the criteria set forth in Section 11.14 D.
  2. Upon conditional approval of the site plan, the developer shall prepare and submit to the Zoning Inspector a final site plan. The final site plan shall include any modifications required by the Zoning Commission during the site plan approval procedures. The Zoning Permit will not be issued until conditions placed on the site plan by the Zoning Commission are met and included by the applicant in the final site plan.
  3. Upon approval of the site plan, the Zoning Inspector shall issue a Zoning Permit for the proposed use.
  4. 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.
- F. Expiration of Plan Approval: An approved site plan shall remain valid for a period of twelve (12) months following the date of the issuance of the Zoning Permit, unless the Zoning Commission authorizes a longer period at the time of approval. 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. Construction is deemed to have commenced when all necessary excavation and piers or footings of one or more principal buildings included in the site plan, or relevant phase thereof have been completed.
- G. Deviation From Plan: Any deviations or alterations from the approved site plan by the Painesville Township Zoning Commission are prohibited. Upon determination that alterations to the approved plan are necessary, the applicant shall immediately notify the Zoning Inspector who shall make a determination whether or not the applicant shall resubmit the site plan and newly determined alterations to the Zoning Commission for the purpose of amending the approval.

Note: A flow chart is provided on the following page as a summary of the site plan review procedures set forth in Section XI. In the event there is a conflict between the procedures set forth in Sections 11.01 through 11.06 and the following chart, the procedures in Sections 11.01 through 11.06 shall apply.

**Flow Chart for Site Plan Review**



\* Proposed Conditional Uses to be reviewed by the Board of Zoning Appeals.  
\*\* The Design Guidelines will be reviewed by the Zoning Commission

\*Proposed Conditional Uses to be reviewed by the Board of Zoning Appeals.

**APPENDIX 11-A  
BICYCLE PARKING DESIGN STANDARDS**

- Purpose and Intent

- It is hereby determined that by developing reasonable standards for bicycle parking, Painesville Township seeks to contribute to the general health, safety and welfare of its residents.
- The specific purposes of implementing design standards as set forth herein are intended to:
  - support and encourage “buy local” initiatives by providing safe and convenient bicycle parking;
  - create a visually appealing and unifying element throughout the Township’s business corridor; and
  - promote the Township as a bicycle friendly community that encourages cycling as a healthy form of transportation and therefore reducing motor vehicle traffic, pollution, and wear on Township roads.

- **Definitions**

- “Bicycle Parking Space”: A physical space that is a minimum of 2.5 feet in width by 6 feet in length with a vertical clearance of at least 7 feet.
- “Bicycle Rack”: A stationary device consistent with industry standards that:
  - is capable of supporting two (2) or more bicycles in a stable position;
  - permits the securing of the bicycle frame and one wheel with a standard u-shaped lock; and
  - is of a character and color that adds aesthetically to the immediate environment.







- **Design Standards**

- Preferred Designs
  - **Custom/Logo/Art Bike Racks** (collectively, “Custom Bike Racks”): Painesville Township recognizes custom bike racks as a visually unifying design element that enhances the streetscape and creates a sense of community. Any bicycle rack that meets the criteria in this section will be subject to approval by the Zoning Inspector and/or Zoning Commission. (*See examples below*)





- **Standard Bicycle Racks.** Inverted ‘U’ type and loop type racks are encouraged. However, all racks must:
  - be made of steel or other likewise durable material;
  - be U-lock compatible;
  - support the bicycle upright by its frame in two places, allowing both the frame and one or both wheels to be secured;
  - be a minimum of 36" tall from base to top of rack, no less than 2 feet in length with a sufficient gap near the bottom for pedal clearance;
  - comply with Americans with Disabilities Act (ADA);
  - not include sharp edges; and
  - be child proof – so that a child cannot put their head through a space and become trapped.



Acceptable Designs	Unacceptable Designs
	
	
	

- Location.** Each bicycle parking space shall be:
  - within fifty (50) feet of a buildings entrance or at least as close as the nearest non-handicapped automobile parking space;
  - located in a highly visible and well lit space;
  - positioned to minimize interference with pedestrian paths or vehicle rights-of-way; and
  - positioned no less than thirty-six (36) inches in all directions from any obstruction.
- Installation.**
  - Bicycle racks must be installed on a solid surface using any of the following methods:

In ground	Surface mount	Free-standing/rail mount
The rack is placed directly into concrete or asphalt.	The rack must be anchored into a solid surface (concrete, asphalt or other durable material as may be approved by the Zoning Inspector) using Tamper proof bolts.	The rack must be so large and/or heavy that it cannot be easily removed.
 <p><i>In ground</i>      <i>Surface</i></p>		

(Amended August 18, 2020 by Resolution 2020-076, effective September 17, 2020)  
 (Amended January 8, 2019 by Resolution 2019-09, effective February 7, 2019)  
 (Amended September 19, 2017 by Resolution 2017-79, effective October 19, 2017)  
 (Amended August 8, 2017 by Resolution 2017-70, effective September 7, 2017)  
 (Amended October 4, 2016 by Trustee Resolution 2016-114, effective November 3, 2016)  
 (Amended December 21, 2010 by Resolution 2010-98, effective January 20, 2011)  
 (Amended August 4, 2009 by Resolution, effective September 3, 2009)  
 (Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002)  
 (Adopted November 22, 1988 by Resolution 88-129, effective December 22, 1988.)

SECTION XI. ZONING CERTIFICATE

- 11.01 A Zoning Certificate shall be required for any of the following:
- A. Construction or structural alteration of any building including accessory buildings or structures.
  - B. Change of use of land, buildings or structures to a use of a different classification.
  - C. The expansion or extension of a non-conforming use.
  - D. Any change of a non-conforming use to a different use whether non-conforming or conforming.
  - E. Use of land by any individual or entity, including a use where a previously existing use has changed ownership. This provision shall not apply where the owner of a business previously existing has changed the form of ownership of the business, but has maintained control of the new entity. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002) This provision shall not apply to changes in ownership of properties being used for residential purposes when the residential use is a conforming use or a continuation of a legal non-conforming use. (Adopted September 19, 2017 by Resolution 2017-79, effective October 19, 2017).
  - F. Construction or reconstruction of parking lots, including pedestrian walkways and interior landscaping, which may or not involve a change in the square footage of the parking area, in Zoning Districts B-1, B-2, B-3, I-1, I-2, CS, REC-1, REC-2, REC-3.
  - G. The demolition and/or removal of any existing building or structure from a premises in any zoning district for which no Zoning Certificate has been issued for replacement of the demised structure shall require a Zoning Certificate for Demolition.
- 11.02 A Zoning Certificate shall be obtained before any construction, alteration, use or change of use as specified in this Section shall take place. This shall specifically include personal, commercial or other use of any industrial warehouse by an individual or entity, with the exception of the use of units exclusively for personal self-storage in buildings where a zoning certificate has been issued indicating that the use of the property is to provide personal self-storage facilities. Issuance of a Zoning Certificate for property located in Commercial and Industrial Districts is conditional upon approval and inspection of the property by the Painesville Township Fire Department for compliance with all applicable fire and safety codes. In the event the property owner or applicant fails to comply with said requirements, the Zoning Inspector may revoke the Zoning Certificate.
- 11.03 A. No Zoning Certificate shall be required for the use of any land for agricultural purposes or for the use, construction or structural alteration of any building or structure incident thereto, except agricultural structures built in platted subdivisions and in accordance with the provisions of Ohio Revised Code Section 519.21 and Section 31 of this Resolution.
- B. No Zoning Certificate shall 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.
- 11.04 Written application for a Zoning Certificate for the construction of a new building or structure, or for the alteration of an existing building or structure, shall be made prior to the application for a building permit. Said Zoning Certificate shall be issued within ten (10) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. A Zoning Certificate shall expire one (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such certificates with the following exception:
- A. The completion date of each phase of a development done in stages shall be stated on the application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for such stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.

- 11.05 Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector prior to the initiation of any work or action on said request. Said Zoning Certificate shall be issued within ten (10) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Certificates shall expire one (1) year after issuance unless the work or action has been substantially begun and thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such certificate with the following exception:
- A. The completion date of each phase of a development done in stages shall be stated on the Application for Zoning Certificate when application is made. The completion date shall be the expiration date of the Zoning Certificate for said stage or phase. No completion date for all phases of a phased development shall be more than five (5) years from the date on which the Zoning Certificate was issued.
- 11.06 The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question attesting that the use, alteration, or construction is in conformance with the provisions of this Resolution.
- 11.07
- A. An applicant for a Zoning Certificate shall file an application for Zoning Certificate, which is provided by the Township, setting forth, among other things:
1. The dimensions of any proposed building or structure;
  2. The use to which any building, structure or land is proposed to be put.
- B. An Application for Zoning Certificate shall be accompanied by and have as a part thereof a plot plan showing, among other things:
1. Location of proposed building or structure;
  2. Location of adjacent buildings, structures or roads;
  3. Setbacks and yard clearances for current and proposed buildings and structures.
- C. Each Application for a Zoning Certificate shall be accompanied by a fee in accordance with a fee schedule adopted by the Board of Township Trustees and amended from time to time.
- 11.08
- A. The Zoning Inspector may refuse to issue a Zoning Certificate in the event the applicant fails to supply information reasonably required of him.
- B. A Zoning Certificate shall be revocable if, among other things, the actual use, construction or alteration does not conform to the terms of the application and the Zoning Certificate issued thereon.
- 11.09
- A. The Board of Township Trustees shall adopt a fee schedule for Zoning Certificates. Said fee schedule shall be made a part of this Resolution. No change or modification in the fee schedule as adopted by the Board of Township Trustees shall be made unless said change or modification is proposed by proper motion at a regular meeting of the Board of Township Trustees and adopted by a majority vote.
- B. All fees received by the Zoning Inspector shall forthwith be deposited with the Township Clerk who shall credit such fees to the credit of the General Fund of Painesville Township.
- C. If the Zoning Certificate applied for shall be refused, the fee shall be non-refundable.

#### 11.10 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 Painesville Township.

#### 11.11 Requirement

- A. A site plan is required to be submitted for any use or development involving the new construction, reconstruction or expansion of structures in the B-1, B-2, B-3, I-1, I-2, R-3, R-4, CS and Recreation Districts. This includes 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.
- B. If a Conditional Use Permit is required, this section and Section XII, Conditional Use Permit, of the Zoning Resolution must be followed and reviewed by the Board of Zoning Appeals. Conditional Use Permit applications proposed in the B-1, B-2, B-3, I-1, I-2, Recreation and CS Districts will be subject to design review.
- C. If any aspects of the proposed project do not conform to the requirements as contained in this Resolution, then variance(s) must be obtained from the Board of Zoning Appeals. Any approval of the Site Plan prior to the decision of the Board of Zoning Appeals on a variance appeal(s) shall be conditioned upon the subsequent granting of any variance(s) or Conditional Use Permit(s) which are required. In any case where the Zoning Commission issues a conditioned approval of the application for Site Plan Review and the Board of Zoning Appeals either (1) denies a variance request or conditional use permit or (2) continues the public hearing while expressing a reluctance to approve the request as submitted or (3) approves a modified request, then the Zoning Commission retains jurisdiction over the Site Plan Review. The Zoning Commission shall be relieved of such jurisdiction only upon withdrawal of the application by the applicant.
- D. No construction activity as defined herein shall commence for any application until the site plan has been submitted and approved in accordance with these regulations and the zoning permit is issued.

#### 11.12 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.

- 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. 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.
- D. At the discretion of the Township, other agencies with appropriate technical advice may attend the meeting.

#### 11.13 Site Plan Application and Submission Requirements

All applications shall be submitted to the Zoning Inspector. The application shall be filed by the owner, a group of owners acting jointly, or an authorized agent acting on behalf of the land owner(s). Each application will be accompanied by the required application fee in accordance with the current Painesville Township fee schedule. Additional fees may be incurred by the applicant for the cost of plan review by professional consultants, when deemed appropriate by the Township. The Site Plan Review Application shall include the number of copies as instructed by the Zoning Inspector of the following:

- 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. Letter of BZA approvals: A written disclosure of any Conditional Use Permits and/or variances, including any details and/or conditions imposed, which have been granted prior to the Site Plan Review date shall be provided to the Reviewing Board or Commission. Any variances or Conditional Use Permits which will be required but are not yet issued as of the Review Date, may be included by the Reviewing Board or Commission as Conditions to consummate an approval.
- C. All applicants shall furnish Site Plan Drawing Sets which include all information indicated by numbers 1-24 as listed below. Should an applicant be of the position that any one or more of the 24 items are not applicable, the applicant shall submit as part of the application a list of those items along with a reasonable defense as to why each particular item on such list is not applicable or is unnecessary for the project. The Zoning Commission has the discretion to find the defense of any one of the item(s) not provided to be either acceptable or unacceptable. The plan must be prepared, signed and sealed by an Ohio licensed professional engineer, land surveyor or architect and shall include the following:
  - 1. Title, date, north arrow and scale.
  - 2. Name, address, telephone and fax numbers of the owner 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 roadways and driveways, curb cuts, parking areas, pedestrian paths, road rights-of-way, and public transit stops within the site. Include location of parking spaces for disabled drivers. Traffic flow map indicating ingress/egress patterns and internal circulation routes. Statement whether or not bicycle parking will be provided. If yes, provide location and description of equipment. Appendix 11-A, incorporated herein, contains required guidelines for bicycle parking.
  - 6. Existing and proposed sanitary facilities indicating pipe size, grades, invert elevations and locations of manholes.
  - 7. Existing and proposed water facilities including line sizes and locations and hydrant locations.
  - 8. Storm water management provisions in accordance with all regulatory agencies.
  - 9. Location and elevations of existing hydrologic features, including natural or man-made surface drainage ways, flood plains and wetlands.

10. Wooded areas, soils of local importance, and known and/or suspected cemeteries, historical or archeological sites.
11. 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.
12. Location and size of existing and proposed freestanding identification, advertising and traffic control devices.
13. Location of all existing and proposed structures, building heights and dimensions, uses, gross floor area, location of entrances, and loading points within 100' of site. Include architectural renderings and elevation drawings of dominant building(s) on the site in accordance with Section XXXIV- Design Standards and, if applicable, Section XXXIX- Main Corridor Commercial Design Guidelines, which accurately reflects the conditions as they will appear upon completion of the development.
14. Dimensions of all building setbacks and building spacing.
15. A Landscaping Plan identifying the following and in accordance with Section XXXV, Landscaping & Screening Requirements and, if applicable, Section XXXIX- Main Corridor Commercial Design Guidelines of the Zoning Resolution:
  - a. Outline of all buildings and impervious surface areas.
  - b. Location of all existing and proposed landscaping, fences and walls, and other screening features with cross-sections.
  - c. Species, size and condition of all new trees, shrubs, plants, sod and ground cover.
  - d. Area calculations for all areas used towards landscaping and buffer areas.
  - e. Legend showing all plant materials, species and common names, sizes, and symbol used on plan, including exact area of coverage.
  - f. Contour lines at one foot intervals, indicating the location of berms, mounds, detention/retention areas and swales.
  - g. Phasing lines, if the landscaping is to be installed in more than one season.
  - h. Irrigation system plans (if applicable).
16. Location of mechanical equipment, trash enclosures, backflow devices, and services areas.
17. Existing and proposed topographic contours at one foot intervals within 100 ft. of the proposed site.
18. Vicinity map.
19. 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
  - Total building coverage area: (% square feet)
  - Hard surface area: (% square feet)
  - 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)

20. 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.
21. Proposed landscaping and screening plans indicating the location and nature of existing and proposed vegetation, landscaping and screening elements. Design should be in accordance with parking and buffer requirements set forth in the Township Zoning Resolution.
22. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon.
23. Proposed timetable and schedule for the development of the site.
24. Any other items required by the Zoning Inspector to assist in a complete and proper review of the proposed site plan, including but not limited to a traffic impact study.

#### 11.14 Approval Process

- A. Review for Completeness: The Zoning Inspector or his/her designated representative shall, within ten (10) business 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 reviewed by the Zoning Commission, Board of Zoning Appeals for Conditional Use Permits, Fire Department, and Planning Commission Staff.

Once an application is officially accepted, it shall be placed on the agenda for a regular meeting date of the Zoning Commission which shall occur no less than 28 days from the date of acceptance of the application.

- B. Plan Distribution: The Zoning Inspector may distribute the application to the following for review and comment:
  1. Regulatory agencies that have the 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 application and all reports or comments prepared by the individuals in Section 11.14(B) above shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission or Board of Zoning Appeals.

- D. Zoning Commission Review Criteria: In reviewing the site plan, the Zoning Commission shall determine that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

1. The site plan shows a proper relationship exists between thoroughfares, service roads, driveways and parking areas, and the requirements of the Zoning Resolution.

2. 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.
3. 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.
4. 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.
5. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement and parking areas. 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.
6. 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.
7. 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.
8. 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.
9. On-site circulation shall be designed to provide for adequate fire and police protection and safe and efficient pedestrian and vehicular circulation.
10. 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.
11. Lighting shall be designed as to create neither a hazard nor a nuisance to adjacent properties and uses.
12. Trash storage and other outdoor storage areas shall be screened from adjacent streets and property in accordance with either Sections XXII and XXXV of the Zoning Resolution, or with Sections XXII and XXXIX of the Zoning Resolution, as applicable.
13. 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.

E. Zoning Commission Action:

1. Zoning Commission shall either:
  - a. Approve the site plan as submitted; or
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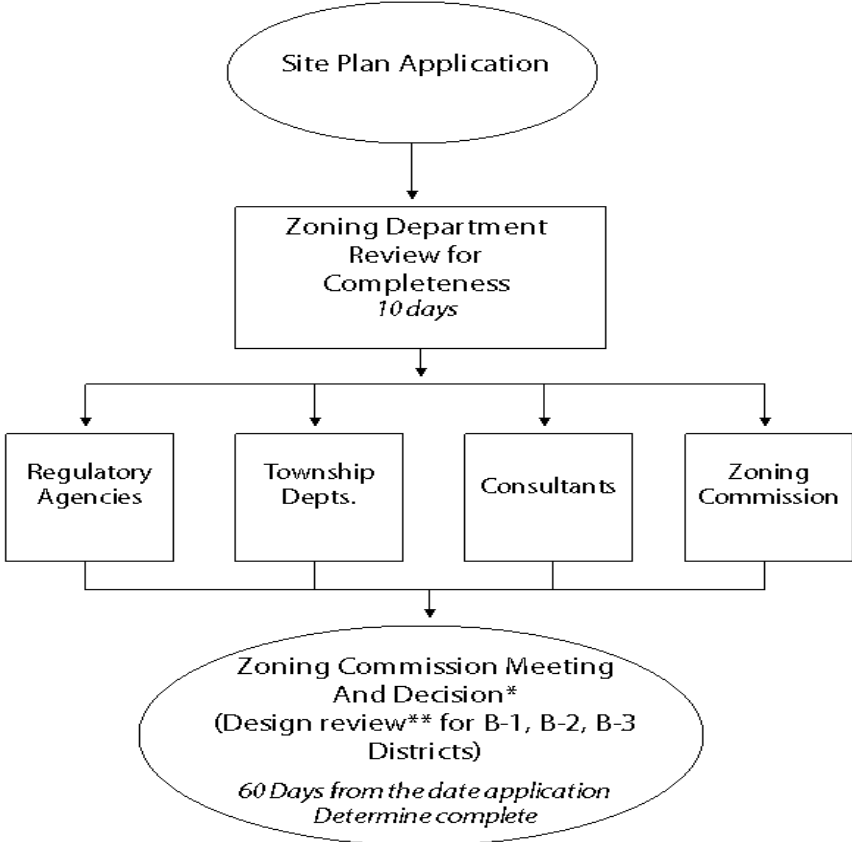


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Note: A flow chart is provided on the following page as a summary of the site plan review procedures set forth in Section XI. In the event there is a conflict between the procedures set forth in Sections 11.01 through 11.06 and the following chart, the procedures in Sections 11.01 through 11.06 shall apply.

**Flow Chart for Site Plan Review**



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  - promote the Township as a bicycle friendly community that encourages cycling as a healthy form of transportation and therefore reducing motor vehicle traffic, pollution, and wear on Township roads.

- **Definitions**







- “Bicycle Parking Space”: A physical space that is a minimum of 2.5 feet in width by 6 feet in length with a vertical clearance of at least 7 feet.
- “Bicycle Rack”: A stationary device consistent with industry standards that:
  - is capable of supporting two (2) or more bicycles in a stable position;
  - permits the securing of the bicycle frame and one wheel with a standard u-shaped lock; and
  - is of a character and color that adds aesthetically to the immediate environment.

- **Design Standards**


- Preferred Designs
  - **Custom/Logo/Art Bike Racks** (collectively, “Custom Bike Racks”): Painesville Township recognizes custom bike racks as a visually unifying design element that enhances the streetscape and creates a sense of community. Any bicycle rack that meets the criteria in this section will be subject to approval by the Zoning Inspector and/or Zoning Commission. (*See examples below*)



- **Standard Bicycle Racks.** Inverted ‘U’ type and loop type racks are encouraged. However, all racks must:
  - be made of steel or other likewise durable material;
  - be U-lock compatible;
  - support the bicycle upright by its frame in two places, allowing both the frame and one or both wheels to be secured;
  - be a minimum of 36" tall from base to top of rack, no less than 2 feet in length with a sufficient gap near the bottom for pedal clearance;
  - comply with Americans with Disabilities Act (ADA);
  - not include sharp edges; and
  - be child proof – so that a child cannot put their head through a space and become trapped.

Acceptable Designs	Unacceptable Designs
	
	
	

- Location.** Each bicycle parking space shall be:
  - within fifty (50) feet of a buildings entrance or at least as close as the nearest non-handicapped automobile parking space;
  - located in a highly visible and well lit space;
  - positioned to minimize interference with pedestrian paths or vehicle rights-of-way; and
  - positioned no less than thirty-six (36) inches in all directions from any obstruction.
- Installation.**
  - Bicycle racks must be installed on a solid surface using any of the following methods:

In ground	Surface mount	Free-standing/rail mount
The rack is placed directly into concrete or asphalt.	The rack must be anchored into a solid surface (concrete, asphalt or other durable material as may be approved by the Zoning Inspector) using Tamper proof bolts.	The rack must be so large and/or heavy that it cannot be easily removed.
 <p><i>In ground</i>      <i>Surface</i></p>		

(Amended August 18, 2020 by Resolution 2020-076, effective September 17, 2020)  
 (Amended January 8, 2019 by Resolution 2019-09, effective February 7, 2019)  
 (Amended September 19, 2017 by Resolution 2017-79, effective October 19, 2017)  
 (Amended August 8, 2017 by Resolution 2017-70, effective September 7, 2017)  
 (Amended October 4, 2016 by Trustee Resolution 2016-114, effective November 3, 2016)  
 (Amended December 21, 2010 by Resolution 2010-98, effective January 20, 2011)  
 (Amended August 4, 2009 by Resolution, effective September 3, 2009)  
 (Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002)  
 (Adopted November 22, 1988 by Resolution 88-129, effective December 22, 1988.)

## SECTION XII. CONDITIONAL USE PERMIT

### 12.01 Purpose

An increasing number of new kinds of land uses are appearing. Many of these uses and some more conventional uses possess characteristics of unique and special nature relative to size, design, and location such that each use must be considered individually to ensure compatibility with surrounding land use patterns and effects on the adjacent properties. 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 of the Township's residents and business community.

12.02 The following uses and uses pursuant to Section XXII, Table of Uses shall require the issuance of a Conditional Use Permit:

- A. Surface extraction of sand, gravel, or other earth materials.
- B. Any change or alteration in the existing grade or topography of land which results from depositing soil or some other clean fill substance on said land. This use does not include clean fill alterations made upon single-family residential lots on which there exists a dwelling house and when for purposes of this use, permitted: (1) the change in grade or topography is solely for the purpose of landscaping, and (2) the change in grade or topography does not change, increase, alter or restrict the existing surface water drainage from or to adjacent lands.
- C. New motor vehicle dealership
- D. Any wireless telecommunications tower, facility, antenna, or equipment shelter.
- E. Public library, public museum and community center.
- F. Drive-thru facility associated with a permitted or conditional use.
- G. Veterinary service with an enclosed yard
- H. Gas station with convenience store
- I. Car Wash (Including Automatic)
- J. Automotive Repair
- K. Outdoor storage and/or display associated with a permitted or conditional use.
- L. Outdoor dining
- M. Hotels and motels.
- N. Motion picture theater
- O. Bowling alley
- P. All recreation uses permitted by this Resolution. See Section XIX, XX, XXI. Recreational facility/clubs as permitted conditionally in B-1 and B-3 Commercial Districts.
- Q. Antique Stores
- R. Meeting halls/centers, banquet halls/centers, auditoriums and party centers
- S. Assisted Living Facility in the B-1 Zoning District
- T. Agricultural Uses as required in Section 31 of this Zoning Resolution.
- U. Indoor Self-Storage Facility in the B-1 Zoning District
- V. Used auto & truck sales in the I-1 Zoning District
- W. Any Similar Use as approved by the Trustees or required elsewhere in this Zoning Resolution

12.03 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 or other structures not otherwise permitted in a 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 described in the Ohio Revised Code Chapter 519 and any amendments thereto, which procedures shall apply to applications for Conditional Use Permits as well as to the procedures for applications for zoning appeals.
- 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 Board of Zoning Appeals.

#### 12.04 General Standards Applicable to All Conditional Uses

In addition to 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 in accordance with the general objectives, or with any specific objective of the Zoning Resolution and/or the Township Comprehensive Plan.
- B. Will be designed, constructed, operated, and maintained so as to be 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 area.
- C. Will not be hazardous or dangerous to neighboring uses of the community in general.
- D. Will be served adequately by public facilities and services such as highways, roads, police and fire protection, drainage structures, refuse disposal, water, sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to adequately provide such services.
- E. Will have vehicular approaches to the property which shall be so designed as not to cause interference with traffic or surrounding public roads.
- F. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.
- G. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation.
- 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.
- I. Will not be hazardous or disturbing to the existing and future use and enjoyment of property in immediate vicinity for the uses permitted, no substantially diminish or impair property values within the neighborhood.
- K. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

#### 12.05 Standards Applicable to Specific Uses

- A. Surface Extraction of sand, gravel or other earth materials. Surface extraction of sand, gravel or other earth materials shall 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 stipulation only in Industrial districts and may be prohibited by the Board of Zoning Appeals after making a determination for conformance with the following procedures and standards requirements:
  - a. This section does not apply to County subdivision regulations or the excavation of basements, or the construction of oil, gas, or water wells in conjunction with structures otherwise permitted by this resolution.
  - b. This Section does apply to the removal of overburden for the purpose of determining the location, quality or quantity of a mineral deposit.
  - c. 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.
  - d. No sand, gravel or other earth material shall be removed or extracted nearer than one hundred (100) feet to any adjacent industrial property or one hundred fifty (150) feet to any adjacent residential or commercial property.

- e. 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.
  - f. That there shall be no processing or manufacturing of such sand, gravel, and earth materials on the premises.
  - g. Applicant shall grade, contour, or terrace the final slopes to achieve soil stability and to control erosion and sedimentation. Slopes with a slope angle of eighteen (18) degrees or less shall be presumed sufficient. Highwalls retained as part of intended future use shall not be regarded as final slopes. Applicant shall establish diversion ditches with controlled outlets on any final slopes sufficient to achieve soil stability and control landslides, erosion and sedimentation. At no time shall slopes be steeper than one (1) foot vertical to two (2) feet horizontal, except at the highwall.
  - h. Topsoil and subsoil in sufficient amounts to cover the excavation shall be saved and stored, to be redistributed in the excavation upon completion of the extraction process.
  - i. 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.
1. The applicant shall file along with the Application for a Conditional Use Permit, detailed plans and maps prepared by a registered engineer which clearly show the following:
- a. the total property of which the excavated area is part.
  - b. the owner of the property as shown on the recorded plat.
  - c. 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.
  - d. 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.
  - e. the proposed final topography of the land after excavation has been completed, indicated by contour lines of no greater interval than ten (10) feet, on a map with a scale of one (1) inch equals two hundred (200) feet.
  - f. the drainage plan on, above, below, and away from the area of land to be affected, indicating the directional flow of water, constructed drain ways, natural waterways used for drainage, and the streams or tributaries receiving or to receive the drainage.
  - g. 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.
  - h. the dates that the land or any portion thereof will be restored in accordance with the plans submitted.
  - i. the depth of such excavation below the natural grade.
  - j. the amount of material to be removed in each phase and over the total duration of the operation.
  - k. 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.

2. Before the issuance of the required permit, a bond payable to the Painesville Township Trustees in the amount of \$5,000.00 (five thousand dollars) per acre or any portion thereof of the land to be excavated and conditional upon the applicant faithfully restoring the land to be excavated as the map submitted with the application indicates shall be paid.
  3. 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 as 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.
  4. 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 4, 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.
  5. 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.
- B. Any Change or alteration in existing grade or topography which results from deposit of material.
1. Any application for a Conditional Use Permit for this use shall contain the following specific information:
    - a. The full name and address of the applicant, and if the applicant is a partnership, the full name and address of each of the partners, and if the applicant is a corporation, the name and address of its principal officers.
    - b. Description of the land on which the soil or substance is to be deposited, specifying the type of soil or substance to be deposited and the quantity in cubic yards of soil or substance to be deposited.
    - c. If persons other than the owner are interested in securing a permit, the owner shall join in, sign and be made a party to the application for such permit and shall agree to be bound by any condition imposed or made a part of said permit.
    - d. A site plan showing the existing and proposed grade or topography at two foot contour intervals on the lot or land involved and the land within 300 feet of the land involved including property lines, easements, street right-of-ways and existing structures. Said site plan shall be prepared at a scale of 200 feet per inch.
    - e. A sufficient number of dated photographs of the land to show the existing condition of the land depicting trees, landscape features and existing structures.
    - f. Engineering details, plans or methods concerning the prevention of erosion, dust control, alteration or filling of drainage ditches, swales or culverts, interfering with or burying sewer or utility lines and the changes in the surface water runoff.
    - g. The plans or methods by which the land is to be reclaimed after the deposit of the soil or substance including the reseeding or replanting of the land.
    - h. The method of drainage to be used during and after the operation is completed.



- i. 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.
  - j. Such other or further information as the Board of Zoning Appeals may deem necessary.
- C. New Motor Vehicle Dealership. New auto and light truck dealership with or without used vehicle sales as a single integrated entity under the same ownership. New Motor Vehicle Dealership shall be defined as any person engaged in the business of selling or leasing at retail, displaying, offering for sale, and/or dealing in new and untitled automobiles and/or light trucks at an established place of business used exclusively for such purposes and pursuant to a contract or agreement entered into with the manufacturer of such vehicles.
- 1. Accessory uses
    - a. Sales and leasing at retail, displaying, offering for sale, and dealing in used automobiles and/or light trucks shall be considered to be an accessory use to the main use of the site as a new ~~car~~ motor vehicle ~~agency~~ dealership, and shall be permitted provided that such sale at retail, display, offering for sale, and dealing in used automobiles and/or trucks is operated in conjunction with, on the same site as, and under the same ownership and management as the new ~~car~~ motor vehicle ~~agency~~ dealership.
    - b. New motor vehicle dealerships shall have parts and service departments available to their clientele as well as a support to the main use as a new motor vehicle dealership.
  - 2. New motor vehicle dealerships shall be conditionally permitted in a B-3 Commercial District Only.
  - 3. Lot area – Minimum lot area shall be three (3) contiguous acres not separated or divided by any public or private highway, street, road, alley, or right of way of any description.
  - 4. Building uses: space, under roof shall be provided for the following:
    - a. Offices.
    - b. Display of at least three (3) new automobiles and/or trucks;
    - c. Inspection, servicing and repair area for at least three automobiles and/or light trucks, and;
    - d. Sufficient parts and storage area to comply with Subsection (c) herein.
  - 5. Lot coverage - The ground floor area of all buildings shall not exceed thirty (30%) percent of the area of the site.
    - a. At least fifty percent (50%) of the remaining area shall be devoted to parking and display of new automobiles and/or trucks;
    - b. No more than twenty five percent (25%) of the remaining area shall be devoted to parking and displaying used automobiles and/or trucks; and
    - c. At least fifteen (15%) percent of the remaining area shall be devoted to parking for customers and employees' vehicles.
  - 6. Lighting: Lighting for all areas used for the outdoor display of automobiles shall be in accordance with Section XXIV.
  - 7. In computing lot area coverage and minimum setback, side and rear yard clearances, parking facilities and buffering must comply with provisions of Sections XI, XXIV, XXV and Section XXIX.
  - 8. Maximum height of buildings - see Section 22.08.
  - 9. Signs - see Section 28.
  - 10. Such other information as the Board of Zoning Appeals may deem necessary. 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.

