

Brownhelm Township

Zoning Resolution

Lorain County, Ohio

Amended Zoning Resolution

as recommended by the Brownhelm Township Zoning Commission

and as adopted by the Brownhelm Township Board of Trustees on 12 December 2006

As Amended on 8 December 2009 and 2 January 2017 and 1 October 2018

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Introduction

to the

Brownhelm Township Zoning Resolution

NOTE: The text in this Introduction is not part of the Zoning Resolution.

Background.

The Brownhelm Township Zoning Resolution is a set of local zoning regulations adopted by the Brownhelm Township Board of Trustees as authorized by the Ohio Revised Code. The Zoning Resolution was first adopted in 1947. Since the original adoption, amendments have been adopted from time to time to create or adjust the boundaries of districts and to reflect changing provisions of the Ohio Revised Code, changing federal laws, and precedents set by court decisions.

In 2005 and 2006, the Township Zoning Commission conducted a series of working meetings to review the Resolution and to identify priority issues for amendment. Meetings were attended by members of the Board of Township Trustees, Zoning Board of Appeals, and the Township Zoning Inspector to benefit from their experience and ideas. A planning and zoning consultant guided the review, made recommendations, and prepared the amended text. Most of the amendments were reformatting and reorganization changes intended to make the Resolution more consistent, readable, and user-friendly.

The text and zoning map were put into digital format. In this process, no changes were made to any zoning district locations, although the new digital map is easier to read.

The Brownhelm Township Zoning Commission issued public notice for a public hearing which was held on 12 October 2006. The comments of the Lorain County Planning Commission were read and discussed. Several amendments were accepted. The Commission voted to recommend the amended Zoning Resolution, with amendments, for adoption by the Brownhelm Township Board of Trustees.

The Board of Trustees issued public notice for a public hearing which was held on 28 November and continued to 12 December 2006. The Trustees voted to adopt the amendments on 12 December 2006.

Contents of the Resolution: Overview

The Zoning Resolution establishes districts, permitted uses and types of buildings, minimum lot sizes, setbacks, and heights. It also regulates accessory structures, signs, and parking. Rules and procedures are provided for administering, enforcing, interpreting, and amending the Resolution. Appeal procedures are established to afford relief to property owners in cases in which a landowner disputes an administrative decision or contends that a strict application of the provisions of the Resolution create a practical difficulty or undue hardship specific to a particular property.

The Contents pages provide a useful outline of the Zoning Resolution.

- **The Zoning Map and Districts.** Article 20 establishes the Zoning Map and the districts. The Zoning Map itself is attached at the back of this document. Articles 30 through 80 provide specific regulations for each district.

- **General Regulations.** Article 90 contains standards for uses, lots, yards, and buildings which are generally applicable in all districts.
- **Signs and Parking.** Articles 100 and 110 address standards for signs and parking in all districts.
- **Administrative Provisions.** Articles 140, 145, and 150 establish the Board of Zoning Appeals and the Zoning Commission and procedures for applications, appeals, zoning amendments, enforcement and other administrative regulations.
- **Definitions.** Article 160 provides definitions for selected terms used in the Resolution.

Zoning Inspector

The Zoning Inspector is a township employee responsible for administering and enforcing the Zoning Resolution in coordination with the Board of Township Trustees, Zoning Board of Appeals, and the Zoning Commission. The Zoning Inspector also answers questions about the Zoning Resolution, provides copies of the Zoning Resolution, provides applications and other forms, issues zoning certificates, and maintains township zoning records.

Property owners and other interested parties are encouraged to contact the Zoning Inspector for assistance.

Article 10

General Provisions

10.01	Title
10.02	Purpose
10.03	Interpretation
10.04	Validity and Separability
10.05	Effective Date
10.06	Repeal
10.07	Conformance
10.08	Inconsistencies
10.09	Computation of Time
10.10	Reference to Other Regulations

10.01 TITLE

This Resolution shall be known and may be cited as “The Zoning Resolution of Brownhelm Township”. This Resolution may be referred to herein as “this Resolution”.

10.02 PURPOSE

It is hereby determined that this Resolution serves the Township in the interest of the public health and safety.

It is further determined that this Resolution also serves the Township in the interest of convenience, comfort, prosperity, and general welfare.

10.03 INTERPRETATION

- A. In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of purposes set forth in Section 10.02.
- B. Where this Resolution imposes greater restrictions upon the use of a building or land, or upon the height, bulk or size of a building or structure, or requires larger open spaces than are imposed or required by other resolutions, rules, regulations, or permits, then the provisions of this Resolution shall govern.
- C. Nothing in this Resolution shall interfere with, abrogate, or annul any easement, covenant, deed restriction, or other private agreement which imposes requirements greater than, and not otherwise in conflict with, those imposed by this Resolution. Where the provisions of this Resolution are more restrictive or impose higher standards or requirements than an easement, covenant, deed restriction, or other private agreement, the requirements of this Resolution shall govern.

10.04 VALIDITY AND SEPARABILITY

If any section, clause, provision or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other Article or part thereof.

10.05 EFFECTIVE DATE

This Zoning Resolution shall take effect and be in force at the earliest date permitted by the Ohio Revised Code.

10.06 REPEAL

The Resolution of Brownhelm Township Trustees adopted March 23, 1999 (effective April 22, 1999), any subsequent resolution amending that Resolution, and all other resolutions or parts of resolutions in conflict with or contrary to this Resolution are hereby repealed.

10.07 CONFORMANCE

No building shall be located erected, constructed, reconstructed, enlarged, changed, maintained, or used and no land shall be used in violation of this Resolution or of any amendment or supplement hereto.

10.08 INCONSISTENCIES

- A. In the event that any parts of these Regulations are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed to be applicable.
- B. In the event of a conflict between the text of this Resolution and any caption, figure, illustration, table, or map, the text of this Resolution shall control. In the event of any conflict between a chart and an illustration, the chart shall control. All illustrations included in this Resolution are for illustrative purposes only.
- C. In the event of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.

10.09 COMPUTATION OF TIME

The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or a legal holiday, that day shall be excluded.

10.10 REFERENCE TO OTHER REGULATIONS

Any reference to the Ohio Revised Code or to other state or federal statutes or rules or those of other agencies having jurisdiction shall be construed to be a reference to the most recent enactment of the statute or rule, and shall include any amendments as may from time to time be adopted.

Article 20

Zoning Map and Districts

- 20.01 Purpose
- 20.02 Zoning Districts Established
- 20.03 Official Zoning Map
- 20.04 Interpretation of Zoning District Boundaries

20.01 PURPOSE

The purpose of this article is to create a series of districts of such number and character necessary to achieve compatibility of uses within the Township and to provide opportunities for community growth.

20.02 ZONING DISTRICTS ESTABLISHED

For the purpose of this ordinance, all unincorporated land areas in Brownhelm Township are hereby divided into the following zoning districts:

- RI-1 Agricultural/Residential District
- RI-2 Low Density Agricultural/Residential District
- RI-3 Single Family High Density Residential District
- NB-1 Neighborhood Business District
- MS-1 Motorist Service District
- LI-1 Light Industrial District
- FP-1 Flood Plain District
- RC-1 Recreation and Campground District
- PDD Planned Development District

20.03 OFFICIAL ZONING MAP

- A. The boundaries of the districts are hereby established as shown on the map titled, "Official Zoning Map of Brownhelm Township" adopted on April, 1996, and as subsequently amended, which map, together with all notations, references and other information shown thereon, is hereby made part of this Resolution.
- B. The Zoning Inspector shall maintain the Official Zoning Map and shall cause it to be redrawn as required to accurately reflect the resolutions adopted by the Township Trustees.

20.04 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

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

- A. When the boundaries of a district are clearly described in text or drawings accompanying the Resolution which established the district, and those boundaries differ from those indicated on the Official Zoning Map, then the boundaries on the Map shall be deemed to be in error and shall be amended to comply with the original Resolution. Provided, however,

that when a subsequent Resolution has adopted and certified a new Official Zoning Map, then all district boundaries shown on the new Official Zoning Map shall govern.

- B. When district boundaries are indicated as approximately following the center line of streets or highways, street lines or highway right-of-way lines, then the center lines, street lines, or highway right-of-way lines shall be considered to be the boundaries.
- C. Where district boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be the boundaries.
- D. Where district boundaries are indicated as approximately parallel to the center lines or street lines of streets, or center lines or right-of-way lines of highways, the district boundaries shall be construed as being parallel thereto and the distance therefrom as indicated on the Official Zoning Map. If no distance is given, the dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- E. Where the boundary of a district follows a railroad line, the boundary shall be deemed to be located midway between the main tracks of the railroad line.
- F. Where the boundary of a district follows a stream, lake, or other body of water, the boundary line of the body of water shall be deemed to be the boundary of the district unless otherwise indicated. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Resolution shall be determined by dimension notes on the map, or by the use of the scale appearing on the map.
- G. Whenever any road or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the road or public way shall be automatically extended to the center of the vacation and all areas included in the vacation shall thereafter be subject to the regulations of the extended districts.

Article 30

Residential Districts

- 30.01 Purposes of Residential Districts
- 30.02 Zoning Standards for Residential Districts
- 30.03 Agriculture in Residential Districts
- 30.04 Applicable Provisions in Other Articles

30.01 PURPOSES OF RESIDENTIAL DISTRICTS

- A. Agricultural Residential District (RI-1). The Agricultural Residential District (designated "RI-1" District) is designed for use throughout the Township to: reserve and protect for agricultural use those land areas needed and best suited for agriculture; prevent the indiscriminate spread of urban uses into rural areas which are incompatible with agricultural pursuits and which contribute to their premature termination; retain land which could eventually be developed for urban uses currently in productive agricultural use; and to permit orderly, efficient and economical development of land to urban uses in compliance with a comprehensive plan at a time when the community can feasibly provide the required urban services.

The RI-1 District provides for agriculture and one family dwellings at a gross density of not more than one (1) dwelling unit per one and one half (1.5) acres.

- B. Low Density Agricultural Residential District (RI-2). The RI-2 District is created to provide for agriculture and one and two family dwellings at a gross density of not more than one (1) dwelling unit per acre. The minimum lot size herein is based upon those conditions ordinarily existing in the Township at the time of adoption.
- C. Single Family Higher Density Residential District (RI-3). The RI-3 District is created to provide for single family dwellings at a gross density of not more than four (4) dwelling units per acre. The minimum lot size required herein is based upon those conditions ordinarily existing in the Township at the time of adoption. This District may be used only when public sewer and water services are available or when adequate sewage treatment plants are provided in conjunction with public water.

30.02 ZONING STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

Tables 30.02 A and 30.02B set forth the regulations applicable to the residential districts.

Table 30.02A: Zoning Standards for Residential Districts			
	R1-1 Agricultural Residential District	R1-2 Low Density Agricultural Residential District	R1-3 Single Family Higher Density Residential District
Permitted Uses	Agriculture (See Section 30.03) Greenhouse One family dwelling Public facility Child day care, Type B Adult family home Foster home Family home	Agriculture (See Section 30.03) Greenhouse One family dwelling Two family dwelling Public Schools Public facility Child day care, Type B Adult family home Foster home Family home	One family dwelling Public Schools Public facility Child day care, Type B Adult family home Foster home Family home
Conditional Uses	Boarding Horses Cemetery Place of worship Dog Kennel Funeral Home Golf Course Home Occupation Park, Playground Plant Nursery Pond Roadside Stand/Farm Market Sportsman Club Bed and Breakfast Inn Wireless telecommunication facility	Boarding Horses Cemetery Place of worship Dog Kennel Funeral Home Golf Course Home Occupation Park, Playground Plant Nursery Pond Roadside Stand/Farm Market Sportsman Club Wireless telecommunication facility	Place of worship Funeral Home Home Occupation Park, Playground Roadside Stand/Farm Market Child Day Care, Type A Wireless telecommunication facility

Table 30.02B: Zoning Standards for Residential Districts			
	R1-1 Agricultural Residential District	R1-2 Low Density Agricultural Residential District	R1-3 Single Family Higher Density Residential District
LOT REQUIREMENTS			
Minimum Lot Area	1.5 acres	One family dwelling: 1.5 acres Two family dwelling: 2.0 acres	10,890 square feet <i>(Note: permitted only where public water and sanitary sewer available. See Sec. 90.04B.)</i>
Minimum Lot Width and Frontage: Interior Lot	150 feet	One family dwelling: 150 feet Two family dwelling: 200 feet	Lot width: 75 feet Minimum frontage: 75 feet Minimum frontage on a cul-de-sac: 40 feet
Minimum Lot Width and Frontage: Corner Lot	200 feet	200 feet	125 feet
Maximum Lot Coverage	30%		
YARD REQUIREMENTS			
Minimum Front Yard Depth	75 feet from the right-of-way	75 feet from the right-of-way	50 feet from the right-of-way
Minimum Rear Yard	50 feet	50 feet	30 feet
Minimum Side Yard: Interior Lot	20 feet	20 feet	10 feet
Minimum Side Yard: Corner Lot	75 feet	75 feet	50 feet
Exception for Side Yard on Non-conforming Corner Lot	On a corner lot platted prior to the effective date of this Resolution and having a lot width not greater than seventy-five (75) feet, the width of the side yard abutting the street shall be at least twenty (20) feet.		
Maximum Height of a Dwelling	35 feet		
Accessory Buildings	Not permitted in front yard Minimum 20 feet from lot line Minimum 20 feet separation from all buildings On corner lot, accessory buildings not permitted in side yard, except as provided in Section 90.07.		Not permitted in front yard Minimum 5 feet from rear lot line Minimum 8 feet from side lot line Minimum 20 feet separation from all buildings On corner lot, accessory buildings not permitted in side yard, except as provided in Section 90.07.

30.03 AGRICULTURE IN RESIDENTIAL DISTRICTS

- A. The use of land five (5) acres or greater, when used for agricultural purposes, is exempt from these provisions.

- B. As authorized in ORC 519.21, the following provisions are established to regulate the use of land for agricultural purposes on small parcels.
 - 1. On lots of (1) one acre or less:
 - a. Agriculture is a permitted use in residential districts as provided in Table 30.02 and subject to these requirements.
 - b. A minimum setback of fifty (50) feet from all lot lines is required for all pasture/feeding/storing areas and buildings for agricultural animals; and
 - c. All buildings and/or structures are subject to the maximum building height requirements of Table 30.02.
 - 2. On lots greater than one acre (1) but less than five (5) acres:
 - a. All buildings or structures incidental to the use of land for agricultural purposes shall comply with the required building setback lines and height and regulations for an accessory structure applicable to the district in which the use is located.
 - b. All buildings, yards, or other confinements for animals must be located at least one hundred (100) feet from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of the animals.
 - 3. A pasture/feeding/storing area that is provided for agricultural animals shall be completely surrounded by a fence in accordance with this Zoning Resolution.
 - 4. For the purpose of this Section, an agricultural animal is a domestic animal, including but not limited to a horse, cow, llama, goat, sheep, hog, mink, fowl, chicken, peacock, dog or cat.
 - 5. Notwithstanding Subsection 30.03B4 above, the keeping of a kennel, whether harbored for agricultural or other purpose, is prohibited in a residential district on a lot of one (1) acre or less .

30.04 APPLICABLE PROVISIONS IN OTHER ARTICLES

Uses and buildings in residential districts shall be subject to all applicable provisions set forth in other articles of this Zoning Resolution, including but not limited to:

- A. Article 10, General Provisions
- B. Article 20, Zoning Map and Districts
- C. Article 90, General Regulations
- D. Article 100, Sign Regulations
- E. Article 110, Parking and Loading
- F. Article 120, Conditional Uses
- G. Article 130, Nonconformities
- H. Article 140, Zoning Board of Appeals, Appeals and Variances
- I. Article 145, Zoning Commission; Zoning Amendments
- J. Article 150, Administration and Enforcement
- K. Article 160, Definitions

Article 40

Business Districts

- 40.01 Purposes of Business Districts
- 40.02 Zoning Standards for Business Districts
- 40.03 Uses and Landscaping Adjacent to Residential District
- 40.04 Applicable Provisions in Other Articles

40.01 PURPOSES OF BUSINESS DISTRICTS

- A. Neighborhood Business District (NB-1). The Neighborhood Business District is created to provide for the retailing of convenience goods and essential personal services in order to satisfy the daily and weekly household and personal needs of the surrounding residential neighborhoods.
- B. Motorist Service District (MS-1). The Motorist Service District has been created in order to achieve, among others, the following purposes:
 - 1. To provide districts on major roads in the immediate vicinity of freeway interchanges to serve the needs of the motoring public.
 - 2. To protect and stabilize developments from traffic congestion and hazards by regulating the intensity of use, by requiring off-street parking, loading and on-site circulation facilities, and by regulating the access to streets.
 - 3. To provide the maximum protection to existing and proposed residential areas.

40.02 ZONING STANDARDS FOR BUSINESS DISTRICTS

Tables 40.02 A and 40.02B set forth the regulations applicable to the business districts.

Table 40.02A: Zoning Standards for Business Districts		
	NB-1 Neighborhood Business District	MS-1 Motorist Service District
Permitted Uses	<p>Retail Sales: Bakery (goods for sale on premise only) Bookstore Convenience food store Dairy products store (no bottling or drive-in types permitted) Delicatessen Drugstore Food and grocery store Video sales, rental Sales of arts or crafts produced on the premises</p> <p>Services: Bank, financial services Barber and beauty shop Bicycle repair shop Cleaners and laundry (collection and distribution only, custom and self-service) Locksmith Lawnmower service Tailor shop, including pressing Offices of attorney, accountant, medical doctor, dentist, optometrist</p>	<p>Gasoline stations - emergency minor repairs only - which may include enclosed snack bar as an accessory use Motels and hotels, which may include the following as accessory uses:</p> <ul style="list-style-type: none"> • Restaurant, assembly rooms and auditoriums • Enclosed snack bars • Swimming pools and other recreational facilities • Sale of gifts and novelties <p>Restaurants and eating places serving food and beverages in wholly enclosed buildings.</p>
Conditional Uses	Vehicle Wash Automobile Repair Garage Dog Kennels Funeral Homes Roadside Stands Gasoline Stations Veterinary Hospital Child day care center Child day care Type A Similar Use	Automobile Repair Garage Vehicle Wash Drive thru facility Similar Use

Table 40.02B: Zoning Standards for Business Districts		
	NB-1 Neighborhood Business District	MS-1 Motorist Service District
LOT REQUIREMENTS		
Minimum Lot Area	One (1) acre The lot shall be not less then three hundred (300) feet in depth.	One (1) acre The lot shall be not less then three hundred (300) feet in depth.
Minimum Lot Width and Frontage	Lot width and frontage shall be at least one hundred twenty-five (125) feet.	Lot width and frontage shall be at least one hundred fifty (150) feet.
Maximum Lot Coverage	30%	30%
YARD REQUIREMENTS		
Minimum Front Yard Depth	Setback of one hundred (100) feet from the road right-of-way line. A twenty (20) foot deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.	Setback of fifty (50) feet from the road right-of-way line. A twenty (20) foot deep unobstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.
Minimum Rear Yard	Forty (40) feet Abutting a residential zone – seventy-five (75) feet landscaped as required by Section 40.03	Forty (40) feet Abutting a residential zone – seventy-five (75) feet landscaped as required by Section 40.03
Minimum Side Yard	Twelve (12) feet where there is no rear access to the property. Abutting a side street- side yard shall be same depth as required for front yard Abutting a residential zone – seventy-five (75) feet landscaped as required by Section 40.03	35 feet Abutting a side street- side yard shall be same depth as required for front yard Abutting a residential zone – seventy-five (75) feet landscaped as required by Section 40.03
Building Height Limit	Maximum height 35 feet	Maximum height 35 feet

40.03 USES AND LANDSCAPING ADJACENT TO RESIDENTIAL DISTRICT

On any lot in an NB-1 or MS-1 District which abuts a residential district, the side and rear yards abutting the residential district required in Table 40.02B shall comply with the following requirements:

- A. Uses, buildings, parking, and other structures and activities shall not be located in the required side and rear yards.
- B. The required side and rear yards shall be landscaped as follows:
 - a. The property owner shall submit a landscape plan for the required yard(s) prepared by a professional architect or landscape architect.
 - b. The landscape plan shall be designed to buffer the adjacent residential uses from noise, light, and other impacts of the use(s) on the site. The location, design, and arrangement of the landscape improvements shall be as recommended by the design professional and as approved by the Zoning Inspector.
 - c. The landscape plan shall include such earth mounds, fences, walls, plants, and other improvements necessary to buffer the adjacent residential district. The landscape improvements shall include, at a minimum, the following per fifty (50) feet of common boundary line between the NB-1 or MS-1 District and the abutting residential district:
 - a. One (1) deciduous tree.
 - b. Two (2) deciduous shrubs
 - c. Two (2) evergreen shrubs

40.04 APPLICABLE PROVISIONS IN OTHER ARTICLES

Uses and buildings in commercial districts shall be subject to all applicable provisions set forth in other articles of this Zoning Resolution, including but not limited to:

- A. Article 10, General Provisions
- B. Article 20, Zoning Map and Districts
- C. Article 90, General Regulations
- D. Article 100, Sign Regulations
- E. Article 110, Parking and Loading
- F. Article 120, Conditional Uses
- G. Article 130, Nonconformities
- H. Article 140, Zoning Board of Appeals, Appeals and Variances
- I. Article 145, Zoning Commission; Zoning Amendments
- J. Article 150, Administration and Enforcement
- K. Article 160, Definitions and Interpretation

Article 50

LI-1 Industrial District

- 50.01 Purpose
- 50.02 Zoning Standards for the Industrial District
- 50.03 Uses and Landscaping
- 50.04 Regulation of Adult Entertainment Businesses
- 50.05 Applicable Provisions in Other Articles

50.01 PURPOSE

The purpose of the (LI-1) District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare, operate entirely, within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intensive business and residential uses.

The LI-1 District is further designed to accommodate Adult Entertainment Businesses.

50.02 ZONING STANDARDS FOR THE INDUSTRIAL DISTRICT

Table 50.02A: Zoning Standards for the I-1 Industrial District	
Permitted Uses	Sales and Related Activities: Wholesale Trade Auction, Auctioneer Farm market, Roadside stand Services: Crematorium Repair or servicing of appliances, office equipment, electronics, small engines and similar small equipment Kennel Office and Medical Professional, administrative, or executive offices Medical or dental offices Studios and workshops of artists, photographers, craftspeople, including accessory retail sales Industrial and Related uses: Manufacturing Sheet metal fabrication, welding, machining, machine tools, dies Print shop Self-storage facility Warehousing, storage Distribution center Shops of contractors including but not limited to electrical, heating, air conditioning, plumbing, construction/excavation, exterminator Public and semi-public uses: Public facility Wireless communication antenna, structures, towers Adult Entertainment Business
Conditional Uses	Accessory retail sales: retail commercial operations directly related to the principal permitted or conditionally permitted use provided they do not exceed 10% of the gross floor are of the principal use Veterinarian office or clinic, animal hospital Animal training Vehicle repair, vehicle body shop, vehicle towing, impound lot, vehicle storage Research and testing Air cargo, package express, freight forwarding, freight transport, motor freight garage, truck or transfer terminal Junkyard, landfill, sanitary landfill, transfer station, recycling center Sales of dirt, mulch, gravel, sand, firewood Processing of dirt, mulch, gravel, sand, firewood Strip mining and surface mining Parking lot accessory to a use permitted in an adjacent zoning district Similar Use (<i>See Article 120</i>) Salvage Yard (<i>See Article 90</i>)
Accessory Uses	Buildings or structures or uses which are accessory to the uses permitted in one district shall not be permitted in a district of a more restrictive classification.

Table 50.02B: Zoning Standards for the I-1 Industrial District	
LOT REQUIREMENTS	
Minimum Lot Area	Two (2) acres
Minimum Lot Width and Frontage	Two hundred (200) feet
Maximum Lot Coverage	Buildings together with their accessory uses in an LI 1 district shall cover not more than forty (40) percent of the area of any lot.
YARD REQUIREMENTS	
Front Yard and Side Yard abutting street right-of-way:	The minimum setback building line shall be one hundred (100) feet from the street right-of-way line, and shall be landscaped and maintained as required by Section 50.03. Such minimum space shall be open and unoccupied by any principal or accessory building or use other than driveways and sidewalks. The building's setback on corner lots shall be one hundred (100) feet from both street right-of-way lines.
Side and Rear Yards:	25 feet Where a side or rear yard abuts a residential district: Minimum side yard and minimum rear yard is 100 feet landscaped and maintained as required by Section 50.03
Maximum Building Height	Buildings shall not exceed fifty (50) feet in height. Chimney, tanks, communication and other type towers may be permitted to a greater height upon approval by the Board of Zoning Appeals.

50.03 USES AND LANDSCAPING

- A. On any lot in an I-Industrial District which abuts a residential district, the side and rear yards abutting the residential district required in Table 50.02B shall comply with the following requirements:
1. Uses, buildings, parking, and other structures and activities shall not be located in the required side and rear yards.
 2. The required side and rear yards shall be landscaped as follows:
 - a. The property owner shall submit a landscape plan for the required yard(s) prepared by a professional architect or landscape architect.
 - b. The landscape plan shall be designed to buffer the adjacent residential uses from noise, light, and other impacts of the use(s) on the site. The location, design, and arrangement of the landscape improvements shall be as recommended by the design professional and as approved by the Zoning Inspector.
 - c. The landscape plan shall include such earth mounds, fences, walls, plants, and other improvements necessary to buffer the adjacent residential district. The landscape improvements shall include, at a minimum, the following per fifty (50) feet of common boundary line between the I-Industrial and the abutting residential district:
 - I. One (1) deciduous tree.
 - II. Two (2) deciduous shrubs
 - III. Two (2) evergreen shrub
 3. Front and side yards abutting a street right-of-way shall be landscaped as follows:
 - a. The property owner shall submit a landscape plan for the required yard(s) prepared by a professional architect or landscape architect.
 - b. The landscape plan shall be designed to present an attractive appearance to the district, to contribute to the value of the property, and to mitigate the impacts of the use such as front-facing loading bays, chain link fences, etc.

The location, design, and arrangement of the landscape improvements shall be as recommended by the design professional and as approved by the Zoning Inspector.

- c. The landscape plan shall include such earth mounds, fences, walls, plants, and other improvements necessary to meet the intent of this Resolution. The landscape improvements shall include, at a minimum, the following per one hundred (100) feet of frontage on the public right-of-way:
 - I. One (1) deciduous tree.
 - II. Two (2) deciduous shrubs
 - III. Two (2) evergreen shrubs

50.04 REGULATION OF ADULT ENTERTAINMENT BUSINESSES

- A. Adult Entertainment Businesses shall comply with the following criteria:
 - 1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.
 - 2. No adult entertainment business shall be permitted in a location which is within 1,500 feet of another adult entertainment business.
 - 3. No adult entertainment business shall be permitted in a location which is within 1,000 feet of any place of worship, any public or private school, any park, any playground, or any social services facility or neighborhood center.
 - 4. No adult entertainment business shall be permitted in a location which is within 500 feet of any residence or boundary of any residential district.
 - 5. No adult entertainment business shall be permitted in a location which is within 200 feet of any boundary of any residential district in a local unit of government abutting the Township.

- B. The following information has been incorporated into this Resolution as determined necessary to set forth the purpose of the foregoing regulations and to justify their content.
 - 1. The Brownhelm Township Zoning Commission and Board of Trustees have determined that numerous impact studies have been conducted pertaining to the effects of adult entertainment businesses on the neighborhoods and area in which those businesses are located.
 - 2. The members of the Brownhelm Township Zoning Commission and Board of Trustees have been provided with, have reviewed, and have considered copies of the "Adult Entertainment Study" dated November 1994, conducted by the New York City Department of Planning; "Adult Entertainment Businesses in Indianapolis, An Analysis" dated February 1984, conducted by the Department of Metropolitan Development of the City of Indianapolis; and the "Report of Attorney General's Working Group on the Regulation of Sexually Oriented Businesses" dated June 6, 1989, conducted by the Attorney General for the State of Minnesota.
 - 3. The "Adult Entertainment Study" of the City of New York contains summaries of impact studies from the cities of Islip, New York; Los Angeles, California; Indianapolis, Indiana; Whittier, California; Austin, Texas; Phoenix, Arizona; Manatee County, Florida; New Hanover County, North Carolina; and the State of Minnesota.
 - 4. These numerous studies conclude, based on documented evidence, that adult entertainment business have negative secondary effects such as increased crime

- rates, decreased property values, curtailed retail trade, deterioration of the quality of rural and urban life, and the spread of sexually transmitted diseases.
5. The adverse effects of adult Entertainment businesses are compounded when such businesses are located in close proximity to each other and have the tendency to create “dead zones”.
 6. The Brownhelm Township Zoning Commission and Board of Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens, protect the citizens from increased crime, the spread of sexually transmitted diseases, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight.
 7. The Brownhelm Township Zoning Commission and Board of Trustees desire to prohibit the establishment of Adult Entertainment businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, residences, schools, places of worship, parks, playgrounds, social service facilities, and neighborhood centers.
 8. It is not the intent of this resolution or any related resolutions to suppress any speech activities protected by the First Amendment of the United States Constitution. The intent is to enact a content-neutral resolution which addresses the secondary effects of adult entertainment businesses.
 9. There is adequate land available in Brownhelm Township, zoned Light Industrial, LI-1 within which adult entertainment businesses may be located.
 10. It is not the intent of this resolution or any related resolutions to condone, encourage or legitimize the distribution of obscene material or the establishment of adult entertainment businesses.

50.05 APPLICABLE PROVISIONS IN OTHER ARTICLES

Uses and buildings in industrial districts shall be subject to all applicable provisions set forth in other articles of this Zoning Resolution, including but not limited to:

- A. Article 10, General Provisions
- B. Article 20, Zoning Map and Districts
- C. Article 90, General Regulations
- D. Article 100, Sign Regulations
- E. Article 110, Parking and Loading
- F. Article 120, Conditional Uses
- G. Article 130, Nonconformities
- H. Article 140, Zoning Board of Appeals, Appeals and Variances
- I. Article 145, Zoning Commission; Zoning Amendments
- J. Article 150, Administration and Enforcement
- K. Article 160, Definitions and Interpretation

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Article 60

FP-1 Flood Plain District

60.01	Purpose
60.02	Warning and Disclaimer of Liability
60.03	Basis for Establishing Flood Plain Districts
60.04	Permitted Uses in the Flood Plain District
60.05	Conditionally Permitted Uses
60.06	Non-conforming Uses
60.07	Applicable Provisions in Other Articles

60.01 PURPOSE

The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding during the 100 year floods in the flood plain areas of the major rivers, their branches and tributaries within the Township so that carrying capacity shall not be reduced, thereby creating danger to the areas previously not so endangered in the time of high water. Said regulations, while permitting reasonable use of such properties, will help to protect human life, prevent or minimize material and economic losses, and reduce the cost to the public in time of emergency.

60.02 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create any liability on the part of Brownhelm Township, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made thereunder.

60.03 BASIS FOR ESTABLISHING FLOOD PLAIN DISTRICTS

The areas of special flood hazard identified by the Federal Emergency Management Agency on a document known as "The Flood Insurance Rate Map" (FIRM) number 1-01-06 dated November 14, 1975, and any revisions thereto are adopted by reference and declared to be a part of this Resolution.

60.04 PERMITTED USES IN THE FLOOD PLAIN DISTRICT

Notwithstanding any other provisions of this Resolution, no building or structure shall be erected, converted, or structurally altered and such uses shall have low flood damage potential and which does not obstruct flood flows. All buildings and permanent structures must be constructed outside the flood plain zone.

The following uses shall be permitted in the flood plain district provided that they do not require structures, fill, or storage of materials or equipment:

- A. Agricultural uses such as general farming, pasture, grazing, orchards, plant nurseries and vineyards.
- B. Forestry, wildlife areas and nature preserves
- C. Open space uses as, bridle trails, nature paths, ski slopes.
- D. Campsites, access roads, playground areas, hiking trails and central campfire areas.

60.05 CONDITIONALLY PERMITTED USES

- A. The uses of land listed in Section 60.05B may be permitted by application for and the issuance of a conditional zoning permit by the Board of Zoning Appeals after a report by the County Engineer and/or appropriate agency and further provided that the use pattern proposed shall:
 - 1. Be so designed as not to reduce the water impoundment capacity of the flood plain or significantly change the volume or speed of flow of water.
 - 2. Be designed so as not to require back filling in the flood plain areas with any material in any manner, unless through compensating excavation and shaping of the flood plain. The flow and natural impoundment of the flood plain shall be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity of the flood plain would thereby result. Certified documentation by a Professional Engineer is required to prove that any proposed development, when combined with all other existing and anticipated uses shall not increase the base flood elevation by more than one foot at any point.
 - 3. Be constructed under said "Conditional Use Permits" so as to have the lowest floor elevation, including basement, meet all the required NFIP standards.
 - 4. Plans showing contours, all improvements, parking areas, total layout of total development shall be submitted and approved by the Board of Zoning Appeals and the Lorain County Health Department before a conditional permit may be issued
- B. Conditionally permitted uses:
 - 1. Golf Course (see Section 120.10)
 - 2. Parks and Playgrounds (see Section 120.12)
 - 3. Plant Nursery (see Section 120.13)
 - 4. Recreational Campgrounds

60.07 APPLICABLE PROVISIONS IN OTHER ARTICLES

Uses and buildings in industrial districts shall be subject to all applicable provisions set forth in other articles of this Zoning Resolution, including but not limited to:

- A. Article 10, General Provisions
- B. Article 20, Zoning Map and Districts
- C. Article 90, General Regulations
- D. Article 100, Sign Regulations
- E. Article 110, Parking and Loading
- F. Article 120, Conditional Uses
- G. Article 130, Nonconformities
- H. Article 140, Zoning Board of Appeals, Appeals and Variances
- J. Article 145, Zoning Commission; Zoning Amendments
- K. Article 150, Administration and Enforcement
- L. Article 160, Definitions and Interpretation

Article 70

RC-1 Recreation and Campground District

- 70.01 Purpose
- 70.02 Minimum Area Required for District
- 70.03 Uses
- 70.04 Recreational Campgrounds
- 70.05 Hours of Operation
- 70.06 Recreational Vehicle Storage
- 70.07 Applicable Provisions of Other Articles

70.01 PURPOSE

The Recreation and Campground District is created to provide areas for development for a variety of large-scale recreational facilities. The intent is to allow specified single large recreation uses and for different types of recreational uses to be developed compatibly in a unified planned recreational development on large parcels of land.

70.02 MINIMUM AREA AND MINIMUM LOT SIZE REQUIRED FOR DISTRICT

- A. A minimum of ten (10) acres of land, all contiguous, shall be required for an RC-1 Recreation and Campground District.
- B. Every lot within an RC-1 District shall have an area of at least ten (10) acres.

70.03 USES

- A. Permitted Uses
 - 1. Miniature golf course
 - 2. Lodge buildings, single and multi-unit
 - 3. Non-motorized winter sports
 - 4. Ski Slopes
 - 5. Swimming Pools
 - 6. Tennis Courts
 - 7. Recreational Campground
 - 8. Sport or Athletic Club
- B. Conditional Uses
 - 1. Bicycle rental and service
 - 2. Boat and sporting goods store and rental
 - 3. Food and supply stores
 - 4. Gift, novelty, and souvenir stores
 - 5. Laundry, custom and self-service
 - 6. Recreation hall
 - 7. Rental Trailers
 - 8. Restaurant
 - 9. Recreational vehicle storage accessory to recreational campground
 - 10. Historical village, craft shop, cider press, grist mill, and related building.

70.04 RECREATIONAL CAMPGROUNDS

- A. Plans of all camps, camping facilities, building and additions thereto, shall be submitted to and approved by the Zoning Inspector before a zoning certificate may be issued.
- B. No intoxicating beverage may be sold on the campgrounds. The sale of soft drinks shall be permitted provided the vending equipment is wholly enclosed in a building.
- C. All buildings or other structures shall be located no closer to the right-of-way than two hundred (200) feet.
- D. All buildings or other structures shall be located no closer to the side or rear lot line of any district nearer than forty (40) feet.
- E. All access roads shall be maintained in an all-weather, dust free condition.
- F. All outdoor lighting shall be shielded to prevent glare to adjoining properties.
- G. The campground shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire department which serves the area.
- H. The campground and all permanent facilities and equipment shall be kept in a clean, orderly, and sanitary condition and free from any condition that will menace the health of any camper or the public or constitute a nuisance.
- I. The Zoning Inspector may inspect the premises at any time. Failure to comply with the applicable provisions of this Zoning Resolution or of other regulations of the township, county, state, or federal government will be considered reason for filing an action against the campground, thirty (30) days after receipt of written notice of said conditions unless conditions are corrected within thirty (30) days. Penalty for violation of this section shall be as provided in this Resolution.
- J. The general water supply requirements at campgrounds shall be as prescribed by the Ohio State Department of Health.
- K. The general criteria for sanitary facilities shall be as prescribed by the Ohio State Department of Health.
- L. The size of individual campsites must conform to the Ohio State Department of Health Regulations; however, the ratio of campers to total area of property shall not exceed ten (10) units or campsites per acre.
- M. Disposal units for waste water, dish water, washing water, to be established in accordance with the regulations as prescribed by the Ohio State Department of Health.
- N. The following parking space must be provided:
 - 1. Car – three hundred (300) square feet
 - 2. Car and trailer – six hundred (600) square feet, one (1) space or hand stand per Camper Unit, minimum space for two (2) cars, or car and trailer
 - 3. Space for three (3) cars must be provided at each restroom
- O. All camper’s vehicles shall have the current year license plates affixed to their vehicle.
- P. Temporary Use of Campsites Only.
 - 1. No campsite shall be used for permanent occupancy or as a mobile home park. All camper occupancy shall be only for seasonal and recreational purposes and not for permanent occupancy
 - 2. Travel or camping trailers shall be allowed a stay of not more than eleven (11) months per calendar year, and only between periods of February 1 through December 31.
 - 3. All trailers shall be removed from all campsites and all other areas of the RC-1 District during the month of January each year and shall be stored in a location

outside of the District or in a specified storage area approved on the site development plan.

- Q. All other permitted uses other than a campground may be operated twelve (12) months a year.
- R. A live-in manager and his/her immediate family shall be allowed to reside on the property in a permanent dwelling, subject to compliance with all other zoning regulations.

70.05 HOURS OF OPERATION

- A. Under no conditions shall outside activities continue past 11:00 p.m. local time, except in a fully enclosed building. All other lights in halls, buildings, outside areas and all other lights necessary to the operation shall be extinguished from 11:00 p.m. to dawn, except necessary protection lights approved in the development plan.
- B. Public address systems, loudspeakers, and any other form of sound amplification, radios, television sets, and phonographs shall be permitted provided that in the judgment of the Zoning Inspector these are not operating louder than normally operated in a residence.

70.06 RECREATIONAL VEHICLE STORAGE

- A. The outdoor storage of travel trailers and motor homes shall be permitted in conjunction with a recreational campground only in a specified storage area separate from the camping as approved on the site development plan.
- B. A maintenance structure may be permitted at the entrance to the storage area.
- C. The use of travel trailers or motor homes is prohibited within the storage area.
- D. Repair work shall be permitted only within the maintenance structure.
- E. No sale of recreational vehicles or accessories shall be permitted within the RC-1 District.
- F. There shall be no electrical, water or sanitary hookups provided within the storage area.

70.07 APPLICABLE PROVISIONS IN OTHER ARTICLES

Uses and buildings in industrial districts shall be subject to all applicable provisions set forth in other articles of this Zoning Resolution, including but not limited to:

- A. Article 10, General Provisions
- B. Article 20, Zoning Map and Districts
- C. Article 90, General Regulations
- D. Article 100, Sign Regulations
- E. Article 110, Parking and Loading
- F. Article 120, Conditional Uses
- G. Article 130, Nonconformities
- H. Article 140, Zoning Board of Appeals, Appeals and Variances
- I. Article 145, Zoning Commission; Zoning Amendments
- J. Article 150, Administration and Enforcement
- K. Article 160, Definitions and Interpretation

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Article 80

PDD Planned Development District

80.01	Purpose.
80.02	Area and Ownership Requirements.
80.03	Establishment of Planned Development District.
80.04	Use Regulations.
80.05	Determination of Similar Uses.
80.06	Use Definitions and Limitations.
80.07	Development Standards.
80.08	Accessory Use Regulations.
80.09	Parking Standards.
80.10	Screening and Buffering Standards.
80.11	Procedures.
80.12	Submission Requirements.
80.13	Final Development Plan Approval Criteria.
80.14	Conflict with Other Regulations.

80.01 PURPOSE.

- A. The purposes of the Planned Development District regulations are to:
1. Provide an opportunity for a mix of land uses otherwise not permitted within the standard Township zoning district classifications.
 2. Allow the creation of development standards that respect the unique characteristics, of the site.
 3. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings.
 4. Assure compatibility between proposed land uses within and around the Planned Development District through appropriate development controls.
 5. Implement the economic development goals of the Township.
 6. Promote economical and efficient use of land and reduce infrastructure costs through unified development.
 7. Provide for supporting community facilities.
- B. The procedures established for Planned Development Districts are designed to encourage and permit a unified development that exhibits:
1. Creative planning and imaginative architectural design.
 2. Flexibility in building types, styles and the relationships between buildings, and structures within the project.
 3. Orderly, coordinated and comprehensive development utilizing accepted land planning, landscape architecture and engineering practices and principles according to approved Development Plans.

80.02 AREA AND OWNERSHIP REQUIREMENTS.

- A. Minimum Area. The minimum area requested for a Planned Development District shall not be less than eighty (80) contiguous acres in Brownhelm Township, provided that the total project area (including portions in other communities) shall be a minimum of 300 acres. Any contiguous land may be subsequently added to an existing Planned Development District without meeting the minimum area required provided that the development of any such additional land area is designed to be integrated with and become part of the existing Planned Development.
- B. Ownership. The application for a zoning amendment to Planned Development District shall be submitted by the owners or owner authorized agent of the entire area to be rezoned and may be a single owner or a joint application of all owners of record.

80.03 ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT.

A Planned Development District that is adopted after the effective date of these regulations shall be established according to the procedures for a zoning amendment. At the time of the rezoning, a Preliminary Development Plan shall be approved concurrently. All zoning amendments to the Planned Development District shall be designated on the Zoning Map as a PDD.

- A. When an application for a zoning amendment to this Planned Development District is initiated by the property owner or its designated agent, and such land is rezoned to the Planned Development District the zoning on the land at the time of the rezoning application shall be removed and replaced by the approved Planned Development District.
- B. When an application for a zoning amendment to this Planned Development District is initiated by the Township and is approved, then such approved Planned Development District shall be applied to the property and be in addition to the zoning in effect at the time of the rezoning was initiated. The property may only be developed according to the Planned Development District regulations when the development is designed, arranged, fully interrelated, and has similar design qualities as that portion of the Planned Development District that has been initiated by a property owner or designated agent. Conversely, if the above conditions are not satisfied the property may be developed in compliance with the zoning that was in place at the time the Planned Development District was approved.
- C. The Planned Development District may have up to five (5) use sub-districts according to Schedule 80.03. One or more of these use sub-districts may be applied within a Planned Development District consistent with a Preliminary Development Plan and at the discretion of the Township.

SCHEDULE 80.03		
	Use Area	
1	Residential – Low Density	X
2	Residential – High Density	X
3	Office	X
4	Business Hub	X
5	Leisure/Sports	X

80.04 USE REGULATIONS.

Buildings and land shall be used and buildings shall be designed, erected, altered, moved, added or maintained in a Planned Development District (PDD) only for those uses set forth in each of the sub-districts as established in Schedule 80.04.

- A. A use listed in Schedule 80.04 shall be a principal use permitted by right when denoted by the letter "P" if all requirements of other Township resolutions and the zoning regulations set forth in this Article have been met.
- B. A use listed in Schedule 80.04 shall be permitted as an accessory use when denoted by the letter "A". Such accessory uses shall be permitted as a subordinate use when it is clearly incidental to and located on the same zoning lot as the principal building or use or in the same sub-district as regulated by this Article.
- C. A use not listed in Schedule 80.04 as either a permitted, or an accessory use shall be prohibited in the PDD unless such use is approved as a similar use pursuant to Section 80.05.

Schedule 80.04: Permitted and Accessory Uses in PDD Use Sub-Districts					
P = Permitted Use A = Accessory Use	Residential – Low Density	Residential – High Density	Office	Business Hub	Leisure/ Sports
Open Space	P	P	P	P	P
Golf Course	P	P	P	P	P
Club House	A	A	A	A	A
Residential: Single Family, Cluster, Two-Family, Townhouses	P	P	P	P	P
Residential: Multiple Family		P			
Offices			P	P	P
Retail		A	A	P	A
Restaurants		A	A	P	A
Hotels			P	P	A
Conference Center				P	
Theaters/ Performing Arts				P	P
Indoor recreation					P
Outdoor recreation					P
Place of Worship	P	P	P	P	P
Health Clinic			P	P	P
Schools	P	P	P	P	P
Day Care		P	P	P	P
Community Support Facilities	A	A	A	P	P
Conventional Accessory Uses	A	A	A	A	A

80.05 DETERMINATION OF SIMILAR USES.

A use not specifically listed in the schedule of permitted uses for the sub-district, may be determined by the Township to be similar to a use specifically listed in Schedule 80.04.

- D. When the proposed use is being considered as part of a Final Development Plan, such similar use determination shall be made by the Zoning Commission.
- E. When the proposed similar use is not subject to Development Plan review, the determination may be made by the Zoning Inspector provided that the Zoning Inspector may defer such decision to the Zoning Commission.

Such similar use shall adhere to the regulations of the listed use, in Schedule 80.04, that is determined to be most similar to the proposed use.

80.06 USE DEFINITIONS AND LIMITATIONS.

- A. Residential –Low Density:
 - (1) Dwelling, Single Family: One dwelling unit on a standard subdivided fee-simple lot.
 - (2) Dwelling, Cluster: A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.
 - (3) Dwelling, Two-Family and Townhouses: Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a common wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.
- B. Residential – Multiple Family: A building with two (2) or more dwelling units and in which the dwelling units do not satisfy the definition of “townhouses.”
- C. Leisure/Sport Uses: Uses shall include, but not be limited to, theaters, multi-screen cinemas, performing arts facilities, work out and fitness facilities, water sports, tennis (indoor and outdoor), equestrian facilities, ski slopes, ice skating (indoor), fishing, rock climbing and archery.
- D. Clubhouse: A community building that is accessory to a golf course, or low or high-density residential developments. A Clubhouse may include but is not limited to: fitness center, community/party room, swimming pool and retail sales.
- E. Outdoor Displays: The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area. Outdoor display shall comply with the following:
 - 1. Be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location.
 - 2. Not exceed fifteen (15) percent of the ground floor area of the building(s) on the lot.
 - 3. Comply with the building setback requirements set forth in Schedule 80.07 or the sub-district in which the lot is located.
 - 4. Not be located in areas intended for traffic circulation as identified on the Final Development Plan.
- F. Outdoor Storage: The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area and which satisfies the criteria for outdoor display. The outdoor storage of goods and materials shall be an accessory use associated with a permitted use and shall comply with the following:

1. Outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
 2. All outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
 3. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
 4. Areas devoted to outdoor storage shall be located in a side or rear yard and shall comply with the building setbacks set forth in Schedule 80.07.
- G. Community Support Facilities: Include police and security, firefighting and emergency services, community transportation centers, media centers and similar public service uses and facilities.
- H. Accessory uses: There are two (2) categories of accessory uses in this Article.
1. Conventional Accessory Uses, which include off-street parking, recreational facilities, signs, fences, containers and areas for, waste disposals, storage sheds, etc. These uses are always subordinate and incidental to the principal use to which the accessory use is related and are subject to the regulations in Schedule 80.07 and applicable portions of Section 80.08. However, parking decks and garages (other than garages for low –density residential developments) shall be subject to the setback requirements of a principal use.
 2. Principal Uses that in selected sub-districts (Schedule 80.04) are only permitted as an accessory use and in such cases are subject to the applicable portions of Section 80.08.

80.07 DEVELOPMENT STANDARDS.

- A. The principal and accessory uses permitted in each sub-district shall comply with the development standards set forth in Schedule 80.07.
- B. Private streets approved in the plan for a Planned Development District(PDD) shall be constructed and improved in the same manner required for public dedicated township streets.

Schedule 80.07 DEVELOPMENT STANDARDS	Residential: Low Density	Residential: High Density	Office	Business Hub	Leisure/ Sports
Maximum Density (Units/Acre)	2 (a)	30	-	-	-
Minimum Open Space Required (b)	60%				
Minimum Unit Size (Sq.Ft.)	1,800	1,000			
Maximum Height (stories)	21/2	25	25	25	8
Perimeter Setbacks (Feet)					
1. Building – Including Deck parking					
A. Adjacent to Non-Residential	30	75	75	75	75
B. Adjacent to Turnpike	30	75	75	75	75
C. Adjacent to Residential	50	75 I	75 I	75	75 I
2. Parking and Access					
A. Adjacent to Non-Residential	20	20	20	20	20
B. Adjacent to Turnpike	20	20	20	20	20
C. Adjacent to Residential (d)	30	40	40	40	40
<p>Note: On permanent parcels 0100071000028, 0100072000004, 0100072000015, 0100072000014, 0100072000012, 0100071000033, 0100072000012, known as the Miller Property, no building shall be greater than four (4) stories when located within 1,300 feet of Baumhart Road and located within 600 feet of any other property line abutting a residential zoning district. However, this height restriction shall not apply to the setbacks from the Ohio Turnpike right-of-way.</p> <p>(a) Maximum density on any single acre shall not exceed 8 units/acre.</p> <p>(b) Golf Course can be included as part of Open Space provided that at least 20% of the minimum required open space shall be passive recreation or reserved for natural resource preservation.</p> <p>(c) 75' minimum and equal to height of building.</p> <p>(d) The area between the parking setback and the perimeter property line shall be reserved as a landscaped buffer area pursuant to Section 80.09.</p>					

80.08 ACCESSORY USE REGULATIONS.

- A. Surface parking and access drives shall comply with the setback requirements of Schedule 80.07.
- B. Parking decks and parking garages shall comply with the setback requirements for principal uses, provided that one-story accessory detached garages in the Residential low-density sub-district, when not exceeding 500 square feet in ground floor area, may be located on a site in compliance with the setbacks for off-street parking.
- C. This Article does not include specific regulations for accessory signs or fences and the design, location and size of fences and signs are not required to be submitted with the Preliminary Development Plan. However, prior to a Final Development Plan being approved for any portion of any sub-district, the applicant shall submit design standards and criteria for signs and fences which shall be applicable to the final plan being submitted and to all remaining areas in the sub-district. When approved, the sign and fence design standards and criteria shall be a supplement to and thus considered part of the approved Preliminary Development Plan.
- D. Retail Uses, and restaurants, in the Residential High Density and retail uses, restaurants and hotels in the Office sub-districts shall not comprise, at any time, more than five (5) percent of the floor area in such sub-districts. This standard shall be based on the total floor area in each community.

80.09 PARKING STANDARDS.

- A. Units of measure: In computing the number of parking spaces required, the following rules shall apply:
 - 1. Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.
 - 2. Seats. The number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs or similar seating facilities.
 - 3. Employees. Where employees are the standard for determining parking space requirements, employees shall mean the sum of all employees on any two successive shifts.
- B. Parking Spaces: The required number of off-street parking spaces for each facility or use shall be determined by application of the standards in Schedule 80.09. For a use not specified in Schedule 80.09, the Township Zoning Commission shall apply the standard for a specified use, which it determines to be most similar to the proposed use.
- C. Design Standards: Off-street parking area shall be designed and constructed in accordance with the following minimum dimensions set forth in Schedule 80.09 B, based on the angle of the spaces.
- D. Allowance for Shared Parking: The Township Zoning Commission may approve a Development Plan with a reduction in the number of parking spaces required when the applicant demonstrates that the lesser number of spaces is appropriate and consistent with the purposes of these regulations; and/or varying peak demands for the uses can be adequately accommodated with lesser number of parking spaces than the number required based on the sum of the various uses computed separately.

SCHEDULE 80.09 Required Number of Off-street Parking Spaces	
Principal Building or Use	Minimum Number of Spaces Required
Residential Uses	
Single Family, Cluster, Townhouses	2 enclosed spaces/dwelling unit
Two-Family and Multi Family	1½ spaces for every dwelling units
Office, Professional Services	
Offices	1 space per 300 sq. ft. of floor area
Conference Center	To be determined at the time a Final Development Plan is submitted
Health Clinic	5 spaces per doctor and/or dentist
Retail/Service Uses	
Retail	1 space per 250 sq. ft. of floor area
Restaurants	1 space per 50 sq. ft. of floor area
Hotels	1 space per guest room or suite, plus 1 space per every 2 employees
Commercial Entertainment/ Recreation Uses	
Golf Course (Nine holes or more)	8 spaces per green
Club House	1 space per 50 sq. ft. of floor area (including lounging and spectator area)
Theaters/ Performing Arts	1 space for every 3 seats
Indoor recreation	To be determined at the time a Final Development Plan is submitted
Outdoor recreation	To be determined at the time a Final Development Plan is submitted
Educational Facilities	
Elementary and Junior High Schools	2 spaces per classroom, plus 1 space for every 8 seats in the largest assembly hall
Senior High Schools	1 space per 2 teachers, employees and administrators, plus 1 space per 10 students, plus 1 space for every 8 seats in largest assembly hall
Day Care Center	1 space per 8 students, based on center's regulated maximum capacity
Community Facilities	
Places of Worship	1 space for every 4 seats of seating capacity in the principal assembly area
Library, Museum, Community Center or similar use	1 space per 500 sq. ft. of floor area, plus 1 space for every 6 seats in any assembly area
Assembly Hall, Auditorium	1 space for every 4 seats of seating capacity
Community Support Facilities	To be determined at the time a Final Development Plan is submitted

SCHEDULE 80.09B Parking Design Standards	45°	60°	90°	PARALLEL
(a) Width of Parking Space	9 ft	9 ft	9 ft	9 ft
(b) Length of Parking Space	20 ft	20 ft	20 ft	23 ft
I Width of Parking Aisle	18 ft	20 ft	22 ft	12 ft
(d) Width of Double-loaded Parking Module	58 ft	60 ft	62 ft	30 ft
(e) Circulation Aisle	17 ft	14 ft	14 ft	14 ft

80.10 SCREENING AND BUFFERING STANDARDS.

When a lot in any sub-district abuts the perimeter of the project, screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations and shall be approved as part of the Final Development Plan. Alternate methods of buffering, that equally achieve the objectives of this Section are encouraged, subject to approval of the Zoning Commission.

- A. Width of Buffer Yard: Each required buffer yard shall have the minimum width of the parking setback as specified in Schedule 80.07.
- B. Screening: Screening within the buffer yard shall consist of one or a combination of the following:
 - 1. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be effective all year round.
 - 2. A non-living opaque structure such as a solid masonry wall, solidly constructed fence, or louvered fence.
 - 3. A fence with openings through which light and air may pass together with a landscaped area at least 5 feet wide.
 - 4. A landscaped mound or berm at least 5 feet wide.
- C. Height of Screening: The height of screening shall be in accordance with the following:
 - 1. Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect.
 - 2. Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than 2 years after the initial installation.

80.11 PROCEDURES.

- A. Zoning and Approval of Preliminary Development Plan

The zoning to this Planned Development District and the concurrent approval of a Preliminary Development Plan shall be in accordance with the following procedures.

 - 1. The Township Zoning Commission and the Township Trustees shall consider a Preliminary Development Plan and the request to rezone the land to this Planned Development District according to the procedures for a zoning amendment as set forth in the Ohio Revised Code and the Township's Zoning Resolution as supplemented by the requirements of this Article.
 - 2. Review For Completeness: Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that the application has satisfied the submission requirements of Section 80.12 (a). If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.
 - 3. Review of Preliminary Development Plan by Others::
 - a) The Township Zoning Inspector may refer the application to other Township Officials, and/or other private consultants for their review and comment; and

- b) The Township Zoning Inspector shall refer the application to the Lorain County Planning Commission staff for its administrative review and comment.
 - c) Comments pursuant to the referrals in this section shall be returned to the Zoning Commission within 30 days or less unless such time has been extended by the Zonings Commission.
4. Review and Approval by Township: The Zoning Commission shall review the Preliminary Development Plan and the proposed rezoning application according to the procedures and public hearing requirements for Zoning Amendments. During its review of the Preliminary Development Plan, the Zoning Commission may refer the plan for review by other Township Officials and other private consultants that may not have been included in the referrals pursuant to Subsection (3) A. above. The Zoning Commission shall recommend to the Township Trustees:
- a) Approval of the requested zoning amendment and the Preliminary Development Plan and such plan may be approved with reasonable conditions that were not necessarily included in the plan submitted by the applicant; or
 - b) Denial of the requested rezoning and the Preliminary Development Plan.
5. Review and Approval by Trustees: The Township Trustees shall review the rezoning amendment and the Preliminary Development Plan and the findings of the Zoning Commission according to the procedures for zoning amendments. Action by the Board of Trustees to approve the rezoning must also include approval of the Preliminary Development Plan. If a Preliminary Development Plan is not approved, the proposed zoning amendment has been nullified.
6. Effect of Approved Preliminary Development Plan: An approved Preliminary Development Plan for the proposed development is a binding commitment that has specified elements that have been approved for development within the Planned Development District. Within the Planned Development District, any changes in an approved plan shall be resubmitted for approval in accordance with the procedures in Subsection (b) below.
- B. Amendments to Preliminary Development Plan
4. An approved Preliminary Development Plan may be administratively amended by the Township when such proposed revisions:
- a. Are consistent with the permitted uses (Schedule 80.03) and the development standards (Schedule 80.06) for each sub-district; and
 - b. Do not expand the boundaries of the Residential High-Density, Office, Business Hub, or Leisure Sports sub-districts by more than ten (10) percent.
5. Consideration of a revised Development Plan by the Township shall be subject to the following procedures:
- a. The amended Plan shall be reviewed by Zoning Commission which shall recommend to the Trustees that the amended plan be approved, approved with conditions, or denied.
 - b. Prior to becoming effective, the amended Planned Development District shall also be approved by a majority vote of the Township Trustees.