11. Subject to Site Plan, Landscaping and Design review and 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.
- D. Construction, erection and/or use of a wireless telecommunications tower, antenna, facility and/or equipment shelter shall be permitted only after obtaining a conditional use permit if required by the township pursuant to the Ohio Revised Code. Wireless conditional uses are for residential districts only. Commercial and industrial districts do not need permits.
1. Definitions: as used in this Zoning Resolution, the following definitions apply:
    - a. Co-location: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
    - b. 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.
    - c. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
    - d. 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.
    - e. Wireless Telecommunications Antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used solely for the purpose of amateur radio operation are excluded from this definition.
    - f. Wireless Telecommunications Equipment Shelter: The structure in which the electronic receiving, transmitting and relay equipment for a wireless telecommunications facility is housed.
    - g. 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.
    - h. Wireless Telecommunications Tower: A structure intended to support equipment used to transmit and/or receive telecommunication signals including monopoles, guyed and lattice construction steel structures.
  2. Wireless telecommunications antennas, equipment shelters, facilities and towers are not permitted in any residential (R-) Districts. If the wireless telecommunications antenna, equipment shelter, facility or tower is proposed by a public utility engaged in the provision of telecommunications services, the public utility must comply with O.R.C. §519.211, and is subject to denial by the Painesville Township Trustees, as set forth therein.
  3. An applicant for wireless telecommunications antenna, equipment shelter, facility, or tower shall provide the Board of Zoning Appeals with the following information at the time of the application:
    - a. An Affidavit of an authorized officer of the applicant setting forth the attempts which have been made at achieving co-location of a wireless telecommunications facility in the area, and setting forth the reasons why co-location is impractical or impossible under the circumstances.
    - b. A grid setting forth all wireless telecommunications antennas, towers and facilities within a five (5) mile radius of the proposed site, together with the name, address and telephone number of the owner of the tower.
    - c. The number of current wireless telecommunications antennas currently placed upon all of the telecommunications facilities and/or towers within said five (5) mile radius.

- d. A statement setting forth whether or not the applicant considers itself to be a public utility, and if so, the specific reasons why it considers itself a public utility, giving appropriate citations to authority.
4. Except as otherwise provided in this section, all wireless telecommunications, antennas, equipment shelters, facilities and towers shall comply with the following standards:
- a. Design: All towers shall be of a monopole or lattice design. Towers and antennas shall be designed to meet all Painesville Township and/or Lake County Building Department requirements.
  - b. Maximum height of tower and related facilities: A wireless telecommunication tower shall be less than two hundred (200) feet in height as measured from the average ground level at the base of the tower to the top point of the structure. The intent of this height restriction is to avoid the necessity for lighting of the tower. No equipment building for wireless tower facility shall exceed fifteen (15) feet in height from building grade.
  - c. Unless otherwise required by the Board of Zoning Appeals, the color of the tower shall be a neutral gray.
  - d. Additional Permitted use: A wireless telecommunication tower facility may be located on a lot with another use.
  - e. Minimum lot area: The minimum lot area shall be the same as that required for the underlying zoning district and the lot area shall be sufficient to provide for all requirements of setbacks, yards and building coverage as specified in the underlying zoning district.
  - f. Location of tower on the lot: Unless otherwise provided in this Section, a wireless telecommunication facility must comply with the setback and yard requirements applicable to buildings in the underlying zone in which it is located. Such tower must be placed upon the lot in such a way as to minimize the visual impact on adjoining roads and properties.
  - g. Spacing: Multiple wireless communications towers are permitted on a single lot in commercial and industrial districts only, up to a limit of two towers per acre, or with a variance granted by the Board of Zoning Appeals. Except as otherwise provided for in this Section, there shall be a separation of at least two thousand five hundred (2,500) feet between towers.
  - h. Fencing: Fencing shall be provided for public safety reasons. A fence at least six (6) feet in height, but no greater than eight (8) feet in height, shall be erected completely around those portions of the wireless communication facility that come in contact with the ground. "No Trespassing" signs shall be posted around the telecommunication facility with a telephone number of a person to contact in the event of an emergency.
  - i. Buffer zones: A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the wireless communication facilities and the public rights-of-way and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The fifteen (15) foot landscape buffer shall consist of a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.
  - j. Outdoor storage: Overnight outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited except during the facility construction period, during periodic maintenance, activity related to establishment of co-location, and to supply emergency power to the facility only during a power outage.
  - k. Lighting: Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulation, white strobe lights shall not be permitted at night unless no other alternative is permitted by the FAA. Lighting for security purposes shall be



reasonable by the Board of Zoning Appeals based on the particular application and its proximity to surrounding uses and structures.

- E. Public Library, Public Museum and Community Center: A library, museum and/or community center at shall be permitted in any Commercial District subject to compliance with the following conditions:
- a. A library, museum and or community center shall be located on a parcel containing at least two (2) acres of land 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. Setbacks shall comply with Section XXII.
  - d. 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 surface. Parking areas and access drives shall be paved with an impervious material such as concrete or asphalt.
  - e. access drives shall be located as to provide minimum impact to an intersection of public right-of-way.
  - 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 a controlled access point.
  - 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.
- F. Drive-Thru Facility associated with a Permitted or Conditional Use: 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 B-1, B-2, and B-3 Districts in accordance with the following:
- a. Shall only be permitted as accessory uses for the main uses of the buildings and as specified within the particular zoning district.
  - b. All pertinent structures shall conform to all building setbacks and design standards as provided in the particular zoning classification or district in which it is to be located.
  - c. Unless specified elsewhere, a minimum of ten (10) waiting spaces shall be provided. If there is more than one transaction site, then a minimum of five (5) waiting spaces per transaction site shall be provided.
  - d. Automatic car wash facilities shall provide minimum of (10) waiting spaces.
  - e. Drive-thru facilities shall comply with the parking setback requirements set forth in Section XXIX. When such use abuts a residential district, landscaping and screening shall be provided in accordance with Section XXXV.
  - f. Any lighting provided for a drive-thru facility shall comply with the lighting requirements set forth in Section 22.12 (C).
  - g. Any speakers provided for a drive-thru facility shall be set at a volume so as not to disturb abutting properties.
  - h. Drive-thru facilities shall be located on a lot so as to minimize interference with an establishment's pedestrian traffic and other parking areas.
  - i. 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.
  - j. Such facilities should be located on a major street in an area least disruptive to pedestrian and vehicular traffic.
  - k. Stacking areas for drive-thru facilities shall not be the sole or primary site egress route.
  - l. Stacking areas shall not utilize parking or aisles required for access to parking.
  - m. 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.
- G. Veterinary Services with an enclosed yard: Veterinary Service shall be conditionally permitted in the B-2 and B-3 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 odor or smoke off the premises.
- e. 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.

H. Gas Stations with Convenience Stores: Shall be conditionally permitted in the B-2 and B-3 Districts in compliance with the following:

- 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. No vehicle maintenance or repair services may be offered or conducted on the premises other than those services as defined in Section 5 as "Automotive Services."
- k. Gas Stations shall provide a minimum of two (2) parking spaces per accessible side of the pump island. To compute the required number of spaces, calculate how many vehicles may simultaneously access a fuel pump and plan to provide an equal number of spaces on the premises away from the fuel pump islands.
- 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. 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. Car Wash (Including Automatic): Car Washes shall be conditionally permitted in B-2 and B-3 District in compliance with the following:

- 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.
- b. Car wash facilities shall provide a minimum of ten (10) waiting spaces.
- c. Services performed by hand such as vacuum, interior detailing, window cleaning must not interfere with the stacking requirements or flow through any automated portion of the wash operation.
- d. 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.

J. Automotive Repair shall be conditionally permitted in a B-3 District 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. No vehicles shall be stored on the premises outdoors during closed hours which do not have all body parts intact and secured or do not have all four wheels and tires on and on the ground.
- d. Operators shall strictly comply with best management practices regarding handling, storage and disposal of oils, lubricants, degreasers and any hazardous or toxic substances regulated by the EPA and/or local Health authorities.
- e. Facility may not open before 8 AM or close later than 6:30 PM.
- f. 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.

K. Outdoor Storage and/or Display associated 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 B-1, B-2, and B-3 Districts in compliance with the following:

- A. The outdoor storage of goods, supplies, equipment and vehicles used in the operation of the principal use shall comply with the following:
  - a. 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.
  - b. The outdoor storage area shall not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.
  - c. No signs shall be permitted in conjunction with outdoor storage areas except those otherwise in compliance with the sign regulations in Section XVIII.
  - d. Outdoor storage areas shall be maintained in a neat and orderly fashion.
  - e. Any outdoor storage shall be directly related to the principal business conducted at that location.
  - f. 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.
  - g. 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.
  - h. Noise shall be adequately controlled to ensure not to create a nuisance.

B. The outdoor display of goods for sale shall comply 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, except as otherwise permitted for a specific use.
- 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 not cover more than 10 percent of the site area. This limitation shall not apply to motor vehicle dealers.
- d. No signs shall be permitted in conjunction with outdoor display areas except those otherwise in compliance with the sign regulations in Section XXVIII.
- e. Outdoor display areas shall be maintained in a neat and orderly fashion.
- f. 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.

L. Outdoor Dining: Outdoor Dining shall be conditionally permitted in the B-1, B-2 and B-3 Districts in compliance with the following:

- 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 XXVIII.
- 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 outside seating capacity shall not exceed twenty-five percent (25%) of the restaurant's seating capacity indoors.
- f. The outdoor seating area shall not interfere with the public right-of-way.
- g. Noise shall be adequately controlled to ensure not to create a nuisance.
- 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. Adequate parking shall exist for outdoor seating patrons.
- j. Fences or walls surrounding or otherwise enclosing outdoor dining areas shall not exceed a height of eight (8) feet.

M. HOTELS AND MOTELS: A hotel or motel shall be conditionally permitted in any B-1 or B-3 District subject to and in accordance with the following conditions:

- a. Hotel and motels: means any building or portion thereof used arranged or designed so as to provide six or more rooms or suites of rooms used for transient lodging purposes on a daily basis.
- b. Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood.
- c. Setbacks shall comply with Section XXII.
- d. 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 five (5) feet in height as measured from the parking surface. Parking areas and access drives shall be paved with an impervious material such as concrete or asphalt.
- e. Access drives shall be located as to provide minimum impact to an intersection of public right-of-way.
- 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, including swimming pool area shall be enclosed by a fence at least five (5) feet in height and shall have a controlled access point.
- 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.

N. MOTION PICTURE THEATER: A motion picture theater shall be conditionally permitted in a B-1 or B-3 District subject to and in accordance with the following conditions:

- a. Excludes adult motion picture theater and drive-in theaters.
- b. Such use shall be located on a major street or have direct access to a major street without going through a residential neighborhood.
- c. Setbacks shall comply with Section XXII.
- d. Parking areas shall be screened from abutting properties by a fence, mounding, planting or any combination thereof which provides for a year-round vertical screen at least five (5) feet in height as measured from the parking surface. Parking areas and access drives shall be paved with an impervious material such as concrete or asphalt.
- e. Access drives shall be located as to provide minimum impact to an intersection of public right-of-way.
- 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.

O. BOWLING ALLEY: A bowling alley shall be conditionally permitted in a B-3 District subject to and accordance with the following conditions.

- a. Noise shall be adequately controlled to ensure not to create a nuisance.
- b. Such use shall be located on a major street or have direct access to a major street without going through a residential neighborhood.
- c. Setbacks shall comply with Section XXII.



- d. Parking areas shall be screened from abutting properties by a fence, mounding, planting or any combination thereof which provides for a year-round vertical screen at least five (5) feet in height as measured from the parking surface. Parking areas and access drives shall be paved with an impervious material such as concrete or asphalt.
- e. Access drives shall be located as to provide minimum impact to an intersection of public right-of-way.
- 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. Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting properties.
- j. No signs shall be permitted in conjunction with outdoor dining areas except those otherwise in compliance with the sign regulations in Section XXVIII.
- 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.

**P RECREATIONAL FACILITY/CLUBS:** A recreational facility or club shall be permitted in a B-1 and B-3 Commercial District subject to compliance with the following conditions:

- a. A recreational facility/club with outdoor play areas shall be contiguous to the principal building and must be under the same management and exclusive control of the recreational facility/club.
- 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. Setbacks shall comply with Section XXII.
- d. 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 surface. Parking areas and access drives shall be paved with an impervious material such as concrete or asphalt. No outdoor play areas shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.
- e. access drives shall be located as to provide minimum impact to an intersection of public right-of-way.
- 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 outside play areas shall be enclosed by a fence at least four (4) feet in height and shall have a controlled access point.
- i. If not specifically addressed in this Section, all buildings and uses shall conform in all other ways to the requirements of the zoning district in which they are located.
- j. Noise shall be adequately controlled to ensure not to create a nuisance.

**Q. ANTIQUE STORES:** An antique store may be conditionally permitted in a B-3 Commercial District subject to compliance with the following conditions:

- a. antique merchandise shall be defined in Section 5 and is intended to exclude used vehicles and/or second hand merchandise.
- b. a plan must be submitted with an application for the conditional use permit that indicates the types of merchandise to be displayed in conjunction with the antique store.
- c. if not specifically addressed in this Section, all buildings and uses shall conform in all other ways to the requirements of the zoning district in which they are located.

**R Meeting Halls/Centers, Banquet Halls/Centers, Auditoriums, Party Centers** may be permitted Conditionally in B-1 and B-3 zoning districts subject to and in accordance with the following conditions:

- a. Noise shall be adequately controlled to ensure not to create a nuisance.
- b. Such use shall be located on a major street or have direct access to a major street without going through a residential neighborhood.

- c. Setbacks shall comply with Section XXII.
- d. Parking areas shall be screened from abutting properties by a fence, mounding, planting or any combination thereof which provides for a year-round vertical screen at least five (5) feet in height as measured from the parking surface. Parking areas and access drives shall be paved with an impervious material such as concrete or asphalt.
- e. Access drives shall be located as to provide minimum impact to an intersection of public right-of-way.
- 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. Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting properties.
- j. Parking spaces shall be provided at a rate of one (1) space for every two and one-half (2½) seats of the maximum allowable seating capacity.

S. Assisted Living Facilities in the B-1 Zoning District as required in Section 22.02(E) Table Of Uses.

- a. Such use shall be located on a major street or have direct access to a major street without going through a residential neighborhood.
- b. Setbacks shall comply with Section XXII.
- c. Parking areas shall be screened from any abutting residential properties by a fence, mounding, planting or any combination thereof which provides for a year-round vertical screen at least five (5) feet in height as measured from the parking surface. Parking areas and access drives shall be in conformance with Section 29.
- d. Access drives shall be located as to provide minimum impact to an intersection of public right-of-way and shall attempt to avoid traffic conflicts and/or interference with traffic flow relative to neighboring access drives.
- 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 in this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.
- g. All refuse areas shall be enclosed.
- h. Parking spaces shall be provided at a rate of one space per residential living unit plus one space per every four residential living units plus one space per employee on maximum shift
- i. Assisted Living Facilities may provide services to their residents and set aside areas within the facility to provide such services but shall not permit retail public or walk-in clientele to avail themselves of those services or areas. Any service provider within the facility which intends to provide services or products to the general public as well as to residents of the facility must secure their own Conditional Use Permit and demonstrate that the site offers ample parking capacity.

T. Agricultural Uses as required in Section 31.

- 1. On parcels less than one-half (0.500) acre agricultural uses may be permitted conditionally subject to the following conditions. Please note that the requirements for dairying and/or animal husbandry (excluding poultry and/or fowl husbandry) on all parcels five (5.000) acres or less shall be subject to regulations set forth in Subsection (T)(2) of this Section. In computing lot areas, no portion of any road right-of-way may be included regardless of whether or not the owner holds title to the same.
  - a. No agricultural use and no structure or building incident thereto shall be permitted in front yards or side yards any closer to the road right-of-way than the rear line of the main building on the lot.
  - b. No building or structure incident to agriculture shall be constructed in excess of twenty five percent (205%) of the square footage of the living area of the main building on the lot.

- c. Animal and/or poultry husbandry shall be wholly contained within a completely fenced area or pen intended to prevent escape and to keep predators out. Fences shall be a minimum of six (6) feet in height with no gap between the fence cloth and ground. Fence supports must be solidly anchored.
  - d. No agricultural use shall exceed twenty five percent (25%) of the area of any lot measured from the rear building line to the side lot lines and from the rear building line to the rear lot line.
  - e. No building or structure incident to agriculture shall be used for any other purpose. No garage shall be converted and/or used for any agricultural purposes.
  - f. Agricultural uses and/or buildings or structures shall be screened from adjoining property by a minimum of ten (10) feet along the rear lot line and ten (10) feet along each side lot line unoccupied by any structure and containing year-round vertical screening.
  - g. Shall be set back from the rear and side lot lines at least twenty (20) feet.
  - h. An appropriate shelter with adequate square footage shall be provided to shelter animals from inclement weather.
  - j. The use of chicken wire to enclose a coop or run is an allowable exception to the prohibition of chicken wire as fencing material in Section 6.13 of this Zoning Resolution.
2. On parcels five (5.000) acres or less dairying and/or animal husbandry (excluding poultry and/or fowl husbandry) shall be permitted conditionally subject to the following conditions. In computing lot areas, no portion of any road right-of-way may be included regardless of whether or not the owner holds title to the same.
- a. shall be prohibited in front yards or side yards any closer to the road right-of-way than the rear line of the main building on the lot;
  - b. shall be set back from the rear lot line at least twenty (20) feet and screened from adjoining property by a minimum of ten (10) feet along the rear lot line of year round vertical screening;
  - c. shall be set back from the side lot lines at least (20) feet and screened from adjoining property by a minimum of ten (10) feet along each side lot line of year round vertical screening;
  - d. shall not be erected, constructed or maintained in excess of thirty five (35) feet in height;
  - e. shall not be erected, constructed or maintained in excess of twenty five percent (25%) of the square footage of the main building on the lot;
  - f. shall be wholly contained within a completely fenced area or pen intended to prevent escape and to keep predators out. Fences shall be a minimum of six (6) feet in height with no gap between the fence cloth and ground. Fence supports must be solidly anchored.
  - g. Appropriate shelter with adequate square footage shall be provided to protect from the elements.

U. Indoor Climate-Controlled Self-Storage Facilities in the B-1 Zoning District as required in Section 22.02(E) Table Of Uses.

- a. Such use shall be located on a major street or have direct access to a major street without going through a residential neighborhood.
- b. Setbacks shall comply with Section XXII.
- c. Parking areas shall be screened from any abutting residential properties by a fence, mounding, planting or any combination thereof which provides for a year-round vertical screen at least five (5) feet in height as measured from the parking surface. Parking areas and access drives shall be in conformance with Section 29.

- d. Access drives shall be located as to provide minimum impact to an intersection of public right-of-way and shall attempt to avoid traffic conflicts and/or interference with traffic flow relative to neighboring access drives.
- 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 in this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.
- g. All refuse areas shall be enclosed.
- h. There shall be no outdoor storage of any kind
- i. There shall be no overnight or long-term parking of any vehicle on the premises

V. Used auto and truck sales and leasing

- a. The sale and leasing of used autos and trucks (Used Vehicle Dealer) shall be permitted conditionally in the I-1 and I-2 zoning districts only.
- b. The minimum lot area for used vehicle sales shall be one (1) acre and the minimum frontage on a dedicated roadway shall be 80 feet.
- c. There shall be a permanent building on the lot to serve as a sales office and which shall cover no less than five percent (5%) of the total lot area.
- d. There shall be one (1) customer parking space measuring no less than 9 ft. wide by 20 ft. depth for each eight thousand (8,000) square feet or portion thereof of total lot area less building ground coverage within 50 feet of the building. The spaces must be clearly identified.
- e. No vehicle for sale or lease may be displayed or stored within 10 feet of any dedicated road right-of-way and the 10 foot strip must be landscaped.
- f. Sign regulations as provided in Section 28 must be strictly adhered to.
- g. If indoor showroom/inspection/service areas are included in the building, an enclosed trash and waste disposal area must be provided.

W. Similar uses approved by the Township Board of Trustees:

- a. The Painesville Township Board of Township Trustees may elect, following consideration of a petition seeking their approval, to declare by Resolution that a specific use as proposed by a specific petitioner is similar to those uses already permitted in the zoning district within which the parcel of property proposed to be used is located.
- b. A petition must be submitted in writing and must include a synopsis of the organizational structure of the business entity, including ownership and form of the entity, along with a discussion of all business activities proposed to be conducted on the specified premises. Business activities will include a listing of goods and services to be provided, a delineation between wholesale and/or retail orientation, projected employment statistics, hours of operation, types of equipment and supplies which will be stored and used on the premises both indoor and outdoor, a discussion of the proposed use's impact upon local traffic including on-site circulation and parking, a discussion of access for fire and safety forces and an informal discussion of plans for signage. A site plan indicating the general layout of the site including dimensions and measurements should be provided with the written petition.
- c. Any such petitioner is advised to schedule time to attend a work session of the Board of Trustees for the purpose of explaining the petition and to answer questions which may or may not be presented. The written petition must be submitted to the Zoning Office at least 10 days prior to the date of the work session which the petitioner desires to attend.
- d. The Township Board of Trustees may elect to propose and vote upon a Resolution consistent with the terms in sub-paragraphs (a), (b), and (c) above at a regularly scheduled meeting of the Board of Trustees. Following an approval or affirmation by Resolution of the petition, an application for Conditional Use Permit shall be filed by the petitioner and an original signed copy of the petition will be included in the application file.
- e. A declaration of similar use by Resolution of the Board of Township Trustees shall be valid only for the specific petition presented.
- f. Similar uses declared by Resolution must ensure that all exterior lighting shall be directed toward the interior of the parcel so as to minimize light emission onto neighboring properties.

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

#### 12.06 Application for Conditional Use Permit

An application for a Conditional Use Permit shall be filed with the Board of Zoning Appeals in accordance with procedure set forth in Ohio Revised Code Section 519.15 by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. The name, address and telephone number of the applicant or an individual, and if a firm or partnership the names and residences of the manager and each member of the firm or partnership, and if a corporation the names of its officers and manager. If the applicant is not owner of the land or building, the application shall contain the owner's name and address and the owner shall sign and be made a party to the application.
- B. Legal description of property.
- C. Description of current use.
- D. Zoning District
- E. Description of proposed conditional use.
- F. Plot plan drawn to scale of all equipment and installations including location of all buildings and structures, parking and loading area, traffic access and internal traffic circulations, open spaces, landscaping, refuse and service areas, signs, utilities and yards.
- G. Traffic analysis.
- H. Drainage analysis.
- I. Construction timetable.
- J. Evidence of financial capability.
- K. Such other information as the Board of Zoning Appeals may require.

#### 12.07 Fee

- A. The party appealing to the Board of Zoning Appeals shall deposit with the Zoning Inspector a fee in accordance with a fee schedule adopted by the Board of Township Trustees and made a part of this Resolution. Said fee is to cover expenses of notice and transmission of papers incident to application for a Conditional Use Permit. If a verbatim record is desired by the applicant, he shall furnish the court reporter and bear the expense of typing said record.
- B. A fee or fees in accordance with a fee schedule adopted by the Board of Township Trustees and made a part of this Resolution may be required as one of the conditions of a Conditional Use Permit. Any change or modification in said fee schedule shall be made only once in a calendar year by proper motion at a regular meeting and adopted by a majority vote.

#### 12.08 Notice of Hearing and Procedures

See Ohio Revised Code Chapter 519 and any amendments thereto.

#### 12.09 Issuance of Permit

In the event the decision of the Board of Zoning Appeals is favorable to the applicant, a Conditional Use Permit shall be issued which clearly states all the conditions and covenants to which said Permit is subject. A copy of the Permit shall be signed by the Board of Zoning Appeals and the applicant shall consent in written form and agree to abide by all

conditions imposed by the Board of Zoning Appeals. A copy of the Permit shall be conveyed to the Applicant, the Township Fire Chief, the Township Zoning Inspector and the Board of Township Trustees.

#### 12.10 Enforcement

The Painesville Township Zoning Inspector shall enforce compliance with all conditions as set forth in the Permit.

#### 12.11 Revocation

The Zoning Inspector, upon recommendation of the Chief of Painesville Township Fire Department, the Lake County Sheriff's Department or by his own authority may at any time revoke or suspend Conditional Use Permits for the applicant's failure to comply with any applicable sections of this Resolution.

#### 12.12 Penalty

Whosoever violates the provisions shall, in addition to other remedies as provided by law, be subject to the penalties as provided in Section IV of this Resolution.

#### 12.13 Permit Renewal

1. As one of the conditions of the issuance of a Conditional Use Permit, the Board of Zoning Appeals shall require a renewal application, on a form prescribed by the Board of Township Trustees, to be filed with said Board of Zoning Appeals by the applicant no less than once every five years and no more than once a year. The Permit shall be renewed by the Board of Zoning Appeals without public hearing, unless the Board of Zoning Appeals has reasonable grounds to believe that the applicant has not complied with the conditions upon which the Permit was issued, or there has been a change of conditions that make the intended use incompatible with the observance of and conformity to this Resolution.

(Amended January 19, 2021 by Resolution 2021-014, effective February 18, 2021)

(Amended January 19, 2021 by Resolution 2021-011, effective February 18, 2021)

(Amended April 21, 2020 by Resolution 2020-041, effective May 21, 2020)

(Amended June 4, 2019 by Resolution 2019-067, effective July 4, 2019)

(Amended January 8, 2019 by Resolution 2019-07, effective February 7, 2019)

(Amended May 7, 2013 by Resolution 2013-26 effective June 6, 2013).

(Amended July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

(Amended October 9, 1997 by Resolution 97-98 effective November 8, 1997.)

(Amended June 22, 1995 by Resolution 95-47 effective July 22, 1995.)

(Adopted November 23, 1993 by Resolution 93-81 effective December 23, 1993.)

SECTION XIII. DISTRICTS

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

R-1	Residential: Detached Single Family
R-2	Residential: Detached Single Family
R-3	Residential: Duplexes
R-4	Residential: Multi-Family
REC 1	Non Profit/Public Recreational Facilities
REC 2	Marine Related Recreational Facilities
REC 3	Commercial Recreational Facilities
CS	Community Service/Institutional
B-1	Neighborhood Business
B-2	General Retail Business
B-3	General Commercial
I-1	Light Industry
I-2	Heavy Industry
FPUD	Flexible Planned Unit Development District
MPUD	Mixed Use Planned Unit Development District

13.02 No building or structure shall be erected, placed or altered, nor shall any land be used except in conformity with the regulations prescribed herein for the use district in which it is located.

13.03 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 shall be known as the Zoning Map of Painesville Township.

SECTION XIV. RESIDENTIAL R-1 (Single-Family Dwellings)

14.01 The following uses of buildings and land and no others shall be classified as R-1 Residential:

- A. Single family detached dwellings.
- B. Fire station, police station, township hall, township cemetery or other public service facility operated by or on behalf of the Board of Trustees of Painesville Township.

14.02 Accessory Uses and Buildings

A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in an R-1 District and shall include but shall not be limited to:

- 1. 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.
- 2. Real estate office or insurance sales office
- 3. Home Occupations such as, but not necessarily limited to, beauty parlor, barber shop, handicrafts, seamstress, home cooking, caterer or launderer. Such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind. 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. No Home Occupation may be conducted in an accessory building although supplies for such Home Occupation may be stored in an accessory building on the same lot as the principal building. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses across any property boundary, if the occupation is conducted in a single-family residence, or outside the dwelling unit in which the Home Occupation is being conducted if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Such accessory uses shall also not include self-employed contractors or tradesmen such as, but not limited to landscapers, yard maintainers, excavators, builders, remodelers which parks or stores vehicles over 2 net tons capacity, multiple commercial vehicles, equipment and/or materials outdoors and employs more than 1 other person, on a full or part time basis, who reports to work at the residence and parks a vehicle there during the workday.
- 4. Swimming pools as provided herein
- 5. Roadside stands as provided herein
- 6. Storage of household equipment, tools, and automobiles for use as private transportation
- 7. Storage of recreational vehicles as provided herein.

B. Accessory Uses in R-1 District:

- 1. Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in an R-1 District except as an accessory use and unless it complies with the following conditions and requirements:
  - a. A zoning certificate is first acquired:
  - b. A swimming pool, including any walks, paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any rear lot line, and side yard clearances shall be in accordance with those required in Section 14.03(A) of this Resolution.



- c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through or under it. Fence or wall must be maintained in good condition with a gate and locking device.
  - d. No landowner or occupant of any property in this district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured.
2. A roadside stand shall consist of a removable structure used solely for the display and sale of agricultural products produced on the premises with adequate facilities maintained for off-the-road parking by customers and provided that such stand is removed during the seasons when it is not so used. Such stands shall be at least twenty (20) feet back from the traveled portion of the road.
  3. The storage of not more than two (2) licensed recreational vehicles as defined in Section 4501.01 Q of the Ohio Revised Code in accordance with Section 29.11 of this Resolution.

C. Accessory buildings:

1. Accessory buildings shall not be constructed on vacant parcels.
2. Accessory buildings shall be limited to buildings that house accessory uses clearly incidental and secondary to the main use of the land and buildings and shall include but not be limited to:
  - a. Private garages.
  - b. Roadside stands.
  - c. Storage barns and/or sheds.
3. In no event shall an accessory building be used as living quarters or for any use in violation of this Resolution.
4. The total ground coverage of all accessory buildings on any one parcel shall be not more than 875 square feet or fifty (50) percent of the living area on the ground level of the main building, whichever is greater.
5. A minimum separation of ten (10) feet must be provided between a dwelling and an accessory building or structure, except for accessory buildings which have 50 square feet or less of ground coverage and shall therefore not be required to provide any minimum separation.
6. No accessory building shall be erected to a height in excess of that of the main building to which it is incident.
7. All setbacks for accessory buildings and required distances between such buildings and dwellings in this section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling.
8. Accessory buildings on corner lots should, to the extent possible, conform to setbacks from the side street right-of-way equal to the actual setback of the main structure, but in no case may the accessory building be closer than 20 feet to the side street right-of-way.

D. Accessory Structures, Leisure

Examples of Accessory Structures, Leisure for which permits may be issued are gazebos, greenhouses, arbors, expanded trellises, and pergolas. Swing/play sets which are attached to the ground by permanent means such as anchoring in concrete are considered to be an Accessory Structure, Leisure.

1. Accessory Structures, Leisure shall not be constructed on vacant parcels.
2. Accessory Structures, Leisure may not be unsightly

3. Accessory Structures, Leisure which are erected upon existing decks or are incorporated onto newly-built decks are to be considered as a part of such deck, but may not exceed a height of fifteen(15) feet above the deck surface or a height of two(2) feet less than the height of the main dwelling, whichever is less
4. Accessory Structures, Leisure may be erected to a maximum height of fifteen (15) feet, except as described in Section 14.02(D)((3))
5. Accessory Structures, Leisure having a permanent and solid roof shall have 60% of their ground coverage excluded from the calculation of the total ground coverage for Accessory Buildings permitted in Section 14.02(C)((4))
6. Accessory Structures, Leisure having a roof which is not solid and permanently covered and walls which are not solid and are at a minimum 15% permeable by light and the elements shall be totally excluded from the calculation of the total ground coverage for Accessory Buildings permitted in Section 14.02(C)((4))
7. Accessory Structures, Leisure are not required to maintain any clearance from the main building or dwelling on the property except that swing/play sets must maintain a minimum clearance of ten (10) feet from any building or structure on the property.
8. Accessory Structures, Leisure shall maintain a minimum rear yard clearance of five (5) feet.
9. Accessory Structures, Leisure shall maintain a minimum clearance from any or either sideline of five (5) feet, except on corner lots the minimum clearance from the sideline of the side-street right-of-way shall be five (5) feet.
10. Arbors, and no other Accessory Structures, Leisure, are permitted in front yards except that on corner lots they must maintain a minimum clearance from the main road right-of-way of twenty (20) feet. In no case may arbors be erected within five (5) feet of the right-of-way sideline. If there is no established right-of-way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the travelled portion of the road.
11. All setbacks for accessory structures and required distances between such structures and dwellings in this section shall be determined by measurement from the nearest point of the structure to the lot line or to the nearest point of any dwelling.

14.03 Minimum Dwelling Lot Area, Dwelling Area and Location Regulations

- A. 1. No dwelling or structure nor the enlargement of any dwelling or structure shall be hereafter erected or maintained or any parcel of land divided unless the following minimum lot areas, dwelling areas and location requirements are provided and maintained in connection with such dwelling or structure:

Lot Area	Lot Width	Front Setback	Main	Building
			Side Yard Clearance	Rear Yard Clearance
15,000 sq. ft. Min.	75' Min.	50' Min.	10' Min.	25' Min.

2. Garages or accessory buildings attached to a dwelling by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for purposes of determining setbacks and clearances.
- B. Lots Established Prior to Zoning. Where a parcel or lot was separately owned or was a lot of a recorded subdivision, and was smaller than required herein, but is the same size or larger that it was when this Resolution becomes effective, a single family dwelling may be erected upon such parcel or lot and the minimum side clearances 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.
- C. Lot Area. In computing lot areas, no portion of the road right-of-way may be included regardless of whether or not the owner holds title to the same.
- D. Lot Width. Please refer to Figure 14-1 at the end of this section for measurement illustrations and also see Subsection 6.20-Lot/Parcel Shapes and Measurements.
1. No dwelling in an R-1 District shall be erected on a lot having a width at the minimum front setback line of less than seventy-five (75) feet.
  2. No dwelling in an R-1 District shall be erected on a lot having a width at the right of way sideline of a dedicated road of less than seventy-five (75) feet.

3. Notwithstanding anything contained herein to the contrary, a dwelling in an R-1 District may be erected on a lot with frontage on the vehicular turn-around portion of a circular cul-de-sac having a width at the right-of-way sideline of a dedicated road of not less than 40.91 feet, as measured by the chord length of the arc formed by the curvature of the roadway.
4. No dwelling in an R-1 District shall be erected on a lot having a width at any point between the road right-of-way and the minimum front setback line of less than seventy-five (75) feet, except for lots having frontage on the vehicular turn-around portion of a circular cul-de-sac
5. No dwelling in an R-1 district shall be erected on a lot having a width at any point between the road right-of-way and the actual front setback line of less than seventy five (75) feet, except for lots having frontage on the vehicular turn-around portion of a circular cul-de-sac and the lot width from the minimum building setback line to the actual building setback line is at no point less than seventy five (75) feet.
6. For lots fronting on roadways with multiple curvatures or a combination of straight-line sectors with a curvature or multiple curvatures, the lot width shall be measured and established by adding the sum of the lengths of any straight-line sections plus the sum of the chord lengths for any and all curvatures in the roadway between the side lot lines.

E. Set-back Lines.

1. No building or structure or any portion thereof in an R-1 District, except steps, fences, and underground tanks shall be erected within fifty (50) feet of the right of way sideline of any dedicated road or street or eighty (80) feet of the center of the traveled portion of the road, whichever is greater.
2. If there is no established right of way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the traveled portion of the road.

F. Side Yards.

1. In regards to structures which constitute dwellings, side yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the side property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback.
2. For every dwelling in an R-1 District, there shall be a minimum side yard clearance as shown in Section 14.03-A of this Resolution, which space shall remain open and unoccupied by any building or structure.
3. For every accessory building or accessory structure in an R-1 District, there shall be a minimum side yard clearance of five (5) feet.

G. Rear Yards.

1. In regards to structures which constitute dwellings, rear yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the rear property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback.
2. For every dwelling erected in an R-1 District, there shall be a minimum rear yard clearance of twenty-five (25) feet for a main building.
3. For every accessory building or structure in an R-1 District, there shall be a minimum rear yard clearance of five (5) feet, which space shall be open and unoccupied by any building or structure.

4. For uses in Section 14.01-B of this Resolution, rear yard clearance shall be sufficient to assure that said use shall not be a nuisance to adjoining property residents but shall be a minimum of fifty (50) feet.

H. Minimum Dwelling Area.

1. In an R-1 District, one (1) story dwellings shall have a minimum living area, exclusive of basements, porches, breezeways, patios, accessory buildings, or garages of 1,500 square feet.
2. In an R-1 District, dwellings of more than one (1) story shall have a minimum of 875 square feet of living area on the ground level, exclusive of basements, porches, breezeways, patios, accessory buildings or garages, and shall have a total living area of not less than 1,500 square feet.
3. Each dwelling shall have an attached two car garage.

14.04 Maximum Height of Buildings

No building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty-five (35) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.

14.05 Parking

- A. Each single family dwelling shall have a minimum of two (2) off-street parking spaces.
- B. See Sections 29.01, 29.02, 29.04, 29.10 and 29.11 inclusive for additional requirements.
- C. See Section 29.11 for special parking provisions for recreational vehicles in residential districts.

14.06 Signs

- A. Identification Sign: See Section 28.04-A-1.
- B. Sale, Rental or Lease Sign: See Section 28.04-B.
- C. Open House Sign - One: See Section 28.04-D.
- D. Political Sign - One: See Section 28.04-C.
- E. Temporary Sign (Construction): See Section 28.03-B.

14.07 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises

**FIGURE 14-1**

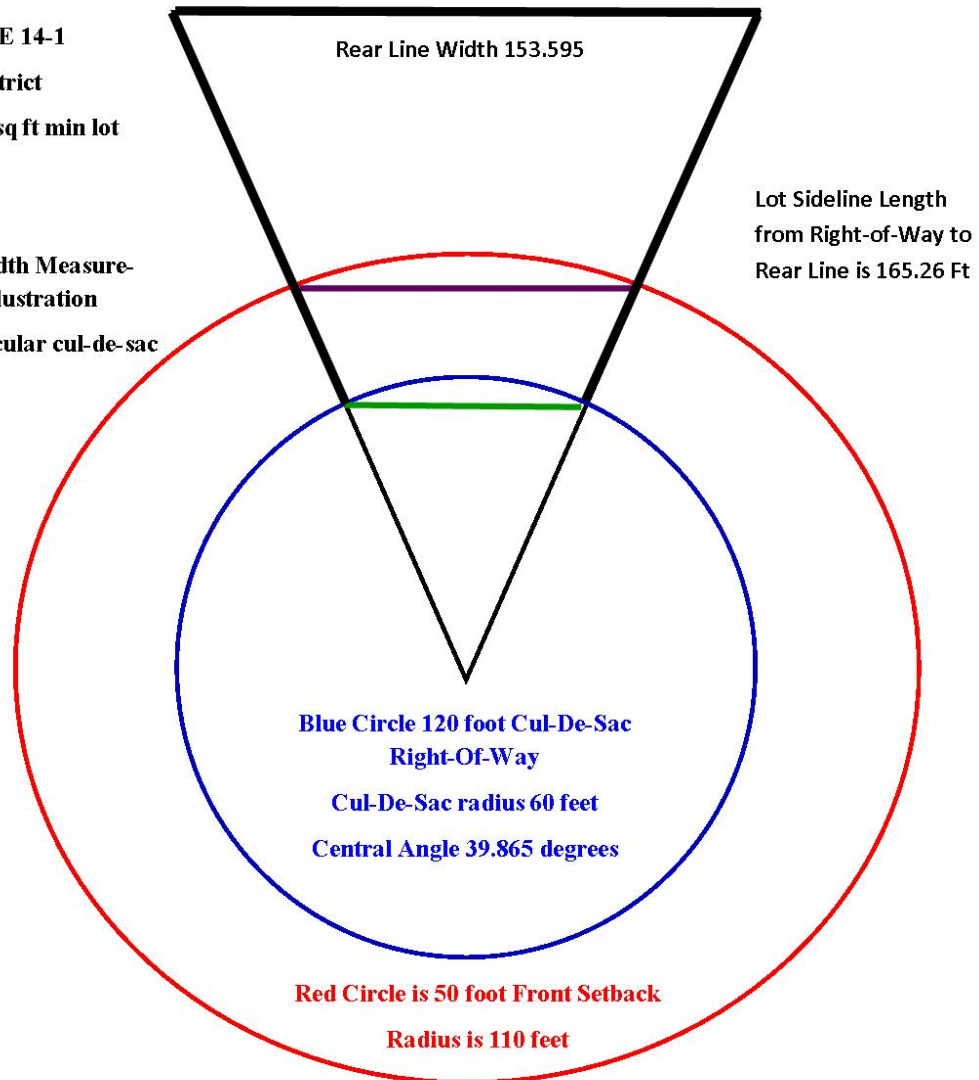
**R-1 District**

**15,000 sq ft min lot**

**Area**

**Lot Width Measure-**  
**ment Illustration**

**For circular cul-de-sac**



**Green (Inside Chord) is 40.91 feet. Corresponding Blue Arc Length is 41.75 feet**  
**Purple (Inside) Chord is 75.0 Feet. Corresponding Red Arc Length is 76.54 Feet.**

**Lot Area within Black Sidelines, Black rear line and BLUE arc is 15,011.32 Sq Ft**

(Amended January 19, 2021 by Resolution 2021-012, effective February 18, 2021)  
(Amended November 5, 2019 by Resolution 2019-111, effective December 5, 2019)  
(Amended November 5, 2019 by Resolution 2019-110, effective December 5, 2019)  
(Amended by Resolution 2015-67, effective July 22, 2015.)  
(Amended May 17, 2011 by Resolution, effective June 16, 2011)  
(Amended July 11, 2006 by Resolution 2006-58, effective August 10, 2006)  
(Amended October 1, 2002 by Resolution 2002-97, effective October 31, 2002)  
(Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002)  
(Amended by Trustee Resolution 91-46 effective June 21, 1991.)  
(Amended by Trustee Resolution 89-42 effective April 8, 1989.)  
(Adopted April 23, 1987 by Resolution 87-38, effective May 23, 1987)

SECTION XV. RESIDENTIAL R-2 (Single-Family Dwellings)

15.01 The following uses of buildings and land and no others shall be classified as R-2 Residential:

- A. Single family detached dwellings.
- B. Fire station, police station, township hall, township cemetery or other public service facility operated by or on behalf of the Board of Trustees of Painesville Township.

15.02 Accessory Uses and Buildings

A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in an R-2 District and shall include but shall not be limited to:

1. 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.
2. Real estate office or insurance sales office
3. Home Occupations such as, but not necessarily limited to, beauty parlor, barber shop, handicrafts, seamstress, home cooking, caterer or launderer. Such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind. 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. No Home Occupation may be conducted in an accessory building although supplies for such Home Occupation may be stored in an accessory building on the same lot as the principal building. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses across any property boundary, if the occupation is conducted in a single-family residence, or outside the dwelling unit in which the Home Occupation is being conducted if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Such accessory uses shall also not include self-employed contractors or tradesmen such as, but not limited to landscapers, yard maintainers, excavators, builders, remodelers which parks or stores vehicles over 2 net tons capacity, multiple commercial vehicles, equipment and/or materials outdoors and employs more than 1 other person on a full or part-time basis who reports to work at the residence and parks a vehicle there during the workday.
4. Swimming pools as provided herein.
5. Roadside stands as provided herein.
6. Storage of household equipment, tools, and automobiles for use as private transportation
7. Storage of recreational vehicles as provided herein.

B. Accessory Uses in R-2 District:

1. Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in an R-2 District except as an accessory use and unless it complies with the following conditions and requirements:
  - a. A zoning certificate is first acquired:
  - b. A swimming pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any rear lot line

and side yard clearances shall be in accordance with those required in Section 15.03(A) of this Resolution.

- c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through or under it. Fence or wall must be maintained in good condition with a gate and locking device
  - d. No landowner or occupant of any property in this district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured.
2. A roadside stand shall consist of a removable structure used solely for the display and sale of agricultural products produced on the premises with adequate facilities maintained for off-the-road parking by customers and provided that such stand is removed during the seasons when it is not so used. Such stands shall be at least twenty (20) feet back from the traveled portion of the road.
  3. The storage of not more than two (2) licensed recreational vehicles as defined in Section 4501.01 Q of the Ohio Revised Code in accordance with Section 29.11 of this Resolution.

C. Accessory buildings:

1. Accessory buildings shall not be constructed on vacant parcels.
2. Accessory buildings shall be limited to buildings that house accessory uses clearly incidental and secondary to the main use of the land and buildings and shall include but not be limited to:
  - a. Private garages.
  - b. Roadside stands.
  - c. Storage barns and/or sheds.
3. In no event shall an accessory building be used as living quarters or for any use in violation of this Resolution.
4. The total ground coverage of all accessory buildings on any one parcel shall be not more than 750 square feet or fifty (50) percent of the living area on the ground level of the main building, whichever is greater.
5. A minimum separation of ten (10) feet must be provided between a dwelling and an accessory building or structure, except for accessory buildings which have 50 square feet or less of ground coverage and shall therefore not be required to provide any minimum separation.
6. No accessory building shall be erected to a height in excess of that of the main building to which it is incident.
7. All setbacks for accessory buildings and required distances between such buildings and dwellings in this section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling.
8. Accessory buildings on corner lots should, to the extent possible, conform to setbacks from the side street right-of-way equal to the actual setback of the main structure, but in no case may the accessory building be closer than 20 feet to the side street right-of-way.

D. Accessory Structures, Leisure)



Examples of Accessory Structures, Leisure for which permits may be issued are gazebos, greenhouses, arbors, expanded trellises, and pergolas. Swing/play sets which are attached to the ground by permanent means such as anchoring in concrete are considered to be an Accessory Structure, Leisure.

1. Accessory Structures, Leisure shall not be constructed on vacant parcels.
2. Accessory Structures, Leisure may not be unsightly
3. Accessory Structures, Leisure which are erected upon existing decks or are incorporated onto newly-built decks are to be considered as a part of such deck, but may not exceed a height of fifteen(15) feet above the deck surface or a height of two(2) feet less than the height of the main dwelling, whichever is less
4. Accessory Structures, Leisure may be erected to a maximum height of fifteen (15) feet, except as described in Section 15.02(D)((3))
5. Accessory Structures, Leisure having a permanent and solid roof shall have 60% of their ground coverage excluded from the calculation of the total ground coverage for Accessory Buildings permitted in Section and 15.02(C)((4))
6. Accessory Structures, Leisure having a roof which is not solid and permanently covered and walls which are not solid and are at a minimum 15% permeable by light and the elements shall be totally excluded from the calculation of the total ground coverage for Accessory Buildings permitted in Section 15.02(C)((4))
7. Accessory Structures, Leisure are not required to maintain any clearance from the main building or dwelling on the property except that swing/play sets must maintain a minimum clearance of ten (10) feet from any building or structure on the property.
8. Accessory Structures, Leisure shall maintain a minimum rear yard clearance of five (5) feet
9. Accessory Structures, Leisure shall maintain a minimum clearance from any or either sideline of five (5) feet, except on corner lots the minimum clearance from the sideline of the side-street right-of-way shall be five (5) feet.
10. Arbors, and no other Accessory Structures, Leisure, are permitted in front yards except that on corner lots they must maintain a minimum clearance from the main road right-of-way of twenty (20) feet. In no case may arbors be erected within five (5) feet of the right-of-way sideline. If there is no established right-of-way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the travelled portion of the road.
11. All setbacks for accessory structures and required distances between such structures and dwellings in this section shall be determined by measurement from the nearest point of the structure to the lot line or to the nearest point of any dwelling.

15.03 Minimum Dwelling Lot Area, Dwelling Area and Location Regulations

- A. 1. No dwelling or structure nor the enlargement of any dwelling or structure shall be hereafter erected or maintained or any parcel of land divided unless the following minimum lot areas, dwelling areas and location requirements are provided and maintained in connection with such dwelling or structure:

Lot Area	Lot Width	Front Setback	Main	Building
			Side Yard Clearance	Rear Yard Clearance
12,750 sq. ft. Min.	75' Min.	50' Min.	10' Min.	25' Min.

2. Garages or accessory buildings attached to a dwelling by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for purposes of determining setbacks and clearances.
- B. Lots Established Prior to Zoning. Where a parcel or lot was separately owned or was a lot of a recorded subdivision, and was smaller than required herein, but is the same size or larger that it was in 1960, a single family dwelling may be erected upon such parcel or lot and the minimum side clearances, rear yard clearance and setback requirements 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.

- C. Lot Area. In computing lot areas, no portion of the road right-of-way may be included regardless of whether or not the owner holds title to the same.
- D. Lot Width. Please refer to Figure 15-1 at the end of this section for measurement illustrations and also Subsection 6.20-Lot/Parcel Shapes and Measurements
1. No dwelling in an R-2 District shall be erected on a lot having a width at the minimum front setback line of less than seventy-five (75) feet.
  2. No dwelling in an R-2 District shall be erected on a lot having a width at the right of way sideline of a dedicated road of less than seventy-five (75) feet.
  3. Notwithstanding anything contained herein to the contrary, a dwelling in an R-1 District may be erected on a lot with frontage on the vehicular turn-around portion of a circular cul-de-sac having a width at the right-of-way sideline of a dedicated road of not less than 40.91 feet, as measured by the chord length of the arc formed by the curvature of the roadway.
  4. No dwelling in an R-2 District shall be erected on a lot having a width at any point between the road right-of-way and the minimum front setback line of less than seventy-five (75) feet, except for lots having frontage on the vehicular turn-around portion of a circular cul-de-sac.
  5. No dwelling in an R-2 district shall be erected on a lot having a width at any point between the road right-of-way and the actual front setback line of less than seventy five (75) feet except for lots having frontage on the vehicular turn-around portion of a circular cul-de-sac and the lot width from the minimum building setback line to the actual building setback line is at no point less than seventy five (75) feet.
  6. For lots fronting on roadways with multiple curvatures or a combination of straight-line sectors with a curvature or multiple curvatures, the lot width shall be measured and established by adding the sum of the lengths of any straight-line sections plus the sum of the chord lengths for any and all curvatures in the roadway between the side lot lines.
- E. Set-back Lines.
1. No building or structure or any portion thereof in an R-2 District, except steps, fences, and underground tanks shall be erected within fifty (50) feet of the right of way sideline of any dedicated road or street or eighty (80) feet of the center of the traveled portion of the road, whichever is greater.
  2. If there is no established right of way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the traveled portion of the road.
- F. Side Yards.
1. In regards to structures which constitute dwellings, side yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the side property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty-four (24) inches into any required setback.
  2. For every dwelling in an R-2 District, there shall be a minimum side yard clearance as shown in Section 15.03-A of this Resolution, which space shall remain open and unoccupied by any building or structure.
  3. For every accessory building or accessory structure in an R-2 District, there shall be a minimum side yard clearance of five (5) feet.
- G. Rear Yards.

1. In regards to structures which constitute dwellings, rear yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the rear property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback.
2. For every dwelling erected in an R-2 District, there shall be a minimum rear yard clearance of twenty-five (25) feet for a main building.
3. For every accessory building or structure in an R-2 District, there shall be a minimum rear yard clearance of five (5) feet, which space shall be open and unoccupied by any building or structure.

H. Minimum Dwelling Area.

1. In an R-2 District, one (1) story dwellings shall have a minimum living area, exclusive of basements, porches, breezeways, patios, accessory buildings, or garages of 1,200 square feet.
2. In an R-2 District, dwellings of more than one (1) story shall have a minimum of 875 square feet of living area on the ground level, exclusive of basements, porches, breezeways, patios, accessory buildings or garages, and shall have a total living area of not less than 1,200 square feet.
3. In an R-2 District, on any parcel existing prior to 1960, a single-family dwelling may be erected and the minimum living area shall be 900 square feet and the minimum living area on the ground floor shall be 676 square feet, and no garage shall be required.
4. Each dwelling on any other lot shall have an attached two car garage.

15.04 Maximum Height of Buildings

No building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty-five (35) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.

15.05 Parking

- A. Each single family dwelling shall have a minimum of two (2) off-street parking spaces.
- B. See Sections 29.01, 29.02, 29.04, 29.10 and 29.11 inclusive for additional requirements.
- C. See Section 29.11 for special parking provisions for recreational vehicles in residential districts.

15.06 Signs

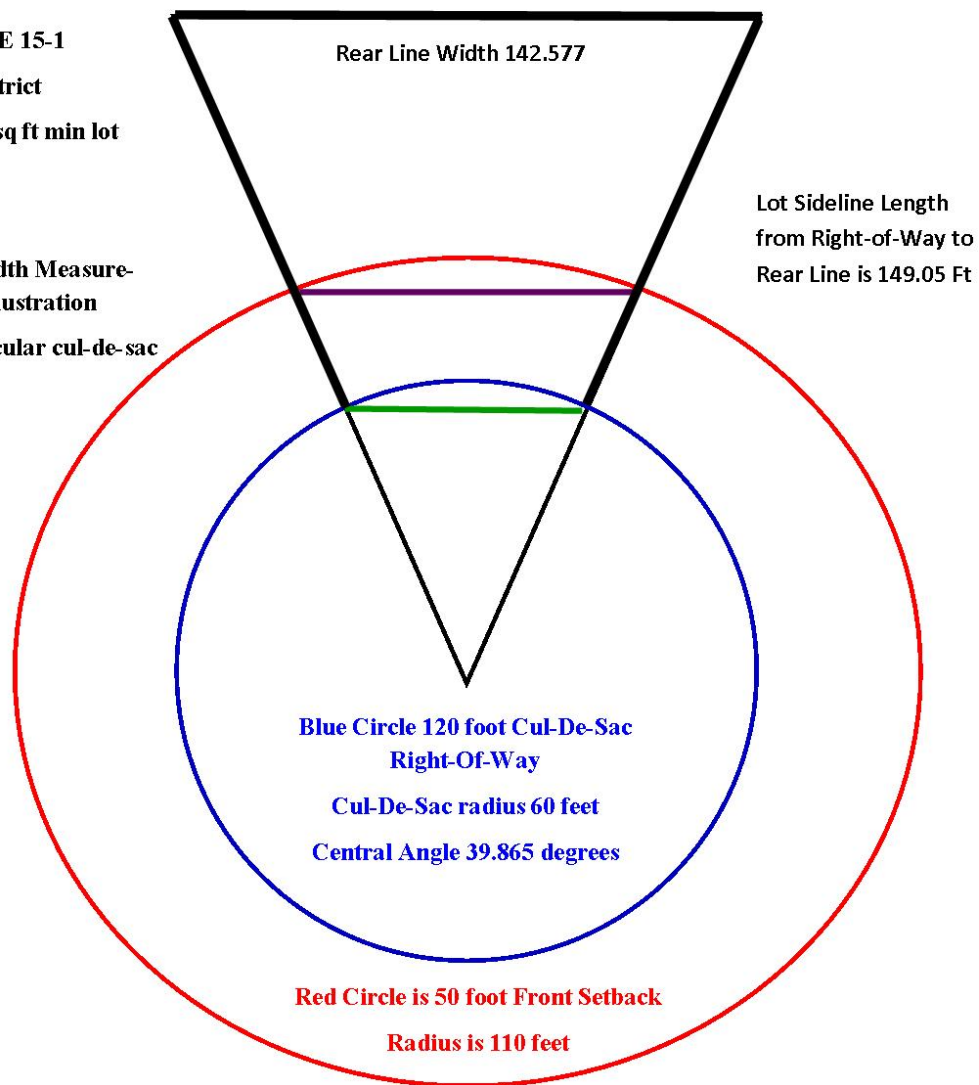
- A. Identification Sign: See Section 28.04-A-1.
- B. Sale, Rental or Lease Sign: See Section 28.04-B.
- C. Open House Sign - One: See Section 28.04-D.
- D. Political Sign - One: See Section 28.04-C.
- E. Temporary Sign (Construction): See Section 28.03-B.

15.07 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises.

**FIGURE 15-1**  
**R-2 District**  
**12,750 sq ft min lot**  
**Area**

**Lot Width Measurement**  
**Illustration**  
**For circular cul-de-sac**



**Green (Inside Chord) is 40.91 feet. Corresponding Blue Arc Length is 41.75 feet**  
**Purple (Inside) Chord is 75.0 Feet. Corresponding Red Arc Length is 76.54 Feet.**

**Lot Area within Black Sidelines, Black rear line and BLUE arc is 12,753.54 Sq Ft**

(Amended January 19, 2021 by Resolution 2021-012, effective February 18, 2021)  
(Amended November 5, 2019 by Resolution 2019-111, effective December 5, 2019)  
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(Amended May 17, 2011 by Resolution, effective June 16, 2011  
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(Amended October 1, 2002 by Resolution 2002-97, effective October 31, 2002)  
(Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002)  
(Amended by Trustee Resolution 89-42 effective April 8, 1989.)  
(Adopted April 23, 1987 by Resolution 87-39, effective May 23, 1987)

SECTION XV. RESIDENTIAL R-2 (Single-Family Dwellings)

15.01 The following uses of buildings and land and no others shall be classified as R-2 Residential:

- A. Single family detached dwellings.
- B. Fire station, police station, township hall, township cemetery or other public service facility operated by or on behalf of the Board of Trustees of Painesville Township.

15.02 Accessory Uses and Buildings

A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in an R-2 District and shall include but shall not be limited to:

- 1. 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.
- 2. Real estate office or insurance sales office
- 3. Home Occupations such as, but not necessarily limited to, beauty parlor, barber shop, handicrafts, seamstress, home cooking, caterer or launderer. Such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind. 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. No Home Occupation may be conducted in an accessory building although supplies for such Home Occupation may be stored in an accessory building on the same lot as the principal building. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses across any property boundary, if the occupation is conducted in a single-family residence, or outside the dwelling unit in which the Home Occupation is being conducted if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Such accessory uses shall also not include self-employed contractors or tradesmen such as, but not limited to landscapers, yard maintainers, excavators, builders, remodelers which parks or stores vehicles over 2 net tons capacity, multiple commercial vehicles, equipment and/or materials outdoors and employs more than 1 other person on a full or part-time basis who reports to work at the residence and parks a vehicle there during the workday.
- 4. Swimming pools as provided herein.
- 5. Roadside stands as provided herein.
- 6. Storage of household equipment, tools, and automobiles for use as private transportation
- 7. Storage of recreational vehicles as provided herein.

B. Accessory Uses in R-2 District:

- 1. Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in an R-2 District except as an accessory use and unless it complies with the following conditions and requirements:
  - a. A zoning certificate is first acquired:
  - b. A swimming pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any rear lot line

and side yard clearances shall be in accordance with those required in Section 15.03(A) of this Resolution.

- c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through or under it. Fence or wall must be maintained in good condition with a gate and locking device
  - d. No landowner or occupant of any property in this district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured.
2. A roadside stand shall consist of a removable structure used solely for the display and sale of agricultural products produced on the premises with adequate facilities maintained for off-the-road parking by customers and provided that such stand is removed during the seasons when it is not so used. Such stands shall be at least twenty (20) feet back from the traveled portion of the road.
  3. The storage of not more than two (2) licensed recreational vehicles as defined in Section 4501.01 Q of the Ohio Revised Code in accordance with Section 29.11 of this Resolution.

C. Accessory buildings:

1. Accessory buildings shall not be constructed on vacant parcels.
2. Accessory buildings shall be limited to buildings that house accessory uses clearly incidental and secondary to the main use of the land and buildings and shall include but not be limited to:
  - a. Private garages.
  - b. Roadside stands.
  - c. Storage barns and/or sheds.
3. In no event shall an accessory building be used as living quarters or for any use in violation of this Resolution.
4. The total ground coverage of all accessory buildings on any one parcel shall be not more than 750 square feet or fifty (50) percent of the living area on the ground level of the main building, whichever is greater.
5. A minimum separation of ten (10) feet must be provided between a dwelling and an accessory building or structure, except for accessory buildings which have 50 square feet or less of ground coverage and shall therefore not be required to provide any minimum separation.
6. No accessory building shall be erected to a height in excess of that of the main building to which it is incident.
7. All setbacks for accessory buildings and required distances between such buildings and dwellings in this section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling.
8. Accessory buildings on corner lots should, to the extent possible, conform to setbacks from the side street right-of-way equal to the actual setback of the main structure, but in no case may the accessory building be closer than 20 feet to the side street right-of-way.

D. Accessory Structures, Leisure)



Examples of Accessory Structures, Leisure for which permits may be issued are gazebos, greenhouses, arbors, expanded trellises, and pergolas. Swing/play sets which are attached to the ground by permanent means such as anchoring in concrete are considered to be an Accessory Structure, Leisure.

1. Accessory Structures, Leisure shall not be constructed on vacant parcels.
2. Accessory Structures, Leisure may not be unsightly
3. Accessory Structures, Leisure which are erected upon existing decks or are incorporated onto newly-built decks are to be considered as a part of such deck, but may not exceed a height of fifteen(15) feet above the deck surface or a height of two(2) feet less than the height of the main dwelling, whichever is less
4. Accessory Structures, Leisure may be erected to a maximum height of fifteen (15) feet, except as described in Section 15.02(D)((3))
5. Accessory Structures, Leisure having a permanent and solid roof shall have 60% of their ground coverage excluded from the calculation of the total ground coverage for Accessory Buildings permitted in Section and 15.02(C)((4))
6. Accessory Structures, Leisure having a roof which is not solid and permanently covered and walls which are not solid and are at a minimum 15% permeable by light and the elements shall be totally excluded from the calculation of the total ground coverage for Accessory Buildings permitted in Section 15.02(C)((4))
7. Accessory Structures, Leisure are not required to maintain any clearance from the main building or dwelling on the property except that swing/play sets must maintain a minimum clearance of ten (10) feet from any building or structure on the property.
8. Accessory Structures, Leisure shall maintain a minimum rear yard clearance of five (5) feet
9. Accessory Structures, Leisure shall maintain a minimum clearance from any or either sideline of five (5) feet, except on corner lots the minimum clearance from the sideline of the side-street right-of-way shall be five (5) feet.
10. Arbors, and no other Accessory Structures, Leisure, are permitted in front yards except that on corner lots they must maintain a minimum clearance from the main road right-of-way of twenty (20) feet. In no case may arbors be erected within five (5) feet of the right-of-way sideline. If there is no established right-of-way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the travelled portion of the road.
11. All setbacks for accessory structures and required distances between such structures and dwellings in this section shall be determined by measurement from the nearest point of the structure to the lot line or to the nearest point of any dwelling.

15.03 Minimum Dwelling Lot Area, Dwelling Area and Location Regulations

- A. 1. No dwelling or structure nor the enlargement of any dwelling or structure shall be hereafter erected or maintained or any parcel of land divided unless the following minimum lot areas, dwelling areas and location requirements are provided and maintained in connection with such dwelling or structure:

Lot Area	Lot Width	Front Setback	Main	Building
			Side Yard Clearance	Rear Yard Clearance
12,750 sq. ft. Min.	75' Min.	50' Min.	10' Min.	25' Min.

2. Garages or accessory buildings attached to a dwelling by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for purposes of determining setbacks and clearances.
- B. Lots Established Prior to Zoning. Where a parcel or lot was separately owned or was a lot of a recorded subdivision, and was smaller than required herein, but is the same size or larger that it was in 1960, a single family dwelling may be erected upon such parcel or lot and the minimum side clearances, rear yard clearance and setback requirements 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.

- C. Lot Area. In computing lot areas, no portion of the road right-of-way may be included regardless of whether or not the owner holds title to the same.
- D. Lot Width. Please refer to Figure 15-1 at the end of this section for measurement illustrations and also Subsection 6.20-Lot/Parcel Shapes and Measurements
1. No dwelling in an R-2 District shall be erected on a lot having a width at the minimum front setback line of less than seventy-five (75) feet.
  2. No dwelling in an R-2 District shall be erected on a lot having a width at the right of way sideline of a dedicated road of less than seventy-five (75) feet.
  3. Notwithstanding anything contained herein to the contrary, a dwelling in an R-1 District may be erected on a lot with frontage on the vehicular turn-around portion of a circular cul-de-sac having a width at the right-of-way sideline of a dedicated road of not less than 40.91 feet, as measured by the chord length of the arc formed by the curvature of the roadway.
  4. No dwelling in an R-2 District shall be erected on a lot having a width at any point between the road right-of-way and the minimum front setback line of less than seventy-five (75) feet, except for lots having frontage on the vehicular turn-around portion of a circular cul-de-sac.
  5. No dwelling in an R-2 district shall be erected on a lot having a width at any point between the road right-of-way and the actual front setback line of less than seventy five (75) feet except for lots having frontage on the vehicular turn-around portion of a circular cul-de-sac and the lot width from the minimum building setback line to the actual building setback line is at no point less than seventy five (75) feet.
  6. For lots fronting on roadways with multiple curvatures or a combination of straight-line sectors with a curvature or multiple curvatures, the lot width shall be measured and established by adding the sum of the lengths of any straight-line sections plus the sum of the chord lengths for any and all curvatures in the roadway between the side lot lines.
- E. Set-back Lines.
1. No building or structure or any portion thereof in an R-2 District, except steps, fences, and underground tanks shall be erected within fifty (50) feet of the right of way sideline of any dedicated road or street or eighty (80) feet of the center of the traveled portion of the road, whichever is greater.
  2. If there is no established right of way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the traveled portion of the road.
- F. Side Yards.
1. In regards to structures which constitute dwellings, side yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the side property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty-four (24) inches into any required setback.
  2. For every dwelling in an R-2 District, there shall be a minimum side yard clearance as shown in Section 15.03-A of this Resolution, which space shall remain open and unoccupied by any building or structure.
  3. For every accessory building or accessory structure in an R-2 District, there shall be a minimum side yard clearance of five (5) feet.
- G. Rear Yards.

1. In regards to structures which constitute dwellings, rear yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the rear property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback.
2. For every dwelling erected in an R-2 District, there shall be a minimum rear yard clearance of twenty-five (25) feet for a main building.
3. For every accessory building or structure in an R-2 District, there shall be a minimum rear yard clearance of five (5) feet, which space shall be open and unoccupied by any building or structure.

H. Minimum Dwelling Area.

1. In an R-2 District, one (1) story dwellings shall have a minimum living area, exclusive of basements, porches, breezeways, patios, accessory buildings, or garages of 1,200 square feet.
2. In an R-2 District, dwellings of more than one (1) story shall have a minimum of 875 square feet of living area on the ground level, exclusive of basements, porches, breezeways, patios, accessory buildings or garages, and shall have a total living area of not less than 1,200 square feet.
3. In an R-2 District, on any parcel existing prior to 1960, a single-family dwelling may be erected and the minimum living area shall be 900 square feet and the minimum living area on the ground floor shall be 676 square feet, and no garage shall be required.
4. Each dwelling on any other lot shall have an attached two car garage.