6. Any approved amendment/s shall be the binding development rights and restrictions for the Planned Development District and shall replace the previously approved Preliminary Development Plan.

C. Final Development Plan

A Final Development Plan shall be submitted and approved for any portion of a Planned Development District, prior to the issuance of a zoning certificate, according to the following procedures:

1. Review for Completeness: Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that it has satisfied the submission requirements of Section 80.11 (b). If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.
2. Review of Final Development Plan by Others. The Township Zoning Inspector may refer the application to other Township Officials, County Planning Commission and/or other private consultants for their review and comment. Comments pursuant to the referrals in this section shall be returned to the Zoning Commission within 30 days or less unless such time has been extended by the Zoning Commission.
3. Review and Approval by Township. The Zoning Commission shall review the Final Development Plan according to the criteria set forth in Section 80.11 and shall either recommend to the Township Trustees:
 - a. Approval of the Final Development Plan;
 - b. Approval of the Final Development Plan subject to specific conditions not included in the plan as submitted; or
 - c. Table the Final Development Plan for the next scheduled meeting. If the Final Development Plan is tabled, the Zoning Commission shall convey to the applicant the reasons the Plan has been tabled and provide specific yet reasonable revisions that would result in an acceptable Plan.
 - d. Disapproval with the reasons for such disapproval being clearly stated.
7. Review and Approval by Trustees: The Township Trustees shall review the Final Development Plan and the findings of the Zoning Commission and approve the Plan by a majority vote.
8. Effect of Approved Final Development Plan: An approved Final Development Plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved Development Plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. A request for such a transfer or change of ownership shall be presented to the Zoning Inspector and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original Development Plan. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate. Any changes in an approved plan shall be resubmitted for approval in accordance with this Article.

9. Expiration of Final Development Plan Approval:
 - a. An approved Final Development Plan shall remain valid for a period of 12 months following the date of its approval or as otherwise specifically approved by the Township. If, at the end of that time, construction of the development has not begun, then approval of such Final Development Plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Article. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.
 - b. Final plan approval shall expire for any portion of a Final Development Plan that has not been constructed within five (5) years from the date that the Final Development Plan was approved.

80.12 SUBMISSION REQUIREMENTS.

- A. Contents of Preliminary Development Plan Application

The Preliminary Development Plan shall include the maps, plans, and supplementary documentation itemized below. To the extent that the items listed in this Section 80.07 are not submitted with the Preliminary Development Plan, the Preliminary Development Plan may be approved by the Township with conditions that state that compliance with the item not submitted will be satisfactorily addressed at the time of Final Development Plan approval. Alternatively, the approval may specify the limits of development that may occur prior to full compliance with the item that has not been submitted and/or fully addressed in the Preliminary Development Plan. The applicant shall submit the number of copies as determined by the Zoning Inspector. The information submitted should include the following:

 1. Completed Application Form along with the application fee.
 2. Vicinity Map showing the relationship of the proposed PDD to existing development.
 3. Legal description or a listing of the permanent parcel numbers.
 4. Map of Existing Conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
 - a. Boundaries of the area proposed for development, dimensions and total acreage;
 - b. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
 - c. Identification of any existing buildings or structures to be removed or demolished;
 - d. Existing zoning district boundaries and jurisdictional boundaries;
 - e. Existing utility systems and providers;
 - f. The location of existing topography showing contour lines and identifying any areas with slopes over 5%;
 - g. Locations of all wooded areas, tree lines, hedgerows;
 - h. Delineation of existing drainage patterns on the property; and
 - i. Location of wetlands (and potential wetlands) the 100-year floodplain, floodway boundary, 20-foot buffer area beyond the floodway.

5. The Preliminary Development Plan Map should include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit the number of copies as determined by the Zoning Inspector. The information submitted shall indicate:
 - a. The proposed location, use and size of areas of residential, retail, office, institutional uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;
 - b. The general layout of the proposed internal road system, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;
 - c. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
 - d. Natural areas and other natural features to be conserved and any required buffer areas;
 - e. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.; and
 - f. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area; the building height(s); and square footage as proposed for retail, office, institutional uses, by use area; and the number of parking spaces provided for each use area.
6. Prototypical Architectural Drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character and general elements.
7. Project Phasing Map. A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements and natural areas.
8. Proposed Utilities including the proposed provision of water, sanitary sewer and surface drainage facilities.
9. Traffic Study indicating the impact of future traffic on the existing and proposed roadway system.
10. Development Standards Text. The development standards text identifying the requirements that are to govern the design and layout of the PDD that are not included on the Development Plan.
 - a. A description of all dimensions and/or acreages illustrated in the Development Plan or of provisions that depart from applicable standards shall be included.
 - b. Adequate provision shall be made to establish a private organization (i.e. Management Association) with direct responsibility to provide for the operation and maintenance of all common facilities.

- B. Contents of Final Development Plan Application
1. Completed Application Form along with the application fee.
 2. Vicinity Map showing the relationship of the area of the Final Development Plan to the entire Planned Development Overlay District.
 3. Subdivision Plat. A Final Plat shall be submitted in accordance with the County Subdivision Regulations if the proposed development includes the subdivision of land.
 4. Final Development Plan Map prepared by a qualified professional such as a licensed architect, surveyor, engineer or landscape architect, and drawn to an appropriate scale indicating the following items:
 - a. A bar scale, north arrow, and total acreage of the area that is the subject of the Final Development Plan, and accurate location of all monuments;
 - b. The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;
 - c. All lot lines and easements with their dimensions;
 - d. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities;
 - e. Location and height of existing and proposed structures including fences, walls, signs, and lighting;
 - f. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - g. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - h. Delineation and identification of areas to be dedicated or reserved for public use; and
 - i. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities; and proposed density by use area and overall.
 5. Proposed Utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions.
 6. Additional Plans for the Proposed Development.
 - a. Topographic maps showing existing and proposed grading contours, water courses, wetlands and flood plains and other flood hazard boundaries and information;
 - b. Landscaping and screening plans;
 - c. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian lighting, average foot-candle calculations minimum foot-candles and maximum foot-candles;
 - d. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs; and
 - e. Architectural plans and prototypes for the proposed development, showing all exterior elevations and building floor plans, colors, materials, and other details

to indicate the type of architectural style proposed for the development demonstrating consistency with the Preliminary Development Plan.

7. Covenants, Easements and Restrictions. The substance of covenants, grants of easements, or other restrictions that will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities.
8. Modifications. A statement identifying any aspect of the Final Development Plan in which the applicant is requesting a modification from the Preliminary Development Plan.

80.13 FINAL DEVELOPMENT PLAN APPROVAL CRITERIA.

In the review of proposed Planned Development, the Township Zoning Commission shall determine whether or not the proposed development, as depicted on the Final Development Plan, complies with the following:

- A. The plan conforms in all pertinent respects to the approved Preliminary Development Plan;
- B. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- C. The development has adequate public services and open spaces;
- D. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution and the Comprehensive Plan;
- E. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- F. The proposed signs, as indicated on the submitted sign plan, will be coordinated within the PDD and with adjacent development;
- G. The landscape plan will adequately enhance the principal building and site; maintain existing trees; buffer adjacent incompatible uses;
- H. Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Resolution; and
- I. If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

80.14 CONFLICT WITH OTHER REGULATIONS.

In the event there is a conflict between the regulations of this Article and any other regulation in this Township Zoning Resolution, the regulations of this Article shall govern.

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Article 90

General Regulations

- 90.01 Purpose
- 90.02 Conformance Required
- 90.03 General Use Regulations
- 90.04 General Lot Regulations
- 90.05 General Yard Regulations
- 90.06 General Building Regulations
- 90.07 General Regulations for Accessory Structures
 - A. General Regulations
 - B. Private Swimming Pools
 - C. Fences
- 90.08 Minimum Performance Standards for All Uses
- 90.09 Standards for Specific Uses
 - A. Hazardous Wastes
 - B. Fireworks
 - C. Waste Material
 - D. Scrap materials
 - E. Massage parlors
 - F. Wetlands
 - G. Land Drainage
 - H. Erosion and Sediment Control

90.01 PURPOSE

The purpose of this Article is to establish standards applicable to all districts.

90.02 CONFORMANCE REQUIRED

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the district in which said building or land is located.

90.03 GENERAL USE REGULATIONS

- A. The general regulations as set forth in this Article 90 shall apply to all districts. Where the requirements of a general regulation and a district regulation differ, the more restrictive requirements shall prevail.
- B. Permitted and Conditional Uses. The permitted and conditional uses which may be established in the districts shall only be as specifically provided in this Resolution.
- C. Prohibited uses. Any use which is not specifically listed as a permitted use or as a conditional use for one or more of the districts, or which is not otherwise interpreted and approved as provided in this Resolution, shall be prohibited.
- D. Accessory uses. Accessory uses and structures shall be permitted in all districts as provided in these regulations.

90.04 GENERAL LOT REGULATIONS

- A. No parcel of land shall hereafter be reduced or divided to provide less than the minimum lot size required in the district in which the land is situated.
- B. Minimum Lot Area.
 - 1. Where central water and sewer services are not installed or are not available to provide service to a lot, the minimum lot area shall be one and one half (1 .5) acres for a single family dwelling, and two (2.0) acres for a two family dwelling.
 - 2. The Lorain County General Health District may require a lot area greater than required by this Resolution where sanitary sewers are not available.
- C. Frontage Required. Every lot shall have frontage on a public road or, only in a Planned Development District, on a private road.

90.05 GENERAL YARD REGULATIONS

- A. Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Resolution.
- B. Use of Front Yard.
 - 1. Front yards in all districts shall be landscaped.
 - 2. Parking shall only be permitted on a graveled or paved surface. In the R1-3 District, the total graveled or paved area shall not exceed 30% of the area of the front yard and not more than 30% of the area of a side yard abutting a street.
- C. Yard. No required yard or other open space around a building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot wherein a building is to be erected or established.
- D. Clear Sight Triangle. No fence, wall, vegetation, or other obstruction over 3 feet in height above the established road grade shall be erected or maintained within the clear sight triangle of any road or highway intersection so as to interfere with traffic visibility at the intersection. The clear sight triangle is the triangular area bound by the street lines abutting a corner lot and by the line connecting the points located on each of those street lines 25 feet from their point of intersection. *(See illustration in Appendix)*
- E. Use of Rear Yard. All accessory buildings shall be no closer than 20' from all lot lines. All buildings shall be separated by 20'.
- F. Measurement of Yards. The dimensions of yards abutting streets shall be measured excluding the area of any right-of-way regardless of the platted area of the lot.

90.06 GENERAL BUILDING REGULATIONS

- A. No building or other structure shall hereafter be erected or structurally altered:
 - 1. to exceed the height required in each district,
 - 2. to accommodate or house a greater number of persons or households than that permitted by the provisions of this Resolution,
 - 3. to occupy a greater percentage of lot area than permitted in each district,

- 4. to have narrower or smaller rear yards, side yards, front yards or lot width at the building line than those permitted in this Resolution.

- B. Principal Building. Except as specifically provided herein, no more than one principal building shall be permitted on any lot.

- C. Building Permits or Zoning Certificates. No building permit or zoning certificate shall be issued without evidence that the Lorain County Health Board has approved the proposed sanitary sewerage disposal for the use for which the zoning certificate has been requested.

- D. General Standards for All Dwellings. All dwellings shall comply with the following standards:
 - 1. The dwelling shall be attached to a permanent frost-proof foundation.
 - 2. The dwelling shall be connected to approved water and sanitary waste disposal facilities.
 - 3. The dwelling shall have a length of at least 22 feet and a width of at least 22 feet.
 - 4. Manufactured homes shall comply with the "Manufactured Housing Construction and Safety Standards Act of 1974".
 - 5. The dwelling shall have minimum areas as follows:

Number of Stories in Dwelling	Minimum Total Living Area (square feet)	Minimum Footprint of Living Area on Lot (square feet)
One Story without basement	880	880
One Story with basement	880 on 1 st floor	880
One and One-Half Story	1250	720
Two Stories	1250	720
Three or More Stories	1250	864

- 6. The floor area over which the finished ceiling is less than six and one-half (6 1/2) feet from the finished floor shall not be counted in the total living space area.

- F. Frontage Required for Building: No principal building shall be erected on a lot which does not abut on a street of record.

- G. Temporary Buildings.
 - 1. Temporary buildings or uses for purposes incidental to construction work shall be permitted provided such buildings or uses shall not be continued as permanent structure or uses.
 - 2. A zoning permit for a temporary building or use shall only be issued by the Board of Zoning Appeals.
 - 3. The period during which temporary buildings are permitted shall be no greater than the period of construction plus thirty (30) days after the completion of such construction as established in the permit issued by the Board of Zoning Appeals.

90.07 GENERAL REGULATIONS FOR ACCESSORY STRUCTURES

A. General Regulations

1. Front Yards. Accessory structures (except fences) are prohibited in a front yard in any district.
2. Side and Rear Yards, Interior Lot.
 - a. Accessory structures (except fences and pools) shall be separated at least 20 feet from all buildings on the same lot.
 - b. Accessory structures (except fences and pools) are permitted in side and rear yards with the following minimum setbacks from lot lines (except as provided below for yards abutting streets):

District	Accessory Structure Minimum Setbacks (does not apply to fences and pools)
R1-1 and R1-2	20 feet from side and rear lot lines
R1-3	8 feet from side lot line 5 feet from rear lot line
NB-1, MS-1, L1-1	Prohibited in area required for minimum side and rear yards.

3. Side or Rear Yard Abutting a Street, Corner Lot:
 - a. Accessory structures (except fences and swimming pools) are prohibited closer to the street than the required minimum width of the side yard abutting the street. (See Table 30.02 for Minimum Side Yard: Corner Lot.) In the R1-1 and R1-2 Districts, accessory structures (except fences) located in the side yard abutting a street shall not be closer to the street line than 100 feet.
 - b. In a rear yard which abuts a street, accessory structures (except fences) are prohibited closer to the street than the minimum required side yard setback.

B. Private Swimming Pools

1. A swimming pool shall only be allowed in a Residential District as an accessory use to a residence or as a private club facility approved as a conditional use.
2. Exclusive Private Use. The pool shall be intended and used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
3. Distance Requirements. The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than twenty (20) feet to any property line; provided further, that pump and filter installations shall be located not closer than twenty (20) feet to any property line.
4. Fencing. The swimming pool, or the entire property on which it is located, shall be walled or fenced to a height of four (4) feet to prevent uncontrolled access by children from the street or from adjacent properties. Above ground pools will not be required to have a fence if the access ladder is removed, or locked in a non-usable position.
5. Drainage. Adequate provision for draining shall be made subject to approval by the County Engineer or recognized agencies.
6. Lighting. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
7. Permit Required. No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof

without have first submitted an application and plans therefore to the Zoning Inspector.

8. In RI-3 the pool maybe located anywhere on the premises except in required front yards, provided that it shall not be located closer than ten (10) feet from the rear lot line and eight (8) feet from the side lot line.

C. Fences

1. Front yard. A fence, not higher than three (3.0) feet, is permitted in a front yard in any district.
2. Side and rear yards. A fence, not higher than six (6.0) feet, is permitted in any side or rear yard. Provided, however, that in a side or rear yard which abuts a street, a fence shall not exceed three (3.0) feet in height in the area of the yard closer to the street than the minimum required side yard setback.
3. In residential areas, all fences should be erected with the finished side facing out.
4. Fences must be constructed in a manner that allows maintenance from the owners' property.
5. Snow fences are only permitted from November 1st to April 1st.

- D. Garages as Accessory Buildings. In Residential Districts, detached garages or other accessory buildings must be located at least twenty (20) feet to the rear of the principal building front line.

- E. Semi-Trailers, Ocean Containers, Cube Vans, and Railroad Boxcars. The use of semi-trailers, ocean containers, cube vans, and railroad boxcars shall be prohibited for use as accessory structures in all districts, except industrial districts. All such accessory structures shall be void of signage.

90.08 MINIMUM PERFORMANCE STANDARDS FOR ALL USES

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition which may adversely affect the surrounding area or adjoining premises. However, any use permitted by this Zoning Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements.

Agricultural use of land, as defined authorized by the Ohio Revised Code, shall be exempt from these requirements.

- A. Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment as required by fire safety codes enforced in the Township and as required by the Fire Prevention Officer or Fire Chief.
- B. Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.
- C. Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

- D. Smoke. Smoke emissions shall comply with the standards and regulations enforced by the Ohio Environmental Protection Agency.
- E. Noise. Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled. Emergency warning sirens and related apparatus used solely for public purposes are exempt from this requirement.
- F. Odors. No malodorous gas or matter shall be permitted which is offensive or which causes a public nuisance or hazard on any adjoining lot or property.
- G. Air pollution. No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- H. Glare. No direct or reflected glare shall be permitted which is visible from any property or from any public road or highway.
- I. Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- J. Water pollution. Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.
- K. Hazardous or toxic chemicals or gases. No chemicals or gases which are a hazard to public health or safety shall be allowed except in compliance with all local, state, and federal standards and regulations.

90.09 STANDARDS FOR SPECIFIC USES AND CONDITIONS

- A. Hazardous Wastes. The disposal, hauling or storage of hazardous wastes is prohibited in the Township.
- B. Fireworks. Manufacturing, storage for the purpose of sale, sales whether wholesale or retail, of fireworks. Any combustible or explosive compositions, or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation. This use shall be deemed to constitute a nuisance and a hazard to the health, safety, and welfare of township residents and shall not be permitted in Brownhelm Township.
- C. Waste Material. Dumping, storing, disposing of or burning garbage, refuse, scrap metal, tires, rubbish, offal or demolition materials. "Demolition materials" means materials from construction operations and from demolition operations and including, but not limited to, those items that are affixed to a structure, including driveways and highways, being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation materials. The term shall not include fly ash of any kind or any items categorized as solid wastes or as substances inimical to public health by the Ohio or Federal EPA. Demolition items such as brick, concrete, asphalt, and stone may be utilized for fill for driveways or to elevate land depressions provided that the plans for such fill are first submitted to and approved by the Township Trustees and provided further, that the dumping, storing, or disposing of such materials is not in conjunction with a commercial business. This use shall be deemed to constitute a nuisance and shall not be permitted in Brownhelm Township.
- D. Scrap Materials. Junkyards, automobile graveyards, or places for the collection of scrap vehicles, scrap machinery, scrap metals, paper, rags, glass, white goods, or junk for salvage

or storage purposes, or for dismantling used vehicles shall be deemed to constitute a nuisance and shall not be permitted in Brownhelm Township.

- E. **Massage Parlors.** No person, firm, partnership, corporation, or other entity shall operate a massage establishment within the unincorporated territory of Brownhelm Township. The prohibition does not apply to the practice of any limited branch of medicine or surgery in accordance with R.C. 4731.15 or 4731.16 or the practice of providing a therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other health professional licensed, certified or registered to practice in the State of Ohio.
- F. **Wetlands.** Property owners shall be responsible for compliance with federal and state wetland protection regulations.
- G. **Land Drainage.** Water drainage from all properties shall be managed in a fashion so as not to adversely affect adjoining properties in accordance with Ohio Water Rights Laws. Guidelines to these laws can be obtained from the Lorain County Soil Conservation Service. In the event any of the above guidelines are not adhered to, and damage to adjacent properties results from these omissions, legal action against the property owner or developer could occur.

There are three basic considerations to be followed during any land development. They are as follows:

1. Keep all drainage swales, ditches, and water courses free flowing. Do not change the point or grade of drainage where it enters or exits the property. Do not place fill material in any area that could obstruct water flow and result in damage to up or downstream properties.
 2. Active subsurface drainage tile(s) that are encountered during excavation or construction shall be reconnected or rerouted. Failure to do so will result in the interruption of drainage water flow and could cause flooding or other water damage on this or adjacent properties.
 3. Connect all water drainage sources (footer drains, eave drains, sump drains, yard drainage, etc.) to either an existing or newly constructed outlet.
- H. **Erosion and Sedimentation Control.** A plan for erosion and sedimentation control during and after construction shall be included with all other plans upon application for a zoning permit. The following principles shall be followed in developing and carrying out the plan:
 1. The smallest practical area of land should be exposed at any time during development.
 2. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
 3. Temporary vegetation and/or mulch shall be used to protect critical areas during development.
 4. Sediment basins (Debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment and silt from run off waters from land undergoing development.
 5. Provisions shall be made to effectively accommodate the increased run off caused by changing the soil cover and conditions during and after development. This shall

include but not be limited to connecting all drains (footer, eave, sump, yard, etc.) to either an existing or newly tiled outlet or waterway.

6. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
7. Whenever and wherever possible, the natural vegetation should be retained and protected.

See Special Exhibits for guidelines and time tables for installation of erosion and sedimentation control ground cover during and following construction completion.

90.10 WIND TURBINE ENERGY SYSTEMS FOR GENERATING ELECTRICITY (ALL DISTRICTS)

- I. Purpose. It is the purpose of this regulation to promote the safe, effective and efficient use of wind turbine energy systems installed to reduce the on-site consumption of utility supplied electricity.
- II. Definitions.
 - A. Wind Turbine Energy System: A wind energy conversion system consisting of a wind energy turbine, a tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power.
 - B. Tower Height: The distance from the rotor blade at its highest point to the ground.
 - C. Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or its components might fall that shall remain unobstructed and confined within the property lines of the parcel where the turbine is located.
- III. Permitted Use. Wind turbine energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:
 - A. Minimum Lot Size: Minimum of 1 ½ acres with 150 ft frontage
 - B. Tower Height: Tower height shall not exceed ½ of the property width at the tower build line or 100 ft whichever is more restrictive shall apply.
 - C. Set-back: No part of the wind turbine energy system structure, including guy wire anchors, may extend closer than twenty (20) feet to the property boundaries of the installation site. A minimum set-back of the height of the tower plus the length of one blade from any structure and neighboring property lines is also required creating a clear fall zone.
 - D. Noise: Wind turbine energy systems shall not exceed 60 dBA, as measured at the property boundaries of the installation site. The level, however, may be exceeded during short term events such as utility outages and/or severe wind storms.
 - E. Commercially Produced Energy System: The wind turbine energy system must have been approved under any wind certification program recognized by the American Wind Energy Association, in compliance with the Ohio Building code and certified by a licensed professional engineer and shall also be submitted to the Zoning Inspector. A Zoning permit must be issued prior to any construction.
 - F. Zoning Permit Requirements: Zoning permit applications for wind turbine energy systems shall be accompanied by:
 - Standard site plan showing the wind turbine structure and locations of the tower, base, footings, property lines and structures within 150 ft. Evidence of “clear fall zone” must be provided on the site plan.
 - Engineered drawings showing the size, height, and construction of the structure, as well as the size and depth of the unit’s mounting pad.
 - An engineering report or documentation from the manufacturer of the average decibel rating of the model.
 - A list or depiction of all safety measures that will be on the unit including anti-climb devices and lightning protection.
 - Data specifying the kilowatt size and generating power of the unit.

- A maintenance schedule, as well as dismantling plan, for the removal of an inoperable unit.
- G. Compliance with FAA Regulations: Wind turbine energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- H. Compliance with National Electric Code: Zoning permit applications for wind turbine energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- I. Utility Notification: No wind turbine energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owner generator. Off-grid systems shall be exempt from this requirement.
- J. Electrical Wires: All electrical wires associated with a wind turbine energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- K. Lighting: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- L. Appearance, Color & Finish: The wind generator and tower shall remain painted or finished the color of finish that was originally applied the manufacturer, unless approved in the Zoning Permit.
- M. Signs: All signs, other than the manufacturers or installers identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind turbine energy system visible from any public road shall be prohibited.
- N. Shadow/Flicker: Wind turbine energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- O. Maintenance: Wind turbines must be maintained in good working order. Wind Turbine Energy Systems that become inoperable for more than 6 months must be removed from property within 90 days of an issuance of zoning violation at the property owner's expense of other body identified in the dismantling plan.

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Article 100

Signs

- 100.01 Purpose
- 100.02 Administration
- 100.03 Limitations
- 100.04 General Requirements for All Signs
- 100.05 Signs Permitted in All Districts without Zoning Permit
- 100.06 Signs Permitted in All Districts with Zoning Permit
- 100.07 Signs in Commercial, Industrial, and Recreational Campground Districts

100.01 PURPOSE

To establish a minimum regulation for public and private signs and lights which detract from the public's ability to receive information; to encourage signing and lighting and other communications which aid orientation, identify activities, express local history and character or serve other educational purposes; and to reduce conflict among signs and lighting and between private and public communication systems.

100.02 ADMINISTRATION

- A. No sign, except those specifically exempted by this resolution, shall be erected without a permit issued by the Township Zoning Inspector, application for which shall be accompanied by such scale drawings, photographs, and other information as the Zoning Inspector may require.
- B. Fees for sign permits shall be as fixed by the Township Trustees.
- C. Appeals may be made to the Zoning Board of Appeals by the same rights and procedures governing other zoning appeals.

100.03 LIMITATIONS

- A. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulations are exempt from the provisions of this Article.
- B. Signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5516, and regulations adopted thereunder, and shall also conform to the provisions of this Article.
- C. Outdoor advertising (off-premises) shall be classified as a business use and be permitted in all districts zoned for manufacturing or business, or lands used for agricultural purposes subject to the provisions of this Article.
- D. Christmas display lighting shall be exempted from the requirements of this Resolution.

100.04 GENERAL REQUIREMENTS FOR ALL SIGNS

The following regulations shall apply to all signs in all districts.

- A. Sign Characteristics Generally.
 - 1. Measurement of Sign Area.

- a. The surface area of a sign shall be computed as including the entire area within a regular, geometric form comprising all of the display area of the sign and including all elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.
 - b. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless the two display faces are joined back-to-back, are parallel to each other, are not more than twelve (12) inches apart, or form a V-angle equal to or less than 45 degrees. Only the area of the larger of two display faces shall be included in the calculation.
 - c. Area measurement for any sign consisting of separate letters or designs or symbols or parts thereof that are constructed without being fixed to a background structure shall be made by measuring the overall area occupied by the letters, designs, or symbols.
 - d. Any number of signs that are attached to a common supporting structure shall be considered one sign for the purpose of number of signs allowed and area requirement.
2. Illumination
- a. Signs shall be illuminated only by steady, stationary, shielded light sources directed safely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.
 - b. Illuminated signs, including neon signs, shall not produce more than one (1) foot candle of illumination four (4) feet from the sign.
 - c. All permanent outdoor lights such as those used for area lighting or building flood-lighting shall be steady, stationary, shielded sources directed so as to avoid glare for motorists, pedestrians, or neighboring premises.
 - d. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one (1) footcandle.
3. Prohibited Devices
- a. No sign or light shall move, flash, or make noise.
 - b. Colored lights and illuminated signs employing colors in use in traffic signal lights are prohibited within view of any signalized intersection.
 - c. Any imitation of official signs or signals and the use of such words as "stop", "look", "danger", "go slow", "caution", or "warning", are prohibited.
 - d. Fluorescent colors in the yellow to red spectrum are prohibited.
 - e. Signs placed on motor vehicles, trucks, or trailers which are parked or located for the primary purpose of displaying the sign are prohibited.
 - f. Any sign not specifically authorized by this Resolution is prohibited.
4. Portable Signs
- a. No movable sign, mounted on wheels and/or transportable, shall flash, rotate or make noise.

- b. Portable signs shall only be permitted in compliance with all sign area, setback, height and other requirements applicable to permanent signs permitted on the lot and in the district in which the portable sign is proposed to be located.
 - c. A zoning permit shall be obtained before installing a portable sign.
- C. Public Rights-of-Way; Interference with Traffic
1. No part of any sign shall project into the right-of-way of any street or highway.
 2. No sign shall be located within any public right-of-way except as otherwise required by law or permitted by this Resolution.
- B. Maintenance Required.
1. All signs shall be plainly marked with the name of the person, firm, or corporation responsible for maintenance.
 2. Every sign and all supports and attachments shall be maintained at all times in compliance with the following standards:
 - a. All surfaces shall be maintained to prevent peeling of paint, wearing of surface materials, rust and other corrosion, staining, fading, and other deterioration of the original surfaces.
 - b. All parts shall be maintained in a manner which is structurally sound and sufficient to ensure that the sign will remain securely in place as originally permitted and shall not pose a hazard to persons on or near the property.
 - c. All electric elements, including all lights, shall be maintained in working and safe order.
 3. Any sign constructed of materials such as paper, cardboard, cloth, soft woods, or other materials unsuitable for extended outdoor use, or erected or installed in a manner which is clearly unsuitable for long-term use, shall be removed when the earliest of the following events occurs:
 - a. At the time as any parts of the sign have apparently deteriorated in a manner which makes the sign illegible, causes it to fall or be in danger of falling, causes a public hazard or nuisance, or otherwise does not comply with the requirements of this Resolution: or
 - b. Ninety (90) days after its installation; or
 - c. Upon receipt of a notice from the Zoning Inspector that the period of ninety (90) days has elapsed that the sign has deteriorated and must be removed or replaced, or that the sign otherwise does not comply with this Resolution.
 4. The Zoning Inspector shall be authorized to enforce these maintenance requirements in the same manner as all other provisions of this Resolution.