15.04 Maximum Height of Buildings

No building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty-five (35) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.

15.05 Parking

- A. Each single family dwelling shall have a minimum of two (2) off-street parking spaces.
- B. See Sections 29.01, 29.02, 29.04, 29.10 and 29.11 inclusive for additional requirements.
- C. See Section 29.11 for special parking provisions for recreational vehicles in residential districts.

15.06 Signs

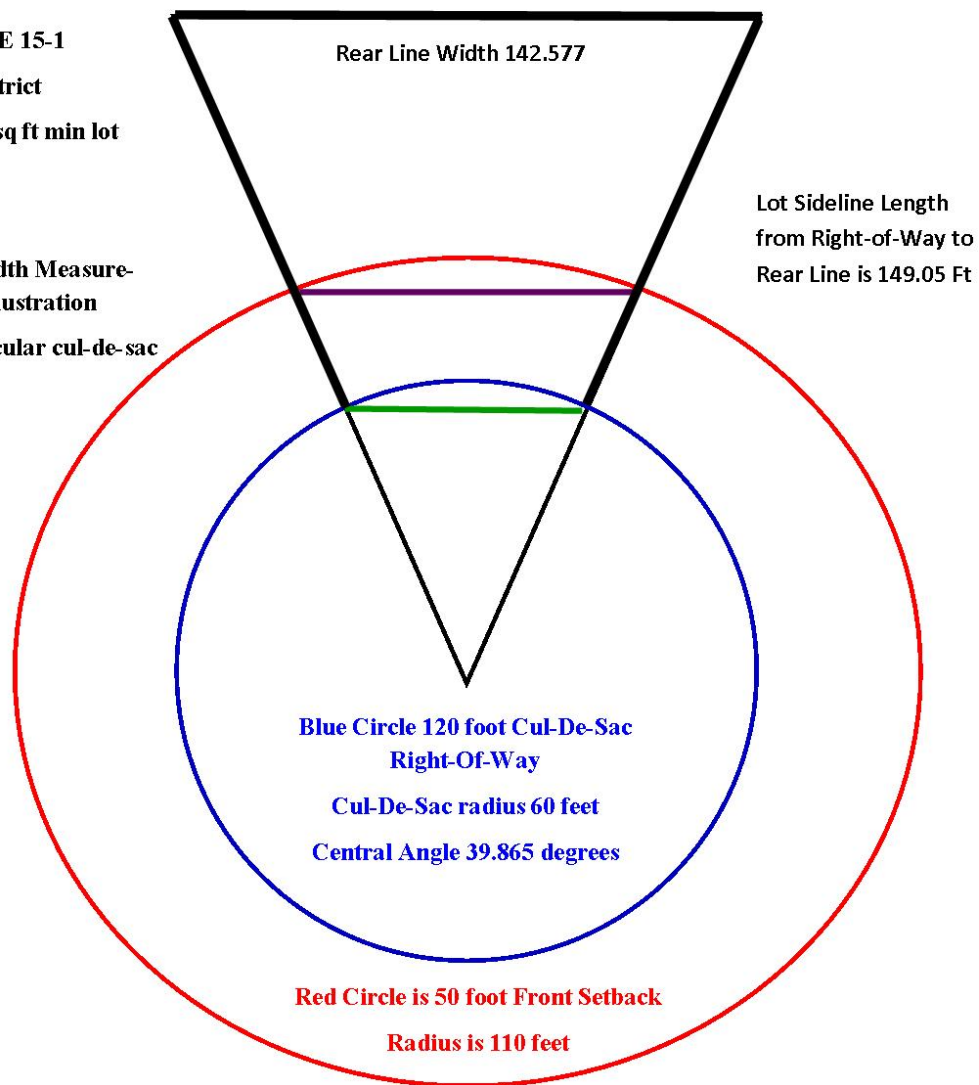
- A. Identification Sign: See Section 28.04-A-1.
- B. Sale, Rental or Lease Sign: See Section 28.04-B.
- C. Open House Sign - One: See Section 28.04-D.
- D. Political Sign - One: See Section 28.04-C.
- E. Temporary Sign (Construction): See Section 28.03-B.

15.07 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises.

**FIGURE 15-1**  
**R-2 District**  
**12,750 sq ft min lot**  
**Area**

**Lot Width Measurement**  
**Illustration**  
**For circular cul-de-sac**



**Green (Inside Chord) is 40.91 feet. Corresponding Blue Arc Length is 41.75 feet**  
**Purple (Inside) Chord is 75.0 Feet. Corresponding Red Arc Length is 76.54 Feet.**

**Lot Area within Black Sidelines, Black rear line and BLUE arc is 12,753.54 Sq Ft**

(Amended January 19, 2021 by Resolution 2021-012, effective February 18, 2021)  
(Amended November 5, 2019 by Resolution 2019-111, effective December 5, 2019)  
(Amended November 5, 2019 by Resolution 2019-110, effective December 5, 2019)  
(Amended by Resolution 2015-67, effective July 22, 2015.)  
(Amended May 17, 2011 by Resolution, effective June 16, 2011  
(Amended July 11, 2006 by Resolution 2006-58, effective August 10, 2006)  
(Amended October 1, 2002 by Resolution 2002-97, effective October 31, 2002)  
(Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002)  
(Amended by Trustee Resolution 89-42 effective April 8, 1989.)  
(Adopted April 23, 1987 by Resolution 87-39, effective May 23, 1987)

SECTION XVI. RESIDENTIAL R-3 (Duplex Dwellings)

16.01 The following uses of buildings and land and no others shall be classified as R-3 Residential:

- A. Duplex dwellings.
- B. Fire station, police station, township hall, township cemetery or other public service facility operated by or on behalf of the Board of Trustees of Painesville Township.
- C. Attached single-family dwelling unit.

16.02 Accessory Uses and Buildings

A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in an R-3 District and shall include but shall not be limited to:

- 1. 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.
- 2. Real estate office or insurance sales office
- 3. Home Occupations such as, but not necessarily limited to, beauty parlor, barber shop, handicrafts, seamstress, home cooking, caterer or launderer. Such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind. 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. No Home Occupation may be conducted in an accessory building although supplies for such Home Occupation may be stored in an accessory building on the same lot as the principal building. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses across any property boundary, if the occupation is conducted in a single-family residence, or outside the dwelling unit in which the Home Occupation is being conducted if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Such accessory uses shall also not include self-employed contractors or tradesmen such as, but not limited to landscapers, yard maintainers, excavators, builders, remodelers which parks or stores vehicles over 2 net tons capacity, multiple commercial vehicles, equipment and/or materials outdoors and employs more than 1 other person, on a full or part time basis, .who reports to work at the residence and parks a vehicle there during the workday.
- 4. Swimming pools as provided herein
- 5. Roadside stands as provided herein
- 6. Storage of household equipment, tools, and automobiles for use as private transportation
- 7. Storage of recreational vehicles as provided herein.

B. Accessory Uses in R-3 District:

- 1. Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in an R-3 District except as an accessory use and unless it complies with the following conditions and requirements:

- a. A zoning certificate is first acquired:
  - b. A swimming pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any rear lot line and side yard clearances shall be in accordance with those required in Section 16.03(A) of this Resolution.
  - c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through or under it. Fence or wall must be maintained in good condition with a gate and locking device.
  - d. No landowner or occupant of any property in this district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured.
2. A roadside stand shall consist of a removable structure used solely for the display and sale of agricultural products produced on the premises with adequate facilities maintained for off-the-road parking by customers and provided that such stand is removed during the seasons when it is not so used. Such stands shall be at least twenty (20) feet back from the traveled portion of the road.
  3. The storage of not more than two (2) licensed recreational vehicles as defined in Section 4501.01 Q of the Ohio Revised Code in accordance with Section 29.11 of this Resolution.

C. Accessory buildings:

1. Accessory buildings shall not be constructed on vacant parcels.
2. Accessory buildings shall be limited to buildings that house accessory uses clearly incidental and secondary to the main use of the land and buildings and shall include but not be limited to:
  - a. Private garages.
  - b. Storage sheds.
3. In no event shall an accessory building be used as living quarters or for any use in violation of this Resolution.
4. The total ground coverage of all accessory buildings on any one parcel shall be not more than 475 square feet or fifty (50) percent of the living area on the ground level of the dwelling unit, whichever is greater.
5. No accessory building shall be erected to a height in excess of that of the main building to which it is incident.
6. A minimum separation of ten (10) feet must be provided between a dwelling and an accessory building or structure, except for accessory buildings which have 50 square feet or less of ground coverage and shall therefore not be required to provide any minimum separation.
7. Accessory buildings shall be limited to two (2) per lot, except where any parcel of land has been divided such that 8500 sq. ft. is held by separate ownership, in which case accessory buildings shall be limited to one (1) per lot.
8. All setbacks for accessory buildings and required distances between such buildings and dwellings in this section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling.



9. Accessory buildings on corner lots should, to the extent possible, conform to setbacks from the side street right-of-way equal to the actual setback of the main structure, but in no case may the accessory building be closer than 20 feet to the side street right-of-way.

16.03 Minimum Dwelling Lot Area, Dwelling Area and Location Regulations

- A. 1. No attached single-family dwelling unit, nor the enlargement thereof, shall be erected or maintained on any parcel of land divided unless the following minimum lot areas, widths, location requirements and dwelling areas are provided and maintained in connection with such dwelling unit:

For each attached, single-family dwelling unit:

Lot Area	Lot Width	Front Setback	Main	Building
			Side Yard Clearance	Rear Yard Clearance
17,000 sq. ft. Min.	100' Min.	50' Min.	15' Min.	25' Min.

For each half of an attached single-family dwelling unit:

Lot Area	Lot Width	Front Setback	Main	Building
			Side Yard Clearance	Rear Yard Clearance
8,500 sq. ft. Min.	50' Min.	50' Min.	Along Common Walls 10' Min. Otherwise 15' Min.	25' Min.

2. Garages or accessory buildings attached to a dwelling by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for purposes of determining front setback, side yard clearance and rear yard clearances.
- B. Duplex dwelling units may not be placed one on top of the other.
  - C. Lot Area. In computing lot areas, no portion of the road right-of-way shall be included regardless of whether or not the owner holds title to the same.
  - D. Lot Width. Please refer to Figure 16-1 at the end of this section for measurement illustrations and also Subsection 6.20-Lot/Parcel Shapes and Measurements
    1. No duplex or attached single-family dwelling unit in an R-3 District shall be erected on a lot having a width at the minimum front setback line of less than one-hundred (100) feet.
    2. No duplex or attached single-family dwelling in an R-3 District shall be erected on a lot having a width at the right of way sideline of a dedicated road of less than one-hundred (100) feet.
    3. No half of a duplex or attached single-family dwelling unit in an R-3 District held by a separate ownership shall be erected on a lot having a width at the right-of-way sideline of a dedicated road of less than fifty (50) feet and having a width at the minimum front setback line of less than fifty (50) feet.
    4. Notwithstanding anything contained herein to the contrary, an attached single-family (duplex) dwelling in an R-3 District may be erected on a lot with frontage on the vehicular turn-around portion of a circular cul-de-sac having a width at the right-of-way sideline of a dedicated road of not less than 54.546 feet, as measured by the chord length of the arc formed by the curvature of the roadway.

5. No duplex (attached single family) dwelling in an R-3 District shall be erected on a lot having a width at any point between the road right-of-way and the minimum front setback line of less than one hundred (100) feet and no half of a duplex dwelling unit in an R-3 District shall be erected on a lot having a width at any point between the road right-of-way and the minimum front setback line of less than fifty (50) feet, except for lots having frontage on the vehicular turn-around portion of a circular cul-de-sac.
6. No duplex (attached single family) dwelling in an R-3 district shall be erected on a lot having a width at any point between the road right-of-way and the actual front setback line of less than one hundred (100) feet, except for lots having frontage on the vehicular turn-around portion of a circular cul-de-sac, and the lot width from the minimum building setback line to the actual building setback line is at no point less than one hundred (100) feet.
7. For lots fronting on roadways with multiple curvatures or a combination of straight-line sectors with a curvature or multiple curvatures, the lot width shall be measured and established by adding the sum of the lengths of any straight-line sections plus the sum of the chord lengths for any and all curvatures in the roadway between the side lot lines.

E. Set-back Lines.

1. No building or structure or any portion thereof in an R-3 District, except steps, fences, and underground tanks shall be erected within fifty (50) feet of the right of way sideline of any dedicated road or street or eighty (80) feet of the center of the traveled portion of the road, whichever is greater.
2. If there is no established right of way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the traveled portion of the road.

F. Side Yards.

1. In regards to structures which constitute dwellings, side yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the side property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback.
2. For every duplex dwelling or attached single-family dwelling in an R-3 District, there shall be a minimum side yard clearance as shown in Section 16.03(A) of this Resolution, which space shall remain open and unoccupied by any building or structure. For every accessory building or structure of two hundred (200) square feet or less, with a maximum height of twelve (12) feet, there shall be a minimum side yard clearance of three (3) feet. For every accessory building or structure covering more than two hundred (200) square feet of ground area, there shall be a minimum side yard clearance of five (5) feet.

G. Rear Yards.

1. In regards to structures which constitute dwellings, rear yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the rear property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback.

2. For every duplex or attached single-family dwelling unit erected in an R-3 District, there shall be a minimum rear yard clearance of twenty-five (25) feet for a main building or any portion thereof.
3. For every accessory building or structure covering two hundred (200) square feet or less of ground area in an R-3 District, there shall be a minimum rear yard clearance of three (3) feet, which space shall be open and unoccupied by any building or structure. For every accessory building or structure covering more than two hundred (200) square feet of ground area in an R-3 District, there shall be a minimum rear yard clearance of five (5) feet, which space shall be open and unoccupied by any building or structure.

H. Minimum Dwelling Area.

1. Each half of an attached single-family dwelling unit shall have a minimum living area, exclusive of basements, porches, breezeways, patios, accessory buildings, or garages of not less than 1,200 total square feet with a minimum of 875 square feet of living area on the ground level.
2. Each dwelling unit shall have an attached two car garage.

16.04 Maximum Height of Buildings

No building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty-five (35) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.

16.05 Parking

- A. Each single family dwelling shall have a minimum of two (2) off-street parking spaces.
- B. See Sections 29.01, 29.02, 29.04, 29.10 and 29.11 inclusive for additional requirements.
- C. See Section 29.11 for special parking provisions for recreational vehicles in residential districts.

16.06 Signs

- A. Identification Sign: See Section 28.04-A.
- B. Sale, Rental or Lease Sign: See Section 28.04-B.
- C. Open House Sign - One: See Section 28.04-D.
- D. Political Sign - One: See Section 28.04-C.
- E. Temporary Sign (Construction): See Section 28.03-B.

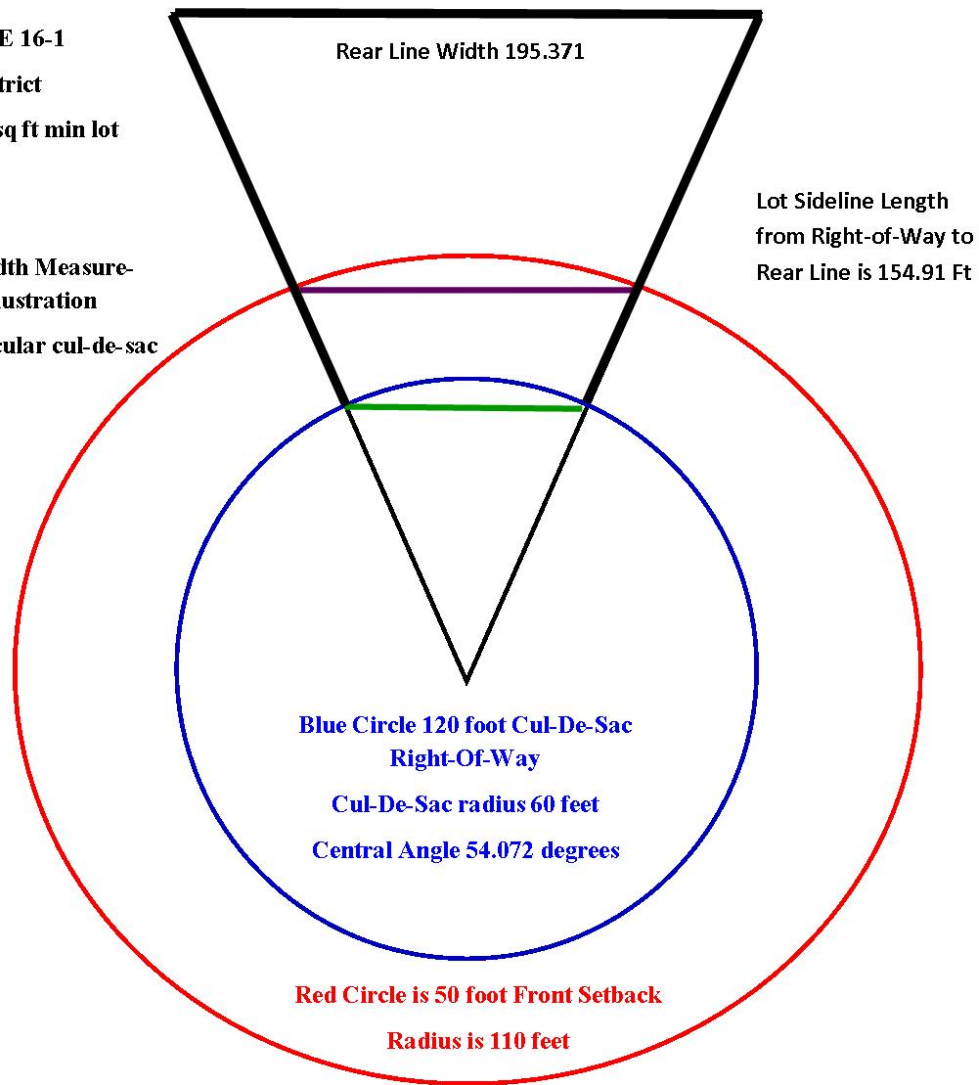
16.07 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises

16.08 Trash and garbage collection areas shall be on a concrete pad and enclosed by a solid fence or wall at least four (4) feet in height if such area is not within an enclosed building or structure. In no case shall such solid fence or wall be less than eighteen (18) inches higher than the tallest receptacle contained within the fence or wall.

**FIGURE 16-1**  
**R-3 District**  
**17,000 sq ft min lot**  
**Area**

**Lot Width Measurement**  
**Illustration**  
**For circular cul-de-sac**



**Green (Inside Chord) is 54.546 feet. Corresponding Blue Arc Length is 56.623 feet**  
**Purple (Inside) Chord is 100.001 Feet. Corresponding Red Arc Length is 103.809 Feet.**

**Lot Area within Black Sidelines, Black rear line and BLUE arc is 17,000.87Sq Ft**

Amended January 19, 2021 by Resolution 2021-012, effective February 18, 2021)  
(Amended November 5, 2019 by Resolution 2019-111, effective December 5, 2019)  
(Amended November 5, 2019 by Resolution 2019-110, effective December 5, 2019)  
(Amended by Resolution 2015-67, effective July 22, 2015.)  
(Amended December 21, 2010 by Resolution 2010-98, effective January 20, 2011)  
(Amended July 11, 2006 by Resolution 2006-58, effective August 10, 2006)  
(Amended October 1, 2002 by Resolution 2002-97, effective October 31, 2002)  
(Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002)  
(Amended May 28, 1992 by Resolution 92-44, effective June 27, 1992.)  
(Amended by Trustee Resolution 90-114, effective January 12, 1991.)  
(Adopted April 23, 1987 by Resolution 87-40, effective May 23, 1987)

SECTION XVII. RESIDENTIAL R-4 (Multiple Unit Dwellings)

17.01 For purposes of R-4 Residential uses, the words "Apartment Building", "Townhouse", "Multiple Family Dwelling" and "Attached Single Family Dwelling Unit" shall be synonymous.

17.02 The following uses of buildings and land and no others shall be classified as R-4 Residential:

A. Multiple-Family Dwellings.

17.03 Accessory Uses and Buildings

A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings and shall include but shall not be limited to:

1. Swimming pools.

2. A general service building for the storage, collection or accumulation of maintenance equipment or machinery for use of the complex.

3. Facilities for shuffleboard, croquet, tennis, badminton and similar recreational uses.

B. 1. Swimming pools and other recreational facilities are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests and not operated for profit.

2. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. Any swimming pool in an R-4 District shall comply with the following conditions and regulations:

a. A zoning certificate is first acquired:

b. A swimming pool shall be located on the same lot as the building served.

c. A swimming pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than fifty (50) feet to any rear or side lot line. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

d. A swimming pool shall be situated at least thirty (30) feet from any main building.

e. A swimming pool shall be enclosed within a wall or fence not less than four (4) feet in height to prevent access to the pool except through a controlled point.

f. Facilities for shuffleboard, croquet, tennis, badminton and similar recreational uses shall not require a zoning certificate but shall be located not closer than fifty (50) feet to any rear or side lot line and thirty (30) feet to any main building.

3. No landowner or occupant of any property in this district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured.

17.04 Lot Area

A. No apartment building in an R-4 District shall be erected or maintained or any parcel of land divided unless the following lot areas are provided and maintained in connection with such building:

1. For the first three (3) dwelling units, 30,000 square feet.

2. Each additional dwelling unit, 6,000 square feet.

- B. No building shall be altered into apartments unless such apartment building shall have the same minimum lot area as required in an R-4 District.
- C. Computation of lot area for apartment buildings shall be based upon the total number of dwelling units where more than one apartment building is located upon the same parcel of land.
- D. Computation of lot area shall include no portion of the road right-of-way regardless of whether or not the owner holds title to the same.

17.05 Lot Width

- A. No apartment building or structure in an R-4 District shall be erected or maintained on any parcel of land divided unless the following minimum lot widths at the right of way sideline of a dedicated road are provided and maintained in connection with such apartment building or structure:
  - 1. For one (1) or more buildings having a total of not more than ten (10) dwelling units - 200 feet.
  - 2. For three (3) or more buildings having a total of more than ten (10) dwelling units - 250 feet.
- B. The lot width will be determined by the sum of the lengths of any straight-line sections plus the sum of any and all chord lengths of curvature arcs as determined by the course of the road right-of-way between the lot sidelines. There shall be no point between the road right-of-way and the minimum building front setback line which is less than the required lot width.

17.06 Set-back Building Line

- A. No building or structure in an R-4 District, shall be erected or located within fifty (50) feet of the right of way sideline of any dedicated road and such area shall be landscaped and maintained.
- B. If there is no established right of way sideline for a road, said sideline shall be deemed to be thirty (30) feet from the center of the traveled portion of the road.

17.07 Side and Rear Yards

- A.
  - 1. In regards to structures which constitute dwellings, side yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the applicable property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback.
  - 2. In regards to structures which constitute dwellings, rear yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the applicable property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback.
  - 3. In regards to structures other than dwellings, all setbacks for such structures and required distances between such structures and dwellings in this section shall be the nearest point of any dwelling.
- B. Multiple Family buildings, accessory buildings and structures shall have a minimum side and rear yard clearance of not less than fifty (50) feet.

17.08 Supplementary Regulations

- A. Garages attached to the main building by a breezeway or other permanently constructed connection shall be construed to be a part of the main building.
- B. Tenantable buildings shall be separated from each other and from any accessory buildings or structures by space of at least twenty (20) feet.

- C. All R-4 uses shall provide surfaced private access driveways of not less than eighteen (18) feet of surfaced width. Each such access driveway shall have unobstructed access to a public street, alley, or highway.
- D. Trash and garbage collection area shall be on a concrete pad and enclosed by a fence or wall at least four (4) feet in height if such area is not within an enclosed building or structure.
- E. Each multiple family dwelling building shall contain no less than two nor more than six dwelling units or apartments.
- F. A minimum of fifteen percent of the gross land area of the R-4 use shall be open space consisting of a combination of grass and agricultural plantings, nature sights or unpaved recreational areas.
- G. All developments shall be designed, including the proposal for access drives providing ingress to and egress from the development, for proper traffic circulation and emergency vehicle access.

#### 17.09 Maximum Height of Buildings

- A. No building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty-five (35) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.
- B. No accessory building or structure to a multiple family building shall exceed eighteen (18) feet in height.

#### 17.10 Minimum Dwelling Area

Every multiple family dwelling shall contain the following minimum residential floor area per dwelling unit:

- A. Single bedroom or efficiency dwelling unit - 850 square feet.
- B. Two bedroom dwelling unit - 900 square feet.
- C. Three or more bedroom dwelling unit - 1200 square feet.

#### 17.11 Drive and Buildings Identification

- A. All buildings and units shall be identified by letter and/or number of the exterior of each building, which letter or number shall be clearly distinguishable from the access drive to said building.
- B. All private drives 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 Painesville Township. Naming of drives shall be consistent with the Lake County Subdivision Regulations as to duplication of names and names sounding the same.
- C. A map clearly identifying the drives and buildings shall be provided to the Zoning Inspector prior to the issuance of the zoning certificate.

#### 17.12 Parking

- A. Required in plot plan - See Section 29.01.
- B. Parking Space - See Section 29.02 and 29.11.
- C. Off-street Parking and Access Drives - See Section 29.03.
- D. Minimum Parking Spaces - See Section 29.04.
- E. Access - See Section 29.05.
- F. Surfacing - See Section 29.06.
- G. Lighting, Screening and Striping - See Section 29.08.



- H. Drainage - See Section 29.07.
- I. Loading and Servicing - See Section 29.09.
- J. Required Distances from Boundary or Right-of-way - See Section 29.10A.
- K. Buffering from Single Family and Duplex Dwellings - See Section 29.10B.

17.13 Signs

- A. General Requirements - See Section 28.01.
- B. Construction, Entrance and Exit Signs - See Section 28.03B and C.
- C. Identification Signs - See Section 28.04A-2.
- D. Real Estate Signs - See Section 28.04B and D.
- E. See Section XXVIII for other applicable regulations.

17.14 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises.

(Amended November 5, 2019 by Resolution 2019-111, effective December 5, 2019)  
(Amended by Resolution 2015-67, effective July 22, 2015.)  
(Amended November 18, 2014 by resolution, effective December 18, 2014).  
(Amended July 11, 2006 by Resolution 2006-58, effective August 10, 2006)  
(Amended April 16, 2002 by Resolution 2002-44, effective May 15, 2002)  
(Amended by Resolution 99-60 effective August 5, 1999.)  
(Adopted April 23, 1987 by Resolution 87-41, effective May 23, 1987)

## SECTION XVIII. COMMUNITY SERVICE/INSTITUTIONAL CS

- 18.01 The following uses and no others are CS uses and shall be permitted in all CS Districts (Community Service/Institutional).
- A. Health care facility.
  - B. Adult care facility.
  - C. Public or private elementary school, secondary school, college, university.
  - D. Church, club, community center, paternal or fraternal organization (public or private).
  - E. Library, museum.
  - F. Similar uses not listed above with the approval by Resolution of the Board of Township Trustees and the issuance of a Conditional Use Permit by the Board of Zoning Appeals as required by provisions and regulations contained in Section 12 of this Resolution
- 18.02 Accessory Uses and Buildings
- A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in a CS District and shall include, but not be limited to:
    - 1. Living quarters for the sole and exclusive use of groundskeepers and caretakers.
    - 2. Living quarters for the sole and exclusive use of students of schools, colleges, universities, and teaching hospitals.
    - 3. Living quarters for the sole and exclusive use of live-in staff.
    - 4. Any use customarily carried on or necessary to the main use.
    - 5. Child day care facility in association with any permitted use in this district by a non-profit organization.
  - B. Accessory buildings shall be limited to buildings that house accessory uses clearly incidental and secondary to the main use of land and buildings.
- 18.03 Lot Area
- A. No minimum lot area shall be required except that necessary to comply with other regulations in this Resolution such as, but not limited to, setback, side and rear lot line clearances, parking and buffering with the following exception: schools shall have a minimum of two (2) acres plus an additional one-eighth (1/8) acre per classroom.
  - B. In computing setback or lot line clearance, no portion of the road or street right-of-way shall be included regardless of whether or not owner holds title to same.
- 18.04 Lot Width
- A. No lot on which are erected and maintained a total of no more than two (2) main buildings in a CS District shall have a frontage on the right-of-way sideline of a dedicated road of less than two hundred (200) feet.
  - B. No lot on which are erected and maintained a total of three (3) or more main buildings in a CS District shall have a frontage on the right-of-way sideline of a dedicated road of less than two hundred fifty (250) feet.
  - C. Schools shall have a minimum lot width at the building setback line of at least two hundred fifty (250) feet.

- D. Hospitals shall have a lot width at the building setback line of at least two hundred (200) feet plus an additional fifty (50) feet of lot width for each ten (10) beds up to and including one hundred ten (110) beds.

18.05 Set-Back Building Line

No building or structure or any portion thereof in a CS District except fences, underground tanks, and signs when erected in accordance with provisions in Section XXVIII of this Resolution shall be erected or maintained closer than fifty (50) feet to the right-of-way sideline of a dedicated road. In any such space there shall be no parking facilities, parking storage or storage of materials or equipment of any kind.

18.06 Side and Rear Yard Clearance

Any main or accessory building or structure in a CS District shall have a side and rear yard clearance of at least twenty-five (25) feet unless it abuts an R-1 District, in which case the clearance shall be not less than fifty (50) feet.

18.07 Maximum Height

No main or accessory building or structure in a CS District shall exceed thirty-five (35) feet in height except that these provisions shall not apply to a church spire, belfry, clock tower, water tank, wireless tower, elevator bulkhead, stage tower, scenery loft or other mechanical appurtenance when erected upon and as an integral part of such building.

18.08 Building Area

In any building in a CS District which serves as a permanent or semi-permanent dwelling, the total floor space of living area for each person shall be at least seven hundred fifty (750) square feet.

18.09 Access Driveways

Access driveways to any main building in a CS District shall be constructed between the public right-of-way and the building setback line and shall consist of two (2) surface driveways at least ten (10) feet wide separated by a divider not less than ten (10) feet in width. A thirty (30) foot turnout radius shall be required on each side of all access driveways abutting the street.

18.10 Parking

See Section XXIX of this Resolution.

18.11 Signs

See Section XXVIII of this Resolution.

18.12 Accessory Use Requirements.

Accessory uses, building and structures permitted in CS Districts shall comply with the following regulations:

- A. Accessory Buildings. Accessory buildings with a floor area 200 square feet or less shall conform to all lots 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 200 square feet shall conform to all lot and yard clearances and site plan review and approval requirements of the zoning district in which the parcel or lot is located.
- 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 completely enclosed container. Such building, container, or dumpster shall comply with the following.
  - 1. All commercial compactors, storage bins, refuse containers utilities or 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 foot 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 detail to unite screening structure with the building when property abuts a residential district.
  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 district 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.
- C. Fences and walls. Fences and wall may be erected in compliance with the requirements set forth in Section VI of the Zoning Resolution.

Amended December 3, 2019 by Resolution 2019-125, effective January 2, 2020  
Amended January 8, 2019 by Resolution 2019-07, effective February 7, 2019  
Amended March 15, 2016 by Trustee Resolution 2016-28, effective April 14, 2016  
(Adopted per Trustee Resolution 90-73, effective July 27, 1990)

SECTION XXII. B-1 GATEWAY BUSINESS; B-2 GENERAL RETAIL, B-3 COMMERCIAL

22.01 PURPOSE.

The Gateway Business (B-1), General Retail (B-2), Commercial (B-3) Districts and their regulations are established in order to achieve, among others, the following purposes:

- A. B-1 Gateway Business District is established to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop shopping areas which will provide a full range of services and products to the township and the surrounding communities.
- B. B-2 General Retail District is established primarily to accommodate the sale of convenience retail good and personal service that primarily serve the residents of Painesville Township. Business nodes shall be located around key road intersections.
- C. B-3 Commercial District is intended for retail commercial and trade uses of a size and scope to serve the local service area and shall not impact adjacent residential areas.

22.02 USE REGULATIONS.

- A. A use listed in Section 22.02 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 XI, Site Plan Review, and other applicable requirements of this Zoning Resolution and other township resolutions have been met.
- B. A use listed in Section 22.02 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 XII, Conditional Use Permits, and Section XI, Site Plan Review, of the Zoning Resolution have been met.
- C. A use listed in Section 22.02 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.
- E. The following uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, smoke, dust, gas, fumes, noise, flame or vibrations.

TABLE OF USES: In accordance with the following Table, the use of land and buildings and no others shall be deemed as permitted uses, conditional uses or accessory uses.