100.05 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT ZONING PERMIT

The following signs shall be permitted on a lot in any district. No zoning permit is required.

- A. Directional Safety. One (1) directional sign providing essential information to vehicles approaching or departing the lot to or from the public right-of-way. Sign content shall only be terms such as "In", "Out", "One Way", "No entrance", and similar giving direction to vehicular movement. Maximum area shall be two (2) square feet per sign.

- B. Window. One (1) window sign not exceeding ten percent (10%) of the area of the pane of glass to which is it affixed. Must be mounted on the inside of the glass.
- C. Small Temporary. Not more than two (2) per lot; maximum area sixteen (16) square feet per sign; not higher than four (4) feet above grade; set back at least five (5) feet from the public right-of-way; separated from all other signs on lot by at least ten (10) feet.

100.06 SIGNS PERMITTED IN ALL DISTRICTS WITH ZONING PERMIT

The following signs shall be permitted on a lot in any district, subject to a zoning permit.

- A. Home Occupation. One (1) sign, maximum area four (4) square feet; not higher than four (4) feet above grade; set back at least five (5) feet from the public right-of-way.
- B. Institution. One (1) sign per lot frontage, maximum area sixteen (16) feet; not higher than four (4) feet above grade; set back at least five (5) feet from the public right-of-way.
- C. Farm Market. One (1) sign, maximum area sixteen (16) feet; not higher than four (4) feet above grade; set back at least five (5) feet from the public right-of-way.
- D. Subdivision Identification. One (1) sign per street intersection; maximum area sixteen (16) feet; not higher than four (4) feet above grade.

100.07 SIGNS IN COMMERCIAL, INDUSTRIAL, AND RECREATIONAL CAMPGROUND DISTRICTS

- A. Wall Sign. In a business, industrial, or recreational campground district, each business shall be permitted wall signs.
 - 1. One or more wall signs may be installed on the front of each building or accessory building wall and, if located on a corner lot, on a side wall facing a street.
 - 2. The total area of all wall signs for a building shall not exceed:
 - a. One and one-half (1.5) square feet of sign area for each linear foot of the front building wall, and
 - b. Two hundred fifty (250) square feet.
 - 3. Projections of wall signs shall not exceed two (2) feet measured from the nearest part of the building.
 - 4. No sign shall extend more than 15 feet above record grade or more than 4 feet above the lowest point of the roof of the single story building with which it is associated, whichever is less restrictive, nor above the third floor of a multi-story building.
- B. Freestanding Sign. (Ground Sign)
 - 1. Single Business Freestanding Sign. One freestanding sign shall be permitted per lot having at least 100 feet of frontage.
 - a. Sign area shall not exceed thirty-two (32) square feet.
 - b. Sign height shall not exceed six (6) square feet.
 - c. Setback from the road right-of-way shall be at least fifteen (15) feet.
 - d. Setback from any side lot line shall be at least fifteen (15) feet except as provided in Subsection B3 below.
 - 2. Joint Freestanding Sign. In lieu of the foregoing, on a lot having at least one hundred fifty (150) feet of frontage and on which three or more businesses are located, one (1) joint freestanding sign may be installed
 - a. Sign area shall not exceed sixty-four (64) square feet.
 - b. Sign height shall not exceed six (6) square feet.

- c. Setback from the road right-of-way shall be at least fifteen (15) feet.
 - d. Setback from any side lot line shall be at least fifteen (15) feet except as provided in Subsection B3 below.
3. No sign shall be permitted within fifty (50) feet of the front, side or rear lot line of any lot in any "R" district or within one hundred (100) feet of any public parkway, public square or entrance to any public park, public or parochial school, library, place of worship, or similar institution.

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Article 110

Parking, Loading, Access Management

- 110.01 Purpose
- 110.02 Compliance Required
- 110.03 Parking Spaces Required
- 110.04 Location
- 110.05 Dimensions
- 110.06 Improvement and Maintenance
- 110.07 Parking and Storage of Disabled or Junk Vehicles or Parts
- 110.08 Access Standards
- 110.09 Loading

110.01 PURPOSE

It is the purpose of this Article to establish comprehensive parking provisions to regulate the design of parking areas, to establish the minimum number of parking spaces required for various uses, to ensure sufficient parking to meet the parking demand generated by land uses, to promote vehicular and pedestrian safety, and to promote compatibility between parking areas and surrounding uses by providing landscaping and setbacks.

110.02 COMPLIANCE REQUIRED

- A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Resolution.
- B. Parking Changes for Building Constructed Prior to This Resolution.
 - 1. The provisions of this Article shall only apply to a building or structure existing prior to the effective date of this Resolution when there is a change of use. Where the new use involves no additions or enlargements of the building or structure, there shall be provided as many spaces as may be required by this Resolution for the new use.
 - 2. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of dwelling units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.
- C. Parking Changes for Building Constructed After This Resolution.

Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need, in accordance with the provisions of this Resolution, for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change,
- D. All parking lots must be in compliance with the Americans with Disabilities Act.

- E. Plot Plan Review. Whenever six (6) or more vehicles are required for a given use under the requirements of this Article, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Inspector before a zoning permit can be issued. Such plans and specifications shall show the location, basis and capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other detailed feature essential to the complete design and construction of the parking area.

110.03 PARKING SPACES REQUIRED

- A. The number of off-street parking spaces to be provided for a structure or use in any district shall not be less than required in Table 110.03. The number of spaces shall not exceed the requirements of Table 110.03 by greater than 10% unless approved by the Board of Zoning Appeals. Fractional numbers shall be increased to the next whole number.
- B. Where more than one use or a combination of uses is (are) located on a single lot or in a single structure, then the total required parking spaces shall be calculated by determining the number of spaces required for each use individually and summing those individual requirements.
- C. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals, taking into consideration the standards provided in Table 110.03 for any similar use and information or studies provided by the applicant which the Board finds reasonably project the parking demand for the use.
- D. Notwithstanding the number of spaces required by this Resolution, and except as otherwise provided, every owner of a lot shall be responsible to provide sufficient parking spaces on the lot to serve the parking demand generated by any use established on the lot.
- E. Joint Use. Two or more non-residential users may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement between the 2 or more non-residential parties is approved by the Zoning Commission and shall be filed with the application for a zoning permit.
- F. Parking Reserve Areas.
 - 1. An applicant for a zoning certificate may submit information which projects the parking demand for a proposed use and may request approval for construction of parking which is less than required in Table 110.03. The request shall include a detailed drawing of a complete parking layout complying with this Resolution, identifying those areas proposed for immediate construction and those to be temporarily retained in landscaped open space.
 - 2. Through review and approval of the plan, the Board of Zoning Appeals may approve a total parking layout which complies with the requirements of Table 110.03, but which permits a portion of the required parking area to be reserved and temporarily retained in landscaped open space.
 - 3. Prior to approval of the plan, the applicant shall make a written and binding contractual commitment to construct the additional parking at such time that the Board determines that parking is necessary for the operation of the use(s) on the lot. If the parking is not constructed according to the terms of the contract, then the Township may take enforcement action.

Table 110.03 Parking Spaces Required	
Uses	Parking Spaces Required
Residential	
Dwelling Unit	Two spaces per dwelling unit
Boarding houses, rooming houses, dormitories, and fraternity houses which already have sleeping rooms	Two for each sleeping room or two for each permanent occupant
Commercial	
Gasoline stations which also provide repair	One for each two gasoline pumps plus two for each service bay
Hotels, motels	One per each sleeping room plus one space for each two employees
Funeral Parlors, mortuaries similar type uses	One for each 100 sq. ft. of floor area in slumber rooms, parlors, or service rooms
Recreational or Entertainment	
Dining rooms, restaurants, taverns, nightclubs, etc.	One for each 50 sq. ft. of floor area
Dance floors, skating rinks	One for each 100 sq. ft. of floor area used for the activity
Outdoor swimming pools, public community or community or club	One for each 5 or person capacity plus one for each 4 seats or one for each 30 sq. ft. floor area used for seating purposes whichever is greater
Auditoriums, sports areas, theaters and similar uses	One for each 4 seats
Retail stores	One for each 250 sq. ft. of floor area
Banks, financial institutions and similar uses	One for each 200 sq. ft. of floor area
Offices, public or professional administration, or service buildings	One for each 300 sq. ft. of floor area
All other types of business or commercial uses permitted in any commercial district	One for each 300 sq. ft. of floor area
Institutional	
Place of worship	One for each 5 seats
Hospital	One for each bed
Sanitariums, homes for the aged, nursing homes, children homes, asylums, and similar uses	One for each two beds
Medical and dental clinics	The greater of One for every 200 sq. ft. of floor area of examination, treating room, office, and waiting room or 5 spaces per doctor or dentist
Libraries, museums, and art galleries, Schools (Public, Parochial, or Private)	One for each 400 sq. ft of floor area
Elementary and junior high	Two for each classroom and one for every eight seats in auditoriums or assembly halls
High Schools	One for every ten students and one for each teacher and employee
Business, technical and trade schools	One for each two students
Colleges, universities	One for each four students
Kindergartens, nursery schools, and similar uses	Two for each classroom but not less than six for the building
Daycare center	1 space per 8 students based on center's regulated capacity
Industrial	
All types of manufacturing, storage and wholesale uses permitted in any industrial district	One for every 2 employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business
Cartage, express, parcel delivery, and freight terminals	One for every 2 employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises

110.04 LOCATION

The following regulations shall govern the location of off-street parking spaces and areas:

- A. All parking spaces shall be provided on the same lot with the structure or use they serve.
- B. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen.
- C. If on the same lot with a one family or two family dwelling, the required parking area shall not be located within the front yard required for such building.
- D. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.
- E. In the NB-1 and MS-1 Districts, a landscaped buffer strip shall at least twenty (20) feet in depth from the right-of-way shall be constructed and maintained. Except for the access drive, no other facilities shall be located within this area. Parking of vehicles in this buffer strip shall be prohibited.

110.05 DIMENSIONS

A. Parking spaces and aisles shall have the following minimum dimensions:

Parking Angle	Minimum Space Width (feet)	Minimum Space Length (feet)	Minimum One-Way Aisle Width	Minimum Two-Way Aisle Width
90 degrees	9	20	22	24
60 degrees	9	20	18	24
45 degrees	9	18	12	22
Parallel	9	23	12	20

- B. Parking for trucks, tractors, trailers, and other vehicles shall be made adequate for the purpose.
- C. All parking spaces shall be exclusive of driveways, aisles, loading areas, and other circulation areas.

110.06 IMPROVEMENT AND MAINTENANCE

- A. Paving
 - 1. The required number of parking and loading spaces as set forth in this Article, together with driveways, aisle, and other circulation areas, shall be improved with acceptable impervious material to provide a durable and dust-free surface.
 - 2. Parking and loading areas and all appurtenant improvements as approved in the zoning permit shall be completed before occupancy of the premises.
- B. 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.

- C. Maintenance
1. The owner of property used for parking and/or loading shall maintain such areas in good condition without holes and free of all dust, trash, and other debris.
 2. Gravel parking lots established prior to the adoption of this Resolution shall be maintained by periodic reapplication of gravel and regrading in order to prevent ponding, ruts, muddy areas, and off-site tracking of mud.
- D. Lighting
1. Any parking area used during non-daylight hours shall be properly illuminated to avoid accidents.
 2. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property. Only cutoff or downlight design fixtures are permitted.
- E. Required Trash Areas All commercial, industrial, and multifamily residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such areas for collection of trash and/or garbage as determined by the Trustees shall be required.
- F. Screening and/or Landscaping, Parking Area Capacity
Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such a fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.
- G. No area for off-street parking of motor vehicles shall exceed forty (40) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten (10) foot planting strips.
- H. Wheel Blocks. Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.
- I. Striping. All parking areas with a capacity over twelve (12) vehicles shall be striped to facilitate the movement into and out of the parking stalls.
- J. Signs. The entrance and exits to the parking are shall be clearly marked.

110.07 PARKING AND STORAGE OF DISABLED OR JUNK VEHICLES OR PARTS

- A. Storage of Vehicles and Parts Prohibited. No person shall keep, store, place, permit, or allow to remain upon any lot, part of a lot or parcel of land within Brownhelm Township any automobile parts or motor vehicle parts, any unlicensed motor vehicle, any motor vehicles in an inoperative condition, or any junk vehicle or motor vehicle unfit for further use, for a period of more than 14 days.

- B. Certain Vehicles and Parts Excepted. The provisions of subsection (B) hereof shall not apply to any motor vehicle parts which are kept within an enclosed building; held for repair purposes by a licensed car dealer or repair garage when the same does not exceed a period of thirty days; stored in an authorized junk yard when said junk yard is fenced and screened from the public view and access; towed in from the scene of an accident and held for not more than seventy-two hours after the time of the accident; or held or stored under orders or request of a police authority.

- C. Commercial-Industrial Equipment. Within a residential district, the parking of vehicles that weigh 4 tons and over and are used for commercial purposes or the parking of industrial equipment shall be prohibited, unless such vehicles or equipment are stored in an enclosed building, except for loading or unloading cargo, or are used in a farming or truck farming operation on the premises. Emergency service response vehicles are exempted.

110.08 ACCESS STANDARDS

- A. Width of Driveways. Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, eighteen (18) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking.

- B. Access. Any parking area shall be designed in such a 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. Access or driveways for parking areas or loading spaces shall be located in such way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

- C. Access Drives. Access drives to major streets shall be controlled in the interest of public safety and to maintain the designed capacity of the major street system,
 - 1. Drives shall be so designed and located, that vehicles can safely enter and leave the facility with no need to park, stand or maneuver back and forth on the major thoroughfare right-of-way.
 - 2. Those portions of the access drive located within the highway right-of-way shall be paved of material equal to the highway pavement; no greater than thirty-five (35) feet wide; be designed to prohibit surface drainage from flowing directly onto the highway pavement; include minimum 20 foot turning radii between the edge of the drive and the highway pavement; and be curbed.

3. Each lot shall not have more than two (2) access drives to any one street or highway. The width of any access drive shall not be less than sixteen (16) feet nor shall it exceed thirty-five (35) feet. Insofar as practicable the use of common accessways by two or more lots shall be encouraged to reduce the number of such highway access points. The fronting of uses on a marginal service street shall also be encouraged.
4. There shall be no access drives permitted for a minimum distance of 600 feet measured along road centerlines from the outermost ramp terminal right-of way to the first access drive. To accomplish this objective, marginal service roads, parallel service roads, combining the access of several developments, or other approved facilities shall be encouraged.

110.09 LOADING

- A. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas, and a height of clearance of not less than fifteen (15).
- B. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a gross floor area of up to five thousand (5,000) square feet.
- C. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.
- D. Off-street loading facilities shall not be located in the required front yard, and the loading space shall not be used for repairing or servicing of motor vehicles.

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Article 120

Standards for Conditional Uses

- 120.01 Purpose: Applicability
- 120.02 General Standards: All Conditional Uses
- 120.03 Automobile Repair Garage
- 120.04 Vehicle Wash
- 120.05 Boarding of Horses
- 120.06 Cemetery
- 120.07 Place of Worship
- 120.08 Dog Kennel
- 120.09 Funeral Home
- 120.10 Golf Course
- 120.11 Home Occupation
- 120.12 Park or Playground
- 120.13 Plant Nursery
- 120.14 Traditional Pond
- 120.15 Roadside Stand
- 120.16 Salvage Yard
- 120.17 Gasoline Station
- 120.18 Sportsman Club
- 120.19 Veterinary Hospital
- 120.20 Wireless Telecommunication Facility
- 120.21 Bed and Breakfast Inn
- 120.22 Child Day Care Center, Type A Day Care Home
- 120.23 Drive Thru Facility, Drive up Facility.
- 120.24 Similar Use

120.01 PURPOSE; APPLICABILITY

- A. The purpose of this Article is to set forth specific standards to be applied in evaluating and taking action on applications for conditional use permits for the uses listed in this Article.
- B. These specific standards shall be applied to the conditional uses listed in this Article in addition to the general standards for all conditional uses set forth in Section 120.02.

120.02 GENERAL STANDARDS: ALL CONDITIONAL USES

In addition to the specific requirements for conditional uses set forth in this Article, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive Zoning Resolution.
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same areas.
- C. Will not be hazardous or disturbing to existing or future neighboring uses.

- D. Will be served adequately by essential public facilities and services such as highways, streets, polices and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- F. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, smoke, noise, fumes, glare, or odors or other impacts.
- G. Will have vehicular approaches to the property which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads.
- H. Will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major importance.

120.03 AUTOMOBILE REPAIR GARAGE:

- A. When such use abuts a lot in any residential district, a three foot solid wall, chain link fence, or painted board fence, shall be maintained from the street right-of-way line to the building line, whereupon a six foot solid wall, chain link fence, or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs or hedges shall be incorporated which will attain a maximum height of no more than three feet from the street right-of-way line to the building line and a minimum of six feet along the remainder of the property lines.
- B. Buildings used for such purposes shall not be nearer than 75 feet from any residential district.
- C. Automobile, truck and trailer repairs shall be conducted completely within an enclosed building.
- D. No more than two driveway openings shall be permitted directly from any major thoroughfare nor more than one driveway opening from any minor street, each of which shall not exceed thirty feet in width at the property line, no part of any access way shall be nearer than 100 feet to the intersection of any two street right-of-way lines, not shall any such part be nearer than 50 feet to any side or rear property line.
- E. One off-street parking space for each employee shall be provided in addition to one space for each 250 square feet of floor space to accommodate loading and unloading of materials, customer parking and storage of vehicles repaired and to be repaired.
- F. No overnight or weekend outside storage of trucks or trailer shall be permitted on the premises and no partially dismantled or junked vehicles shall be stored outside the building on the premises.
- G. Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall only be permitted in the locations approved in the conditional use certificate. Vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall not be stored on the site for more than twenty-one (21) days. Parking and storage of vehicles not related to the principal use of the site, or to an approved accessory use, shall not be permitted.
- H. Vehicle sales, service, rental, or leasing shall not be permitted on the site unless specifically approved.

- I. Retail sales of products shall be permitted only within an enclosed structure which shall comply with all provisions of the district, including requirements for parking.
- J. Temporary outdoor storage of discarded materials, vehicle parts, scrap and other waste prior to collection and disposal shall only be permitted within a storage area completely surrounded by a solid wood or masonry fence six (6) feet in height or other screening approved in the site plan. The screening shall be set back from residential districts at least ten (10) feet and landscaped according to the approval in the conditional zoning certificate.
- K. Air compressor pumps (e.g. for tire inflation) and other outdoor equipment shall be identified in the conditional use certificate and shall be located and screened in a manner which minimizes noise impacts on residential districts.
- L. Curb cuts shall be limited to two (2) per site. On corner lots, curb cuts shall be limited to one (1) per road.
- M. Outdoor repair, preparation, cleaning, assembly, disassembly, or other outdoor activities shall not be permitted unless the nature and location of the activity is specifically identified in the application and approved in the conditional use certificate.
- N. Outdoor storage areas shall not cover more than fifteen percent (15%) of the site area.
- O. Outdoor display, storage, or sale of goods shall not be permitted on the site unless specifically approved in the conditional use permit.
- P. Outdoor storage shall be screened by walls, fences and landscaping as may be determined by the Board of Zoning Appeals to be adequate to appropriately screen the materials and equipment from outside the boundaries of the lot. Screening of outdoor storage areas shall be by buildings housing the principal use, or by ornamental face brick wall or by a completely obscuring ornamental fence of wood or other material.
- Q. A site plan of the area proposed for outdoor storage shall be submitted for review and approval with the conditional use certificate. The plans shall show the type of materials or equipment to be stored, all principal buildings on the site, property lines, abutting roads and proposed screening methods.

120.04 VEHICLE WASH

- A. An automobile washing and polishing establishment shall provide reserve space off-street for not less than ten automobiles per washing lane.
- B. One off-street parking space shall be provided for each two employees plus one space for the owner or manager,
- C. All outside lighting shall be shielded from adjacent properties.
- D. Each lot for an automatic car wash and polishing establishment shall contain a minimum frontage of 125 feet and a depth of 200 feet.
- E. Drainage system shall meet with EPA approval. Said use shall be located one hundred feet from any lot in a residential district.
- F. Retail sales of related commercial products shall be permitted.
- G. Repair work shall not be permitted.
- H. Automobile washing and polishing services shall be performed wholly within a totally enclosed building, with the exception that finishing of vehicles may be conducted outside the building.
- I. Washing and polishing facilities when located adjacent to a residential area shall be used only during the hours of 7:00 a.m. to 10:00 p.m.
- J. The building shall be a minimum of forty (40) feet from the side lot line.

- K. A permanent screening fence or wall not less than six (6) feet in height shall be constructed along any side property line which abuts property zoned for residential use.
- L. The application for an automobile automatic wash station conditional use shall include a traffic impact study, prepared by a qualified traffic engineer, which includes at least the following information and such other information as the Board may deem necessary to determine the traffic impacts of the proposed use and the suitability of any proposed improvements to mitigate such impacts:
 - 1. Plan of access, including curb cuts, drives, stacking lanes, and parking.
 - 2. Evidence that the plan provides for free-flowing access to the site, with avoidance of undue congestion or any safety hazards in adjacent roads and intersections.
 - 3. Roadway improvements, acceptable to the appropriate jurisdictions, which maintain or improve the level of service of any road located within one-fourth (1/4) mile of the site shown by the traffic impact study to be adversely impacted by the proposed development.
- M. The use shall comply with the standards established at Section 120.23 for Drive Thru or Drive Up Facilities.

120.05 BOARDING OF HORSES

- A. These conditions shall apply where one or more horses are used, kept or maintained, for commercial leasing or hiring purposes for remuneration.
- B. All riding or exercising of horses shall be conducted solely on the premises of said stable, academy or area. The use of any public road or road right-of-way as part of a stable or riding academy shall be prohibited. All horses shall be adequately housed and fenced so as not to be a nuisance to adjacent properties.
- C. Lot Area- The lot area required for each horse stabled in a riding stable or academy shall not be less than one (1) acre and the minimum lot shall be not less than five (5) acres with a lot width of not less than 300 feet.
- D. Building Location- All buildings for the riding, showing, housing or keeping of horses shall be located not less than one hundred (100) feet from the side and rear property lines and two hundred (200) feet from the road right-of-way side line. Accessory structures such as outside bleachers shall be located no closer than seventy-five (75) feet to any property line.
- E. Access and Parking- Adequate off-street parking shall be provided on site to accommodate all vehicles and/or horse trailers. In determining the size of the parking area a minimum design area of six hundred (600) square feet shall be used per horse being boarded or kept. All driveways and off-street parking areas shall be located no less than one hundred fifty (150) feet from the street right-of-way. Entrance to the site shall be of sufficient width (not less than twenty-four (24) feet) in order to facilitate entering and leaving the property at the same time.
- F. Landscaping- All outdoor areas including exercising and parking areas shall be adequately landscaped to screen and buffer the use from an abutting residentially zoned property.
- G. Retail Sales- The sale of commercial products clearly incidental to the intended conditional use shall be permitted. The sale on incidental products shall be conducted wholly within an enclosed building.
- H. Lighting- All outside lighting shall be shielded and directed away from adjacent properties.
- I. Noise- No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
- J. Height- No building or structure shall exceed twenty-five (25) feet in height,

- K. Signs- Refer to requirements in Article XI.
- L. Sanitation- The premises shall be maintained in a sanitary manner so as not to be harmful to adjacent properties, or create a hazard to public health, safety or general welfare.
- M. Hours of Operation- All activities shall terminate on or before 11:00 p.m. each day.
- N. Site Plan- When boarding or keeping more than three (3) horses, a proposed site plan drawn to scale shall be prepared showing the following:
 - 1. Location of buildings
 - 2. Location of property lines and adjacent building
 - 3. Ingress and egress points
 - 4. Parking areas and driveways
 - 5. All activity areas
 - 6. Landscaped buffer areas and plant material to be used
 - 7. Drainage plan which includes the topography of the site at five (5) foot intervals
- O. All other requirements as set forth in the administration and enforcement section of the Zoning Resolution.

120.06 CEMETERY

- A. The site shall not interfere with the development of a locally adopted street system and shall maintain direct access onto a public thoroughfare with a minimum of two points of entry set at 200 feet between center lines.
- B. The minimum site size shall be no less than ten (10) acres.
- C. All burial buildings or accessory buildings shall be setback at least seventy-five (75) feet from any street right-of-way bounding the cemetery. There shall be two side yards and a rear yard of at least fifty (50) feet each. A burial building is defined as a any building for the interment of bodies or other remains of persons who have died, including mausoleums and vaults.
- D. All graves or burial lots shall be setback at least forty (40) feet from any street right-of-way bounding the cemetery. The site shall provide two side yards and a rear yard at least forty (40) feet each.
- E. Existing cemeteries may continue to operate as a nonconforming use, Any future expansion of an existing cemetery not covered by a conditional use permit must comply with the requirements as set forth above.

120.07 PLACE OF WORSHIP

- A. All buildings, structures, accessory buildings including parking area or garages shall be setback fifty (50) feet from the side and rear lot lines.
- B. Parking shall be provided as follows: One (1) space for each four (4) seats.
- C. Lights shall be shielded and directed away from adjacent property.
- D. Screening of the property area shall be provided utilizing a dense hedge, tree row, or other suitable landscape device, adequate to visually screen off this area from the residential district.
- E. Ingress and egress to the off-street parking area shall be provided from a secondary street where possible with a minimum of two (2) access points seventy (70) feet center to center. All points of entrance or exit shall be located no closer than 200 feet from two intersecting major streets or 100 feet from the intersection of a major and a minor street, or two minor streets.

- F. A lot area on one (1) acre per one hundred (100) seats with a minimum development of three (3) acres shall be provided.

120.08 DOG KENNEL

- A. Parking and Access.
 - 1. Parking shall be provide for a minimum of four (4) car and trailer combinations. Five hundred (500) square feet shall be the minimum required parking and access area for each car and trailer or van combination.
 - 2. Three hundred (300) square feet shall be required for parking and access space for each vehicle.
- B. Runways, Exercise Areas. All exercising of animals shall be conducted solely on the premises. All outside animal runways or kennels shall be enclosed by a six (6) foot woven chainlink fence, maintained in a clean, orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein, the public, or constitute a nuisance.
- C. Buildings and Enclosures. The main building and any buildings housing animals shall be no closer than one hundred (100) feet from any other lot in any district. Enclosed runways and kennels or outside exercise areas shall be no closer than one hundred (100) feet from any property line.
- D. Manure piles shall be disposed of daily in a sanitary, non-odorous condition. Open manure piles shall not be permitted.
- E. All outside lighting shall be shielded from adjacent properties.
- F. The sale of incidental products is permitted.

120.09 FUNERAL HOME

- A. Minimum site size shall be one and a half (1 ") acre with a minimum width of one hundred fifty (150) feet.
- B. The proposed site shall front upon a major thoroughfare. All ingress and egress to the site shall be directly from said thoroughfare.
- C. Each front, side and rear yards shall be at least fifty (50) feet in width and be appropriately landscaped in trees, shrubs and grass. No structures or parking area shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified in Article 110 and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
- D. No more than thirty (30) percent of the grass site area shall be covered by buildings, including accessory buildings.
- E. All buildings shall be harmonious in appearance with any abutting surrounding residential area and shall be similar in design and appearance to any other buildings within the immediate vicinity of the proposed site.
- F. All signs shall conform to the requirements set forth in Article 100.
- G. Off-street parking shall be provided in conformance with the schedule outline in Article 110. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area. Parking and assembly areas shall be screened from surrounding residential areas by a fences at least four (4) feet in height. Shrubs or trees may be used in combination with said structural screen or walls.

120.10 GOLF COURSE

- A. The site shall contain a minimum of eighty (80) acres for a nine-hole golf course and one hundred and sixty (160) acres for an eighteen-hole course.
- B. All principal and accessory buildings shall be located not less than one hundred (100) feet from the road right-of-way side line.
- C. Minimum lot frontage shall be minimum of sixty (60) feet in addition to the width needed for any desired sign.
- D. Access to and from the site shall be located so as to minimize traffic hazards and congestion.
- E. All access drives shall be a minimum of twenty (20) feet in width and constructed of a hard-surfaced material.
- F. No structure shall be erected in excess of thirty-five (35) feet in height.
- G. Course layout shall be designed such that all tees, greens and fairways shall be directed away from all surrounding residential areas and roads.
- H. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any property line of abutting residentially zoned land.
- I. All signs shall be located at least twenty (20) feet from all road right-of-way side lines and seventy-five (75) feet from any abutting residential property lines.
- J. No signs shall be greater than three (3) feet in height.
- K. Lighting of any type shall be directed away from or shielded from any abutting properties so that said lighting will not cast light on adjoining properties.
- L. Ten parking spaces per hole shall be provided in addition to one (1) space per thirty-five (35) square feet of floor area for public assembly.
- M. All parking areas shall be located not less than seventy-five (75) feet from any residential district and fifty (50) feet from the road right-of-way side line.
- N. All detailed plans for the layout of golf courses, structures and accessory buildings shall be submitted to the Zoning Board of Appeals for review. The township may request the review of the Lorain County Planning Commission if desired prior to the issuance of a conditional zoning permit. Such review by the Commission shall be advisory to the Zoning Board of Appeals.
- O. Fencing: a minimum of six (6) feet in height shall be provided around all recreation areas (tennis courts, swimming pool and shuffle board courts), thereby permitting access only to members or users of the golf course.
- P. Pro-shops and sale of goods incidental to the principal use shall be permitted.
- Q. The sale of food and beverage shall be permitted if contained within the principal building or structure.

120.11 HOME OCCUPATION

- A. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
- B. Not more than one (1) person other than the family residing in the dwelling shall be employed in the Home Occupation.
- C. There shall be no exterior display, no exterior sign (except as permitted under Article 100), no exterior storage of material and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.
- D. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

120.12 PARK OR PLAYGROUND

- A. Uses permitted shall be softball/baseball fields, multiple use paved areas, landscaped areas, picnic areas, playground apparatus areas, and field house.
- B. The minimum total site size shall be five (5) acres and the minimum total width shall be not less than three hundred (300) feet.
- C. A minimum of two access points to the site shall be provided maintaining a distance of 200 feet centerline to centerline.
- D. Ten parking spaces shall be provided for each acre of playground area.
- E. Playground apparatus must be set back fifty (50) feet from any bounding street right-of-way of side lot line.
- F. Setback requirements for all buildings and accessory structures shall be seventy-five (75) feet from side and rear lot lines and one hundred (100) feet from all bounding road right-of-way.
- G. Setback areas on the site shall be appropriately landscaped to maintain a park-like atmosphere.
- H. When lighting is provided it shall be shielded from adjacent properties.
- I. No amplification equipment shall be permitted.
- J. The sale of food and carbonated beverages shall be permitted provided that it is contained wholly within a fieldhouse or enclosed building.
- K. A development plan must be submitted at the time of application for a conditional use permit.

120.13 PLANT NURSERY

- A. Minimum site size shall be five (5) acres.
- B. A minimum of five (5) off-street parking space shall be provided or 3.5 square feet of parking space for each square foot of floor space devoted to retailing, whichever is greater.
- C. Any building or accessory structure shall be setback one hundred (100) feet from any road right-of-way side line and seventy-five (75) feet from all other property lines.
- D. No burning or storage of dead plant material is allowed.
- E. All outside lighting shall be directed away and shielded from adjacent properties.
- F. When irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.
- G. When spraying of plant material is required, only those sprays accepted by the Department of Agriculture shall be utilized and further, said spraying operation shall be directed so as to not affect in any way adjacent properties.

120.14 TRADITIONAL POND

The following applies to traditional ponds only. Decorative ponds, commercial ponds, and wetlands require separate zoning regulations.

- A. A permit is required from the Township and construction must be completed within a year.
- B. A pond must be designed by a registered civil engineer or by the Lorain County Soil and Water Conservation District (LCSWCD) to meet the Standards and Specifications of the USDA Natural Resources Conservation Service.
- C. The LCSWCD will provide technical assistance for pond design to residential and agricultural landowners. Industrial and commercial sites will need to obtain engineering services from private engineers.

- D. Ponds designed by private engineers can be reviews by the LCSWCD for technical adequacy (at the request of the Township).
- E. Minimum size. Will be 1/4 of an acre in surface area (approximately 100 feet by 110 feet). Minimum depth: 8 feet in 25-50% of the pond with 3 to 1 side slopes (3 feet horizontal to 1 foot vertical rise).
- F. Setback requirements. Will be a minimum of 50 feet from all property lines and rights-of-ways. This is measured from the high water mark on the pond, the outside toe (edge) of the embankment (dam) and the outside edge of the spoil disposal area. None of these three points can be closer than 50 feet to the property line. (See Exhibit A at the back of this Resolution).
- G. Flood Plain. The LCSWCD will not design a pond located in a flood plain area, as designated by the FEMA Flood Plain map or local zoning.
- H. Drainage. On-site and off-site drainage patterns (surface and subsurface) will not be obstructed by pond construction, in compliance with Ohio Drainage Laws. Drainage (ditches, swales, tile, etc.) will be rerouted around the pond and outletted into the original watercourse.
- I. Erosion. The construction and use of a pond will not result in additional erosion and sedimentation problems either off-site or on-site.
- J. Mounding of Spoil Material. Maximum heights not to exceed 6 feet. Minimum top width is four feet and minimum side slopes are 3:1.
- K. Spillway. All ponds will have a spillway system capable of handling stormwater overflow from the pond. Overflow stormwater will be discharged in to the natural watercourse.
- L. Proximity to Sanitary Systems. Ponds used as a primary water supply will be minimum of 50 feet from the septic system leach field. Otherwise ponds will be a minimum of 25 feet from the nearest point of the sanitary system.
- M. Ponds will not be discharged so as to affect the leach field of adjacent sanitary systems or raise the ground water so as to render ineffective any sanitary system.
- N. Ponds will be managed and maintained so as not to create nuisance and health hazards. The location of a pond shall not cause a hazard to nearby residents.
- O. The area surrounding the pond shall be appropriately landscaped with grass and trees to aid in surface drainage and minimize erosion.
- P. Liability for the pond is the responsibility of the landowner.
- Q. Fines and enforcement for pond violations is the responsibility of the Township. The LCSWCD does not issue permits nor is it responsible for enforcement action.
- R. The LCSWCD requires a minimum of 60 days prior to construction to conduct investigation, perform surveys and prepare final drawing of pond.
- S. The landowner is responsible for payment of fees to LCSWCD or other engineers for pond design/layout services.
- T. Public Utility requirements must be adhered to regarding both underground and overhead utilities.
- U. Larger ponds and/or dams may be subject to review. Approval and annual inspection by the Ohio Department of Natural Resources, Division fo Water, under the Ohio Dam Safety Law.

120.15 ROADSIDE STAND

- A. For the sale of products grown on the property where said stand is located.
- B. Said stand shall be portable to permit removal during the non-growing season.
- C. Said use shall be setback thirty (30) feet from any right-of-way side line.
- D. Adequate off-street parking shall be provided for a minimum of four vehicles or more as determined by the Board of Zoning Appeals depending on the type and size of operation.
- E. All portable roadside stands shall be moved back to the setback building line during the non-growing season.
- F. Signs shall be subject to provisions contained in Article XI, Section 1100.00 of this Resolution.
- G. Off-street parking areas shall be maintained in an all weather, dust free condition.

120.16 SALVAGE YARD

- A. All outdoor storage areas shall be screened or fenced with a solid fence at least eight (8) feet in height. Said fence shall be maintained in sound condition, painted and presenting a neat and inconspicuous appearance. In addition, the use of trees and shrubs shall be encouraged to enhance the outward appearance of said enclosed area.
- B. Storage between the street and such fence is strictly prohibited.
- C. A minimum of two parking spaces plus one parking space per employee in addition to one space for each one hundred (100) square feet of retail floor area shall be provided.
- D. All outside salvage or storage material shall be located no closer than seventy-five (75) feet to the side and rear property lines when located adjacent to a non-residential district and a two hundred (200) foot transition area measured from the fence to any residential district boundary shall be maintained. Such strip shall be planted with trees, grass and shrubs.
- E. Salvage yards shall be established and maintained according to all applicable State of Ohio statutes. The stricter regulations, either State or local, shall prevail.
- F. A minimum of two (2) acres shall be provided.
- G. A front yard of one hundred (100) feet from the right-of-way line shall be maintained. Said front yard shall be planted with trees, grass and shrubs.
- H. No material shall be stocked above the fence height, except the movable equipment used in the operation.
- I. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packing shall be conducted within a completely enclosed building.
- J. A development plan shall be submitted at the time of application showing: building location, accessory buildings or structures locations, fence location, fence type and specifications, planting plan, parking area, street access point or points and drawn to scale.
- K. A salvage yard operation will be permitted to operate in an approved location provided that the operation of said use does not adversely affect the public health, safety and general welfare.

120.17 GASOLINE STATION

- A. Site - minimum of one (1) acre.
- B. Yard requirements as follows:
 - 1. Frontage- a minimum frontage on the primary street of one hundred twenty-five (125) feet.

2. Building setback - required minimum setback of 100 feet from all street right-of-way lines. A 15 feet deep unobstructed buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.
 3. Rear Yard - a required minimum of 75 feet where the use abuts a residential area or 40 feet abutting a nonresidential area.
 4. Side Yard - a required minimum of 75 feet where the use abuts a nonresidential area.
- C. Lot coverage - a maximum of 20% shall be permitted.
- D. Driveways. Maximum width of curb openings for stations should not be more than 35 feet or less than 20 feet. On a corner lot, no more than one access drive permitted per street.
- E. No driveway or curb out for a driveway shall be located within 10 feet of any adjoining property line or within 20 feet of an exterior (corner) lot line as extended.
- F. Any two driveways giving access to a single street shall be separated by a buffer strip with a minimum depth of 20 feet from the right-of-way.
- G. The angle of intersection of the center line of the street shall not be less than 60 degrees.
- H. Landscaping.
1. Any unpaved areas of the site shall be landscaped or maintained in a dust free condition and separated from the paved areas by a curb or other barrier.
 2. When such use abuts a lot in any residential district, a 3 foot solid wall, chain link fence, or painted board fence shall be maintained from the street right-of-way line to the building line. Whereupon a six foot solid wall, chain link fence, or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs shall be incorporated which will attain a maximum height of three feet from the street right-of-way line to the building line and a minimum of six feet long the remainder of the property lines.
- I. There shall be a parking space for each employee (with a minimum of two employee spaces) plus one space for each service bay, plus one space for each restroom provided.
- J. Exterior lighting shall be shielded from adjacent properties to prevent possible glare.
- K. Signs. The provisions of Article XI, Section 1100.00 shall apply in this District.
- L. Service Equipment.
1. Gasoline pump islands, compressed air connections, and other equipment shall be setback a minimum of 30 foot from any right-of-way line.
 2. Hydraulic hoists, pits and all lubrication, washing and repair equipment shall be enclosed entirely within a building.
- M. Repair Work. No major repair work shall be conducted in a gas station.
- N. The application for a gasoline station conditional use shall include a traffic impact study, prepared by a qualified traffic engineer, which includes at least the following information and such other information as the Board may deem necessary to determine the traffic impacts of the proposed use and the suitability of any proposed improvements to mitigate such impacts:
1. Plan of access, including curb cuts, drives, stacking lanes, and parking.
 2. Evidence that the plan provides for free-flowing access to the site, with avoidance of undue congestion or any safety hazards in adjacent roads and intersections.
 3. Roadway improvements, acceptable to the appropriate jurisdictions, which maintain or improve the level of service of any road located within one-fourth (1/4) mile of the site

shown by the traffic impact study to be adversely impacted by the proposed development.

- O. Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall only be permitted in the locations approved in the conditional use certificate. Vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall not be stored on the site for more than twenty-one (21) days. Parking and storage of vehicles not related to the principal use of the site, or to an approved accessory use, shall not be permitted.
- P. Vehicle sales, service, rental, or leasing shall not be permitted on the site unless specifically approved.
- Q. Retail sales of products shall be permitted only within an enclosed structure which shall comply with all provisions of the district, including requirements for parking.
- R. Temporary outdoor storage of discarded materials, vehicle parts, scrap and other waste prior to collection and disposal shall only be permitted within a storage area completely surrounded by a solid wood or masonry fence six (6) feet in height or other screening approved in the site plan. The screening shall be set back from residential districts at least ten (10) feet and landscaped according to the approval in the conditional zoning certificate.
- S. Air compressor pumps (e.g. for tire inflation) and other outdoor equipment shall be identified in the conditional use certificate and shall be located and screened in a manner which minimizes noise impacts on residential districts.
- T. Curb cuts shall be limited to two (2) per site. On corner lots, curb cuts shall be limited to one (1) per road.
- U. Gas stations shall provide no less than two (2) waiting spaces per accessible side of a gasoline pump island.
- V. Outdoor repair, preparation, cleaning, assembly, disassembly, or other outdoor activities shall not be permitted unless the nature and location of the activity is specifically identified in the application and approved in the conditional use certificate.
- W. Outdoor storage areas shall not cover more than fifteen percent (15%) of the site area.
- X. Outdoor display, storage, or sale of goods shall not be permitted on the site unless specifically approved in the conditional use permit.
- Y. Outdoor storage shall be screened by walls, fences and landscaping as may be determined by the Board of Zoning Appeals to be adequate to appropriately screen the materials and equipment from outside the boundaries of the lot. Screening of outdoor storage areas shall be by buildings housing the principal use, or by ornamental face brick wall or by a completely obscuring ornamental fence of wood or other material.
- Z. A site plan of the area proposed for outdoor storage shall be submitted for review and approval with the conditional use certificate. The plans shall show the type of materials or equipment to be stored, all principal buildings on the site, property lines, abutting roads and proposed screening methods.

120.18 SPORTSMAN CLUB

- A. Uses permitted shall be softball/baseball fields, multiple-use paved areas, landscaped areas, playground apparatus and clubhouse.
- B. Parking spaces shall be provided for each member and guest. Parking facilities shall be located a minimum of fifty (50) feet from all side lot lines and at least thirty (30) feet from the road right-of-way. All access drives shall be ten (10) feet or more from adjacent

- property. Playground apparatus must be setback fifty (50) feet from any bounding road right-of-way or side lot line.
- C. Setback requirements for all building and accessory structures shall be a minimum of seventy-five (75) feet from side and rear lot lines and two hundred (200) feet from all bounding road right-of-ways. When lighting is provided, it shall be shielded from adjacent properties. Minimum total site size shall be fifteen (15) acres and the minimum width three hundred (300) feet with at least three hundred (300) feet of road frontage.
 - D. Setback areas on the site shall be appropriately landscaped to screen the clubhouse, pavilion, and parking areas from view.
 - E. No trap and skeet shooting, rifle or pistol ranges will be permitted,
 - F. No dog field trials shall be permitted.
 - G. No amplification equipment shall be permitted.
 - H. All sanitary facilities and water supplies shall be approved by the County Board of Health.
 - I. Any signs erected must conform to Article XI, Section 1100.04 in the Zoning Resolution.
 - J. A development plan must be submitted at the time of application for a conditional use permit.
 - K. The Zoning Inspector may inspect the premise anytime. Failure to comply with regulations will be considered reason for revocation of the conditional use permit.
 - L. All primary and accessory uses shall be subject to township, county, state, and national regulations and such other conditions as the Zoning Board may deem necessary.

120.19 VETERINARY HOSPITAL

- A. **Parking and Access.** Parking shall be provided for a minimum of four (4) car and trailer combinations. Five hundred (500) square feet shall be the minimum required parking and access area for each car and trailer or van combination. Three hundred (300) square feet shall be required for parking and access space for each vehicle.
- B. **Runways, Exercise Areas.** All riding or exercising of animals shall be conducted solely on the premises. All outside animal runways or kennels shall be enclosed by a six (6) foot woven chain link fence, maintained in a clean, orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein, the public, or constitute a nuisance.
- C. **Buildings and Enclosures.** The main building and any buildings housing animals shall be no closer than one hundred (100) feet from any other lot in any district. Enclosed runways and kennels or outside exercise areas shall be no closer than one hundred (100) feet from any property line.
- D. **Manure piles** shall be disposed of daily in a sanitary, non-odorous condition. Open manure piles shall not be permitted.
- E. All outside lighting shall be shielded from adjacent properties.
- F. The sale of incidental products is permitted.

120.20 WIRELESS TELECOMMUNICATION FACILITY

The purpose of these Wireless Telecommunications Facility regulations is to accommodate transmitters, towers, and antennas, for use in providing public or personal wireless services in a variety of zoned districts, contingent upon having met specified requirements, conditions, and design criteria. These regulations will help minimize the visual impact of the towers and associated facilities through landscape buffering, selective design and construction, setbacks for location and

the removal of such facilities when no longer in use. These regulations encourage collocation of installations on common towers whenever feasible, minimizing the need for additional towers. This process is directed at maintaining a balance between the Township's right to preserve its land use policies for health, safety, welfare and aesthetics, while allowing the Federal government to provide for and spur competition in the telecommunication industry.

As provided in the Ohio Revised Code, any telecommunications tower proposed to be established in a Residential District, and for which the Board of Trustees sends written notice to the person proposing to construct the tower, shall be subject to the provisions of this Resolution including the following requirements:

- A. Sole Use On a Lot. A wireless telecommunications facility may be approved as a conditionally permitted use as a sole use on a lot, subject to the following conditions:
1. Minimum lot size - frontage 250 ft, 3 acres (550 ft deep).
 2. Minimum yard requirements:
 - a. Tower:
 - I. Front yard setback: Height of tower plus 300 ft.
 - II. Side yard setback: Minimum distance of 200 ft or the height of the tower to any residential use ~~or residential district lot line~~, whichever is greater.
 - III. Rear yard setback: Minimum distance 200 ft or the height of the tower to any residential use or residential district lot line, whichever is greater.
 - b. Accessory Shelter:
 - I. Front yard setback: 300 feet
 - II. Side yard setback: 100 feet
 - III. Rear yard setback: 200 feet
 3. Maximum height
 - a. Tower: 200 feet (includes antenna)
 - b. Accessory Building: 15 feet
 4. Maximum size of accessory building. Total building space shall not exceed 750 square feet. If there are multiple users, then the equipment must be sheltered in a single building unless the applicant can show a technical necessity for a separate building, in which case multiple buildings must be designed to have the appearance of a single building.
 5. Access. The service access to the accessory building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- B. Combined with Another Use. A wireless telecommunications facility is conditionally permitted on a property with an existing use subject to the conditions in Section A.
- C. Combined with an Existing Structure. Where possible an antenna for a wireless telecommunication facility shall be attached to an existing structure or building subject to the following conditions:
1. Maximum height: 20 feet above the existing building or structure, so long as the combined total height of antenna and structure does not exceed 200 feet. Also subject to the conditions in Section 120.20A above.

- D. Located within an Electric High Tension Power Line Easement.
1. A wireless telecommunications tower facility is conditionally permitted within an electric high tension power line easement provided the tower is incorporated into an existing high tension power line tower structure.
 2. A wireless telecommunication tower facility is conditionally permitted in the electric high tension power line easement where the tower is not incorporated into high tension power line structure, provided that no tower shall be located closer than one half mile from any other such tower.
- E. Conditions Applicable to All Wireless Telecommunication Facilities.
1. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be in writing an explanation of why a tower and this proposed site is technically necessary and that the wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner of the operator of the antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the Township.
 2. When a tower is modified or additional equipment is to be located on an existing tower, the applicant shall provide written documentation from an Ohio Registered Engineer that the existing structure is capable of holding the modified or additional equipment and that the tower is structurally sound.
 3. All applicants shall be required to construct or locate on a base tower structure and structure foundation that is designed to be buildable up to, but not including, 200 feet above the finished grade. Such structure shall be designed to have sufficient structural loading to allow for at least three (3) antennae platforms of equal loading for 3 separate providers of service providers to be located on the structure when constructed to the maximum allowable height. The wireless site plan for an equipment shelter shall be large enough to accommodate at least three (3) users of the facility. If an equipment shelter is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least three (3) users. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Board of Zoning Appeals evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this section. As an additional condition of issuing a Zoning Permit, the owner/operator/applicant agrees to respond to any inquiries regarding collocation within thirty days after receipt of a written inquiry.
 4. In all circumstances, owners of existing towers shall promptly respond in writing to requests for collocation but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for collocation. Copies of all written requests to collocate and all written responses shall be sent to the Township Zoning Inspector.

5. The applicant requesting permission to install a new tower shall provide evidence there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower within the geographic area to be served. With the zoning certificate application, the applicant shall list the location of every tower, building, or structure that could support the proposed antenna(s) or area where it would be technically suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower. If another existing tower is technically suitable, the applicant must demonstrate that it has made written request to collocate on the existing tower and the collocation request was rejected by the owner of the tower. In all circumstances owners of existing towers shall promptly respond in writing to requests for collocation but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for collocation. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the Township which owned or controlled by the applicant on reciprocal terms and the offer was not accepted. In all cases, the Township shall use its best efforts to encourage collocation.
6. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.
7. The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
8. The applicant shall provide, at a scale of 1" = 50', a plot plan of the entire site and shall indicate all buildings, and building uses, driveways, roadway, utilities, power lines, water wells, and elevations within 500 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan. The applicant shall provide a vicinity map showing the location of all towers within a 2 mile radius of the site.
9. Security fencing shall be eight feet in height surrounding the tower and equipment shelter, either completely or individually as determined by the Board of Zoning Appeals.
10. The location of the tower and equipment shelter shall comply with all natural resource protection standards established in the Brownhelm Township Zoning resolution.
11. The applicant shall provide, at a scale of 1' = 50', a landscaping plan or the entire site and shall indicate how the wireless telecommunication facility will be screened from adjoining uses.
12. A buffer area of not less than ten feet in depth shall be placed between the wireless telecommunications facility and the public right-of-way, and any property lines. The ten foot buffer area shall consist of rows of evergreen trees planted five (5) feet on center with a minimum height of 6 feet or other plantings as deemed appropriate by the Board of Zoning Appeals.
13. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

14. The applicant must provide written certification from an Ohio Registered Engineer that the antenna(s) and/or tower(s) to be constructed are in compliance with all applicable Federal, State, and Local regulations pertinent to the construction. The applicant shall provide a soil report showing compliance and verifying the design specifications of the foundation for the tower. Towers and antennas shall be designed to withstand sustained winds and ice accumulation as required by the Ohio Basic Building Code.
15. The tower shall be painted a non-contrasting gray or blend in with the surrounding environment, minimizing its visibility.
16. No advertising is permitted any where on the facility, with the exception of one identification sign which is non-illuminating and no larger than 2 square feet. A minimum number of "no trespassing" signs will be permitted.
17. Lighting is required on all towers of 100' or more. The lighting for the tower shall be a red fading light or the most visually non-obtrusive "state of the art" lighting available, unless otherwise required by the FAA.
18. The owner/operator shall provide an "Emergency Procedure Plan" identifying who will be notified and what remedy processes will be used in case of an emergency, a copy shall be kept on file at the Brownhelm Township Hall, and with the Brownhelm Township Zoning Inspector.
19. The owner/operator shall provide a plan for periodic maintenance, which details maintenance repair and dismantling procedures that comply with good industry practices.
20. Any decision to deny a request to place, construct, or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of proceedings of the Brownhelm Township Trustees.
21. Underground equipment shelter(s) are encouraged, and may be required by the Board of Zoning Appeals where an above ground accessory building would substantially diminish the use and enjoyment of an adjoining property.
22. Outdoor storage of any supplies, vehicles or equipment is prohibited, except during the initial construction period or to supply emergency power during a power outage.
23. The owner/operator of the telecommunications facility shall remove a non-functioning facility within a year of ceasing its use. The owner/operator of the telecommunication facility shall annually, along with renewal of Conditional Use Permit, file a declaration with the Zoning Inspector as to the continuing operation of every facility installed on the tower. The owner/operator of the telecommunication facility shall annually file with the Zoning Inspector proof of inspections and compliance with current codes and standards for the tower and facility as prepared and performed by an Ohio Register Engineer.
24. Bond. The owner/operator of the telecommunications facility shall be required as a condition of issuance of a permit to post a cash or surety bond acceptable to the Trustees of not less than \$30,000.00, said bond shall insure that an abandoned, obsolete or destroyed wireless telecommunications antenna or tower shall be removed within one year of cessation of use and abandonment. Any successor-in-interest or assignee of the owner/operator shall be required to additionally execute

- such bond as principal, insure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies the tower.
25. Permit Fees. Shall be set by the Brownhelm Township Trustees and are subject to change without notice.

120.21 BED AND BREAKFAST INN

- A. The facility shall be compatible with surrounding land use and the residential character of the neighborhood. The exterior appearance of the structure or grounds shall not be altered from its single family dwelling character.
- B. The maximum length of stay shall not exceed fourteen (14) consecutive days and rooms will be rented only on an overnight basis. No guest shall stay more than sixty (60) nights in any one (1) year period.
- C. Bed and Breakfast Inns must obtain all required commercial licenses, may have a commercial kitchen and a minimum of four (4) and a maximum of twelve (12) guest rooms where compensation is paid for guests overnight.
- D. A Bed and Breakfast Inn may only be located in a residential district on a lot which contains at least ten (10) acres. The Inn shall be located not less than one hundred (100) feet from all property lines.

120.22 CHILD DAY CARE CENTER, TYPE A DAY CARE HOME

- A. All points of vehicular entrance or exits shall be located no closer than one hundred (100) feet from the intersection of two (2) major roads or no closer than fifty (50) feet from the intersection of a major road and a local collector road .
- B. The uses shall be properly landscaped to be harmonious with the surrounding residential uses. Landscaping shall meet the approval of the Board of Zoning Appeals.
- C. Outside play areas shall be enclosed by a six (6) foot fence set back a minimum of twenty (20) feet from the property line.
- D. Sufficient parking and "drop off and pick up" areas shall be provided off the public roadway.
- E. Applicant must provide evidence of a state license or of submitted application for a state license. State license must be obtained before conditional use permit will become effective.

120.23 DRIVE THRU FACILITY, DRIVE UP FACILITY

- A. Drive-up facilities which utilize microphones or other audible signals shall be designed to minimize sound impacts upon abutting uses. Hours of operation shall be as approved with the site plan.
- B. Lanes required for vehicle access to and waiting for use of a drive thru or drive up facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one time, to provide escape/abort lanes for vehicles desiring to leave the stacking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting roads and hazards to pedestrians.
- C. Conditions may be established restricting the hours of operation in order to reduce inappropriate impacts on abutting uses and on road traffic and to ensure compatibility with normal vehicular activity in the district.
- D. The applicant shall design the site plan or otherwise provide assurances to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential districts.

- E. Drive-up facilities shall be located on that part of a site which is most distant from or most screened from the boundaries of abutting residential districts. Where site conditions necessitate locating a drive-through facility near to the district, the area between the uses shall be screened as directed by the Board of Zoning Appeals.
- F. Drive up facilities, their stacking areas, and routes of access shall be located to not interfere with or cause interference with vehicles or pedestrian movement on the public road or within the site. Stacking areas for drive-through facilities shall not be the sole or primary site egress route. Stacking areas shall not utilize parking or aisles required for access to parking.
- G. Business establishments with drive-up facilities, such as banks and restaurants shall provide a minimum of twelve (12) waiting spaces, but not less than eight (8) spaces per drive-up facility.

120.24 SIMILAR USE

An applicant may submit an application for a conditional zoning certificate for a building or use which is not specifically listed as a permitted use or a conditionally permitted use in a district. The Board of Zoning Appeals shall interpret this Resolution to determine if the proposed use is a similar use. The Board of Zoning Appeals shall make a decision after consideration of the proposed use with respect to the following standards and other applicable provisions of this Resolution:

- A. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district; and the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district.
- B. Whether the establishment of the use in the district will significantly alter the nature of the district.
- C. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.
- D. Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.
- E. The Board of Zoning Appeals shall decide whether or not the proposed use shall or shall not be a similar use for the subject district and whether the conditional zoning certificate should be approved.

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Article 130

Nonconformities

130.01	Purpose
130.02	Nonconforming Use
130.03	Nonconforming Structure
130.04	Nonconforming Lot
130.05	Completion of Approved Construction
130.06	Jurisdiction

130.01 PURPOSE

- A. The purpose of this section is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Resolution (and amendments hereto) but which do not conform to the existing provisions of this Resolution.
- B. Lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Resolution which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution.
- C. While it is the intent of this Resolution to permit nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district in which it exists and with the adopted plans of the Township and shall be discouraged, especially where the nonconformity constitutes a nuisance or hazard.

130.02 NONCONFORMING USE

- A. Continuation of Lawful Nonconforming Use. The lawful use of any building or land existing at the effective date of this Resolution or amendments may be continued, although the use does not conform with the provisions of this Resolution subject, however, to the provisions of this Article 130.
- B. Discontinuance or Abandonment. Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with provisions of this Resolution. A nonconforming use which has been abandoned shall not be replaced by a nonconforming use. Among other causes, a nonconforming use shall be deemed abandoned when the use has been replaced by a conforming use.
- C. Change in Use. Whenever a nonconforming use of a building or land has been changed to a more restricted use, or to a conforming use, such use shall not thereafter be changed to a less restricted use or nonconforming use.