	B-1	B-2	B-3
<b>Office and Professional Services</b>			
Medical & Dental Office	P	P	P
Administrative, Professional, Business and General Offices	P	P	P
Business Services including mailing & copy centers	P	P	P
Urgent Care/Medical Clinic	P	P	P

	B-1	B-2	B-3
<b>Retail and Personal Care Services</b>			
Enclosed Retail including Grocery, Food Markets Liquor & Beverage Retail Sales, Furniture, House wares, Apparel and Accessory, Drug & Department Stores	P	P	P
Sit down and fast food Restaurants	P	P	P
Antique Stores excluding second hand merchandise stores.			C
Personal Care Services including Photography Studio, barber/ beauty shops, Tailoring, Shoe Repair, Etc. excluding Adult Oriented Business	P	P	P
Bank, Financial Institutions	P	P	P
Veterinary Services with an enclosed yard		C	C
Funeral Services (no Crematory)		P	P
New Household Furniture/Electronic Rental or Leasing and Sales	P	P	P
Laundromat or Dry Cleaners		P	P
Hotels/Motels	C		C
Child Day Care facility	P	P	P
Assisted Living Facility	C		
Indoor Climate-Controlled Self-Storage Facility	C		
<b>Automotive &amp; Transportation</b>			
Gas Station with Convenience Store		C	C
New Motor Vehicle Dealership			C
Car Wash (including automatic)		C	C
Auto Service			P
Auto Parts Retail Sales			P
Automotive Repair			C
<b>Community Facilities/ Recreation/ Other</b>			
Churches and or Places of Religious Worship	P	P	P
Recreational Facilities/Clubs	C		C
Studios for Instruction (excluding nude model studio)	P	P	P
Motion Picture Theaters (excluding adult motion Picture theater)	C		C
Meeting Halls/Centers, Banquet Halls/Centers, Auditoriums, Party Center	C		C

	B-1	B-2	B-3
Bowling Alley			C
Public Libraries	C	C	C
Public Museums and Community Centers	C	C	C
Adult Oriented Businesses (in accordance with Section 22.15)			P
Similar Uses by Trustee Resolution	C	C	C
<b>Accessory Uses</b>			
Outdoor Storage and/or display in association with a permitted or conditional use	C	C	C
Outdoor Dining	C	C	C
Drive-thru facility in association with a permitted or conditional use	C	C	C
Warehousing		A	A
Restaurant/cafe/tertia/or pharmacy in association with a permitted or conditional use when conducted and entered only from within the principal building	A	A	A
Off-street loading and parking areas	A	A	A
Fences, walls and landscape features	A	A	A
Trash Receptacles	A	A	A
Signs	A	A	A

22.03 ACCESSORY USES AND BUILDINGS

- A. Accessory uses in B-1, B-2, and B-3 Districts shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings.
- B. Accessory buildings and structures in B-1, B-2, and B-3 Districts shall conform to the setback, side yard and rear yard clearances as provided in Section 22.05 and 22.06 of this Resolution.
- C. No living quarters in conjunction with a business establishment shall be permitted in any B-1, B-2, and B-3 District.

22.04 LOT AREA REQUIREMENTS

- A. A minimum lot area shall be required to the extent necessary to comply with other regulations in this Resolution such as, but not necessarily limited to, setback side and rear yard clearances, parking and buffering.
- B. In computing setback or lot line clearance, no portion of the road or street right-of-way shall be included regardless of whether or not owner holds title to the same.
- C. A sixty (60) foot minimum contiguous frontage on the right-of-way sideline of a dedicated road shall be required in all B-1, B-2, and B-3 Districts. Such frontage shall not be reduced in width from the right-of-way

sideline of the road to the building setback line. Corner lots shall have the same minimum lot width required for both street frontages.

- D. **Impervious Surface Maximum:** The impervious surface on a lot shall comply with the maximum percentage of the total lot area set forth in Table 22.04. 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 storm water 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.
- E. **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 Section VI, subsection 6.05 and the Ohio Building and Fire Codes.

Table 22.04

Lot Requirements:	B-1	B-2	B-3
Minimum Lot Frontage/ Lot Width	60 ft.	60 ft.	60 ft.
Minimum Front Building Setback Line	50 ft.	50 ft.	50 ft.
Minimum Side Yard Clearance	40 ft. total Minimum on either side 10 ft.	40 ft. total Minimum on either side 10 ft.	40 ft. total Minimum on either side 10 ft.
Minimum Side Yard Clearance abutting residential district	50 ft.	50 ft.	50 ft.
Minimum Rear Yard Clearance abutting non-residential district	25 ft.	25 ft.	25 ft.
Minimum Rear Yard Clearance abutting residential district	50 ft.	50 ft.	50 ft.
Minimum Building Separation	20 ft.	20 ft.	20 ft.
Maximum Impervious Surface	70%	70%	70%
Height: Principal Building	35 ft.	35 ft.	35 ft.
Height: Accessory Building	20 ft.	20 ft.	20 ft.
Note to Table: Clearance requirements include the minimum buffer strip requirement for properties abutting residential districts, as set forth in Section 35.09 of the Landscaping and Screening Requirements and shall not be additional footage.			

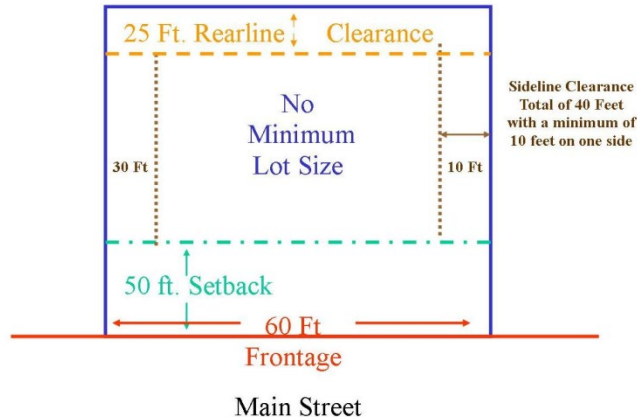
522.05 SETBACK BUILDING LINE

- A. No building in any B-1, B-2, B-3 District shall be erected within fifty (50) feet of the right-of-way sideline of a road or eighty (80) feet from the center of the traveled portion of the road, whichever is greater, and in any such space there shall be no structure of any kind except signs as permitted by other sections of this Resolution. For corner lots, the minimum front building setback shall be required for both street frontages. There shall be no storage of any materials or equipment nor display of any materials or goods offered for sale within ten (10) feet of any road right-of-way. The inner boundary of such ten (10) foot space shall be marked with a curb not less than six (6) inches above grade.

22.06 SIDE AND REAR YARD CLEARANCES



- A. Any building in a B-1, B-2, and B-3 District shall have a minimum total of forty (40) feet side yard clearance with a minimum clearance on either side of ten (10) feet. Clearance shall be measured from the nearest point of any part of the building to the side lot line.
- B. Any building in a B-1, B-2, and B-3 District shall have a minimum rear yard clearance of not less than twenty five (25) feet which space shall remain open and unoccupied by any building or structure. No storage of materials or equipment or the parking of motor vehicles shall take place within fifty (50) feet of any lot or lots which are included in a residential district.



22.07 MAXIMUM HEIGHT OF BUILDINGS

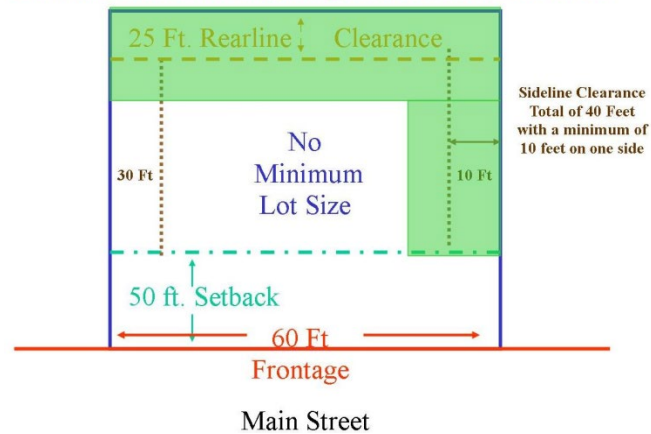
No building or structure nor the enlargement of any building or structure shall be erected or maintained which is in excess of thirty five (35) feet in height except this provision shall not apply to church spires, belfries, clock towers, radio and TV towers, chimneys, water tanks, elevator bulkheads, stage towers, scenery lofts or other mechanical appurtenances when erected upon and as an integral part of such building.

- A. 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 properties in accordance with Section XXXIV Design Standards. 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.

22.08 BUFFERING AND SCREENING

- A.
  1. A minimum buffer strip of fifty (50) feet when any B-1, B-2 and B-3 District abuts any residential district. This fifty foot strip shall be included in the side and rear yard clearance as required in Section 22.06 of this Resolution and shall not be additional footage.
  2. The buffer strip shall be landscaped to provide a year-round vertical green combination of grass, shrubs and trees between the B-1, B-2 and B-3 Districts and said residential district.
- B. Screening of service yards and other places which tend to be unsightly shall be accomplished by use of walls, fencing, or planting or a combination of these. Screening shall be equally effective year around.

50 Foot Buffer when B-1, B-2, or B-3 lots are adjacent to land zoned residential. No structures or parking are allowed in the buffer area.



## 22.09 DESIGN STANDARDS FOR THE B-1, B-2, AND B-3 DISTRICTS

Design standards for the Commercial Districts are established for the B-1, B-2, and B-3 Districts to ensure that new developments or redevelopment complies with the purposes of this Section. All uses in the Commercial Districts shall comply with the design requirements set forth in Section XXXIX (Main Corridor Commercial Design Guidelines) for projects in the B-1 and B-3 districts along Mentor Avenue and along North Ridge Rd. and Section XXXIV (Design Standards) for all other projects in the B-1, B-2, and B-3 districts.

### 22.10 Accessory Use Requirements.

Accessory uses, building and structures permitted in B-1, B-2, and B-3 Districts shall comply with the following regulations:

- A. Accessory Buildings. Accessory buildings with a floor area 200 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 200 square feet shall conform to all lot and yard clearances and site plan review and approval requirements of the zoning district in which the parcel or lot is located.
- 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 completely enclosed container. Such building, container, or dumpster shall comply with the following.
  1. All commercial compactors, storage bins, refuse containers utilities or 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 foot 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 detail to unite screening structure with the building when property abuts a residential district.
  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 district 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.

- C. Fences and walls. Fences and wall may be erected in compliance with the requirements set forth in Section VI of the Zoning Resolution.
- D. Signs. Signs shall conform to the regulations in Section XXVIII of the Zoning Resolution.

#### 22.11 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscaped buffers shall be provided for all lots in the B-1, B-2, and B-3 Districts in accordance with the requirements set forth in Section XXXV of the Zoning Resolution.

#### 22.12 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. 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 and closing or 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.
- B. Storage of Equipment: No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises, and except that this provision shall not apply to parking of licensed cars or trucks owned or personally operated by the occupant or occupants of said premises.
- 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 building, or be directed downward onto parking areas, access drives and pedestrian walkways.
  - 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. 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.

#### 22.13 Site Plan Review

Prior to the construction, alteration, expansion or modification of a use in a B-1, B-2 and B-3 District, a site plan for such activity shall be reviewed and approved according to the procedures set forth in Section XI.

#### 22.14 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises, and except that this provision shall not apply to parking of licensed cars or trucks owned or personally operated by the occupant or occupants of said premises.

#### 22.15 Purpose and Intent

It is the purpose of this section to regulate adult oriented businesses, to promote the health, safety, morals and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of adult oriented businesses within the Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented material protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market. There is convincing documented evidence that the adult oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around

them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

The Township Trustees desire to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of suburban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.

A. Definitions applicable only to this Section:

- a. An adult oriented business is one which is designed and used to sell, rent or show sexually explicit materials distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, or adult theater, or massage business.
- b. The proposed business is located more than four hundred (400) feet from any boundary of a residential district, mixed use planned unit development district, flexible planned unit development district or any recreation district as established by the Board of Township Trustees; the lot line of a lot devoted to residential use, uses approved within the boundary of any multi use or flexible planned unit development, or recreational use; any boundary of a residential district in a local government abutting Painesville Township, or any structure that contains a residence.
- c. Adult bookstore or adult video store means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration, one or more of the following:
  1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
  2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- d. Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which features:
  1. Persons who appear in a state of nudity; or
  2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
  3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities", or "specified anatomical areas".
- e. Adult motel means a hotel, motel or similar commercial establishment which:
  1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion picture, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities", or "specified anatomical areas", and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
  2. Offers sleeping rooms for rent for a period of time that is less than ten (10) hours; or
  3. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.
- f. Adult motion picture theater means a commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions

are regularly shown which is characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

- g. Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
- h. Massage means the manipulation of body muscles or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.
- i. Massage business means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors, which is characterized by emphasis on matters and activities related to "specified sexual activities" or "specified anatomical areas" as defined herein.
- j. Nudity or a state of nudity means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
- k. Persons mean an individual, proprietorship, partnership, corporation or other legal entity.
- l. Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region, and aureoles of the female breast, as well as portions of the body covered by supporting straps or devices.
- m. Specified sexual activities means and includes any of the following:
  - 1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
  - 2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
  - 3. masturbation, actual or simulated; or
  - 4. excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.
- n. Sexually oriented devices means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.
- o. Specified anatomical areas means less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the aureole; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### B. Rules Governing Adult Oriented Business

- a. The proposed business is located more than one thousand feet (1000') from a church, a public or private school, public park or playground, child day care center or any social services facility, fairgrounds or neighborhood center.
  - 1. For the purposes of subdivision, a measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented business is conducted, to the nearest property line of the premises of a church, or a public or private school, or social services facility or neighborhood center, or to the nearest boundary of an affected public park, fairgrounds or playground.
- b. The proposed business is located more than three hundred (300) feet from any boundary of a residential district as established by the Board of Township Trustees, the lot line of a lot devoted to a residential use, any boundary of a residential district in a local government abutting Painesville Township, or any structure that contains a residence.
  - 1. For the purposes of subdivision, a measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or

structure used as a part of the premises where an adult oriented business is conducted, to the nearest property line of a lot devoted to residential use or possessing a structure that contains a residence, or to the nearest boundary of an affected residential district.

- c. The proposed use is located more than one thousand feet (1000') from an already existing adult oriented business, whether by permit or other means of establishment.
    - 1. For purposes of subdivision (c.), the distance between any two adult oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest external wall of the structure in which each business is located.
  - d. All viewing booths and viewing areas in an Adult Arcade, Adult Book store, Adult video store, Adult motion picture theater, or Adult Theater must be visible from a continuous main aisle and must not be obscured by any curtain, door, wall, or other enclosure.
  - e. No sexually oriented activities or materials may be sold, furnished or displayed to any person under the age of eighteen (18) years.
  - f. All provisions of the Ohio Fire Code are met prior to issuance of a permit.
- C. No person shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.
- D. As amended, any adult oriented business lawfully operating on the effective date of Section 22.16 of this Resolution that is in violation of that section of the Resolution shall be deemed a nonconforming use. An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private school, public park or playground, fairgrounds, or any social services facility or neighborhood center within one thousand (1000) feet, or a residential district within three hundred (300) feet, of the adult oriented business. When a nonconforming adult oriented business use of a structure or premises is voluntarily discontinued or abandoned for more than six (6) months, the structure, building, or premises shall not thereafter be used except in conformity with the subdivision of uses for the use district in which it is located.
- E. Revocation
- The Painesville Township Board of Trustees, after affording notice and hearing, upon recommendation of the Chief of Painesville Township Fire Department, the Lake County Sheriff's Department, the Zoning Inspector, or on their own authority, may at any time suspend the Zoning Permit for the applicant's failure to comply with any applicable sections of this Resolution.

22.16 A Child Day Care Center shall be defined as a "Child day care center" as that term is defined in Ohio Revised Code Section 5104.01(L), as amended and revised. No Zoning Permit shall be effective until the individual or entity obtaining the permit has been properly licensed as required by Ohio Law. All child day care centers shall obtain certification from the director of the Lake County Department of Job and Family Services, and make any modifications to the facility recommended and approved by said director.

Amended January 19, 2021 by Resolution 2021-014, effective February 18, 2021  
Amended January 19, 2021 by Resolution 2021-011, effective February 18, 2021  
Amended June 4, 2019 by Resolution 2019-066, effective July 4, 2019  
Amended January 8, 2019 by Resolution 2019-10, effective February 7, 2019  
Amended August 8, 2017 by Resolution 2017-69, effective September 7, 2017  
Amended May 5, 2015 by Resolution 2015-51, effective June 4, 2015  
Amended January 7, 2014 by Resolution 2014-04 effective February 6, 2014  
Amended January 17, 2012 by Resolution 2012-08, effective February 16, 2012.  
Amended August 4, 2009 by Resolution 2009-46, effective September 3, 2009  
Amended by Trustee Resolution 2006-31 effective April 20, 2006  
Amended by Trustee Resolution 97-27 effective April 10, 1997  
Amended by Trustee Resolution 90-50 effective May 26, 1990.  
Adopted April 14, 1988 by Resolution 88-34, effective May 14, 1988



SECTION XXV. LIGHT INDUSTRY AND MANUFACTURING I-1

25.01 The following uses and no other shall be deemed I-1 uses and permitted in all I-1 Districts (Light Industry):

- A. Research, experimental or testing laboratories.
- B. General Offices.
- C. Manufacture and/or assembly of:
  - 1. Medical and dental equipment, laser devices
  - 2. Drafting, optical, and musical instruments
  - 3. Clocks, watches, jewelry, precious metals
  - 4. Games, toys
  - 5. Boats, motors, tools
  - 6. Rubber or plastic products but not including the manufacture of raw material
  - 7. Apparel and other finished products made from fabric and similar material
  - 8. Furniture and fixtures
  - 9. Electrical appliances and electronic machinery, equipment and supplies.
  - 10. Manufacture of metal, wood or composite parts and components by machining, including cutting, drilling, pressing, bending, welding or laminating.
- D. Manufacture, compounding, processing and packaging of:
  - 1. Bakery products, candy, food products (other than meat), dairy products
  - 2. Cosmetics, drugs, pharmaceuticals, soap, toiletries
- E. Manufacture of:
  - 1. Pottery, ceramics
  - 2. Paper products (not including the manufacture of paper), cork products, glass products
  - 3. Signs
- F. Cement block plant.
- G. Motor freight transportation terminal.
- H. Transportation services, Heavy Truck & Equipment Sales, Leasing, Rental and Repair Services
- I. Used Auto and Truck Sales and Leasing with Conditional Use Permit.
- J. Tire retreading and repair.
- K. Commercial warehouse, distribution and storage center, including facilities for warehousing, wholesaling, distribution and storage of foodstuffs, beverages and other consumer or retail goods and including facilities solely for storage and warehousing.
- L. Contractors and Tradesmen for use as General headquarters including uses as office, maintenance activities for vehicles and equipment, storage of vehicles, equipment and materials and employee parking. The business categories may include but not be limited to landscaping, yard maintenance, excavation, tree services, paving, building, masonry, and most building trades.
- M. Similar uses not listed above with the approval by Resolution of the Board of Township Trustees and the issuance of a Conditional Use Permit by the Board of Zoning Appeals as required by provisions and regulations contained in Section 12 of this Resolution.

25.02 Prohibited Uses. The following uses shall be prohibited in a Light Industrial zoned area: the crushing and/or processing of concrete, rock, asphalt or any other type of aggregate material; storage yards for dangerous or hazardous materials including, but not limited to, flammable gases and/or liquids.

25.03 Accessory Uses and Buildings



- A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in an I-1 District.
  - B. Accessory buildings or structures shall be buildings or structures that are clearly incidental and secondary to the main use of land and buildings in an I-1 District.
- 25.04 The above uses shall be permitted only providing such use is not noxious, dangerous, or offensive by reason of emission of odor, smoke, dust, gas, fumes, noise, flame or vibration.
- 25.05 Lot Area
- A. No minimum lot area shall be required except that necessary to comply with other provisions in this Resolution such as, but not limited to, setback, side and rear yard clearance, parking and buffering.
  - B. In computing lot area for the purpose of setback or side and rear yard clearance, no portion of the road or street right-of-way may be included regardless of whether or not owner holds title to same.
- 25.06 Lot Width
- No minimum lot width shall be required in an I-1 District except that necessary to comply with other provisions in this Resolution such as, but not limited to side yard clearance, parking and buffering.
- 25.07 Setback Building Line
- In an I-1 District, no building or structure except permitted signs shall be erected or maintained within fifty (50) feet of the right-of-way sideline of a dedicated road or less than eighty (80) feet from the center of the traveled portion of the road, whichever is greater. There may not be any materials or equipment stored or parked between the road right-of-way and the minimum required front setback of the nearest building to the road right-of-way.
- 25.08 Side and Rear Yards
- A. Buildings and accessory structures thereto in I-1 Districts shall have side and rear lot line clearance of at least twenty-five (25) feet except that no side or rear yard shall be required for the portion of a building or structure adjacent to a railroad siding. This setback shall be fifty (50) feet from the buffer strip required in Section 25.08(B) if the I-1 District abuts any Residential or Recreational District.
  - B. There shall be a buffer strip of fifty (50) feet when any I-1 District abuts any Residential District or any Recreational District. This fifty (50) foot buffer strip shall not be included in the side and rear yard setback required in Section 25.08(A) and shall be additional footage.
- 25.09 Maximum Height
- There shall be no limitation of height of industrial buildings or structures in an I-1 District.
- 25.10 Buffering and Screening
- A. The buffer strip provided for in Section 25.08(B) shall be planted with grass and landscaped with the purpose of providing year round vertical green combinations of shrubs and trees between any I-1 District and any Residential District or between any I-1 District and any Recreational District.
  - B. Screening of service yards, trash and/or garbage collection areas and other area which tend to be unsightly, shall be accomplished by use of walls, fences, planting or a combination of these. Screening shall be equally effective winter and summer.
  - C. Where an I-1 District abuts a lot zoned for Residential or Recreational purposes, no loading docks, bays or facilities, no trash loading, unloading or storage facilities, and no parking of anything other than passenger type vehicles for employees or visitors shall take place on the side of the building or structure adjacent to or abutting said Residential or Recreational District. Any building or structure placed on the site should be done to minimize the impact of the industrial use of the property on the abutting Residential or Recreational district property owners.

## 25.11 Parking

- A. Required in all Districts and in Plot Plan - See Section 29.01.
- B. Parking Space - See Section 29.02.
- C. Dimensional Table and Access - See Section 29.03.
- D. Required number of spaces - See Section 29.04.
- E. Access Drives - See Section 29.05.
- F. Surfacing - See Section 29.06.
- G. Drainage - See Section 29.07.
- H. Lighting, Screening and Striping - See Section 29.08.
- I. Loading and Servicing - See Section 29.09.
- J. Distance from Boundaries - See Section 29.10.
- K. Unlicensed/inoperable vehicles - See Section 29.11B.

## 25.12 Signs

- A. General Requirements - See Section 28.01.
- B. Miscellaneous Signs - See Section 28.03.
- C. On Premises Signs: Walls, Free Standing, Planter Type, Identification - See Section 28.05A&B.
- D. Off Premises Signs: Advertising, Billboard - See Section 28.05C.
- E. See Section XXVIII of this Resolution for other provisions.

## 25.13 Accessory Use Requirements.

Accessory uses, building and structures permitted in I-1 Districts shall comply with the following regulations:

- A. **Accessory Buildings.** Accessory buildings with a floor area 200 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 200 square feet shall conform to all lot and yard clearances and site plan review and approval requirements of the zoning district in which the parcel or lot is located.
- 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 completely enclosed container. Such building, container, or dumpster shall comply with the following.
  - 1. All commercial compactors, storage bins, refuse containers utilities or 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 foot 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 detail to unite screening structure with the building when property abuts a residential district.

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 district 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.
- C. Fences and walls. Fences and wall may be erected in compliance with the requirements set forth in Section VI of the Zoning Resolution.

Amended January 19, 2021 by Resolution 2021-014, effective February 18, 2021  
Amended January 19, 2021 by Resolution 2021-012, effective February 18, 2021  
Amended January 8, 2019 by Resolution 2019-07, effective February 7, 2019  
Amended March 15, 2016 by Trustee Resolution 2016-28, effective April 14, 2016  
(Amended January 3, 2012 by resolution 2012-04, effective February 3, 2012).  
(Amended by Resolution 2008-75 effective November 21, 2008)  
(Amended by Resolution 99-52 effective July 1, 1999)  
(Amended May 28, 1992 by Resolution 92-44, effective June 27, 1992.)  
(Adopted January 12, 1989 by Resolution 89-11, effective February 12, 1989)

SECTION XXVI. HEAVY INDUSTRY I-2

26.01 The following uses and no other shall be deemed I-2 uses and permitted in all I-2 Districts (Heavy Industry):

- A. All uses of land and buildings permitted in I-1 Light Industry.
- B. The manufacture of:
  - 1. Chemicals
  - 2. Glass
  - 3. Paper
  - 4. Textiles
  - 5. Plastics
  - 6. Rubber
- C. Boiler works.
- D. Foundry.
- E. Forge.
- F. Refinery.
- G. Smelter.
- H. Similar uses not listed above with the approval by Resolution of the Board of Township Trustees and the issuance of a Conditional Use Permit by the Board of Zoning Appeals as required by provisions and regulations contained in Section 12 of this Resolution.

26.02 Accessory Uses and Buildings

- A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in an I-2 District.
- B. Accessory buildings or structures shall be buildings or structures that are clearly incidental and secondary to the main use of land and buildings in an I-2 District.

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

26.04 Lot Area

- A. No minimum lot area shall be required except that necessary to comply with other provisions in this Resolution such as, but not limited to, setback, side and rear yard clearance, parking and buffering.
- B. In computing lot area for the purpose of setback or side and rear yard clearance, no portion of the road or street right-of-way may be included regardless of whether or not owner holds title to same.

26.05 Lot Width

No minimum lot width shall be required in an I-2 District except that necessary to comply with other provisions in this Resolution such as, but not limited to side yard clearance, parking and buffering.

26.06 Setback Building Line

In an I-2 District, no building or structure except permitted signs shall be erected or maintained within fifty (50) feet of the right-of-way sideline of a dedicated road or less than eighty (80) feet from the center of the traveled portion of the road, whichever is greater.

26.07 Side and Rear Yards

- A. Buildings and accessory structures thereto in I-2 Districts shall have side and rear lot line clearance of at least twenty-five (25) feet except that no side or rear yard shall be required for the portion of a building or structure adjacent to a railroad siding. This setback shall be fifty (50) feet from the buffer strip required in Section 26.07(B) if the I-2 District abuts any Residential or Recreational District.
- B. There shall be a buffer strip of fifty (50) feet when any I-2 District abuts any Residential District or any Recreational District. This fifty (50) foot buffer strip shall not be included in the fifty (50) foot side and rear yard setback required in Section 26.07(A) and shall be additional footage.

26.08 Maximum Height

There shall be no limitation of height of industrial buildings or structures in an I-2 District.

26.09 Buffering and Screening

- A. The buffer strip provided for in Section 26.07(B) shall be planted with grass and landscaped with the purpose of providing year round vertical green combinations of shrubs and trees between any I-2 District and any Residential District or between any I-2 District and any Recreational District.
- B. Screening of service yards, trash and/or garbage collection areas and other area which tend to be unsightly, shall be accomplished by use of walls, fences, planting or a combination of these. Screening shall be equally effective winter and summer.
- C. Where an I-2 District abuts a lot zoned for Residential or Recreational purposes, no loading docks, bays or facilities, no trash loading, unloading or storage facilities, and no parking of anything other than passenger type vehicles for employees or visitors shall take place on the side of the building or structure adjacent to or abutting said Residential or Recreational District. Any building or structure placed on the site should be done to minimize the impact of the industrial use of the property on the abutting Residential or Recreational district property owners.

26.10 Parking

- A. Required in all Districts and in Plot Plan - See Section 29.01.
- B. Parking Space - See Section 29.02.
- C. Dimensional Table and Access - See Section 29.03.
- D. Required number of spaces - See Section 29.04.
- E. Access Drives - See Section 29.05.
- F. Surfacing - See Section 29.06.
- G. Drainage - See Section 29.07.
- H. Lighting, Screening and Striping - See Section 29.08.
- I. Loading and Servicing - See Section 29.09.
- J. Distance from Boundaries - See Section 29.10.
- K. Unlicensed/inoperable vehicles - See Section 29.11B.

26.11 Signs

- A. General Requirements - See Section 28.01.
- B. Miscellaneous Signs - See Section 28.03.
- C. On Premises Signs: Walls, Free Standing, Planter Type, Identification - See Section 28.05A&B.
- D. Off Premises Signs: Advertising, Billboard - See Section 28.05C.
- E. See Section XXVIII of this Resolution for other provisions.

26.12 Accessory Use Requirements.

Accessory uses, building and structures permitted in I-2 Districts shall comply with the following regulations:

- A. Accessory Buildings. Accessory buildings with a floor area 200 square feet or less shall conform to all lots 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 200 square feet shall

conform to all lot and yard clearances and site plan review and approval requirements of the zoning district in which the parcel or lot is located.

- 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 completely enclosed container. Such building, container, or dumpster shall comply with the following.
1. All commercial compactors, storage bins, refuse containers utilities or 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 foot 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 detail to unite screening structure with the building when property abuts a residential district.
  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 district 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.
- C. Fences and walls. Fences and wall may be erected in compliance with the requirements set forth in Section VI of the Zoning Resolution.

Amended January 8, 2019 by Resolution 2019-07, effective February 7, 2019  
Amended March 15, 2016 by Trustee Resolution 2016-28, effective April 14, 2016  
(Amended by Resolution 99-52 effective July 1, 1999)  
(Amended May 28, 1992 by Resolution 92-44, effective June 27, 1992.)  
(Adopted January 12, 1989 by Resolution 89-11, effective February 12, 1989)

## SECTION XXVII. MH DISTRICT, Manufactured Home District

### 27.01 Definitions

- A. **Manufactured Home** - A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.
- B. **Mobile Home** - A building unit or assembly of closed construction that is fabricated in an off- site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Ohio Revised Code.
- C. **Manufactured Home Park** - Any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park.

27.02 Permitted Uses- The following uses and no others shall be deemed to be Manufactured Home uses:

- A. **Manufactured Home Park**, when duly licensed by the State of Ohio, Department of Commerce as set forth in Chapter 4781 of the Ohio Revised Code and in a state of compliance with all requirements of the Manufactured Homes Program of the State of Ohio, Department of Commerce as enforced by the Division of Industrial Compliance. The permitted uses within the manufactured home park will include any use specifically permitted by the Manufactured Homes Program of the State of Ohio, Department of Commerce.
  - 1. A Manufactured Home Park shall consist of at least ten (10) acres of land.
  - 2. A Manufactured Home Park shall provide adequate drainage, sanitation and potable water facilities in accordance with the rules enforced by the Division of Industrial Compliance and shall provide facilities for fire protection in accordance with standards required by the State Fire Marshall. Park operators are responsible to ensure proper access for Fire and Safety personnel and vehicles at all times.
  - 3. No portion of any building, structure, private roadway or parking area may be located within 50 feet of the line which represents the separation between land which is within the Manufactured Home Park and land which is not within the Manufactured Home Park. No portion of any building, structure, private roadway or parking area may be located within 50 feet of the right-of-way sideline of any public or dedicated road except for a limited portion of a private roadway which provides an entry point, an exit point, or both, into or away from the Manufactured Home Park, and from or to a public or dedicated road.
  - 4. An updated map of the Manufactured Home Park indicating all buildings and structures should be furnished to the Painesville Township Zoning Dept. and the Painesville Township Fire Dept. each time there is a change within the park, but must be furnished at least annually along with approval certifications from the Division of Industrial Compliance for each of the changes since the last submission.
    - a. No structure may be built, placed, installed, altered, expanded or relocated within the park unless approved by the Ohio Department of Commerce as outlined in guidelines for the Manufactured Homes Program. A copy of the Ohio Department of Commerce approval shall be furnished to the Zoning Office.
  - 5. Mobile Home Park Operators must maintain licenses obtained from the Ohio Department of Commerce and obey all rules enforced by the Division of Industrial Compliance. Any citation for infraction issued by the Division of Industrial Compliance to the Park Operator or to any resident therein, shall constitute a violation of this Resolution and shall be subject to Penalty as put forth in Section 4 of this Resolution.
- B. **Zoning Permit:** A preliminary plot plan shall be made part of the request for rezoning and a detailed engineer's drawing shall be made part of the application for a zoning permit and a condition of the permit, when issued. The zoning permit fee for each mobile home space shall be equal to the fee required for a new dwelling unit, with a minimum charge of four hundred dollars (\$400.00) for a mobile home park.