A nonconforming use may be changed to another nonconforming use provided that the new nonconforming use is identical or in less conflict with the character and use of the district than the existing nonconforming use as determined by the Board of Zoning Appeals.

- D. Displacement. Except as provided in Subsections 130.02E and 130.03A, no nonconforming use shall be extended to displace a conforming use.
- E. Enlargement of Use. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of the adoption or amendment of this Resolution.

A nonconforming use may be altered or enlarged to expand the area of the use in one or more additions, provided that the total area of the expansions does not exceed twenty-five percent (25%) of the area of the use as it existed at the time the use became nonconforming and provided that the area or intensity or nature of a use shall not be altered or enlarged in any manner which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties or the community.

- F. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

130.03 NONCONFORMING STRUCTURE

- A. Alterations or Enlargements. A nonconforming structure may be altered or enlarged to extend such structure to a total area not to exceed twenty-five percent (25%) more than the area of the structure as it existed at the time it became nonconforming.
- B. Restoration of Damaged Structure. Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution, provided that:
 - 1. not more than fifty percent (50%) of the value of the structure was lost in the damage event; and
 - 2. provided the replacement or repair does not extend the nonconformity except as permitted in Section 130.02E; and
 - 3. provided the reconstruction or restoration is completed within two (2) years after the date of destruction.

When more than fifty percent (50%) of the value of the structure is lost in the damage event, the structure and use shall not be reconstructed except in a manner conforming with these Regulations.

- C. Unsafe Structures. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

- D. Repairs and Maintenance. On any building or structure devoted in whole or in part to a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding ten (10) percent of the current replacement value of the building or structure, provided that the cubic content of such building or structure as it existed at the time of passage or amendment of this Resolution shall not be increased.

Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

130.04 NONCONFORMING LOT

- A. In any "R" district notwithstanding limitations imposed by other provisions of this Resolution, a single family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of this Resolution, provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements may be obtained only through action of the Zoning Board of Appeals.
- B. When a nonconforming lot of record can be used in conformity with all applicable provisions of this Resolution, except that the area of the lot is nonconforming, then the lot may be used as if its area were conforming.

Lot Area Exception for Certain Existing Substandard Lots. Any lot or parcel of land, legally created, under one ownership, and of record at the time of adoption of this Resolution, and where no adjoining land was under the same ownership on said date, may be used as a building site even when of less area or width than that required by the regulations for the district in which it is located.

- C. When conforming use of a nonconforming lot of record cannot reasonably be established due to the yard or setback requirements of the district in which the lot is located, the Board of Zoning Appeals may grant variances to yard or setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Resolution.

130.05 COMPLETION OF APPROVED CONSTRUCTION

Building under construction prior to enactment of this Resolution. Nothing in this Resolution shall be deemed to require any change in plans, construction, or designated use of any building upon which actual construction has lawfully begun prior to the adoption of this Resolution provided construction is prosecuted diligently and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

130.06 JURISDICTION

- A. Whenever an application is submitted to the Zoning Inspector for a zoning certificate for:
1. a use or structure which displaces a nonconforming use or structure;
 2. for the use of a nonconforming lot in a manner which is in compliance with the provisions of this Zoning Resolution; or

3. for an alteration to a dwelling which does not increase the nonconformity of the dwelling,

the Zoning Inspector shall take action upon the application as provided for any zoning certificate.

- B. Except as provided in Section 130.06A, whenever an application is submitted to the Zoning Inspector replacement of a nonconforming use or of a nonconforming structure, or for a use or construction upon a nonconforming lot, the land owner shall submit the application to the Zoning Board of Appeals for review and action. The Board shall take action to direct the Zoning Inspector to issue or deny the application not later than sixty (60) days after the date of the meeting at which the application was first considered by the Board, unless a longer time for consideration is agreed by the Board and the applicant.
- C. The Zoning Board of Appeals shall have the authority to establish reasonable conditions and requirements as it deems necessary to carry out the purposes of this Resolution. Reasonable conditions and requirements may include but are not limited to:
 1. regulation of the locations and dimensions of uses and structures;
 2. regulation of the manner and times of operation of the use;
 3. requirements for architectural and landscaping design features including necessary buffer features;
 4. requirements for fees or exactions necessary to mitigate the impacts of the approved changes in the nonconforming use or structure.

Article 140

Zoning Board of Appeals; Variance Petition; Administrative Appeal; Conditional Use Permit

140.01	Purpose
140.02	Zoning Board of Appeals: Jurisdiction
140.03	Zoning Board of Appeals: Organization
140.04	Zoning Board of Appeals: Decisions
140.05	Variance Petitions & Administrative Appeals: Procedures
140.06	Variance Petitions: Standards for Use Variance and Area Variance
140.07	Conditional Use Permits: Procedures, Standards, and Conditions
140.08	Lapse of Variance or Conditional Use Permit
140.09	Matters of Appeal: Duties of the Zoning Inspector, Zoning Board of Appeals, Township Trustees, and Courts
140.10	Fees

140.01 PURPOSE

The purposes of this Article are: to establish a Zoning Board of Appeals to exercise the authorities set forth in the Ohio Revised Code and in this Resolution; to establish rules and procedures for its organization and operation; and to establish procedures and standards for applications and decisions regarding administrative appeals, variance petitions, and conditional use permits.

140.02 ZONING BOARD OF APPEALS: JURISDICTION

The Board shall operate so as to carry into effect the powers and jurisdiction conferred upon it as follows:

- A. Variance Petition. The Board of Zoning Appeals may authorize in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship or practical difficulties, as provided in the standards stated herein.
- B. Administrative Appeal. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution.
- C. Conditional Use Permit. To hear and decide on such conditional use permits as the Board is specifically authorized to pass on by the terms of this Resolution.
- D. Interpretation. To interpret the provision of the Zoning Resolution or Map where there is doubt as to meaning or application. The board shall have the specific power to:
 1. Interpret the precise location of the boundary lines between zoning districts.

2. Interpret the classification of a use which is not specifically mentioned as part of the use requirements of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the intent and purpose of each district.
- E. Other Powers. To exercise such other powers as may be granted to the Board by this Resolution, amendment thereto, or by the general laws as set forth in the Ohio Revised Code as amended.
- F. Powers Limited. The Board shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Resolution, but does have the power to act in those matters where the Resolution provides for judicial review, interpretation, variance or conditional use as defined in this Article.

140.03 ZONING BOARD OF APPEALS: ORGANIZATION

- A. Appointment
 1. The Board shall be composed of five (5) members, all of whom are residents of the unincorporated area of the Township. Members shall be appointed by the Trustees for a period of five (5) years, with terms arranged so that the term of one member shall expire each year.
 2. When a vacancy on the Board occurs for any reason, the Trustees shall appoint a successor to serve the unexpired term.
 3. The Trustees shall have the right to remove any member of the Board with due cause.
 4. Alternate Members.
 - a. The Trustees may appoint two residents of the unincorporated area of the Township to serve as the "First Alternate Member" and "Second Alternate Member". Terms shall be determined by the Trustees.
 - b. When present at a meeting of the Board at which one member is absent, the First Alternate shall take the place of the absent member. The Second Alternate shall take the place of an absent member if the First Alternate is not present or if more than one member is absent.
 - c. When participating in place of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.
- B. Organization and Rules
 1. The Board shall organize annually and elect a chairperson and vice-chairperson. The Board shall elect a secretary from its membership unless a secretary is otherwise provided by the Board of Trustees.
 2. The chairperson shall:
 - a. Shall preside at all meetings of the Board;
 - b. Shall decide on all points of order and procedures unless otherwise directed by a majority of the Board.
 - c. May appoint committees deemed necessary to carry out the business of the Board.
 - d. May administer oaths and compel the attendance of witnesses.
 3. The chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.

4. The vice-chairperson shall serve in the absence of the chairman. He shall have all the powers of the chairperson during his absence, disability or disqualification.
 5. The secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board. The secretary need not be a member of the Board.
 6. The Board shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution.
- C. Meetings. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. All meetings shall be open to the public.
- D. Voting
1. All actions of the Board shall be taken by resolution, the vote of each member being recorded.
 2. The majority of the Board shall constitute a quorum to do business and the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector.
 3. No member of the Board shall vote on any matter in which the member is personally or financially interested.
- E. Minutes and Records. The secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examination and other official action, all of which shall be certified correct and filed in the Township Hall and shall be a public record.
- F. Witness and Oaths. The Board shall have to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers and other evidence pertinent to any issue before the Board.
- G. Department Assistance. The Board may call on any applicable county or State Agency for assistance in the performance of its duties, and it shall be the duty of such departments to render assistance to the Board as may be required. In addition, the Zoning Commission may make an analysis and present a report on any matter before the Board. Such report shall be considered by the Board at the time of hearing on the matter.
- H. General Governing Guidelines
1. The Board shall be governed by the provisions of all applicable state statutes, local laws, and rules set forth herein.
 2. The Board shall become familiar with all enacted resolutions and laws of the Township under which it may be expected to act as well as with applicable state enabling legislation.
 3. The Board shall uphold the Zoning Resolution and Official Zoning Map of Brownhelm Township as adopted and shall serve primarily as a judicial review in the performance of its duties.
 4. The Board shall become familiar with the community goals, desires and policies and, to the extent not in conflict with applicable laws, decisions shall be guided by such policies. Relief shall only be granted which will insure that substantial justice will be done, and the public interest protected.
 5. Through the performance of its duties, the Board may not act as a legislative body; or through interpretation, the granting of variances, or the setting of conditions, alter the basic intent of the Zoning Resolution to be generally and equally applicable to all persons covered by a zoning district.

140.04 ZONING BOARD OF APPEALS: DECISIONS

- A. The Board shall decide all applications for variance petitions, conditional use permits, and administrative appeals within thirty (30) days after the final hearing thereon.
- B. The applicant shall be notified in writing of the Board's decision and the findings of fact which were the basis for the Board's determination.
- C. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determination of the Zoning Inspector as in its opinion ought to be made in the premises. The decision shall state any conditions and safeguards necessary to protect the public interest.
- D. In reaching a decision, the Board shall be guided by standards specified in this Resolution as well as by the community goals and policies specified in a comprehensive zoning plan and any recommendations made by the Zoning Commission.
- E. A certified copy of the Board's decision including all terms and conditions shall be transmitted to, binding upon and observed by the Zoning Inspector.
- F. The Zoning Inspector shall fully incorporate these same terms and conditions in the permit to the applicant whenever a permit is authorized by the Board.
- G. All findings and decisions shall be clearly set forth in the minutes of the Board.
- H. In rendering a decision, the Board shall show that:
 - 1. It has considered and evaluated all available information and evidence.
 - 2. It has heard all parties in question. Any personal knowledge the Board may have of the subject under question has been taken into account.
 - 3. The Board has received a report on the case based upon an inspection of the parcel in question.

140.05 VARIANCE PETITIONS AND ADMINISTRATIVE APPEALS: PROCEDURES

Appeals and variances shall conform to the procedures and requirements of this resolution.

- A. Administrative Appeals
 - 1. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector.
 - 2. Appeal shall be taken within twenty (20) days after the decision by filing with the Secretary of the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken.
 - 3. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
 - 4. Stay of Proceedings. An administrative appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, with a notice taken to the Zoning Inspector from whom the appeal is taken.

B. Variances

1. A request for a variance may be made by an aggrieved property owner to the Board of Zoning Appeals.
2. Application for Variance. A variance from the terms of this Resolution shall not be considered by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Secretary of Board of Zoning Appeals containing:
 - a. Name, address, and phone number of applicants and property owners.
 - b. Legal description of property.
 - c. Description of the section of the Zoning Resolution to which the variance request applies.
 - d. Description of nature of variance requested, including a description of the intended dimension, location, number, or other characteristics of the use or construction which is proposed.
 - e. A narrative statement demonstrating the justification for the requested variance.
 - f. Drawings, illustrations, and other information deemed necessary by the Board to fully explain and document the circumstances of the variance petition and any proposed use or construction and site features.

C. Public Hearing; Notices Required

1. Public Hearing by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within thirty (30) calendar days after the receipt of an application for an administrative appeal or variance petition from the Zoning Inspector or an applicant.
2. Notice of Public Hearing in Newspaper. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) calendar days before the date of the hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
3. Notice to Parties in Interest. Before holding the public hearing, notice of the hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) calendar days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this Article.

- D. Variance Conditions Imposed by the Board. When granting variances, the Board shall have the power to impose conditions and safeguards other than those stated in the Zoning Resolution. Conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the variance on surrounding property and the community as a whole. Violations of conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Resolution and punishable under Article 150 of this Resolution.

140.06 VARIANCE PETITIONS: STANDARDS FOR USE VARIANCE AND AREA VARIANCE

The Board of Zoning Appeals shall, in considering whether to grant a variance, consider the following standards as relevant to the nature of the specific variance petitioned.

- A. Use Variance - "Unnecessary Hardship" Standard: A use variance shall not be authorized by the Board of Zoning Appeals unless it finds that all of the following facts and conditions exist:
1. That unnecessary hardship would result from the literal enforcement of the provisions of this Zoning Resolution. Alleged hardships, such as theoretical loss or limited possibilities of economic advantage, shall not be considered real hardship. A hardship based on conditions created by the owner shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.
 2. That there are unique physical circumstances or conditions, applying to the property in question such as irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions.
 3. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Resolution and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 4. That the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.
 5. That the granting of the variance will not be contrary to the public interest (health, safety) or the intent and purpose of this Resolution and other adopted plans.
 6. That the variance will not permit the establishment within a district, of any use other than those permitted by right within that district, or any use for which a conditional permit is required.
 7. That the variance may not be constructed to mean a change of use but shall mean only a variation or modification from the strict provisions of this Resolution.
 8. That the variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building, or structure.
 9. That in no instance shall a variance be considered for the following reasons:
 - a. Presence of non-conformities in the zoning district;
 - b. Previous variances granted in the zoning district;
 - c. Uses in adjoining districts;
 - d. The applicant's belief that the intended use would be permitted upon his purchase of the land;
 - e. The character or standing of the applicant; or
 - f. Hardships being demonstrated beyond the context of zoning; e.g. economics.

- B. Area Variance - "Practical Difficulties" Test: The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to:
1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 2. Whether the variance is substantial.
 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 4. Whether the variance would adversely effect the delivery of governmental services (e.g. water, sewer, garbage).
 5. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 6. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

140.07 CONDITIONAL USE PERMITS: PROCEDURES, STANDARDS, AND CONDITIONS

Consideration by the Board of Zoning Appeals for the authorization of conditional use shall conform to the procedures and requirements of this Resolution.

- A. Contents of Application for Conditional Use Permit
- An application for conditional use permit shall be filed with the Secretary of the Board of Zoning Appeals 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:
1. Name address and phone number of applicant.
 2. Legal Description of property.
 3. Description of existing use.
 4. Present Zoning District.
 5. Description of proposed conditional use.
 6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirement of this Resolution.
 7. A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration of adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive zoning plan.
 8. Statements explaining how the proposed conditional use complies with the general standards and any applicable specific standards for conditional uses.
 9. Such other information as may be required.

- B. Public Hearing; Notices Required
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1. Public Hearing by the Board of Zoning Appeals. The Zoning Board of Appeals shall hold a public hearing within thirty (30) days from the receipt of the application for a conditional use permit.
 2. Notice of Public Hearing in Newspaper. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.
 3. Notice to Parties in Interest. Before holding the public hearing, written notice of the hearing shall be mailed by the Chairman of the Board, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Subsection B2 above.
- C. Standards. In reviewing an application for a conditional use permit and determining action, the Board of Zoning Appeals shall enforce the General Standards for All Conditional Uses set forth in Section 120.02 and any specific standards applicable to a specific conditional use set forth in Article 120.
- D. Conditions Imposed by the Board
The Board shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Resolution when granting a conditional use permit. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the conditional use on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Article 150 of this Resolution.

140.08 LAPSE OF VARIANCE OR CONDITIONAL USE PERMIT

- A. A variance, once granted, shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of six (6) months, no construction has taken place in accordance with the terms and conditions for which said variance was granted, the Zoning Inspector shall give a notice in writing, and thirty (30) days thereafter the variance shall be deemed null and void and all regulations governing said premises in question shall revert to those in effect before the variance was granted.
- B. Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months. The Appeals Board may in some cases, put a limit on the length of time the permit is valid before it must be renewed.

140.09 MATTERS OF APPEAL: DUTIES OF THE ZONING INSPECTOR, ZONING BOARD OF APPEALS, TOWNSHIP TRUSTEES AND COURTS

- A. It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decisions of the Zoning Inspector, and that recourse from the decision of the Board shall be to the courts as provided by Section 140.11 of this Resolution and Chapter 713 of the Ohio Revised Code.
- B. A person aggrieved by a decision of the Zoning Board of Appeals may file an appeal in accordance with Ohio Revised Code 2506.02 and 2505.07. This appeal must be filed with the Lorain County Court of Common Pleas within 30 days of the decision.
- C. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Article shall not include hearing and deciding questions of interpretation and enforcement that may arise; these being the powers of the Board. Under this Article, the Township Trustees shall have only the duties of considering, adopting or rejecting proposed amendments of the repeal of all or part of this Resolution, as provided by law and of establishing a schedule of fees and charges.
- D. If, in the course of carrying out the intent of this Article and after review of all appeal cases brought before it, the Board finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform the Township Trustees and Zoning Commission of these inadequacies in order that the Zoning Resolution or Map may be appropriately amended.

140.10 FEES

See Article 150 of this Resolution.

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Article 145

Zoning Commission; Zoning Amendments

- 145.01 Purpose
- 145.02 Zoning Commission: Members and Organization
- 145.03 Zoning Commission: Jurisdiction
- 145.04 Zoning Amendments: Procedures
- 145.05 Zoning Map Amendments: Application Requirements
- 145.06 Fees

145.01 PURPOSE

The purpose of this Article is to establish the Brownhelm Township Zoning Commission, to provide for its organization, jurisdiction and procedures, and specifically to provide for procedures for amendment of this Zoning Resolution, and of the Zoning Map which is part of this Resolution, as provided for in the Ohio Revised Code.

145.02 ZONING COMMISSION: MEMBERS AND ORGANIZATON

- A. Members.
 - 1. Regular members.
 - a. The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township, appointed by the Board of Township Trustees.
 - b. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year.
 - 2. Alternate Members.
 - a. The Trustees may appoint two residents of the unincorporated area of the Township to serve as the "First Alternate Member" and "Second Alternate Member". Terms shall be determined by the Trustees.
 - b. When present at a meeting of the Commission at which one member is absent, the First Alternate shall take the place of the absent member. The Second Alternate shall take the place of an absent member if the First Alternate is not present or if more than one member is absent.
 - c. When participating in place of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.
 - 3. Period of Service; Removal; Vacancies.
 - a. Each regular or alternate member shall serve until the member's successor is appointed and qualified.
 - b. Members of the Zoning Commission shall be removable by the Trustees for nonperformance of duty, misconduct in office, or other cause, upon written charges being filed with the Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's

usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

c. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

B. Organization

1. The Commission shall organize annually and elect a Chairperson, Vice-chairperson and Secretary from its membership.

2. The Chairperson shall:

a. Preside at all meetings of the Commission;

b. Decide on all points of order and procedures unless otherwise directed by a majority of the Commission.

c. May appoint committees deemed necessary to carry out the business of the Commission.

3. The Chairperson's signature shall be the official signature of the Commission and shall appear on all decisions as directed by the Commission.

4. The Vice-chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during absence, disability or disqualification.

5. Secretary.

a. The Secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Commission. The Secretary need not be a member of the Commission.

b. The Trustees may authorize from time to time, upon request of the Chairperson of the Zoning Commission, payment for the services of a Secretary to assist the Commission in preparing a record of proceedings.

6. The Commission shall adopt rules as may be necessary to carry into effect the provisions of this Resolution and to exercise the powers and jurisdiction conferred upon it by the Resolution and by the Ohio Revised Code.

C. Meetings. Meetings of the Commission shall be held at the call of the Chairperson and at such other times as the Commission may determine. All meetings shall be open to the public.

D. Voting

1. All actions of the Commission shall be taken by resolution, the vote of each member being recorded. Provided a quorum is present, the favorable vote of a majority of Commission members present shall constitute approval of any action.

2. The majority of the Commission shall constitute a quorum to do business.

3. No member of the commission shall vote on any matter in which the member is personally or financially interested.

E. Minutes and Records The Secretary of the Commission shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examination and other official action, all of which shall be certified correct and filed in the Township Hall and shall be a public record.

145.03 ZONING COMMISSION: JURISDICTION

The Zoning Commission shall have the following powers and duties or as otherwise provided in the Ohio Revised Code:

- A. To transmit all proposed amendments to the Lorain County Planning Commission for recommendation and to consider at the recommendations at public hearing.
- B. To review all proposed amendments to the Zoning Resolution and Zoning Map and to submit a recommendation to the Township Trustees.
- C. To propose on its own initiative amendments to the Zoning Resolution and Zoning Map as it may deem consistent with the purposes of this Zoning Resolution.

145.04 ZONING AMENDMENTS: PROCEDURES

Amendments to this Zoning Resolution, and to the Zoning Map which is part of this Resolution, shall be made according to the following procedures or as otherwise required by the Ohio Revised Code, Section 519.12.

- A. Initiation of Amendments; Commission Sets Hearing
 - 1. Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.
 - 2. Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A)(1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.
- B. Notice Required for Rezoning Ten or Fewer Parcels. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the 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 and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

- C. Content of Notice Required for Rezoning Ten or Fewer Parcels. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:
1. The name of the township zoning commission that will be conducting the hearing;
 2. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
 3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
 4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
 5. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;
 6. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
 7. Any other information requested by the commission;
 8. A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action.
- D. Notice Required for Text Amendment or Rezoning More Than Ten Parcels. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
1. The name of the township zoning commission that will be conducting the hearing on the proposed amendment;
 2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
 4. The name of the person responsible for giving notice of the hearing by publication;
 5. A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
 6. Any other information requested by the commission.
- E. Transmittal to County Planning Commission. Within five (5) days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county planning commission.

Recommendation of the County Planning Commission. The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.

The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

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

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

- 4. The name of the person responsible for giving notice of the hearing by publication;
- 5. Any other information requested by the board.

H. Within twenty (20) days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

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

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

"PETITION FOR ZONING REFERENDUM
(if the proposal is identified by a particular name or number, or both,
these should be inserted here)

A proposal to amend the zoning map of the unincorporated area of Brownhelm Township, Lorain County, Ohio, adopted (date) (followed by brief summary of the proposal).

To the Board of Township Trustees of Brownhelm Township, Lorain County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of Brownhelm Township, included within the Brownhelm Township Zoning Plan, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of Brownhelm Township residing within the unincorporated area of the township included in the Brownhelm Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on (date), pursuant to Section 519.12 of the Revised Code.

Signature
Street Address or RFD
Township
Precinct
County
Date of Signing

STATEMENT OF CIRCULATOR

I, (name of circulator) declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing (number) signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be.

(Signature of circulator)
(Address)
(City, village or township, and zip code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than seventy-five days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least seventy-five days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

No amendment for which such a 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.

Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

145.05 ZONING MAP AMENDMENTS: APPLICATION REQUIREMENTS

- A. Purpose. The purpose of the application requirements set forth in this Section is ensure that, for each proposed zoning amendment which changes the zoning classification or district to which one or more properties is assigned, sufficient information is provided to:
 1. Determine the potential impacts of the proposed change upon the subject properties and surrounds and upon any public services or facilities;
 2. Determine the consistency of the proposed change with any adopted plans of the Township or other applicable jurisdiction for land use, services, facilities or other;

3. Afford the applicant the opportunity to propose development features, improvements, conditions, or other commitments which may mitigate potential impacts of the proposed change and make it suitable in the subject location and surrounds, consistent with locally adopted plans and zoning.
 4. Ensure that the purposes of this Resolution are served by the proposed change.
- B. Pre-Application Procedure. The applicant is strongly encouraged to:
1. Meet with the Zoning Inspector to obtain and review relevant regulations.
 2. Meet in informal discussion with the Zoning Commission to review the relevant regulations and the proposed change of district. In such informal discussion, the Zoning Commission may ask questions and discuss relevant issues and may indicate information which may be necessary to evaluate the proposed change, but shall not take any vote, shall not take any formal action, and shall not make any commitments to the applicant. The applicant shall not be required to take any formal action or to make any commitments.
- C. Zoning Map Amendments: Minimum Application Contents. In addition to any requirements established by the Ohio Revised Code and as set forth in Section 145.04, an application for a change in district or classification (i.e., zoning map amendment or rezoning) shall include:
1. A map of the properties proposed to be changed in classification indicating existing zoning classification and the classifications of all abutting properties.
 2. A drawing of the properties proposed to be changed in classification illustrating:
 - a. General topography;
 - b. Physical features which may impact the use of the site and its suitability for the proposed district, including but not limited to watercourses, open water bodies, steep slopes, rock outcroppings, Category III wetlands;
 - c. Locations of potential vehicular access and (if applicable) potential pattern of public roads;
 - d. An analysis of potential impacts, upon abutting properties, of the uses permitted in the proposed zoning district.
 3. A statement of any commitments, conditions, mitigating measures, site improvements, or other actions which the applicant proffers in support of the proposed zoning district change. The applicant may, but is not required to, submit a site development plan as a means to demonstrate the viability of the proposed zoning district change and may make commitments regarding implementation of the plan.
 4. Such other information or exhibits as the Zoning Commission deems necessary to determine if the proposed change of zoning district complies with the purpose and provisions of this Resolution.

145.06 FEES

See Article 150 of this Resolution

Article 150

Administration and Enforcement

150.01	Purpose
150.02	Zoning Inspector
150.03	Zoning Permit
150.04	Certificate of Compliance
150.05	Fees, Charges, Expenses
150.06	Violations, Penalties

150.01 PURPOSE

The purpose of this Article is to establish a system of permits and fees, penalties for violation of this Resolution, procedures for amendment of the Resolution and Zoning Map, and other provisions necessary to ensure efficient, effective, and fair administration and enforcement of this Resolution.

150.02 ZONING INSPECTOR

- A. For the purpose of enforcing this Zoning Resolution, the Township Trustees shall establish and fill the position of Township Zoning Inspector, together with such assistants as the Trustees deem necessary. The terms of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.
- B. Duties and Powers of Zoning Inspector.
The Zoning Inspector shall have the following duties and powers in accordance with the provisions of this Resolution:
 - 1. To receive applications and collect fees for zoning permits and certificates of compliance as provided in this Resolution.
 - 2. To issue zoning permits and certificates of compliance as provided in this Resolution and to maintain a record of all such permits and certificates.
 - 3. To conduct inspections of uses of land, buildings, and structures, or to supervise such inspections or investigations, to determine compliance with this Resolution.
 - 4. To determine the existence of any violation of this Resolution and to cause such notifications, revocation notices, stop orders or citations to be issued or to initiate legal action as needed to address such violations.

150.03 ZONING PERMIT

- A. Zoning Permit Required
 - 1. No building or other structure, including signs, fences, and accessory structures, shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land be established or changed in use prior to the issuance of a zoning permit.
 - 2. A zoning permit shall not be issued unless the proposed buildings, structures, and uses conform with the provisions of this Resolution, except as provided in a written order from the Board of Zoning Appeals deciding an appeal or permitting a conditional use or variance, as provided by this Resolution.
- B. Contents of Application for Zoning Permit

At a minimum, the application shall contain the following information:

1. The application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application.
2. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2 1/2) years.
3. Name, Address, and Phone Number of Applicant
4. Permanent Parcel No.
5. Legal Description of Property
6. Sanitary Permit
7. Existing Use of the property and all structures thereon
8. Driveway Permit on Township Roads
9. Proposed Use of the property and all structures thereon
10. Zoning District
11. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) alterations
12. Building height
13. Number of off-street parking spaces or loading berths
14. Number of dwelling units existing and proposed
15. Such other matter as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.
16. Certificate of Compliance Deposit.
 - a. A zoning permit for a new dwelling unit or for any other new building exceeding 750 square feet in floor area shall only be issued after receipt by the Township of a certificate of compliance deposit in the amount required by resolution of the Township Trustees.
 - b. The deposit amount shall be refunded to the applicant upon issuance of the certificate of compliance in compliance with this Resolution or upon revocation of the zoning permit due to failure to begin the work.

C. Approval of Zoning Permit

1. Within thirty (30) days after receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance.
2. All zoning permits shall be conditioned upon the commencement of work within one year.
3. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector.
4. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

D. Submission to State Highway Director

1. Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to Highway Director.
2. The Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Highway Director.
3. If the Highway Director notifies the Zoning inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning permit.
4. If the Highway Director notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue a zoning permit.