(Amended January 07, 2020 by Resolution 2020-007, effective February 06, 2020)  
(Adopted March 3, 1969 by Resolution 69-34, effective April 2, 1969)



## SECTION XXVIII. SIGNS

(Adopted July 9, 1987 by Resolution 87-68, effective August 8, 1987)

### 28.01 General Requirements for all Signs

- A. No signs, except those erected and maintained by public agencies for purpose of traffic control and directional information shall be erected in the road right-of-way. No sign shall be so constructed or located as to conflict with traffic control signals.
- B. No sign shall have more than two (2) faces. All area limitations shall apply per face unless otherwise noted.
- C. With the exception of electronic message boards as set forth in Section 28.08, any illuminated sign or lighting device shall employ a light emitting beam of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams or illumination therefrom to be directed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. (Adopted October 5, 2010 by Resolution 2010-75, effective November 4, 2010)
- D. No sign shall employ any parts or elements which rotate, revolve, oscillate, or otherwise make use of motion or sound to attract attention. Subsections C & D shall not apply to any sign performing a public service function indicating time, temperature, or public service announcements.
- E. The display of balloons, banners, pennants, ribbons, streamers, flags, inflatable objects or strings of lights shall be prohibited. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- F. Signs shall be maintained in a safe condition in a reasonable state of repair. The Zoning Inspector shall have the authority to inspect, and order the painting, repair, alteration or removal of, any sign which becomes damaged or dilapidated, is abandoned, or which constitutes a hazard to the public safety. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- G. No sign shall be placed beyond the ends of the wall or roof surfaces upon which it is located. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- H. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than eighteen (18) inches and a height of no less than eight (8) feet above ground level. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- I. No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.
- J. Limited access highway shall not be considered frontage for the purpose of locating signs except by a variance granted by the Board of Zoning Appeals.
- K. No temporary sign shall be placed on the front or face of a building or on any premises except as provided for in this Section.
- L. No sign shall be erected, installed, displayed or placed on trees and/or utility poles.

### 28.02 Non-Conforming Signs

Any sign which is non-conforming at the time of passage of this amendment to the Zoning Resolution may be continued and expanded only in conformance with Section VII of this Resolution. If any such sign is voluntarily discontinued for a period of two (2) years, any future use thereof shall be in conformity with the provisions of this Section.

28.03 Miscellaneous Signs - All Districts

- A. Construction Signs: One construction sign not to exceed forty (40) square feet may be erected on the site of a building under construction, only while under a valid building permit. Such sign may bear the names of the future occupants, architect, engineers or contractors engaged in the construction. Said sign shall conform to the following regulations:
1. Said sign shall be located no closer to any lot line than one-half (1/2) the required building set back distance from that lot line and no closer than forty five (45) feet to the center of the traveled portion of the road.
  2. Said sign shall be removed after completion of construction, before any occupancy, and before any permanent signs are erected.
- B. Entrance and Exit Signs: All parking lots may have entrance and exit signs, but all parking lots for more than one hundred twenty (120) cars with access roadways over twenty (20) feet wide shall have appropriate signs designating "entrance" or "in" and "exit" or "out" lines or drives. Such signs shall be limited to the words "entrance, in, exit, out" and may have arrows or other appropriate directional indicators and shall be limited to not more than five (5) square feet in area. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- C. Organization Signs: Upon application to the Zoning Inspector and approval by the Township Trustees, a Zoning Certificate may be issued for a single sign at the entrance to the Township along any state highway or county road, to carry the identification, date, and place of meeting, if desired, of all civic organizations regularly meeting within the Township who request placement thereon. The placing and erection of the sign shall be subject to the approval of the Zoning Inspector.

28.04 Residential District Signs

- A. Identification Signs
1. Single Family and Duplex Dwelling Units shall be permitted identification signs subject to the following regulations:
    - a. One (1) non-illuminated sign per dwelling unit indicating the name of the occupant or a permitted occupation or profession or when use of the sign is in direct relation to the use of the premises.
    - b. Said sign shall be a maximum of three (3) square feet in area per face.
    - c. Said sign shall be situated in the front yard and no part of said sign shall be closer than forty (40) feet to the center of the traveled portion of the road or ten (10) feet from the right-of-way line, whichever is greater.
    - d. No Zoning Certificate is required.
  2. Multi-Family Dwelling Units shall be permitted identification signs subject to the following requirements:
    - a. One sign, which may be illuminated, for multi-family buildings or multi-family complexes.
    - b. Area of said sign shall be computed on the basis of one (1) square foot per dwelling unit but in no case shall exceed twenty five (25) square feet per face.
    - c. No part of said sign shall be located closer than ten (10) feet to the right-of-way line of the road.
    - d. No part of said sign shall be located within the side yard clearance.
- B. Sale, Rental or Lease Signs: A real estate sign advertising the premises whereon the sign is situated may be placed anywhere outside of the right-of-way limit of a public road or at least thirty (30) feet from the center of the traveled portion of the road, whichever is greater, provided:
1. Such sign is not attached to any existing structure;

2. Such sign is non-illuminated;
3. Every sign shall be removed within fifteen (15) days after execution of lease or transfer of title of the premises;
4. Such sign shall be no larger than five (5) square feet in area except where the premises exceed five (5) acres in area or one hundred fifty (150) feet of road frontage, the area of the sign or the number of signs may be increased proportionately provided that where a sign larger than five (5) square feet is used it shall be set back one (1) foot for each square foot of added area.

No Zoning Certificate is required.

C. Political Signs (Adopted December 20, 2005 by Resolution 2005-100 effective January 20, 2005):

No political signs shall be placed:

1. within any road right-of-way;
2. on any property without the permission of the property owner; or
3. in such a way that it obstructs pedestrian and/or vehicular travel from pedestrians or vehicles.

D. Temporary Signs: Open House Signs - one non-illuminated "Open House" sign per residential lot is permitted, with no Zoning Certificate required, provided:

1. Such sign shall be not more than five (5) square feet per face in area;
2. Such sign is located at least thirty (30) feet from the center of the traveled portion of the road and outside of the right-of-way limits of the road;
3. Such sign is displayed only during the hours when the public is to be admitted.
4. Such sign is displayed only on a parcel of real property which is currently advertised for sale. (Adopted January 7, 2013 by Resolution 2013-04, effective February 8, 2013).

E. Subdivision Signs

1. Development Signs - may be erected identifying and advertising residential subdivision developments subject to the following regulations:
  - a. sign shall not exceed thirty-two (32) square feet in area;
  - b. sign shall be located within the subdivision;
  - c. sign shall be located not less than twenty (20) feet from respective right-of-way line of road or side lot lines;
  - d. on the basis of one (1) sign for the first five hundred (500) feet of lot frontage and one additional sign for each additional five hundred (500) feet within the same subdivision, up to three (3) signs shall be permitted. In no case shall more than three (3) signs be permitted;
  - e. permits for such signs shall be for a period not exceeding one (1) year or to the end of development whichever comes first.
2. Gateway Signs - Two (2) signs at any entrance to a subdivision shall be permitted provided:
  - a. the area of each sign shall not exceed twelve (12) square feet;
  - b. said signs shall be located no closer than one (1) foot from the right-of-way limit of the road and five (5) feet from any side lot line;
  - c. said signs do not exceed three (3) feet in height from the established grade level;
  - d. said signs do not interfere with traffic visibility.

- F. Directional Signs: May be erected not exceeding four (4) square feet in area directing the general public to places of worship, historical significance or public assembly sites subject to the following regulations:
1. Written permission of the owner of the property whereon said sign is to be erected;
  2. Said sign shall be located at least six (6) feet from the pavement edge of the road; (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
  3. Said sign shall not be located within the required side yard clearance.

#### 28.05 Non-Residential District Signs

- A. All signs permitted in Residential Districts shall be permitted in Non-Residential districts. (Adopted December 21, 2010 by Resolution 2010-98, effective January 20, 2011)
- B. On-Premises Signs shall be permanent signs which may be illuminated, shall be limited to advertising the proprietor or company, or the brand name and the goods sold or services rendered and shall conform to the following regulations:
1. Wall Signs: Each business shall be permitted flat or wall business signs on the front wall only. (Adopted January 7, 2013 by Resolution 2013-04, effective February 8, 2013). (Front wall being that wall facing and most nearly parallel to the street line; or in the event there is no front wall, the one wall facing a parking area will be considered the front wall.) The area of all permanent business signs for any single business enterprise may have an area equivalent to one and one-half (1-1/2) square feet for each lineal foot of building width, or part of a building occupied by such enterprise but shall not exceed a maximum area of one-hundred (100) square feet. The square footage allotment of wall signs may be distributed amongst multiple panels at the discretion of the Zoning Inspector rather than limiting wall signs to one single sign panel. (Adopted January 7, 2013 by Resolution 2013-04, effective February 8, 2013).
  2. One (1) non-illuminated wall sign not exceeding three (3) square feet in area for each door or entryway to any building or part thereof. Identification signs hung over covered pedestrian walkways in multi-unit commercial developments may be illuminated if the square footage of the sign is two (2) square feet or less. (Adopted January 7, 2013 by Resolution 2013-04, effective February 8, 2013).
  3. Free Standing Signs: Each business development, multi-unit building or multi-unit buildings may be identified by no more than one (1) single free-standing business sign per major right-of-way. Each such sign shall have no more than one hundred twenty-five (125) square feet per face and shall be limited to a height of twenty (20) feet. No part of such sign shall be closer than one hundred twenty-five (125) percent of sign height to the right-of-way line and no part of such sign shall be closer than ten (10) feet to the sideline of any adjoining property. Such sign shall contain the street address.
  4. Planter Type Sign: One planter type sign shall be permitted in lieu of a free-standing sign providing the sign is a business sign and does not exceed thirty (30) square feet per sign face; is at no point closer to the road right-of-way line or sideline than fifteen (15) feet, does not exceed twelve (12) feet in height from the established grade level, and does not interfere with traffic visibility.
  5. Grand Opening/Special Event Signs: Temporary banners or posters constructed of paper, fabric, plastic, nylon or similar flexible materials advertising grand openings or special events may be displayed on the front building wall or in an alternate location approved by the Zoning Inspector for not more than forty two (42) days per year with a maximum of six (6) events per year in commercial, community service and recreation districts only, provided that: 1) an application be submitted and a permit be issued for the right to use such signage; and 2) that a written notice be provided to the Painesville Township Zoning Office of the intent to erect a sign within the parameters of such permit no less than 10 business days before the placement of any such sign, such notice

providing the date such sign will be erected and the date such sign will be removed, and exact dimensions of the sign, and an artistic rendering of the sign coloration and copy. No sign erected or placed or used under the provisions of this specific section shall exceed forty (40) square feet in area, nor shall it contain more than one (1) sign face, nor shall it be illuminated, nor shall it violate any provision of the Painesville Township Zoning Resolution which is not exempted by virtue of the contents of this specific section.. Entities occupying single-occupant corner lots may place two (2) signs provided that the maximum combined square footage area does not exceed the forty (40) square feet maximum described herein. (Adopted January 3, 2012 by Resolution 2012-04, effective February 3, 2012).

6. Employment Signs: A temporary sign informing the public that an opportunity for employment is currently available may be displayed on the premises without a Zoning Certificate being required for up to 10 (ten) days at a time provided that:
  - a. The sign does not have more than 2 (two) sign faces.
  - b. Each sign face does not exceed 5 (five) square feet in area.
  - c. The sign is supported by a framework which includes a vertical stake which is capable of being driven into the ground to a depth of 18 (eighteen) inches and which is of sufficient strength to withstand wind speeds of 35 (thirty five) miles per hour without twisting, bending or breaking.
  - d. Any portion of the sign is no closer to any road right-of-way than 3 (three) feet.
  - e. Any portion of the sign or structure does not exceed a maximum height of 42 (forty-two) inches above grade. (Adopted January 7, 2013 by Resolution 2013-04, effective February 8, 2013).

C. Off-Premises Signs shall also be known as Billboards and Advertising Signs and shall conform to the following regulations:

1. Advertising signs are prohibited in residential districts and in any other district within five hundred (500) feet of any residential district or use. (Adopted January 7, 2014 by Resolution 2014-04 effective February 6, 2014).
2. No advertising sign shall be located closer than one hundred (100) feet to any roadway intersection.
3. Free-standing advertising signs with a total area not to exceed three hundred (300) square feet per face may be permitted on B-3 Commercial or Industrial land. No two (2) signs shall be closer than five hundred (500) feet. Such signs shall be limited to a maximum height of thirty-five (35) feet.
4. Wall advertising signs shall have all structural and supporting members concealed from view. Such sign shall not exceed three hundred (300) square feet in area, may be permitted in B-3 Commercial or Industrial districts, and shall be limited to a maximum height of thirty five (35) feet.
5. No advertising sign shall be erected in front of the required building set back line for the appropriate zoning district nor closer than five hundred (500) feet from street frontage of any residential district. All advertising signs shall meet the restrictions for side and rear yard clearance for the appropriate district, except for B-3 districts where side lot clearance shall be not less than ten (10) feet.
6. Owners of advertising signs shall comply with all Federal, State and Local requirements, including those promulgated by ODOT, and shall provide proof of compliance upon request by the Painesville Township Zoning Inspection. (Adopted January 7, 2014 by Resolution 2014-04 effective February 6, 2014).
7. Advertising signs, upon issuance of a Zoning Certificate, may be converted to an electronic digital format provided that: (Adopted January 7, 2014 by Resolution 2014-04 effective February 6, 2014).

- a. Each message, display or screen shall remain fixed and unchanged for a minimum of eight (8) consecutive seconds, and
  - b. The transition time between each message, display or screen shall be no more than three (3) consecutive seconds, and
  - c. Strobing or flashing lights, and scrolling and/or animated message copy will not be permitted.
- D. Portable Signs that employ any parts of elements which flash, rotate, revolve or otherwise make use of motion to attract attention or that are mounted upon wheels, runners, casters, parked trailers, parked vehicles, or other mobile devices shall not be permitted in Painesville Township.

28.06 Community Service/Institutional District Signs

- A. A public, private or religious institution in any CS District may erect and maintain signs as provided in Section 28.05A&B of this Resolution.
- B. All signs shall be erected and maintained in accordance with all applicable provisions of Section XXVIII of this Resolution.

28.07 Recreational District Signs

- A. A park or recreational area in any REC-1, REC-2 or REC-3 District may erect and maintain signs in accordance with Sections 28.05A&B of this Resolution.
- B. All signs shall be erected and maintained in accordance with all applicable provisions of Section XXVIII of this Resolution.

28.08 ELECTRONIC MESSAGE BOARDS (Adopted October 5, 2010 by Resolution 2010-75, effective November 4, 2010)

Electronic Message Boards are only permitted in the (B-1), (B-2), (B-3), (I-1), (I-2), (REC-3) and (CS) Districts and must meet all requirements under the Painesville Township Zoning Resolution. Electronic Message Boards are prohibited in all residential districts. (Adopted January 7, 2014 by Resolution 2014-04 effective February 6, 2014).

Each sign shall have no more than one hundred twenty-five (125) square feet per face. Up to fifty (50) percent of the area of the sign may be devoted to changeable copy subject to the following requirements.

1. Each message or display shall remain fixed or unchanging for at least eight (8) seconds per screen. Transition time between messages is only permitted to be a maximum period of three (3) seconds. Electronic signs displaying the time and temperature will be the only exception. Strobing or flashing lights and scrolling and/or animated message copy will not be permitted. Electronic Message Boards shall not give the appearance of emergency lighting, emergency vehicles or traffic control devices. (Adopted January 7, 2014 by Resolution 2014-04 effective February 6, 2014).
2. The separation between Electronic Message Boards shall be a minimum of fifty (50) feet and there shall be a limit of either one Electronic Message Board to one parcel of property or one Electronic Message Board per business enterprise occupying multiple parcels of property, whichever is less. (Adopted January 7, 2014 by Resolution 2014-04 effective February 6, 2014).
3. If the Electronic Board abuts a residential zoning district, it shall not be placed closer than one hundred (100) feet from any residential property line located within a residential zoning district. If the Electronic Message Board is placed less than three hundred (300) feet from a residential property line located within a residential zoning district, then the sign shall be facing away from said property.
4. Electronic Message Boards shall be located a minimum of fifty (50) feet from any intersection of public streets and located on the property so as not to restrict line of sight visibility for pedestrian traffic and any vehicular traffic for ingress from or egress to a public street.

5. The minimum lettering height utilized in any changeable copy message shall not be less than four (4) inches and each message shall be limited to three (3) lines of text per screen. Letter and/or character copy shall not exceed eighteen (18) inches in height. Amber and weather alerts shall be the only exception to this division.
6. Electronic Message Boards shall only advertise commercial events, goods and/or services on the property on which the sign is located. The signs can also be used for noncommercial speech that is protected by the First Amendment.
7. Operation of the Electronic Message Boards shall be consistent with the hours of operation of the business on which the sign is located except that no Electronic Message Board Sign shall be operated in a manner which constitutes a nuisance.
8. Any lighting used in an Electronic Message Board shall be of such low intensity or brilliance so as to not impair the vision of the driver of any motor vehicle or to interfere with the operation of any motor vehicle by any driver.
9. All electrical power to any Electronic Message Board shall be supplied by approved underground conduit and must be installed by a licensed electrician. All electric equipment used to install or operate the sign must be UL listed. Applicant must obtain all required building/electrical permits required by the Lake County Building Department.
10. All Electronic Message Boards shall be kept in good operating condition and external appearance. Any malfunctioning sign shall be turned off or display a blank screen until repaired.
11. Property owners erecting Electronic Message Boards and automatic changing signs waive the right to erect any temporary signs on the property.
12. All provisions found elsewhere in the Painesville Township Zoning Resolution and pertaining to signs are applicable to Electronic Message Boards only to the extent that they do not contradict the terms set forth in Section 28.08.

28.09 Conformance

It shall be unlawful for any property owner to permit or for any person, firm, corporation or agents thereof to erect, hang, maintain, use or suspend any outdoor sign, except as provided for in this Resolution.

28.10 Zoning Certificate

Unless specifically exempted elsewhere in this Resolution each person, firm, corporation, or agents thereof before erecting any outdoor sign, or before commencement of any work in connection therewith, shall first obtain a Zoning Certificate from the Zoning Inspector of the Township. Each applicant for such zoning certificate shall file with the Zoning Inspector an application on forms to be supplied by such Zoning Inspector, which application when required by the Inspector shall be accompanied, in duplicate, by a detailed drawing or drawings and such descriptive matter as shall clearly state where the same shall be erected, hung, or suspended.

28.11 Zoning Certificate Fee

For each original permit for the erection or construction of a new sign, the applicant shall pay to the Zoning Inspector of Painesville Township a fee in accordance with a fee schedule adopted and made a part of this Resolution by the Board of Painesville Township Trustees.

SECTION XXIX. PARKING

29.01 In all districts, there shall be provided at the time any building or structure is erected or structurally altered or any use established, parking spaces located outside the road right-of-way as required in this Section and other applicable sections of this Resolution. An application for a Zoning Certificate shall include in the plot plan a scale drawing showing the off-street parking facilities.

29.02 Parking Space

A parking space shall consist of an area of not less than one hundred eighty (180) square feet exclusive of access, attached garages, driveways, aisles, ramps, columns, streets, alleys or private drive or roadways, useable for the parking of passenger vehicles or commercial vehicles under two (2) tons capacity.

29.03 Off-Street Parking Spaces and Access Driveways

Off-street parking spaces and access driveways serving said individual parking spaces shall, as minimum, conform to the following table:

	45°	60°	90°	Parallel
A. Width of Parking	9'	9'	9'	9'
B. Length of Parking Space 20'	20'	20'	20"	25"
C. Width of Driveway Aisle	15'	18'	24'	
D. Width of Access Driveway				
(1-Way Traffic)	17'	24'	24'	14'
(2-Way Traffic)	24'	24'	24'	24'

29.04 Minimum Number of Parking Spaces

Parking facilities shall be provided for the hereinafter designated uses and districts as follows:

<b>Building or Use</b>	<b>Minimum Parking Spaces</b>
Single family or duplex dwellings	2 per unit
Multi-family dwellings	2.5 per unit
Church or public place of worship	1 per 5 seating capacity
Motel, hotel, tourist home	1 per guest room plus adequate employee space
Hospitals	1 per bed and staff space
Clinics, medical and dental buildings	1 per 150 sq. ft. of gross floor area
Theater, arena, stadium, gymnasium, auditorium, assembly hall	1 space per three seating capacity
Bowling alley	4 spaces for each alley
Private clubs, lodges	1 space for each 5 members
Nursing homes, homes for aged, children's homes, sanitariums, asylums	1 space for each 2 beds
Restaurants, bars, taverns	1 space per 100 sq. ft. gross floor area
Drive-in restaurants	1 space per 75 sq. ft. gross floor area
Banks, business or professional offices, public administration buildings	1 space per 250 sq. ft. gross floor area
Retail stores	1 space per 250 sq. ft. gross floor area
Planned shopping centers	1 space per 200 sq. ft. gross floor area
Single occupant industrial buildings	1 space per 700 sq. ft. gross floor area
All other industrial buildings	1 space per 500 sq. ft. gross floor area
Kindergarten, child care, nursery school	2 each per classroom but not less than 6 spaces
Elementary and Junior High Schools	2 each per classroom plus 1 for every 8 seats in assembly halls
High schools	2 each per classroom plus 1 for every 10 students
Business, trade or technical school	1 each per 2 students
College, University	1 each per 4 students
Libraries, museums, art galleries	1 space per 250 sq. ft. gross floor area



Indoor Climate-Controlled Self Storage Facilities	1 space per 45 storage units
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Any use not specifically set forth herein shall have parking facilities consistent with the facilities required for similar uses. It shall be the intent of this Resolution to require spaces at least sufficient for the vehicles of the employees and patrons of any business.

29.05 Access

- A. Other than for single or two family dwellings, any parking area shall be designed in such manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion.
- B. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible, for a reasonable distance, from a public or private road.
- C. Off-street parking area shall be located on the same lot with the building or use they are intended to serve and shall remain under the same ownership and control as the principal uses.
- D. The Board of Zoning Appeals may, on appeal, cause to be issued a Zoning Certificate in a case requiring parking facilities, where such parking facilities are not immediately adjacent to the premises to be served, but have reasonable and safe access thereto, where such parking space will remain reasonably available for use, and where easements or restrictive covenants are made.
- E. Collective parking facilities shall provide at least the minimum total number of spaces required for all of the buildings or uses sharing the facilities.

29.06 Surfacing

- A. All off-street parking areas, all parking lot parking spaces and access aisles, all driveways, loading and service spaces shall be constructed in such manner as to provide a paved surface of asphalt concrete, Portland cement concrete or pervious pavement as these pavement types are defined in Sections 5.107, 5.108 and 5.109 of this Resolution. This Section is effective and applicable in all zoning districts within Painesville Township Any modification or expansion of driveways and parking areas must result in the entirety of the parking, driveway and service/ loading areas being of the same and homogeneous surface pavement, except where a pervious pavement is elected to expand an existing parking, driveway, service/ loading area. Any other surface pavement material than those defined in Section 5 of this Resolution as subsets of "pavement" must be approved by the Board of Zoning Appeals with a variance.

29.07 Drainage

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

29.08 Lighting, Screening and Striping

- A. Any parking lot intended to be used during non-daylight hours shall be illuminated.  
  
Any lighting used to illuminate any off-street parking facilities shall be so arranged as to reflect away from adjoining properties.
- B. Any parking located outside of the road right-of-way adjoining a residential area or district shall be screened on any side adjoining said area or district by a decorative fence, wall, or evergreen vegetation to provide a year round screening effect. Such wall, fence or hedge shall not be less than five (5) feet in height, maintained in good condition, and not located within the road right-of-way.

29.09 Loading and Servicing

In addition to the minimum number of parking spaces required in Section 29.05, all B-1, B-2, B-3, CS, I-1, I-2, REC-1, REC-2 and REC-3 districts (or all business, industrial, recreational and multi-family residential uses) shall provide off-street parking outside of public right-of-way for vehicles delivering to, unloading or taking away from said premises, user goods, material, supplies, or waste in connection with said use. A loading space shall have a minimum width of twelve (12) feet and shall be located so as to minimize interference with on-site traffic movement.

29.10 Distance Required from Boundary or Right-of-way

- A. Setbacks from lot side lines and right-of-way lines of roads, for the purpose of parking, shall be in accordance with the following:

District	Setback	Sideline Clearance
R-1,R-2,R-3	None	None
R-4	25'	25'
REC-1,2,3	25'	25'
TC	25'	25'
IN	25'	25'
B-1,2,3	10'	10'
I-1,2	No parking permitted between the right of way line and the setback line	25'

- B. Buffering from Single-family and Duplex Dwellings

1. No parking area in any district except R-1, R-2 and R-3 shall extend closer than fifty (50) feet to an adjacent single family or two-family dwelling district.
2. The parking area of a non-residential use in an R-1, R-2 or R-3 District shall not extend closer than fifty (50) feet to an adjacent single family or two-family dwelling.
3. Said separation or buffer strip shall be landscaped with the purpose of providing a year round vertical green screen of trees and shrubs of no less than five (5) feet in height.
4. In areas where general planting will not grow, other screening devices such as fences and walls shall be used.

29.11 Special Parking Provisions

- A. The outdoor parking and/or storage of commercial vehicles having a load capacity of 2 (two) net tons or more, or of commercial equipment and/or supplies, is strictly prohibited on any property zoned for or being used for residential purposes. An exception may be made for vehicles and equipment owned by a contractor who has been retained by a property owner to construct, reconstruct or in any demonstrable way perform work to make improvement or repair to the property and such work is in progress and will be completed within 7 days or within such time as authorized in writing by the Zoning Inspector. Commercial vehicles with load capacity of less than 2 (two) net tons and which are typically used as private transportation for an occupant of a residential premises may be parked on the driveway area or paved parking area of said premises. No commercial vehicles, equipment, trailers or personal utility trailers or recreational vehicles are to be parked or stored on any non-driveway area between the road right-of-way and the rear line of the main structure on any property zoned for or used for residential purposes.
- B. Owners of camping or recreational vehicles may park or store such equipment in any residential district subject to the following conditions:
1. A camping or recreational vehicle shall not have fixed connections to electricity, water, gas or sanitary sewer facilities.
  2. Such recreational vehicles shall be those defined within Ohio Revised Code Section 4501.01.
- C. At no time shall anyone park unlicensed or inoperable vehicles or shall any landowner permit an unlicensed or inoperable vehicle to remain on his or her land in any district other than those zoned

to permit auto wrecking. The only exceptions to this requirement will be in the case of service stations engaged in towing and storing vehicles pending action by responsible parties, repair garages performing repairs and dealers holding vehicles for resale. The above-noted exceptions must perform their services upon the property normally used as their business. No dismantling or reducing to scrap of vehicles shall take place except in areas zoned for that purpose.

(Amended January 19, 2021 by Resolution 2021-011, effective February 18, 2021)  
(Amended January 8, 2019 by Resolution 2019-08, effective February 7, 2019)  
(Adopted May 7, 2013 by Resolution 2013-26 effective June 6, 2013.)  
(Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)  
(Adopted by Resolution 99-52 effective July 1, 1999)  
(Adopted July 9, 1987 by Resolution 87-67, effective August 8, 1987)

SECTION XXXI. AGRICULTURE

31.01 Except as otherwise set forth in this Section XXXI, the following shall be permitted in all zoning districts:

- A. Use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for viticulture and selling wine and that are located on land any part of which is used for viticulture.

31.02 Except as otherwise set forth in this Section XXXI, no zoning permit shall be required for any building or structure used for agricultural purposes.

31.03 In all zoning districts, in any platted subdivision platted under Ohio Revised Code Section 711.05, 711.09 or 711.10 or in any area consisting of fifteen (15) or more lots approved under Ohio Revised Code Section 711.131 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, agricultural use shall be regulated as follows:

- A. On parcels of less than one-half (0.500) acre [calculation of acreage ~~may~~ shall be rounded to the third decimal place only]: In computing lot areas, no portion of any road right-of-way may be included regardless of whether or not the owner holds title to the same.

- 1. No agricultural use may be commenced before obtaining a Conditional Use Permit from the Board of Zoning Appeals pursuant to Section XII of this Resolution.

- B. On lots one-half (.5000) acre or greater, but not greater than five (5.000) acres [calculation of acreage ~~may~~ shall be rounded to the third decimal place only and in computing lot areas, no portion of any road right-of-way may be included regardless of whether or not the owner holds title to the same.], when at least thirty-five percent (35%) of the lots in the subdivision described in this Subsection 31.03 are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Ohio Revised Code Section 4503.06 poultry and/or fowl husbandry shall be regulated as follows:

- 1. Poultry and/or fowl husbandry and/or buildings and structures incident to the use of land for poultry and/or fowl husbandry

- a. shall require a Zoning Certificate prior to commencement of such use
- b. shall be prohibited in front yards or side yards any closer to the road right-of-way than the rear line of the main building on the lot;

- c. shall be set back from the rear lot line at least twenty (20) feet and screened from adjoining property by a minimum of ten (10) feet along the rear lot line of year round vertical screening;
  - d. shall be set back from the side lot lines at least twenty (20) feet and screened from adjoining property by a minimum of ten (10) feet along each side lot line of year round vertical screening;
  - e. shall not be erected, constructed or maintained in excess of ten (10) feet in height;
  - f. shall not be erected, constructed or maintained in excess of twenty five percent (205%) of the square footage of the main building on the lot;
  - g. No agricultural use shall exceed twenty five percent (25%) of the area of any lot measured from the rear building line to the side lot lines and from the rear building line to the rear lot line.
  - h. shall be wholly contained within a completely fenced area or pen intended to prevent escape and to keep predators out. Fences shall be a minimum of six (6) feet in height with no gap between the fence cloth and ground. Fence supports must be solidly anchored.
  - i. An enclosed coop shall be provided to shelter poultry/fowl from inclement weather. The coop shall be no smaller than ~~three (3)~~ four (4) square feet per poultry/fowl.
  - j. An enclosed run shall be no smaller than ten (10) square feet per poultry/fowl.
  - k. The use of chicken wire to enclose a coop or run is an allowable exception to the prohibition of chicken wire as fencing material in Section 6.13 of this Zoning Resolution.
2. The maximum number of poultry and/or fowl on any one property shall not exceed a density of six (6) for the first one-half acre (0.500) of real property and three (3) for every additional one-half (0.500) acre of real property.
3. Any desired modification of the requirements above shall require the issuance of a Conditional Use Permit from the Board of Zoning Appeals pursuant to Section XII of this Resolution.

C. On parcels five (5.000) acres or less [calculation of acreage ~~may~~ shall be rounded to the third decimal place only and in computing lot areas, no portion of any road right-of-way may be included regardless of whether or not the owner holds title to the same], when at least thirty-five percent (35%) of the lots in the subdivision described in this Subsection 31.03 are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Ohio Revised Code Section 4503.06, dairying and/or animal husbandry, except as otherwise provided in this section, shall be regulated as follows:

1. Dairying and/or animal husbandry and/or buildings and structures incident to the use of land for dairying and/or animal husbandry (excluding poultry and/or fowl husbandry):

a. shall require a Conditional Use Permit prior to commencement of such use from the Board of Zoning Appeals pursuant to Section XII of this Resolution;

D. After thirty-five percent (35%) of the lots described in this Subsection 31.03 have been developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured houses under Ohio Revised Code Section 4503.06, dairying and/or animal husbandry and/or poultry husbandry shall be considered non-conforming use of land and buildings or structures pursuant to Ohio Revised Code Section 519.19 and this Resolution.

E. Side and rear yard clearances as described in this section shall supersede all other side and rear yard clearance requirements within this Resolution.

31.04 Vegetable gardens and fruit trees which are contained wholly in the backyard area of any lot as measured from the rear building line to the side lot line and from the rear building line to the rear lot line and which are decorative only or the product from which is consumed and/or used exclusively by the property owner shall be exempt from the regulations contained in Section 31.03 of this Resolution.

(Amended April 21, 2020 by Resolution 2020-041 effective May 21, 2020)

(Amended October 8, 1992 by Resolution 92-82 effective November 7, 1992.)

(Adopted January 7, 1992 by Resolution 92-02 effective February 6, 1992)

## SECTION XXXII. FLEXIBLE PLANNED UNIT DEVELOPMENT DISTRICT

### 32.01 Purpose

The Township, recognizing that with increased urbanization and population growth comes increased demands for well-organized residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential development, hereby provides for the Flexible Planned Unit Development District to promote the variety and flexibility of land development for residential purposes necessary to meet these demands while preserving and enhancing the health, safety and general welfare of the citizens of the Township.

### 32.02 Permitted Uses

The following uses of building and land and no others shall be classified as Flexible Planned Unit Development:

- A. Single family fee-simple lots.
- B. Detached single family in condominium ownership pursuant to O.R.C. Chapter 5311.
- C. Other specific uses as approved by the Board of Trustees.
- D. Accessory Uses
  1. 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.
  2. Real estate office or insurance sales office
  3. Home Occupations such as, but not necessarily limited to, beauty parlor, barber shop, handicrafts, seamstress, home cooking, caterer or launderer. Such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind. 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. No Home Occupation may be conducted in an accessory building although supplies for such Home Occupation may be stored in an accessory building on the same lot as the principal building. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses across any property boundary, if the occupation is conducted in a single-family residence, or outside the dwelling unit in which the Home Occupation is being conducted if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Such accessory uses shall also not include self-employed contractors or tradesmen such as, but not limited to landscapers, yard maintainers, excavators, builders, remodelers which parks or stores vehicles over 2 net tons capacity, multiple commercial vehicles, equipment and/or materials outdoors and employs more than 1 other person, on a full or part time basis, .who reports to work at the residence and parks a vehicle there during the workday.
  4. Orderly storage of functional household equipment, tools and automobiles used as private transportation.
  5. Swimming pools as provided herein. Swimming pools are intended to be used solely for the enjoyment of the occupants of the residential principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in a FPUD or PUD district except as an accessory use and unless it complies with the following conditions and requirements:
    - a. A Zoning Certificate is first acquired,

b. A swimming pool, including any walks, paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any side or rear lot line and must in its entirety be no closer to any road right-of-way, whether it be a public or private road, than the rear line of the main dwelling structure on the subject property,

c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or otherwise passing through it or under it. Fence or wall must be maintained in good condition with a gate and locking device,

d. No landowner or occupant of any property in an FPUD or PUD zoning district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured.

6. Storage of recreational vehicles as provided herein:

a. The outdoor parking or storage of not more than one (1) licensed recreational vehicle as defined in Section 4501.01(Q) of the Ohio Revised Code is permitted in accordance with the provisions as contained in Section 29 of this Resolution and with particular emphasis upon the requirement for asphalt or concrete parking surfaces.

### 32.03 Definitions (applicable to this section only)

- A. ATTACHED SINGLE FAMILY DWELLING UNITS: Single family dwelling units not exceeding four dwelling units per building, which are physically attached one to another by common or adjoining vertical walls, which have individual electrical and plumbing systems, and which are individually owned.
- B. BUILDABLE TOPOGRAPHY: That portion of the building site which either naturally or through approved grading is physically suited for building construction. Specifically, the buildable topography is that portion of the building site which is accessible, lies outside of floodplains and consists of stable soil structure.
- C. BUILDING: A roofed and walled structure of a substantial nature constructed with a variety of exterior and interior materials, the interior space of which is generally heated and/or air conditioned with certain plumbing and electrical facilities and intended for residential, recreational or other similar uses.
- D. BUILDING SITE: The portion(s) of privately owned land that may be occupied by one or more structures that meet required area and use parameters within a Flexible Planned Unit Development District.
- E. CLUSTER DESIGN: A development design technique that concentrates buildings in specific areas of a Building Site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
- F. COMMON OPEN SPACE: Deed restricted land or water areas within a Flexible Planned Unit Development District devoid of residential or commercial buildings required to be conveyed to one or more non-profit homeowners association(s) or other non-profit organization(s) for the recreational and aesthetic use of members of the association or organization. This area is exclusive of the required rear, side and front yard setbacks.
- G. CONDOMINIUM DEVELOPMENT: This term shall be defined as specified in O.R.C. Section 5311.01 or any amendments thereto.
- H. DENSITY: The maximum number of dwelling units permitted per net acre of land, after deduction of the required Common Open Space and right of ways.
- I. DETACHED SINGLE FAMILY DWELLING UNITS: A building consisting of a single dwelling unit only with no common building elements attached to any other dwelling unit.
- J. DEVELOPABLE LAND: A Building Site minus the Common Open Space and dedicated roads.
- K. DWELLING UNIT: A dwelling unit shall consist of one or more livable rooms plus a separate kitchen and bathroom, designed or used as living quarters for one family or household. Dwelling units shall include any structures attached thereto, including but not limited to, garages, sunrooms, greenhouses, etc.



- L. FLEXIBLE PLANNED UNIT DEVELOPMENT (FPUD): A preplanned development that contains various housing types and other uses constructed according to a predetermined and approved plan that provides for cluster design techniques and open space preservation for the enjoyment of the residents and owners of the development.
- M. GROSS ACREAGE: Total acreage of proposed development location.
- N. HOMEOWNERS ASSOCIATION: An incorporated non-profit private organization operating under recorded land agreements or deed restrictions for the purpose of maintaining Common Open Space and providing various services for the common enjoyment of the residents and guests
- O. LOT: For purposes of this Section of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street, and may consist of:
  - a. A single lot of record,
  - b. A portion of a lot of record, or
  - c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- P. LOT OF RECORD: A lot under one ownership shown as a separate unit on the last preceding tax roll of the County, and either as a separate lot on a subdivision plat recorded in the office of the County Recorder or a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.
- Q. MULTI-FAMILY DWELLING UNIT: A building of at least two (2) but not more than six (6) dwelling units with varying entrances and common party walls.
- R. NET ACREAGE: Land area including only those private lands which support residential or commercial buildings (excluding dedicated right of ways, Common Open Space, parks and other public and private purposes).
- S. OPEN SPACE: Land or water area within a Flexible Planned Unit Development devoid of residential or commercial buildings and which may consist of wooded areas, lakes and streams, walkway systems (pedestrian paths), bike paths, natural sites, active or passive recreation areas and structures customarily incidental thereto.
- T. PARCEL: A distinct portion or tract of land as is recorded and distinguished in the Lake County Ohio Auditor's Property Tax Maps and is identified by its unique Permanent Parcel Number.
- U. STREET TYPES:
  - a. Collector Street: Primary street , either a public dedicated or a local private, serving residential areas and carrying major traffic flow and serving loop, cul-de-sac or other secondary streets.
  - b. Cul-De-Sac: Secondary street, either a public dedicated or a local private, terminating in a vehicular turnaround serving several housing units grouped around the turnaround.
  - c. Loop Street: Secondary street, either a public dedicated or a local private, in looped or half circular form with each end connected to a collector street and serving housing units located on both sides of the street.
  - d. Private Street/Local Street: A road or street which has not been accepted or dedicated as a public thoroughfare and which is to be owned and fully maintained by a homeowners' association.
- V. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground; a fence is not a structure.

#### 32.04 Specific Requirements

- A. Minimum Size for FPUD District: The minimum Gross Acreage for a FPUD District shall be ten (10) acres. No FPUD District shall occur on any parcel of land having frontage of less than four hundred fifty (450) feet along the right-of-way sideline of a public dedicated and improved road.
- B. Open Space: A minimum of twenty percent (20%) of the Gross Acreage within each FPUD District shall be either Open Space or Common Open Space.
- C. Water: The FPUD 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 or the homeowners association as may be required by the utility company upon completion thereof. All plans and specifications and construction of all water lines shall meet the approval of all regulatory agencies having jurisdiction.
- D. Sanitary Sewer: The developer of the FPUD shall at its sole expense construct sanitary sewer lines and necessary appurtenances approved by regulatory agencies having jurisdiction to approve such lines. No occupancy of buildings within any phase of a FPUD shall be permitted until an adequate sanitary sewer disposal system to service such phase is approved by the Lake County Sanitary Engineer.
- E. Other Utilities: The following utilities and necessary appurtenances thereto shall be provided, constructed and installed in accordance with the Lake County Subdivision Regulations and other regulatory agencies having jurisdiction:
  - 1. Gas lines.
  - 2. Storm sewer and storm detention as required.
  - 3. Electrical lines and transformers.
  - 4. Telephone lines.
  - 5. Cable television lines

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 FPUD District, such as streams, rock outcroppings, topsoil, trees and shrubs and the same shall be incorporated into the landscaping of such lands.

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

- F. Streets: All streets and cul-de-sacs, including private streets, shall conform to specifications as set forth in Lake County Subdivision Regulations.
  - 1. All cul-de-sacs must provide a vehicular turnaround which meets or exceeds minimum specifications as set forth in Lake County Subdivision Regulations in order to provide easy turning for fire equipment, moving vans and school buses.
- G. Walkways: All walkways shall be constructed of suitable hard surface material.
- H. Sub-Lot Widths: Sub-Lot widths may be varied to allow for a variety of structural designs, provided that the minimum width shall be sixty (60) feet as measured at the right-of-way sideline on public dedicated roads or at the back of the curb on private local roads. The minimum lot width of 60 feet must be maintained between whichever starting point applies and either the minimum required front setback or the actual front setback, whichever is further from the respective starting point. An exception will be made for sublots with frontage on the vehicular turnaround portion of a cul-de-sac. On public streets the subplot width must be a minimum of thirty two and seventy two one-hundredths (32.72) feet at the right-of-way sideline and sixty (60) feet at the minimum front setback line as measured by the chords of the arcs formed by the road right-of-way between the sidelines and the extension of same at the required minimum front setback. On private streets the width must be a minimum of forty (40) feet at the back of the curb and sixty (60) feet at the minimum required front setback line as measured by the chords of the arcs formed by the curvature of the road curbing and the extension of same at the required minimum front setback. Please refer to Sub-Section 6.20, Lot/Parcel Shapes and Measurements for measurement illustrations.

- I. Building Height: The maximum height of building within a FPUD District shall not exceed thirty-five (35) feet. For lakefront or other developments with unique characteristics, the Trustees may allow a height of up to fifty (50) feet in the final development plan.
- J. Building Setbacks: Building setbacks may be varied, but in no case shall the minimum required front building setback be less than thirty (30) feet from ~~the~~ any dedicated street right-of-way or fifty (50) feet from the back of the curb on any private street.
- K. FPUD Documents: Final plats, deed restrictions and/or all other pertinent documents applicable to the FPUD are to be filed with the Township Zoning Inspector (except for paperwork that falls under the jurisdiction of the Lake County Subdivision Regulations).

32.05 Density and Area Computations

No dwelling or structure in a FPUD District shall be erected or maintained or any parcel of land divided unless the following unless the following lot areas are provided and maintained in connection with such building or structure.

- A. The density of land use within the FPUD District shall be computed on a net acreage basis by deducting the required Open Space from the total acreage. This density shall not exceed four (4) dwelling units per net acre.
- A. Computation of lot area shall not include any portion of the public road right-of-way existing prior to the platting.
- B. All land within the FPUD District shall be contiguous unless specifically approved by the Trustees.

32.06 Open Space

- A. A minimum of twenty percent (20%) of the gross acreage within each FPUD District shall be either Open Space or Common Open Space, excluding dedicated rights-of-way, riparian corridors and public utility easements.
- B. All Common Open Space land shown on a Final Development Plan (FDP) for each phase shall, simultaneously with the recording of each phase:
  1. Be transferred to a homeowners association or associations, upon approval of the Township Legal Advisor, which shall be created as an Ohio non-profit corporation for the purpose of accepting, operating and maintaining said Common Open Space land, along with buildings and equipment, if any, for recreational purposes for the exclusive and benefit of the members of said association(s), and to cooperate with officials of the Township, municipal, county, state and other public authority for the preservation and betterment of the interest of the members of the association(s) including, without limitation, the dedication of drainage ways or granting easements thereto. Membership in said association(s), by deed restriction, shall be mandatory for all owners of residential units within the FPUD District. The deed restrictions must contain language incorporating the provisions of this Resolution, currently set forth in Section 32.06(D), which allows the Township Trustees to enforce the deed restrictions and maintenance obligations of the association(s).
  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 the homeowners association(s). The trustee shall give easements across open space and the right of use of the facilities to members of the homeowners association(s). Each owner shall receive a deed from the trustee, subject to the trustee's right to charge and lien each property for its proportionate share of maintenance costs for the common facilities.
- C. Fees for preservation, improvement and maintenance of the Common Open Space shall be imposed with adequate provision for collection and enforcement.
- D. In the event the homeowners association(s) established to own and maintain Common Open Space, or any successor association(s), shall at any time after establishment of the FPUD fail to maintain the Common Open Space in reasonable order and condition, the Township Trustees may serve written notice upon such association(s) or upon the members thereof setting forth the manner in which the association(s) have failed to maintain the Common Open Space in reasonable order and condition, and said notice shall include a demand that such failures 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 Township Trustees may modify the terms of the original notice as to the failures and may give an extension of time within which they shall be corrected. If the failures set forth in the original notice or in the modifications thereof have not been corrected within thirty (30) days or any extension thereof, the Township Trustees, in order to preserve the taxable values of the properties within the FPUD, and to prevent the Common Open Space from becoming a public nuisance, may enter upon the Common Open Space and maintain the same for a period of one (1) 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 Township Trustees shall, upon its initiative or upon the request of the association(s) theretofore responsible for the maintenance of the Common Open Space, call a public hearing upon notice to such association(s) or to the residents of the FPUD to be held by said Board of Township Trustees, at which hearing such association(s) or the residents of the FPUD shall show cause why such maintenance by the Board of Township Trustees shall not continue for a succeeding year. If the Board of Township Trustees shall determine such associations(s) are not ready and/or able to maintain the Common Open Space in reasonable order and condition, the Board may, in its discretion, continue to maintain the 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 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 Township Trustees shall be assessed against the responsible homeowners association(s). Such cost shall become a tax lien against the Common Open Space. The Board of 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 the Lake County Recorder upon the properties affected by such lien within the FPUD.

#### 32.07 Lot Width

No FPUD shall occur upon any parcel of land having a frontage of less than four hundred fifty (450) feet along the right of way line of a dedicated road. All developments shall be designed, including the proposal for access drives providing ingress to and egress from the development, for proper traffic circulation and emergency vehicle access.

#### 32.08 Building Setback Line

- A. No building or structure in a FPUD shall be erected or located within fifty (50) feet of the right of way of any dedicated local road and such area shall be landscaped and maintained.
- B. No building or structure in a FPUD shall be erected or located within thirty (30) feet of the curb of any private internal driveway and such area shall be landscaped and maintained.
- C. No building or structure in a FPUD shall be erected or located within ten (10) feet of any required buffer areas except for any accessory buildings or structures as are provided for in this Section.
- D. In regards to structures which constitute dwelling units, any setback clearances set forth in this section as well as distances between dwelling units shall be determined by measurement from the nearest point of the foundation of said main structure to the nearest portion of the property line or other dwelling unit. No part of any dwelling unit, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback or required distance between dwelling units. In regards to structures other than dwelling units, all setbacks for such structures and required distances between such structures and dwellings in the section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling or other structure.

#### 32.09 Side and Rear Yards

- A. A FPUD shall have a buffer of thirty-five (35) feet from the parcel's side and rear lot lines which shall not be included in the requirements for Open Space.
- B. The minimum distance between buildings shall be twenty (20) feet side to side, forty-five (45) feet back to back, and forty (40) feet side to back. Variations may be approved by the Trustees if the plan provides arrangements for exceptional design.

### 32.10 Supplemental Regulations

- A. An attached two-car garage shall be required for each multiple family, detached single family and attached single family dwelling unit.
- B. All FPUD uses shall provide paved private access driveways in accordance with Lake County Subdivision Regulations of not less than twenty-two (22) feet of surfaced width and each collector street shall be not less than twenty-four (24) feet of surfaced width. Each such access driveway shall have unobstructed access to a public street, alley or highway.

### 32.11 Building Height and Accessory Structure Regulations

- A. Except as set forth in Section 32.04, no building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty five (35) feet in height which means the distance between finished grade and the highest point of the main roof line of the building..
- B. On fee simple lots, Accessory buildings, Accessory structures, and Accessory Structures, Leisure of two hundred (200) square feet or less, with a maximum height of twelve (12) feet, may be located in the rear or side yard and shall have a minimum rear yard clearance of three (3) feet and a minimum side yard clearance of three (3) feet. Accessory buildings and structures which are larger than two hundred (200) square feet shall conform to R-1 District requirements for such and, in addition, shall conform to rules and regulations of the Declarations and By-Laws of the Homeowners Association as approved by the Painesville Township Board of Trustees which do not conflict with the provisions of this Zoning Resolution.
- C. All setbacks for such structures and required distances between such structures and dwellings in this section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling.

### 32.12 Minimum Dwelling Area

Every dwelling unit shall contain a minimum of fourteen hundred (1,400) square feet of living area, of which eight hundred (800) square feet of living area shall be on the ground floor of a two-story home, and all homes shall include a minimum two-car attached garage.

### 32.13 Drive and Buildings Identification

- A. All buildings and units shall be identified by number on the exterior of each building, which number shall be clearly distinguishable from the access drive to said building.
- B. All public right-of-ways and private drives shall be clearly identified by name displayed on an identification sign which shall conform to the street identification signs or suitable alternatives as approved by the Trustees for public streets and roads in Painesville Township. Naming of drives shall be consistent with the Lake County Subdivision Regulations as to duplication of names and/or names sounding the same.
- C. A map clearly identifying the drives and buildings shall be provided to the Zoning Inspector prior to the issuance of the zoning certificate.

### 32.14 Parking

- A. Required in Plot Plan – See Section 29.01
- B. Parking Space – See Section 29.02
- C. Minimum Parking Spaces – See Section 29.04
- D. Access – See Section 29.05
- E. Surfacing – See Section 29.06
- F. Drainage – See Section 29.07
- G. Lighting, Screening and Striping – See Section 29.08

### 32.15 Signs

- A. General Requirements – See Section 28.01

- B. Construction, Entrance and Exit Signs – See Section 28.03B and C
- C. Identification Signs – See Section 28.04A
- D. Real Estate Signs – See Section 28.04B and D
- E. See Section XXVIII for other applicable regulations

### 32.16 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, or maintenance or repair of, said premises, provided however that this provision shall not apply to parking of licensed operable cars or trucks owned and personally operated by the occupant(s) of said premises.

### 32.17 Zoning Amendment Procedure

In addition to any other procedures in this Resolution, all applications for amendment to the zoning map to rezone lands to the FPUD District shall follow the procedure set forth in this Section. The owners or developers of lands within the Township may file an application requesting that the zoning of said lands be amended to a FPUD District in accordance with the provisions of this Resolution.

#### A. Pre-Application Conference

The applicant owner or developer shall meet with one or more Township Trustees, the Zoning Inspector, the Fire Chief, the Lake County Engineer or his representative, Storm Water Management representative, the Lake County Sanitary Engineer or his representative, a water authority representative, and the Director of the Lake County Planning Commission or his representative prior to submission of the Preliminary Development 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 applicant owner or developer with the current Lake County Subdivision Regulations, the drainage, sewer and water systems and the Zoning Resolution of Painesville Township, as well as allowing the applicant to present the concept and initial design strategies of the proposed FPUD.

#### B. Preliminary Development Plan (PDP)

A formal application for a FPUD shall first be presented in the form of a Rezoning Application, including a Preliminary Development Plan (PDP), signed by all the owners of the lands located within the proposed FPUD and submitted to the Township Zoning Inspector, who shall transmit such application and all documents relating thereto, to the Township Zoning Commission. An applicant shall undertake all reasonable efforts to design a PDP that complies with all of the requirements set forth in Section XXXII, sub-sections 32.02 through 32.16. Applications which include a PDP which is in total compliance with the provisions as contained in sub-sections 32.01 through 32.16 will be designated as FPUDA and/or PUD-A. Should any PDP fail to comply with all of the requirements set forth in Section XXXII, sub-sections 32.02 through 32.16 of the Township Zoning Resolution, the application shall include a list of any items with which there is non-compliance as well as an explanation for any failure to conform to such requirements. Upon receipt, the Zoning Inspector shall also independently review the PDP for compliance with all of the requirements set forth in Section XXXII of the Township Zoning Resolution. Should any non-compliance be found, the zoning inspector shall provide to the zoning commission a list of any items which are non-compliant. An application which includes a PDP which is not in total conformance with the provisions as contained in sub-sections 32.02 through 32.16 will be designated as FPUDB and/or PUD-B. The Zoning Commission may recommend and the Board of Township Trustees may approve an application for rezoning to FPUD District and the PDP that does not strictly conform to the requirements as contained in subsections 32.02 through 32.16 only after consideration of the following factors (Amended September 19, 2017 by Tr Res 2017-80, effective October 19, 2017):

1. The nature and extent of each non-compliant item with the requirements set forth in Section XXXII of the Township Zoning Resolution.
2. Any impact of such non-compliance on any adjoining properties.
3. The reasons for non-compliance as explained by the applicant that prevent strict compliance with all of the requirements set forth in Section XXXII of the Township Zoning Resolution.
4. Whether the PDP, as proposed, will be in accordance with the general objectives, or with any specific objective, of the Zoning Resolution and/or Township Comprehensive Plan.

5. Whether the PDP will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the area surrounding the proposed FPUD.
6. The impact, if any, such non-compliance will have on existing and proposed vehicular traffic patterns.
7. Any other factors the Zoning Commission or Board of Trustees consider relevant.

If, after considering the above factors, the Zoning Commission determines that the PDP as proposed, or some modification thereof, is in the best interests of the orderly development of the Township of Painesville and promotes the objectives of the Township Comprehensive Plan as well as the purposes and principles of FPUD, the Zoning Commission may recommend approval of the request for rezoning for such PDP to the Township Board of Trustees.

If, after considering the above factors, the Township Board of Trustees determines that the PDP as proposed, or some modification thereof, is in the best interests of the orderly development of the Township of Painesville and promotes the objectives of the Township Comprehensive Plan as well as the purposes and principles of FPUD, the Township Board of Trustees may grant approval of the request for rezoning to FPUD. The application shall also contain a request that the lands contained in the PDP be rezoned to FPUD as provided in this Section. Copies of the PDP shall be transmitted to the Lake County Planning Commission, the Lake County Engineer and the Lake County Sanitary Engineer by the Zoning Commission Secretary, who shall also notify the Township Trustees of the receipt and transmittal of said PDP.

The purpose of the PDP is to establish a frame of reference for the Township to consider the merits of the proposed FPUD and to afford a basis for determining whether or not the Township would rezone the property to a FPUD District.

A PDP for a FPUD shall be submitted in ten (10) copies and shall include but not necessarily be limited to the following:

1. A legal description of the lands proposed to be rezoned and developed. If the applicant is not the owner of the property, evidence of the owner's permission or an executed purchase agreement shall be submitted.
2. A survey plat or a map prepared by a registered surveyor, engineer or architect which shall show the conceptual plan of the proposed FPUD.
3. The approximate topography of the proposed development area at two foot contour intervals and extending one hundred feet outside of the proposed site in all directions, including property lines, street rights-of-way, existing structures, structures to be removed, trees, and landscape features located thereon, and showing the gross area of the development area in acres.
4. The density proposed for the entire development, and if the development is to be comprised of different uses, the density of each separate use.
5. A complete traffic impact evaluation which shall include:
  - a. existing and proposed vehicular traffic patterns;
  - b. an estimate of traffic volumes to be generated; and
  - c. any additional information requested by the Zoning Commission or Trustees.
6. Generalized plan for all utilities to include all existing and proposed storm sewers, sanitary sewers and water facilities.
7. 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.
8. General outline of deed restrictions, protective covenants and other measures to control the use, development and maintenance of the land and improvements, including those areas which are to be commonly owned and maintained.

9. Proposed landscaping plan including treatment of the perimeter of the FPUD showing materials and techniques to be used such as fences, walks and shrubbery.
10. Such other reasonable information as the Township Zoning Commission and/or Trustees may require.

The application shall also contain a request that the lands contained in the PDP be rezoned to FPUD as provided in this Section. Copies of the PDP shall be transmitted to the Lake County Planning Commission, the Lake County Engineer and the Lake County Sanitary Engineer by the Zoning Commission Secretary, who shall also notify the Township Trustees of the receipt and transmittal of said PDP.

C. Zoning Commission Recommendation

Upon the receipt of the application for rezoning to FPUD District and the PDP, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) or more than forty (40) days from the date of the receipt of said application and PDP. 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 (10) days before the date of such hearing, in accordance with Section 519.12 of the Ohio Revised Code.

Within five (5) days after receipt of the application for rezoning, the Zoning Commission shall transmit a copy thereof together with the PDP to the Lake County Planning Commission.

The Lake County Planning Commission shall recommend the approval or denial of the proposed application for rezoning to FPUD District and the PDP or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission. The Zoning Commission shall within thirty (30) days after the hearing recommend approval or denial of the proposed application for rezoning to FPUD District and the PDP or the approval of some modification thereof and submit such recommendation, together with the application for rezoning, the PDP and the recommendation of the Lake County Planning Commission to the Township Board of Trustees.

The Board of Township Trustees shall, upon receipt of such recommendations, set a time for a public hearing on such proposed application for rezoning to FPUD District and the PDP which date shall be not more than thirty (30) days from the date of the receipt of such recommendation from Zoning Commission. Notice of the public hearing shall be given by the Trustees 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 application for rezoning to FPUD District and the PDP.

Within twenty (20) days after such public hearing, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Commission, the majority vote of the Trustees shall be required.

Upon approval by the Trustees, the applicant owner or developer shall file a copy of the PDP as approved with the Township Secretary, the Lake County Planning Commission and the Township Zoning Inspector.

32.18 Final Development Plan (FDP)

After approval of the Preliminary Development Plan (PDP), the owner or developer shall submit a Final Development Plan (FDP) for each phase of the development to the Township Trustees for approval prior to commencing construction of buildings or structures on that phase of the approved FPUD. The initial phase FDP shall be submitted within twelve (12) months after the approval of the PDP by the Trustees. If not submitted within the prescribed time, the Trustees shall notify owner or developer that the Trustees will hold a public hearing to determine if PDP shall be re-approved. Said notice shall contain a brief statement of the reason or reasons the hearing is being conducted and the date, place and time of the hearing.

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.

At the hearing the owner or developer of the land and the public shall be permitted to speak personally or through a representative as to whether or not the PDP should be re-approved. Within thirty (30) days from the date of the public hearing, the Board of Trustees will notify the owner or developer of the land of its decision.

- A. The Final Development Plan (FDP) of each phase shall include the following:



1. A recorded plat in conformance with the requirements of the Lake County Subdivision Regulations.
  2. All the information required on the PDP, the location and size of lots, location and proposed density of dwelling units, and non-residential building density within the FPUD.
  3. A schedule for the development of phases to be constructed.
  4. Engineering plans showing, as necessary, water, sewer, drainage, electric, telephone, cable and natural gas installations, waste disposal facilities, final landscaping, street improvements within and outside the project, and the 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, including those applicable to those areas of the project to be developed for non-residential uses.
  6. Estimated cost of public improvements.
  7. Owner or 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 improvements to comply with the Lake County Planning Commission and the Lake County Subdivision Requirements.
  8. Final approval of each phase subject to modifications or conditions shall be agreed to in writing before recording where applicable and before formal acceptance by the Township Trustees. Such written approval shall be filed with the Township Zoning Inspector together with the plan for each phase as approved.
  9. In the event any public utility service has not been constructed or guaranteed by the service provider prior to recordation of the plat, the owner or developer shall comply with the Lake County Planning Commission and the Lake County Subdivision regulations. A zoning certificate shall not be issued for any building or use until such time as such public utility service for the phase in which the building or use is located has been completed.
  10. All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission and the Trustees or their designated representatives for administrative review to insure substantial compliance with the PDP as approved.
- B. If any phase of the FDP contains land that is to be subdivided for a condominium development or any other use of the land that requires the recordation of a plat or plan pursuant to the Ohio Revised Code or the Lake County Subdivision Regulations, the owner or developer shall provide to the Trustees a copy of the plat or plan in its final form after having been approved by all other governmental departments required to approve same.

### 32.19 Zoning Permits

After the FDP for each for each phase is approved by the Township Trustees, a zoning application accompanied by required fees for each building shall be submitted to the Zoning Inspector. The owner or developer may request from the Zoning Inspector minor modification of any approved phase. If approved, the development of that phase may continue. Should any request for modification represent a substantial departure from the intent of the approved PDP, said modification or amendment shall be subject to the procedures of Section 32.17.

The following shall be deemed to be substantial modifications and subject to the approval of the Trustees:

- A. A change in the use or character of the development.
- B. An increase in the density.
- C. An increase in traffic circulation and public utility usage.
- D. A reduction in approved open space.

E. Any reduction or expansion of the development.

### 32.20 Development

Actual development within a FPUD may be done in phases after a developer or owner has obtained approval of the PDP and approval by the Trustees of the FDP for the phase to be developed.

### 32.21 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, non-residential structures, open space and/or recreational facilities substantially differs from the approved phasing program, he shall issue orders to the developer or owner to comply with the approved phasing program. Upon failure to comply with such orders, the Zoning Inspector may suspend the developer or owner from further construction until compliance is achieved.

2. If the Zoning Inspector shall find that the developer or owner of the FPUD District has failed to meet the approved development schedule for that particular phase, he shall forward this information to the Board of Trustees.

B. The Township Trustees shall within thirty (30) days of receipt of such information from the Zoning Inspector conduct a public hearing, upon at least fifteen (15) days prior notice to the developer or owner, 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 approved phase be voided, or whether for good cause shown the developer or owner may correct the violations within a prescribed time as set by the Trustees. In the event the developer or owner does not comply with the approved plan or any phase thereof after the hearing and decision of the Trustees, such non-compliance shall be deemed a violation of the Zoning Resolution of Painesville Township and the Township may proceed in an action at law or in equity in addition to the remedies set forth in this Zoning Resolution or the Ohio Revised Code to enforce the provisions 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 developer or owner, and force majeure including but not limited to floods, hurricanes and fire.

(Amended January 19, 2021 by Resolution 2021-012, effective February 18, 2021)  
(Amended January 07, 2020 by Resolution 2020-008, effective February 06, 2020)  
(Amended August 13, 2019 by Resolution 2019-081, effective September 12, 2019)  
(Amended September 19, 2017 by Resolution 2017-80, effective October 19, 2017)  
(Amended March 15, 2016 by Resolution 2016-31, effective April 14, 2016)  
(Amended March 15, 2016 by Resolution 2016-29, effective April 14, 2016)  
(Amended June 22, 2015 by Resolution 2015-67, effective July 22, 2015)  
(Amended December 2, 2014 by Resolution 2014-142, effective January 1, 2015)  
(Amended November 18, 2014 by Resolution 2014-135, effective December 18, 2014)  
(Amended October 9, 2012 by Resolution 2012-89, effective November 9, 2012)  
(Amended December 21, 2010 by Resolution 2010-98, effective January 20, 2011)  
(Amended July 11, 2006 by Resolution 2006-58, effective August 10, 2006)  
(Amended July 6, 1999 by Resolution 99-52, effective August 5, 1999)  
(Amended June 1, 1999 by Resolution 99-52, effective July 1, 1999)  
(Adopted March 27, 1997 by Resolution 97-31, effective April 26, 1997)

## SECTION XXXIV. DESIGN STANDARDS

### 34.01 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 to increase the financial benefits to the Township and its inhabitants. These design standards will stimulate and protect economic activity in the commercial districts ensuring the continued economic competitiveness and attractiveness of the Township's commercial districts.

### 34.02 Requirement

All site plans submitted for the B-1, Gateway Business District, B-2, General Retail District, B-3, Commercial Business District and CS, Community Service District shall meet the requirements set forth in this section of the Zoning Resolution. Site plans submitted for development or redevelopment for properties in the B-1 or B-3 districts along Mentor Avenue which are required to follow guidelines as set forth in Section 39 of this Resolution are exempt from the regulations as set forth in this Section only to the extent that the Zoning Commission, after having been delegated the responsibilities of the Architectural Review Board, determines that the provisions of Section 39 preempt this Section. Architectural elevations for all sides of the primary structure, accessory structures and associated facilities are required.

### 34.03 Review Process

Design Standards will be reviewed by the Zoning Commission during the Site Plan review process as set forth in Section 11.10.

### 34.04 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 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 22.10.
- B. Architectural Features: Overall building design shall incorporate recesses, offsets, 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 the design and placement of window patterns. In order to add architectural interest and variety, and to 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 facade.
  2. Facade 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 facade.
- 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.
- 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. 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 facade.
- 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.
- K. 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.
  2. 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.

(Amended January 8, 2019 by Resolution 2019-0006, effective February 7, 2019)  
(Amended August 8, 2017 by Resolution 2017-69, effective September 7, 2017)  
(Adopted August 4, 2009, by Resolution 2009-46, effective September 3, 2009)

**SECTION 38- NATURAL RESOURCE PROTECTION**

(Adopted October 4, 2016 by Resolution 2016-113, Effective November 3, 2016)

- 38.01 RIPARIAN AND WETLAND SETBACKS
  - 38.02 PURPOSE AND INTENT
  - 38.03 APPLICABILITY
  - 38.04 DEFINITIONS
  - 38.05 ESTABLISHMENT OF DESIGNATED WATERCOURSES
  - 38.06 RIPARIAN SETBACKS
  - 38.07 WETLAND SETBACKS
  - 38.08 APPLICATIONS AND SITE PLAN
  - 38.09 PERMITTED USES WITHIN RIPARIAN AND WETLAND SETBACKS
  - 38.10 PROHIBITED USES WITHIN RIPARIAN AND WETLAND SETBACKS
  - 38.11 NOTICE AND INSPECTION
  - 38.12 VARIANCE
  - 38.13 PENALTY
- 

38.01 RIPARIAN AND WETLAND SETBACKS

38.02 PURPOSE AND INTENT

- A. It is hereby determined that the system of headwaters, rivers, streams, wetlands, and other watercourses within Painesville Township contributes to the health, safety and general welfare of the residents. These regulations have been enacted to protect and enhance the functions of riparian areas by providing reasonable controls governing buildings, structures, uses, and related soil disturbing activities within a riparian setback or wetland setback.
- B. The specific purpose and intent of Section 38.01 is to regulate uses and developments within riparian and/or wetland setbacks that would impair the ability of those areas to:
  - 1. To protect adjacent private/public property from adverse effects from increased storm water and stream and wetland encroachment due to land development.
  - 2. Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.
  - 3. Assist in stabilizing the banks of watercourses, reduce stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.
  - 4. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.
  - 5. Reduce pollutants in watercourses by filtering, settling, transforming, and absorbing pollutants in runoff before they enter watercourses.
  - 6. Provide watercourse habitats, including many of Ohio's endangered and/or threatened species, with shade and food by maintaining diverse and connected wetland and riparian vegetation.
  - 7. Benefit the Township by minimizing encroachment on wetlands and watercourses 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.