E. Expiration of Zoning Permit

1. If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the applicant.
2. If the work described in any zoning permit has not been substantially completed within two and one-half (2 1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the applicant, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

150.04 CERTIFICATE OF COMPLIANCE

- A. Certificate of Compliance. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefore by the Zoning Inspector stating that the use of the building or land and all construction or improvements conform to the requirements of this Resolution.
- B. Temporary Certificate of Compliance. A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.
- C. Record of Certificate of Compliance. The Zoning Inspector shall maintain a record of all certificates of compliance and a copy shall be furnished upon request to any person.
- D. Standards for Certificate of Compliance. The owner of property for which a Certificate of Compliance Deposit has been retained by the Township shall comply with all of the following standards and shall notify the Zoning Inspector to schedule an inspection. Upon

determining that all standards have been complied with, the Zoning Inspector shall give notice to the Township Fiscal Officer authorizing return of the Deposit.

1. Compliance with all provisions of this Resolution and with any conditions or other requirements which may have been imposed under this Resolution, including but not limited to those imposed for a conditional use permit or variance.
2. Completion of the following site improvements:
 - a. Driveway graveled or paved to prevent tracking of mud onto public roads
 - b. Rough grading and seeding or other soil erosion controls completed on all parts of lot sufficient to protect adjacent properties from runoff and siltation
 - c. General site cleanup including removal of all construction debris, brush, and other waste
 - d. Completion of parking as required by this Resolution
 - e. Completion of enclosure (roof, walls, doors, windows), septic disposal and water systems, heating, and other improvements necessary to make structure habitable

150.05 FEES, CHARGES, EXPENSES

- A. The Township Trustees shall establish a schedule of fees, charges, deposits, and expenses and a collection procedure for costs relating to zoning permits, certificates of occupancy, appeals and all other matters pertaining to this Resolution. The schedule may be altered or amended only through the Township Trustees.
- B. The schedule of fees shall be posted in the office of the Zoning Inspector.
- C. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken by the Zoning Inspector, by the Board of Zoning Appeals, or by the Zoning Commission on any application or appeal.

150.06 VIOLATIONS, PENALTIES

- A. Failure to Obtain a Zoning Permit or Certificate of Occupancy
Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Resolution and punishable under "Penalties for Violation" of this Resolution.
- B. Construction and Use to be as Provided in Applications, Plans, Permits and Certificates
Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and application or amendments thereto, and no other use, or arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this resolution, and punishable as provided in "Penalties for Violation" of this Resolution.
- C. Complaints Regarding Violations
Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file with the Zoning Inspector a written complaint stating fully the causes and basis thereof. The Zoning Inspector shall properly record such complaint, immediately investigate, and take action thereon as provided by this Resolution.
- D. Penalties for Violation

1. 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 articles of this resolution shall constitute a misdemeanor.
2. Any person who violates this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case.
3. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense.
4. The owner or tenant of any building, structure, premises, or part thereof, and any building structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
5. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violations.

E. Civil Action

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used on any land is or is proposed to be used in violation of the law or of this Resolution or any amendment thereto, the Township Trustees, the County Prosecutor or Township Legal Advisor, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation may in addition to other appropriate action, enter proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

F. Remedies Cumulative

The exercise of the rights and remedies granted in this Article and the above paragraphs shall in no way preclude or limit the Township or any person from exercising any other right or remedy now or hereafter granted to them under the laws of Ohio.

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Article 160

Definitions, Construction

- 160.01 Rules of Construction
160.02 Definitions, Arranged Alphabetically and by Related Groups

160.01 RULES OF CONSTRUCTION

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense,
- C. The singular number includes the plural and the plural number includes the singular.
- D. The word "building" includes the word "structure".
- E. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- F. The word "lot" includes the words "plot" and "parcel".
- G. The words "used" or "occupied" include the words "intended, designed, constructed, altered, converted, or arranged to be used or occupied".
- H. The word "herein" means "this Resolution".
- I. Words written in italics are provided only for the purposes of reference and are not part of the adopted Zoning Resolution.

160.02 DEFINITIONS, ARRANGED ALPHABETICALLY AND BY RELATED GROUPS

Accessory structure:

A structure which is detached from a principal building located on the same lot and which is customarily incidental and subordinate to the principal building or use on the lot. Examples of accessory structures include: detached garage, carport, shed, fence, pool, detached deck, gazebo, picnic shelter.

Adult Entertainment Business, terms relating to:

Adult Entertainment Business: An adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

Adult Book Store: An establishment which utilizes 15 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin, or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.

Adult Material: Refers to any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible things, or any service, capable of arousing interest through sight, sound, or touch, and,

- a. which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
- b. which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

Adult Motion Picture Drive-In: An open air drive-in theater which is regularly used or utilized 15 percent of more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

Adult Motion Picture Theater: An enclosed motion picture theater which is regularly used or utilizes 15 percent of more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

Adult Only Entertainment Establishment: An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult materials as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

Nude or Nudity: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

Sexual Activity: Sexual conduct or sexual contact, or both.

Sexual Conduct: Vaginal intercourse between a male and a female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual Contact: Any touching of an erogenous zone of another including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual Excitement: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

Topless: Showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

Bottomless: Less than full opaque covering of male or female genital, pubic areas or buttocks.

Agriculture:

The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the primary use of the land.

Alterations:

As applied to a building, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alterations, Structural:

Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Board, or Board of Zoning Appeals:

The Board of Zoning Appeals of Brownhelm Township, Ohio.

Buildings and Structures, terms relating to:

See also, definition of "Structure"

Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls. *See also "floor area"*

Basement: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

Cellar: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

Accessory Building: A subordinate building ~~or a portion of the main building on a lot~~, the use of which is customarily incidental to that of the main or principal building.

Main or Principal Building: The building which accommodates the primary use to which the premises are devoted.

For purposes of establishing building lines and yards, the main building includes any covered porch (whether enclosed or unenclosed), garage, carport, breezeway, awning, or other structure attached to the main building with the following exceptions:

- steps
- decks, elevated not more than 12 inches above natural grade, located in the rear yard and extending not more than 12 feet from the main building
- ordinary building projections, not to exceed 24 inches, including sills, cornices, ornamental features, chimneys, and flues

Detached Building: A building surrounded by open space on the same lot.

Front Line of Building: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Rear Line of Building. The line of that face of the building nearest the rear line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Principal Building: A building in which is conducted the main or principal use of the lot on which said building is situated.

Camp:

Any one or more of the following, other than hospital, place of detention or school offering general instruction:

Type 1. Any areas of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or

Type 2. Any land, including any building thereon, used for any assembly of person for what is commonly known as "day camp" purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.

Camping-Ground:

A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of travel trailers, tents or movable temporary dwellings, rooms or sleeping quarters of any kind.

Cemetery:

Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Child Day Care, terms relating to:

Child day care. Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home.

The following are child day care facilities:

Child day care center: A "child day care center" as defined by Chapter 5104 of the Ohio Revised Code. *(13 or more children)*

Child day care, Type A. A "Type A family day care home" as defined by Chapter 5104 of the Ohio Revised Code. *(7 to 12 children in the residence of the administrator)*

Child day care, Type B. A "Type B family day care home" as defined by Chapter 5104 of the Ohio Revised Code. *(1 to 6 children in the residence of the administrator)*

Clinic:

A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

Club, Membership, Sportsman Club:

An organization catering exclusively to members and their guests, including premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

District or Zoning District: A part, zone, or geographic area within the Township, within which certain zoning or development regulations apply.

Dwelling, terms relating to

Dwelling: A building designed or used as the living quarters for one or more families. The terms "dwelling", "single-family dwelling", or "two-family dwelling" shall not be deemed to include motel, rooming house or tourist home.

Dwelling, Single-Family: A building designed for or occupied exclusively by one family and separated from other dwelling units by open space.

Dwelling, Two-Family: A building consisting of two dwelling units which may be either attached side by side or one above the other.

Dwelling, Multiple: A building consisting of three or more dwelling units.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family.

Mobile Home:

- A. A non-self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility; and is built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length; and which when erected on site is 320 or more square feet. A mobile home is transportable in one or more sections and does not qualify as a manufactured home or an industrialized unit. A mobile home is also pre-HUD code. (ORC 4501.01(O))
- B. Mobile Homes as defined are not permitted in any district except as defined under temporary use.

Density: The number of dwelling units per acre of land.

Gross density: The number of dwelling units per acre of the total land to be developed.

Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential use.

Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Family: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

Living Area: The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages and/or carports

Manufactured Home. Any non-self-propelled building unit or assembly of closed construction:

- A. which is fabricated in an off-site facility, and
- B. which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Act of 1974), and
- C. that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

Manufactured Home, Permanently Sited. A manufactured home that meets all of the following criteria:

- A. the structure is affixed to a permanent foundation and is connected to appropriate facilities;
- B. the structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches and attachments, of at least 900 square feet;

- C. the structure has a minimum 3:12 roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. the structure was manufactured after January 1, 1995;

Family Home. A residential facility, licensed by the State of Ohio, that provides room and board, personal care, habilitation services, and supervision in a family setting. A family home is limited to one of the following:

- A. An adult family home, licensed by the Ohio Department of Health, providing accommodations for three (3) to five (5) adults.
- B. A foster family home, licensed by the Ohio Department of Mental Retardation and Developmental Disabilities, for not more than five (5) mentally retarded or developmentally disabled persons, or a family home for six (6) to eight (8) mentally retarded or developmentally disabled persons.
- C. A foster home or family foster home for juveniles.

Easement:

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Fence:

An accessory structure serving as an enclosure, barrier, or boundary usually made of posts, boards, wire, or rails.

Flood, terms relating to:

Flood Plain: All land, including the flood fringe and the floodway, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average of one hundred (100) year recurrence intervals.

Flood Stage: The highest point at which flood waters have risen in the specific area in question. If the Zoning Inspector is unable to determine, it shall be the duty of the Township Trustees to determine.

Flood Way: That portion of the flood plain including the channel which is required to convey the regional flood waters. Floods of less frequency are usually contained completely within the flood way.

Flood Way Fringe: That portion of the flood plain, excluding the flood way, where development may be allowed under certain restrictions.

Floor Area:

The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

- A. The "floor area" of a building or buildings shall include;
 - 1. Basement space;

2. Elevator shafts and stairwells at each floor;
 3. Floor space for mechanical equipment, with structural headroom of seven feet, six inches or more;
 4. Penthouses;
 5. Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet, six inches or more;
 6. Interior balconies and mezzanines;
 7. Enclosed porches;
 8. Accessory uses, but not including space for accessory off-street parking;
- B. The "floor area" of a building shall not include:
1. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths;
 2. Elevator and stair bulkheads, accessory water tanks and cooling towers;
 3. Floor space used for mechanical equipment, with structural headroom of less than seven feet, six inches;
 4. attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet, six inches;
 5. Uncovered steps;
 6. Terraces, breezeways and open spaces;
 7. Accessory off-street parking spaces;
 8. Accessory off-street loading berths.

Garage:

A detached accessory building or a portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

- A. Not more than one space is rented for parking to persons not resident on the premises;
- B. No more than one commercial vehicle per dwelling unit is parked or stored; and
- C. The commercial vehicle permitted does not exceed four tons.

Gasoline Station:

Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances.

Grade, Finished:

The completed surface of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Greenhouse:

A glazed or plastic enclosure used for the cultivation or protection of tender plants.

Home Occupation: An occupation or a profession which:

Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit, and is carried on by a member of the family residing in the dwelling unit, and is

clearly incidental and secondary to the use of the dwelling unit, for residential purposes, and which conforms to the applicable requirements of this Resolution.

Hospital: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, clinic, rest home, nursing home, convalescent home and any other place for diagnosis, treatment or other care of human ailments.

Hospital, Animal: An establishment for the medical and/or surgical care of sick or injured animals.

Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.

Junk: Shall mean any worn-out, castoff, or discarded article or material which is or may be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for the aforementioned purposes. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

Junk Yard: The use of more than 200 square feet of the area of any lot, whether inside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping, abandonment of junk, or scrap material, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. Two (2) or more disabled motor vehicles or deteriorated or inoperable equipment constitutes a junk yard.

Kennel: A structure used for the harboring, grooming, breeding, boarding, training or selling of more than three domestic animals that are more than six months old.

Launderette: A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment motel.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off street parking spaces are filled. Required off-street loading space is not to be included in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot Types

Lot: A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structure together with such yards, open spaces, lot width and lot areas as are required by this Zoning Resolution and having not less than the minimum required frontage upon an improved public street either shown and identified by lot number of a plat of record, or considered as a unit of property and described by metes and bounds.

Lot, Corner: A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curbed street shall be considered a corner lot if the tangents to curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

Lot, Interior: A lot other than a corner lot with only frontage on a street.

Lot, Through: A lot having the frontage on two parallel or approximately parallel streets.

Lot of Record: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, terms relating to:

Lot, Coverage: The ratio of enclosed ground floor area of all buildings (including accessory buildings) on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot, Depth of: A mean horizontal distance between the front lot line and the rear lot line, measured in a general direction parallel with its side lot lines. Unless otherwise specified, length shall be measured from the right-of-way line of the street. Lot length and lot depth have the same meaning.

Lot, Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage but shall not be used in calculating total minimum frontage, and yards shall be provided as indicated under Yards in this section.

Lot, Width of: The mean width measured at right angles to its depth.

Lot Line: Any line dividing one lot from another.

Front lot line: For an interior lot, the lot line separating the lot from the right-of-way. For a corner lot, the lot line separating the narrowest frontage of the lot from the street or, where the corner lot is a square or nearly square, the frontage lot line determined by the Zoning Inspector to be the front lot line.

Rear lot line: The lot line that is opposite and most distant from the front lot line.

Side lot line: Any lot line which is not a front or rear lot line.

Area, Net Site: The total area within the property lines.

Manufacturing. The mechanical or chemical transformation of materials or substances into new products; the assembly of component parts; the production or refining of goods, materials, or substances into new products; mechanical or chemical transformation of materials into new products; transformation of materials by heat, electricity, or other forms of energy; the blending of new materials; and the packaging of materials.

Motel, Hotel: A building in which lodging or boarding are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is hereby separately defined.

Motor Vehicle Repair Shop: A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

Nursery School: A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.

Parking Space: An off-street space available for the parking of one motor vehicle with room for opening the doors on both sides together with properly related access to the public street or alley and maneuvering room.

Place of Worship: A building designed for the purpose of assembly to worship.

Ponds, terms relating to:

Pond: A man-made water impoundment made by constructing a dam or an embankment, or by excavating a pit or a dugout of one quarter acre or greater in surface area. Used primarily for recreation and fire protection. (Source: NRCS Standard and Specification #378)

Agriculture Pond: See Aquaculture/Agriculture Pond definition.

Aquaculture/Agriculture Pond: A pond constructed on-farm for watering livestock, raising fish/bait or other agriculture purpose. Agricultural ponds are not subject to zoning.

Commercial Ponds: See Golf Course/Commercial Ponds definition.

Landscape pools: See Decorative Ponds definition

Retention/Detention Basin: A dry or wet basin constructed for flood control purposes. Usually in subdivisions or on commercial/industrial property. No size/depth restrictions.

Detention Basin: See Retention/Detention Basin definition.

Water Garden: See Decorative Ponds definition.

Golf Course/Commercial Ponds: A man-made body of water generally greater than 1/4 acre and eight feet deep. Used for recreation and/or landscaping purposes. In areas of commercial/industrial development and public/private golf courses.

Decorative Ponds, Landscape Pools, Water Gardens: A man-made impoundment generally less than 1/4 acre in size and less than eight feet deep. Shall have a liner and aeration pumps. Generally landscaped with plant materials for decorative purposes.

Pool. A private swimming pool, as regulated herein, shall be any pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than three (3) feet.

Public Facility. An administrative, service, recreation, or other use or facility owned and operated by the Township, County, State, or federal government.

Self Storage Facility. A building or group of buildings in a controlled access and/or fenced compound containing individual storage compartments, stalls, or lockers for the dead storage of customer's goods or wares.

Signs, terms relating to

Sign: Any visual communication display, object, device, graphic, structure, or part, situated outdoors or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization, or the like, by means of letters, words, designs, colors, symbols, fixtures, images, or illumination. A "sign" as used in this resolution shall not include any religious symbol affixed to a building; or the flag, pennant, or insignia of any nation, group of nations, state, city, other political unit, charitable campaign, charitable event, civic event, civic organization, or educational institution.

Sign, Height of. The height of a sign is the vertical distance measured from the average natural grade at the base of the sign to the tallest element of the calculated sign area.

Sign, Portable. A temporary sign which is not permanently attached to a building or to a foundation in the ground.

Sign, Window. A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building.

Sign, Temporary. A sign which is authorized by this Resolution for installation for a limited period of time, not to exceed 30 days per calendar year, or any sign which is constructed of such materials or is installed in such manner as to be unsuitable for long-term installation or long-term exposure to the natural elements. Any sign which is portable is included in the meaning of "temporary sign".

Sign, Wall. A sign attached to the wall of a building.

Sign, Freestanding. A sign installed in a location separate from a building or other structure.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Story, Height of: The vertical distance from the top surface of the floor to the top surface of the floor next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Streets/Roads, terms relating to

Street: A public road which affords the principal means of vehicular access to abutting properties.

Street Line: The right-of-way line of any road, street, or highway

Right-of-way Line. A dividing line between a lot or parcel of land and a contiguous road , or, where the area of a property has been conveyed to the center of the road, the line which is the boundary of that part of the property which is dedicated for road right-of-way.

Cul-de-sac Street: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

Curb Level: The officially established grade of the curb in front of the mid-point of the lot.

Dead End Street: A street having only one outlet for vehicular traffic.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Theater, Outdoor: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

Trailer, Travel and for Camping: A portable vehicular structure built on a chassis and not exceeding a gross weight of four thousand five hundred (4,500) pounds when factory equipped for the road or an overall length of thirty (30) feet and designed to be used, when stationary, as a temporary dwelling for travel, recreational and vacation uses.

Trustees. The Board of Trustees of Brownhelm Township.

Use, terms relating to:

Use: The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Accessory Use: A use incidental to the principal use of a building. In buildings restricted to residential use, the office of a professional person, customary home occupations and workshops shall be deemed accessory use.

Conditional Use: A use of land that is of such a nature that its unlimited operation could be detrimental to the health, safety, morals, and general welfare of residents in the surrounding area or to property or property values, and on which the public has reserved the right to permit the use, subject to certain general and specific conditions stated in the Resolution which are deemed necessary to protect the permitted uses of other affected properties.

Nonconforming Use: A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

Public Use: Public parks, schools, and administrative, and cultural, buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Quasi Public Use: Place of Worship, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Similar Use. A use which is not specifically listed in this Resolution, but which is determined by the Board of Zoning Appeals to be sufficiently similar to listed uses in a district that it should be allowed to be established as provided in this Resolution.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship or practical difficulties. Variances are divided into two categories: Use and Area. A Use variance is a variance of use of land, building, or other structure. An Area variance is a variance of area, size, setback requirements, etc.

Vehicles, terms relating to....

- A. "Automobile parts or motor vehicle parts" means and includes any portion or part of any automobile or motor vehicle that is detached from the automobile or motor vehicle.
- B. "Licensed motor vehicle" means and include any type of motor vehicle used or useful for the conveyance or persons or property and which bears a licensing plate or plates issued for the current licensing year by any State, the US or any recognized foreign government.
- C. "Unlicensed motor vehicle" means and includes any type of motor vehicle used or useful for conveyance of persons or property and which does not bear a license plate or plates issued for the current licensing year by any State, the US or any recognized foreign government. This term shall not include any motor vehicle in operating condition which is not required to be licensed by the State.
- D. "Motor vehicle in an inoperative condition" means and includes any type of motor vehicle used or useful for the conveyance or persons or property and which is unable to move under its own power due to defective or missing parts, whether licensed or unlicensed.
- E. "Motor vehicle unfit for further use" or "junk motor vehicle" means and includes any type of motor vehicle used of useful for conveyance of persons or property, and is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, transmission, body parts; apparently inoperable; it is in a condition generally as to be unfit for further conveyance, whether licensed or unlicensed.

Warehouse. A building with more than 50% of its floor area used for the storage of goods, equipment, or supplies which are not available for sale on the premises.

Wetlands: A natural or constructed body of water generally less than six feet deep with no minimum/maximum size. Made by constructing a dam, excavating a pit or destroying a drainage system. Constructed wetlands shall be placed in areas that are conducive to wildlife (a minimum of 500 feet from a residence) not to affect surrounding areas or structures.

Wholesale trade. The sale of goods by the piece or in quantity to another business for manufacturing purposes or resale, as opposed to sales to the ultimate retail consumer.

Wireless Telecommunications, terms relating to:

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.

Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Personal Wireless Service: A broad range of spectrum-based services including commercial mobile services such as personal communications services (PCS), cellular radio mobile services and paging services.

Technically Suitable: The location of a wireless telecommunications antenna(s) reasonably serves the purpose for which it is intended, within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within the development areas of the Township.

Telecommunications: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or magnetic systems.

Wireless Telecommunications Accessory Buildings: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunications Antenna: The physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

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.

Wireless Telecommunications Tower: Any structure which elevates the wireless communication antenna and may include accessory transmission and receiving equipment.

Collocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Yards

Yard: An open space that lies between the main building (or buildings) and the nearest lot line. The yard is unobstructed from the ground upward except for accessory structures and uses as specifically provide in this Resolution.

Yard, Front: A yard extending the full width of the lot and situated between the street line and the front line of the main building projected to the side lot lines. The depth of the front yard shall be measured between the front line of the main building and the street line. Covered porches whether

enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, Rear: A yard extending the full width of the lot and situated between the rear lot line and the rear line of the main building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear lot line, or the center line of the alley, if there be an alley, and the rear line of the building.

Yard, Side: A yard situated between ~~that~~ the main building and the side lot line and extending from the front yard to the rear yard

Setback: Shall mean the minimum distance from the centerline of the road right-of-way to the building line perpendicular to the centerline, or in the case of an arc street, measured along the radius of such arc.

Open Space: An unoccupied space open to the sky on the same lot with the building.

Zoning Inspector: The Zoning Inspector of Brownhelm Township, Ohio.

Zoning Permit: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

Zoning Resolution: The officially adopted zoning regulations as contained in the Zoning Resolution of Brownhelm Township, Ohio.

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Zoning Map

NOTE: Attached on the next page is a generalized copy of the Official Zoning Map. Please contact the Zoning Inspector to see the Official Zoning Map and to determine the zoning district for specific properties.

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Record of Amendments

NOTE: The following have been entered from file labeled "Boundaries for Districts" from Brownhelm Township.

ZONING MAP AMENDMENTS	Date approved by Township Trustees	Date Effective
<p>General Description: NB-1</p> <p>Detailed Description: Beginning at the intersection of the centerlines of North Ridge Road and Baumhart Road; thence southerly along the centerline of Baumhart Road 984.79 feet; thence easterly along existing property line 337.25 feet; thence northerly 987.48 feet to the centerline of North Ridge Road; thence northerly 500 feet; thence 90 degrees westerly 338 feet to the centerline of Baumhart Road; thence southerly 500 feet to the centerline of North Ridge Road, which is the point of beginning.</p>		
<p>General Description: Rezoning from Class A Use District – Agricultural Residential to Class F Use District – Motorist Service</p> <p>Detailed Description: Situating in the Township of Brownhelm, Lorain County Ohio: Being that part of Lot 26, T6N, R19W, Brownhelm Township, Lorain County, Ohio, as follows: Beginning at a point in the easterly right of way line of Baumhart Road at a point 65 feet distant measured at right angles from a point in the centerline of Baumhart Road which is South 0 degrees 17 minutes West, 517.56 feet from the centerline of Relocated State Route 254, measured along the centerline of Baumhart Road; Thence South 0 degrees 17 minutes West, along the easterly right of way line of Baumhart Road, 814.27 feet to a point; Thence North 74 degrees 07 minutes East, parallel with the original Cooper-Foster-Park Road, and 264 feet northerly, measured along the centerline of Baumhart Road, 96.97 feet to a point; Thence south 89 degrees 43 minutes East, 357.35 feet to a point; Thence North 0 degrees 17 minutes East, 1011.42 feet to the south right of way line of State Route 254; Thence South 54 degrees 25 minutes 28 seconds West, along said right of way, 128.32 feet to an angle point; Thence South 80 degrees 48 minutes 28 seconds West, 344.84 feet to an angle point; Thence South 24 degrees 30 minutes 39 seconds West 109.66 feet to the place of beginning, And containing 9.5000 acres, more or less. This description taken from a survey made by Paul W. Hemrick, Reg. Surveyor No. 4082.</p>	April 12, 1972	

<p>General Description: Detailed Description: Beginning at a point at the center of the intersection of Baumhart Road and North Ridge Road, then southerly along the centerline of Baumhart Road a distance of 904.54 feet to the southern property line of land now owned by New Deal and Laura Owens. (Permanent Parcel # 042-007); Then Easterly along and parallel to the southern property line of parcels 042-007 and 042-046 a distance of approximately 897 feet to the eastern property line of land now owned by Esther Ebert (P.P. # 042-072); Then Northerly along the eastern property line of parcel # 042-072 a distance of approximately 643 feet to the southeastern corner of land now owned by James Mitiska (P.P. # 042-071); Then Northerly along the eastern property line of P.P. # 042-071 a distance of 272.92 feet to the centerline of North Ridge Road; Then Westerly along the centerline of North Ridge Road a distance of approximately 204 feet to the southeast corner of property now owned by Karl and Elaine Smith, Co-Trustees (P.P. # 039-034); Then Northerly along the eastern property line of P.P. # 039-034 a distance of 650 feet; Then Westerly along a line of roughly perpendicular to the eastern property line of parcel 039-034 a distance of approximately 700 feet, to the centerline of Baumhart Road; Then Southerly along the centerline of Baumhart Road a distance of 600 feet, to the point of beginning.</p>		
<p>General Description: Description of Motor Service Area for Brownhelm Township Detailed Description: Beginning at a point in the centerline of Baumhart Road at its intersection with the centerline of Cooper Foster park Road. Relocated as shown in Ohio Department of Transportation Plans LOR-254-0.00-B. Said point being the point of beginning. Thence South 89 degrees 43 minutes East along the relocated centerline of Cooper Foster park Road a distance of 125.04 feet to a point, thence continuing along said centerline in a curve to the right a distance of 425 feet to a point, thence continuing along the said centerline South 55 degrees 43 minutes East a distance of 256.3 feet to a point, thence continuing along said centerline in a curve to the left a distance of 155.56 feet to a point. Thence northerly in a line parallel to the centerline of the right of way of Baumhart Road to a point. Said point being the northerly line of a property in the estate of Clayton W. Hite. Said line also being the south line of property owned by Larry Gunsorek as recorded in deed volume 336 page 733. Thence easterly in the south line of the Gunsorek property to a point. Said point being in the southerly line of the New York Central Railroad. Thence northwesterly in the southerly line of the New York Central Railroad, also being the northerly line of the Gunsorek property, to a point in the centerline of Baumhart Road. Thence southerly in the centerline of Baumhart Road to a point where it intersects with the centerline of Cooper Foster Park Road and being the place of beginning.</p>		

<p>General Description: R1-3 Detailed Description: Beginning at the intersection of the centerline of West River Road and the boundary of the City of Vermilion thence Northwesterly along the centerline of West River Road to Vermilion City boundary line thence Northerly along Vermilion City line to a point in the center of the Vermilion River where the city boundary turns approximately 90 degrees to the East thence Easterly and Southeasterly along Vermilion City boundary line in the center of River to a point where the city boundary turns approx 90 degrees South thence Southerly 783.84 feet where city boundary turns SoWest (<i>sic</i>), thence Southwesterly along Vermilion City boundary line to the center of West River Road point of beginning. This area of land shall be zoned R13.</p>		
<p>General Description: Rezoning from R1-2 to R1-1 Detailed Description: Beginning at the intersection of the Easterly line of the gore strip and the centerline of Trinter Road, thence westerly to Vermilion Twp line to State Rt. 2 right of way, thence Easterly along right of way to the East boundary line of the gore strip thence Southerly along said line to the center line of Trinter Road, point of beginning. This area of land shall be changed from R1-2 to R1-1 and become part of the R1-1 district it now borders.</p>		
<p>General Description: Rezoning from IP-1 to L1-1 Detailed Description: Parcel No 3 shall be rezoned from Industrial Park IP-1 to Light Industrial L1-1 and shall become part of Parcel No 2. Beginning at a point on the centerline of re-located Cooper Foster Park Road 980 feet east of the centerline of Baumhart Road, Then north to a point on the south property line of Andrew Fritsch 700 feet west of the intersection of the south property line of Andrew Fritsch and land conveyed to the New York Central Railroad, Then easterly on the south property line of Andrew Fritsch 700 feet to the intersection of the south property of the New York Central Railroad, Then easterly on the south property line of the New York Central Railroad to a point of intersection of the south property line of he New York Central Railroad and the centerline of re-located Cooper Foster Park Road, Then westerly n the centerline of re-located Cooper Foster Park Road to a point 980 feet east of the centerline of Baumhart Road point of beginning. The above changes supersede those changes adopted January 16, 1968.</p>		
<p>General Description: RC-1 to R1-2 Detailed Description: The following described parcels of land -011 containing 96.55 A and -009 containing 15.12 and located in lot 79 deeded to Rolland Angusback bordered on the East by land belonging to Thousand Adventures Inc and on the West by Henrietta township and a deep ravine to the Vermilion River on the North and Portman Road on the South. These parcels shall be changed from Rc-1 to R1-2.</p>		

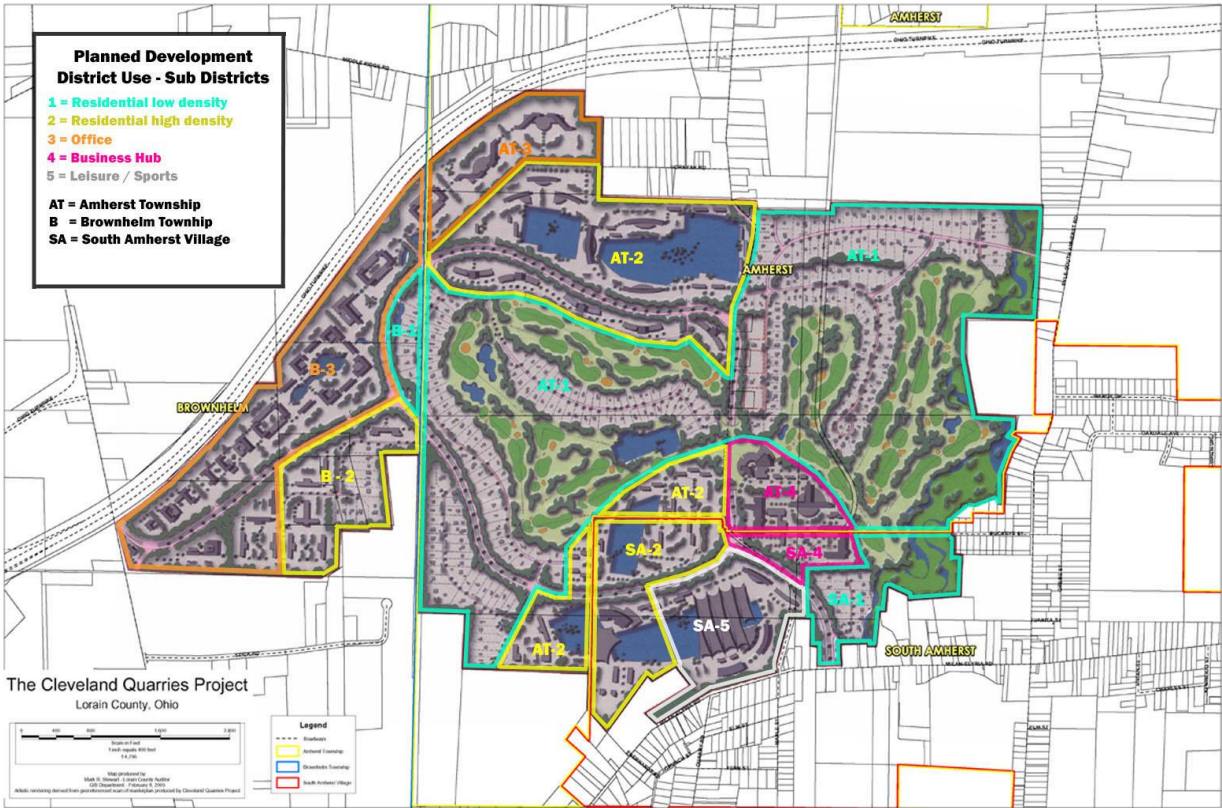
<p>General Description: RC-1 to R1-1</p> <p>Detailed Description: Beginning at a railroad spike located 1402.50 feet west of the intersection of the centerline of Peasley Road and the centerline of Portman Road at the intersection of an existing north-south property line and the centerline of Portman Road, Then westerly along the centerline of Portman Road a distance of 819.40 feet to the east property line of Thousand Adventures Campground Inc, Then Northerly along said property line 1193.90 feet, Then Northeasterly 380 feet Then Southeasterly along flood plain line to existing north-south property line at a point 1863.84 feet north of the centerline of Portman Road. Then southerly along said property line 1863.84 feet to the point of intersection of said property line and the centerline of Portman Road point of beginning. The above described parcel of land containing 19 acres and deeded to Tom and Kim Bierg shall be changed from RC-1 to R1-1.</p>		
<p>General Description: Detailed Description:</p>		

ZONING TEXT AMENDMENTS	Date approved by Township Trustees	Date Effective
Text Section(s) Amended: Detailed Description of Additions/Deletions: After extensive review and recommendation of amendments by the Zoning Commission, the Township Trustees approved a comprehensive reorganization and update of the text of the Zoning Resolution.	12 December 2006	12 January 2007
Text Section(s) Amended: Wind Turbine Energy Systems for Generating Electricity (All Districts) Detailed Description of Additions/Deletions: New Section 90.10, regulations relating to Wind Turbine Energy Systems	8 Dec 2009	7 Jan 2010
Text Section(s) Amended: Detailed Description of Additions/Deletions:		
Text Section(s) Amended: Detailed Description of Additions/Deletions:		
Text Section(s) Amended: Detailed Description of Additions/Deletions:		

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Zoning Map Amendment: The Cleveland Quarries Project

Map of Preliminary Development Plan for Planned Development District approved by Brownhelm Township Trustees.

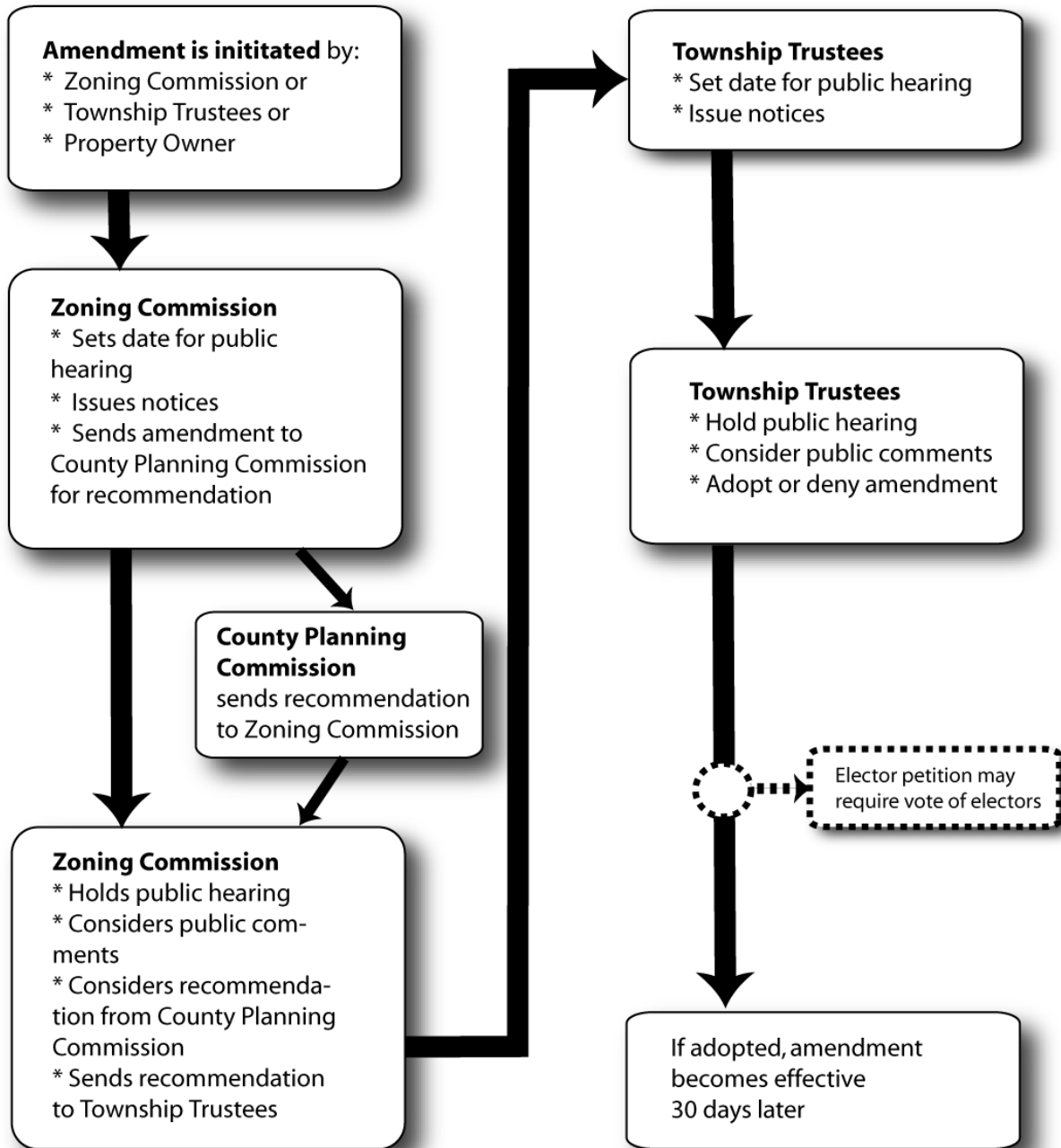


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Special Exhibit:

Zoning Amendment Process

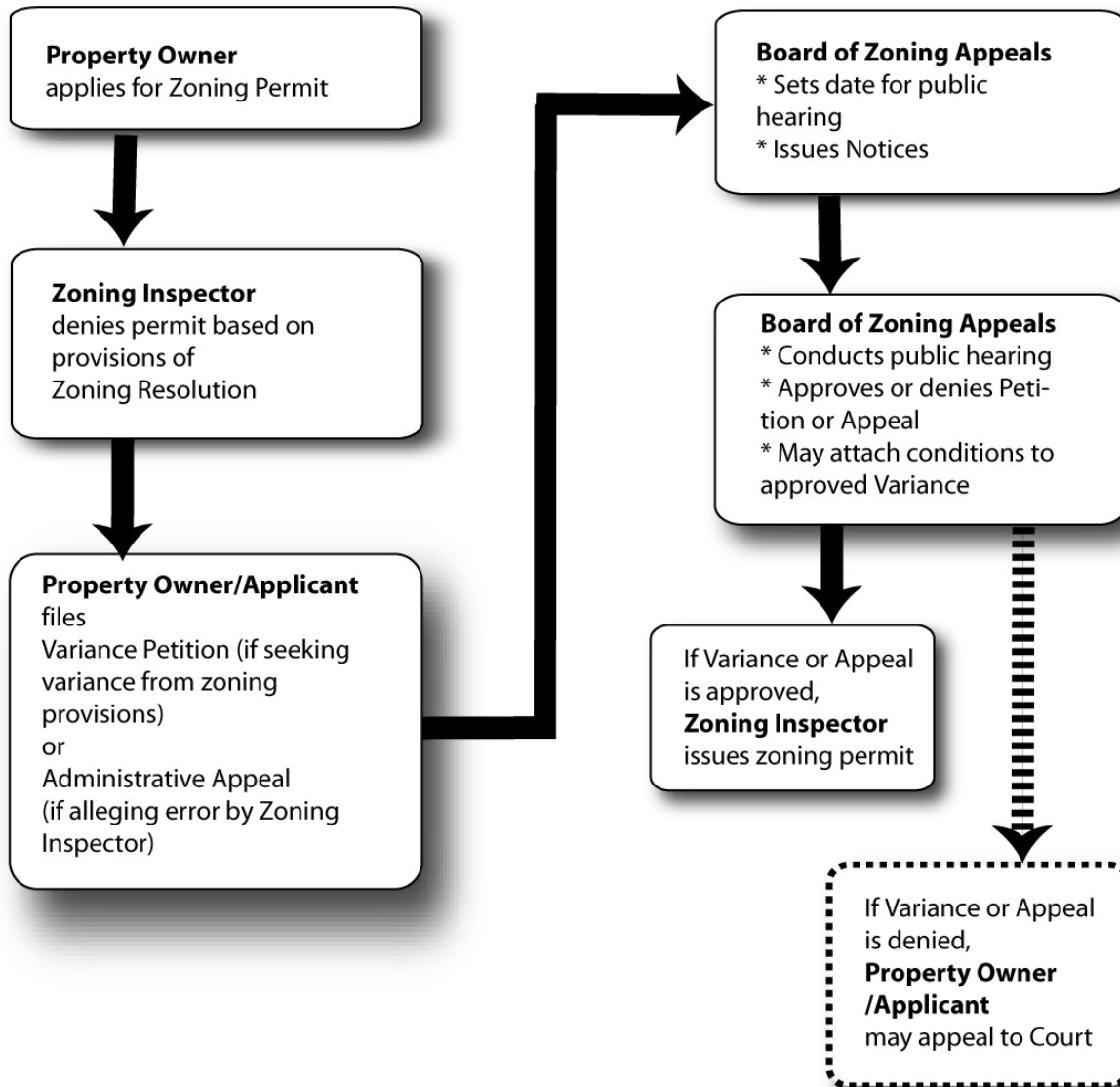
Special Exhibits are provided for information purposes only and are not legally adopted as part of the Brownhelm Township Zoning Resolution



Special Exhibit:

Variations and Appeals

Special Exhibits are provided for information purposes only and are not legally adopted as part of the Brownhelm Township Zoning Resolution



Special Exhibit: Guidelines for Erosion and Sedimentation Control

Special Exhibits are provided for information purposes only and are not legally adopted as part of the Brownhelm Township Zoning Resolution

Appendix A Drainage, Erosion, and Sedimentation Guidelines for Brownhelm Township for All Site Excavations

Project Name: _____ Date: _____
Address: _____
Location: _____
Developer/Builder: _____
Township Official: _____ Title: _____

This document details the minimum requirements and guidelines for addressing drainage, erosion, and sedimentation on all excavations within Brownhelm Township. These requirements have been adopted in order to ensure that all drainage and run off from this site is not detrimental to neighboring properties. These requirements are applicable to all zoning districts in Brownhelm Township and must be adhered to. Questions regarding these requirements and guidelines can be directed to Township officials. Any requests to deviate or amend these requirements, must be submitted to the Board of Trustees in writing in advance of any deviations therefrom.

Drainage Guidelines

1. Keep all drainage swales, ditches, and water courses free flowing. Do not change the point or grade of drainage where it enters or exits the property. Do not place fill material in any area that could obstruct water flow and result in damage to up or down stream properties.
2. Active subsurface drainage (tiles) encountered during excavation or construction shall be reconnected or rerouted. Failure to do so will result in the interruption of drainage water flow and could cause flooding or other water damage on this or adjacent properties.
3. Connect all water drainage sources (footer, eave, sump, yard, etc. drainage) to either an existing or newly constructed outlet.

Failure to follow any of the above guidelines, could result in legal action should damage occur as a result of this failure.

Erosion and Sedimentation Guidelines

1. The smallest practical area of land should be exposed at any one time during development.
2. When land is exposed during development, the exposure should be kept to the shortest

11. Other supplemental, site specific requirements: _____

I, _____ do hereby signify that I have read and understand the regulations contained herein. I further signify that these regulations will be followed under threat of legal action.

Signed: _____

If the site has never had any proper drainage, we would encourage the property owner to contact the Lorain County Soil and Water Conservation Service for guidance in installation of proper land drainage. This step, in advance of any construction, could serve to make your new home or business site much more valuable in the long term.

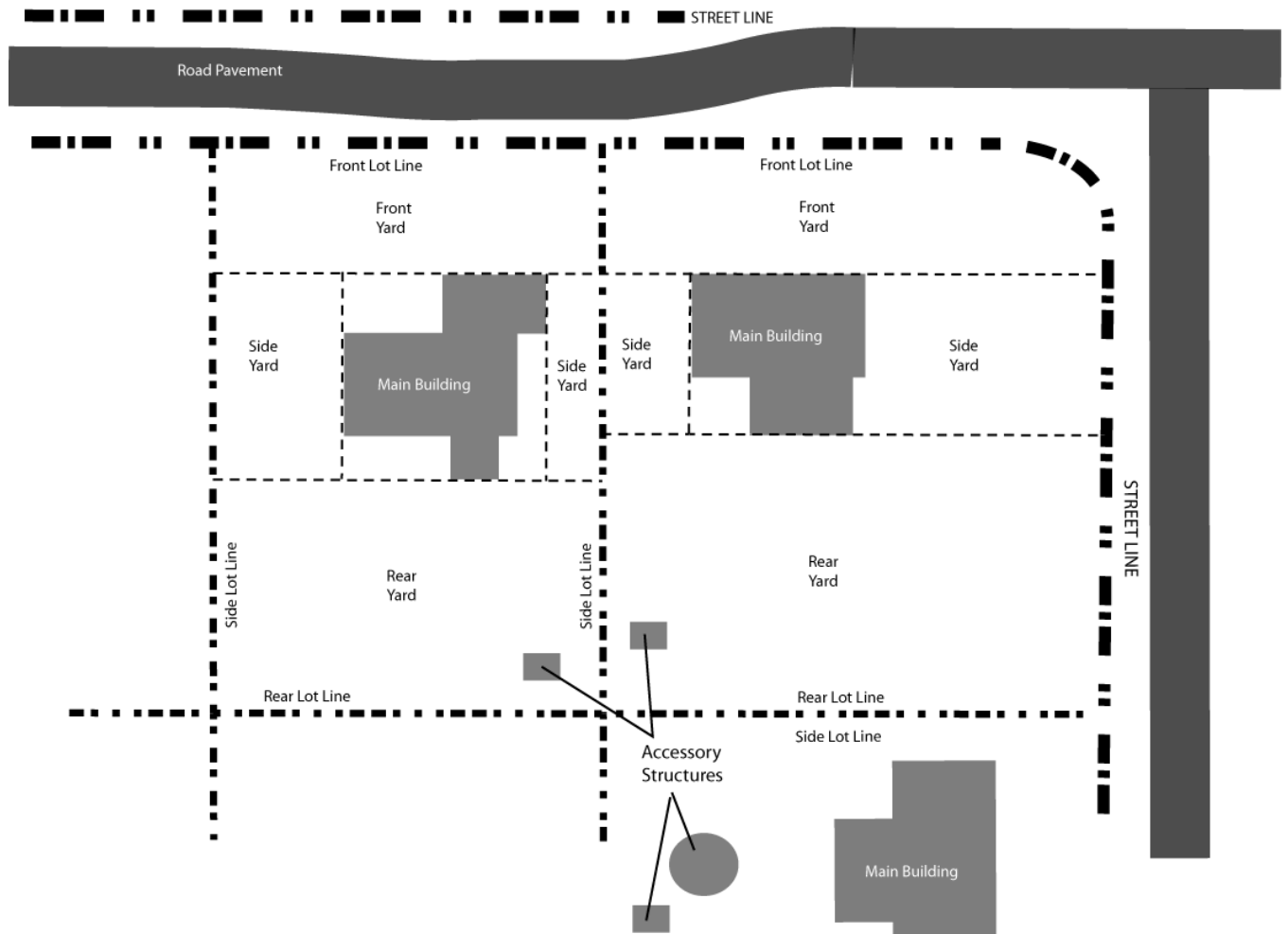
Thank you for your attention to this very valuable step in the planning process for your new construction.

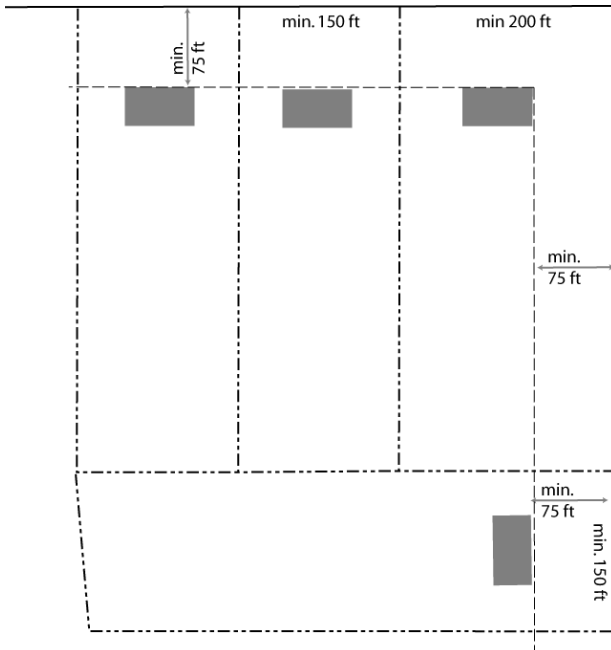
The Brownhem Township Trustees

Special Exhibits: Illustrations

Special Exhibits are provided for information purposes only and are not legally adopted as part of the Brownhelm Township Zoning Resolution

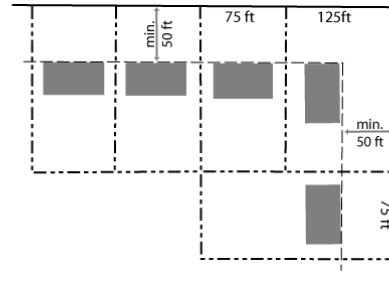
NOTE: Pavement location and width may vary within right-of-way and in relation to street lines.





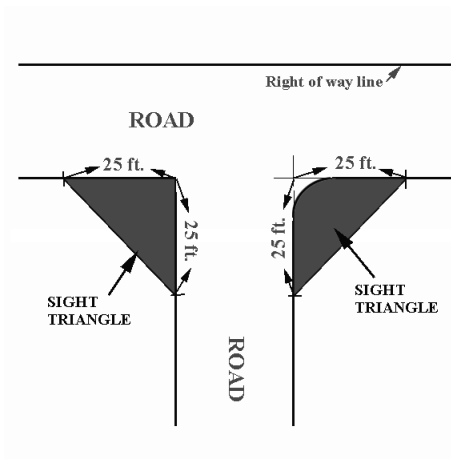
R1-1 & R1-2 Residential Districts

- * Minimum Lot Area - 1.5 acres
- * Minimum Interior Lot Width and Frontage - 150 feet
- * Minimum Corner Lot Width and Frontage - 200 feet
- * Minimum Front Setback - 75 feet



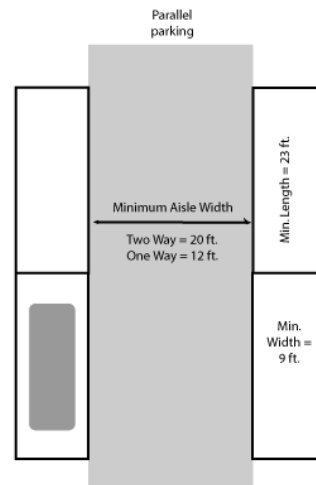
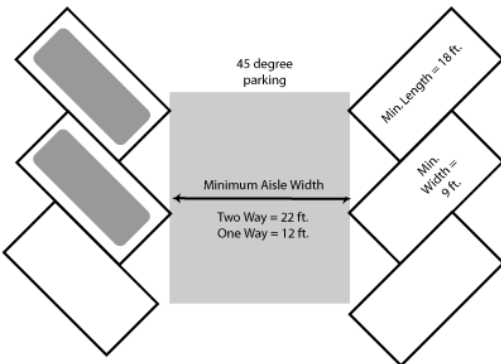
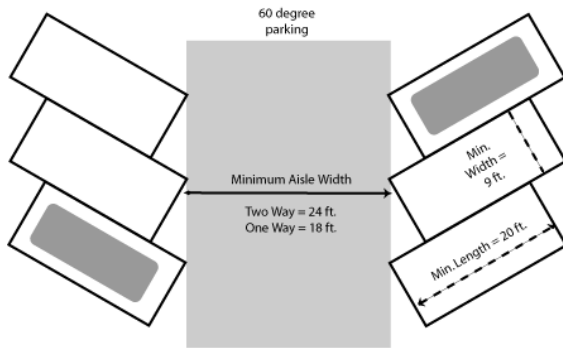
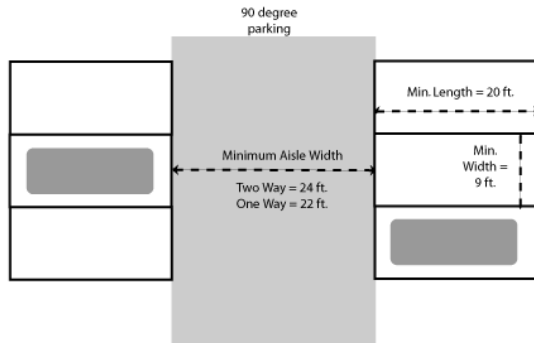
R1-3 Residential District

- * Minimum Lot Area - 10,890 sq. ft.
- * Minimum Interior Lot Width and Frontage - 75 feet
- * Minimum Corner Lot Width and Frontage - 125 feet
- * Minimum Front Setback - 50 feet



MINIMUM DIMENSIONS FOR PARKING SPACES AND AISLES

See Section 110.05



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Special Exhibit:

Ohio Revised Code Sections

Special Exhibits are provided for information purposes only and are not legally adopted as part of the Brownhelm Township Zoning Resolution

OHIO REVISED CODE

CHAPTER 519: TOWNSHIP ZONING

The following is the table of contents of ORC Chapter 519 which governs Ohio township zoning. See the full current text of this Chapter for state law applicable to zoning in Brownhelm Township.

Section	
519.01.	"Agriculture" defined.
519.02.	Township regulation of land use in unincorporated territory; landscaping and architectural standards. [519.02.1] 519.021Planned-unit developments. [519.02.2] 519.022. Prior PUDs lawful origin.
519.03.	Adoption of resolution of intent to proceed with township zoning.
519.04.	Township zoning commission.
519.05.	Recommendations of township zoning commission; organization, powers and compensation of commission.
519.06.	Public hearings on recommendations; notice.
519.07.	Proposed zoning resolution to county or regional planning commission; approval; public hearing if resolution disapproved; certification to township trustees.
519.08.	Public hearing on zoning plan.
519.09.	Changes in text or maps; second hearing.
519.10.	Trustees to vote upon adoption of resolution.
519.11.	Zoning plan to be submitted to electors; majority vote required for approval.
519.12.	Amendments to zoning resolution; procedure; referendum. [519.12.1] 519.121.Ratification of amendments to township zoning plan. [519.12.2] 519.122.Limitation on procedural challenges.
519.13.	Township board of zoning appeals; compensation and expenses.
519.14.	Powers of township board of zoning appeals.
519.15.	Rules, organization and meetings of zoning appeals board.
519.16.	Enforcement of zoning regulations; township zoning inspector. [519.16.1] 519.161.Inspector's bond.
519.17.	Zoning certificate required. [519.17.1] 519.171.Architectural review board.
519.18.	Township regulations inapplicable to municipal territory except for period after incorporation or annexation.
519.19.	Nonconforming use of buildings and land not affected by zoning.
519.20.	Outdoor advertising classified as business use.
519.21.	Powers not conferred by chapter. [519.21.1] 519.211.Limitations on zoning power; telecommunications towers. [519.21.2] 519.212.Permanently sited manufactured homes.
519.22.	County rural zoning regulations to take precedence.
519.23.	Prohibition against violating resolution.
519.24.	Action to prevent violations of zoning regulations; special counsel.
519.25.	Procedure for repeal of township zoning plan.
519.99.	Penalty.

The following is a copy of Section 519.12 of the Ohio Revised Code which governs zoning amendments in Ohio townships. See the full current text of this Section.

§ 519.12. Amendments to zoning resolution; procedure; referendum.

(A)

- (1) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.
- (2) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A)(1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.

(B) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

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

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

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

- (1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
- (4) The name of the person responsible for giving notice of the hearing by publication;
- (5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
- (6) Any other information requested by the commission.

(E) Within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.

The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

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

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

- (1) The name of the board of township trustees that will be conducting the hearing;
 - (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 - (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
 - (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
-

-
- (5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;
 - (6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
 - (7) Any other information requested by the board.

(G)

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

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

(H)

Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, the unanimous vote of the board shall be required.

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

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

"PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or number, or both, these should be inserted here)

.....

A proposal to amend the zoning map of the unincorporated area of Township, County, Ohio, adopted (date) (followed by brief summary of the proposal).

To the Board of Township Trustees of Township, County, Ohio:
..... County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of Township, included within the Township Zoning Plan, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of Township residing within the unincorporated area of the township included in the Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on (date), pursuant to section 519.12 of the Revised Code.

Signature	Street Address or R.F.D.	Township	Precinct	County	Date of Signing
.....					

STATEMENT OF CIRCULATOR

I, (name of circulator) declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing (number) signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be.

.....
(Signature of circulator)

.....
(Address)

.....
(City, village or township, and zip code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than seventy-five days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least seventy-five days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

No amendment for which such a 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.

Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

HISTORY: GC § 3180-36; 122 v 597(608), § 36; Bureau of Code Revision, 10-1-53; Å 126 v PII, 20; 127 v 1262; 127 v 363; 128 v 128 (Eff 6-18-59); 132 v S 234 (Eff 5-7-68); 139 v H 101 (Eff 9-25-81); 140 v H 14 (Eff 10-4-84); 142 v S 112 (Eff 5-31-88); 144 v S 20 (Eff 1-1-92); 146 v H 99 (Eff 8-22-95); 149 v H 5. Eff 8-28-2001; 151 v S 107, § 1, eff. 12-20-05.

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