8. Benefit the Township by contributing to preserving the scenic beauty of the environment in order to maintain the character of Painesville Township, the quality of life of the residents, and the corresponding property values.

#### 38.03 APPLICABILITY

- A. The Regulations as set forth herein shall apply to:
  1. All riparian areas meeting the criteria as set forth herein.
  2. All zoning districts.
  3. All buildings, structures, uses, and related soil disturbing activities on lands containing a designated watercourse and/or wetland, as set forth in herein, except as otherwise provided herein.
  4. The use of any building, structure, or lot lawfully existing prior to the effective date of these regulations may be continued, pursuant to Section 7, Non-Conforming Uses.
  5. 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, expanded or completed, subject to the provisions of Section 7, Non-Conforming Uses.
- B. No Zoning Certificate in accordance with Section 11 of these Regulations or Conditional Use Permit in accordance with Section 12 of these Regulations shall be issued for any building, structure, or use on a lot containing, wholly or partly, a designated watercourse or wetland except in conformity with Section 38 as set forth herein.
- C. Due to the importance of properly functioning riparian areas, minimum riparian and/or wetland setbacks may be given preference over minimum front, side, or rear yard setbacks as specified in this Resolution in the consideration of a Conditional Use Permit or an Appeal for a Variance by the Board of Zoning Appeals.

#### 38.04 DEFINITIONS

For the purpose of this regulation, the following terms shall have the meaning as provided herein:

- A. **CLASS III PRIMARY HEADWATER HABITAT STREAM:** The highest quality primary headwater habitat streams as described in the most current version of the *Ohio EPA Field Evaluation Manual for Ohio's Primary Headwater Habitat Streams*.
- B. **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.
- C. **DESIGNATED WATERCOURSE:** A watercourse within Painesville Township that is in conformity with the criteria set forth in these regulations.
- D. **DRAINAGE DITCH:** An open channel, dug for the purpose of drainage of storm water and does not otherwise meet the Clean Water Rule: 40 CFR 230.3.
- E. **DUMPING:** The grading, pushing, piling, throwing, unloading or placing soil or other material.
- F. **FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"):** The agency with overall responsibility for administering the National Flood Insurance Program.
- G. **FLOOD INSURANCE RATE MAPS ("FIRM"):** The official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

- H. LAKE COUNTY SOIL AND WATER CONSERVATION DISTRICT ("Lake SWCD"): An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Conservation District Board or its designated employee(s).
- I. OHIO ENVIRONMENTAL PROTECTION AGENCY ("Ohio EPA"): A state agency that protects the environment and public health by ensuring compliance with environmental laws and encouraging environmental stewardship.
- J. ONE HUNDRED (100) 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 (1%) or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the Federal Emergency
- K. ORDINARY HIGH WATER MARK: The point of the bank or shore 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.
- L. RIPARIAN AREA: Naturally vegetated and adjacent to designated watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.
- M. RIPARIAN SETBACK: The real property adjacent to a water resource on which soil disturbing activities are limited as defined by the Lake County Subdivision Code or these Regulations whichever is more restrictive.
- N. RIPARIAN SETBACK MAP: A visual reference guide that illustrates how this regulation may affect public and private properties. Real world conditions on the landscape and the provisions in this regulation shall prevail over any information inferred from the map as some affected properties may not be illustrated on the map.
- O. 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.
- P. TOWNSHIP: Painesville Township or its designated representatives, boards, or commissions.
- Q. WATERCOURSE: A channel in which a flow of water occurs either continuously or intermittently.
- R. WATERSHED: The region drained by a watercourse.
- S. 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).
- Category 1: Wetlands with minimal wetland function and/or integrity. Ohio Administrative Code (O.A.C.) Rule 3745-1-53(c) of the Ohio EPA.
  - Category 2: Wetlands with moderate wetland function and/or integrity. Ohio Administrative Code (O.A.C.) Rule 3745-1-53(c) of the Ohio EPA.
  - Category 3: Wetlands with superior wetland function and/or integrity. Ohio Administrative Code (O.A.C.) Rule 3745-1-53(c) of the Ohio EPA.
- T. WETLAND SETBACK: The real property adjacent to a water resource on which soil disturbing activities are limited as defined by the Lake County Subdivision Code or these Regulations whichever is more restrictive.

#### 38.05 ESTABLISHMENT OF DESIGNATED WATERCOURSES

- A. *Designated watercourses*, shall be *only* those watercourses meeting any one (1) of the following criteria:

1. Watercourses draining an area equal to or greater than one (1) square mile; or

2. Watercourses draining an area less than one (1) square mile and having a defined bed, bank, and definite direction of flow, either continuously or intermittently flowing, including through culverts, bridges and other conveyance structures.
  3. Any watercourse newly constructed, altered, restored, or proposed in a development or as part of an overall development plan. Such projects must show compliance with all applicable local, state, and federal requirements.
- B. Riparian setbacks do not apply to drainage ditches constructed exclusively for road side drainage and that are generally parallel to road, except when there exists compelling reasons it should, as determined by the Township.
- C. In determining if watercourses meet the above criteria, Painesville Township may consult with a representative of the Lake SWCD or any other technical expert(s) as necessary.
- D. Final determination shall be made by the Zoning Inspector in accordance with the rules herein.

38.06 RIPARIAN SETBACKS

- A. Riparian setbacks shall be required on all land adjacent to designated watercourses. The setback distance, established as follows, will be determined by the size of the watershed that the watercourse drains.
1. A minimum of one hundred twenty (120) feet on each side of all designated watercourses draining an area equal to or 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 1 square mile and up to twenty (20) square miles.
  3. A minimum of twenty-five (25) feet on each side of all designated watercourses draining an area less than one (1) square mile and having a defined bed and bank as determined in these regulations.
  4. A minimum of fifty (50) feet on each side of all designated watercourses determined to be a Class III primary headwater habitat stream.

<b>Watershed Size (In Square Miles)</b>	<b>Setback Distance (Minimum)</b>
Greater than twenty (20)	One Hundred Twenty (120) Feet
One (1) to twenty (20)	Seventy-Five (75) Feet
Less than One (1)	Twenty-Five (25) Feet
Class III Primary Headwater Habitat Stream	Fifty (50) Feet

- B. Riparian Setback Map. Painesville Township shall provide a map or visual reference guide that illustrates how this regulation may affect public and private properties. The map shall be utilized as a guide or reference document in determining when a riparian setback applies and shall be on file and available for public inspection at Township Hall.
1. Real world conditions on the landscape and the provisions in this regulation shall prevail over any information inferred from the map as some affected properties may not be illustrated on the map. If any discrepancy is found between the Riparian Setback Map and the on-site conditions, the criteria set forth in these regulations shall prevail.
  2. Nothing herein shall prevent the Township from amending the Riparian Setback Map from time to time as may be necessary.

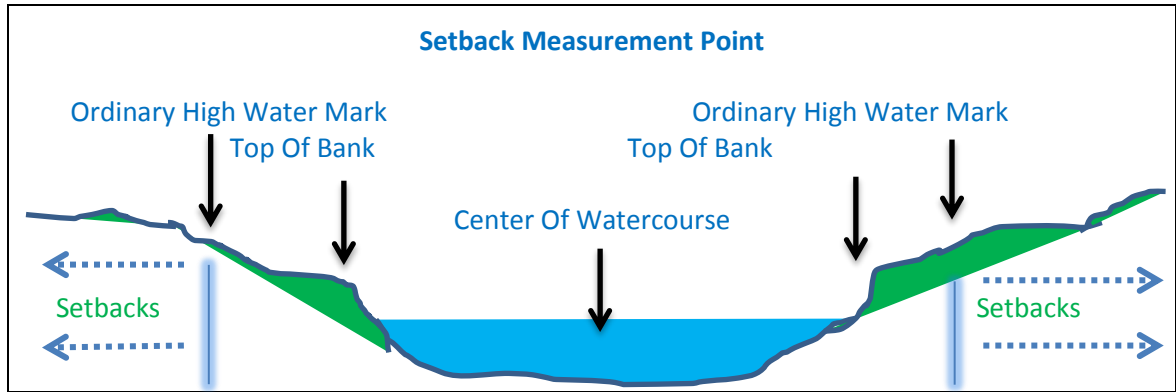


3. In reviewing and interpreting the Riparian Setback Map, Painesville Township may consult with a representative of the Lake SWCD or any other technical expert(s) as necessary.

C. The following regulations shall apply to riparian setbacks.

1. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse. See Table 1 below.

**Table 1**



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 the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) of Lake County, Ohio administered by FEMA.

38.07 WETLAND SETBACKS

A. The following regulations shall apply to wetland setbacks.

1. Where proposed projects indicate impacts to wetlands, the wetlands shall be delineated using protocols accepted by the U.S. Army Corp of Engineers. Such delineation is a requirement of the U.S. Army Corp of Engineers and the Ohio Environmental Protection Agency.
  - a. All Wetlands identified by the State of Ohio and/or the of Engineers shall have the following setbacks as measured from the jurisdictional boundary:
    - i. Category 3 Wetland: Fifty (50) feet extending beyond the outermost boundary.
    - ii. Category 2 Wetland: Thirty (30) feet extending beyond the outermost boundary.
    - iii. Category 1 Wetland: Ten (10) feet extending beyond the outermost boundary.

Wetland Category	Setback Distance (Minimum)
Category 3	Fifty (50) feet
Category 2	Thirty (30) feet
Category 1	Ten (10) feet

2. The Township may consult with any department or agencies and professionals to determine wetlands within a riparian setback, or at the Township's discretion, wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner

using delineation protocols accepted by the U.S. Army Corp of Engineers at the time an application is made under this regulation.

- a. Any costs associated with the review or obtaining of the necessary wetlands delineation, review, or plan shall be assessed to the Applicant.
3. Setbacks are required on all wetlands, natural, enhanced or created, that will remain on site when development activities have ceased. Wetlands, or portions of wetlands that have been lawfully impacted, filled or otherwise eliminated thorough the course of development, do not require a setback. Or in the case of lawfully boundaries, the new boundary shall be the beginning point of the setback.
4. No approvals or permits shall be issued by the Township prior to delineation of wetland setbacks in conformance with this regulation.
5. Final determination shall be made by the Zoning Inspector in accordance with the rules herein.

#### 38.08 APPLICATIONS AND SITE PLAN

- A. When making an application for a Zoning Certificate or a Conditional Use Permit for a building, structure or use regulated by this resolution that impacts a designated water course or wetlands, the owner or applicant shall be responsible for identifying riparian setbacks, proposed stream crossings and stream bank stabilization as required by these regulations. The owner or applicant shall indicate such setback distance in accordance with this regulation on all site plans submitted to the Zoning Inspector.
- B. In determining if the site plan meets the criteria of this section, Painesville Township may consult with a representative of the Lake SWCD or any other technical expert(s) as necessary.
- C. If land development or soil disturbing activities will occur within fifty (50) feet of the outer boundary of the applicable riparian setback as specified in this regulation, the riparian setback shall, subject to the discretion of the Zoning Inspector, 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.

#### 38.09 PERMITTED USES WITHIN RIPARIAN AND WETLAND SETBACKS

- A. *Permitted Uses Not Requiring A Zoning Permit.* The following buildings, structures, uses, and related soil disturbing activities may be permitted within a riparian and/or wetland setback without a Zoning Certificate.
  1. Recreational Activities. 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 the 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 Uses Requiring A Zoning Permit.* The following buildings, structures, and uses may be permitted within a riparian and/or wetland setback in accordance with the following Regulations and such other applicable Regulations contained in this Zoning Resolution.
1. Signs in accordance with Section 28 of the Painesville Township Zoning Resolution.
  2. Fences and walls in accordance with Sections 34 and 35 of the Painesville Township Zoning Resolution
  3. 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.
    - a. Crossings shall only be undertaken upon approval and consultation with the Lake SWCD.
    - b. Work occurring below the ordinary high water mark of designated watercourses will require proof of compliance to the Zoning Inspector with the applicable conditions of a 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). Proof of compliance shall be:
      - i. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
      - ii. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
      - iii. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.
    - c. Any cost associated with the review of the Crossing Plan shall be assessed to the Applicant.
  4. Stream bank stabilization projects along designated watercourses may be permitted subject to other regulations contained in this resolution and the regulations enforced by the Lake SWCD.
    - a. Stream bank stabilization projects shall only be undertaken upon approval and consultation with the Lake SWCD.
    - b. Work occurring below the ordinary high water mark of designated watercourses will require proof of compliance to the Zoning Inspector with the applicable conditions of a U.S. 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). Proof of compliance shall be:
      - i. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
      - ii. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
      - iii. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.
    - c. Any cost associated with the review of the stream stabilization project shall be assessed to the Applicant.

#### 38.10 PROHIBITED USES WITHIN RIPARIAN AND WETLAND SETBACKS

- A. Any building, structure, use, or related soil disturbing activity not permitted under this Regulation shall be prohibited within a riparian setback. The following buildings, structures, and uses are specifically prohibited; however, prohibited uses are not limited to those examples listed here.
1. Construction. There shall be no structures of any kind, except as otherwise permitted under this Resolution.
  2. Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquid, or solid materials, except for non-commercial composting of uncontaminated natural materials, and except as otherwise permitted under this Resolution.
  3. Roads or Driveways. There shall be no roads or driveways permitted in riparian and/or wetland setback area, except as otherwise permitted under this Resolution. There shall be no roads or driveways or roads permitted in wetlands or watercourses without a permit issued by the U.S. Army Corps of Engineers and/or the Ohio EPA.
  4. Motorized Vehicles. There shall be no use of motorized vehicles, except as otherwise permitted under this Resolution.
  5. Disturbance of Natural Vegetation. There shall be no disturbance, including mowing, of the natural vegetation, except for such conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with this regulation; for such disturbances as are approved under the PERMITTED USES IN RIPARIAN AND WETLAND SETBACKS section of these regulations; and for the passive enjoyment, access, and maintenance of landscaping or lawns existing at the time of passage of this regulation. Nothing in this regulation shall be construed as requiring a landowner to plant or undertake any other activities in riparian and wetland setbacks.
  6. Parking Lots. There shall be no parking lots or other human-made impervious cover, except as otherwise permitted under this Resolution.
  7. New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian and wetland setbacks shall not be used for the disposal or treatment of sewage except in accordance with local county Board of Health regulations in effect at the time of application of this regulation.

#### 38.11 NOTICE AND INSPECTION

- A. The owner shall notify the Zoning Inspector at least ten (10) working days prior to the initiation of any construction, land development or soil disturbing activities on a lot containing an approved site plan submitted by the owner or applicant in accordance with Section 38 herein.
- B. The Zoning Inspector shall be permitted to make an on-site inspection of the delineation of riparian setbacks, prior to the initiation of any construction, land development, or soil disturbing activities, on an affected lot.
- C. The Zoning Inspector and/or its agents, with prior notice and the authorization of the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these Regulations.

#### 38.12 VARIANCE

- A. In accordance with Section 9 the owner or applicant may apply for a variance to the Board of Zoning Appeals.

#### 38.13 PENALTY

- B. In accordance with Section 3, Enforcement, the owner or applicant may be subject to penalties for failing to comply with the terms and requirements of this Zoning Resolution.

# SCHEDULE OF ZONING FEES



Fees for Zoning Certificates shall be set forth by the Board of Painesville Township Trustees by Resolution and adopted at a regular meeting and shall be amended from time to time at the discretion of the Trustees. The fee as prescribed shall accompany each application for a Zoning Certificate, zoning map or text amendment, Conditional Use Permit or appeal to the Board of Zoning Appeals. If the applicant or appellant desires a verbatim record of any Public Hearing or proceeding, the applicant/appellant shall furnish the court reporter and bear the expense of typing said record. ***Fees based upon square footage and/or acreage will be rounded to the nearest whole dollar.***

## RESIDENTIAL ZONING CERTIFICATES:

New dwelling unit (single or attached/multi-family)	\$400.00	each unit
Addition to dwelling or attached garage	minimum \$50.00	\$0.10/ square foot
Accessory Building	\$ 30.00	
Decks attached or unattached	\$ 30.00	
Accessory Structure, Leisure	\$30.00	
Fences	\$40.00	
Pools	\$40.00	above ground
	\$100.00	in ground
Home Occupation (see definition Section 5)	\$50.00	
Structural Alteration	\$50.00	
Temporary Portable Storage Unit	\$25.00	+ \$50 refundable deposit
Poultry/Fowl Husbandry	\$ 30.00	
Demolition	\$ 25.00	

## NON-RESIDENTIAL ZONING CERTIFICATES:

Change of use or change of business ownership	\$150.00	
New construction or reconstruction of main buildings and accessory buildings over 2,000 sq. ft.	minimum \$500.00 maximum \$ 1,500	\$0.10/ square foot
New Construction or reconstruction of Accessory Buildings 2,000 sq. ft. or less	minimum \$ 100.00 maximum \$ 200	\$ 0.10/ square foot
Addition to a main building or Accessory Building	minimum \$ 100.00 maximum \$ 1,000	\$0.10/ square foot
Use of land (involving placement of personal property constituting a part of business or industrial operation)	\$100.00	per acre per parcel
New construction of any hotel, motel, rest home, or similar structure	minimum \$700.00	\$100.00 per room
Parking lot construction, reconstruction or reconfiguration (involving new or existing paved areas intended for vehicular parking and travel as well as pedestrian access)	minimum \$50.00 maximum \$200.00	\$0.01/square foot
Demolition	\$ 50.00	

## SIGN ZONING CERTIFICATES:

Wall signs	\$150.00	
Free Standing/monument signs (single occupant) *	\$150.00	
Free Standing/monument sign (multi-tenant, shopping centers) *	\$250.00	
Panel replacements only-Exact Size with no changes to mounting	Exempt	
Billboards	\$500.00	per sign face
Other Single or Grouping Signs, such as Construction signs, Subdivision Signs, Gateway Signs, Non-residential Identification Signs, any of which are either free-standing/monument/wall or fence mounted.	\$150.00	
Grand Opening/ Special Event Signs	\$150.00	Temporary w/ restrictions
For Sale, Rental or Lease signs, Open House signs	Exempt	Temporary w/ restrictions
Residential identification signs, political signs, Entrance-Exit signs	Exempt	
All other temporary signs	PROHIBITED	

# SCHEDULE OF ZONING FEES



## APPLICATION FOR CHANGE OF ZONING CLASSIFICATION:

Text amendments to the Zoning Resolution	\$500.00	
Rezoning of property under four (4) acres (plus reimbursement of expenses for legal and engineering reviews as required by the Township)	minimum \$300.00	\$100.00 per acre
Rezoning of property four (4) acres or more (plus reimbursement of expenses for legal and engineering reviews as required by the Township)	\$600.00	

## SITE PLAN/ ARCHITECTURAL REVIEW FEES:

Site Plan Applicant to reimburse Painesville Township for all necessary and actual fees and expenses for legal and engineering services incurred by Painesville Township.		
Site Plan Review Fee	\$400.00	
Architectural Review Fee	\$250.00	

## CONDITIONAL USE ZONING CERTIFICATES (CUP) AND APPLICATIONS FOR VARIANCES:

CUP Applicant to reimburse Painesville Township for all necessary and actual fees and expenses for legal and engineering services incurred by Painesville Township.		
Recreation CUP	\$750.00	
Agriculture CUP	\$200.00	
Wireless telecommunication towers & co-location	\$2,000.00	
All others CUP applications	\$750.00	
Any modifications to an existing CUP	\$550.00	
Renewal of CUP w/Public Hearing	\$550.00	
Renewal of CUP w/o Public Hearing	\$100.00	

## APPLICATION FOR VARIANCE OR DETERMINATION APPEAL

Residential area/use variance or determination appeal	\$200.00	
Lot split variance or determination appeal- Residential	\$100.00	per proposed lot
Lot split variance or determination appeal – Non-Residential	\$250.00	per proposed lot
Non-Residential area/use variance or determination appeal	\$ 450.00	

## OTHER FEES

Special Meeting – Zoning Commission	\$525.00	
Special Meeting – Board of Zoning Appeals	\$550.00	
Paper Copy of Zoning Resolution 148 pages as of 9/24/2015	\$ 25.00	
Any permit required not specifically provided for herein	\$ 150.00	

SECTION XXIII.GENERAL RETAIL B-2

This section repealed by the Painesville Township Board of Trustees on August 4, 2009 per Resolution, effective September 3, 2009.

SECTION XXIV. COMMERCIAL B-3

This section repealed by the Painesville Township Board of Trustees on August 4, 2009 per Resolution, effective September 3, 2009.



SECTION XXX. DISMANTLING AND STORAGE - DS

This section repealed by the Painesville Township Board of Trustees on February 9, 1989 per Resolution 89-26 effective March 11, 1989.

SECTION XXXV. LANDSCAPE AND SCREENING REQUIREMENTS (Adopted August 4, 2009, by Resolution, effective September 3, 2009)

35.01 Purpose

The purpose of this Section and its regulations is to help protect and preserve important natural and environmental variables, and their functions through traditional and best management design practices, of a site 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.

35.02 Applicability

- A. A Landscape Plan is required to be submitted for any use or development involving the construction, reconstruction or expansion of structures in the B-1, B-2, B-3, I-1, I-2, and CS Districts and all multi-family in all districts in compliance with the requirements set forth in Section XXXV.
- B. The Landscape Plan shall be submitted as part of the Site Plan Review requirements set forth in Section XI.
- C. Existing landscape material shown on a site plan that is in satisfactory condition may be used to satisfy any landscaping requirement in whole or in part.
- D. Where this section and other areas of the Resolution conflict one another, the provisions in Section XXXV shall apply.

35.03 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. Plans shall be implemented within 120 days of issuance of a zoning occupancy permit or when soil conditions permit. Any landscape or screening material that is a required element of a regulation or approved site plan that dies or is destroyed shall be removed immediately and replaced within 60 days, or when soil conditions permit.
- D. In areas where general planting will not prosper, other materials such as fences, walls, decorative mulch, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials. 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.
- E. The plan must be prepared by a landscape architect or other landscape design professional. The plan shall contain the items set forth in Section XI of the Site Plan Review Submission Requirements.

### 35.04 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 three quarters (3/4) 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 35.04A, 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.

### 35.05 Interior Parking Lot Guidelines (Figures 1 and 2)

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 area (including parking spaces and interior access lanes, but excluding loading, unloading and storage areas) 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 landscaping in addition to any other required perimeter landscaping.

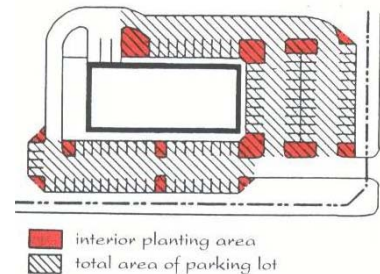


Figure 1

- B. The amount of this interior landscaping shall be a minimum of ten percent (10%) of the total parking area. Interior parking areas does not include access drives or ingress/egress areas. See Figures 1 and 2.
- C. Landscaped areas shall be evenly dispersed throughout the parking area in islands or peninsulas, provided each island or peninsula is not less than 100 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.
- 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. Appropriate fill material shall be used in landscape islands or peninsulas to ensure proper growth of landscape materials and area drainage.
- 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 grass or similar low level plant material not to exceed two feet (2') in height.



Figure 2

### 35.06 Landscaping Along Road Frontage (Figure 3)

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 3)

- A. The landscape strip shall be provided along the full width of the lot and shall be and remain unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, 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 and have gradual and contoured transition between the existing grade and the slop of the mound.
- D. Earth mounds and decorative landscape treatments shall not block adequate safe distances at driveway locations and intersections.
- E. 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 (2') feet to create a generally flat crest. Plantings shall be placed on the sloped areas; not crest of mound. It is recommended the top twelve inches (12") of the mound consist solely of high quality topsoil.
- F. The width of the landscape strip shall be no less than ten feet (10'). Corner lots shall have a landscape strip of required width on both frontages.
- 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. In lieu of the mounding requirements set forth in this section, the applicant may propose using storm water best management practices, such as bio-retention areas or enhanced swales with native planting to minimum the site impact on the storm water system and are consistent with the intent of these regulations.

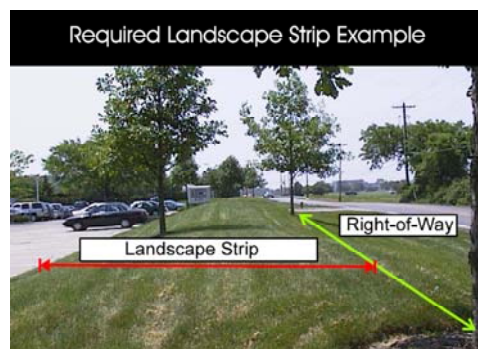


Figure 3.

### 35.07 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 and/or buffers established in the zoning district in which the proposal is located. Perimeter screening shall effectively conceal parking areas and interior driveways from adjoining property with the use of earth mounds, a planting strip, hedges, fencing or similar landscaping feature for visual separation from adjoining property.
- B. In areas where common or shared interior access points between businesses are proposed, the perimeter landscaping requirement for those access points may be waived.

C. Stormwater and water quality Best Management Practice measures (such as bio-retention swales, rain gardens, etc.) shall be integrated into the design of the parking lots to ensure water quality is maintained or improved.

D. Plant materials used for parking lots should be salt resistant.

35.08 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 6.13.
2. Screening established with plant materials shall provide seventy-five percent (75%) screening within 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. Facade 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.

Note: Figure 4 generally illustrates the overall landscaping and screening requirements set forth in the preceding sections.

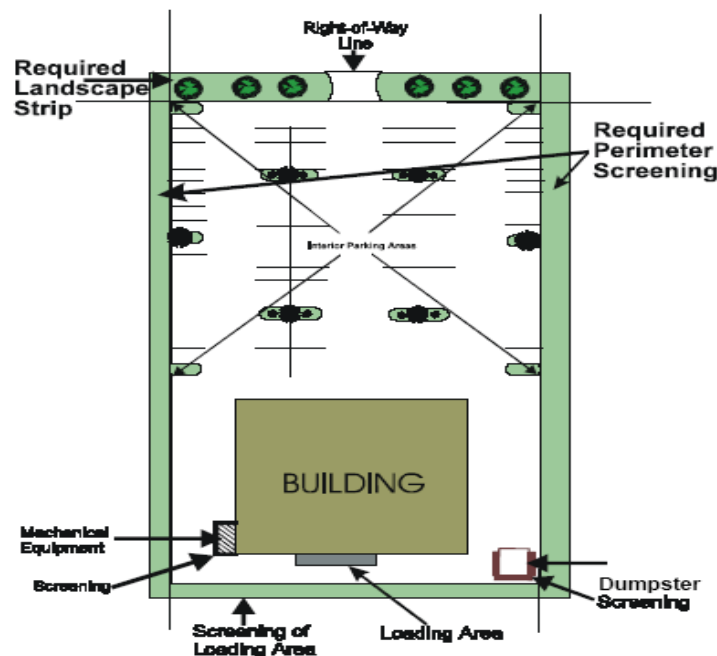


Figure 4- Overall Landscaping & Screening Requirements

35.09 Landscaping/Screening Adjacent to Residential Areas

- A. A minimum vegetated buffer strip of fifty (50) feet is required when B-1, B-2, B-3, I-1, I-2, and CS Districts abut any residential district. This fifty (50) foot buffer strip shall be included in the side and rear yard clearance requirements when abutting residential districts, as established in Section 22.06 of the district regulations and shall not be additional footage.
- 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 permeable area of 30%. Storm water and water quality BMP 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 as required by the Lake County Stormwater Management Department.

35.10 Fences

Proposed fences or walls in the B-1, B-2, B-3, I-1, I-2, and CS or nonresidential uses permitted in Residential Districts shall be reviewed as part of the site plan review process for a proposed development, as set forth in Section VI. However, when a fence or wall is proposed for properties with an approved site plan and 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 Painesville Township Zoning Resolution.

35.11 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 be 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.

35.12 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.

## Section XXXVI. Small Wind Turbine Projects

(Adopted October 9, 2012 by Resolution 2012-88, effective November 8, 2012)

### 36.01 General Requirements

Wind Turbine Projects of 5 MW or more shall be required to submit an application with the Ohio Power Siting Board (OSBP) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Any proposed construction, erection or siting of a Wind Turbine Project of less than 5 MW consisting of a wind turbine, a tower and associated control or conversion electronics shall be a Permitted Use in all Painesville Township Zoning Districts if the following conditions are met (both as Permitted and Conditional Use).

- A. **Height:** So long as the total extended height meets sound and set-back requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations.
- B. **Setbacks:** Any turbine erected on a parcel of land shall be setback 1.1 times the height of the tower or established "clear fall zone" from all neighboring property lines, from all road right-of-way lines, overhead utility lines or wires including, but not limited to, high tension electrical wires, cables and telephone lines, as well as any inhabited structures on the parcel.
- C. **Maintenance:** Wind turbines must be maintained in good working order. Manufacturer's records for preventive maintenance will apply and shall be available to Painesville Township officials on request. The owner shall provide written notice of abandonment to the Zoning Inspector within 30 days of permanently ceasing operation of a wind turbine. An unused wind turbine or small wind turbine may stand no longer than nine (9) months following abandonment. All costs associated with the demolition of the wind turbine tower and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission for thirty (30) consecutive days. Wind turbines that become inoperable for more than nine (9) months must be removed by the owner within thirty (30) days of issuance of a zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
- D. **Noise Level:** The noise level of the wind turbine shall not exceed sixty (60) decibels (i.e. a person talking in a normal tone of voice) at the nearest neighboring property line except during short-term events such as severe wind storms and utility outages. This information shall be included in the in the permit application and shall be obtained from the manufacturer of the wind turbine. Those turbines not meeting this requirement will be issued a zoning violation and be required to shut down immediately until the required decibel levels are met.
- E. **Aesthetics:** The color of wind energy systems shall be the factory default color from the manufacturer. Logos or other identification markers, other than those of the manufacturer shall not be permitted anywhere on the turbine.
- F. **Design:** All towers will be constructed as a monopole. The tower and its instruments shall be designed and constructed so as to not cause radio and/or television interference to adjacent properties. To prevent unauthorized access to the tower, all climbing rungs within twelve (12) feet of the ground must be removed.
- G. **Wiring and Electrical Apparatuses:** All wires and electrical apparatuses associated with the operation of a wind turbine shall be located underground and meet all local, state and federal regulations.
- H. **Warning Signs:** Appropriate warning signs to address voltage such as "Danger-High Voltage" or "Caution-Electrical Shock Hazard" shall be posted to the sides of the tower.

**36.02 Permits:**

- A.** Projects to install wind turbines are subject to approval of a Site Plan Review prior to the application for a permit. Any lighting plan submitted will be considered based upon its appropriateness within safety guidelines, compliance with FAA requirements and appropriate demonstration that any such lighting will not constitute a light nuisance across property lines.
- B.** A zoning permit shall be required before construction may commence.
- C.** As part of the permit process, the applicant shall demonstrate compliance with any federal, state and local restrictions applicable to wind energy apparatus and any towers associated with such apparatus.
- D.** The applicant shall then provide the Zoning Inspector with the following items or information when applying for a permit.
- 1) Location and elevation of public and private airports in relation to the location and elevation of the wind turbine.
  - 2) A signed and sealed engineering report that shows:
    - The total size and height of the unit.
    - If applicable the total size and depth of the unit's foundation structure as well as soil and bedrock data that meet minimum standards as specified by the manufacturer's and local engineering standards.
    - A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, lightning protection, braking systems, and anchors.
    - Data specifying the kilowatt size and generating capacity in kilowatts of the unit.
    - The maximum decibel level of the turbine unit as obtained from the manufacturer.
    - Hazardous material containment and disposal plan.
    - A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
    - Evidence of an established setbacks of 1.1 times the height of the wind turbine and "clear fall zone" shall be shown on the site drawings.
    - Color of the unit as well as location and size of the manufacturer's identifying logos shall be included in the report.
    - A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

**TO BE ADDED TO SECTION V**

**Definitions:**

**- ANEMOMETER:**

An instrument that measures the force and direction of the wind.

**- CLEAR FALL ZONE:**



**An area surrounding the wind turbine unit into which the turbine and/or its components might fall due to inclement weather, poor maintenance, faulty construction or any other condition.**

**- DECIBEL:**

**A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.**

**- MEGAWATT(MW):**

**A unit of power, equal to one million watts.**

**- MONOPOLE:**

**A single piece tower placed on a concrete pad according to manufacturer's recommendations.**

**- SMALL WIND PROJECT:**

**Any wind project less than 5MW which includes the wind turbine generator and anemometer.**